

Ershad Regime: A Political Study

M. Phil Thesis

Researcher

A.B.M. Mahbub Hossain

GIFT

Dhaka University Library



Supervisor

Talukder Maniruzzaman

Professor, Department of Political Science

Dhaka University

Dhaka, Bangladesh

403596



April 2004

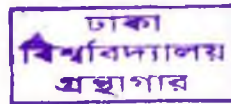
Ershad Regime: A Political Study

M. Phil Thesis

A.B.M. Mahbub Hossain

**Dhaka University
Dhaka, Bangladesh**

403596



April 2004

Ershad Regime: A Political Study

**A Dissertation submitted to the University of Dhaka in
fulfillment of the requirements of the Degree of M. Phil.**

Supervisor

Talukder Maniruzzaman

Professor, Department of Political Science

Department of Political Science

University of Dhaka

Dhaka, Bangladesh

403596

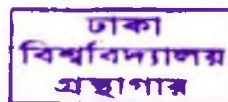
Researcher

A B M Mahbub Hossain

Session: 1991-92

University of Dhaka, Dhaka, Bangladesh

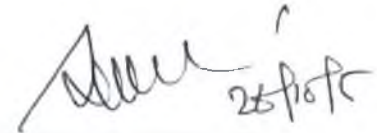
April 2004



To
My Father
Alhaj Abdul Qader Miah

Declaration

The material embodied in this thesis is original and has not been submitted in part or full for any other Diploma or Degree of any University.

Handwritten signature of ABM Mahbub Hossain in black ink, with the date 25/10/10 written below it.

ABM Mahbub Hossain

Department of Political

Science

Dhaka University

CERTIFICATE

This is to certify that the materials embodied in this thesis titled Ershad Regime: A political study, submitted by A. B. M. Mahbub Hossain is original. He has done the research work under my direct supervision. To the best of my knowledge, this thesis has not been presented in part or full for any other diploma or degree of any university. The dissertation is worthy of consideration for the award of the degree of M. Phil in political Science.

Talukder Maniruzzaman
Supervisor 26.10.2005

Talukder Maniruzzaman

Professor, Department of Political Science

University of Dhaka.

Acknowledgements

The present research work has been supervised by honorable professor Talukder Maniruzzaman of Dhaka University. My supervisor has given innumerable suggestions and comments on the earlier draft of the thesis and I have prepared the thesis in the light of his valuable comments and suggestions. It is my pleasure to do research under his supervision. My supervisor has taken a lot of pains in supervising my work. I don't know how to express my deepest sense of gratitude to him.

I am also extremely grateful to renowned researcher on religion, ethnicity, women and modernity professor UAB Razia Akter Banu for her continued inspiration and valuable Suggestions for my thesis. I owe a deep sense of gratitude to my parents, brothers, sisters, my wife Rashida, daughter Rodhela for their consistent support.

Finally, I wish to thank Mohammad Nazmul Haque & Mohiuddin for their error-free typing and enthusiastic cooperation.

April 2004

ABM Mahbub Hossain

Abbreviations

- AFPRC – Armed Forces Provisional Ruling Council.
AHQ – Army Head Quarter.
APSU – All Party Student’s Unity.
BADC – Bangladesh Agriculture Development Corporation.
BARD – Bangladesh Academy For Rural Development.
BAEC – Bangladesh Automatic Energy Commission.
BMA – Bangladesh Medical Association.
BB – Bangladesh Biman.
BFDC – Bangladesh Film Development Corporation.
BEPZA – Bangladesh Export Processing Zone Authority.
BJC – Bangladesh Jute Corporation.
BJMC – Bangladesh Jute Mills Corporation.
BNP – Bangladesh Nationalist Party.
BRTC – Bangladesh Road Transport Corporation.
BAKSAL – Bangladesh Krishak Sramik Awami League.
CAS – Chief of Army Staff.
CMLA – Chief Martial Law Administrator.
CSAC – Central Student’s Action Committee.
DANIDA – Danish International Development Agency.
DUCSU – Dhaka University Central Student Union.
GPL – Ganoshastha Pharmaceutical Laboratory.
JMBA – Jamuna Multipurpose Bridge Authority.
KAMI – Kesatuan Aksi Mahasiswa Inbonesia.
NHP – National Health Policy.
NIPA – National Institute of Public Administration.
ORS – Oral Dehydration Saline.
SDO – Sub-Divisional Officer.
SKOP – Sramik Karmorchari Okkia Parishad.
UZP – UpaZila Parishad.
UNO – UpaZila Nirbahi Officer

Ershad Regime: A Political Study

CONTENTS

List of Figure and Table

Preface

Acknowledgement

Chapter – 1

| | |
|---|----|
| Background of Ershad's Access to Power | 1 |
| The military in Politics in Third World Countries | 2 |
| Background of the 24 March Coup | 4 |
| Reactions to Ershad's Statement | 13 |
| Ershad's First Address to the Nation | 24 |
| Proclamation of Martial Law | 25 |
| Notes | 27 |

Chapter – 2

| | |
|---|----|
| Strategies of Ershad to Perpetuate his Military Regime | 31 |
| Ershad and the Army | 31 |
| Relation between Ershad and the Armed Forces | 38 |
| Civilianization Process | 41 |
| Civilianization Through Elections | 42 |
| Civilianization Through Political Party Process of Party Building | 47 |
| Notes | 64 |

Chapter – 3

| | |
|---|-----|
| Reforms of Ershad in Administration, Judiciary and Land | 67 |
| Decentralization of Administrations: Pattern | 69 |
| The Upazila System | 75 |
| Decentralization of Administration: How far it was Successful | 82 |
| Decentralization of Judiciary: Pattern and Implementation | 94 |
| Land Reform: Policy and Implementation | 105 |
| Notes | 120 |

| | |
|--|-----|
| Chapter – 4 | |
| New Policies in Economic Field | 123 |
| The New Industrial Policy NIP/1982 | 123 |
| Revised Industrial Policy RIP/1986 | 127 |
| RIP/82 and RIP/86: Success/Failure | 142 |
| Drug Policy | 150 |
| Evaluation of Drug Policy | 161 |
| Notes | 166 |
| Chapter – 5 | |
| Election Under Ershad | 169 |
| Local Body Elections | 170 |
| Parliamentary Election | 172 |
| Notes | 181 |
| Chapter – 6 | |
| Comparison of Civilianization process between Zia and Ershad | 182 |
| Notes | 200 |
| Chapter – 7 | |
| Fall of Ershad | 201 |
| Role of Students | 203 |
| Role of Lawyers | 222 |
| Role of Doctors | 228 |
| Role of Political Parties | 239 |
| <u>Notes</u> | 264 |
| <u>Chapter – 8</u> | |
| Conclusion | 265 |
| Appendixes | 269 |
| Bibliography | 287 |

Chapter-1

Background of Ershad's Access to Power

Introduction

On 24 March 1982, on the eve of the eleventh Celebration of the Proclamation of independence, the political systems of Bangladesh was subjected to an abrupt and dislocate Change in the hands of some disgruntled army officers of Bangladesh Army. On that day, the Chief of Army Staff, a repatriate, Lieutenant General Hussain Mohammad Ershad (Ershad) with the help of a closely- knit repatriated officers staged a coup d'etat against the elected government of justice Abdus Sattar and his Bangladesh Nationalist party (BNP) and forced him (Sattar) to hand over power to him. It was second successful coup, another serious breach of military discipline on the part of the army chief and his associates. It was also a great grace violation of the law of the country. This coup was held only after 128 days when the nation elected Sattar, as president by Universal adult franchise. It was a bloodless coup acting out the routine drama of chastening the people in the name of God and arms.

Since 1975 when Martial law was first declared, the army has been decisive force in Bangladesh political system. Moreover, under Martial law, army personnel have acquired a major stake in the economy and bureaucracy. As Gowher Rizvi writes:

“There is virtually no ministry, Corporation, autonomous body, nationalised industry or diplomatic legation where the army is no presence¹ Two of Bangladesh's three Principal rulers were assassinated by the disaffected army officers. Three other successful and at least 18 unsuccessful coups were mounted before 1982. “Each of the unsuccessful coups, as Professor Talukder Maniruzzaman writes, “had been followed by severe reprisals resulting in the death and dismissal of suspected dissidents.”² As the freedom fighters and the leftist soldiers constituted most of those who were involved in the coup attempts, their strength in the army steadily decreased.³

The coming of Ershad to power has ensured the prominence of repatriated group to the point where no “freedom fighters, remain in the senior military rank. Satter’s landslide victory in the presidential election and Ershad’s role in establishing chain of command in the armed forces since Zia’s killing, created optimism among the people that authoritarian rule would be thwarted and multi-party civilian rule would be restored. But it is ironic that Ershad forced Satter to hand over power to him. Thus the Bangladesh political System started moving in the opposite direction and experiencing military rule for the second time.

The Military in politics in Third world countries

The transfer of executive power through the use or threat of force, the coup d’état, has become commonplace. In the past few decades, the world has hardly been deprived of military coups. The number of military take over has been rising continuously. Twelve percent of independent states of the world were under military rule in 1961. The percentage rose to 19 percent by 1966 to 27 by 1973 and to 29 by 1974.⁴ A leading political scientist and expert in civil-military relation showed that 56 percent of the Third World states have undergone military rule at least once.⁵ Eric A. Nordlinger refers to the interventionist officers as praetorian Soldiers. According to him, praetorianism refers to a situation in which military officers are major or pre-dominant political actors by virtue of their actual or threatened use of force.⁶ The Military coup is defined as occurring when ever members of the regular armed forces remove or attempt to remove a state’s chief executive through the use or threat of the use of force.

Praetorianism, according to Fredrick Watkins, is a word frequently used to characterize a situation where the military class of a given society, exercises independent political power with in it by virtue of an actual or threatened use of military force.⁷ The term praetorianism is taken from one of the earliest and most famous instances of military intervention. The praetorian guards of Roman Empire were established as a special military unit for the protection of the Empire. Praetorian

armies may be of two ideal types: arbitration armies which have no political organisation, but which have a status quo ideology and ruler armies are politically organized, Ideological and eager to take a more permanent place in politics.

In the seventeenth and eighteenth centuries in England and America the military forces were generally under the control of the crown. Then the slogan 'Civilian Control' was adopted by the parliamentary groups as a means of increasing their power Vis-a-vis the crown. In the eighteenth and nineteenth centuries the European aristocracy and bourgeoisie struggled for control of the military forces. Each class attempted to identify civilian control with its own interest. Statesmen like Clemenceau, Lloyd George, Churchill and Kennedy were opposed to leave war to the generals alone. As Mao-Tse-Tung clearly asserted that our principle is that the party commands the gun and the gun must never be allowed to command the party.⁸ But recurrence of military intervention has proved this universally recognized theory of the supremacy of politics and social control of armed forces inapplicable in the developing states.

According to C.H.Dodd, "if leadership and organized political parties fail to provide political leadership, the one force in developing countries that can and will take-over power is the military."⁹

The intervention of the military in the politics of third world society is a subject that has fascinated many theorists. According to Finer, there is an inverse correlation between the military propensity to intervene and the level of political culture.¹⁰ Morris Janowitz on the contrary explains such interventions in terms of the structure and organization of the military itself.¹¹ Samuel P. Huntington seeks the key to military intervention in developing politics in the nature of political structure and its inadequacies in the given society. As Huntington forcefully analyses, "the same causes which produce military intervention in politics are also responsible for political involvement of labor Unions, businessmen, students and clergy. These causes lie not in the nature of the group but in the structure on society, in particular they lie in the

absence or weakness of effective political institutions in the society.”¹² A society without or with weak political institutions is in this analysis a “praetorian society.”

There are three Schools of thought that evolved to explain military intervention in politics. They are the organizationalists, System analysts and behaviorists. The organizationalists focus on the special characteristics such as centralised command, hierarchy, discipline, cohesion, unity both at the decision-making level and execution.¹³ Morris Janowitz, Samuel Decalo and Claude Welch belong to this School. The second school is the system analysts. This school tends to emphasize on some weaknesses on society as a whole to provide the justification for intervention. These weaknesses include fragile political institutions and chronic instability, lack of consensual leadership and legitimacy and low level of political culture. According to Samuel E. Finer, Military intervention results from the low or minimal political culture of the society concerned.¹⁴ The third group are skeptical behaviourists. According to Professor Talukder Maniruzzaman, the behaviorist stress the internal dynamics of military hierarchies, cliques within the army, corporate interests, personal ambitions and idiosyncrasies of particular military men in explaining the political behavior of the army.¹⁵ The coup d'état of 1982 may be viewed in the broader perspective of these three schools of thought.

Background of the 24 March Coup

After the assassination of President Ziaur Rahman (May 30, 1981) Ershad expressed total loyalty to the country's constitutional government while at the same time allowing the army to play a more prominent role. Ershad masqueraded as a 'saviour' and a 'defender' of constitutional government. As Sattar was in the bed of the combined Military Hospital (CMH) Dhaka Cantonment at the time of the assassination

of Zia, the three chiefs of the armed forces made a formal call and urged him to take up his constitutional office of acting president. The chiefs of three armed services escorted Sattar to the Banga Bhavan (President's House) for the Oath-taking ceremony and also issued public statements pledging loyalty to the acting president.¹⁶

Ershad in a Statement on the Radio and Television announced that all members of the armed forces 'except a handful of miscreants' were loyal to the government and they were determined to protect the 'national independence, sovereignty, and sanctity of the constitution'. As the coup leader of the May 30th, Major General Abul Manzoor and his men were yet to surrender, Ershad ordered them to surrender within eighteen hours, which was to expire at 6.00 am on June 1, 1981.¹⁷

The Naval chief Rear Admiral M.A Khan who was Chittagong on the day Zia was killed, announced on his return to Dhaka that the Bangladesh Navy is fully loyal to the elected government of Bangladesh and the constitution.¹⁸

President Sattar also praised the army for their role in bringing down the rebellion and their loyalty to him. In his address to the nation on June 1, 1981, Sattar praised the army for its glorious role in maintaining the democratic process of the country and said that by demonstrating their loyalty and cooperation to the constitutional government, the armed forces have enhanced their image.¹⁹

Ershad earned credit for the quick trial of the coup leaders and taking strong measures to restore discipline in the army. At the same time Ershad earned public sympathy by taking measures to show his extraordinary loyalty to General Zia and excessive concern for his wife and family. Through his visible initiative, Begum Zia was provided with full ownership of two houses in the Dhaka Cantonment. The public and political Parties, particularly the BNP, was happy to see Ershad's noble and kind gestures. Needless to say, this process brought him to the centre stage of national politics and inspired him to take over the government.

On 13 June 1981, Ershad said that the armed forces had passed a difficult test by demonstrating their unity and discipline at a very crucial time and declared that it was the sacred duty of the armed forces to protect and defend the constitution of the country.²⁰

But why was Ershad so much interested to support justice Abdus Sattar, the 75-year old successor to Zia and why not two other officer politicians, Major General (Retd) Nurul Islam Shishu and Lt. Col. (Retd) Akbar Hossain? Part of the answer is that Ershad thought Sattar to be very weak personality and could be convinced to realise their demands for sharing in the administration and increase their salary. While the election campaign was going on full swing, some of the generals began making it known to the voters that such presidential candidates as Dr. Kamal Hossain of the Bangladesh Awami League (AL) and General Osmany of the citizen's committee were not acceptable to them.

Ershad even went to the extent of giving open support to Sattar in the election by stating in an interview to a local weekly that there was no other political party which could replace the BNP.²¹ It was also reported that General Ershad had proposed to Sattar in October 1981 a suggestion for a military take over when it appeared that Kamal Hossain would do much better than had originally been anticipated.²² Sattar received it with chagrin and negated it by threatening to immediately retire to his own house in the event of an army intervention.

As military is always aware of their corporate interest- budgetary support, autonomy, the absence of functional rivalry and the existence of militia Bhahini- they did not support the Awami League presidential candidate, Kamal Hossain.

Sheikh Mugib's policy of keeping the armed forces under control by raising countervailing forces as the Jatio Rakkhi Bhahini (JRB) was still fresh in their memory.

Besides, AL's pro-Indian foreign policy, its socialist programme and its secular stance embodied in the constitution were frowned upon by them.

General Osmany, the commander-in-Chief of the liberation forces 1971, because of his close association with the freedom fighter's group and his personal qualities had never had the ideal image of a leader to the repatriate officers.

By this time, the strength of the freedom fighters steadily decreased. Most Bengali officers and many soldiers who had rebelled against the Pakistan army in East Pakistan have been gradually phased out because of their failure to capture political power or to retain it for any reasonable length of time after a coup-for example, the three coups of 1975 (August 15, Nov.3 and 7), the two coups of 1977 (Sep. 30 and Oct. 2), and one coup in 1980 (June17), and the May 30 coup of 1981.

Each coup costs the lives of a number of liberation officers, who were either killed in staging the coup or were subsequently executed for their roles in them. As Professor Talukder Maniruzzaman writes:

“Each of the unsuccessful coups during Zia's rule followed by severe reprisals resulting in the death and dismissal of suspected dissidents. As ‘freedom fighters’ were mostly involved in the coup attempts, their strength in the army steadily decreased.”²³

The 1981 witnessed the culmination of a process of either physical or career elimination of most senior officers of the former Bengali liberation army who had once dominated the political and military scene.²⁴ Senior officers who had been repatriated to Bangladesh after the 1973 Dhaka-Islamabad Agreement believed that the Bengali liberation war was basically fought with Indian resources and the final victory was served by Indian to the Bengalis on a silver platter. This group tends to minimize the role of Bengali officers and soldiers who were involved in the armed conflict against the Pakistan army from March 26 to December 16, 1971. They also suggested that all

incidents of political instability have been the result of rebellious attitude of liberation army personnel born out of their original defiance of the formal authority structure of the Pakistani Military.

The liberation army officers and soldiers were blamed for the radicalization of certain segments of the army. The repatriates regarded most of the liberation army personnel as basically secularist, socialist and pro-Indian. Officers recruited in the post liberation period resented the monopoly of patriotism claimed by the freedom fighters had already made common cause with their repatriated counterparts.²⁵ With the liberation army leadership decimated (its first leaders falling victim to the May 1981 coup- Lt. General Ziaur Rahman and Major General Abul Manzoor both killed and General Mir Shawkat Ali retired), The repatriates and officers commissioned after 1971 have emerged as a viable politico-military force under the leadership of Lt. General Hossain Mohammad Ershad.

Another theme that Ershad was simultaneously advocating almost went unnoticed in the country. In early October in an exclusive interview with the London based Guardian, Ershad frankly expressed his views about army and the country. Ershad told the Guardian that the army should be directly associated with the governance of the Country in order that soldiers feel their commitment to the country and to arrest the tendency” of aspiring at least to fulfill ambition or the lust for power.

Ershad argued that the army has killed two heads of state in Bangladesh and that in order to avoid such killings or coup d'état in the future, the armed forces ought to be kept involved in the administration of the country. To this end, a permanent constitutional arrangement was necessary. Once the army was involved in the administration; they would understand the need to maintain stability in the country and would perform their duty more diligently.

At the same time, Ershad also adopted another strategy to win support from the soldiers. He drew up a charter of demands including a large increase in salary for defense personnel knowing full well that the government would not accept it. Staff officers spread around the news of its non-acceptance to rose feelings in the armed force.

On October 12, 1981 General Ershad further said that the army would stay out of politics, but would try to incorporate in the constitution, some Provisions, safeguarding its position.²⁶ Presidential election was held on November 15 in which Sattar won a landslide victory defeating Dr. Kamal Hossain of Awami League. Two days after the declaration of Presidential Election result Ershad exchanged views with Overseas Correspondents of Bangladesh (OCAB) and demanded a Constitutional role of the armed forces to ensure the protection of the Political system.²⁷

In an interview with foreign press, Ershad suggested that there should be two chambers of the Parliament, One of which would be made of the representatives of different professions.²⁸ By this suggestion he had given a clear indication of the presence of the representatives of the Army in the Parliament.

In his first Press Conference on November 16, 1981 after the electoral Victory, when Sattar was asked a question about the statement of Ershad regarding the 'role of Army in the administration' Sattar answered in an intractable manner by arguing that "the army has a role to protect the sovereignty of the country and I do not think any other role is possible."²⁹

On Nov. 28, 1981, the day after Sattar formed his newly forty-two member council of Ministers and barely thirteen days after the presidential election, Ershad issued a statement from the Army Headquarter (AHQ) in Dhaka to the editors of National dailies and News agencies to clarify the views of the armed forces. The press report and commentaries of the subject, according to Ershad, had lost sight of correct

national perspective and were vilifying and undermining a vital national Institution- the armed forces. Ershad wanted to dispel allegations that the armed forces had become ambitious and wanted constitutional share and went on to explain what he meant by 'role of army in Bangladesh'. Ershad in his statements wanted to explain the problems of the men in uniform and a philosophical concept. These two basic points are extremely pertinent to the understanding of the mind set that prevailing in the armed forces.

The issue he deliberated on was the politico-military predicament of the Bangladesh army. Ershad argued that the fast-moving politico-military events that had been taking place in the country since 1971 had left a very deep impression in the minds of our soldiers. The rank and file had suffered a traumatic experience and enormous tension, he said, and military justice had taken heavy tolls regardless of rank and status. This would inevitably 'undermine their awareness of national affairs, sense of justice, eradication of corruption and their hopes and aspirations for the true democracy'. Ershad pointed out that so far no cognizance had been taken of their problems and it was not possible to do so under the present conventional setup. This, however, ought to be recognized as a deep-rooted problems in the armed forces.

Ershad pledged that in this context, it was not wrong for the army to seek a role in the national decision-making process for we soldiers say that we want the problems to be solved, that we want an 'honest and effective government', that we want the government and administration to crusade against corruption. He felt that there was a national need to find a permanent solution and prevent recurrences of coups and killings. The rank and file in the army did not want military adventures in politics, nor did they want political adventurers in the military. They only wanted to be with the people, help build democracy and also effective checks and balances against any future coup attempts. The next basic point that Ershad moved on to an idea of 'total defence', which he claimed, was an excellent concept developed by late President Ziaur Rahman. To understand this new idea, he argued, it was necessary to depart from conventional

ideas of the role of the armed forces. The New idea calls for combining the role of the nation building and national defence in to concept of total national defence.

Moudud Ahmed, a leading Bangladeshi politician and lawyer tries to enumerate briefly the suggestions that Ershad made were:

1. Within the framework of the concept of a 'total defence' of a total national defence he visualised the creation of a national security council or a defence council would evaluate strategically vital questions of national interest and give correct decisions and policy direction to the executive from the highest national level.
2. Since the military is an efficient, well-disciplined, most honest body of truly dedicated and organized national force so it should be effectively used for production and nation-building purposes besides its role of national defense.
3. In view of the politico-military problems that agitate the army, a permanent solution was required to solve the issue by way of devising appropriate provisions in the constitution. This would remove the possibility of further coups in the country.
4. In order to build true democracy in the country the armed forces would have to be taken into full confidence so that no adventurism occurred in the future. A permanent democratic system could be established if the soldiers felt that they were part and parcel of that democratic process³⁰.

Ershad declared, during the rest of my term as chief of army staff, inshallah (if Allah so wishes) there will be no coups but what you must do is to find constitutional solutions so that coups and killings do not take place five years later or ten years later or ever again. On this, depended peace, stability, performance of democracy and the existence of our nation. Finally, he stated, there will have to be constitutional provisions made and administrative measures worked out to define clearly the role of the military

X
in our society. He suggested that this question ought to be placed before presidential committee for in-depth study. Such a committee could include ministers, MPs and military experts on the subject. Nevertheless, Ershad had never asked for a share of power as he said, the army stood for the democratic and constitutional process. He also said that he was a soldier and not a politician and he has no personal ambition. According to Erashad, it was definitely not a question of sharing power or getting a cabinet post or rank, it is not a question of our Brigadiers and Generals getting benefit or rank or status, it is not a question of our officers and men exercising power over their civilian counterparts.

Ershad's demands was contradictory to democratic principle. As the democratic principle demands that the government should be run by the elected representatives of the people and that every citizen shall have the unfettered right to express his or her opinion what ever it is, the right to elect person he or she chooses and to enjoy all other basic rights universally accepted as democratic norms. Ershad's demand for military's constitutional share in the administration was new in Bangladesh politics. Most probably, Erhsad was influenced by the constitutional provision for army in the parliament and government of some countries like Indonesia, Turkey and Thailand. In these countries, constitution provides for the army's Participation in one form or other in parliament and government.

Certainly such types of constitution are not to be copied for Bangladesh, because the basic concept of these constitutions is to deny democracy and to perpetuate the autocratic rule of the upper caste of the military bureaucracy. The participation of the army in the administration and in the politics as a special privilege had been experimental in Thailand. The result was, however, bad.

It may not be here out of context to quote the comments of supreme commander General Saiyud Kerdphol, a widely respected military administrator of Thailand. He observed that the politically motivated appointment of military officers to the

parliament and their continuous involvement in politics could upset the armed force's traditional chain of command.

In an interview with the Far Eastern Economic Review, Saiyud Kerdphol further commented:

“If you get involved in politics, your chain of command would be spoiled because some of the politicians would look at your political games and try to get involved in your chain of command. They appoint somebody as senator while more senior officers are not appointed and this is all confusing.”³¹

Reactions to Ershad's Statement

The statement of General Ershad issued to the editors of national dailies and News Agencies about the role of military in Bangladesh generated waves of discontent and controversy in the political circles. It also created mixed reaction. Some left-leaning and right wing political parties in their press statement supported the CAS. Bangladesh Samyabadi Dal, Desh pramik Front, Jatio Samajtantrik Dal, Workers party, United Peoples Party, Justice Party, NAP (B), Jatio Mukti Joddah Sangsad, Muslim league (T.Ali), Bangladesh Nazame-E-Islam party had voiced in the same manner the CAS commented.

The first reaction came from the Samyabadi Dal and the Jatio Samaj Tantrik Dal (JSD). Mr Mohammad Toaha, Chairman of Samyabadi Dal and Convener of Desh Pramik Front, a pro-peking communist Leader, in a statement said that the idea expressed in the press statement by CAS Ershad deserves serious consideration. Toaha said that in the third world countries like ours where the army is mainly-

Composed of the sons of the peasants, workers and toiling masses, national independence and sovereignty can only be protected against all conspiracies of super power hegemonies and expansionism provided our army is built up as a people's army which Lt. General. Ershad proposes to do.³² Major (Retd) Abdul Jalil and A.S.M. Abdur Rab, President and General Secretary of Jatio Samajtantrik Dal (JSD) respectively in a press statement commented that the army chief had made a very important statement on the role of the army. They pointed out that the role of army in an independent country is not only the concern of the army chief; it is a concern of the whole nation including the political parties and conscious citizens. They asked Ershad to provide further clarification and more detailed propositions to dispel people's suspicion and doubts. However, they asked the nation to consider and accept the statement of the army chief as he had initiated a very important subject.³³

The United peoples party (Kazi Jafar) in their national committee meeting termed Lt. General Ershad's statement as the reflection of a very important and serious national questions. The party noted in its resolution that it supported in principle the closer integration of the armed forces with the politico-economic process but such a programme would require a new politico- social perspective for implementation.

Syed Kamrul Islam Md. Saleh Uddin, Convener, Justice party, Salahuddin Kader Chowdhury, MP, Abu Naser Khan and Abdus Sobhan of NAP (B), Jatio Mukti Joddah Sangsad, Ataul Haq. Khan of ML (T.Ali), Expressed more or less in the same manner defending Ershad's statement.

But Bangladesh Awami league (H), Mukti Jodda Sangsad and Islamic Democratic Party resented the statement and were critical of its contents. The Bangladesh Awami League in a statement issued on behalf of the party Mrs. Sajeda Chowdhury, acting General Secretary of the party, demanded that the government explain to the people what had prompted the chief of staff to make a statement demanding a direct role for the military in the administration while the president was the supreme commander of the Armed Forces and- in charge of the Ministry of defense.

The AL also questioned the CAS's authority under the law to make such a statement and contended that it was unbecoming on his part to issue a statement on such fundamental constitutional issue.³⁴

Lt. Col. (Retd.) Kazi Nuruzzaman, Bir Uttam , Chairman, Central Command Council of Bangladesh Mukti Joddha Sangsad, the official body of the country's Freedom Fighters, reacted even more sharply saying the statement of CAS 'unrealistic. He said that the proposal of the chief of staff for direct involvement of the army in a 'democratic process' and productive activities to prevent further military coups in the country were entirely motivated by 'undemocratic intensions.'³⁵ According to him, Ershad's idea smacked of autocratic and anti-people intension and was aimed at curbing what ever democratic rights now being exercised in the country. Nuruzzaman also criticized Ershad for quoting Zia in connection with the army's role and alleged that he was putting forward his own idea as one of the late Ziaur Rahman.

Islamic Democratic party President Barrister Formanullah Khan also criticized the statement of the Chief of Army Staff and left that no body in the country wanted the edifice of a multi-party democracy crumble.³⁶ Syed Manjurul Islam, General Secretary of Bangladesh Nezeme-E-Islami party, a right-wing political party, was also critical of Ershad's statement and expressed grave concern over the matter. He said that the issue should have been raised at the administrative level through constitutional means. He appealed to Ershad not to fall in to the trap being used as a pawn to create panic among the people. In the resolution he reminded Ershad of the glorious role he had played of May 30 after the death of Zia, and advised him to set an example by surrendering "bullets to ballot" and to take his place along with other army chiefs of the democratic world.³⁷ General M.A.G. Osmani, Commander-in-Chief of the war of liberation was very critical of Ershad's statement. He deplored the fact that Ershad had expressed his views through a press statement while still in service.³⁸ According to him, Ershad should have submitted his views through the Ministry of Defense for due consideration

of the government. After that, if he still felt unhappy with the government's decision, he should have retired and then aired his views.

In a lengthy statement Osmani accused Ershad of setting a wrong example and acting in a manner inconsistent with the code of conduct and custom of the services in the countries with constitutional government. Osmani disagreed that the concept of keeping the defense services above politics was a colonial and western one and claimed that it was in the colonial system that the defense commander and defense forces had political roles. Osmani tried to answer to Ershad's Statement that the armed forces who had fought for the liberation of the country should not be treated as a mere service asking, 'Should the BDR and police then be similarly integrated and incorporated in the policy-making structures and not kept above politics? Or again, should the civilian freedom fighters what constituted the largest component of the liberation forces not be given a due share in the policy- making structure of the nation?'

As Osmani was in full agreement with one portion of Ershad's statement that the armed forces ought to be utilized in productive and nation-building projects, he asserted that this did not necessitate the involvement of the armed forces in politics, nor to set a bad example by trying to indulge in politics in uniform.' Finally, he pointed out that while the armed forces remain loyal to a constitutional government,' it is the odd ambitions short-sighted senior officer who misleads others to adventure in a bid to seize power taking advantage of the weaknesses of those in power. As Ershad's statement generated wave of reaction and severe criticism from opposition circle, president Sattar did not dare to take any punitive action against Ershad though Ershad was violating constitution time and again and his statement was considered to be a direct threat to democratic order. On the other hand, Sattar followed he path of compromise with the CAS. Sattar wanted to minimise misunderstanding and confrontation that developed between him and the CAS after the later's statement in the dailies and news agencies. As the situation never became comfortable and pleasant, an attempt was made on behalf of Sattar through a religious pir to encourage Sattar and Ershad to work together. On 3,

December 1981 together they went to the pir of Atrash in Faridpur where they held a secret meeting.

The news of the secret meeting published in different dailies on the next day. What talks they held during their meeting? What was the out come of the talks? Ershad him self flashed the subject matter of their talks in an interview with the news media. As Moudud writes, “during their discussions Sattar tried to assert his commitment to uphold the democratic process, while Ershad reiterated his argument for consolidating the role of armed forces and their need to govern the country.”³⁹ In his first meeting at Modhupur, Tangail, ninety miles from Dhaka, Sattar declared that the govt. was determined to preserve democracy. While inaugurating the national conference of Bangladesh Jatiotabadi chhatra Dal, Student wing of BNP, Sattar repeated the speech of Modhupur saying that democracy would never be allowed to disrupt in the country. On December 20, Ershad also reiterated his views at a graduation ceremony at the Defence Services Command and Staff College (DSCSC) at Mirpur, Dhaka where Ershad was present. He told the officers that they ought to be capable of meeting the needs to safeguard hard earned freedom and protect sovereignty, territorial integrity and economic progress from any threat from without or within.’ Since early January Ershad became vocal against corruption, exploitation and deprivation. He started visiting cantonments to cantonments, meeting officers and jawans explaining why the army ought to have a part to play in the administration of the country in view of the laudable role of the freedom fighters in the independence war of 1971, and why he declared zehad against corruption, exploitation and deprivation.

While inaugurating the “Bir Sreshtho Sepoy Hamidur Rahman Smriti Prakalpa” at khurd khalishpur, 30 miles from Jessore, Ershad said that we could materialize the dreams of the valiant and martyred freedom fighters by establishing a corruption –free and self-reliant Bangladesh.⁴⁰ The word ‘corruption’ was so common for Ershad that he uttered this word five times in that function. He told the freedom fighters in the following way:

“The war of liberation was not only a fight for a piece of land but a ‘Zehad’ against exploitation, corruption and deprivation. Again Ershad said that we fought liberation war in 1971 and we shall wage a war again but this time it will be against corruption”.⁴¹

At the Bangladesh Military Academy (BMA), Chittagong while addressing the cadets at the presidential parade of the 5th BMA long course Ershad said that the country was beset with problems like corruption, illiteracy, and food shortages and the full manifestation of the country’s sovereignty lay in the solution of those problems.⁴² While delivering his lecture as chief guest at a Re-union Ceremony of the ex-students of Adamjee Cantonment College Dhaka, Ershad said that the nation was passing through a ‘critical situation.’⁴³

In the last half of 1981 the word ‘corruption’ aired all over the country. As Serajur Ranam, a BBC correspondent writes:

“On reaching Dhaka I noticed everywhere that the theme of talks was corruption. I heard the rumor corruption all along. But in the last days of year 1981, the gravity and depth ness of the rumor of corruption astonished me seriously. It seemed what the plague like corruption was swallowing the whole country.⁴⁴ Actually corruption was not as acute as Ershad was propagating. It was an arranged propaganda fuelled by Ershad and his cohorts as a part for discrediting the government.⁴⁵

Ershad’s statement on the role of the military was circulated amongst the officers of the armed forces. A booklet was also published dealing with the chronic problems the nation was facing and proposing the responsibility of the armed forces in that regard. It aimed at to expose the corruption and inefficiency of the government and politicians of the country and to indoctrinate the troops in line of the views propounded by Ershad. Sattar, however, agreed to form a committee to look into the role of the army in

government and other needs of the armed forces. As a result, the tenure of the Chief Staff was extended from three to four year's and allowances of the members of the armed forces were substantially augmented. The defence budget was increased from Tk.220 crores to Tk.306 crores.⁴⁶

On January 01,1982 Sattar constituted a National Security Council consisting of 1) President Sattar 2) Vice President Dr. M.N. Huda 3) Prime Minister Shah Azizur Rahman 4) Deputy prime Minister Jamal Uddin Ahmed 5) Foreign Minister Professor Samsul Hoque 6) Home Minister M.A. Matin 7) Finance Minister Saifur Rahaman 8) Chief of army staff General H.M. Ershad 9) Chief of Naval staff M.A. Khan, 10) Chief of Air staff, Air vice Marshal Sultan Mahmood.

The functions of the Council were:

- 1) To advise and assist the government on all matters relating to national security.
- 2) To examine the various requirements of the armed forces and recommend action there on; and co-ordinate the activities of the armed forces, the para-military forces and the civil armed forces.
- 3) To explain ways and means of enabling the armed forces to participate in the socio-economic development of the country, consistent with their primary responsibility.
- 4) To advise the government on any other matter that may be relevant to their function.⁴⁷

The army did not accept the composition of the Council with so many members. They insisted on only five members but later it was changed to six. The president, vice-president, Prime Minister and the three chiefs. With the constitution of the national Defence Council Sattar thus surrendered to the army's demand and the people thought the Council to be in effect a 'super cabinet'.

On January 12, 1981 Sattar Clarified the position in an interview to the BBC correspondents Serajur Rahaman and Openhymer at Bangabhaban where president's Press adviser Daud Khan Majlis and military adviser General Sedequr Rahaman were present. In his interview Sattar said that the National security-Council was formed to advise the Government on the defence of the country. He added, however, that it would also examine whether the armed forces could be utilised in civilian matters. Replying in a question whether the Council is a government over the government or a super cabinet, Sattar answered in the negative saying that it was impossible, as its function had written clearly in the terms of reference.⁴⁸

On January 15, 1981, the brother in law of Ershad Mr. Habibur Rahman who was then the Director, Export Promotion Bureau met Serajur Rahaman at his hotel suit. He was sent by Ershad to express his views since the time did not allow him for talking in the public appearance. The gist of Habibur Rahman's talks as Ershad briefed him earlier was that the chief of staff will have no alternative but to take over if the armed forces were not given majority in the National Defense Council and their right to reject decision of the cabinet and the power to vote on those decisions.⁴⁹ The BBC telecasted the views of Ershad after seven days with much care. The news of BBC was published in some Indian Dailies in the next day.

In the meantime, however, concerted efforts were made to discredit Sattar- both from within the government and outside. During the time of Zia, the army remained divided over some functional issues. One of the issues, promotion policy created major discontentment from time to time. After the presidential and parliamentary election, tension and irritation among the senior corps of the army became acute. On May 20, 1981, a group of senior Army Officers met Zia and criticised him for over politicisation of the system and rampant corruption within the party, BNP. They demanded re-imposition of Martial law.⁵⁰ Ten days after that meeting Zia was killed but the army did not take over the government immediately. By this time, the activities of Sattar's own ruling coterie were actually harmful and dangerous than the political activities of the

opposition. Soon after the election, the conflict between the factions of the ruling coterie became very bitter. One of the techniques they used was to give wide publicity to the corruption of their opponents and in this nefarious activity they were supported by the intelligence agencies. Some people believed it that an influential section of the police forces were engaged by the army to take action against some of the political leaders of the ruling party. Organised efforts were made to target a handful of ministers, using the media to expose the fact that some of them were corrupt and were being invested.⁵¹

When one minister told a public gathering that only three members of the cabinet had been found to be free from corruption, he lent active support to the perception and continuing propaganda that the government was formed with corrupt people and the government was a corrupt one.⁵² At that crucial moment Sattar failed to do anything about this propaganda and thus many were convinced that the allegations were indeed true.

The arrest of Imdadul Haque alias Imdu, an accused of nine criminal charges and who was expelled from Youth Front, from the house of the sitting state minister for Youth Abul Kashem on February 8, 1982 gave the military a bold issue to discredit the government. As Abul Kashem termed the arrest of Imdu as an arranged drama staged by the Home Minister and demanded an explanation to Sattar. But Sattar failed to settle the matter amicably between Kashem and the Home Minister. The incident created a sensation. The newspaper became very active. The opposition condemned the incident and demanded that Kashem be punished for harboring an alleged murderer. Later, Kashem was forced to resign and was arrested on various charges of corruption.

The press media also reported that Kashem had obstructed the police officers in their duties and in the face of such obstruction; the police had taken Imdu into custody. One can easily understand that the arrest of Imdu with a gun in his hand was a part of conspiracy that staged by intelligence agencies with the help of Home Minister.⁵³ It

appeared to be some basis to the belief that the police action against Kashem and some members of ruling party were directed by the generals to make their plea stronger for the overthrow of the civilian government after defaming them by exposing their corrupt public image. The next day, an emergency meeting of the cabinet was convened. As the press reported that no talks held concerning Kashem- Matin issue. In the 45-minute cabinet meeting, Sattat pleaded for the unity of the party. He admonished those who were resorting to factionalism and damaging the image of the government.

On the other hand, Ershad convened an emergency meeting of his generals at the Army Headquarter (AHQ). As a cabinet minister conveyed Ershad the decision of the cabinet meeting that Ershad would be dismissed from the office immediately. Ershad now convinced the generals to take over. As per decision, six generals in full uniform led by General Abdur Rahaman left the AHQ and started for the Bangabhavan. Within two hours after the cabinet meeting, the generals entered the gate of Bangabhavan violating entrance rule. They ordered Satter to hand over power to them. The generals accused the government of not being able to handle the issues facing the country and of being incapable of removing the corrupt ministers from the council of ministers. Satter tried to resist the generals for more than three hours until the vice-president M.N. Huda was asked to join the discussion.

This time the generals compelled Sattar to dissolve the cabinet. It was also decided that Sattar will address that nation and inform the nation the circumstances that led Satter dissolve the cabinet. The whole day the generals led by Ershad were in the Bangabhabon. In the evening Sattar addressed the nation. The draft of Sattar's address was prepared with the careful guidance of Ershad. After the preparation of draft, two officers concerned took it to Ershad so that he could give a through reading. Before addressing the nation, Sattar was thanked by Ershad over telephone for excellent draft of address.

Sattar in his address to the nation clarified the on going political dead lock in the following way:

“I have no hesitation in admitting that the country is today faced with a grave crisis. Amongst those who were holding responsibility in the highest positions, many have failed in their duties and responsibilities and because of their utter negligence and selfish activities, differences to the welfare of the nation and corruption, the overall situation of the country has deteriorated alarmingly. He added, from some selfish and vested interest quarters, the continuation of a democratic government is being threatened. As there have been doubts and dissatisfaction in the minds of people about the integrity, honesty and fairness of many members of the cabinet, and in order to ‘free the administration from corruption and stagnation I have dissolved the cabinet and I have decided to form a new government with a small number of ministers’.⁵⁴

The next day Sattar formed a 39-member council of ministers. He could drop only two junior ministers and had to retain the other sixteen ministers most of whom he had condemned the day before. In the new cabinet, however, while Kashem lost his job, Matin was retained in the Ministry of Home Affairs. The leader of the opposition in parliament accused Sattar of forming a government with ‘Razakers, and collaborators’. This, according to the opposition had only intensified the crisis⁵⁵ The internal conflict within the ruling party inspired Ershad to carry out his plan. While at least four influential leaders from BNP urged Erhsad to take state power, the other did groundwork and cleared the path.

From February 15, 1982 onward, there were serious efforts made by Sattar to improve the credibility of the government and the party. In reality it was counter-productive. All of his actions were dictated by the ruling coterie beaded by the prime Minister. His failure to appoint Mirza Golam Hafiz and the appointment of certain controversial members on the standing committee only showed his weakness. Sattar’s decision to appoint Mohammad Ullah as vice-president did not last even twenty- four

hours after the swearing in.⁵⁶ The military wanted General Ershad to be named vice-president. The general who had not been consulted about the appointment had resolved to retain civilian and party control of the government. President Sattar himself could not be courageous. Two generals, loyal to Sattar warned him to become cautious as Ershad was hatching conspiracy against his government. But Sattar could not take any bold step against Ershad.

On March 17, 1982, Ershad informed the Indian High Commissioner along with three other diplomats that he was going to stage a Coup d'et'at.⁵⁷ At that time a rumor went round that after appointing the new vice-president, Sattar also made a move to appoint a new chief of staff. He intended to remove Ershad and to replace him by General Shamsuzzaman. A general working in the Bangabhaban and a minister conveyed this news to Ershad through telephone.

In the evening of 23 March, the military commanding officers met and worked out their plan for a Coup. Thus, in the early hour of 24 March, 128 days after the presidential election and 270 days after Zia's death, the military officers led by Ershad entered the Bangabhaban and forced Sattar to resign. Thus Sattar was forced to hand over to Ershad while the vast majority of politically conscious Bangladeshi stood aghast at the way in which power had been seized.⁵⁸ It is very interesting that timid Sattar did not hesitate to sign on his own file of retirement before handing over to Ershad. Sattar left the Bangabhaban with a car arranged by Ershad. Ershad in his first address to the nation declared proclamation of Martial law.

Ershad's First Address to The Nation

During the pre-dawn hours of March 24, 1982, General Ershad told the nation by radio that the deposed president Sattar and his government was corrupt one. He took over to end "Corruption in public life' and the fight for power within the ruling party"

and to check the decline of the country, the general suspended the constitution. In the same address to the nation, justifying the coup Ershad declared, the national security, independence and sovereignty was threatened due to social and political indiscipline, unprecedented corruption, debased economy, administrative stalemate, extreme deterioration of law and order and frightening economic and food crisis.

Ershad blamed former president Sattar for not honoring his own electoral commitment to the people with the result that the country plunged into utter frustration and despair. Peoples hopes and aspirations were thus shattered.” General Ershad listed specific instances how the government degenerated into an inefficient and corrupt regime and unprecedented bickering among members of the ruling party for selfish interests led to “Palace intrigues”. The people were left in “extreme uncertainties.”

Ershad quoted the speech of Justice Abdur Rahman Chowdhury, a judge of Supreme Court, in the installation Ceremony of DUCSU, where the judge commented:

“Social life has reached such a stage where one’s influence is measured by the extent of harm one can cause. Those who are honest and good men in the society are forced to pass their days in helplessness. Gradually the good people are withdrawn from the social life. As a result, power and influence of the dishonest and corrupt men continue to increase. Today our individual, Social and national values had deteriorated to such a dangerous extent that if we fail to challenge it with courage our dignity as a self-respecting nation would be jeopardized.”

Proclamation of Martial law

Ershad in his proclamation of martial law mentioned:

“In the greater national interest and also in the interest of national security it had become necessary to place the hard-earned country under Martial law”. It said the

responsibility had fallen for the same upon the Armed forces of the country as a part of their obligation towards the people and the country.

Ershad in his proclamation stated, Martial law had to be declared as situation in the country had taken the economic life to a position of collapse, the civil administration had become unable to effectively function and wanton corruption to all levels prevailed causing unbearable sufferings to the people. Law and order situation has deteriorated to an alarming state seriously threatening peace; tranquility, stability and life with dignity when bickering for power among members of the ruling party ignored the duty to the state, which jeopardized national security and sovereignty. The people of the country have been plunged into a state of extreme frustration, despair and uncertainty.

Text of the proclamation of Martial law:

Whereas the situation has arisen in the country in which the economic life has come to a position of collapse, the civil administration has become unable to effectively function, wanton corruption at all levels has become permissible part of life causing unbearable sufferings to the people, law and order situation has deteriorated to an alarming state seriously threatening peace, tranquility and life with dignity and bickering for power among the members of the ruling party ignoring the duty to the state jeopardizing national security and sovereignty.

And

Whereas the people of the country have been plunged into a state of extreme frustration, despair and uncertainty.

And

Whereas in the greater national interest and also in the interest of national security it has become necessary to place our hard-earned country under Martial law

and the responsibility has fallen for the same upon the Armed forces of the country as a part of their obligation towards the people and the country.”

Actually Sattar government was then them facing political as well as economic ruination: A Parliamentary inquiry substantiated the ‘unprecedented’, corruption and accusations. The report submitted before the coup, stated that, ‘gross irregularities’, were revealed in sixty- three public undertakings. The arrest and trial of a number of BNP Ministers brought to light this political corruption. The BNP Food minister confessed that there was a food crisis and revealed that there was a shortfall of food supply between 2.1 and 2.5 million tons.⁵⁹ The aid donors also expressed grave dissatisfaction over the general economic performance.⁶⁰ Donors continually presented policy for government reforms in agricultural subsidy and public ownership of enterprises. The committed aid for the country’s Second Five Year Plan (SFYP) remained far from the target. Also, financing was thrown into a large deficit crisis and the IMF threatened to hold back the previously allocated SDR if the value of Taka was not devaluated.⁶¹ Thus the coup responded to all the prevailing situations of a social, economic, political and administrative nature in its policy package.

Notes

1. Rizvi, Gowher, 1985, Bangladesh: The struggle for the Restoration of Democracy, London: Bangladesh society, Europe P.61.
2. Maniruzzaman, Talukder, Politics and Security of Bangladesh, UPL, 1994, P.138.
3. Ibid.
4. Margoita, Franklin D. 1976, Civilian Control and the Mexican Military: Charging pattern of political influence, P.214 in
5. Maniruzzaman, Talukder, Military withdrawal from politics, 1987 P.17.
6. Nordlinger, Eric A, Soldiers in Politics: Military Coups and Government,. Princetice, Hall, Inc, New Jersey P.2
7. Watkins, Fredrick, Encyclopedia of Social Science, P.1332.

8. Maniruzzaman, Talukder. Military withdrawal from politics, P.1.
9. Dodd, C.H, Political Development, P. 15.
10. Finer, S.E. The Man on Horse Back, P.16.
11. Janowitz, Morris, The Professional Soldiers, 1960, P.17.
12. Huntington, S.P, Political Order in Changing Societies, PP.195-196.
13. Ibid.
14. Finer, S.E, The Man on Horse Back, P.137.
15. Maniruzzaman, Talukder, Military Withdrawal from Politics, P.30.
16. Maniruzzaman, Talukder and Banu, U.A.B. Razia Akter, Civilian Succession and the 1981 Presidential Election in Bangladesh, in Politics and Security of Bangladesh, UPL, Dhaka, P. 36.
17. The Bangladesh Observer, June1, 1981.
18. Ibid, June 1, 1981.
19. Ibid, June 2, 1981.
20. Ibid, June 14, 1981.
21. Weekly Holiday
22. Jahangir, B.K. (edited) Society and politics, P.169.
23. Maniruzzaman, Talukder, The Cambridge Encyclopedia of India, Pakistan, Bangladesh, Sirilanka, Nepal, Bhutan and Maldives, London, 1987, P.221.
24. Khan, Zillur Rahman, Bangladesh in 1981: Changes, Stability and Leadership, Asian Survey, Vol. XXII, No.2, Feb.1982.
25. Maniruzzaman, Talukder, Opcit, P.221.
26. Ibid, 1987, 221.
27. Rahman, Serajur, Priti Nin Shakala (In Bangla), Dhaka P.151.
28. New York Times, Nov.18, 1981.
29. The Bangladesh Observer, Nov. 17, 1981.
30. Ahmed, Moudud, Democracy and the Challenge of Development, UPL, 1995, P.224.
31. Far Eastern Economic Review, June 1, 1980.
32. The Bangladesh Observer, Nov. 30, 1981.

33. Opcit.
34. Opcit.
35. Ibid.
36. The Bangladesh Observer, Dec. 2, 1981.
37. Ibid.
38. Ibid. Jun.2, 1981.
39. Ahmed, Moudud, Democracy and the Challenge of Development, UPL, 1995, P.239.
40. The Bangladesh Observer, Dec. 25, 1981.
41. Ibid. Dec. 25, 1981
42. Ibid. Dec. 27, 1981.
43. Ibid, Dec. 27, 1981.
44. Rahman, Serajur, Priti Nin Shakala (In Bangla), Dhaka P.151.
45. Ibid.
46. Ahmed, Moudud, Democracy and the Challenge of Development, UPL, 1995, P.239.
47. Ibid. P. 240.
48. Rahman, Serajur, Opcit. P.151.
49. Opcit.
50. Franda, M. (1981) Bangladesh After Zia: A Restrospect and Prospect, Economic and political weekly, Vol. 16, No. 34, Bombay.
51. Opcit.
52. Ahmed, Moudud, Opcit. P.241.
53. Opcit.
54. Saptahik kagog, Feb. 21, 1991.
55. The Daily Ittefaq Jan.13, 1981.
56. The Economist, March 27, 1982
57. Saptahik kagog, Feb. 21, 1991.
58. Opcit.

59. Ahmed, Tofail, Decentralisation and People's Participation in Bangladesh: A Political Perspective, BARD, Kotbari, Comilla, 1987, P.52.

60. Ibid.

61. Ibid.

Chapter-2 Strategies of Ershad to Perpetuate his Military Regime

The rise of General Ershad to power is quite an interesting phenomenon in our short history. Probably he was the most favoured and fortunate military officer in our country. After repatriation from Pakistan he joined the Bangladesh Army in the later part of 1973 as a lieutenant Colonel. In less than two years he was promoted to the rank of Major General (two promotions while on training in India) and appointed Deputy Chief of Army Staff by the then president and Chief Martial Law Administrator General Zia later made him Chief of Army Staff when he was elected President and relinquished the post of Chief of Army Staff. An officer who did not take part in the war of liberation, who did not command a brigade or division and never held any career staff appointment rose to the coveted position of the chief of Army Staff.

It would be wrong to conclude that General Zia Promoted Ershad superseding Major General Dastagir (who enjoyed better reputation) for his political convenience rather than in the national interest.

Ershad and the Army

After assuming power Ershad adopted two strategies to ensure the continuation of his rule. One strategy, of course, was to manage his constituency that is to retain his support from the armed forces. Though General Ershad grabbed power by illegally ousting a government thereby committing a serious breach of army discipline he managed the army and other forces so well that none of could ever show his teeth he was shrewd enough to recognise that his main power base lay in the cantonments and was therefore careful not to alienate himself from the rank and file of the armed forces.

Although there were many in the armed forces who did not share Ershad's policy of using the armed forces for political manipulation, they were isolated individuals and numerically too few to mount an effective opposition against Ershad. The majority of the soldiers were largely apolitical and too hidebound by the code of military discipline

to question Ershad's motives. Moreover, Ershad's excessive concern for the men in uniform and the generous provisions for their material comfort had won him their gratitude and loyalty; he was seen as the best protector of their interests.

Ershad followed Zia's style of controlling the army but with more craftiness and effectiveness. There was no known attempt of coup during his rule but discipline continued its downward slide through his devious and crafty management and adoption of a carrot and stick policy. He systematically eliminated his opponents from important positions in the army and pacified the rank and file by enhancing various facilities.

Ershad made a group of officers partners in his activities. He created a clique in the army consisting of a handful of officers from Generals to Captains. This group continued to get favours in different ways. It will not be an exaggeration to say that both the civil and military elites played mutually supportive role in promoting their corporate interest.

Formal allocation to defense in the annual revenue budget increased on an average by 18 percent over the period while total yearly budget increased by 14 percent.¹ In contrast to the policy followed by Zia government, new pay scales enforced in August 1985 brought about parity of salaries between civilian and military employees. However, defense personnel received additional allowances and benefits. For officers, these include: service allowances amounting to 12.5 percent of their original pay, free medical treatment; servant allowances and rations at nominal prices, all of which amount to at least the monthly salary of the highest ranking civil servants.²

Ershad took excellent care of the military, his core support group. He increased the size of the armed forces, expanded its budget and provided a variety of jobs, perks and patronage. As seen in the table-1, the strength of the armed forces was increased from 52,000 in 1975-76 to 77,000 in 1980-81 to 101,500 in 1988-1989, to 110,000 in

1990. Despite objections, rose from the civilian there were also plan to raise still another brigade.

Table-1

Growth of Bangladesh Army, Navy, Air Force and para-military Forces, 1972-90

| Year | Armed forces |
|-------------|---------------------|
| 1972 | 10,000 |
| 1975-76 | 52,000* |
| 1976-77 | 63,000 |
| 1977-78 | 71,000 |
| 1978-79 | 71,500 |
| 1979-80 | 72,000 |
| 1980-81 | 77,000 |
| 1981-82 | 77,000 |
| 1982-83 | 77,000 |
| 1983-84 | 81,300 |
| 1984-85 | 81,300 |
| 1985-86 | 91,300 |
| 1988-87 | 101,500 |
| 1989-90 | 103,000 |
| 1990-91 | 110,000 |

Source: International Institute for strategic studies (London),

* Includes the incorporation of the National Defense Force into the Army.

The benefits enjoyed by lower ranks are proportionally even larger. They received service allowances amounting to 20 percent of their original pay; free food and accommodation and allowances for good conduct efficiency and their children's education. Thus, privates and Non-Commanding Officers (NCOs) got roughly four time the pay received by their counter parts in the civilian sector.³

The militarisation of the civil administration or civilian post which began in a small way during the Zia regime has greatly expanded under Ershad. Between 1982 and 1990, at least 294 military officers had been appointed in different key positions of the government, semi-government and autonomous institutions and public corporations. The breadth of the militarisation can be understood from the fact that the government appointed a military officer as the secretary of the Bangla Academy, a semi-government organization in charge of research of Bangla literature and language.

During the middle of 1981 at least 28 retired military officers held the post of secretary, additional secretary, joint secretary etc. in the central secretariat-the nerve centre of administration.⁴

Ershad established a quota of 10 percent for military personnel in diplomatic post and this was in addition to those who were already in civil or Foreign Service cadre. During the period in review, 28 military officers were appointed in the foreign ministry and of 48 diplomatic Mission abroad, One-third were drawn from the defense forces as ambassadors or High commissioners.

Ershad retained a 10 percent quota for the highest civil posts of secretaries to the government. Even after the withdrawal of Martial law he retained some senior army officers in civil position as Director General, Director Councilor, chief of protocol, Deputy Chief of protocol and senior assistant secretaries.

Like foreign Missions, key positions in local government administration were also given to military officers. In 1984, 20 administrative districts were divided into 64; and in those 64 districts 53 military officers were appointed as the district superintendent of police. Thus the police service has been virtually taken over by serving or retired military officers. During the entire period of Ershad regime, twenty four military officers had been absorbed into the police cadre.⁵ Of them 20 served as DIG and 4 as police supers.

In 1984 there were 49 military officers occupying positions like Chairman, Secretary, Director General, Managing Director, Director etc. in 17 Out of 36 large and lucrative public corporations, directorates and other public/autonomous bodies.⁶ The Civil Aviation Authority and the Bangladesh Biman, the national airline, had 25 military officers.

The regime attempted to enhance the control of the military over the civil administration. In 1987, a bill was passed by the hand-picked parliament to include military officers in local level administration. The govt. however, had to back out in the face of massive popular protests. In terms of increased spending on the military one piece of information says it all: throughout Ershad rule only 5 percent of revenue budget was spent on developments as oppose to 18 per cent on the army. While \$ 147 was spent on each citizen per year, \$ 4700 was spent on each soldiers.⁷

The substantial share of senior military officers in political power has been the main factor in ensuring their loyalty to Ershad. From 1982-1990, seventeen armed forces officers (40 percent) serving or retired became successive council of minister in different portfolios. Cabinets were continually reshuffled during the Ershad period. From march 1982 to July 1990, Ershad changed his cabinet 63 times. In every reshuffle, in an average, 40 per cent members were drawn from army officers.⁸

In 1985 Ershad dissolved his cabinet and later formed another 7 member council of ministers; interestingly all the 7 member were drawn from the armed forces.⁹ More importantly, senior military officers acted as a super cabinet, for Ershad who discussed all important policy measures with them before the measures were formally placed before the council of ministers.¹⁰ Ershad had given a sense of rulership even to the lower ranks by extolling their 'glorious role' in the 1971 war and crediting them with bringing about 'all-round development in the country.'¹¹ Ershad hoped to create a government led by the military and to organize society in a way that would enable him to bypass the traditional political parties.

The autonomous and semi-autonomous institutions like Bangladesh Chemical Industries Corporation (BCIC), Dhaka Municipal corporation (DMC), Rajshahi Town Development Authority (RTDA) Chittagong port Authority, Khulna port Authority, Dhaka WASA, Chittagong WASA, power Development Board (PDB), Rural Electrification Board (REB), BTV, JMBA, Rajdani Unnyan Kartipakha, BEPZA. TCB, BFDC, BRTC, BB, BJMC, BJC, FDC had 45 officers drawn from of defense forces.

Were the officers serving or retired that absorbed in civil departments including the Foreign services talent or suitable during Ershad Regime? Part of the answer is that maximum officers were "unsuitable" and the officers recruited in the Foreign Service were unwanted by the regime.

Though the absorption was another inappropriate practice that started first during General Zia's time, Ershad Continued it during the last moment of his autocratic rule. As major General (Rtd) Manzur Rashid Khan, former Military Secretary to Ershad writes:

"Armed forces officers retired or removed from Service on grounds of indiscipline were reemployed in the civil government and Semi-government departments during Ershad regime. Even persons involved in corruption and serious misconduct were employed in lucrative posts."¹² Absorption of persons involved in Corruption and serious misconduct to civil department was an indirect encouragement to the forces to care less about strict military discipline. Ershad sent serving Generals abroad who were regarded unwanted or threat to his military regime as ambassador, High commissioners, some were even sent against their will. Major General Abdur Rahman, who later died for unknown reason, was sent as Bangladesh ambassador to France against his will. Such steps were taken to meet the requirements of his party, individual or groups rather than the state or the military.

Ershad tried to professionalise the armed forces through adequate training facilities and also tried to increase the morale of the officers and pirates with higher military budget. Military ruler usually threaten the civilian counterpart because of the monopoly of the most modern and lethal weapons. There has been a notable increase in arms and ammunition for the army during Ershad regime. According to figures in world Military Expenditures and arms transfer US. Arms control and Disarmament Agency (1972-74), the importation of arms by Bangladesh averaged \$ 18 million per year during the period from 1972-1974 and \$ 30 million per year during the period from 1976 to 1986.¹³

Table-2

Growth of Defense Budget in Bangladesh, 1972-73 to 1986-87

| Year | Defense Budget (Tk. Millions) | Defense Budget as percentage of total Revenue Budget | Percentage Increase in Defense Budget. |
|----------------------|----------------------------------|--|---|
| 1972-73 | 400 | 14.00 | --- |
| 1973-74 | 470 | 12.56 | 17.09 |
| 1974-75 | 710 ^a | 15.09 | 51.06 |
| 1975-76 | 1350 ^a | 17.87 | 46.81 |
| 1976-77 | 1552 | 16.06 | 14.96 |
| 1977-78 | 1624 | 14.05 | 4.64 |
| 1978-79 ^b | --- | --- | --- |
| 1979-80 | 2427 | 13.47 | --- |
| 1980-81 | 2525 | 11.51 | 4.03 |
| 1981-82 ^c | 3470 | 12.54 | 37.42 |
| 1982-83 | 3820 | 13.80 | 10.09 |
| 1983-84 | 4184 | 12.31 | 9.35 |
| 1984-85 | 4651 | 13.42 | 11.16 |
| 1985-86 | 5012 | 13.35 | 7.82 |
| 1986-87 | 6572 | 14.75 | 31.52 |

Source: Talukder Maniruzzman, 1988, Politics: Bangladesh', Unpublished Manuscript, p.16

- a. Defense budget increase due to arrival of repatriated personnel of the armed forces.
- b. Budget reported incompletely in the daily newspaper.
- c. Revised budget after Ershad's take-over on 24 March, 1982.

During the long nine-year, the opposition observed various hartal and demonstration programme. In these programs, the army patrolled the capital city in their conveyances showing modern arms to the civilian thus threatened the unarmed people.

Every year when the army observed the Armed forces Day, a month long Arms Exhibition would also be arranged. These exhibitions were also a demonstration of arms and ammunition that led people to think military rulers were much stronger and that they would never be toppled by their civilian counterparts.

Relation between Ershad and the Armed Forces

During his nine-year rule Ershad had good relation with the armed forces. One interesting aspect is that the major rationale for the bloodless military coup which brought Ershad to power in March 1982 was to give the armed forces an effective say in running the country, but Ershad had never shown any keen interest in this regard. Therefore the ambition of Ershad and his armed force to secure a political role in a civilian constitution arose not only from an ideological commitment to stability, but from a desire to guarantee in the continuance of their own material interests and privileges.

Although considered too soft and emotional to keep a tight hold on the restive military, Ershad has proved a much better manager of the army than his predecessor, the assassinated General Ziaur Rahman who had the reputation of a cold-blooded ruler. Under Ershad, Bangladesh has not seen any attempted military coups, while Zia had to put down several bloody uprisings by his soldiers. Thus Ershad has earned the grudging respect of even his civilian antagonists, who though desiring a return to democracy,

assigned a much higher priority to keeping Bonapartism in check. Having secured the full cooperation of the military, Ershad has been able to use soldiers in roles which his predecessors considered too risky. He deployed the army to maintain law and order during the May parliamentary election of 1986.

Though Ershad did not take part in the war of liberation but he held the post of Chief patron of Bangladesh Mukti Joddah Central Command Council until his resignation in 1990. Ershad was the father figure of the freedom fighter (the armed forces) and they addressed Ershad as father. Ershad has given the armed forces representation in the cabinet for the first time in the history of Bangladesh. No one had ever done that before. Ershad wanted an amended constitution providing for the army's formal association with national affairs. Though he formed economic development council and induced the retired generals into the cabinet but neither economic development council nor the induction of retired generals into the cabinet full filled the need for the army's formal association with national affairs.

In 1986 one institutional arrangement made was to associate the commanders of the five divisions of the Bangladesh army headquartered at Chittagong, Savar, Bogra, Comilla and Jessore with the economic development activity of the country's administrative regions. The more important thing is that Ershad represented army consensus against civilian supremacy and insulation military from national affairs. Military officers had been played a behind – the – scenes role in forming the Jatio party (JP), whose manifesto called for associating the army with national affairs. The generals studied the Turkish constitution under which the army chief of staff becomes the president of the country automatically. They have also looked into the Indonesian model but have found both these unsuitable for wholesale adaptation to local conditions.

General Ershad ruled the country with an admixture of compromise, convenience and by involving the armed forces in politics with scant regard for his rules and regulation or discipline. He undertook expansion of the armed forces

including police and para-military forces. He ordered large-scale recruitment, promotions and postings causing ineffectiveness in the maintenance of discipline. He engaged army officers in the civil administration. He used the armed forces particularly the army's resources for consolidating his power in the first phase of Martial Law and later in forming a political party, ensuring his own victory in the presidential election and victory of his party in the election to parliament.

Army officers were employed to recruit political leaders for his party through intimidation and allurements. In organising his political party and managing the election, army resources and funds of intelligence agencies were used. Under military rules and regulations, no member of the army is allowed to participate in any political activity. But general Ershad involved himself and many serving officers in politics without caring for the outcome.

The greatest threat to any military regime comes from within the military and Ershad's use of both reward and fear (carrot and stick) reproduces a common pattern among Bangladesh military recognising both a shared set of military interests and a division of interests within the military elite.

Civilianisation Process

The second strategy adopted by Ershad to perpetuate his regime was what has been called the Civilianization of his military regime. At the time of their assumption of power, most military regimes claim that their stay in power is temporary, and they will return power back to the people's representatives. But only in a few instances did the military regimes actually hand back power to the political elite. Civilianization is a process by which a military rule is transformed into an apparently civilian rule. The process of civilianization of military rule or legitimisation of military rule – a vehicle to ride on as a politicians, generally involves two steps, first holding of a national election which gives the regime the image of winning a popular mandate to rule, and second, formation of a national party which helps the regime recruit political support.¹⁴

The military regime of Ershad also followed the same route of Civilianization of its rule. In his first address to the nation over Radio and Television, Ershad claimed that he was a "soldier" and he had no "political ambition", his taking of power was an "interim situation" and power would be transferred to the people's representatives rather he attempted to give a civilian cover-up to his military government.

In fact, Civilianization process is nothing more than trying to legitimise the military regime through controlled election system. It was never designed for total disengagement of the army from politics.

In a move to civilinise the military rule and ensure the participation of the people, Ershad adopted similar measures to these of other military rulers particularly his immediate predecessor, Zaiur Rahman. The psyche of military rule is a combination of both coercion and consent, although the intention is always to desist from coercion as far as possible. This has been the typical experience of regimes, such as those of Ayub Khan, Ziaur Rahman and Ziaul Haq. And Ershad regime was not exception. In this

process, Ershad held one referendum and three national elections and launched a political party – Jatio party (JP).

Ershad had taken-over power from an elected government headed by a president who had just obtained an overwhelming mandate to govern the country. This made his position even more untenable, no matter how he attempted to justify the take-over and however inept Sattar may have been. As soon as political activities were allowed to surface, therefore, political leaders called him an usurper and demanded elections and the withdrawal of martial law. Like Ziaur Rahmam, Ershad first held the local elections and a referendum for establishing himself. He then created certain political groups or platforms for political survival and the finally went on to hold national elections in order to achieve political sanction and legitimacy for his regime.

In order to consolidate its authority, the local government elections were scheduled to usher in, in military language a grass-root democracy. The union parishad elections were held on December 27, 1983 immediately after Ershad had become president by removing Justice Ahsanuddin Chowdhury who himself had been appointed as president soon after the military coup de'tat. Two months later in February 1984, elections were held for municipalities (except the city corporation of Dhaka and Chittagong)

Civilianization through Elections

Referendum-1985

Failing to build a national consensus in regard to holding national elections, Ershad attempted to establish his personal legitimacy and his sanction to govern. In this process, Ershad's first attempt was to hold a referendum in the same way as Ayub and Zia had done. While addressing the nation on March 01, 1985, Ershad announced that the referendum would be held on March 21, 1985. Ershad argued that the referendum was necessary in view of the fact that the national elections could not be held and he blamed opposition parties for not taking part in the election previously announced. He

deplored the fact that despite his sincere and relentless efforts, the opposition parties were not responsible enough to facilitate the transition to democracy.¹⁵

In the referendum the issue was an endorsement of both his policies and his continuation in office. He asked the people whether they endorse his policies and programmes and have confidence in him to continue as the resident of the country till national elections are held in accordance with the provisions of the suspended constitution. A government source claimed that 72.15% of the total voters voted in the referendum and 94.47% of them voted for Ershad.¹⁶ On the other hand, commenting on the referendum, the British Broad Casting Corporation (BBC) and the Voice of America (VOA) observed that only 5% to 15% voters voted in the referendum.¹⁷ The number of voter turn out, as the government source claimed, was rather unusual, because in such referendums in which there was no option excepting 'Yes' or 'No', voter turnout was supposed to be lower than in any other national election. Moreover, in order to resist the oppositions move against the referendum, Ershad Prohibited all political activities, strengthen Martial Law authority and arrested the two main leaders of the mainstream opposition Sheikh Hasina of the 15-Party Alliance and Khalade Zia of the 7-Party Alliance. Such repressive measures facilitate Ershad to hold the referendum more or less peacefully.

Parliamentary Election – 1986

The victory in the referendum set the stage for the parliamentary elections. But since 1983, the opposition organised mass movement against Ershad and they demanded the realization of their five point demands, 1) immediate withdrawal of martial law, 2) restoration of fundamental rights, 3) Parliamentary elections preceding any other election, 4) release of political prisoners and, 5) the trial of persons responsible for the mid February (1983) student killings.¹⁸

The year 1986 marked a unique departure from the past four years in politics with the lifting of a ten-month ban on political activities on the first day of 1986, the

two mainstream opposition alliances the 15 party Alliance headed by the Awami league (AL) and the 7 party Alliance led the Bangladesh Nationalist party (BNP) and also the Jamaat-e-Islami announced a coordinated programme of "direct action" to overthrow the military regime unless there was an announcement by the end of February of a definite polling date for parliamentary elections on the alliances own terms that is under a caretaker non military government.

In the wake of mass movements, Ershad to reschedule the election dates several times. A liason committee worked for forming a grand alliance by bringing together the 15-party and 7-party coalition in one platform and on March 18, 1985, both alliances, for the first time vowed jointly to resist any one who will contest the polls. The liason committee's bullying could not, however, hide the inherent contradiction between the two alliances. The rift in their unity occurred on the night of March 21, 1986, when the Awami alliance decided to participate in the election after president Ershad announced a revised polling date of May 7,1986, in a national broad cast. It appeared that the AL had already reached some understanding with the regime.

The BNP on the other hand, demanded the fulfillment of three preconditions for participating in the parliamentary elections – restoration of fundamental rights, release of all political prisoners, and the annulment of the judgement against politicians convicted under Martial law.¹⁹

A total of 1,527 candidates, 1,074 from 28 political parties and 453 independents, contested the elections to the Jatio Sangsad. During the six week election campaign, the JP highlighted Ershad's development activities and his scheme for decentralization. The party reminded the public of the likely consequences if the "Awami-Baksalites" return to power. The AL, the main opposition in the election, on the contrary dubbed Ershad's regime a military dictatorship and pledged the restoration of parliamentary democracy. In particular, the AL used the image of Shiekh Mugibur Rahman in the election campaign. The anti election parties, especially the BNP urged the people not to

participate in the election. As a result the BNP leader, Khalada Zia was confined to her house during the immediate pre election and post election periods. She attacked the AL for forming an "Unholy alliance" with the military regime and for betraying the unity of the opposition.

As the table shows that no party attained an absolute majority. Of the 300 seats in the Jatio-Sangsad, the Jatio party won 153, the AL 76, Jamaat-e-Islami 10, NAP(U)5, CPB 5, Muslim league 4, JSD-(Rab) 4, BAKSAL 3, JSD (Siraj) 3, Workers party 3, NAP(M) 2, and Independents 32. After the election, the Jatio party's strength in the Sangsad rose to 208 when 23 of the 32 independents joined the JP and it obtained 30 "reserved" women's seats and 2 additional seats in the by-election.

Table- 1

Results of the 3rd National Assembly Election May 7, 1986.

| Name of the party | Seat won | Percentage |
|-------------------|----------|------------|
| JP | 153 | 51.00 |
| AL | 76 | 25.33 |
| Jamaat-e-Islami | 10 | 3.33 |
| NAP(B) | 5 | 1.66 |
| CPB | 5 | 1.66 |
| ML | 4 | 1.33 |
| JSD (Rab) | 4 | 1.33 |
| BAKSAL | 3 | 1.00 |
| JSD (Siraj) | 3 | 1.00 |
| Workers Party | 3 | 1.00 |
| NAP (M) | 2 | 0.66 |
| Independent | 32 | 10.66 |
| Total | 300 | 100.00 |

Presidential Elections – 1986

At the last face of civilianization process, Ershad held the Presidential Election in October 1986. But no major parties including AL and Jamaat who participated in the parliamentary election, participated in it. A total of 16 candidates originally submitted the nomination papers, although four of them later withdrew. Of the remaining 12, three were considered Prominent candidates – President Ershad, the aging religions leader Moulana Mohammadullah (popularly known as Hofezzi Huzur), and Colonel (Retd.) Syed Faruk Rahman, a key leader of the August 1975 coup.

The AL alliances demanded rejection of Faruk Rahman's candidacy since he had been involved in the killing of Sheikh Mujib and also because his manifesto proposed changing the "national anthem" and "independence day" from March 26 to August 15, the day Sheikh Mugib government was overthrown by a section of the armed forces. In fact his candidacy left the AL in a quandary.

The BNP described the election as an attempt to legitimize "an illegal regime" and demanded Ershad's resignation, the dissolution of parliament, the release of all political prisoners, and assurance of a free and fair election under a neutral and caretaker government.

Ershad won a landslide victory, securing 83.57% of the votes (turnout was 54%), while his contestant, Moulana Mohammadullah, received 5.64% and Colonel Faruk came in third with 4.51% of the votes. Nine other candidates who contested in the election received an insignificant number of votes. The opposition alliances, however, condemned this election as "another farce" and claimed that less than 3% of the voters participated in the election. In the midst of these challenges, Ershad took the oath as an elected president on October 23, 1986, which the opposition alliances called a "Black Day" and they called Ershad a "Self declared President." By being elected to a five year term, Ershad turned himself from a 'Soldier' into 'Politician'. His victory had been massive but it was a foregone conclusion since there was no competent opposition

candidate. The fourteen-day newspaper strike from September 20 to October 4 had prevented the opposition from getting ample coverage of their anti-election and anti-Ershad views. However, the opposition continued their demand for the resignation of president Ershad.

Civilianization through Political Party Process of Party Building:

In quest for civilianization of his military regime, Ershad did not join or revive any political party rather he launched a new political party. Since his assumption of power, the opposition started movement against him. From July 1982 onward, the opposition movement gained massive support. Ershad then attempted to create a new dimension in the politics of Bangladesh. As a preparation for launching a party, Ershad first introduced the 18-point programme in January, 1983, and the central as well as local bodies of the 18-point programme implementation committee were formed. Mahbubur Rahman was appointed as the convener of the central committee of the 18-point programme implementation committee.

On November 27, 1983 at a grand conference at the Institutions of Engineers, Dhaka, President, Mr. Justice A. F. M. Ahsanuddin Chowdhury announced the formation of 'Janadal', a new political party, for the establishment of real democracy and socio-economic welfare of the masses with himself as the chairman of the 208 member central convening committee.

The main objectives of the 'Janadal' were:

- To uphold ideals of Bangladeshi nationalism;
- Establishment of Islamic ideals and values in all spheres of state and social life;
- Tolerance to all religion;
- Equality and respect for all;
- Establishment of real democracy by establishing democratic systems from lowest level in the society;

- Socio-economic development through the full and active participation of the masses;
- Establishment of social Justice and participation of professional groups including the armed forces in all national development activities.

General Ershad, the defacto leader of the party remained behind the scene. Under the shadow of the government the youth, student and labor fronts of the party were formed. Ershad (CMLA) formally did not join the party but he openly supported and assisted the party by all means. The 18-point programme implementation committee merged with 'Janadal' in March 1984.

Janadal was not strong enough and organised up to the grassroots level to resist the opposition movements as well as to contest for any electoral victory. Most of its members were either second ranking leaders of existing political Parties or complete political unknown.

Table- 2

Political background of the members of the Supreme Council of Janadal

| Ex-party affiliation | Number | Percentage |
|----------------------|-----------|---------------|
| BNP | 5 | 45.45 |
| Awami League (H) | 1 | 9.09 |
| Awami League (Mizan) | 1 | 9.09 |
| Democratic league | 1 | 9.09 |
| Jagodal | 1 | 9.09 |
| Others | 2 | 18.18 |
| Totals : | 11 | 100.00 |

Source : Mahbubur Rahman, Socio-Economic Development under military Regime: Recent Experience in Bangladesh, the Journal of Political Science, Dhaka university, vol-11, issue 1, 1985, p.73.

Table- 3

Political background of members of the 35 Central Convening Committee of Janadal:

| Ex-party affiliation | Number | Percentage |
|----------------------|-----------|---------------|
| BNP (Shah and Huda) | 8 | 22.85 |
| Awamileague (Mizan) | 5 | 14.28 |
| NAP(B) | 1 | 2.85 |
| ML (Sidique) | 1 | 2.85 |
| Ganatantrik Party | 1 | 2.85 |
| Politically Unknown | 19 | 54.28 |
| Totals : | 35 | 100.00 |

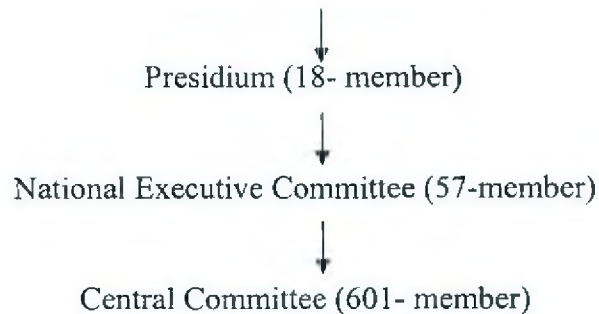
A survey of the political background of the 35 member convening committee of 'Janadal' shows that 19 were politically unknown, 8 from BNP (Huda and Shah) and 5 from AL (Mizan), one from NAP(B), one from ML, and the last from Ganatantrik party.

Since Janadal was not a strong enough base to mobilize electoral support and failed to recruit political heavy weights, Ershad needed to make a political front with some other political forces. Thus on August 16, 1985 a new five party political alliance, The National Front (comprising The Janadal, The Peoples Party, The Gonatantrik Party, The Bangladesh Muslim League and Bangladesh Nationalist Party (Shah) – a breakaway section of the BNP emerged. As Ershad rescheduled Parliamentary and Presidential elections to be held in 1986, so he wanted a reorganised Political party instead of Jatio Front.

Thus the Jatio Party meaning national party launched on January 1, 1986 with Ershad himself as its chairman and Prof. M. A. Matin as Secretary General. Matin announced the formation of the party at the central office of the party at Dhanmondi. Anwar Zahid, member secretary assisted him. The new party JP consisted of all the five political parties of the national front and individuals.

They were Janadal, UPP (Jafar), Muslim League (Sidique), BNP (Shah) and Ganatantrik Party.

The structure of Jatio Party



The groups and factions that joined the JP had ideological differences. Some UPP (Jafar) and Ganatantrik Party were leftists and the others i.e. The Muslim League (Siddique) and BNP (Shah) were rightist, but they were all united in their common desire to support the regime and share its patronage. They also had another bond – they opposed the Indian influence in Bangladesh and favoured US – Pak – Chinese influence.

The JP's ideology and principle were shortest; the party proclamation which laid down five basic ideals and 10-point principles clearly established JP's image as centrist and pragmatic party. The five basic ideals included to "protect independence and sovereignty", "establishment of Islamic Principles and honour to the people of other religions", "Bangladeshi nationalism", "democracy and social progress" and "economic emancipation." The 10-point principles included pledges to establish---

- National consensus on the fundamental of the state :
- Safeguarding of national independence and the state sovereignty;
- Preservation of the ideals of independence struggle of 1971 and respect to the freedom fighters as heroes;
- Establishment of stable political and administrative system on the basis of social justice; and

- Preservation of political stability and giving firm foundation to the institutional structure in democracy.²⁰

The Jatio Party also declared its Party Programme, industrial Policy, Agriculture Policy, Foreign Policy, Education Policy and Defence Policy. The defence policy of the party included to associate the armed forces in the nation – building and development activities.

The crucial questions involve, what social forces do the newly floated political party- Jatio Party represent? Who joined the Jatio Party? And what were their background in respect of party affiliation, age, education and profession? The following tables help us answer these.

Table- 4

Occupational background of the members of the JP presidium selected in January, 1986.

| Occupation | Number | Percentage |
|-----------------------------------|---------------|-------------------|
| Lawyers | 3 | 14 |
| Businessmen and industrialist | 10 | 48 |
| Former army officers ^a | 3 | 14 |
| Journalists | 2 | 10 |
| Doctors | 1 | 5 |
| Former Government officers | 2 | 10 |
| Totals : | 21 | 101* |

^a former army officers selected to the Presidium are now businessmen.

* Total Percentage exceeds 100 because of rounding.

If we look closely at table 4 we find that the business and industrial class are the dominant social classes among the members of the presidium of the Jatio Party, constituting 48 percent. As former army officers selected to the presidium are now all

businessmen, they can be, categorized as business groups too so that the number of members belonging to business and industrial class rises, constituting 62 percent of the total. All members of the presidium were members of the Ershad cabinet. If we compare occupational background between Khalada Zia's first council of ministers with that of Ershad's Presidium members we would see that the business and industrial class are the dominant social classes that represents the politics of Bangladesh.

Table- 5

Occupational Background of the Ministers of Khalada Zia's Council of Ministers, September, 19, 1991

| Occupational background | Number | Percentage of total |
|---|---------------|----------------------------|
| Lawyers | 8 | 20 |
| Businessmen and industrialist | 18 | 45 |
| Former army officers now businessmen and industrialists | 5 | 13 |
| Land holders | 1 | 2 |
| University and college professors | 5 | 13 |
| Former government officers | 2 | 5 |
| Full time Politicians | 1 | 2 |
| Totals : | 40 | 100 |

Source: Table 5, Member of Khalada Zia's ministry in Talukder Maniruzzaman's, *The fall of Military Dictator: 1991 Elections and the prospect of Civilian Rule in Bangladesh*, Pacific Affairs, vol. 65, No.2, Summer 1992. p. 217

Table- 6

Age of the members of the JP Presidium

| Age | Number | Percentage |
|-----------------|-----------|------------|
| 56 and above | 10 | 48 |
| 46 – 55 | 8 | 38 |
| 36 – 45 | 3 | 14 |
| Totals : | 21 | 100 |

Table- 7

Education

| Level of Education | Number | Percentage |
|--------------------|-----------|-------------|
| Post graduate | 14 | 67 |
| Graduate | 6 | 29 |
| Below graduate | 1 | 5 |
| Totals : | 21 | 101* |

* Total Percentage exceeds 101 because of rounding.

Table- 8

Political Background

| Name of the immediate past political party | Number | Percentage |
|--|-----------|-------------|
| BNP | 11 | 52 |
| AL | 2 | 10 |
| Pro-Chinese {(UPP, NAP(N))} | 2 | 10 |
| Ganotantrik party | 1 | 5 |
| Muslim League | 1 | 5 |
| Democratic Party | 1 | 5 |
| Former Government officers | 3 | 14 |
| Total | 21 | 101* |

* Total Percentage exceeds 101 because of rounding.

Table- 9
Occupational background of the National Executive Committee (NEC)
Members of Jatio Party.

| Occupation | Number | Percentage |
|--------------------------------|---------------|-------------------|
| Lawyers | 7 | 11 |
| Business and Industrialists | 40 | 66 |
| Journalists | 2 | 3 |
| Teaching in school and College | 2 | 3 |
| Former army officer | 1 | 2 |
| Doctors | 2 | 3 |
| Former student leader | 3 | 5 |
| Landholder | 4 | 7 |
| Total | 61 | 100 |

Table-10
Age

| Age | Number | Percentage |
|-----------------|---------------|-------------------|
| 56 and above | 2 | 3 |
| 46-55 | 29 | 47 |
| 36-45 | 26 | 43 |
| 31-35 | 4 | 7 |
| Totals : | 61 | 100 |

Table -11
Education

| Level of Education | Number | Percentage |
|---------------------------|---------------|-------------------|
| Post Graduate | 15 | 25 |
| Graduate | 28 | 46 |
| Below Graduate | 18 | 29 |
| Total | 61 | 100 |

Table- 12
Political Background

| Name of the immediate past political party (Ex-party affiliation) | Number | Percentage |
|--|---------------|-------------------|
| BNP | 27 | 44 |
| AL | 7 | 12 |
| Pro-China | 10 | 16 |
| Pro-Moscow | 3 | 5 |
| ML (Siddique) | 4 | 7 |
| No Political Background | 10 | 16 |
| Totals: | 61 | 100 |

For the mid-level leadership, it provides an opportunity to provide an opportunity to prove their mettle, gain the confidence of the general members and rise to the party hierarchy. Most important, it provides an opportunity for the entry and play of new ideas and energies. The crucial fact is that democratic norms and values were never practiced inside Jatio Party. To quote an analyst:

"the ruling throughout his regime functioned as the B-team while the main source of power remained in the cantonment".²¹

Like other political parties that launched by the military rulers, the Jatio Party had a number of built-in problems in institutionalizing a party, when it organized by the government in power. The first and the major problem is that such a Sarkari (govt.) party generally attacks members who are not at all concerned about party ideology and programmes, rather they are there simply to share government patronage and power. Because of the differences in political ideologies and background in Jatio Party, it was usual to occur faction and cleavages in the party. In most cases, Ershad minimised factions and cleavages following different strategies. Democratic Practice within the Party is important for many reasons. It makes the leadership accountable, sensitive and

keeps it in touch with the workers. For the workers it provides training in democracy. The organizational structure of the Jatio party support the concentration of authority in party chairman's hands. As was the case with the Pakistan Muslim League under military ruler Ayub Khan, BNP under Ziaur Rahman, so in Jatio Party, the party chairman is all powerful. His removal was also a difficult and nearly impossible task.

The key central bodies of the Jatio Party, Presidium, National Executive Committee, Central committee and the parliamentary board are not elected by party members, rather they are nominated by the party chairman.²² Since upward mobility in the Jatio Party hierarchy depends on the pleasure of the powerful party chairman, rather than support by the party members, it discourages the growth of leadership qualities and institutionalization process in the party. As Stanley A. Kochanek writes, "the Jatio Party was composed of opportunists, if never developed organizational roots and was unable to build a loyal following."²³

Since its inception, Janadal could not achieve its goals as Ershad desired. For that a political front comprising five political parties and individuals was formed to make it affective. But the front also could not achieve its desired goals. In the parliamentary and presidential election of 1986, although the party won both the elections it could not mobilise the masses in favour of the elections and could not succeed in bringing the opposition in the electoral process. Similarly, in the first half of November 1987, (10th Nov), the opposition launched their "Dhaka seize" programme. The programme paralysed the entire administration and Ershad government fell into a critical position. During the programme, JP could not mobilise the masses against the programme. The Perform of the party was highly unsatisfactory in 1988 Parliamentary election as well. In the election, the party could not mobilise masses in favour of the election and it could not bring the oppositions in the electoral Process. As a foreign scholar writes:

"Ershad was not successful in attempting mobilise popular support through the creation of Jatio Party. His party attracted an odd assortment of politicians but fail to build a much following. The party was a useful route to personal enhancement but those who saw it as a tentative step towards the establishment of a democratic regime were gradually disillusioned."²⁴

Besides, Ershad government faced serious economic losses because of hartal programmes. To resist the hartal programmes, Ershad attempted to organize anti-hartal campaigns and propaganda by his party, but could not achieve the target. In most cases, failing to resist the anti-government movements in civilian Pattern, Ershad had to depend on non-civilian forces. From October 1990, the All party students unity (APSU) and the people almost from all walks of life intensified their movements against the government. Ershad could not tackle the situation by his party in civilian pattern rather enforced a state of emergency all over the country and took several repressive measures. In spite of such steps, Ershad government was over thrown on December 6, 1990, as the opposition demanded. So, it may be deduced that Ershad could succeed in achieving legitimacy by mobilising the people in favour of the regime through his party.

Civilinisation of Military Regime through Upazila Election -

After the union parishad election, Ershad carried out his civilinisation process through Upazila election. By December 1982, the upgradation of the 460 Upazilas was completed. Ershad declared the poll date of the Upazila Chairmanship to be March 24, 1985. The combined opposition pressed the regime for a parliamentary election and withdrawal of martial law. They wanted a representative superstructure at the top but Ershad was determined to start at the local level. The opposition, while opposing the Upazila election, opposed the system itself. It was said that Ershad had no right to bring such a major change without an act of parliament. They termed the Upazila reform a gross violation of the democratic principles of the constitution.

The opposition started serious protest and demonstration Programme against the holding of UZ election. There was a call for general strike on March 1, 1984 to protest against holding an Upazila election. One person was killed and 200 were injured in clashes between the police and the protesters.²⁵ A twenty-two day programme of action was launched from March 2 to 24, 1984, to create a serious deadlock in submitting nomination papers. Finally the government postponed the Upazila election and declared a poll date for a parliamentary election on May 27, 1984.²⁶ The opposition stand created suspicion and panic among the aspirant candidates for the Upazila Chairmanship and the elected member and chairman of the union parishad who already benefited immensely from the Upazila system. Ultimately, the rural leadership folk moved toward the government and the opposition finally lost their support and sympathy.

In the post referendum address and statements, Ershad expressed the desire to hold the Upazila election in the meeting of the military high command on April 7, 1985, and the response was found favorable.²⁷ Accordingly, the election commission declared the date for holding the Upazila elections in the phases on May 16 and May 20, 1985 respectively.

The 15- party alliance, the 7 party combine and the Jamaat-E-Islami threatened their member with expulsion from the party if any body filed a nomination paper to

contest in the Upzila polls. They launched a movement against the holding of an election. In early May, as the Upazila election campaign was gaining momentum, violence was reported from every nook and corner of the country. In spite of the resistance, in all 3095 candidates filed nomination papers for 460 seats and finally 2372 contested in the election.

The firm anti-elation move of the opposition rushed the aspiring local leaders to join hands with Janadel as the desperately looked for a political career in the Upazila parishads. The election was held two phases. The first phase included polls in 251 Upazilas on May 16 and the second phase was held on May 20 in 207 Upazilas. The incidents of violent clashes, snatching of ballot boxes, killings and injuries were reported rampantly on both the dates.

The overall official estimate of voter turnout was 54.17 percent.²⁸ According to survey results from the four dailies – The Bangladesh observer, The Daily Ittefaq, the Bangladesh Times and The Sangbad, The government backed Janadel won 207 (45%), independent 124 (27%), AL 55(12%), BNP 7 (32%), JSD 23(5%), NAP, BAKSAL and ML 19(4%) seats respectively.

Table-13

Results of the Upazila Election held in May 16 and May 20, 1985.

| Name of the party | No. of seats won | Percentage of total |
|--------------------------|-------------------------|----------------------------|
| Janadel | 207 | 45 |
| AL | 55 | 12 |
| BNP | 32 | 7 |
| JSD | 23 | 5 |
| others (NAP, BAKSAL, ML) | 19 | 4 |
| Independents | 124 | 27 |
| Totals | 460 | 100 |

Source: The Bangladesh observer May 25, the Ittefaq May 30, The Bangladesh Times May 31, and the Sangbad June 13, 1985.

By holding Upazila election, Ershad ahead another step in consolidating his base in rural areas. The Upazila Chairmen themselves organised a national organisation namely, the 'Upazila chairmen parisad'. The parishad started issuing statements in the newspaper supporting various government steps and condemning bureaucracy and opposition political parties.

The president accompanied some of the leaders of the Upazila Chairman Parisad, during his state visits from time to time and they were always found beside the president in most of his public appearances. A memorandum was issued at the end of 1985 stating that an Upazila Chairman should be invited to all the state functions as a 'state dignitary'. The UZ Chairmen also has given the rank and status of a 'Deputy Secretary' of the government. Beside in the absence of parliament, the Upazial Chairmen being public representatives, enjoyed most of the power, prestige and status of 'de facto' M.P.s.²⁹

Thus, by holding UP and UZ election, Ershad was almost successful in consolidating his power base in the local govt. areas and proceed further to hold referendum Presidential and Parliamentary election. The legal framework for holding the presidential referendum was arranged. The officials and peoples of Bangladesh had experienced two such referendums previously in February 1960 and in May 1977 respectively for general Ayub and Gen. Zia. The whole responsibility of its administrative as well as for the campaigning arrangement including constituting the referendum committees, holding public meetings, publicity propaganda was shouldered by officials at district and upazila level. The referendum committees were formed at district, upazila and union levels. At district level, the Deputy Commissioner headed the committee as Chairman and other district level officials were the members. The UNO became the chairman of the Upazial level. The members included in the Upazila referendum committee were the union parisad chairman, upazila level officials, Headmasters of local schools, representatives from the freedom fighter command council and other person considered suitable. The Chairman of the union parisad and

member drawn from village defence party (VDP), teachers of local schools and local notables in addition to the members of VDP led the union level committee.³⁰

A briefing session for the senior civil servant was arranged in the CMLA secretariat at Dhaka where they were asked to visit at least two Upazilas. They further were instructed to hold meetings in the upazilas to persuade people to participate in the referendum and also to supervise the official arrangements.³¹

Over a million (1.2) posters with General Ershad's portrait were printed at government cost. The national media started special programme and General Ershad started attending public rallies every day all over the country.³² The total cost of holding the referendum was Tk. 700 million excluding the cost of maintaining law and order which would amount Tk. 100 million more.³³

Table-1

Party Affiliation of the Candidates Contested in Upazila Election in May 1985

| Name of Political Parties | No. Of Candidate | % |
|---------------------------|--------------------|-------|
| Janadal | 993 ¹ | 42.18 |
| BNP | 187 | 7.94 |
| Awami League | 176 | 7.47 |
| JSD (S – R) | 87 | 3.68 |
| Muslim League (all group) | 62 | 2.62 |
| Jamate-e-Islami | 16 | .67 |
| BAKSAL | 14 | .59 |
| NAP (M – S) | 14 | .59 |
| UPP | 6 | .25 |
| Ganatantric Party | 4 | .16 |
| Workers Party | 4 | .16 |
| JSD (M – S) | 3 | .13 |
| Jana Juba Sanghati | 12 | .50 |
| Independent | 770 | 32.70 |
| Total: | 2,354 ² | 100 |

Source: The Daily Ittafaq, May 16, 1985

Table- 2
Party Affiliation of Elected Chairman as per Survey Conducted by the Daily
Ittefaq and Weekly Holiday

| Name of Political Parties | The Daily Ittefaq Total-460 No. of Chairman | % | The Weekly Holiday Total – 441 No. of Chairman | % |
|---------------------------|--|-------|---|-------|
| Janadal | 207 | 45.00 | 206 | 46.71 |
| Awami League | 53 | 11.52 | 48 | 10.88 |
| BNP | 34 | 7.39 | 47 | 10.66 |
| JSD (S – R) | 19 | 4.13 | 16 | 3.63 |
| Muslim League | 8 | 1.74 | 9 | 2.04 |
| NAP (M) | 6 | 1.31 | 4 | .90 |
| BAKSAL | 4 | .87 | 5 | 1.13 |
| UPP | 3 | .65 | 4 | .90 |
| JSD (M – S) | 2 | .43 | 3 | .68 |
| Gantantrik Party | --- | --- | 1 | .22 |
| Sammyabadi Dal | --- | --- | 1 | .22 |
| Khelafate-Rabbani | --- | --- | 1 | .22 |
| Party | --- | --- | 1 | .22 |
| Khelafat Andolan | --- | --- | 1 | .22 |
| Independent | 124 | 26.96 | 95 | 21.54 |
| Total : | 460 | 100 | 441 | 100 |

Source: (i) The Daily Ittefaq, Dhaka, June 19, 1985,
(ii) The Weekly Holiday, Dhaka, May 24, 1985

Table-3
Landholding Pattern (in acres)

| Land Holding (in acres) | No. of Responses | % of the Total | Cumulative % |
|----------------------------|------------------|----------------|-----------------|
| 0-5 | 34 | 18.58 | 18.58 |
| 6-10 | 37 | 20.22 | 38.08 |
| 11-15 | 26 | 14.21 | 53.01 |
| 16-20 | 27 | 14.75 | 67.75 |
| 21-26 | 18 | 9.84 | 77.06 |
| 26-30 | 10 | 5.46 | 82.52 |
| 31-35 | 8 | 4.37 | 86.89 |
| 36-40 | 5 | 2.73 | 89.62 |
| 41-45 | 1 | 0.55 | 90.17 |
| 45 and above | 12 | 6.53 | 96.70 |
| No. Response | 5 | 2.73 | 100.00 |
| Total : | 183 | 100.00 | 100.00 |

Source: Ahmed, T. (1986)

Table-4
OCCUPATION OF THE UPAZILA CHAIRMEN

| Occupation | Principal | % | Secondary | % |
|-------------------|-----------|-------|-----------|-------|
| Cultivation | 69 | 37.70 | 90 | 49.18 |
| Business | 67 | 36.61 | 60 | 32.78 |
| Industry | 5 | 2.73 | --- | --- |
| Contractor | 5 | 2.73 | --- | --- |
| Teaching | 25 | 13.66 | --- | --- |
| Law Practice | 10 | 5.46 | --- | --- |
| Renting of Houses | --- | --- | 27 | 14.75 |
| Medical Practice | 2 | 1.00 | --- | --- |
| Others | --- | --- | 26 | 14.20 |
| Total: | 183 | 100 | | |

Source: Ahmed, T. (1986)

Table-5
INCOME LEVEL OF UPAZILA CHAIRMEN
(IN THOUSAND TAKA)

| Income (Tk.) | No. of Responses | % | Cumulative % |
|---------------|------------------|-------|--------------|
| 20-50 | 30 | 16.39 | 16.39 |
| 51-100 | 59 | 32.24 | 48.65 |
| 101-150 | 42 | 22.95 | 71.58 |
| 151-200 | 18 | 9.84 | 81.42 |
| 210-250 | 08 | 4.37 | 85.79 |
| 251-300 | 3 | 1.64 | 87.47 |
| 310-350 | 5 | 2.75 | 90.16 |
| 351 and above | 10 | 5.47 | 95.63 |
| No response | 8 | 4.37 | 100.00 |
| Total : | 183 | 100 | 100.00 |

Source : Ahmed, T. (1986)

Foot notes:

1. Talukder Maniruzzaman, The Fall of the Military Dictator: 1991 - Elections and the Prospect of Civilian Rule in Bangladesh, Journal of pacific Affairs, Vol. 65 No.2, Summer 1992, p.2041
2. Opcit.
3. Talukdar Maniruzzaman, The Cambridge Encyclopedia of India, Pakistan, Bangladesh Sri Lanka, Nepal, Bhutan and Maldives p.222.
4. Opcit.
5. A.N. Shamsul Haque, Politics and Bureaucracy in Bangladesh.
6. Riaz, Ali, State, Class and Military Rule, 1997, P. 257.
7. Opcit.

8. Major General Manzur Rashid Khan, *The Independent*, July 19, 1997.
9. Talukder Maniruzzaman, *Journal of conflict Resolution*, 1991.
10. Bergman, David, *Bangladesh's Opening for a New Beginning*, *Economic and political weekly*, Feb. 16 1991.
11. Kochanak, Stanley A. *Patron-Client Politics and Business Bangladesh* UPL. Dhaka 1993, P.65.
12. The 7-member Council of ministers consisted of Rear Admiral Sultan Ahmed, Air Vice-Marshal Sultan Mahmood, Major General Abdul Mannan Siddique, Major General Shamsul Hoq, Major General Mohbbat Jan Chowdhury, Major General Mahmudul Hasan Chowdhury and Major General M.A. Munam.
13. Talukdar Maniruzzaman, *The Cambridge Encyclopedia of India, Pakistan, Bangladesh Sri Lanka, Nepal, Bhutan and Maldives* p.222.
14. Jahan, Rounaq, *Pakistan: Failure in National Integration*, (New York, 1972), P.206
15. Ershad's Address to the nation over Radio and Television, March 1, 1985.
16. Bangladesh Election Commission Gazette Notification, March 26, 1985.
17. The BBC and the VOA commentary, March 21 and 22, 1986.
18. The Bangladesh Observer 26 October 1983.
19. The last condition was vital for the BNP. Because nine of its national leaders who were ministers in the government ousted by the Ershad regime in 1982 were convicted on various charges including corruption and were prohibited from contesting elections for five years.
20. The Jatio Party Ghoshana patra (proclamation) n.d.
21. Iftekharujjaman, 1991, p.21
22. Kochanek, S.A. *patron – client politics and business in Bangladesh*, UPL, P-53.

23. Kochanek S.A. Opcit.
24. Rizvi, Gowher, Bangladesh: Towards civil society, *The World Today*, August-September 1991.
25. Ahmed, Tofail, P.72
26. Opcit.
27. Holiday, April 12, 1985.
28. Ahmed, Tofail, Ibid
29. Opcit, 78
30. Ali, AMMS (1985) National political process and the Upazila election, the *Journal of local Government (special issue of Upazila)*, NILG, Dhaka.
31. Meno NU CDIDA-v, 119(1) 85-41 at March 7, 1985 Cabinet Division, president's secretariat in Tofail Ahmed's *Decentralization and Development*, p. 74
32. Opcit.
33. Ali, AMMS Opcit, 1985, P. 27.

Chapter-III

Reforms of Ershad in Administration, Judiciary and Land

Ershad claimed that he brought certain reforms and introduced some new policies in the economic field. He also claimed credit for bringing about decentralization of the administrative system. I would now analyze Ershad's policies in the above mentioned reforms and try to understand how far this policies and reforms were successful.

Immediately on assumption of power, General Ershad set three major goals of his government.

- a) Streaming government machinery and weeding out corruption.
- b) Gearing up the economy.
- c) Ensuring people's participation in government activities and establishing a viable democratic system.¹

Ershad also made a commitment that the military would eventually return the government to civilian rule after implementing above mentioned series of long-term changes in the country's, economic and social order. These included elimination of corruption, decentralization of the administrative system and disinvestment of industries to private owners, land reforms, and educational changes. In pursuance of such goals, the major actions of the new regimes have been to suspend all political activities of individuals, groups, and political parties to abolish Zia's Gram Sarkar, and Zubbo complex.

Legitimising the present: deligitimising the past

Having seized power, the military rulers in Asia, Africa and Latin America, try to establish some form of legitimacy. But the process of legitimacy is not a easy path to gain. Therefore, most of the military rulers who want to establish legitimacy face

immediate problem. One of the main ways in which the new military regime attempt to establish itself was to delegitimise the previous regime, retrospectively by establishing a series of commissions of inquiry to investigate government malpractice and corruption. In Guambia, the military ruler led by Jammah and his AFPRC followed the path of delegitimise the previous Jawara regime by establishing a series of commissions of inquiry to investigate. This applies in particular to senior figures in the ousted regime such as Saihou Sabally, Bakary Durbo, lamin kitty Jabang and of course, Jawara himself.

The very night Ershad's gunmen took over; they arrested and jailed all the prominent ministers of previous regime on charges of corruption – sparing only those who had secretly lent support to them. This was followed by many prominent businessmen and bureaucrats being charged and jailed. Wide publicity was given to the various cases instituted against them, and media attention was extensive. The regime constituted martial law court for summary trials and many convictions followed. The leading Ministers of Sattar's and Zia's cabinet who were tried for corruption and misuse of powers and imprisoned for various terms ranging from five to ten years were: Deputy prime minister Jamaluddin Ahmed, Major, General Majeedul Hoque (Establishment), Mayor Abul Hasanat (Works Minister), M. Saifur Rahman (Finance), Obaidur Rahman (Civil Aviation), Abul Kashem (Youth), and Tanvir Ahmed Siddiqui (commerce).²

Two other ministers who were arrested and being tried at a later stage were Moyedul Islam (Telephone) and Ex-Deputy Prime Minister Moudud Ahmed. Under the martial law order and Judgement of the Martial Law Courts, numerous bureaucrats were also removed from services on charge of corruption and about 550 civil servants including secretaries, senior police officers, public corporation chairman, judges of the high courts and bank executive were being charged in various cases of corruption. The government officials lost their jobs without any charge being filed against them or without being given an opportunity of being heard. Some businessmen were also

arrested and tried for making money by illegal means during the freewheeling days of Ziar Rahman. The regime wanted to prove that "they meant businesses and would not tolerate corruption. Having seized power from an elected president, however, Ershad even more than Zia, desperately needed to justify his regime. Having claimed that the coup had been necessary to restore economic order and end corruption. He gave top priority to the economy and development. Like Zia, Ershad came to power during major economic crises. The economy had stagnated, and foreign aid support had declined. Within months of taking office, he announced three major policy initiatives: a new industrial policy to spur economic growth, a new drug policy to provide cheap medicines to the poor, and a system of governmental decentralization to facilitate development.

Decentralization of Administration: Pattern

Following the unconstitutional take over in March 24, 1982, the military government of General Ershad took up the question of reforming the administrative system as the first of a series of other reforms. It is also the one which faced stiff opposition from the political parties when the government wanted to implement it by making a fully elective local government system at the Thana level.

In Burma, the administrative reform attempts during the fifties and sixties centred on rejuvenation of local government system. Under the reforms carried out in 1956, the Burmese Deputy Commissioner was made the chief Executive officer of the elected council at the district level. During the early sixties, the local government councils were suspended. The experiment did not succeed.

In Pakistan, from 1947 to 1971, in spite of the recommendations of a number of administrative reforms committees/commissions, no basic change was effected in the inherited structure of the administrative system. The major change, instituted in 1958, by the military government of Ayub Khan when Bangladesh formed part of Pakistan,

made the District officer the chairman of the elected local government body at the district level and sub-divisional officer as chairman at the Thana level.³

In 1972, the new government of Sheikh Mujibur Rahman directed to its attention first to reform the administrative system. The constitution adopted during the year provided a basis for the creation of a decentralized administrative system built around the elected local government institutions at all level of administration. The recommendation of the Chowdhury committee were a compromise between a radical renovation of the district officer system and a decentralized structure of administration under popular control.⁴

The military government of Ziaur Rahman did not opt for any radical renovation of the local government system except for installing the village government or the Gram Sarker. The Zia regime, however, took two decisions – the constitution of Thana Development committee and the appointment of the district Development coordinators from amongst the elected MPs of the ruling party.

Ershad termed all the previous administrative systems one of the carriers of corruption. He termed the then administrative system mouth-eaten that is unsuitable for an independent country. Ershad did not have at all believed in the post policy of urbanity of the towns. Ershad termed his system 'people' oriented and vowed that 90% people will get benefit from his system. Under this plan, thana will become the nucleus of the administrative system was to (a) bring the administration nearer to the people.(b) effect devolution of authority on a strengthened local government system at the Thana level and (c) put the Thana bureaucracy under popular control to be exercised by a directly elected chairman of the Thana council.⁵

Constitution of the Committee for Administrative Reorganization (CARR)

On April 28, 1982, within thirty-five days of the coup d'e'tat, Ershad formed a seven-member high-powered committee under the chairmanship of the Deputy chief martial law Administrator (DCMLA) and Adviser in-charge of the ministry of communication Rear Admiral Mahbub Ali Khan known as the committee for Administrative Reorganisation (CARR). The 7-men committee consisted of a chairman, and member secretary and five other members. Dr. Shawkat Ali, member Director, BADC acted as member secretary. The other members of the committee were-Mr. A. Z. M. Obaidullah Khan, adviser in-charge of the ministry of Agriculture, Mr. M.M. Zaman, Secretary, Cabinet Division, BA-195 Brigadier Mahmudul Hasan, Director of Military operations, AHQ, Dhaka cantt., Dr. Anisuzzaman, professor of public Administration Chittagong university, and Mr. Maqsood Ali, Director-General, NIPA. Later three more members were co-opted. The committee was required to submit its report to the government by June 30, 1982.

The terms of reference of the CARR

The function of the committee as mentioned in the terms of reference were:-

- (1) To review the structure and organisation of the existing civilian administration with a view to identifying the inadequacies of the system for serving the people effectively; and
- (2) To recommend an appropriate sound and effective administrative system based on the spirit of devolution and the objective of taking the administration to the people.

The working of the committee

The committee held several sessions to decide the scope of work and methodology for the report. It was felt that the scope of work should be limited to an inquiry in to the working of the local government and local administration. More emphasis should be given on the concept of devolution of authority from the centre to the local level with primary focus on the need to ensure people's participation. On the

question of methodology it was decided that besides inviting written submissions from the people at large on specific questions to be published in the newspapers, the committee would visit a number of thanas of as many districts as time and opportunity would allow.

The Findings of the Committee

The committee identified a number of inadequacies of the then existing administrative system such as 'lobby' based decision making, compartmentalisation of departmental functions, weak local government system, lack of strong political will on the devolution of power, parallel and administrative institutions with conflicting jurisdiction.

In course of its deliberations the committee found that:

- Popular participation in administration was lacking;
- Coordination of field services, in particular at Thana level, was totally absent;
- There were too many levels of administration creating for the common man problems of communication and access to government services.

Recommendations of the Committee

The committee submitted its report on June 22, 1982 that is within less than two months time of its constitution. Such hurry was undesirable and unwarranted as the committee was dealing with a matter of vital importance, having far reaching consequences for the nation. The committee, however, made the following recommendations for ensuring effective popular participation in developmental activities:⁶

- The Thana should make the basic unit of administration.
- Sub-division should be upgraded to Districts:
- Elected local councils at union, Thana and District levels:
- Directly elected chairman at union Paishad (UP) Thana Parishad (TP) and Zila Parishad (ZP).

- Chairman of UP to be member of TP:
- Chairman of TP to be member of ZP:
- All officials working at union, Thana and Zila levels would attend and participate in Parishad meeting at their respective levels;
- ZP/TP to be provided with senior staff support:
- UP/TP/ZP Chairman to be Chief coordinators of all government activities except magistracy/Judiciary which will be separated:
- Elected chairman to be vested with adequate powers to ensure accountability of local officers:
- Regulatory administration should be brought under the purview of local councils within a time-bound programme:
- Village courts as they are functioning now may be strengthened in terms of enforceability of decisions as well as in terms of adequate training:
- There should be restriction on appeals from the judgement of village courts and this may be based on the following principles:
 - i) No appeal against unanimous verdict.
 - ii) No appeal in case of confirmation of verdict by the appellate court.
 - iii) Second appeal to be in case of divided opinion among members constituting the court or if the verdict is set aside by the appellate court.
- The post of commissioner may be converted into that of vigilance commissioner while other officers as are functioning organised may act as inspectorates / technical support-giving agencies;
- All Thana level committees may be abolished and TP may form committees as and when necessary;
- ZP/TP to be given powers to oversee police functions and regulatory control as provided under relevant statute should be strengthened:
- A permanent inter ministerial committee for implementation of the recommendations should be established:
- The question of Mouza / ward as an electoral unit for local government elections may be considered based on 1000 to 1500 voters in a unit:

- In view of the large number of districts created, it may be necessary to provide regional planning and vigilance support. Seven such centres may be created which will include the existing four Divisions.

Admiral Khan Committee recommended upgradation of Thana in phases. It had identified 301 Thana with minimum infrastructural facilities where the work could start straightway.⁷ It has recommended a three phase implementation plan. Out of 401 Thana, only those Thana having a population of more than 200,000 could be included in the first phase. The second phase might include Thanas with 100,000 populations. During the 3rd phase, Thana below 100000 populations could be taken up for upgradation. The principle of phased upgradation of Thana as recommended by the administrative reform committee was accepted in principle although the process of implementation involved nearly 10 phases for the urban Thana which were taken up separately.⁸ The phased implementation is shown at Annex-8

The government adopted all the recommendations of the CARR committee. The legal, administrative and financial process has been completed with great promptness and from November 7, 1982, started implementing the programmes under the 'administrative decentralization' scheme.

The Upazila System

The submission of the CARR report led the regime to promulgate the local government (Upazila parishad and upazila administration reorganisation) ordinance 1982. The regime initially started with the reorganized Thana administration termed as the upgraded Thana which came into effect on November 7, 1982 with 45 Thana in the first phase. The name was later changed to Upazila by an ordinance.

On the recommendation of CARR, the regime decided in October, 1982 to reorganize the Thana development administration and to further decentralize the development activities to an elected body. The Thana was renamed as Upazila and the council as Parishad. The government functions in rural areas were divided by the national implementation committee on Administrative Reorganization (NICAR) into regulatory /retained and transferred subjects. The government retained the direct responsibility of regulating functions and major national and regional development activities. The responsibility of all types of development activities was transferred to Upazila Parishad. The services of officers dealing with transferred subjects were placed under the Upazila Parishad and they were made accountable to the Parishad. It was also decided that the officers in Upazila dealing with regulatory functions retained by the government would remain responsible to the government. The Upazila officers dealing with transferred subjects would be answerable to Upazila Parishad which was deemed competent to call for reports from these officers on their activities and also summon them for hearing. The institutional supremacy of the Upazila Parishad was thus established.

Ershad, the chief martial law administrator (CMLA) issued an ordinance titled as local government (Thana Parishad and Thana administration reorganization) ordinance 1982 (ordinance No. LIX of 1982) wherein all the relevant provisions and functions were elaborately stated.

In the same ordinance (No. LIX of 1982), it was stated that the Upazila Parishad would be a body corporate having perpetual succession and a common seal to acquire, hold and dispose of property, both movable and immovable and shall be its name, sue and be sued. The Parishad was thus freed from bureaucratic controls. As a body corporate, the Parishad exercised full control over its affairs. The Parishad was the supreme body having power to prepare plans, approve budget, development plans and other activities. It was not required to wait for sanction and approval of schemes by higher authorities.

Composition and functions of Upazila Parishad

It was stated in ordinance LIX of 1982 that the Upazila Parishad would consist of :

1. A Chairman: to be elected directly by the people of the Upazila.
2. Representative members – Union Parishad Chairman.
3. Three women members – to be nominated by the government.
4. Official members – representing development departments with no voting powers.
5. Chairman of Thana Cooperative Association – member.
6. One nominated member – to be nominated by the government.

The Upazila Parishad fund was constituted pooling all receipts, taxes and grants from the government. Budgeting, accounting and auditing procedures were also laid down.

Functions

The Upazila Parishad was entrusted with the following functions.⁹

1. All development activities at the Upazila level: formulation of Upazila development plans and programmes and implement monitoring and evaluation thereof.

2. Preparation of Upazila development plans on the basis of union development plans.
3. Giving assistance and encouragement to union Parishads in their activities.
4. Promotion of health, family planning and family welfare.
5. Provision for management of environment.
6. Training of chairman, members and secretaries of Union Parishads.
7. Implementation of government policies and programmes within the Upazila.
8. Supervision, control and coordination of functions of officers serving in the Thana, except munsifs, magistrates and officers engaged in regulatory functions.
9. Promotion of socio-cultural activities.
10. Promotion and encouragement of employment generating activities.
11. Promotion and extension of cooperative movement in the Up azila.
12. Assistance to Zila Parishad in development activities.
13. Planing and execution of all rural public works programme.
14. Promotion of agricultural activities for maximizing production:
15. Promotion of educational and vocational activities.
16. Promotion of livestock, fisheries and forest.

Offences Under ordinance LIX (1982)

1. Evasion of the payment of a tax or other imposed lawfully and levied by a Parishad.
2. Failure to furnish, on requisition, information in respect of any matter which a Parishad was authorised to call for under any of the provisions of ordinance No. LIX of 1982 or the rules or furnishing wrong information.
3. Doing an act without license or permission when the doing of such act required a license or permission under any of the provisions of ordinance No. LIX of 1982 or the rules.

4. Contravention of any of the provisions of ordinance No. LIX of 1982 or the rules or of any order, direction notice or declaration made or issued thereunder.

To make the Upazila an effective unit of development, thirty seven official posts were created which covered almost all the departments of the central government.¹⁰ In each Upazila eight graduate medical doctors were posted to take care of health and family welfare centres. To assist the chairman and the Upazila Parishad, there was to be among others a chief executive officer, a magistrate, a financial officer, a project implementation officer and others with their concomittal assistants and staff.¹¹

In The Upazila, an Assistant Judge (Munsif) was posted to try cases of civil nature. He was also vested with magisterial powers. A magistrate was posted for trial of criminal cases. A court building was constructed on emergency basis near the existing Thana secretariat to accommodate the courts of the magistrate and munsif, bar, hajat, and a library. A sub-jail complex was also constructed in some Upazial and posting of munsif and magistrates were significant steps in the process of decentralization. They were independent of the executives at this level. The process of administration of justice was brought nearer to the doorstep of the people. In order to adjust with changed circumstances, the post of officer in charge of the police station was upgraded from sub-inspector to inspector.

The local branch of Sonali Bank was authorized to work as treasury. An Accountant was posted for keeping accounts of expenditures. The Nirbarhi officer (Executive officer) took over the office and residence of the circle officer (Development) and was empowered to act as chairman of the Parishad till the election of a chairman.

All the vital subjects of development, indeed everything linked to self-reliance, creation of Job opportunities and poverty alleviation were transferred to the Upazila Parishad. The Upazila provided an excellent base structure for human resource

development, so vital for the real growth of the economy. This was the way Ershad took up the challenge of doing away with the colonial system of administration at the grass-root level.¹⁰ The Upazila Parishad was to have its own development plan, decide its priorities, make evaluations, initiate schemes, prepare feasibility studies, approve and implement them. Every stage of development of a plan and its application was now under the control of the Upazila Parishad. Other than national projects it became the vehicle of development in rural Bangladesh.

The development resources of the Upazila Parishad were to be drawn primarily from two sources: a block allocation from the central government; and a fund to be generated by the parishad from local resources by way of levies, taxes and so on, to constitute a matching fund. The more the parishad could raise themselves, the more they would get from the central government. To start the scheme, the central government had to carry the main responsibility for maintaining the Upazila as an institution. The salaries of the officers and employees of the government, numbering more than four hundred in each, many working on deputation to the Upazila, are a grant by the central government to the parishad and amount to about 15 million takas every year.¹¹ Out of the block allocation made in the national budget for the Upazilas, a greater portion has so far been spent on infrastructural development – mainly for the construction of office buildings, residential accommodation, courtrooms. The other portion is allocated as a direct grant for its development budget.

Upazila Parishad and Thana Council

The Upazila system which was introduced on the recommendation of CARR is basically an extension of the Comilla Model. It is based on the assumption that should be the focal point of all administrative activities. This was a basic promise of the comilla model. The Upazila model also assumes that rural problems can not be solved by mobilization of local resources alone and the flow of adequate resources from the centre to local institutions must be ensured.

The Upazila Parishad is, however, different from the Thana Council of Comilla Model in four ways:

- a) Thana councils were headed by a government official (the SDO), whereas Upazila Parishads have directly elected chairman;
- b) Thana council had no power to raise revenues, Upazila Parishads have been given the power of taxation,
- c) Thana council had no authority over Paurasabhas (Municipalities). Section 25 of the local government (Upazila Parishad and Upazila Administration Reorganization) ordinance, 1982 confers on the Upazila Parishads the power to coordinate the activities of all Union Parishads and pourashabhas within its Jurisdiction.
- d) The composition of Upazila Parishad is also different from that of Thana council. The Upazila Parishad consists of a directly elected chairman, all chairman of Paurashabhas and Union Parishads in the Upazila, three nominated women members, the officials nominated by the government, one nominated member and the chairman of the VCCA. The official members were not given voting powers.

Ershad's reform package in decentralization of administration was known by various popular names in Bangladesh such as the 'Upazila Programme' the

'decentralization programme' and the 'administrative reform'. Ershad's reform initiated 1982 embodied the following reforms: ¹²

1. Formation of directly elected Upazila Parishad (Sub-district council) and Zila Parishad (district council).
2. Dividing the government functions into two lists to "retained" (central) and "transferred" (local) subjects.
3. The power of administering transferred (local) subjects including funds and Personnel placed at the hand of the Upazila Parishad.
4. Upazila Parishad has been given the status of an autonomous "body corporate" to administer the affairs of transfer subjects.
5. The local government and local administration has been combined within the framework of one institution and administration.
6. The control of district has been curtailed and more powers have been delegated to the officials.
7. The judiciary is also extended up to the Upazila level side by side with local administration.
8. The power, status and pay of Upazila level officials were also enhanced.
9. The strength of technical personnel, allocation of funds and power for making plan and implementation of the Upazila Parishad level increased substantially.
10. The elected public leaders had been made chief administrator and coordinator of the Upazila (Thana) level administration and development activities.

Decentralization of the Administration: How far it was successful?

The Decentralization programme of Ershad fulfilled all theoretical criteria in connection with territorial and functional dimensions as characterized by the proponents of the theory. The whole reorganisation programme was initiated and implemented by the regime with the stated goals of bringing administration closer to the people and ensuring their participation in the development process. The existing administrative system was considered not only remote, inefficient and non representative, but also incapable to undertake major development activities. The Upazila decentralization was an attempt to obviate such limitations and thereby to make local government dynamic in the process of rural transformation.

The regime while celebrating its fifth anniversary lauded the initiative towards decentralization as a grand success. It claimed that the system promoted active participation of the entire populace in the governmental process and contributed towards achieving greater stability of the system by national consensus.¹⁵ All the successes claimed by the regime are centered around the theoretical notions of decentralization classics such as popular participation, democratization, relevant development, coordination, integration and so on. But the empirical evidence generated out of its nine years of operation does not substantiate the claim.

Decentralization of Upazila: Performance and Result Achieved

Now let me assess the performance of the Upazila decentralization in the light of objectives they propagated and the claims they achieved. Here we shall try to assess the performance in different areas.

a) The Notion of Popular Participation

The new strategy to encourage people's participation was concentrated on the main directions, first, wage oriented participation and second, investment oriented participation. The decentralization strategy largely sought the participation of the top 10 percent of the people through their investment initiative and their entrepreneurial skill at providing waged employment to the less fortunate.¹⁶ If wages are considered as one of the criteria for participation it has been achieved to some extent. The intended investment from the so called fortunate people did not contribute anything substantial, rather they monopolised the benefit generated from the government grants as the decision makers within the Upazila parishad and as contractor, supplier and other beneficiaries outside the parishad. So this 'investment' and 'wage' oriented strategy did not bring the participation of the poorer section of the society if empowerment, conscientisation and benefit sharing aspects are considered as the criteria of participation.¹⁷

Project planning and decision-making continued to be done by dominant elites and government officials. After an examination of projective committee formed at the Upazila and union levels, Noore Alam Siddique found that committee membership was clearly biased in favour of those belonging or having access to power structure.¹⁸ Since local representatives view these projects as an opportunity to build a future for themselves, their friends and cronies, members chooses for such committees happened to be the representing the same clan, faction or socio-economic interests.

Even the electoral processes were found to be less effective than was anticipated. Mr. Noore Alam Siddique, a senior research fellow of BIDS worked on the participation of electorate in the two Upazila elections held during Ershad regime. For this Siddique selected Bhaimara and Rajapur Upazilas from two different spatial locations of the country. By using a variety of techniques including questionnaires, informal discussions, document surveys, interviews with key informants and participant observation, Siddique found that a sizeable number of respondents representing poor household could not overcome the influence of local power holders in the elections.¹⁹

Although landless laborers and poor peasants have the same constitutional rights as the large land owners, excessive dependence of the former upon the later rendered them highly susceptible to be influenced in their decisions and actions. Siddique also found that the exclusive reliance of the poor on the rich acted as a major force influencing the choice of a proportion of poorer voters as the dominant elites used threats of economic sanctions in order to have their preferred candidates accepted by their clients. Alongside these 'subtle' practices, the direct uses of violence and physical intimidation at election times have prevented many voters, particularly the women from exercising their democratic rights.

The participation of women in the Upazila system is a crucial question, which needs serious attention. Women folk constitute 50 percent of the total population of the country. As per the provision, there were three nominated members in the Upazila parishad, but their participation in the parishad meetings was almost zero. A team of BARD faculty members consisted of Ameerul Haque, Tariq Ahmed and Tofail Ahmed found none of the women members attended any of the twenty one meetings of Sader and Chandina Upazilas of Comilla they attended.²⁰ What all these indicate that the Upazila system has made little difference in terms of popular participation.

b) Mobilisation of Local Resources

Viewed from the perspective of local resource mobilisation the performance of the Upazila decentralizations is far from encouraging. Although the UZPs have authorized to collect revenues from a number of specific heads, available evidence suggest that they have failed to generate much revenue for development purposes. Most micro-level studies (eg. Asaduzzaman, 1985, DANIDA.1988; Nathan, 1989 and Haque, 1989) show that the mobilisation of revenues from local sources by Upazilas has remained extremely poor, leading to an overwhelming dependence of these bodies on the central government for grants in order to run their routine as well as development administration.

Siddique and his team members in their study found that between 1983/84 and 1990/91 the average locally mobilized revenue in the annual UZP budget in Rajapur Upzila under Jhalokati district and Bhaimara under Rajshahi were 5.8 percent and 5.5 percent respectively.²¹ This means that the government contributed more than 94 percent of the Upazila's yearly budgets. A team of BARD faculty members in their study covering the period of 1984/85 and 1985/86 in Sadar Upzila under Comilla found that out of the total outlay only 3 percent constituted the local contribution.²² The local participation in resource contribution in Chandina Upazila also could not exceed 6 percent between 1982 and 1985.²³ The local council received grants twenty times more than the grants they used to receive previously.²⁴

B.W. Blair and his team members conducted research on the various aspects of local resource mobilisation in Bhanga and Nagarkanda under Faridpur and Laksmipur Sadar and Ramgati under Laksmipur district. The Outcome of their research Show negative aspects of decentralization. Blair identified the following negative aspects:

- Firstly,** the rural elites enjoying autonomy in the local government environment only chanced their own lot in the name of the welfare of the greater people,
- Secondly,** attention was paid in the collection of local tax;
- Thirdly,** partisan out look shown in the disbursement of allocation to be used for the construction of local infrastructure;
- Fourthly,** the central government allocated necessary money avoiding the case of partisan out look;
- Fifthly,** there was no provision for accountability in the collection of local resources, and
- Sixthly,** disparity was identified in different Upazilas in the collection of local resources.²⁵

S.M Murshed and M.A. Quddus conducted their research survey in Mirsharai of Chittagong and Shahrasti of Chandpur to find out whether there happened any change in the economic and social life of the rural poor people. Though the report of this survey was sharply criticised, from different quarters but one thing that got importance is that the rural people were benefited from project implementation.²⁶

An evaluation report of the local government division for the year 1986-87 reveals that (a) nearly one fourth of the Upazila parishads could not raise any revenue from its jurisdiction and (b) the amount of tax collected was only 6.7% of the total resource generation of the Upazila parishads. In 1987-88, the government rent and local resource contribution ratio stood at 98:2²⁷

There are a number of factors that explain Upazila's inability to mobilise sufficient resources locally. One of the reasons for this poor performance of the participation of the people in contributing resources to the local institutions is the 'unwillingness' of the councilors to take trouble to involve the people.

As the local councils, according to Tofail Ahmed, were getting grants which were twenty times more than the grants they used to receive previously so they thought it will be not wise to invite trouble by collecting taxes which will, in turn, make them answerable to the people and will also carry the risk of being unpopular.

The revenue base of the UZPs was not broad enough to enable them to mobilise sufficient resources. Even within its limited revenue because, the most important sources (lease/auction of local hats, bazzars, Jalmahals and ferries) did not yield expected revenues because of the machinations used by leases. In addition, the prevailing political and administrative culture (mirrored in the levels of corruption and irregularities) has further undermined the possibility of tapping local resources for developmental purposes. As a result, local contributions to UZP budgets remained extremely limited and the objective of greater self-reliance proved to be an unrealistic aspiration.

C) Effectiveness of Delivery Services

In terms of the 'responsiveness' in service provisions the performance of the Upazila has fallen far short of expectations. Evidence shows that in contrast, the Upazila decentralization programme increased the opportunities for various forms of patronage and corruption in the design of development operations and the management of service delivery systems. As a result, Upazila level decisions were influenced more by personal and group interests, than the pursuit of developmental objectives and adherence to formal and impersonal rules and regulations. The point can be explained by citing examples from agriculture, health and poor programmes.

Agriculture

Siddique in his study shows that the introduction of the Upazila system was associated with a reduction of expenditure on agriculture by the central government, and that UZPs did not attempt to compensate for the decline by allocating the maximum permissible amount for the sector while the central government allocation for agriculture declined rapidly, the allocation within the sub-sector of agriculture at the

Upazila level became highly skewed in favour of lumpy projects involving construction works. In a country like Bangladesh where land is scarce and the small farmers are the majority, the major thrust of agricultural development should be the upgrading of small farmer production. But as the evidence shows the Upazila system has failed to reach these farmers in terms of either extension services or in dispensing inputs.³⁰ The extension service has remained ineffective while the bulk of the inputs provided through the Upazila were siphoned away by larger farmers. The procedural and locative mechanisms introduced at the Upazila level and below are biased in favour of larger farmers and influential families.

Health Service

Agricultural inputs and services are divisible public goods, which are vulnerable to be monopolised by local elites. If we look at an apparently less divisible good, the health service, the situation does not appear to be radically different. Although initially there was a lot of satisfaction among the local people about the Upazila system that helped the creation of the Upazila Health Complex (UHC) and health Centres at the union level, the enthusiasm gradually evaporated as these centres came into operation. The UHCs have failed to develop public confidence in their services. The service delivery capacity of UHCs is severely undercut by inadequate supplies, limited equipment and facilities, shortage of medical personnel and paramedics with requisite skills. However, compared to other sectors, health is relatively accessible to the rural poor and they benefit from the public health care system, particularly in terms of immunizations and ORS packages.

It is evident from the above that the performance of the Upazila decentralization has fallen short of expectations. From this it should not, however, be concluded that the decentralization programme did not have any positive impacts. Surely, the Upazila system has had some beneficial effects; despite its failures already identified, it made some improvements in various spheres. But here our central thesis is that the failure of the Upazila far outweighed its improvements. On its positive side, the decentralization

programme had heralded a new era in the history of local level planning. It fostered the planning and execution of a huge number of development projects locally through by the privileged minority. The Upazila decentralization programme also contributed to raise the awareness of the rural populace and increased their interaction with the local government functionaries.

But the most remarkable achievement of the Upazila system is the infra-structural development that has taken place in rural Bangladesh since 1982. The decentralization programme has helped the construction of a sizeable number of roads, bridges, culverts, drains, irrigation channels, dams and embankments and the physical infra-structure for social services like schools, health centres and similar other facilities in rural areas. Indeed, the intra-structural development that has taken place in the 1980s could be regarded as a 'boom' since never before the country witnessed such a massive expansion in physical facilities. Thus the inflow of huge external resources and the development activities of the Upazila marked a new era for the otherwise remote and backward rural hinterlands.

The Upazila Decentralization: Who gets what and How?

Nicol Ball, a scholar of the Swedish Institute of International Affairs has very recently completed his case studies on the performances of the military regimes of Uganda, Argentina and the Philippine. The title of his Thesis is "The Military in Politics: Who Benefits and How? Nicol Ball found that four sections- military bureaucrats as a whole, civil bureaucratic elites, one section of political elites and foreign donors- are the beneficiaries of military rule in these countries. The case in Bangladesh during Ershad regime was not different one. But here we shall try to find out whose who were benefited and how with the implementation of Upazila decentralisation.

Rural Elites

some political scientists argue that Ershad initiated and implemented Upazila decentralisation as a part of his strategy to enhance the likelihood of his continuation of power. By decentralising authority to the Upazila level, Ershed wanted to muster the support of rural elites, create a patron-client relationship with them and there by serve his long term political goals: Civilianisation, legitimization and consolidation of power. Given these pressures, the regime had to install a system which assured that those it was trying to attract could see they would gain more Power and better access to public resources by a aligning with the regime. So the programme was devised to provide the rural elite with an opportunity to perpetuate their stronghold on rural socio-economic life. Much of the rural elite recognised the new system as a 'vehicle for patronage' and by giving their support to the regime they took its full advantage. They competed to take control of the new system and those who won benefited enormously. The allowed allowed them to use public resources channeled to the Upazila for their individual and group interests through the processes described earlier.

Indeed, the huge corruption, leakage, misuse and dissipation of project resources that characterised the Upazila system was intricately related to the interests of the Ershad regime and the established power holders in rural areas. As a foreign observer comments:

..... "Local elites are aided and abetted in their desire to loot public till by central elites, whose primary goals Vis-a Vis the countryside is to secure and hold onto the allegiance of their counterparts at local level the abiding interest of those on top is to help secure their own future by building patron-client linkages to village elites"²⁸

Outside professionals

It is not only those elites in official control the UPZs who benefited, many outside UZPs also benefited directly and indirectly from the decentralisation programme. The decentralisation allowed these elites to dominate the distribution of benefits by controlling different committees and by other formal and informal mechanisms. By virtue of their socio-political linkages the elites benefited directly as contractors, Suppliers, dealers, advocates, touts and brokers. They also benefited indirectly by shaping decisions about infra-structural facilities, roads, bridges, culverts, embankments and irrigation channels developed by the UZP. By contrast, the main benefit accruing to the rural poor was only a limited number of poorly paid employment opportunities created as a by-product of the Upazila system.

Field level Civil Bureaucracy

The introduction of the UZP with a public representative as its head exercising controlling authority over government officials significantly undermined the position previously enjoyed by the field bureaucracy at this level. A complex and messy 'game' occurred in the early years of the reform whilst bureaucrats (Particularly the UNO) and politicians (Particularly the UZC) vied for control of the Upazila administration. Although in theory bureaucrats posted at the Upazila level found their role had been reduced to an advisory one with no direct power or authority, in practice the interests of civil servants were accommodated by significantly expanding the bureaucratic apparatus at the Upazila level, and by using the introduction of the Upazila system to effect widespread promotions.

Subsequent policy adjustments permitted bureaucrats to maintain their privileged position and a high degree of autonomy from local political control. Their accountability to the UZP was more apparent than real. Since the appointment, training, promotion, transfer and discipline of the officials were in the hands of the central government, UZP had practically very little control over them. They were paid from the

grants provided by the government. Though the UZC was empowered to initiate the annual confidential reports (ACR) of the officers, neither he nor his council had any authority to reward and reprimand these officials on- the basis of their job performance. Thus the officials enjoyed a high degree of personal autonomy within decentralised framework. They particularly the UNO's were also given important roles in resource allocation and utilisation. Consequently, government officials benefited no less than the elite through their enhanced positions and through systematic involvement in corruption, often in collaboration with local representatives.

Regime's Political Gains.

Most political scientists argue that with the implementation of Upazila decentralisation, the most important gains were made by the regime itself. As Blair writes:

“The Upazila programme yielded the regime political dividends for a period of more than eight years”.³² Faced with increasing opposition from various organised groups (eg, students, Scop, professionals and the major political parties) ever since its takeover, the regime recognised the need to appear as reformist and to create an impression that it was returning the country to democratic processes gradually. At the same time, by decentralising power at the local level, and by placing increased resources at the discretion of the UZP, the regime sought to covertly win the support of what Blair has termed as the ‘kulak class’ for its incumbency and policies. The regime needed to capture such a class, at least in part, to neutralize the rural power-base of the mainstream opposition, and more importantly, to civilianize and legitimize its military government. The introduction of the Upazila was the first step towards this direction.

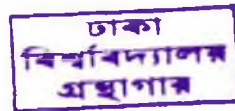
The regime's use of the Upazila system as a ground for political mobilisation got its full expression when the first UZP elections were held in may 1985. Although the elections were officially held on a non-party basis, no sooner were they over than the regime claimed that its own party, the Jano Dal, had won in 207 Upazilas. The Upzila system allowed the regime to gain a foothold in rural areas. Politically the regime

gained further through Upazila elections when a total of 120 independent and opposition UZCs defected to the Jano Dal and became supporters of government policies and programmes.

Thus the Upazila election enabled the regime to gain control of a majority of the country's 460 Upazilas. By doing so the regime created a new constituency, which lent vital and powerful support to it until the very last days of its rule.

However, the greatest success of the Upazila was that it helped the regime to win two national elections - the parliamentary elections in May 1986 and the presidential elections in October 1986. Although these elections were not contested by all the opposition parties and coalitions and came to be viewed what Siddique termed as a tragedy for democracy.³³ Politically they marked the end of the transition from military to civilian rule. By holding these elections, the regime established itself in their own language as a civilian government and further consolidated its position. Thus, these elections allowed the regime to prolong its authoritarian rule in a civilian guise.

403596



Land Reform: Policy and Implementation

Land reform has been a much talked issue in praetorian political system. The praetorians usually take land reform issue as an integral part of their so-called comprehensive programme for the economic and political modernisation. While the radical land reforms of Mexico (1917), Bolivia (1950), and Cuba (1971) were the direct consequence of revolution, the land reform of Venezuela (1960), Columbia (1961) and Brazil (1964) undertaken by military rulers under the US sponsored 'Alliance for progress', programme were more land colonisation than land redistribution proper. The Chilean reform (1964) that subsequently became radical under the elected Marxist president Allende (1970-73) was completely reversed after his assassination in 1973. Like other Latin American countries, the military rulers of Peru also implemented two make-believe radical land reforms during 1960-68 which aimed at to pacify the peasants and depoliticise the issue of land reform. The military regime of Ershad launched a land reform package in the early 1980's aimed to increase agriculture productivity and bring about socially desirable redistribution of income and assets and promotion of conscious and fruitful participation of the people in the development process.³⁹

Formation of land Reform Committee and a Review of its Report

On July 29, 1982, Ershad appointed a 11-member Land Reform committee headed by the minister for Agriculture and ex-Agriculture secretary Mr. A.Z.M. Obaidullah Khan. The other member of the committee were: Jamsed Uddin Ahmed, Secretary, Land Administration and Land Reform Division, Brigadier Mahmudul Hasan, S.M. Mahmud, additional secretary, ministry of agriculture, Dr. Monwar Hossain, Chariman, Bangladesh Institute of Development Studies (BIDS), Anwar Hossain, editor, The Daily Ittefaq, Prof. S.M. Jabbar, Deptt. of Agriculture Economics, Bangladesh Agriculture University, Dr. Mohiuddin Khan Alamgir President, Bangladesh Economic Association and top bureaucrat, Dr, Kamal Siddque, Principal, National Institute of Local Govt. (NILG).⁴⁰

Later the committee transformed into commission. The functions of the committee as mentioned in the terms of reference were to-

- a) Identify the problems and constraints of the existing land system in raising the optimum productive potential of the land;
- b) Suggest reform measures in relation to ownership, management and utilization of the land to increase productivity and facilitate an equitable distribution of wealth and income;
- c) Propose an administrative organization and methods for implementation of the reform measures.⁴¹

It was decided in the first meeting of the committee that it would seek public opinion on the subject and would base its recommendations on suggestions from a cross section of the people. Accordingly, the committee prepared a structured questionnaire soliciting people's opinion on various matter relating to constraints to agriculture growth, definition of land reform, ownership, utilisation and management of different types of land, and land administration. Questionnaires were distributed to the people through publishing it in various national news media. In addition a number of organisations employed field investigators to fill in the questionnaires by direct interview method. By the end of October 1982, about 12 thousand filled in questionnaires were received; majority of them were administered by eight peasant organizations and various government and non-government organizations including the armed forces.

In view of time limitations and similarity of answers from respondents sending questionnaires through a specific organization, the committee decided to select randomly about three thousand schedules for processing with the help of the BIDS computer unit. The committee did its own analysis of the data prepared by the computer unit. The commission took six month to prepare its report. By January 1983, the commission submitted its report to the government with all the necessary analysis and recommendations.

The recommendations were given legislative shapes, first in the land reforms ordinance 1984 and second in the Agricultural Labour (Minimum wages) Ordinance 1984.

The report is divided into five chapters. Chapter one is introduction; chapter two deals with past land reform programmes; chapter three reviews contemporary agricultural structure and puts forward reform proposals; chapter four delineates the strategy for implementing the reform proposals; and chapter five deals with the delivery of agricultural inputs.

The basic reform proposals that put forward in chapter three of the report were as follows:

1. The maximum ceiling of agricultural land holding was brought down from 100 bighas to 60 bighas.
2. The law proclamation for this purpose also prohibited 'Benami' transaction of immovable property, meaning that no person was allowed to purchase any immovable property for his own benefit in the name of another person.
3. The age long practice of evicting farmers from their homesteads by various legal processes was stopped. The new law exempted the land used as a homestead from all legal processes including seizure, distress, attachment or sale by any officer, court or by any other authority and the owner of such land 'shall not be divested or dispossessed of the land or evicted therefrom by any means.
4. The law also provided that if any khas land was available to be used as a homestead, the government would settle such land in favour of land less farmers and labourers.
5. Bargadars were now guaranteed a right to cultivate the land for a minimum period of five years by having a contract executed between the owner and the bargadar. Those bargadars cultivating land before the commencement of the law would also enjoy the same right. If any farmer refused to execute such a contract

within two weeks after the prescribed authority had directed two owners to do so, such contract would be executed by the prescribed authority on behalf of the owner.

6. If a bargadar dies, the right to hold the land would develop on the surviving members of his family for the subsidiary period of contract.
7. The barga contract can not be terminated, except by way of execution of an order made by the prescribed authority on certain limited grounds as mentioned in the law.
8. The produce of the barga land is to be shared on an equitable basis. It must be divided in three equal portions: one-third will go to the owner, one-third to the bargadar and the other one-third will go to the bargadar if he has provided all the inputs. If the owner and the bargadar have shared the cost of the inputs, then such portion will be divided proportionately. If the owner provides the entire cost, he will get the third portion after deducting the cost of labour.
9. If the owner intends to sell the land, the first option to purchase the same will belong to the bargadar unless he is selling it to a co-sharer or any member of his family.
10. A bargadar is entitled to cultivate upto 15 bighas of land. Provision has been made to adjudicate any dispute that may arise between the owner and the bargadar. In order to give full effect to the law and its implementation, the government made the necessary rules under section 22 of the Land Reform Ordinance.⁴²

The Agricultural labour (Minimum wages) Ordinance 1984

In February 1984, Ershad proclaimed another law to provide for fixation of minimum rates of wages for agricultural labours.⁴³ Under sector 3 of this law, the minimum wages for an agricultural labourer per day was fixed at 3.27 kilograms of rice or such amount of money as is equal to the price if this quantity of rice in the local market. The government however retained the right to review such rates of minimum wage and fix different rates for different areas from time to time. For this purpose, provision was made for the constitution of a council of minimum wages and prices for Agricultural labour, empowering the council to recommend to the government the minimum rates of wages for agricultural labour after consideration of economic conditions and other relevant factors. The law also made provision for compensation and recovery of minimum wages.

As an integral part of his land reforms, Ershad enunciated a comprehensive and self-contained programme for the distribution of khas land among the landless and their effective rehabilitation as a productive force in society. An elaborate guideline was formulated to implement the programme, aiming, at (a) effective use of the land and an equitable distribution of income; (b) ensure that the full productive strength of the land is utilized in order to increase the gross national product; (c) rejuvenation of the rural economy by rehabilitating the landless families and creating employment opportunities; and (d) making life in the villages generally more attractive in order to reduce migration to the cities.⁴⁴

The regime gave high priority to the supervision and execution of land reform programme by forming a national land reform council under Ershad's own chairmanship with thirteen ministers including the Prime Minister, four members of Parliament, eleven Secretaries, three specialists, the chief of staff of the Army and the Navy and three other senior bureaucrats. In every district a task force was constituted for the implementation of the land reforms in every Upazila a land reform committee was constituted for the same purpose. Ershad deliberately did not include any member

of parliament or elected chairman of Upazila in these committees, in order to ensure that the reforms were not frustrated by political influence (Particularly in respect of reclaiming Khas land and its distribution). The ministry of land now became much more a ministry for land reforms and land management, with a special cell created for this purpose. Later a land reform Board was setup to exercise all the powers to be vested by the government relating to land reforms and land administration.⁴⁵ The regime also constituted a land Appeal Board for the speedy disposal of disputes arising out of the perform, and repealed the earlier Board of Land Administration Act 1980.⁴⁶ For the administration and implementation of land reforms, an independent wing was established under a commission for land reforms and the bureaucracy was strengthened down to the Upazila level by creating new posts and providing new staff.

Formation of Rin Shalishi Board

In following the footsteps of A. K. Fazlul Haque who established Rin Shalishi Board (RSB) to mitigate the suffering of the farmers of Bengal, Ershad established Rin Shalishi Board in every Upazila to save the farmers from the oppression of mohajoni bedts. In December 1988 a law was made to institutionalise a mechanism or a process by which the farms could be relieved from instrument of illegal money lending and extortion.

The salient features of the law are:

1. A ban on the mohajon obtaining any blank paper signed or thumb-printed by any member.
2. A ban on the advance purchase of a crop as a condition of mohajoni loan.
3. A sale of land by a farmer owning land upto 5 acres affected by any natural calamity or not able to maintain a livelihood due to financial hardship, could within six months after such registration of sale apply to the Board which could, if satisfied, turn such sale into a usufructuary mortgage for a period of seven fears, provided the price of land was not more than Taka 30 thousand and its size was less than an acre.

4. In similar circumstances, if the sale has to be done at a price lower than the market price, the same farmer could apply to the Board for the cancellation of the sale and if the Board was satisfied, it could declare the sale void and hand over the possession of the land to the original owner by evicting the purchaser.
5. No person or mohajon could take possession of any land (or assign the same in his or any body else's favour), received as a deposit for a mohajoni loan, except as a usufructuary mortgage.
6. A borrower of mohajoni loan could apply to the Board to determine the rate of interest and quantum of refundable loan and installment thereof.⁴⁷

The Rin Shalishi Board constituted under this law comprised a chairman and two to four members at every Upazila. Any dispute pending before any assistant judge for adjudication, will remain stayed if the same matter has come before the Board for a settlement. An appeal from an order of the Board is to lie before the additional collector. The proceedings of the board would be considered as judicial proceedings as provided under section 228 of the penal code and the Board could convict any person committing an offence under the law to three years of imprisonment or impose a fine up to Tk 2,000 or both.⁴⁸

Table – 1
Landlessness

| Land ownership (In Acre) | % of rural household | |
|--------------------------|----------------------|------|
| | 1983-84 | 1995 |
| 0 | 9 | --- |
| 0-0.05 | 19 | 22 |
| 0.06-50 | 28 | 28 |
| Total landless | 56 | 50 |

Table – 2
Farm structure

| Category (acres) | % of farm | | | % of farm area | | |
|-----------------------------|-----------|---------|------|----------------|---------|------|
| | 1977 | 1983-84 | 1995 | 1977 | 1983-84 | 1995 |
| small farms (upto 2.5) | 49.7 | 70.3 | 72.7 | 18.8 | 29 | 36.8 |
| Middle farms (2.5 – 7.5) | 40.9 | 24.7 | 23.1 | 48.9 | 45.1 | 43.4 |
| Large farm (7.5+) | 9.4 | 4.9 | 4 | 32.4 | 25.9 | 20.7 |

Source: Hossain Zillur Rahman, Re-thinking land reform Question: Findings from an interface study. Paper presented at BIDS auditorium 1996.

Implementation of Land Reform Policy

The need for an effective land policy for Bangladesh derives from various rationales. There is a productivity rationale since land remains our important natural resource and its optimum Utilization constitutes a key national priority. There is an equity rationale in that to the extent possible, the benefits of land ownership and land use in particular of public land resources such as forest land and khas land, need to be distributed towards the rural poor who constitute the majority of our population. There is the rationale to contain rural violence and social instability arising from pervasive land disputes. Major flaws in the system of land record-keeping, registration procedures, colonial legacies in land laws, the court process and land administration systems are the principal contributors to endemic disputes which vitiate social stability and constantly generate wasteful expenditure. There is also an ecology and urban planning rationale for land reform. Despite necessity for land reform no previous government before Ershad could implement land reform policy. The regime came forward with a good intention to deal with land reform. Like other policies, land reform also failed to reach in the destinations. The land reform committee prepared their report on the basis of findings of the opinion survey. But no where in the report are the findings reported in details. So there is no way to judge whose suggestions the committee had accepted. One

must recognize that Bangladesh society consists of heterogeneous groups of people with conflicting interests and so various socio-economic groups are not expected to come with unanimous recommendations on every subject. So one has to choose sides and the committee must have done so in forming its own judgement.

However, the committee made several recommendations which have five major aspects:

- i) Reduction of land ceiling from 33.3 acres to 20 acres;
- ii) Recognition and protection of rights of sharecroppers;
- iii) Establishment of a minimum wage rate for agricultural labours;
- iv) Decentralization and strengthening of survey and settlement administration; and
- v) Expansion of resource base of local government institutions.

The ordinance represents remarkable agrarian reforms from the viewpoint of social justice and economic efficiency. However, mere ordinances of laws do not bring about agrarian reforms. There is a rich history of land reforms ordinances and acts in this part of Indian subcontinent. One of the reasons for so many Acts is that these reforms measures were hardly implemented. Thus implementation of an ordinance is more important than just promulgating a good ordinance.

Now allow me to Judge how far the recommendations mentioned above were successful and how far they were implemented.

Ershad ruled the country from 1982 to 1990. During his regime no in-depth studies have been undertaken to investigate the extent of implementation of Land Reform Ordinance (1984) and Agricultural Labour (Minimum wages) Ordinance (1984).

However, the Bangladesh Institute of Development studies, Government in cooperation with NGO coordination council, some researchers at the Bangladesh Agriculture University and some leading dailies tried to examine the extent of implementation of land reform policy.

Reduction of land Ceiling

The land reform committee reduced land ceiling from 100 bighas to 75 bigas. This reduction was not made in accordance with the opinion survey carried by the committee. The ceiling on agricultural land (apart from homestead) per family proposed by the committee is 75 standard bighas in flood controlled areas and 100 standard bighas in other areas for cultivator families and 30 and 50 standard bighas respectively for the absentee owners. But it has been noted in the report that 67 percent of the respondents of the opinion survey have proposed fixing of the ceiling per family at 5-7 acres (i.e. 16-22 bighas) in the case of unirrigated one-cropped land; and that 91 percent of the respondents have suggested fixation of the ceiling per family at 7.5-12.4 acres (i.e 23-39 bighas) in the case of three cropped irrigated land.

It is not clear from the report why the ceiling proposed by the committee are so much higher than those suggested by the respondents even though the sample is elite biased (over representation of educated people, service holders and larger landholders). It seems that the committee has not only deviated from the opinion survey results on the question of ceiling but in fact have chosen ceiling which maintained only status-quo. Later, the committee reduced land ceiling from 75 bighas to 60 bighas. However, the land ceiling proposal neither improved the ownership pattern of land nor halted the on going process of polarization in land ownership. As the land reform ordinance was only a paper legislation, the regime did not show any serious interest in its implementation procedures. Because of patron-client-relation with the big land holders, the military regime was quite silent and played only the role of spectator. Other side of the coin is that the regime failed to determine land ceiling judiciously and failed to enforce strictly and properly. A leading economist has rightly commented:

"Ershad's land ceiling only legitimised the existing increasing inequities processes at work in the land ownership structure."⁴⁹

Recognition and Protection of Rights of Sharecroppers

Share cropping arrangement is traditionally regarded unfair for the tenants for two reasons. First, they can be evicted from land by the land owner at their convenience. Second, while share croppers provide all or most of the production inputs, they usually receive only 50% share of output.

The land reforms Ordinance, 1984 seeks to remove these two unjust and unfair provisions of share cropping arrangement. The important laws are as follows:

1. The ordinance stipulates that the land owner and sharecropper must sign a legal contact without which sharecropping is illegal.
2. The period of contact shall be five years. But the contact can be terminated under conditions specified by law.
3. The output of the sharecropped land shall be divided into three segments – the land owner shall receive one segment as rent; the tenant shall receive one segment for his labour; and the remaining segment shall be shared by the land owner and share cropper in proportion to the cost of cultivation incurred.
4. The share cropped land can not be sold out to any person other than the immediate relatives to the land owner or the sharecropper. In case the share cropper is unable to buy the land; it can be sold to the persons but the share cropper shall retain the right of cultivation of the land as per contact.
5. A land owner can sharecrop out a maximum of fifteen bighas or five acres.

To implement these laws regarding sharecropping, the ordinance proposed to establish administrative and institutional set-ups. For implementing measures relating to sharecropping, an authority was proposed to be established which would arrange for legal control and settle disputes.

The regime did not create necessary administrative and legal infrastructure to implement the laws during its nine years rule. Sharecropping is totally informal because virtually no contracts are signed for sharecropping and local practices determine the nature of output and input sharing.

In 1988, two researchers of Agricultural Economics Department, Bangladesh Agricultural University conducted a field survey as to know the nature of tenant Security and input-output sharing in crop share tenancy under land reform ordinance, 1984. They selected sixteen Upazilas from sixteen districts in Dhaka Division for their survey. The survey included land owners tenants and agricultural labours as respondents. The two researchers are in the opinion that sharecroppers are insecure in the share cropping arrangement. Because they can be evicted by land owners at their convenience since no legal contracts are signed. This concerns both politicians and economists. To politicians, sharecropping should be made secured for social justice and equity while economists argue that insecurity of share cropping make the system inefficient because tenants do not make adequate short-term and long-term investments in land.

The two researchers found in their survey that land owners do not share out a plot of land for longer time. The following table would satisfy our realization.

Table – 1**Security of Tenant : Land owner's response on duration of sharecropping.**

| Duration of Share cropping | No. of plots | Percentage | Cumulative Percentage | No. of share croppers | No of share croppers plot. |
|----------------------------|--------------|--------------|-----------------------|-----------------------|----------------------------|
| One Year | 27 | 15.5 | 15.5 | 31 | 1.15 |
| Two Year | 40 | 23.0 | 38.5 | 51 | 1.28 |
| Three Year | 27 | 15.5 | 54.0 | 49 | 1.81 |
| Four Year | 18 | 10.3 | 64.3 | 26 | 1.44 |
| Five Year | 16 | 9.2 | 73.5 | 29 | 1.81 |
| More Than Five Year | 46 | 26.4 | 99.9 | 87 | 1.89 |
| Total = | 174 | 100.0 | | 273 | 1.57 |

Source: Elahi and Mandal, Land Reforms and Agricultural Labour, Bangladesh Journal of political Economy, vol.11, No, 2, 1990, p.58

The above table clearly shows that land owners do not share out a plot of land for longer time. Besides, sharecroppers are largely insecure in terms of the duration of tenancy. The table also indicates that many plots were shared out to more than one share cropper and number of share cropper per plot increased as the duration of sharecropping increased.

Elahi and Mandal also tried to evaluate the security of share croppers in their research. The following table indicates security of share croppers.

Table – 2**Security of share croppers: share cropper's response of duration of share cropping**

| Duration of share cropping | No. of plots | percentage | cumulative percentage |
|----------------------------|--------------|--------------|-----------------------|
| One Year | 43 | 26.7 | 26.7 |
| Two Year | 41 | 25.7 | 52.4 |
| Three Year | 34 | 21.1 | 73.5 |
| Four Year | 15 | 9.3 | 82.8 |
| Five Year | 10 | 6.2 | 89.00 |
| More Than Five Year | 18 | 11.2 | 100.2 |
| Total = | 161 | 100.0 | |

Source: Elahi and Mandal, Land Reforms and Agricultural Labour, Bangladesh Journal of political Economy, vol.11, No,2, 1990, p.58

The above table shows the distribution of share cropped in plots by duration of share cropping. About 74% plots were share cropped in for one to three year periods. Only 9% and 6% plots were share cropped in for 4 – Year and 5 – year periods respectively. The percentage of plots under share cropping decreased consistently as the duration of share cropping increased. The insecure position of share cropper is more vividly understood from the responses of share croppers than land owners about the duration of sharecropping.

So the provisions about share cropping under land reform ordinance 1984 could not maintain properly.

Economics of Minimum Agricultural Labour Wage Rate:

Talking into account the minimum need of the labourers for a living and the need to maintain labour productivity and employment satisfactory level, the committee has recommended an agricultural wage rate of 3.5 seers of rice or its equivalent in money. Though the proposal was progressive but the regime failed to implement it. While the rural economic structure of Bangladesh remains highly unequal, the regime could not find any way to implement it. It was not possible for the regime to police the agricultural labour market. In this connection one has only to remember that the minimum Jute price, which used to be fixed until a few years ago, could never be implemented effectively, even though the government operated purchasing centres in rural areas and the coverage was much smaller than agricultural labour market; and the policy was mainly, on this ground, eventually abandoned after many years.

There are several modes of payment for agricultural labours. These modes of payments may vary from one area to another and from one period to another due to seasonal nature of agricultural activities, demand and supply conditions, local traditions, customs and other non-economic factors. The committee did not consider above factors in their recommendations.

Like the minimum jute price, the minimum agricultural wage rate could not be implemented properly. Elahi and Mandal in their survey found variation in actual agricultural wage rates and legislated minimum wage rate. They also raised serious question about the feasibility of the implementation of the law and its consequence upon demand for agricultural labour. The two researchers collected data on two types of wage rates – daily wage rate with meal (WRWM) and daily wage rate without meal (WRWOM). They showed their survey in the following table:

Table – 3
Variation in Actual Agricultural Wage Rates and Legislated Minimum Wage Rates by Months: (average rate in taka)

| Month | Wage Rate | | | Price of Rice/seer | Legislated minimum wage rate | Difference from minimum wage rate | |
|-----------|-----------|--------------|-------------|--------------------|------------------------------|-----------------------------------|--------------|
| | with meal | without meal | Differences | | | with meal | without meal |
| Baishak | 27.54 | 34.07 | 6.33 | 10.67 | 37.33 | 9.79 | 3.26 |
| Jaistha | 29.32 | 35.89 | 6.57 | 9.65 | 33.78 | 4.46 | 2.11 |
| Ashar | 23.60 | 30.50 | 6.90 | 9.87 | 34.56 | 10.96 | 4.06 |
| Sravan | 22.94 | 32.38 | 4.44 | 10.13 | 35.45 | 12.51 | 3.07 |
| Vadra | 22.01 | 30.58 | 8.57 | 10.26 | 35.90 | 13.89 | 5.32 |
| Aswir | 17.96 | 29.80 | 11.84 | 10.67 | 37.36 | 19.4 | 7.56 |
| Katrik | 20.57 | 29.86 | 9.29 | 10.93 | 38.27 | 17.7 | 8.41 |
| Agrahayan | 23.02 | 32.21 | 9.19 | 10.08 | 35.26 | 12.24 | 3.05 |
| Poush | 23.75 | 28.91 | 5.16 | 10.09 | 35.33 | 11.58 | 6.42 |
| Magh | 23.10 | 32.05 | 8.85 | 10.51 | 36.78 | 13.68 | 4.73 |
| Falgun | 20.75 | 30.29 | 9.54 | 10.84 | 38.12 | 17.37 | 7.83 |
| Chaitra | 20.58 | 29.76 | 9.18 | 11.62 | 40.60 | 20.02 | 10.84 |
| Average | 22.93 | 31.36 | 8.43 | 10.45 | 36.57 | 13.64 | 5.21 |

The above table shows variations in actual wage rates and legislated minimum wage rates and their differences. The highest WRWM in Jaistha while the lowest WRWM was in Aswin. The difference between the highest and lowest wage rates was Tk. 11.36 per day. Wage rates were higher in Baisak and Jaistha rates varied from Tk. 23.75 in Poush to Tk. 20.75 in Kartik. The yearly average WRWM was Tk. 22.93.

Under the present economic conditions of Bangladesh, the minimum agricultural wage legislation is not implementable. Ehahi and Maudal's study indicates that the deviating of actual wage rates from legislated minimum wage rates increase significantly during the slack periods of agricultural operations. Thus, the minimum wage legislation is likely to reduce the employment significantly, in the slack period of agricultural operations, thereby further aggravating the unemployment and underemployment situation in agriculture. Additionally if implemented, the legislated minimum wage rates significantly increase the cost of production.

Redistribution of Khas Land:

Redistribution of khas land among the landless (56%) was one of the cornerstone of land reform ordinance 1984. But the progress of khas land distribution has been very poor even by official estimates only 39% by the end of 1989.⁵⁰ Furthermore, official estimates showed great inaccuracies when checked at the local level. Figures for Noakhali, for example, put official estimates at 67% of available land distributed while direct inquiry at the local level showed a target fulfillment of only 17% by mid 1990.⁵¹

In several other cases, while distribution was shown to have been completed on paper, reality showed that no actual transfers had taken place. In 1988, the landless people of Rangunia, Mirsarai and Patuakhali Organized vigorous movement against the procedure of distribution. The people claimed that actual land less people were deprived, instead, sons of Jotedar were given khas land. In Bangladesh, bulk availability of khas land is concentrated in a relatively few coastal and Jotedar – dominated pockets. Successful implementation of khas land redistribution accordingly demands a concentration of efforts in these identifiable pockets rather than a routine administrative approach for the whole country. As was described in the previous section per capita availability of cultivable land is less than miniscule 0.20 acres indicating very limited scope for any comprehensive redistribution of land. The failure to appreciate the overall land constraint has led to an exaggerated but largely ineffectual attention to redistributive land reform while the more realistic issue of the optimal

utilization of public or state land resources including urban land has been relatively neglected.

Ershad's land reform steps have remained merely paper legislations. A survey in January 1991 showed that nearly 90% of the rural population were unaware of the tenancy reforms of 1984 let alone drive any positive results from them.⁵² About 66% people were unaware of Khas land distribution.⁵³ Only 7% agricultural labourers and 9% cultivators have shown positive opinion about Ershad's khas land distribution and tenancy reforms respectively.⁵⁴

In the absence of any effective machinery of enforcement, the legal bar on Benami transaction and eviction from homestead as well as the fixation of a minimum wage has remained devoid of any practical significance.

Any attempt of land reform in Bangladesh needs to focus on the issue that inheritance law in Bangladesh discriminates against women. Ershad's Land reform policy is discriminatory against woman and is biased in favour of the man. Not only woman – headed households but also male headed household in which the head is incapacitated from work and depends on non-farm income of the wife is also deprived. In either of the cases woman is the victim of the so-called land reform policy of Ershad.

Decentralization of Judiciary: Pattern and Implementation

Together with the decentralization of the civil administration, Ershad also brought changes to the judiciary and the administration of justice. In his scheme for decentralization of the Judiciary and administration of justice, Ershad sought to bring to the people at the grass roots level their basic right to justice and the opportunity for legal redress.

In order to make the decentralization of administration more effective and the Upazila more self-contained, the reform package at this tier also included changes in the administration of justice. Magistracy was established at the Upazila level along with a Munsif Court to cover both civil and criminal matters. These had in the past been handled at the district level. This immediately required about a thousand judges, including magistrates to cover all the Upazila Courts.

Necessary infrastructure including prisons had to be built.

A quick recruitment process was initiated along with a short training course for these new judges and magistrates. Funds were allocated for the central budget for the construction of buildings and Courts. In less than five years nearly all the Upazilas had fully-fledged Courts to ensure that the people at the lowest administrative level of the Country had the opportunity to seek justice without having to travel far from home.

As a part of his programme for decentralization of the administration of justice, Ershad questioned the rationale of requiring people to go all the way to capital in Dhaka, where High Court was located, in order to contest or defend a case. He, therefore, decided, to bifurcate the jurisdiction of the High Court Division. When Bangladesh was a part of Pakistan, the Supreme Court was situated first in Karachi and then in Islamabad. Subsequently, a bench of the Court used to move to East Pakistan on a regular basis for a Specified time. As far as the High Court was concerned, the Province of East Pakistan had its own High Court in Dhaka. But even at that time, demands were raised both by the Bar and the Political parties to have High Court benches move in circuits to some of the other towns of East Pakistan.

Once Bangladesh was freed from colonial rule of Pakistan, this demand was incorporated into the constitution. In Article 100, Provision was made to cable the Supreme Court to make arrangements to constitute sessions of High Court Division in places outside the capital.

An attempt was made during the regime of Ziaur Rahman to constitute the higher judiciary by separating the High Court Division from the Supreme Court. The Constitution was amended by a Martial Law Proclamation Providing for a separate High Court with its own Chief Justice. This would make it easier to have the circuit benches of the High Court outside the capital. Since the Supreme Court

Bar Association continued to oppose the idea and the judges were also reluctant to sit outside Dhaka, the Structure returned to its Original form. The System thus continued to have the Supreme Court embodying two divisions i.e., Appellate and High Court Division under the single authority of the chief justice of the Country.

Permanent Benches of the High Court Division

When Ershad took over Power, he perused the demand for an extension of the High Court Division to various parts of the Country. Since the constitution was suspended and it was not possible to compel the supreme Court to constitute sessions of the High Court Division outside Dhaka, the Martial Law government went on to establish not only these Courts in the form of session or circuit Courts but to do so on a more permanent basis.

On 8 May 1982, by a Martial Law Proclamation (2nd Amendment) order 1982, Ershad initially set up seven permanent benches of the High Court Division in various district towns of the Country. Later, when the constitution was revived, the permanent benches was dissolved but under the revived Article 100 the Chief justice, in consultation with the President, proceeded to implement the provision of six seniors benches in other towns- namely Barisal, Chittagong, Comilla, Jessore, Rangpur and Sylhet.

In 1988, by the Eight Amendments, Ershad a gain changed Article 100 to incorporate the provision for permanent benches of the High Court Division in the

same places, with the power to transfer judges from one bench to another. In addition, and most notably, the permanent benches were to have independent jurisdiction, Powers and functions of the High Court Division under the constitution, in areas to be assigned by the President in consultation with the Chief justice. The area not so assigned, meaning the residuary area, would only be under the jurisdiction of the High Court division sitting at the permanent seat to the Supreme Court at Dhaka.

The entire character and structure of the Supreme Court was changed particularly that of the High Court Division as provided in the original constitution of 1972. The Provision to have permanent benches with power to transfer judges and assuming independent jurisdiction implied for all practical purposes seven High Court Divisions in the Country.

Implementation of the Decentralization of judiciary

Ershadis decentralization of judiciary and administration of justice could not reap any positive result. Naturally, the military dictators do not deal with the judiciary. But why Ershad took change in administration of judiciary is still unknown to the people.

Ershad established magistracy along with a Munsif Court at the Upazila level to cover both civil and criminal matters. To cover all the Upazila Courts, the regime appointed about a thousand judges in cloudily magistrates through a quick recruitment process. The new judges and magistrates were given a short training course only. Because of inexperience and knowledge, these judges and magistrate failed to show their skill in the dispense of justice.

Once the Courts start functioning, they became the den of gross irregularities and mismanagement. Many irregularities were reported academy corruption on the part of the part of the judges and magistrates, bench clerks and lawyers. Justice was dispensed in a manner which could not be described has satisfactory. Initially, there were no infrastructures to be used for Court functioning. Therefore, the Court could not function regularly and the quality of dispensation was very poor. Rural people who usually settle their disputes through rural salish, started going to the Upazila Courts for their petty issues.

A section of dishonest and inexperienced lawyers used the general clients in their quest for acquiring illegal money. These lawyers developed an unholy relation with the judges and magistrates of the Upazila court.

The supreme Court Bar Association started vigorous movement against the system. The Bar Association argued that the hurriedly recruited Munsifs and Magistrates were not fit to administer justice. The system, as Moudud Ahmed states, “encouraged villagers to enter into litigation unnecessarily and the absence of a congenial atmosphere at the Upazila level had given rise to many evils which were corrupting and vitiating the in course of justice”⁵⁴ Besides, the new judge and magistrate were far from the control or supervision of any higher authority and were

therefore likely to take the job more as executive agents than dispensers of justice and equality.⁵⁵

After the 5th National Assembly Election held in 27 February 1991, the Government of begum Khalada Zia promulgated ordinance no. xxxvii of 1991, later on, made Act no. 11 of 1992 abolished the Upazila parishads and thus the Courts at the Upazila level came to an end.

Later the repealing ordinance was challenged in the High Court Division through writ petitions by two Upazola Chairmen Mr. Ahsan Ullah Master (AL) of Gazipur Sader and Kudrat-E- Elahi panir (JP) of Sonargaon, Naryangong. Thus the case appeared as the case of Kudrat-E-Elahi Panir and others vs. Bangladesh, 44 DLR (AD) 319. Though the High Court Division, however, granted a certificate under article 103(2) of the constitution, later the three judges of the Appellate Division- Shahabuddin Ahmed, (C.J), A,T,M Afzal, (J), and Mustafa Kamal, (J) rejected the writ petition and upheld the Act no. 11 of 1992.

However, people from lower income group were almost unaware of Ershad's Upazila Court system. In a survey conducted by BIDS in 1991, found that Cultivators (4.8%), agricultural workers (8.2%) non- agricultural workers (13.6%), professionals (5.7%) and house work (26.9%) were not aware of the Upazila Court. The survey also included people's opinion from various administrative divisions. In Chittagong Division, 14 percent people were not aware of Ershad's Upazila Court system. The percentage rose to 19, 21, and 29 in Dhaka, Rajshahi and Khulna Divisions respectively. Though about 52 percent people had shown positive opinion about Upazila Court, but this does not reflect the opinion of general people. Those who benefited in different ways had shown there opinion.

As far as the decentralization of the High Court division was concerned, the difficulties pointed out were of a more serious nature. The huge financial commitment for building new Courts, accommodation and so on for a small number of people, the absence of an appropriate atmosphere for the judges to function freely-all these conditions raised serious doubts as to whether they could uphold the principles and tradition of the judiciary.

The issue of following precedent as a guide to suicidal principles as an integral part of the administration of justice particularly at the Supreme Court level where new problems would be created which could not be easily resolved. Similarly orders and judgments could run contradictory to each other on the same issue of law, with different benches taking independent positions without knowing about the other in a sovereign Country where under the same Supreme Court.

The establishment of permanent benches for the High Court Division neither conceptually nor functionally produces any cohesive or sound improvement over the system and tradition that already existed.

After the Eight Amendment (Act no xxx of 1988) the situation became more complicated. The constitution (Eight Amendment) Act, 1988, was enacted on the June, 1988 substituting Article 100 altogether providing that the High Court Division shall have a permanent Bench each at the Martial law period and the period following judges of the High Court Division were made transferable to the permanent benches.

On June 11, 1988 Ershad issued notifications assigning areas of six permanent benches and on the same date the chief justice issued notifications relating to the permanent benches. The effect of such a change in the structure of the High Court division in the respective districts and Upazilas, as Moudud Ahmed writes, “was not only beyond comprehension but led to a questioning of the unitary nature of the state and potentially threatened the integrity of the nation as a whole.”⁵⁶

The permanent benches established outside Dhaka were located at places which lacked any coherent justification. The selection seemed to have been made more on personal whim than any logic or defined principle. Moreover, the idea of having many High Courts for the benefit of so few people in a land of resource scarcity seemed to be sheer irrationality.⁵⁷

It is very interesting that the idea of establishing permanent benches of High Court had initially been mooted by a military general, now dead, because of his personal suffering in a divorce suit in the High Court.⁵⁸ The judges and lawyers therefore had to be taken to task or punished. This simplistic military thinking which was shared by Ershad, produced the most injurious conflict between the Bar and the government and between the Bar and Bench of the judiciary.

The lawyers perceived the move as an unconstitutional act. They could easily see that the move was an attempt to disperse the lawyers all over the Country and so reduce their political influence.⁵⁹

The Supreme Court Bar Association and the lawyers protested the move vehemently. They continued a sustained and powerful agitation. They boycotted the Courts for months, passed resolutions and staged demonstrations. Later the lawyer limited their boycott to the Court of the Chief Justice F.M.M.A. Munim because of his

collaboration with Ershad in establishing the permanent benches of the High Court outside Dhaka.⁶⁰

The lawyers continued their boycott until Justice Munim retired in the middle of 1989. Munim could not sit in any Court for nearly three years. Some lawyers humiliated the Chief justice in public. The decision of Chief justice to hang on for years despite all the humiliation was despicable that only created bitterness between the Bar and the Bench.

By two writ petitions the amended article 100 and the notification of the Chief justice dated 11-06-88 were challenged as ultra virus. A Division Bench of the High Court Division summarily dismissed the writ petition on the 15th August, 1988. Leave was granted by the Appellate Division. This appeal, *Anwar Hossain Chowdhury vs. Bangladesh*, 1989 BLD (spl), 41 DLR (AD) 165, along with two appeals is popularly known as the constitution (8th amendment) case.

The Appellate Division by a majority of 3:1⁶¹ struck down the impugned amendment of article 100 and the notification of C.J. The main ground on which the amendment of article 100 was challenged and declared ultra virus and void was that the High Court Division of the supreme Court with plenary judicial power over the Republic is a basic structure of the constitution which can not be altered or damaged and the amendment is void having rendered the High Court Division with plenary judicial power over the entire Republic non-existent.

The basis for this argument is that the power of amendment of the constitution under Article 142 is a power under the constitution and not above and beyond it and is not an unlimited power under the constitution and not above and beyond it and is not an unlimited power. The concept that parliament has unlimited power of amendment is

inconsistent with the concept of supremacy of the constitution embodied in the preamble and article 7 of the constitution. Article 7, itself is basic, fundamental and unalterable.

Thus, the judgment of the Supreme Court became effective immediately and the permanent benches created by Article 100 of the Eight Amendment were dissolved.

The relentless agitation and demands of the Supreme Court Bar Association finally resulted in a successful conclusion of the issue. According to the original (1972) Constitution's Article 100 however, as affirmed by the judgment on the Eight Amendment, the Courts in sessions outside Dhaka under the rules framed by the Supreme Court continue to operate. The Bar Council of Supreme Court continued to demand the resignation of Ershad through seminar, conferences and meetings.

Foot notes

1. The Bangladesh Times, March 24, 1987.
2. Hyder, Yusuf, Development: The Upazila way, Dhaka Prokashon, Dhaka, 1986, P.46
3. Ahmaed, Tofail, Decentralisation and Peoples Participation in Bangladesh: BARD, 1987
4. Siddique, Noore Alam, Development from Below, BIDS, Vol. 20 1997
5. Ibid, P. 61
6. Ahmed, Tofail, Opcit, P.87
7. Ibid, P. 62
8. Ibid, P. 61
9. Hye, H.A, and Sultan, K.M.T 1985, Administrative Decentralisation in Bangladesh, CIRDAP, Dhaka, Bangladesh (Mimeo).
10. Ibid, P. 86
11. Blair, H.W, (ed) Can Rural Development Be Financed From Below? Local Resource Mobilisation in Bangladesh, Dhaka, UPL, 1989, PP. 233-241
12. Siddique, Noore Alam, Ibid, P. 63
13. Ibid, P. 63
14. Blair, H.W, Opcit, 242
15. Ibid,
16. Opcit, P.71
17. The Washington post, October 25, 1983
18. Md. Ataur Rahman, Bangladesh in 1982 : Begining of the Second Decade, Asian Survey, vol. XXIII, No. 2, February 1983, P.152
19. A.M.M. Shawkat Ali: 1982 field administration and rural development in Bangladesh.
20. Report of the Administrative and services reorganization committee (Muzaffar Ahmed Chowdhury, Chairman) March 15, 1972 (in five volumes).
21. Adminral Khan Committee, 1982
22. CARR Report,opcit, chap iii-v
23. Admiral Khan Committee. 1982. pp.160-161
24. NICAR, September 8, and 20, 1982
25. Local government (Thana Administration Reorganization) ordinance, 1982

26. Moudud Ahmed Democracy and the challenge of Development, UPL 1991. p.256
27. Ibid p. 256
28. Ibid, p. 266
29. Ibid, p.266
30. Tofail Ahmed, 1987: Decentralization and people's participation in Bangladesh: A political perspective, BARD, Kotbari, Comilla, pp. 58-59.
31. Moudud Ahmed, Democracy and the Challenge of Development, UPL, p.273
32. Moudud Ahmed, Op.cit
33. Op.cit
34. Op.cit
35. Op.cit
36. Talukder Maniruzzaman, The fall of Military Dictatorship, 1991 Elections and the prospect of civilian Rule in Bangladesh, Pacific Affairs, Vol. 65, No. 2, Summer 1992, p.205
37. Op.cit
38. The Majority Judges are: B. H. Chowdhury J, Shahabuddin Ahmed, J, and M.H. Rahman. J. The minority judge in A.T.M. Afzal, J. Ahmed, Kholiquzzaman, Kazi, Land Reform for Social Transformation, BIDS publication, Dhaka, May 7, 1983, P.2
39. The Bangladesh Times, July 30, 1982.
40. Terms of reference of the committee, Notification No. IC-13/82/1108-Estt. Dated 31 July 1982.
41. The Land Reform Rules 1984, dated 21 May 1984, in Moudud Ahmed's Democracy and the Challenge of Development, UPL, Dhaka, 1995, p.287
42. The Agricultural labour (minimum wages) Ordinance 1984, dated 22 February 1984.
43. Land Reform Abhijan, Ministry of Land, Land Reforms Cell, 1 July 1987.
44. Land Reform Board Act 1989, dated 31 May 1989 in Moudud Ahmed's Democracy and Challenge of development UPL, 1995, p.290.
45. Ibid.
46. Bangladesh Rin Shalishi Ordinance, 1988
47. Ahmed, Moudud, op.cit.

48. Ahmend Khaliquzzaman Kazi, Land Reform for Social Transformation, Dhaka 1988.
49. Evaluation of Khas Land Distribution Programme of the Government in Cooperation with NGO Coordination Council for Land Reforms, Dhaka, November 1990.
50. Ibid.
51. BIDS Pre-Election survey, February, 1991.
52. Ibid.
53. Ibid.

Chapter –IV New Policies in Economic field

THE NEW INDUSTRIAL POLICY (NIP) 1982

Industrial policy is about industrializing a country. It suggests that the process of industrialization can be guided by policy interventions of a government which can influence the pace, structure and efficiency of the industrialization process. There is an attendant assumption of industrial policy which often remains implicit. This suggests that the pace and direction of industrialization remain inappropriate to the conception of the policy makers.

It may be noted that the government of the United States and most developed market economies with the exception of Japan do not announce industrial policies. It is assumed that entrepreneurs both private and public will accelerate investment in industry and structure it according to the imperatives of the market. Policy interventions here are largely at the macro-level designed to regulate the rate of inflation, exchange rates and the supply of money.

Mr. S.M. Shafiul Azam, Adviser in charge of Ministry of Commerce and Industry declared on June 1, 1982 at a press conference at Shilp Bahban, Dhaka, The New Industrial policy NIP/82. The goals of the NIP were to improve the investment climate and to accelerate the rate of industrial development in Bangladesh in an effort to increase employment opportunities and raise living standards.

Azam pointed out 15 objectives of the NIP, 82. They are follows:

- i) Expand the manufacturing sector with increased participation of private sector;
- ii) Limit the role of public sector to the establishment of basic, heavy and strategic industries;
- iii) Encouraging optimum Utilization of existing capacity including measures for Balancing, Modernisation and replacement (BMR);

- iv) Encourage investments to move away progressively from "assembly" to intermediate basic manufactures;
- v) Protect and promote local industries by reasonable tariff measures and on banning imports where there is adequate domestic capacity;
- vi) limit the growth of investments and industries having monopoly character;
- vii) Improve the efficiency and profitability of public sector enterprises by cutting down overheads, reducing wastage and loss, increasing productivity of labour and capital and toning up management;
- viii) Promote export-oriented industries ;
- ix) Make extensive and effective use of local resources. Skill and know-how and maximise indigenous manufacturing content as quickly as possible;
- x) Promote geographical dispersal of industries on economic grounds;
- xi) Encourage linkage between large, medium and small industries;
- xii) Ensure that quality and price of locally manufactured goods is maintained at a reasonable level;
- xiii) Create additional productive employment opportunities in the rural areas through promotion of rural and cottage industries; and
- xiv) Develop indigenous technology base and encourage judicious application of appropriate technology.¹

Concurrent and Reserved Lists:

Mr. Azam also mentioned concurrent and reserved lists where both public and private investments can take place. The concurrent list includes the following 13 sectors:

- ◆ Jute industry (Sacking hessair and carpet backing)
- ◆ Cotton textiles (excluding handlooms, power looms and specialised textiles)
- ◆ Sugar
- ◆ Paper and newsprint
- ◆ Iron and steel (excluding re-rolling mills)

- ◆ Shipbuilding and heavy engineering (including machine tools and assembly/manufacture of cars, buses, trucks, tractors and power tiller)
- ◆ Minerals oil and gas;
- ◆ Cement
- ◆ Petro-chemicals (fertilizer, pvc, ethlone, carbon black, synthetic etc)
- ◆ Heavy and basic chemicals and basic pharmaceuticals,
- ◆ Shipping and
- ◆ appliances and equipment for telecommunication service:

Both sector corporations and private sector to set up industries in the concurrent list.²

Reserved List (RL)

The reserved list (RL), according to Azam included the following six sectors:

- ◆ Arms and ammunition and allied defence equipment;
- ◆ Atomic energy;
- ◆ Tele-communication;
- ◆ Air transport;
- ◆ Generation excluding stand-by generation and distribution of electricity (excluding rural electrification palli Bidyut Samity and
- ◆ Forest extraction (Mechanised)

The NIP reversed the policies of the Awami League.³ The policy called for privatising public-sector units, restricting the scope of the public sector to six basic and strategic industries, and liberalizing control and regulation of the private sector. It outlined a variety of incentives and concessions designed to enhance and protect new industries.

The policy reflected a rapid acceleration of the process of privatization and assigned private sector the lead role in industrial development. Privatization becomes a key-word in the eighties as a new policy instrument of the dominant developing

strategies of the International Donor Community. It originated from the policies introduced by Thatcher in Great Britain in the late seventies and by Reagan in the USA, in 1980. Henceforth, privatization, i. e. any transfer of ownership of state enterprise (full or partial on-going companies, or assets following liquidation) to other agents which results in effective private control of the enterprise, became the model to promote economic growth in third world countries. The most important objectives of this privatization are:⁴

- The public sector should function more effectively;
- The realization of budget economization:
- The enhancement of the market sector : and (since the beginning of the nineties),
- The improvement of the welfare of the consumer and user.

The landmark NIP 82 is supposed to have introduced widespread liberalization policies. As many as 57 enterprises belonging to premier Jute and cotton textile industry were denationalized within one year of the announcement of the NIP.⁵ Further denationalization, including denationalization of banks were carried out in the following years. Except for a small list of industries reserved for the public sector of which only arms and defense equipment fell in the category of manufacturing, all others were made open to private investment and the Industrial Investment Schedule (IIS) which earlier controlled private investment by specifying investment possibilities in various sectors in terms of aggregate investment allocations was rendered indicative.

NIP 82 also brought about relaxation in investment sanctioning procedure. The list of free sectors was expanded by 19 more sub-sectors and sanctioning power was significantly decentralized. In case of projects which did not seek institutional financing but required prior permission authority for sanctioning was delegated to bodies such as Department of textiles, Bangladesh Small and Cottage Industries Corporation (BSCIC). Directorate General of Industries etc provided the import content of raw material did not exceed 20% of the total requirements. Projects requiring borrowed funds under a

threshold value could be sanctioned by DFIs or Nationalized commercialized Banks (NCBs). Sanctioning rules were also relaxed for foreign private investments.

The NIP mentioned promotion of export oriented and export linkage industries as a declared objective and put emphasis on the promotion of non-traditional exports. The export promotion measures that were initiated in the late 1970's were strengthened and expanded. These indeed special credit facilities, provision of working capital loan, export credit guarantee scheme, back to back IC facilities and a variety of fiscal and tax incentives which included concessional import duty on capital machinery income tax rebates, provision of bonded warehouse duty drawback etc. There was also the export performance Benefit under which an enterprise could use its export-earned foreign exchange to import its input or such other commodities as were permitted under WES or sell it in the free foreign market.

Revised Industrial policy (RIP) 1986

The down-turn in 1985 and World Bank sponsored recommendation for reform on trade and investment policies (TIP) in Bangladesh prompted Ershad to declare the Revised Industrial Policy (RIP) in 1986. In July 8, 1986, the DCMLA and minister for Industries Air vice-Marshal sultan Mahmud announced through BTV the Revised Industrial Policy. The RIP having 15 objectives with as many strategies, among others provides for:

- a) Priority list of industries and discouraged list of industries;
- b) Fiscal incentives, particularly for less developed areas and small and cottage industries;
- c) Simplified sanctioning procedure and
- d) Continuation of the disinvestment project

Announcing the RIP at the CMLA secretariat, the DCMLA said that the RIP formulated on the basis of experience gained from the NIP 82 and discussion with

concerned agencies both in the private and public sectors would make special contribution to the balanced growth of industries in the country.

The RIP was a further refinement of the NIP and contained several key elements.

- First,** it shifted emphasis away from disinvestment and denationalization to privatization by restating the government's commitment to offer 49 percent of shares in public sector companies to the public. To placate public sector unions, 15 percent of the shares were reserved for employee stock option plans.
- Second,** it redefined the scope of the public sector by dropping the concurrent list and increasing the number of areas reserved for the public sector from six to seven.
- Third,** it issued a list of priority, and discouraged industries,
- Finally,** it promised to streamline the entire regulatory process, and offered increased incentives for establishing industries in less developed areas.

Overall, the declaration attempted to emphasize implementation, privatization, and liberalization of the system of control and regulation of the private sector.

The RIP aimed at further strengthening and expanding the privatization and liberalization measures initiated earlier. The only retracting step involved in the RIP was the introduction of "Discouraged list" of industries, investment in which were discouraged on grounds of non-availability or excess capacity. Other than the discouraged list of industries and seven sub-sectors reserved for public undertakings, all others were placed on the free category. The sanctioning powers of the financial institutions and NCBs were further raised, the restriction pertaining to "less than 20%

raw materials import content" was raised to the level of 50% and eventually dropped in 1988. Fiscal incentives which were introduced earlier were further expanded under RIP. These included tax holidays, accelerated depreciation allowance with carry-over benefits, exemption from tax on capital gains etc.

The importance of small and cottage industries for decentralized employment generation and rapid industrialization of the economy has been emphasized since the Pakistan days. Successive plan documents ritualistically mentioned small and cottage industries as pivotal elements of the industrial policy. But these policy pronouncements remained confined to plan documents only. While there are some linkering with polices from time to time. Small and cottage industry was never declared as a priority sector and no comprehensive strategies were worked out for all round development of the sector. For the first time, RIP, 86 declared small and cottage industry as a priority sector and adopted a set of measures for facilitating the development of this sector. RIP measures for small industry promotion were mainly in the form of preferential access to institution credit. Financial institutions and banks were asked to have a separate window for financing small and cottage industries. There were also provisions for concessional debt-equity ratio and special interest rates. Under the RIP, shares upto 49 percent of some enterprises under the public sector corporation unloaded mainly for public subscription through the stock exchange or ICB with a view to stimulating share market and raising additional funds for concerned enterprises.

The two major things between RIP 86 and NIP 82 and in respect of disinvestment and retention of seven areas for public sector investment the similarities between the two end there. The RIP-

Firstly, puts a rather belated, but nonetheless quite a praiseworthy, break on over subscribed and non-viable investment.

Secondly, it recalls the "bitter experience" gained in the recovery of industrial loans both from the old and new entrepreneurs and makes it clear that such loans would not be written off.

The policy thus renews pressure on the loanees to pay back their dues. Presumably, they cannot contract any fresh loan as long as they remained defaulters. Under NIP'82 the number of "free sectors" was raised to 49. Later, RIP'86 rendered all sectors outside the Reserved and Discouraged list as "Free" and the definition of own resources was expanded to include supplier's credit and the pay as you Earn (PAYE).

Perception on Industrial Policy as reflected in NIP and RIP.

In general, four key issues have dominated successive industrial policies during Ershad regime:

- a) Ownership of industry.
- b) Incentives to attract private investment including foreign investment.
- c) Investment approval processes, and
- d) Industrial financing.

Ownership of Industry

The post-liberation policy saw the growth of the public sector. The strategy of public sector led industrialization was abandoned after the government in 1975 and the stage was set for development of a mixed economy.

The World Bank reports (1986 and 1989) repeatedly assert that the NIP/86 had carried out "One of the most extensive denationalization programme of public sector enterprises in the world." World Bank (1989) argues that, as a result of these policy initiatives, 650 enterprises were disinvested or denationalized, leaving only 160 enterprises in public ownership.

The process is claimed to have reduced the share of public sector in fixed assets of modern industrial sector from 85 percent in 1980/81 to 40 percent in 1985/86. In contrast to the World Bank position, the analysis of Sen (1991) shows that as of 31st December, 1986, about 518 industrial units have been divested.⁶ Of these, 213 were large units previously managed by public sector corporations, 264 were small units and the remaining 41 units were classified as vested property. Out of the 213 large units, 106 units were divested during 1976-81, while the remaining 107 units were transferred to the private sector during the period 1982-86.⁷

According to Humphrey (1988), one of the major elements of NIP 82 was the decision to return the jute and textile mills, nationalized a decade earlier, to their original Bangladeshi owners. The denationalization of 27 textile mills and 33 jute mills was accomplished within a year.⁸ Thus the government turned over to the private sector 38 percent of the jute capacity, 45 percent of the spinning and 57 percent of the weaving capacity in the textile industry.⁹

Table – 1

Denationalization / Divestiture of industrial enterprises

| Period | Divested | Denationalized | Total |
|--------------------|-----------------|-----------------------|--------------|
| 1973-75 | 154 | 0 | 154 |
| 1976-81 | 115 | 106 | 221 |
| 1982-86 | 36 | 50 | 86 |
| 1982-83 : Jute and | 0 | 57 | 57 |
| textile | 0 | 23 | 23 |
| 1986-87: sold | 0 | 3 | 3 |
| Total | 307 | 239 | 544 |

Source: Ameen 1987: A Study of Divestment of Industries Bangladesh for Canadian International Development Agency, Dhaka, P.88, cited in Gian Sahota's An Assessment of the Impact of Industrial Politics in Bangladesh, 1989, P.161.

The NIP82 envisaged a massive Programme of disinvestment of Public Sector industrial units, especially in Jute and Cotton textile sector.¹⁰ As table 1 shows that as many as 57 enterprises belonging to Jute and textiles were denationalized within one year of the announcement of the NIP 82.

A Second element of the reform included the denationalization /Disinvestment of Banks and insurance company. The decision to permit Bangladeshi to set up private commercial banks and specialised financial institution with their own capital or in collaboration with foreign capital in 1977-78 effectively ended the monopoly of commercial banking by the nationalized commercial banks (NCB). In 1978 the decision was taken to breach the exclusive jurisdiction of the state over insurance company by permitting a number of private insurance companies to be set up in competition with the state sector.¹¹ Sobhan (1990) mentions that the frontiers of public enterprise were further rolled back in post-1982 through the sale of shares of public enterprises to the public by the divestiture of three nationalized commercial banks, namely Uttara Bank, Pubali Bank, and Rupali Bank. Moreover, the RIP 86 has committed the GOB to sell off 49 percent of the shares of enterprises retained in the public sector to the public.

Along with the scaling back of public enterprises (pes) through divestiture, the NIP 82 has adopted programmes to improve the performance of remaining units through financial and physical rehabilitation, and various measures designed to improve management autonomy, pricing policies, and performance monitoring. World Bank (1989) report shows that Significant Pricing adjustments were made in a few cases, notably public enterprises in natural gas and electricity production, where rates have been increased by 50% and 15% p. a. respectively between 1986 to 1989. To improve budgetary control and monitoring, a system for autonomous bodies reporting and evaluation (SABRE) was introduced in the enterprises in 1987-88 and another ten enterprises in 1988-89.¹²

Table – 2

Changes in the Reserved list of the public sector in successive industrial policies.

| Sector | 1974 | 1975 | 1978 | 1982 | 1986 | 1991 |
|---|------|------------------|------------------|------------------|----------------------|----------------|
| 1. Arms and ammunition | R | R | R | R | R | R |
| 2. Atomic Energy | R | R | R | R | R | R ⁷ |
| 3. Jute Industry | R | R ¹ | R | B | P | P |
| 4. Textile | R | R/P ² | P | B/P ⁴ | P | P |
| 5. Sugar | R | R | R/P ³ | B | P | P |
| 6. Paper and Newsprint | R | J | J | B | P | P |
| 7. Iron and steel | R | J | J | B/P ⁵ | P | P |
| 8. Ship-building and Heavy Engineering | R | J | J | B | P | P |
| 9. Heavy Electrical Industry | R | J | J | B | P | P |
| 10. Minerals, Oil and Gas | R | J | J | B | P | P |
| 11. Cement | R | J | J | B | P | P |
| 12. Petro-chemicals | R | J | J | B | P | P |
| 13. Heavy and basic chemical And pharmaceuticals | R | J | J | B | P | P |
| 14. Air Transport | R | R | R | R | R | R |
| 15. Shipping | R | J | J | B | P | P |
| 16. Telecommunication | R | R | R | R | R/ P ⁶ | P |
| 17. Generation and distribution of electricity | R | R | R | R | R | P |
| 18. Forest extraction | R | J | R | R | R | R |
| 19. Appliances and equipment to Telecom. Service | | | J | B | R | P |
| 20. Railways | | | | | P | R |
| 21. Security printing (currency Note) and minting | | | | | R | R |

Note: 'R' Denotes reserved for the public sector.

'J' Denotes concurrent list where joint private and public investment can take place.

- 'B' Denotes concurrent list where both private and public investment can take place.
- 'P' Denotes where private investment can take place.
- '1' Only sacking, Hessain and carpet Backing were kept in the reserved list.
- '2' Only power looms, handlooms and specialized textile were put in the private sector.
- '3' Only mini sugar mills were put in the private sector
- '4' Only cotton textile was kept in the concurrent list and handlooms, power looms and specialized textiles were put in the private sector.
- '5' Only re-rolling mills was put in the private sector
- '6' Only distribution and services were put in the private sector.
- '7' Only production of nuclear energy were kept in the reserved list.

Source: Salma Choudhuri Zohiree, An Assessment of Industrial Policy in Bangladesh: what policies Are We Talking About? BIDS Research Report No-142, February 1996.

Table – 3

List of free sectors

- 1978** **List of 10 sub-sector in IIS 1978-80**
1. Ice freezing plant
 2. Cold storage
 3. Hotels (one and two star)
 4. Timber processing and timber product plants.
 5. Tobacco processing
 6. Cinema Hall
 7. Rice mills
 8. Coir/Rope and Coir Products
 9. Automatic Brick Manufacturing Plants
 10. Fish and Fruit Processing plant.
- 1980.** **The list was extended to 22 sub-sectors in IIS 1980-85**
11. Food and Fruits Processing
 12. Poultry farming and Poultry Products
 13. Shrimps and frogs farming and processing
 14. Salt
 15. Jute handicrafts
 16. Processing of sand and clay
 17. Livestock feed
 18. Cultivation and Processing of mushrooms
 19. Industries based on slaughter house wastes including recovery of fallow.
 20. Sports and athletic goods
 21. Hospitals and Clinics
 22. Printing and Publishing
- 1982.** **The list was expanded by 19 more sub-sectors in NIP1982**
23. Dairy farming and dairy Products (except ice cream)
 24. Dehydration of fruits and vegetables
 25. Dry and salted fish for exports

26. Fish meal, fish Oil, and fish protein concentrates.
27. Packeting of tea for export
28. Bee keeping and honey refining
29. Spices processing for export
30. Sericulture, reeling and filature including ericulture
31. Industry based on cotton waste.
32. Jute felt for export
33. Cane and bamboo manufactures
34. Hand made paper
35. Essential Oil including essences (based on locally available raw materials)
36. Gas appliances
37. Light engineering workshop
38. Industries based on agricultural products
39. Footwear
40. Finished leather goods
41. Jute bailing and Jute products
1983. List of sub sectors freed in 1983
42. Deep sea fishing
43. Household linen
44. Ship and boat building
45. Hosiery
46. Monopillament Rope and Yarn
47. Plastic Product
48. Ready made Garments
49. Specialized Textile
50. Ordinary power loom.

Table – 4

Rates of Import (adval) on machineries and equipment

| SL | Area/Item | 1978 | 1982 | 1986 |
|----|---|------|-------------------|-------------------|
| 1. | Developed | 15% | 15% | 20% |
| 2. | Development Area | 2.5% | | |
| 3. | Priority Development area | 2.5% | 2.5% | 7.5% ² |
| 4. | Industries located in the industrial estates of BSCIC in the Developed areas | 5% | 2.5% | 2.5% ⁴ |
| 5. | High priority industries (i.e. industries using 70% or more of local raw material) Developed and Development areas | 2.5% | 2.5% ¹ | 2.5% ⁵ |
| 6. | Industries exporting at least 80% of its products, irrespective of location. | 2.5% | 2.5% | 2.5% ⁶ |
| 7. | Capital machinery imported under wage Earner scheme | | | |
| | i) developed areas | 5% | 15% | --- |
| | ii) Other areas | 5% | 2.5% | --- |

Note: "No sale tax" was added to these duty rates in 1978 and the same was continued in 1982 and 1986.

1. Less Developed areas also included
2. Applicable for less developed areas
3. Applicable for least developed areas
4. Also for small and cottage industries in less and least developed areas and BSCIC Estates irrespective of location.
5. Irrespective of location.
6. Minimum of 70% exports

Source: Salma Chowdhury Zohiree, An Assessment of Industrial Policy in Bangladesh: What Policies Are We Talking About? BIDS Research Report No 142, February 1996, p-23

Table – 5

Chronological change in Entry and capacity limits to private Domestic Investment

| Year | Provision | Remark |
|---|---|--|
| 1972 Industrial Investment policy order | Initial investment ailing Tk 2.5 Million and with reinvested profit Tk.3.5 Million. | Limited to investment in small and cottage industries. |
| 1973 Industrial Investment Policy | Initial investment ceiling raised to Tk. 3.5 million | Modest investment allowed attracting private investment |
| 1974 Industrial Investment policy | Investment ceiling raised to Tk. 30 million | Private investment allowed in medium industry opened up to private investment |
| December 1975 Investment Policy | Investment ceiling raised to Tk. 100 million | Large industry opened up to private investment |
| 1976 | Ceiling removed. private investment allowed in all sectors excluding 8 sectors for public investment. Aggregate sub-sectoral private investment subject to investment possibilities specified in the Industrial Investment schedule (IIS) | No ceiling on individual investment but control maintained on aggregate sub-sectoral investment through IIS |
| 1978 | Investment in 19 sectors declared free from government control provided fixed assets imports are financed through wage earning or non-repatriable foreign investment | Free sectors exempt from IIS limits |
| 1982 New Industrial policy (NIP) | IIS made indicative. Number of free sectors raised to 49 | Sub-sectoral investment ceiling through IIS removed |
| 1986 Revised Industrial Policy (RIP) | Seven sectors retained on the Revised List. Discouraged List of industries introduced. All other sectors made free for self financed investment | Entry restricted to industries in the Reserved and Discouraged List |
| 1991 Industrial Policy | Discouraged List abolished | Entry and capacity limit on private domestic investment removed barring 7 sub-sectors reserved for public investment |

Source: Zahid Bakth and Debaprija Bhattacharja, *The study of Japanese cooperation in Industrial policy for Developing Economies-Bangladesh*, Institute of Developing Economics, Tokyo, Japan, March 1994, P. 76

Table – 6

Agencies authorized to issue sanctions to investment proposals (Taka in Lakh)

| Sanctioning Agencies | | Size of Investment | | |
|----------------------|---|--------------------|------|----------------------|
| | | 1978 | 1982 | 1986 |
| 1. | Bangladesh Shilpa Bank | | | |
| | a) Head Office | 300 | 400 | 600 |
| | b) Regional Office | --- | 25 | 25 |
| 2. | Bangladesh Shilpa Rin Sangstha | | | |
| | a) Head Office | 300 | 400 | 600 |
| | b) Regional Office | --- | 25 | 25 |
| 3. | Bangladesh Krishi Bank | | | |
| | a) Head Office | 100 | 100 | 600 |
| | b) Regional Office | -- | 25 | 25 |
| 4. | Bangladesh Small and Cottage Industries | | | |
| | a) Head Office | 25 | 10 | 150 |
| | b) Regional Office | --- | 5 | 10 |
| 5. | Commercial Banks ¹ | | | |
| | a) Head Office | 25 | 10 | 300 |
| | b) Regional Office | --- | 5 | --- |
| 6. | Department of Textile | 25 | 25 | --- |
| 7. | Department of Industries | | | |
| | a) Director General | 50 | 100 | 300 |
| | b) Divisional Deputy Director General/Directors | 25 | 50 | 25 |
| | c) District level Assistant Directors | 10 | 25 | ---- |
| 8. | National committee for Industrial Development (Standing Committee) | --- | --- | 3000 and above |
| 9. | BEPZA | --- | --- | EPZ ² |

Note: 1. In 1978, it included Janata, Sonali and Agrani Bank while in 1982 it included all commercial Banks.

Those industries located at the export processing Zone.

Source: Compiled from the "Guide to Investment in Bangladesh" Nov. 1980 pp.18-19, September 1982, p.25, January 1987 pp.6-7

Table – 7

Regional category to Avail Fiscal Incentives for Investment in Industries:

| RIP 1975 | NIP 1978 | NIP 1982 | RIP 1986 |
|--|---|---|--|
| <p>i) Developed Area : The metropolitan cities of Dhaka, Chittagong, and Khulan comprising the police stations of Koturali, Sutrapur, Lalbagh Ramna, Tejgaon, Gulshan, Mirpur, Mohammadpur, Tongi, Narayangang, Fatullah, Siddirgang, Bandar, Savar, Narsingdi and Kaliganj of Dhaka district, Kotwali, Doublemooring, Panchlaish, Sitakunda, Rangunia and Raozan of Chittagong District, Kotwali, Daulatpur and Phultala of Khulna District</p> <p>ii) Less Developed areas: This area covered the rest of the country.</p> | <p>i) Developed Area: The following were added to RIP/75 list: Dhamondi, Motijheel, Demra cantonment, Karaniganj, Joydevpur, Chittagong port, Hathazari, Khulna</p> <p>ii) Priority Developed Area : This area consisted of the whole of Rajshahi Division, and the Districts of Barisal, Patuakhali, Kustia, Jessore, Noakhali, Chittagong Hill Tracts, Sylhet, Faridpur, Mymensing, Jamalpur and Tougal</p> | <p>i) Developed Area : Same as in NIIP/78</p> <p>ii) Less Developed Area covered the rest of the country.</p> <p>iii) Development Area : This area covered the rest of the country.</p> | <p>RIP 1986</p> <p>Developed Area : The following were added to NIP 82 list : Dhamrai Sonargaon polash, Gazipur, Kalia Koir, Murshigonj, Manikgonj, Pahartali, Chandgaon, Mirersharai, Patiya, Satkania, Kaptai, Chandraghona, and Cox's Bazar.</p> <p>ii) Less Develoed Area : Dohar, Nawabganj, Rupganj, Arai hazar, Serajdikhan, Lauhajang, Gajaria, Srinagar, Tongibari, Belabo, Sibalaya, Singair, Harirampur, Doulatpur, Saturia, Ghior, Falikhnari, Anwara, Lauhagora, Banskhdi, Boalkhali, Chandonish, Feni, Sylhet, Kotwali, Comilla, Kotwali, Daudkandi, Begumgang, B'Baria, Ashuganj, Sunaaganj, Chandpur, Moulvibazar, Mymensing, Kotwali, Netrokona, Magura, Kushtiasadar, Kumarkhali, Dinajur, Sadar, Sader, Tangailsader, Mirzapur, Pubna, Ishwardi, Serajgong, Shahzadpur, Faridpur, Kotwali, Bogra sadar, Boalia, Naogaon, Rangpur, kotwali, Barisalkotwalali, Satkhira, Kalaroa, Tala Debhata, and Jessore Katwali.</p> <p>iii) Least Developed Area: This area covered the rest of the country.</p> |

Source: Guide to Investment, 1977, 1980, 1982 and 1987.

Table – 8
Aggregate Investment as percentage of GDP

| Year | BBS | | | Planning commission | | |
|----------------|-------|--------|---------|---------------------|--------|---------|
| | Total | Public | Private | Total | Public | Private |
| 1973-74 | | | | 8.96 | 7.48 | 1.48 |
| 1974-76 | | | | 5.36 | 4.28 | 1.08 |
| 1975-76 | | | | 11.52 | 10.06 | 1.46 |
| 1976-77 | 10.64 | 6.45 | 4.19 | 10.87 | 9.36 | 1.51 |
| 1977-78 | 9.99 | 5.92 | 6.06 | 10.02 | 8.64 | 1.38 |
| 1978-79 NIP | 9.57 | 5.38 | 4.19 | 13.94 | 11.87 | 2.07 |
| 1979-80 | 11.26 | 6.82 | 4.44 | 15.00 | 10.38 | 4.62 |
| 1980-81 | 15.96 | 6.49 | 9.48 | 14.64 | 9.29 | 5.35 |
| 1981-82 | 15.02 | 6.15 | 8.87 | 10.97 | 6.28 | 4.69 |
| 1982-83 NIP | 13.6 | 6.25 | 7.34 | 12.12 | 7.26 | 4.86 |
| 1983-84 | 12.22 | 5.47 | 6.75 | 11.79 | 5.95 | 5.84 |
| 1984-85 | 12.47 | 5.03 | 7.17 | 10.53 | 4.89 | 5.64 |
| 1986-87 | 12.28 | 6.01 | 6.29 | 12.26 | 7.93 | 4.33 |
| 1987-88 | 12.64 | 6.43 | 6.21 | 12.96 | 8.56 | 4.04 |
| 1988-89 | 11.89 | 5.39 | 6.49 | 11.01 | 7.21 | 3.80 |
| Mean | | | | | | |
| Pre-NIP | | | | | | |
| i) 2-year | 15.49 | 6.32 | 9.18 | 12.81 | 7.79 | 5.02 |
| Post-NIP | | | | | | |
| ii) 5-year | 12.30 | 5.72 | 6.58 | 11.73 | 6.91 | 4.82 |
| (ii)/(i) | 0.79 | 0.91 | 0.72 | 0.91 | 0.89 | 0.96 |
| Pre-NIIP | | | | | | |
| iii) 2-year | 10.32 | 6.19 | 4.13 | 10.45 | 0.90 | 1.45 |
| Post NIIP | | | | | | |
| iv) 5-year | 13.61 | 6.24 | 7.38 | 12.90 | 7.83 | 5.67 |
| (iv)/(iii) | 1.32 | 1.01 | 1.79 | 1.24 | 0.87 | 3.51 |

Source: Sahota (1989,1991)

NIP/82 and RIP/86: Success / Failure

How far NIP/82 and RIP/86 Policies Were Successful?

The lack of response of the overall industrial Sector of Bangladesh to the policy reforms of the 1980's has been subjected to varying interpretations. One point of view is that the reforms did not go far enough and hence failed to deliver desired results. Others argue that a reform package which mainly on 'getting the price right' and allowing market imperatives to prevail is unlikely to achieve much in a developing country like Bangladesh where structural weakness and market imperfections inhibit free play of market forces and the market led outcome is not necessarily the most desired one. Questions have also been raised regarding the appropriateness of some of the reform measures and in particular the pace and modalities of their implementation.

Industrial policy is an economic policy designed to improve the long-run welfare performance of a national economy by intervening in the allocation of resources between industrial sectors or in the industrial organisations of a specific sector if the competitive market mechanism fails to function efficiently.

There are general observations centering on Industrial policy (IP). Now allow me to start with the end-remarks by Professor Kotaro Suzumura in his celebrated paper: "Industrial policy in developing marker Economics." Suzumura is suggestive of two "fictitious stories" about the role of IP. First, IP is just like water for a racehorse: at the right moment and with the right amount, the horse runs well. But untimely and excess quantity could be counterproductive so much so that the horse fails to complete the race. Likewise an IP could supplement the competitive market mechanism if and when propelled; misapplication only goes to mess things up.

Second, IP to industrialists what a mountain hut-shelter from storms is to the mountaineers." However, the knowledge that there is a dependable mountain hut may precipitate more reckless mountaineering. Similarly, IP may induce firms to invest more than what may be rationalised on the basis of fundamental market conditions,

because firms may be led to expect that industrial policy will come to the rescue if their reckless competitive behavior bring about excess capacity and declining profitability."

13

The "fictitious stories" stated by the eminent economist does not seem to challenge the merits of IP as a development strategy. Rather it appears to point at some of the side effects of IP. Policy makers, while pursuing IP strategies should bear in mind the Probabilities of those side effects.

One needs to remember that industrial policy interventions may not always justified in the backdrop of market failures. Infact just as competitive market fail. So do industrial policies. To arrive at a first-best IPs according to Saumur – three crucial conditions must be met.

- First,** government should have accurate information to successfully diagnose the pockets of market failures.
- Second,** government must be equipped with enough administrative authority to take effective and efficient actions to deals with each market failure diagnosed and
- Third,** there should be an avalanche of after care methods in IPs.¹⁴

The outcome of various measures taken by the regime is not so encouraging. Now allow me to discuss different sectors and areas where NIP/82 and RIP/86 were implemented.

Manufacturing Sector

During FY82 to FY89 period, the manufacturing sector only grew at 2.69% per annum as against 12.83% per annum during FY77 to FY81. Out of 650 public

enterprises which were transferred to the private sector, a number of privatised enterprises were closed down and several others have faced continuing problem and accumulating liabilities and debt servicing problems.¹⁵

As the Bangladesh Observer reports, out of 26 cotton mills handed over to private sector, 5 mills were closed down and total debt service liabilities stood Tk.127.72 crores out of which BTMC owed Tk.100.00 crores as on June 1989.¹⁶ The quantitative analysis in the HIID study establishes that neither the NIP or RIP in any noticeable way impacted on either manufacturing investment or efficiency. The conclusion from the study indeed suggest that such extensive assistance to industry may have negative effects because they protect enterprises from competitive pressures.¹⁷

Financial Performance of Public Sector

Despite various reforms, the financial performance of public sector continued to be unsatisfactory. For the five major corporations accounting for 95% of manufacturing public enterprises output (of BJMC, BTMC, BSEC, BCIC and BSFIC) there were only two years of net surplus during the FY82 to FY88 period. In the other years losses ranged from Tk.429 million to Tk. 2249 million. The return of equity was 2% in FY86, which increased slightly to 2.8% in FY87 and again declined to about 0.6% in FY88 because of price increase of inputs (including 10% for raw Jute, 30% for natural gas and 15% for power) and wage increased by government.

The Performance of the Private Sector

The performance of the private sector was also disappointing. The investment/GDP ratio for the private sector declined from 7.2% in FY81 to 6.0% in FY90.¹⁸ The private sector also remained in massive default to the DFIs and NCBs. After conducting a survey by the youthful research fellow at BIDS, Dr Debapriya Bhattacharya found that 90% of borrowers to the DFIs were in default and recovery rates were as low as 10% of the total recoverable amount. Since 1987, numerous applications for loans have

forwarded by the ministry of industries to the NCBs for their immediate approval. Consequently, the NCBs found themselves entrapped in the net of compounding default which has exceeded an amount of taka 10 billion. The aggregate loan recovery rate on term loans for the NCB sector has not been to rise above the 20% level. Bank officials who had a strong sense of moral responsibility to oppose such claims have been transferred from the banks or demoted to the non-position of officers-on-special duty (OSDs).

The liberalization policy of NIP and RIP, ever failed to attract a sufficient number of foreign investors. Since the establishment of the Bangladesh Export processing Zones (BEPZ) in 1983, 57 industrial projects have been approved up to January 1990 with an estimated investment of US \$456.72 million. However, out of this, only 26 industrial units have gone into operation involving an amount of US \$26.01 million. During the third plan period (up to January, 1990) 45 industrial projects both joint-ventures and foreign have been approved with an estimated investment of US \$447.22 millions, out of this, only 21 units have gone into operation with an estimated investment of US \$20.62 million.¹⁹

Experience of Privatization

Ershad's industrial policy was a donor directed policy. One of the most important recommendations that incorporated in the IP was privatisation of economy and financial market. There is nothing new about the privatization policy under the banner of the NIP/82 and RIP/ 86. The argument of the World Bank and IMF about the significance of large-scale privatisation as a policy option for all LDCs has been greatly exaggerated. As Bruno states:

“Economic theory tells us that a fully liberalized economy is most probably pare to superior to a heavily controlled economy. It can also tell us something about the advantages of certain departures from full liberalization in some markets. However, theory tells us virtually nothing about optimal transition paths from a distorted system

to one that is fully liberalized. Unfortunately, this is the most important problem for any successful reform."²⁰

The prospects of widespread privatization in LDCs like Bangladesh are limited. Denationalization is difficult to achieve and its potential benefits are uncertain. In the denationalization process, the regime ignored two critical preconditions:

- a) The change was brought about without adequate analysis
- b) Little attention was paid to competition whether within private firms, within public firms or between two sectors. The result of both of these drawbacks has been low efficiency and poor performance of the private sector.

Ershad's privatization policy has given rise to a new class of business elite. The policy measures had direct impact on the concentration of wealth to some fortune-seekers only. In a study, an analyst has identified 22 such business groups of the country that possess more than two manufacturing units. Thirteen of these 22 business groups owe 141 crore taka to Bangladesh Shilpa Bank which amounts to 57.8% of the total loan disbursed by BSB in the period between 1980-85.²¹ And eleven business groups (and the two groups of debtors overlap) owe 172 crore taka to Bangladesh Shilpa Rin Sangstha which amounts to 85.5% of the total loan disbursement of BSRS loan over the same period.²² Privatisation policy of Ershad regime, thus has directly contributed to the rise of a business elite in the society. In 1975, Bangladesh millionaire numbered only two; in 1981, they numbered more than 200 (Rahman 1984) and by the end of 1984, they numbered 3,000 (The Daily News, December 3, 1984). On the other hand landlessness, poverty, malnutrition was on the increase.

Privatisation didn't promote the concept of debureaucratisation, rather, rebureaucratisation took place in such a manner that 'corporatist' characteristics became dominant in the nature of Bangladesh state where devolution,

debureaucratization and popular participation is far from reality. The dominant economic and political elite desperately need state patronization for pursuing their bourgeois interests.

Impact on Private Industrial Investment

If we look at industrial investment, we see that in the private sector there has been an absolute decline in real terms in fixed investment in manufacturing from Tk. 43.65 billion in the five years 1976-81 to Tk. 35 billion in the period 1981-82 to 1985-86.²³ If we look at more recent trends reported by the planning Commission, nominal private investment in manufactures declined from Tk. 4.57 billion in 1983-84 to Tk. 2.67 billion in 1987-88.²⁴ We may put these figures in some global perspective when we realise that in a single town in India, Ludhiana, in the heart of strife torn Punjab, in 1988 RS. 5.34 billion was invested in private industry.²⁵ In Bangladesh Taka this comes to Tk. 10.68 billion, compared to private industrial investment of Tk. 2.67 billion for the whole of Bangladesh in the same period.

The modest performance in the manufacturing in terms of investment and outputs cuts across both the public and private sector. The available evidence shows that private industrial output has stagnated. The HIID study shows that a common set of industries examined during the period 1975/76 to 1983/84, production barely increased from Tk. 6.73 billion to Tk. 6.94 billion whilst employment increased from 163,306 workers to 163,664 workers. This does not suggest a very dynamic rate of growth in these enterprises.

Stagnation in Industrial Production:-

The stagnation in industrial investment has been matched by stagnation in industrial production. Available evidence shows that if we use the disturbed period of 1973-74 as our base year, by 1987/88 the index of manufacturing output had risen only by 15%.²⁶ Indeed, between 1981/82 and 1987/88 manufacturing production have

increased by only 8 points. Out of 38 major industries production, as between 1981/82 and 1987/88, fell in 15 industries. Among The 23 other industries which registered growth only 5 industries, flour milling, lamps and bulbs, rubber products and two public sector industries, newsprint and fertilizer, registered sustained growth. All other sectors registered quite unstable growth.

About the only new sector to registered substantial growth was garments, where both investment and output growth has been most promising and the industry has now emerged as the principal commodity exporter of Bangladesh.

G.S Sahota along with some researchers conducted a survey to find out possible causes of the ineffective of policies to promote industrialization. The causes that revealed in the survey were lack of confidence in the stability of policies, bureaucratic sloth and poor implementation of policies; labor code unfavorable to the employer; indiscipline among workers; high cost of electricity, high returns and low risk in trade and smuggling relative to manufacturing production; widespread corruption; political patronage; and too many formalities and sanctions that they have to go through, which take a long time, during which government officials have to be entertained.²⁷

Ershad's industrial policy discriminated against exporters but did not create a sufficiently dynamic or protected domestic market to promote import substituting industrialisation. As a result, surplus capacity accumulates and import flood the market.

Ershad should have built an industrial market, which could generate projects, even rents from supplying the domestic demand for manufactures. The problem with Bangladesh's economy is that most of the rents are being earned not by industrialists but by traders and commission agents intermediating aid financed imports. Indeed, most of our leading business houses having moved into industry, still depend for a large part of their cash flow on income from intermediation.²⁸

Here the Chinese model is worth bearing in mind. China is today the most industrialised developing country and is the seventh largest industrial power in the world. It's manufacturing sector grew at 9.5% per year between 1965-80 and 12.6% between 1980-86. Only ROK has sustained as a high growth rate for so long and in the 1980's China grew at an even faster rate than Korea. This extraordinary growth has been sustained by the dynamism of the rural economy and market in China and a strategy which internalises all the growth impulses from high rural and industrial growth not just through domestic manufacturing growth but through `rural industry which has grown at an even faster rate than urban industry. Neither NIP/82 nor RIP/86 pursued a rural oriented development strategy, which could enhance employment and purchasing power for the poorest segments of the population. Rural oriented development strategy expands not only the market for domestic industry but since the demand structure of the poor is more oriented to local products it internalises the spread effects of growth.

Drug Policy

Another of Ershad's reform was the announcement of a WHO sponsored Drug policy in mid 1982 on the basis of a report of an expert committee for evaluation of registered licensed Pharmaceutical products.

In the mid-1970s, Dr. Halfdar Mahler Joined as the new director of World Health Organization (WHO). Under Dr. Mahler, WHO constituted an expert committee of 15- member, 8 from their own organization and 7 from medical science Academy around the world, to develop and action programme on essential drugs which adopted in Alma Atta conference in 1978. The programme urged members to reform their health care policies by adopting an essential drug list enforcing the use of generic names for drug and tightening drug control legislation. The objective of this scheme was to concentrate the production and distribution of drugs in the third world on a small number of well - established, safe and cost-effective drugs that would provide primarily health care to millions of the poor.

Ershad claimed credit to have declared a drug policy for the first time after 1940. Prior to 1982, the pharmaceutical industry was regulated by the Drug Act of 1940, enacted by the British colonial master and not revised during the Pakistan Period. In the late 1970s, several efforts by the government of Bangladesh to increase the regulatory power of the government over the pharmaceutical industry had been blocked by the Bangladesh Aushad Shilpa Samity (BASS). BASS represented the interests of the eight multinational Pharmaceutical companies in Bangladesh and three or four of the larger Bangladeshi producers.

Prior to 1982, the most recent effort to reform the Drug Act of 1940 had been made in June 1981. The ministry of Health introduced legislation that would have tightened government control over drug registration, Production, and Prices. It also would have withdrawn licenses for the Production and sale of nonessential drugs such

as vitamins, enzymes, and tonics but usually lobbying by the industry and opposition from the Commerce ministry helped kill the plan.

Origin of the policy

Shortly after Ershad seized power, a small group of doctors and health specialists working through Major General M. Shamsul Haq, Ershad's Chief advisor on health, convinced Ershad to adopt a new health policy for Bangladesh. The key members of this group were National professor Dr. Nurul Islam, Dr. Zafrullah Chowdhury, founder of Gonoshatiaya Kendra, a Chinese-style peoples health centre, and Dr. A. K. Humayun Hye, the chairman of the Drug control committee. This group had worked closely with Shamsul Haque during the liberation war and had remained close. They convinced Ershad that adopting the WHO essential drug scheme would guarantee the availability of modern drugs at cheap prices for the Poor, and win him international acclaim as a progressive statesman.

Operating under martial law and in total secrecy, Ershad appointed a committee of eight experts, to be chaired by Dr. Nurul Islam, to draw up a specific proposal. With the help of Dr. Zafarullah Chowdhury and his staff, the committee produced a report by 11 May 1982. The report was immediately adopted and implemented by an ordinance on 12 June 1982 as the Drugs (control) ordinance, 1982. The proponents of the reform felt they had pulled off a coup of their own. Their triumph, they observed was made possible due to 'a politically naive and new government with no experience in international realpolitik'.

Objectives

The objectives of the drug policy have been stated to be as follows:

1. To produce essential drugs of best standards at minimum cost so as to make them available to common man at least expense and to assure their effectiveness.

2. To reduce retail prices of imported and locally manufactured pharmaceuticals.
3. To prohibit import and manufacture of non-essential drugs and expensive drugs where alternatives can be identified.
4. To encourage local pharmaceutical companies in an effort to become self-reliant in essential drugs.
5. To ban import to manufacture of non-essential or harmful drugs:
6. To control advertisement of non-essential, undesirable and harmful drugs:
7. To impose government control over importation of basic raw material and packing materials in order to prevent cost escalation through various measures and to ensure availability of drugs at reasonable price:
8. To give preference to local manufactures in the production of those drugs that they are capable of producing adequately and as per standard and to induce the multinationals to produce better and sophisticated drugs which are beyond the capacity of local manufacturers:
9. To prohibit production of boges, adulterated or sub-standard medicine and to make such production and sales punishable by law:
10. To constitute drug courts for early disposal of cases;
11. To improve the distribution mechanism of drugs;

12. To prohibit production by multinationals without a factory in Bangladesh through third Party contracts any drug that is produced in Bangladesh or its substitute and;
13. To take steps for basic manufacture of pharmaceuticals in Bangladesh.¹⁷

The Policy Design:

The new drug policy made Bangladesh the first country in the Third World to enact the WHO essential drug scheme. The Drugs (Control) ordinance 1982 divided the 4200 drug products produced or sold in Bangladesh into three categories. The are as follows:

The first Category: This category consisted of 363 locally produced drugs and 40 imported drugs deemed positively harmful. All import, manufacture, and marketing of these drugs were to cease by September 1982. Among the drugs in this category were products like novalgin, clioquinol, codeine, gripe water, and tetracycline syrup.

The Second Category : The second category designated as useless or non-required drugs, i, e, those which mixes various compounds without any medical value and those with some mix for marketing as a different product; those which are produced locally or those which inhibit local production; those which are produced under third party license by parties without establishment in Bangladesh. Nearly 500 items were included in this list.

All import, manufacture, and sale of these products were to stop in six months. These products included multi-

ingredient cough syrups, alcohol-rich tonics, enzymes, and vitamin C and B₁₂

The Third Category: A third category was made up of 134 drugs that could not be sold until they had been reformulated and appraised by the Drug control committee. Most of these were combination drugs containing ingredients considered unnecessary, irrational or harmful. In all, 1,700 products were banned.

The ordinance then went on to specify a list of 150 essential drugs considered adequate for most therapeutic purposes, and a list of upto 100 supplementary drugs needed by specialists.

In addition to declaring what drugs could be imported, manufactured, or marketed, the ordinance also provided for tighter regulation of both modern and traditional sectors of the drug industry. Regulation covered labeling, advertising, and manufacturing practices, as well as controls over price. It also covered poisons and habit-forming drugs. The administration of the ordinance was placed under the control of the Drug Administration of the Ministry of Health and its 32 officers, some of whom would serve as inspectors. They were to be supported by the two government testing laboratories, one in Dhaka and the other in Chittagong. Together these laboratories were capable of checking about 5,000 samples each year. The entire machinery would have to supervise over 150 manufacturers plus 14,000 retailers and 1,200 wholesalers of drugs. ¹⁸

The new drug policy also had one additional provision designed to assist the development of indigenous production. The policy reserved the production of a category of simple products for small, local, Bangladeshi producers. These products included oral vitamins and simple antacids. This provision was a clever move to split

the industry by playing on the resentments of small producers against the foreign multinationals.

The maximum retail price of a manufactured medicine or the price of imported raw material was to be determined by the government. The government also retained the right to cancel any existing licensing agreement with any foreign concern. In order to ensure quality control, the employment of a registered pharmacist at each manufacturing unit was made mandatory and strict control on the advertisement of medicine was imposed. The law also restricted foreign companies to manufacturing drugs in Bangladesh under license only, and forbade such manufacture by third parties if the principal company had no manufacture plant in the country. The law prescribed a short list of medicines both manufactured locally and imported, which were considered to be either essential or life-saving.

Drug policy: Implementation

Drug policy was Ershad's initial and most dramatic action. Of all reforms and policies taken by Ershad after his takeover, the essential drug scheme policy proved to be the most controversial. The policy was developed and implemented in less than two months with little or no consultation with any of the key groups affected – the doctors, the chemist, or the drug manufacturers. Instead of outpouring of support every quarter Ershad faced a firestorm of criticism from almost every quarter. Ershad declared and implemented his controversial drug policy two times. The first drug policy continued from 12 June 1982 to summer 1987. In two the late August 1987, Ershad declared his second drug policy. The second drug policy contained no dramatic change but it was the first drug policy with minor changes.

The reformers defended the policy as a device to help the poor get the medicines they needed. The regime accused foreign multinationals of a whole variety of abuses including failure to undertake the local manufacturer of basic drugs as promised, overinvoicing of imports, illicit repatriation of funds, exorbitant profits, and transfer

pricing – all at the cost of the poor of the Third World and especially Bangladesh.³⁴ The reformers also argued that the poor of the world would not be helped until governments adopted a health-centred approach which would require the support of WHO, rich world government professionals and public opinion. OXFAM, war on want, and a variety of foreign NGOs, health activists, and consumer groups were thus mobilised to lobby their home governments and world opinion to support Ershad's proposal.

Ershad also received international support for his drug policy. Letters and telegrams poured in from the WHO, international agencies, health activists, many third world governments, Scandinavian governments and even groups in the United States. This global response had been orchestrated by Zafrullah Chowdhury, local health activists, and foreign NGOs who mobilised their supporters abroad. They also triggered a response from the anti-foreign multinational drug lobby. Ershad was showered with praise for his progressive and revolutionary action.

Public debate on the drug policy took place in the major English-Bengali language newspapers and magazines, the vernacular press, and in private NGO publication. The key opponents of the policy were the doctors, the chemists, the industry and the urban middle class.

The doctors were opposed to any government interference in their professional right to prescribe appropriate treatment. Argument of the chemist is that they feared they would be forced out of business or be unable to make a living selling the limited number of products allowed under drug ordinance. The middle class thought they would all die due to a lack of appropriate drugs available anywhere else in the world.

But the industry reacted seriously. They argued that the policy denied the patient the basic right to choose medicine prescribed by his doctors, and denied the doctor the right to prescribe appropriate medication.

Ershad and his praetorian officers were totally unprepared for the action that greeted the announcement of the drug policy on June 12, 1982. 'For a time' wrote one proponent of the policy, "it seemed as though nearly everyone in Bangladesh was against the policy."³⁵ Given the secrecy surrounding its development, the speed of action, martial law, a military government, the absence of legislature, and the lack of any meaningful prior consultation, the real public policy debate came after the declaration of policy rather than before. The open debate was conducted primarily through the press in the form of articles, editorials; letters and paid advertisement.

The pharmaceutical industry launched its public counter offensive through local newspaper advertisements. These advertisements characterised the policy as a neo-colonial plot hatched by GPL, OXFAM, foreign NGOs, and the Christian Churches.³⁶ To support these claims the BASS reproduced copies of telegrams and foreign newspaper advertisements that called on groups in various countries to telex their approval and support of the policy to Ershad. The industry also attacked the small groups of reformist doctors who were members of the expert committee, especially Zafarullah Chowdhury and the GPL as being anti-capitalist and anti-foreign multinational. The entire policy, they argued, was ideologically motivated and inspired by Zafarullah Chowdhury to promote his foreign-backed GPL drug factory.³⁷

The opponents of the policy also conducted an intense, behind the scenes lobbying effort. The American, German, and British multinational drug companies pressed their home governments to intervene on their behalf with the government of Bangladesh. The ambassadors of these countries individually met Ershad to urge greater consultation, without the industry on the issue. MS. Jane Coon, the U.S. ambassador in Bangladesh, called on Ershad and did not leave until he had agreed to set up a review committee on the legislation.³⁸ Embassies, in short, focused on the issue of consultation and procedural review. The combined pressures of the public outcry, donor insistence and industry prediction of dire consequences forced Ershad to appoint a special review committee of six military doctors to study the ordinance. The review

committee reported on 12 August 1982, but its recommendations were never made public. It was reported that the panel had been critical of the policy, and proponents of the policy charged that the army doctors had been heavily bribed.³⁷

As a result of the review committee report, some minor changes were made in the drug policy, but its basic outlines remained intact. Among the most important changes was an increase in the list of drugs that could be produced. Thus despite the pressure, Ershad stood firm.

Why the industry effort to block the drug policy failed despite behind the scene effort and multinational drug company's pressure? Stanley A Kochanek tried to answer in the following way. **First**, martial law limited what could be done. **Second**, Ershad's personal commitment was stronger than realised. **Third**, the coup and the presence of a new government had disrupted the established networks of influence that might have been used to head it off. **Fourth**, the overriding dominance of the foreign multinationals made them available. **Fifth**, small local producers endorsed the policy. **Sixth**, attacking the initiators of the policy rather than the policy itself proved to be counter productive. **Seventh**, the opponents of the policy made no real effort to build a coalition. **Finally**, the large donors refused to insist on a change, and provided only token support. They were not prepared to risk a disruption in political and aid relationships over the issue.³⁸

The Second Drug policy

During the five-year period from 1982 to 1987, the drug policy had undergone a process of incremental change as reformers withdrew from the field and the routine process of regulation replaced the strong ideological debates of the past. The Drug Administration had approved a series of new additions to the essential drugs list, including a variety of new combination drugs.

As the drug list expanded, Dr. Zafarullah Chowdhury thought it to be sabotaged. He convinced Ershad to order a through review. He succeeded in removing the health secretary, who had begun to talk about the need for change; and on 10 May the regime reconstituted the Drug control committee. As a member of the newly reconstituted Drug control committee, Zafarullah pressed for a complete review of the safety, effectiveness, and usefulness of the drugs available in Bangladesh under the essential drug scheme – a review to include, if necessary, a canceling of the registration of listed drugs.³⁹ A three-man subcommittee was appointed to carry out the review. Although Zafarullah was not a member of this subcommittee, he played a major role behind the scenes.

The reconstituted Drug control committee conducted review process behind closed doors. In late August 1987, the review committee announced a second drug policy. The second drug policy further reduced the number of essential drugs that could be manufactured, sold, or imported. It specified new standard dosage levels; stipulated whether tablets or capsules could be used; and significantly altered sales prices.

The announcement of the second drug policy triggered a massive reaction from the drug manufactures. This time, the conditions and circumstances were quite different with the lifting of martial law, the BASS could move openly and succeeded in convincing different powerful quarters. The BASS launched a massive campaign to block the new policy. BASS placed an advertisement in all local newspapers appealing directly to Ershad.

A similar appeal was issued on behalf of the pharmaceutical Employees Association. The industry's public appeals triggered editorials in major news papers suggesting that the government take a second look at its decisions. The Bangladesh Observer in its editorial commented:

..... "another attempt was being made to curtail the number of drugs available in Bangladesh, based on socio-economic rather than scientific grounds. This action was an assault on the very viability of the industry. The drug control committee had perhaps overstepped its authority and Ershad and the National Advisory committee should review it."⁴⁰

"Health for All", a local NGO closely associated with Zafrullah, issued a series of blistering, personal, ideological attack against BASS and its leaders. It issued two rejoinders. In the first rejoinder Health for All dismissed BASS and its predictions that the new policy would destroy the pharmaceutical industry in Bangladesh.⁴¹ Having been openly attacked by Health for All, BASS for the first time launched an open, direct and personal attack against Zafrullah Chowdhury and his role in shaping national drug policy. BASS rejected the Health for All rejoinders as "false and fabricated" and went on Health for All, 'a clique of foreign agents taking money from abroad'.

While the massive public debate raged over the second drug policy, a conflict developed between Zafrullah and National Professor Dr. Nurul Islam. The real inspiration for the new drug policy 1982 had come from Nurul Islam. The conflict arose when Zafrullah wanted to purge from the essential drugs list had been approved previously by Nurul Islam. When Ershad discovered that his key health advisors disagreed, he halted action and refused to sign the second drug policy. Instead, Ershad referred the new policy to a special committee of military doctors for review and further study. As a result, the second drug policy seemed to be side-tracked. However, Zafrullah succeeded in eventually placing the issue back on the policy agenda, and the second drug policy came into force in the summer of 1989. Zafrullah's triumph, however, was short – lived. The industry went to the court and got a court order that blocked further action.

Evaluation of the Drug Policy

Like other policies, Ersahd's drug policy faced severe attack from different quarters. Despite attack and counter attack against the policy we should like to evaluate the policy as a value neutral analyst. As the proponents declared the policy to be a success; the opponents declared it a failure. The real test of success or failure will take decades. Perhaps the single incontrovertible impact of the drug policy has been to increase the market share of local companies. The sale of pharmaceuticals in Bangladesh increased from US\$ 70 million in 1978 to US\$ 142 million in 1988. The share of this market for multinationals dropped from 75-80 percent in 1982 to about 50 percent in 1988⁴² to 40 percent in 1998.⁴³

Before the launching of drug policy, a total of 177 pharmaceutical companies functioned in Bangladesh. Of them only 8 multinational companies controlled 75 percent of total production and 75-80 percent of total sale. By 1991 it was seen that the local companies controlled 60 percent of the total production and the government owned essential drug companies fulfilled 70 percent of government's demands.⁴⁴

If we see the effect of the policy only from 1982 to 1983 then we see a hopeful situation.

- a) Import of drugs in value has gone down. In 1981, import of drug was of the value of Tk. 24.34 crores, in 1982 it was Tk.23.38 crores and in 1983 it was taka 19.91 crores.
- b) The production of drugs in Bangladesh and particularly of national companies has gone up. Before the drug policy the national companies produced drugs worth Tk. 22.8 crores for use at the PHC level; after the drug policy in 1983 it climbed to Tk.36.9 crores. Multinationals used to produce drugs of the same category of the 11.6 crores in value. In 1983 it accounted for Tk. 11.3 cr. The multinationals used to produce essential drugs of Tk. 12.1 cr. before the drug policy and after the drug policy it

accounted for Tk. 17.4 cr. In the same category the national companies production increased from Tk. 5.9 cr. to Tk. 9.1 cr.⁴⁵

In 1981, the national companies produced worth Tk. 173 cr. This increased to 1168 crore in 1995. The rate of production of national companies increased 217 percent from 1982 to 1992.⁴⁶ Before drug policy the rate of production of essential drug for primary health care, other essential and unnecessary, harmful drugs were 30%, 37% and 3% respectively. After one decade in 1992 the production of essential drugs for primary health care rose from 30 percent to 80 percent. At present about 96 percent drugs are produced by the national companies. Is it not the success of drug policy asked Dr. Muneer Uddin Ahmed in his article? The article also said that raw materials for drugs worth Tk. 100 cr. are also produced at home now. The country exports huge quantity of raw materials every year.

A drastic change also took place in the retail price of drugs. The following table will show the change in retail prices.

Table – 1

Comparison of retail price between Bangladesh and United Kingdom (1981-1991)

| Country | Name of the drugs | Quantity | Price | |
|------------|-------------------|----------|----------|----------|
| | | | 1981 | 1991 |
| Bangladesh | Atanolol | 1 Tab. | Tk. 6.00 | Tk. 3.30 |
| | Lematedin | 1 Tab. | Tk. 2.00 | Tk. 1.45 |
| | Cotrimoxl | 1 Tab. | Tk. 2.00 | Tk. 0.65 |
| U.K | Amokcelin | 100 Cap. | £ 12.47 | £ 18.48 |
| | Cloroquin 500 mg | 100 Tab. | £ 3.75 | £ 17.50 |

Source: Compiled from Dr. Muneer Uddin Ahmed's article published in the Sangbad, the 30th September 1998.

The above table shows that the retail price of drugs reduces after the implementation of drug policy in 1982. Though the price of per antacid tablet increased 30 Paisa to 50 Paisa in our local market but its value in terms of dollar decreased 23 percent.

A change also took place in the cost of production of raw materials for drugs. The local companies now produce raw material worth taka 100 crores every year. The national companies now produce Ampicilin, Amokcilin, Paracetamol and Zilatin Capsules worth taka 14 cr. 53 cr. 17 cr. and 14 cr. respectively.

The following table shows that the cost of production of raw material gone down after the implementation of drug policy.

Table-2

| Name | Quantity | Price | |
|--------------|----------|------------|----------|
| | | 1981 | 1991 |
| Doccecylin | 1 KG. | US \$ 1500 | US\$ 78 |
| Glibenclamid | 1 KG | US\$ 2350 | US\$ 160 |
| Propranolol | 1 KG | US\$ 490 | US\$ 18 |

Source: Compiled from Dr. Muneer Uddin Ahmed's article *The Sangbad*, September 30, 1998.

In the preceding analysis we have tried to discuss the versions of opponents and reformers. Both tried to adhere in their own position and discussed drug policy drive in their own point of views. The opinion of impartial observers will help understand the real picture of the policy. Impartial observers believe that at best the policy speeded up the Bangladeshi production of certain drugs and reduced the prices of some key drugs. At worst it gave rise to a proliferation of spurious and substandard drugs manufactured by small local companies and encouraged smuggling and black marketing. All agree

that there was insufficient supervision of traditional medicine, which the policy had promised to regulate. The drug administration could not function smoothly because of its weak performance and the administration was understaffed. Quality control, regular supervision and a tendency of over prescribe hampered the policy to be a pragmatic one. Even more significant was the charge that the drug policy provided an excuse for the regime to ignore the larger needs of public health care in the country. In market economics such as USA, UK, Germany, Netherlands and Japan many business companies closed their operation due to economic stagnation and failure to survive in the competitive market. So the closure of Squibb, SKF, ICI, and Pfizer in Bangladesh is not due to drug policy but for market economics.

Fisons, Hoechst, Pfizer and Glaxo closed their pharmaceutical business from Bangladesh after 1992. If we look at their sale then we shall find a positive picture.

Table –3

Sale of some multinationals in Bangladesh (1981-1992)

| Name of the company | Quantity of sale | |
|---------------------|------------------|--------|
| | 1981 | 1992 |
| Fisons | 14 cr. | 50 cr. |
| Hoechst | 12 cr. | 23 cr. |
| Pfizer | 20 cr. | 35 cr. |
| Glaxo | 11 cr. | 34 cr. |

Source: Compiled from Dr. Muneer Uddin's article published in The Sangbad, the 20th September 1998.

The rise in production of the national companies and a change in the price list of some of drugs do not mean that the policy succeeded and brought a qualitative change in the field of drugs especially in the health policy. Here the crucial questions involve – did the national companies maintain quality control system in their production? Why

the regime played the role of silent spectator when the country flooded with banned drugs and the regime failed to handle the Directorate of Drug Control Administration smoothly?

The national companies availed themselves of ample scopes to produce general essential drugs through the national drug policy. The regime claimed the policy as a bold step towards the flourishing of local industries. The multinational companies produced 75 percent essential drugs before 1982. The drug policy empowered only the national companies to be the producer of essential drugs. With the implementation of drug policy, people witnessed the mushroom growth of pharmaceuticals laboratories and these laboratories started producing adulterant and spurious drugs ignoring the concept of quality control system. The result was that market flooded with harmful and life destroying drugs. The regime could not take bold steps to stop the growth of illegal laboratories and their production of spurious drugs.

The Directorate of Drug Administration – an ill-equipped and under staffed – could not play any role in finding out whether the laboratories have quality control facilities. Some dishonest drug traders with the help of bureaucrats became active in their quest to earn illegal profit and became rich over night.

The regime's decision in to give monopoly right of production of essential drugs was illogical. The exponents of market economy always high light on the necessity of real competition. The policy should have accommodated multinational companies to produce essential drugs side by side national companies. Then there happened a real competition between national and multinationals. As the multinationals have well equipped quality control system, only the national companies having such system could join the production race.

One can raise the issue of banned drugs and its illegal entrance in the market. The drug policy banned 1700 products. As the average Bangladeshi people has no idea

which drugs are banned purchase smuggled and banned drugs. As the doctors stand was against the policy, they continued to prescribe banned drugs. As a result the market was flooded with banned drugs. These banned drugs are sold in high price thus helped a section of drug businessmen and smugglers earn illegal money.

The opponents of the policy maintain that with the implementation of drug policy, the multinationals did not get any alternative but to leave the country. The multinationals produced 70 percent essential drugs before 1982. The new policy restricted it and gave monopoly access to national companies. They talk about the closure of business of some multinationals such as Squibb, SKF, LCI, and Pfizer. The real history is somewhat different. If we discuss about the closure of Squibb then we see that Squibb was in lose in their international market. It merged internationally with Bristol Mayar and named Bristol Mayar Squibb. In the same way Smith Klain French (SKF) merged with Bicham Company and named Smith Clie Bicham. In both cases, the new managing authority withdrew their capital in countries where there were in lose. The closure of ICI and Pfizer can be maintained in the same direction.

Foot notes:

1. The Bangladesh Times, June 1, 1982
2. Ibid
3. Christian Michelsen Institute, 1986, pp. 301-304 and 316-320 in Stanly A. Kochaneck's Patron-client politics and business in Bangladesh, UPL Dhaka, 1993.
4. M. P. Van Dijk and N.G. Schulte Nordholt (ed) Privatisation Experience in African and Asian Countries, 1993, P.7
5. Zahid Bakth and Debapriya Bhattacharja, The study of Japanese Co-operation in Industrial Policy for Developing Economics – Bangladesh, Tokyo, March 1994, P. 9
6. Sen 1991 : Privatisation in Bangladesh : Process, Dynamics and Implications in V. Kanesalingam ed. Privatisation Trends and Experiences in South Asia, 1991.
7. Ibid.
8. Humphrey 1988 : Privatisation in Bangladesh, USAID 1988

9. Salma Chowdhury Zohiree, 1996: An Assessment of Industrial Policy in Bangladesh: what Policies Are we Talking About? BIDS, Research Report No. 142, p.4
10. Sahata, Opcit, P. 48
11. Rehman Sobhan, 1990: "The Development of the Private Sector in Bangladesh: A Review of the Evolution and outcome of State Policy", BIDS Research Report No. 124, December 1990.
12. Salma C. Zohiree, Opcit, P. 6
13. Suzumura, Kotaro, Industrial Policy in Developing Market Economics, Japan.
14. Ibid.
15. Bangladesh: Recent Economic Development and Short – Term Prospect, World Bank, Report No. 7596, BD, March 13, 1989.
16. The Bangladesh Observer, June 29, 1989.
17. HIID (Harvard Institute for International Development) Study, 1989.
18. Ibid.
19. Bangladesh: Adjustment in Eighties and Short- Term Prospects, World Bank, Report No. 7105- BD, March 10, 1989.
20. Ibid.
21. Sen, Binyak, State of Development Strategies and Resource Allocation, in Rehman Sobhan`s (eds), Decade of Stagnation, UPL, 1991, P.112.
22. Bruno, M. (1985) Introduction to "Liberalization and Stabilization in the Southern Cone of Latin America," World Development, Vol. 13, No. 8, P.867-70.
23. Dhaka Courier, Vol. 6, Issue 2, August 18-24, 1989, P.31.
24. Ibid.
25. HIID, 1989.
26. Planning Commission Report, 1989, P.27.
27. India To Day, 1989.
28. World Bank, 1989.
29. Sahota, G. S. et al. "Impact of Policies: Evidence from a Survey of Industrial Leaders", HIID/ ESEPP Working Paper No. 9, 1989.
30. Sobhan and Hashemi, 1990.
31. Momtaz Uddin Ahmed, Bangladesh Journal of Political Economy, Vol. 9, No. 3, December 1989.

32. Government of the people's Republic of Bangladesh, Directorate of Drug Administration, 1986.
33. Andrew Chetley, Drug Production with a social consequence : The Experiment of GPL, Developing Dialogue, Vol. 2, PP. 94 – 107
34. Stanley A. Kochanek Patron – Client Politics and Business in Bangladesh, UPL 1993, P. 301
35. Ibid 302
36. Rolt, 1985, p. 28
37. Ataus Samad, Drug Giants Fight the Basic Rations Prescription, South. Oct. 1982, PP. 53 – 54
38. Ibid
39. Kochanek, Opcit, P. 304
40. Kochanek, Opcit. p. 307
41. The Bangladesh Observer, 2 September, 1987
42. Ibid
43. Kochanek, Opcit, P. 304
44. Dr. Muneer Uddin Ahmed, National Drug Policy is Destroying Planned way, The Sangbad, Dhaka, Sep. 30. 1998.
45. Ibid
46. Ahmed, Bangladesh Journal of Political Economy, Vol. 9, No. 3, December 19, 1989, PP.198-199
47. Muneer Uddin, Opcit.

Chapter – V

Election under Ershad

Some military rulers oppose elections and they want to remain in power through intimidation and using unfair means in various ways. In Gambia, the Armed Forces Ruling Council (AFPRC) led by Lt. Yahya Abdul Aziz James Junkung Jammeh in 1994 preferred for non-contesting in the elections. The AFPRC's view was encapsulated at one of its meeting by the statement that "the aim of conducting an election is to choose the right person but since we've already had such a person as the Head of statewe are no longer interested in elections that would create conflicts." ¹

But military rulers in Bangladesh always prefer elections as vehicle to ride on for so called civilianization of which there shall be every possibility of being elected. Since its blood birth, the people of Bangladesh were denied from their right to franchise and the arrangement of free and fair elections were their core demands. As a leading Bangladeshi scholar writes:

----- "Free election means free selection of public representatives and free selection of public representative means free government and free government means democratic government and democratic government means peoples government for which so much sacrifices have been made in Bangladesh." ²

Through out his almost nine-year tenure of power, Ershad failed singularly in his numerous attempts to obtain a popular endorsement for his regime. The electorate scornfully boycotted the referendum, the presidential election and parliamentary elections under what they called "illegal regime" and thus refused to legitimise Ershad's naked ambitions for power.

Elections repeat themselves first as 'tragedy' and then as 'farce' that what Marx had said of history in the fifth Brumaire. As if to prove the dictum with vengeance, albeit in a reverse order, election in Bangladesh during Ershad regime was a stark tragedy of maniacal murders. There has been no parallel of electoral violence of this magnitude in God forsaken before or after independence.

Army regional commanders were employed for political purposes which resulted in allegation of malpractice against some of them. In fact, by using the armed forces for the purpose of his own political gains Ershad created a wrong precedent that had grave effect on the maintenance of discipline in the army.

During Ershad regime the terms like "vote piracy" "media coup" (media manipulation of election result), and "vote hijacking" became an integral feature of the electoral culture of Bangladesh though the trend of rigging was set in the first parliamentary elections held in 1973, was intensified in the second and third parliamentary elections held in 1979 and 1986 respectively and reached its climax in the fourth parliamentary elections held in 1988.³ These elections destroyed the public confidence in the sanctity of the electoral process to such an extent that the electorates started to believe that their votes were useless in determining who would represent them in the parliament.

Local body Elections

Local level election constitutes a potential site of action for all the key actors of our political arena. Ershad held two union parishad elections (1983/84 and 1988) and two Upazila elections (1985, 1990) during his nine-year rule. These local level elections were the worst violent elections in the post independence era. As a vernacular weekly commented:

"The local level elections during Ershad regime are merely a Malthusian riddance in an overtly populous country, at its worst or, a divine will at its best. The mindless mayhem in local level elections across the country side defies even the spectre of a 'Hobbsian Jungle.'" ⁴

In an "Analysis of Electoral violence: 1973-1990, covering 4 union parishad elections and one upazila election (1990), Hossain Zillur Rahman concludes:

....."the election of 1983/84 and 1988 witnessed an additional function of violence. In these elections violence was used to stop the voters, "the local society" from exercising their voting rights. This trend was at its peak during the 1988 local government elections when political participation reduced to a virtual minimum all across the country in favour of the will of ruling groups in control of the state."⁵

The introduction of the Upazila system was violently opposed by the opposition and its first election held under strict martial law cover and military supervision in 1985 without the active participation of the opposition parties. The government almost unilaterally planted its men in the 460 Upazilas, barring a few. In the face of their silent protest, the regime manipulated the election. The non-party Upazila polls staggering over 12 days in 1990 were being policed by several contingents of law enforcing agencies including the para-military BDR in every Upazila. Besides, in the some Upazilas, half a dozen of magistrates, high police and civil officials were reported to have supervised polling. Amid all these practical arrangements as well as strict official orders and campaign against poll violence and rigging, there were rampages, explosions, clashes and even ballot box and ballot paper hijacking and both capturing.

The Southern Cox's Bazar, Chittagong and other coastal areas made a name and struck the headlines of news papers for braving thousands of "watchdogs" even some from abroad. In particular, Lohagora Upazila under Narail district where a woman was

killed in cross-fire reportedly between the supporters of the two Jatio Party backed candidates, will remain as an example of primitive exercises with modern tools.

As the Dhaka Courier reports:

"From the Vice-President to the last-in-line-state minister-all campaigned vigorously in their respective areas. Newspapers and periodicals were full of reports how the ministers have tried to influence the administration and polls officials. There were reports of intimidation also. One common features of these reports was that it was mostly at places where the ministers had campaigned that violence was more pronounced".⁶

Parliamentary Election, 1986

Ershad was not any more successful in giving his regime a civilian facade through Parliamentary elections. Though the opposition were continuing their stand "not to participate in any election under Ershad." As the opposition boycotted the Upazila and Presidential referendum so they again became united to launch movement against parliamentary election which declared to be held on March 1986. By this time, Ershad was desperate to hold the elections for he realized that four years was already too long a period for martial law to be in operation. He therefore concentrated on the Awami League with whom he had already built up a rapport, and directly negotiated with their leaders, agreeing to almost all of Hasina's demand in order to persuade the party to participate.⁷

In a late night maneuver the AL and their 8-party alliance agreed to take part in the election and announced their intention only hours before the Election commission's schedule time for submitting nominations.⁸

The 3rd parliamentary election held on May 7, 1986 amid wide spread violence and allegations of massive rigging. At least 20 persons were killed and over 500 were injured in the polls all over the country.⁹

The May 7 election was so massively rigged that even sympathetic foreign observers described it as a "tragedy of democracy".¹⁰ As the party in power JP obviously had more advantages than the AL and others. In a large number of constituencies voters either remain disillusioned or were not allowed to vote for the candidate of their choice. The Election Commission was not strong enough to play the role of a watchdog, as it did not have sufficient power and authority to ensure fair polls. The flow of election results was interrupted on several occasions on the TV and Radio. Delays in announcing the results of a large number of constituencies raised a great deal of suspicion about the quality and credibility of the elections.

Shiekh Hasina and her AL, the main contestant from the opposition side charged the regime with indulging in "vote piracy." In a press conference at her central office at evening on the same day, Hasina told the local and foreign governments that her party would not accept the result in the constituencies where reign of terror were at loose by JP. The reign of terror was so dreadful that Hasina even herself could not cast her own vote. She alleged that voting were almost closed by 9 a.m. and even victory processions were brought out in Khulna city while in Chittagong, casting of vote was completed by 10:30 a.m. In the press conference, Hasina demanded fresh elections in 50 constituencies. Hasina also termed the announcement of result "rigged" through what she termed "media coup".

After a week of the election, Shiekh Hasina again claimed that widespread ballot rigging, manipulation of the results and a biased media coverage, had resulted in the declaration that she had won only 76 seats. The AL accused Ershad of violating all his pre-election promises.

Begum Khalada Zia who boycotted the May 7 parliamentary election termed the elections to the battle for "grabbing charlands"¹¹ Khalada directly accused Hasina of granting Ershad's a further lease of life in power. Begum Zia alleged that it was an election where votes were not cast, but seats were divided between JP and the 8-party alliance on an agreed formula.

Jamaat, a contestant, also termed the election with unprecedented terrorism and rigging. Acting Ameer of Jamaat, Abbas Ali Khan in a press conference at National press club at 4 p m on the day of election declared sthe withdrawal of his own candidature from the electoral race for what he alleged large scale terrorism, muscle-power and rigging taken recourse by his electoral rival from the Jatio party.

The 5-party alleged that the election had added a new era of farce in the name of election where "violence reigned supreme" everywhere in the country.

A three-member British "Observer team" consisting of Lord David Ennals, a former labor Minister, Martin Brando Brave, conservative MP, and David Lay of the BBC, invited by the AL-backed philippine-style "peoples commission" led by justice K. M. Sobhan for free elections, considered the election as a tragedy for democracy" a "cynically frustrated" exercise. The people's Commission in two teams observed election procedures of different polling centers of capital city Dhaka, Narayangong, and Chittagong.

In a press conference on May 8, 1986 at Dhaka, the 3-member observer team told that the parliamentary elections were clearly "rigged to the highest degrees." They maintained that the elections were neither free nor fair. They alleged that there were false voting and sufficient number of people could not vote because booths were closed to them. The British team said that there were absolutely no fairness and justice in the election and the result did not reflect the will of the people.

Mr. Brando said that the malpractice adopted in the elections were beyond any imagination. He had seen the presiding officer at a polling station casting vote on behalf of the absent voters.

In a joint statement the team members said that by the afternoon on the day of election certain elements had clearly swung into action to frustrate free and fair elections. The polling agents of other parties were intimidated by the Jatio party supporters. The normal election procedures which guarantee free choice were destroyed they observed.¹² Replying to a question Lord Ennals said that in large number of polling stations string-man of a certain party arrived in jeeps and took over control of booths. They were wearing plough signs (the election symbol of JP).

The 4th National Assemble Election held in 1988 characterized by unprecedented countrywide violence, murder and lawlessness. Though government officer's sources confirmed five deaths, hundreds of injuries, blank fire by the law-enforcing agencies and postponement of polls in about 170 centers but this figure will superset the actual things. According to Khalada Zia, the entire nation had boycotted the polls and there was no voters participated in it. Even ballot paper and ballot boxes did not reach many centers and officials did not turn up to conduct in response to opposition call. Killing, firing and booth capturing was so acute that ASM Abdur Rab himself gunned down to opponents himself which capturing the booths. A leading Bangladeshi political scientist in an interview with the local BBC correspondent termed the 1988 parliamentary election in the following manner:

"The institution of election has been totally destroyed. The people of Bangladesh no longer look at voting as a means of fulfilling their social and political desires."¹³

The 4th parliament was elected amidst confusion and constitutional crises. No major political party took part in the election. Opposition leaders Shiekh Hasina and

Begum Khalada Zia, who termed the election as a farce, claimed that the turn out of voters was almost nil. They claimed that the people did not participate in the polls responding to their call and congratulated them for observing opposition's continuous 36 hour programme. Both Khalada and Hasina rejected the polls.

As the foreign press reported and as Ershad himself grudgingly admitted, only two to three percent of the electorate voted in the October 1988 election.¹⁴ After accumulating separate reactions to the elections of the 4th parliament, Ataus Samad, a BBC correspondent at Dhaka reports:

"The voting did not take place properly, many persons with dubious bonafide will take their seats in the parliament and they will therefore weaken the banafide of other members; not many people will put much trust in the work of this parliament as they have lost faith both the efficacy of election as well as they think that the last elections were meaningless: Such a situation has put many persons in a state of shame about the nation itself."¹⁵

Regarding the national Assembly election of 1988, an independent weekly observed:

"There was no election fever in the country: the candidates did not install election camps at polling centres, nor did they make elaborate arrangement of transport to carry voters as was traditionally done on the Election Day. Rather the city streets were almost vacant of course, musclemen of the capital. As a result, there were serious rioting, rackless bombing, hijacking of ballot papers and boxes, and bogus voting in many places. Polling was suspended in about 72 centres, at least four persons were killed and more than 100 were injured in the capital city."¹⁶

Some candidates of ruling jatio party were elected without any contest. Even many contesting candidates did not go to their constituencies for election campaign. The third parliament was elected under a martial law and both the government and

opposition Awami League members brought allegations of vote rigging and media coup against each other.

In short, Ershad literally destroyed the meaning, content and usefulness of election, the two parliament during Ershad regime have failed to reflect the peoples interest and in creating a consensus to govern the country properly. He played a farcical mockery of sustaining his regime with a network of proxy-institutions including facade of election, parliament, ruling and opposition all of which in the end collapsed to manifest the supremacy of the organized peoples power.

In their joint declaration which was a decisive step forward on the movement for democratic revival and which targeted the regime and the personal dictatorship of President Ershad as the sole obstacle to democratic transition, the three alliances (8-party, 7-party and 5-party) termed elections under Ershad in the following manner:

"Every election held under this regime follows a regular pattern – vote stealing, false voting, forcible occupation of polling centres, hijacking of ballot boxes, vote dacoity media coup, and finally announcement of the results of voterless election", the three alliances ruled out the possibility of free and fair elections under Ershad government.

The signatories alliances "shall not participate in any election under Ershad and illegal Ershad regime – be it parliamentary or Presidential" and that they" shall only boycott and resist those elections."¹⁷

3rd Parliamentary (Jatiya Sangsad) Election-1986**Election held on 7 May 1986****Number of Seats-300**

| | |
|---------------------------------------|-------------|
| Total Number of voters | 4,73,25,886 |
| Male | 2,49,35,993 |
| Female | 2,23,89,893 |
| Total valid votes polled | 2,85,26,650 |
| Percentage of turnout | 61.01% |
| Percentage of invalid voters | 1.30% |
| Number of political parties contested | 28 |
| Number of candidates | 1,527 |
| Number of polling Centres | 23,279 |
| Number of polling Booths | 89,816 |
| Number of Returning Officers | 64 |
| Number of Asstt. Returning Officers | 470 |
| Number of Presiding Officers | 23,279 |
| Number of Asstt. Presiding Officers | 89,816 |
| Number of Polling Officers | 1,79,632 |
| | |

Results of the 3rd Parliamentary Election-1986

| Name of Party | Party-wise No of candidate | Votes Secured | Seats obtained | percentage of vote polled |
|---------------------------------|----------------------------|---------------|----------------|---------------------------|
| Jatiya Party | 300 | 1,20,79,259 | 153 | 42.34 |
| Bangladesh Awami League | 256 | 74,62,157 | 76 | 26.16% |
| Bangladesh Muslim League | 103 | 4,12,765 | 4 | 1.45% |
| Jamaat-i-Islami Bangladesh | 76 | 13,14,057 | 10 | 4.61% |
| Islami Jakta Front | 25 | 50,509 | .. | 0.18% |
| Bangladesh Communist Party | 9 | 2,59,728 | 5 | 0.91% |
| National Awami Party (Mujaffar) | 10 | 2,03,365 | 2 | .71% |
| National Awami Party | 10 | 3,68,99 | 5 | 1.29 |
| Bangladesh Krishak Sramik | 6 | 1,91,107 | 3 | 0.67% |
| Awami League (BAKSAL) | | | | |
| Bangladesh Works Party | 4 | 1,51,828 | 3 | 0.53% |
| Bangladesh Samayabadi Dal (ML) | 6 | 36,944 | .. | 0.13% |
| Jatiya Samajtantrik Dal (Rob) | 138 | 7,25,303 | 4 | 2.54% |
| Jatiya Samajtantrik Dal | | | | |
| (Sajahan Siraj) | 14 | 2,48,705 | 3 | 0.8% |
| Bangladesh Islami Andolon | 7 | 22,931 | .. | 0.08% |
| Jano Dal | 34 | 98,100 | .. | 0.34% |
| Gano Azadi League | 1 | 23,632 | .. | 0.08% |
| Bangladesh Khclafat Andolon | 39 | 1,23,306 | .. | 0.43% |
| Bangladesh Jatiya tabadi Dal | 6 | 2,997 | .. | 0.01% |
| Bangladesh Nagorik Sanghati | 14 | 68,290 | .. | 0.26% |

4th Parliamentary (Jatiya Sangsad) Election-1988
Election held on 3 March, 1988
Number of Seats-300

| | |
|---------------------------------------|-------------|
| Total Number of Voters | 4,98,63,829 |
| Male | 2,63,79,944 |
| Female | 2,34,83,885 |
| Total valid votes polled | 2,58,32,858 |
| Percentage of Turnout | 52.48% |
| Percentage of invalid votes | 1.28% |
| Number of political parties contested | 8 |
| Number of Candidates | 978 |
| Number of Polling Centres | 32,3333 |
| Number of Polling Booths | 86,948 |
| Number of Returning officers | 66 |
| Number of Astd. Returning officers | 471 |
| Number of Presiding Officers | 22,393 |
| Number of Asstd. Presiding Officers | 86,948 |
| Number of Polling Officers | 1,73,896 |

Results of the 4th Parliamentary Election-1988

| Name of Party | Party-wise No of candidates | Votes Secured | Seats obtained | Percent of vote polled |
|--|-----------------------------|---------------|----------------|------------------------|
| Jatiya Party | 299 | 1,76,80,133 | 233+18 | *68.44% |
| Combined Opposition Party | 269 | 32,63,340 | 19 | 12.63% |
| Jatiya Samajtantric Dal (Shahjahan Siraj)25 | 25 | 3,09,666 | 3 | 1.26% |
| Preedom Party | 112 | 8,50,284 | 2 | 3.29% |
| 23-Party Alliances | 33 | 1,02,930 | .. | 0.40% |
| Bangladesh Khelafat Andolon | 13 | 1,05,910 | .. | 0.41% |
| Jano Dal | 12 | 28,929 | .. | 0.117% |
| Bangladesh Ganotantra Basthabayan Party | 1 | 4,209 | .. | 0.02% |
| Independents | 214 | 34,07,457 | 25 | 13.50% |
| Total : | 978 | 2,58,32,858 | 300 | 100% |

* 18 Candidates of the Jatiya Party were elected unopposed.

Foot notes:

1. John A Wisemen, Military Rule in The Gambia: An Interim Assessment, Third World Quarterly, vol.17, No.5. 1996.p.936.
2. Dr. Ali Ahmed. The Bangladesh Observer, February 9, 1991
3. MA. Hakim, The Shahabuddin Interregnum, p.3
4. Tide, Dhaka, July 1, 1990
5. Rahman, H. Zillur, The landscape of violence: Elections and political culture in Bangladesh, Dhaka, April 1990.
6. The Dhaka Courier, February 10, 1990
7. Moudud Ahmed, Democracy and Challenge of Development, UPL-p.317
8. Ibid
9. The Bangladesh Observer, May 19, 1996.
10. Economist (London) May 21, 1986.
11. The Bangladesh Observer, May 9, 1986.
12. The Bangladesh Observer May 8, 1986
13. Dr. Harun-Ur-Rashid, Professor, Political Science, DU, Holiday, March 11, 1988.
14. Talukder Maniruzzaman, Encyclopedia of Pakistan, Bangladesh, Nepal, Sri Lanka, Bhutan and India, London, p.222
15. Holiday March 11, 1988.
16. Robber, March 6, 1988. Complied from Abul Fazal Haque, The Problems of legitimacy and election in Bangladesh, The Journal of Social Studies
17. Holiday, November 23, 1990

Chapter – VI

Comparison of civilianization processes between Zia and Ershad.

Both Ziaur-Rahman and Ershad regime like other military regimes felt the necessity of civilianization and legitimization of their military rule. The long period of rule with an unrepresentative government – about four years in the case of Zia and another four years in the case of Ershad – when the country was ruled under Martial law and there was no participation by the people, destroyed the growth of democratic institutions, a disruption from which for a nation like Bangladesh it was difficult to recover. The nature of the military regimes and the way they emerged ensured that democracy could not blossom among a people who had fought a war of liberation in 1971 to achieve it.

The route to civilianization followed by both Zia and Ershad was similar to that of many other military regimes. When they realize that they can no longer run the country under martial law, military rulers who want to perpetuate their power opt for a civilian course to legitimize their rule. By contrast, Zia and Ershad began with systems of military dictatorship but both promised to return the country to democracy. In practice, however, both rulers built up a substantial executive presidency under Martial law and both subsequently restored a more restricted version of democracy than that of the early 1970s, in which the powers of the presidency were retained virtually intact and were, moreover, put beyond legal challenge. Zia set the framework for presidential supremacy through various Martial law proclamations in 1977-78, which removed any ground for impeachment, invested the presidency with the full prerogative to select and dismiss the prime minister and all cabinet members and ensured the subjection of the judiciary to presidential control. These changes were codified in a fifth constitutional Amendment, passed by a newly elected parliament in April 1979, which confirmed all laws and decisions made during military rule. The seventh Amendment, passed by

another newly elected parliament in October 1986, has similarly guaranteed that the executive presidency under Ershad would prevail after Martial law.

Both Zia and Ershad initially declared themselves president under Martial law, both held national referenda in which the people apparently endorsed their policies by huge majorities, both established political parties which then became the ruling force in parliament through controversial elections and both staged presidential elections which confirmed them in office in a civilian system.

Ershad has similarly justified his centralization of power but has gone further by questioning the general applicability to Bangladesh of Western-style democracy and pointed to other countries where the military has had an important political role as suitable models.

The civilization process of zia and Ershad was almost same. Thy held national referenda, local level election, launched political party, held parliamentary and presidential election respectively and amend the constitution and legitimize their military rule.

As a first step both Zia and Ershad held presidential referenda under universal adult franchise in their quest to seek people's consent on their policies and programme. The presidential referendum of Ziaur Rahman and Ershad held on May 30, 1977 and March 21, 1985 respectively. But before the election, they declared their election manifestos-the 19-point programme for Zia and 18-point programme for Ershad to seek support in the referenda. The 19-point program of Ziaur Rahman which announced on April 30, 1977 pledged to provide the basic needs of life, i.e, food, clothing, shelter, literacy, health and medical care for the masses of the people. The programme also included the constitutional amendments and policies like promotion of private sector, achieving self-sufficiency in food, strengthening the rural economy and checking the population explosion.¹

Zia also amended the constitutional principles of state ideology to gain the support from the rightists. The amendments, by way of a presidential proclamation came almost instantaneously and included the following; (a) dispensing with "Secularism" as a fundamental principle of the constitution and its substitution by "absolute" trust and faith in Almighty Allah"; (b) defining socialism as "meaning economic and social justice"; (c) guaranteeing that there will be no nationalization, aquisition or requisition of private property without compensation; (d) The addition of clauses in the fundamental principles of state policy, seeking solidarity with Muslims states, the promotion of local government institutions and the participation of women in national affairs.² The amendment also stipulated that a citizen of Bangladesh would be termed as "Bangladeshi" and not as a "Bengalee" as provided for in the 1972 constitution.³

Zia launched a 4-week mass contact tour through out the country, during which he addressed 60 public meetings and innumerable wayside gatherings; preaching mainly his ideas of rural development and self-help.⁴

Ershad did not amend the constitution before the referendum like his predecessor Ziaur Rahman. He followed the amended constitution of zia wholly. Ershad announced 18-point programme, which included in part the promotion of the private sector, self-sufficiency in food production, population control and agricultural development. What were the differences between Zia's 19-point programme and Ershad's 18-point programme? As peter J. Bertocci writes, "in this he (Ershad) seemed to clearly be taking a leaf from the book of his predecessor, Ziaur Rahman, who had blazed a similar path from martial law toward restoration of electoral rule in the late 1970s."⁵

Zia did not face serious obstacles from the oppositions. He asked the 38 million electorate whether they have confidence upon him and the policies and programs he annunciated. Almost all political parties came out publicly for Zia. The AL maintained silence. The only party that opposed the referendum was JSD. While the entire

leadership was in jail, the younger cadres of JSD placed posters on the walls in Dhaka and in some other places, dubbing the referendum as "political bluff."⁶

While majority political parties participated in the Zia's referendum, Ershad's referendum was boycotted by all the political parties. In the referendum the electorate was asked to answer only one question, "Do you support the policies of president Ershad, and "do you want him to continue to run this administration until a civilian government is formed through elections?" All the eligible voters were called to answer this question through ballot. The electorate scornfully boycotted the referendum. In order to resist the opposition's move against the referendum, Ershad prohibited all political activities, strengthened martial law authority and arrested the two main leaders of the mainstream opposition: SK. Hasina of the 15-party alliance and Khalada zia of the 7-party alliance. Such repressive measures facilitate Ershad to hold the referendum more on less peacefully.

But the results of both referenda were very alarming and beyond imagination. As the final tabulation of Zia's referendum shows an unprecedented 88.5 percent turnout of voters and a 98.88 percent affirmative vote for Zia.⁷

Table -1

Results of two referenda arranged by Zia and Ershad

| Name of the referendum | voter turnout (%) | Affirmative vote (%) |
|------------------------------------|-------------------|----------------------|
| Zia referendum May 30, 1977 | 88.5 | 98.88 |
| Ershad's referendum March 21, 1985 | 72 | 94.14 |

Source: Election Commission

Again Ershad's results are also same an unprecedented 72 per cent voter turn out and 94.14 affirmative vote. Though there are many points of differences between Ershad and Zia but they have at lest & similarity in electing in the Ghosts votes. The

Economist (London) dubbed Zia's referendum "electoral overkill" and observed; luckily for president Zia, Bangladesh does not have a militant opposition to carry the Bhutto parall any further.⁸ Within the country, JSD-sponsored leaflets asked;

"when turnout of voters in crucial elections like the 1970 general elections was 57.69 per cent how can one believe that 88.5 per cent of the voters cast their votes in the referendum?"⁹

Since in all previous election of the country voter turn out never exceeded 60 per cent, the referendum result appeared to be too "massive" to be true.¹⁰

Commenting on the referendum of Ershad, the British Broad-Casting Corporation (BBC) and the Voice of America (VOA) observed that only 5% to 15% voters voted in the referendum.¹¹

The another step for "civilianization" and "democratization" was presidential election. Both Zia and Ershad held presidential election after their victory in the referenda while Zia contested as the nominee of the Jatiyotabadi front (JF), an electoral alliance of both leftist and rightist parties and all the major political parties contested the presidential race, Ershad contested from his own party, the Jatio Party but no major parties such as AL, BNP, Jamaat participated in it. In the presidential election, Zia's major opponent was general (retd) MAG Osmany, a nominee of Gonotantrik Oikya Jote (GOJ), an electoral alliance of the Awami League, NAP (Muzaffar), people's league, Jatio Janata Party, Krishak Sramik Party and Jatio league. The two major candidates, Zia and Osmany announced their election manifesto and launched mass contact tour throughout the country and addressed innumerable public meetings and wayside gathering. A true sense of electioneering and election fervor prevailed the country. Since the very beginning of Ershad's military rule, the opposition had boycotted elections under Ershad as they boycotted referendum and Upazila Elections. As the opposition firmly realized that 'no election under Ershad would be free and fair'

they decided not only to boycott but to resist the election. The oppositions (8 party, 7-party, 5-party and Jamaat) declared hartal programme on the day of election.

As the opposition agitation and boycott programme spearheaded, the government imposed ban on anti-election activities and propaganda. However, Ershad could manage some unknown candidates for contesting in the presidential election. A total of 16 candidates originally submitted nomination papers although four of them later withdrew. Of the remaining 12 candidates, one was colonel (Retd) Syed Faruk Rahman, a key leader of the August 1975 coup that had led to the assassination of Sheikh Mujibur Rahman. The AL alliance demanded rejection of Faruk Rahman's candidature since he had been involved in the killing of Sheikh Mujib and also because his manifesto proposed changing the "national anthem" and independence day" from March 26 to August 15, the day Sheikh Mujib government was overthrown by a section of armed forces. In fact, his candidacy left the AL in a quandary.

The BNP describe the election as an attempt to legitimize" an illegal regime" and demanded Ershad's resignation, the dissolution of parliament, the release of all political prisoners, and assurance of a free and fair election under a neutral and care taker government. Ershad on the other hand, criticized the opposition saying that the people had lost confidence in both AL and BNP, and reminded the people of the good days" they had enjoyed under his regime.

Table-2

**Results of the presidential elections of Zia and Ershad
(Held in June 3, 1978 and Oct. 15, 1986 respectively)**

| Name of the candidate | Date of election held | Percentage of vote won % |
|--|-----------------------|-----------------------------|
| Lt. General Ziaur Rahman | June 3, 1978 | 76.67 |
| Lt. General Hassain Mohammad Ershad | October 15, 1986 | 83.57 |

Source: Election Commission Gagett.

As the table shows Zia secured 76.67 per cent votes while Ershad secured 83.57 per cent votes cast where voter turn out was 53.59 percent and 54.09 percent respectively. The percentage of the votes cast for both Zia and Ershad seemed hardly credible. At a press conference held after the elections, the candidate of GOJ General Osmani complained about malpractice resorted to by the supporters of president Zia but accepted the results by stating that he would not demand fresh election.¹²

But the election result of Ershad could not be believable. Since the opposition alliances, 8-party alliance of Secular political parties led by SK. Hasina, 7-party alliance of some of the anti-Indian political parties led by Begum Khaleda Zia, and a 5-party alliance consisting of five pro-Beijing leftists had boycotted the presidential election and observed country wide dawn to dusk general hartal (strike). How Ershad claimed to have Secured 83.57 percent votes? The opposition once again realized that in any way election under Ershad would never free and fair. According to BBC commentary, only 5% to 15% voters voted in the election.¹³ The opposition declared the Oath-taking day of Ershad as "Black Day" and they continued their demand for the resignation of Ershad through the presidential election for a five year term, both Zia and Ershad had turned themselves from a "soldier" to a "politician".

The next process of civilianization comes the formation of a new political party. After assuming power by toppling a civilian or constitutional government the military try to create a political machinery of their own to ensure their own survival. In many cases the military leaders themselves form a political party and in such a situation militarisation and politicization of society take place simultaneously. Both Zia and Ershad first formed a broad political platform by bringing some politicians into the government turned the various political components into a front and finally transformed the front into a new political party in order to participate in a parliamentary election.

Zia first launched – 19 point programme implementation committee and JAGODAL and then formed nationalist front which consist of six political parties-the

JAGODAL NAP (Pro-Peking), United Peoples Party (front organization of BCPL), Bangladesh Muslim League, Schedule Caste federation and Bangladesh Labour Party. Zia worked behind the scene and he used Justice Satter whom he appointed special assistant to president in forming a political party. Satter became the convener of JAGODAL. As JAGODAL failed to recruit political heavy weights and most of its members were either second ranking leaders of existing political parties or complete political unknown; the Nationalist Front also had some problems for divert opinions. Zia then shelved the notion of the front and launched a political party with the six political parties of NF - the Bangladesh Nationalist Party and headed himself.

Like Zia, Ershad followed the foot step of Zia in forming his party. He first formed 18-point implementation committee and that followed the Janodal. As Janodal was formed consisting of the dissident leaders from the opposition political parties and was not strong enough to mobilize support for him, Ershad then felt the need of a more coherent front and the result was the formation of a Jatio (National) front in August 1985. The front included the Janodal, a break way section of the BNP headed by Shah Azizur Rahman, and a faction of the Muslim League (Siddique), the left oriented united People's Party (Jafar) and the Ganotantrik Party of Serajul Hossain Khan. Since Janodal was not strong enough and organized to resist the opposition movements as well as to contest for only electoral victory, Ershad needed to make a political party with some other political forces. Thus Bangladesh Jatio Party (JP) emerged in January 1, 1986, comprising Janodal, UPP, NAP, Muslim League (Siddique) and Ganotantrik Party. Ershad himself became the chairman of the Party.

The aims and objectives of BNP and JP were also identical. Both pledge "peoples democracy, a presidential form of government, with a "sovereign" parliament, Economic self reliance, Bangladeshi nationalism, establishment of Islamic principles and honour to the people of other religions. The BNP and JP have also a number of built in problems in institutionalizing a party. Party members of both the party shared government patronage and power rather than concerned about Party ideology and

programme, both were extremely factionalized, both used coercion and violence against political opposition, both support the concentration of authority in party chairman's hands.

Figure – 1
Organizational Structure of the BNP

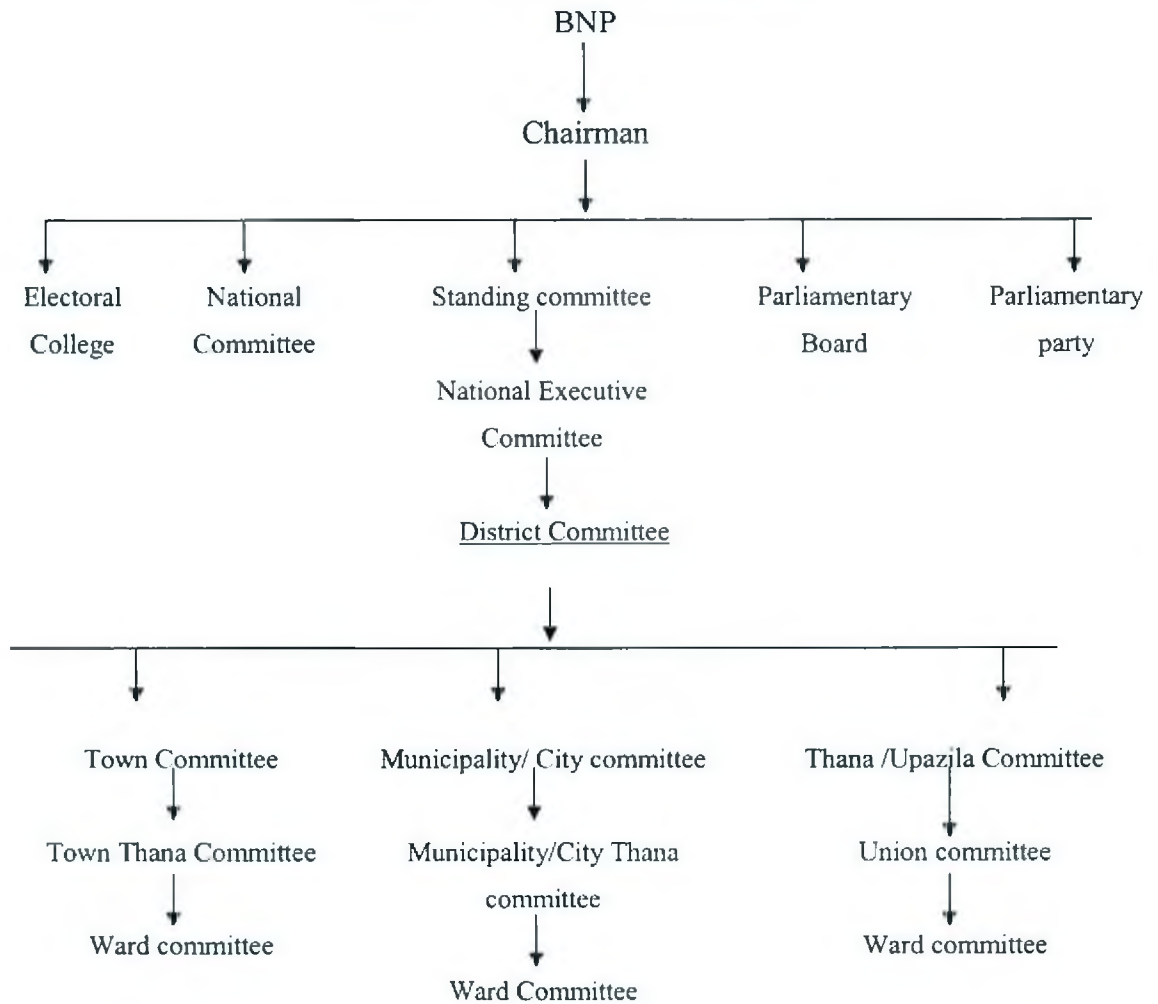


Figure-2
Organizational Structure of the Jatio Party (JP)

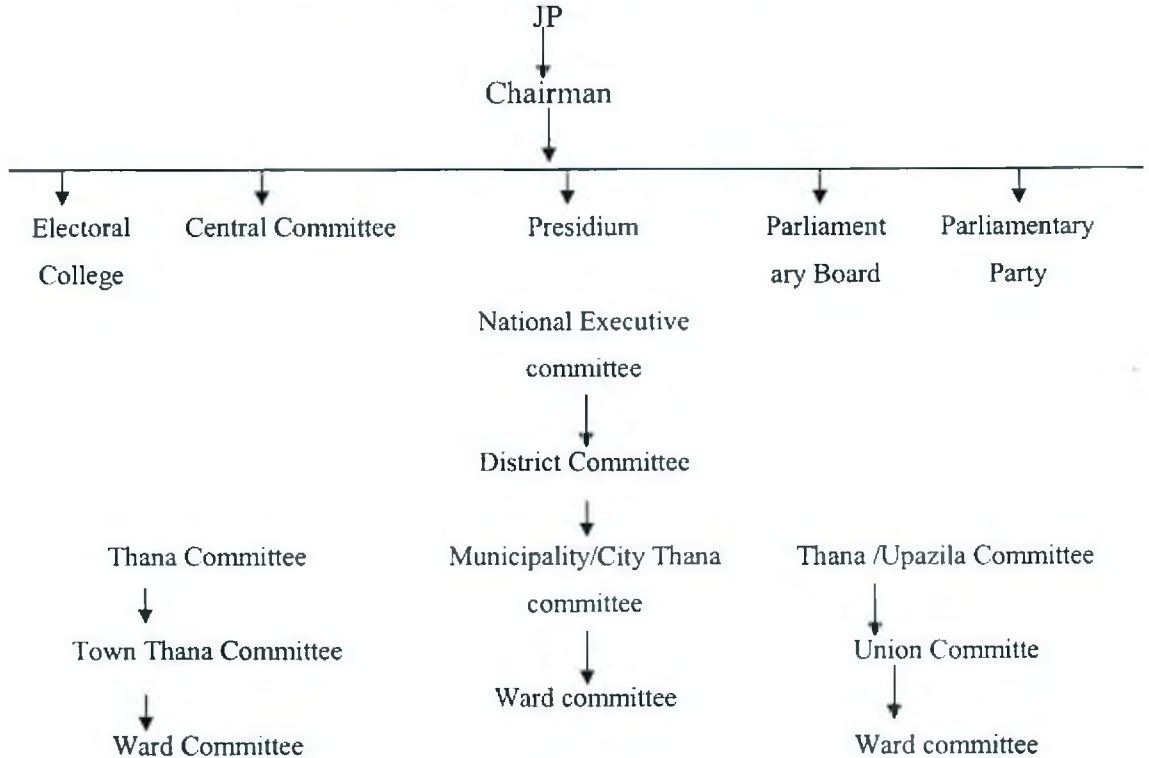


Table-3

Comparison of occupation between the members of BNP's standing committee And JP's Presidium

| Occupation | Standing committee | | Presidium | |
|--------------------------------|--------------------|------------|-----------|-------------|
| | No | Percentage | No | Percentage |
| Lawyers | 8 | 57 | 3 | 14 |
| Businessmen and Industrialists | 2 | 14 | 10 | 48 |
| Former army officer | 1 | 7 | 3 | 14 |
| Journalists | --- | --- | 2 | 10 |
| Doctors | 1 | 7 | 1 | 5 |
| Former government officer | --- | --- | 2 | 10 |
| College and University Teacher | 1 | 7 | --- | --- |
| Land holders | 1 | 7 | --- | --- |
| Total | 14 | 99 | 21 | 101* |

* Percentage exceeds 100 because of rounding

Table-4
Comparison of Education between the members of BNPs Standing Committee
And JP's Presidium.

| Level of Education | Standing committee | | Presidium | |
|--------------------|--------------------|------------|-----------|------------|
| | No | Percentage | No | Percentage |
| Post graduate | 9 | 64 | 14 | 67 |
| Graduate | 4 | 29 | 6 | 29 |
| Below graduate | 1 | 7 | 1 | 5 |
| Total | 14 | 100 | 21 | 101* |

* Total percentage exceeds 100 because of rounding.

Table-5
Comparison of Age between the members of BNPs standing committee
and JP's Presidium.

| Age | Standing committee | | Presidium | |
|--------------|--------------------|------------|-----------|------------|
| | No | Percentage | No | Percentage |
| 56 and Above | 2 | 14 | 10 | 48 |
| 46-55 | 7 | 50 | 8 | 38 |
| 36-45 | 5 | 37 | 3 | 14 |
| Total | 14 | 101* | 21 | 100 |

* Total percentage exceeds 100 because of rounding.

Table-6

Comparison between the Occupational backgrounds of BNP's national Executive Committee and Jatio Party's National Executive committee.

| Occupation | National Executive committee (BNP) | | National executive committee (JP) | |
|--------------------------------|------------------------------------|------------|-----------------------------------|------------|
| | No | Percentage | No | Percentage |
| Lawyers | 8 | 27 | 7 | 11 |
| Businessmen and Industrialists | 9 | 30 | 40 | 66 |
| Former army officer | 2 | 7 | 1 | 2 |
| Journalists | 1 | 3 | 2 | 3 |
| Doctors | 1 | 3 | 2 | 3 |
| Former government officer | 1 | 3 | -- | --- |
| College and University Teacher | 6 | 20 | 2 | 3 |
| Land holders | 1 | 3 | 4 | 7 |
| Trade unionist | 1 | 3 | --- | --- |
| Former student leader | --- | --- | 3 | 5 |
| Totals: | 30 | 99 | 61 | 100 |

Table - 7**Education**

Comparison of Education between the members of BNP's National Executive committee (NEC) and Jatio Party's National Executive committee (NEC)

| Level of Education | NEC (BNP) | | NEC(JP) | |
|--------------------|-----------|------------|---------|------------|
| | No | Percentage | No | Percentage |
| Post graduate | 19 | 63 | 15 | 25 |
| graduate | 10 | 33 | 28 | 46 |
| Below graduate | 1 | 3 | 18 | 29 |
| Total | 30 | 99 | 61 | 100 |

Table – 8

Age

Comparison of Age between the member's of BNP's National Executive committee (NEC) and Jatio Party's National Executive committee (NEC)

| Age | NEC (BNP) | | NEC(JP) | |
|--------------|-----------|------------|---------|------------|
| | No | Percentage | No | Percentage |
| 65 and above | 1 | 3 | 2 | 3 |
| 46-55 | 4 | 13 | 29 | 47 |
| 36-45 | 16 | 53 | 26 | 43 |
| 31-35 | 9 | 30 | 4 | 7 |
| Total | 30 | 99 | 61 | 100 |

There is another similarity in building their power base. Both Zia and Ershad strengthen their local bodies prior to their parliamentary and presidential elections. Zia and Ershad followed the path of Ayub Khan in this regard.

In October 1959, Ayub promulgated the 'Basic Democratic Order' that established a four-tier local government system of which union council was the lowest tier. The union council composed of ten councilors, each representing an 800 to 1500 person constituency. The whole country (Pakistan) was divided into 80,000 such constituencies, 40,000 from each province. Ayub completed the election of Union council by January 1960 on non-Partisan basis. The regime promised a strong Pakistan state and a sound political system with these 80,000 elected councilors. He regarded them as the true representative of the country representing the people at the grass roots at the base level. In February 1960 just after the election of the union councils in January, a presidential referendum was held and the 80,000 councilors were given the right to exercise the verdict. President Ayub was the only candidate and 95.6 percent of the votes were cast in his favour. So after the referendum, president Ayub claimed himself as an elected president.¹⁴

Ayub in his 1962 constitution also provided an "electoral college" system. Local councilors were made members of the electoral college to exercise their franchise on behalf of the whole population in electing representative member of District councils, Divisional councils, provincial Assembly, National Assembly and the president of the country.¹⁵

Though Zia and Ershad did not introduce Ayub style "Basic Democracy" and did not incorporate in the constitution for electoral college' but they followed Ayub's style in consolidating their power base in the union council – lowest tier of local government through election and developing direct relation with the chairman and members of union parishad. Both Zia and Ershad held union council election prior to their presidential referendum. Both Zia and Ershad followed the path of their predecessor general Ayub. The task was easier for them because the institutions built by Ayub provided a very solid foundation. Mujib had bypassed those institutions causing utter frustration among them and they looked for a "new Ayub." Zia started the first public relations campaign with the chairman and members of union council within six months of the occupation. He tried to convince the councilors that there would be more development in the rural areas and the local councils would have to bear all the responsibilities of implementing those programmes.

The US government continued to increase its economic assistance. In 1976 a recorded quantity of PL – 480 food aid was received and distributed among the union councils which helped Zia to earn the trust of local councilors within short span of time.¹⁶ These members and Chairmen of union parishad were engaged in staging the referendum along with the civil administration. Zia won a massive confidence vote of 99.5 percent from an 85 percent voter turn out. No one in home and abroad believed these percentages. The actual turn out was hardly 2 to 5 percent.¹⁷ The bureaucracy along with the help of union parishad members inflated the turn out. Each union parishad member along with ten members of village defense party (an organization created by Zia to support union parishad in executing its policies and programmes) was engaged in

organizing the referendum under the supervision on one Thana level government official. Zia's supporters bribed the officials and kept them under the threat of punishment for reporting less turn out.¹⁸

Ershad also followed almost same path of his predecessors Ayeb and Zia. Ershad aroused much enthusiasm among the rural folk for the election of Union parisad inflowing massive resources. From June 1982, the political climate in the urban areas, specially in Dhaka, became more vulnerable day by day. It took a serious turn in September, 1983 when students of Dhaka University came in the street and started breaking martial law regulations, During the time Ershad declared the date of UP election which acted as an appropriate "antidote" for dispersing and resolving the concentrated political tension in the urban areas against military rule. Thus for the first time the regime successfully diverted the attention of the people from a major political issue to a less prominent local issue. By this time Ershad held UP election in December-January 1983/84. As Jatio Sangsad was dissolved and election to UZ was yet to held, the member and chairman of the union parisad became very powerful and they acted as strong hold of Ershad regime. The lower tier became so strong hold that ninety one out of 460 chairmanship were occupied by the former union parisad chairman.¹⁹ another estimate showed that 385 union parisad member and chairman were in the contestant's list.²⁰

Thus the union parisad election along with presidential referendum and Upazila election strengthened the alliance between the military government and the rural elite. A section of rural elites whose interests collided with the anti martial law movement strategy of the opposition and coincided with the policy of the military regime and ultimately absorbed them into the fold of newly floated political party under the government patronage.

But Zia was able to fulfil his annotation to legitimize his regime and rise to power much more easily than Ershad could even do. Zia was more successful in

legitimizing his regime than Ershad. Zia was very much interested in strengthening his political party. He used to visit his party office almost every day. But Ershad totally played the role of unsuccessful party builder. He seldom visited his party office. He did not care the suggestion of his party stalwart. Since the army was his main source of power and the army supported him for almost nine years, he scornfully avoided party's counsel.

However, the process of civilianization of Zia and Ershad were same. Zia introduced the Union Parishad election and a referendum for himself, formed a broad political platform by bringing some politicians into the government, turned the various political components into a front and finally, transformed the front into a new political party in order to participate in a parliamentary election. Once the parliament had been elected, the next stage was to introduce an amendment to the constitution to legitimize the Martial law regime, and when martial law was withdrawn then he continued in power as a constitutional ruler. Ershad followed exactly the same process as his military predecessor- Ziaur Rahman.

Both Zia and Ershad held parliamentary election under martial law and after their victory in the parliamentary polls; they withdrew martial law and legitimize their illegitimate take over and subsequent activities through amendment in the constitution. Both parliamentary election (1979 and 1986) were alleged to have been rigged and the valatant use of state-media in the regimes interest. Military rulers in the coup prone countries never go to the barracks by handing power to the civilian rather they remain in power legalizing their takeover and stay in power through amending the constitution. Both Zia and Ershad moved in the same direction. If one poses the question of opposition's participation in the election then credit would go to Zia. In all 31 political parties contested the elections, with the more prominent among them being: BNP, AL (Malek), AL (Mizan), JSD, and ML-IDL Alliance. A striking feature of elections was the enormous number of candidates with 2125 persons contesting for 300 seats.

During Ershad regime the opposition "vowed to boycott any election under Ershad", since the possibility of free and fair election was a far cry. The main oppositions boycotted the upazila election and presidential referendum. On March 18, 1986 the 15-party and 7-party alliance vowed jointly to resist anyone who will contest the polls." They also planned to hold a country wide hartal (general strike) on March 22, the schedule dead line for filing nomination papers for the parliamentary elections.

The liaison committee's bullying could not however, hide the inherent contradiction between the two alliances. The rift in their unity occurred on the night of March 21, 1986 when the Awami alliance decided to participate in the election after Ershad announced a revised polling date of May 7 in a national broadcast. Ershad also could manage the Jamaat, and the Muslim League to join in the election race.

The BNP, on the other hand demanded the fulfillment of three pre conditions for participating in the parliamentary elections (a) restoration of fundamental rights (b) release of all political prisoners and (c) the annulment of the judgement against politicians convicted under martial law.²¹ As Zia could easily bring the opposition in the parliamentary election race, Ershad on the other hand proved to have been totally unsuccessful. Though a total of 1,074 candidates from 28 political parties contested the May 7, 1986 parliamentary election, majority of them were politically unknown. Some political parties had launched only before the election. Bangladesh political culture always allows mushroom growth of political parties. These unknown political parties get state's patronization in their existence. However Ershad held the election to the Jati Sangsad on May 7, 1986 keeping the BNP out of election race.

Table - 9
Parliamentary Election results (February 1979)

| Name of the party | No of seats contested | No of seats won | percentage of votes secured |
|--------------------|-----------------------|-----------------|-----------------------------|
| BNP | 298 | 207 | 44 |
| AL (Major Faction) | 295 | 39 | 25 |
| ML-IDL | 265 | 20 | 8 |
| AL (Minor Faction) | 183 | 2 | 2 |
| JSD | 240 | 8 | 6 |
| Other parties | 419 | 8 | 6 |
| Independents | 425 | 16 | 9 |
| Totals | 2125 | 300 | 100 |

Source: Talukder Maniruzzaman, Bangladesh Revolution and its Aftermath, UPL, 1980 P.225

Table - 10
Parliamentary Election Results (May 7, 1986)

| Name of the party | No of seats contested | No of seats won |
|-------------------------|-----------------------|-----------------|
| JP | 300 | 153 |
| AL | 256 | 76 |
| Jamaat-i-Islami | 76 | 10 |
| NAP | 10 | 5 |
| CPB | 9 | 5 |
| ML | 9 | 4 |
| JSD (Rab) | 138 | 4 |
| JSD (Seraj) | 14 | 3 |
| BAKSAL | 6 | 3 |
| Workers party | 4 | 3 |
| NAP (M) | 9 | 2 |
| Independents and others | 696 | 32 |
| Totals: | 1527 | 300 |

Source: Bangladesh Election Commission Gagett, May 30, 1986

Foot notes:

1. The Bangladesh Observer, May 1, 1977.
2. Talukder Maniruzaman, The Bangladesh Revolution And Its Aftermath, UPL, 1980, P.216
3. Rounaq Jahan, Bangladesh Politics : Problems and Issues UPL, 1980, P. 210
4. Talukder Maniruzaman, Opcit
5. Peter J. Betrocci, Bangladesh in 1985 : Resolute Against the storms, Asian Survey, Vol. 26, No. 2 (February 1986) P. 227
6. Talukder Maniruzaman, Opcit, P. 216
7. Talukder Maniruzaman, Opcit, P. 216
8. Talukder Maniruzaman, Opict, P. 217, 1980
9. Talukder Maniruzaman, Opcit, P. 217, 1980
10. Talukder Maniruzaman, Bangladesh in 1977, Asian Survey, Vol. XVII No. 2 February 1978.
11. BBC and VOA Commentary, March 21 and 22, 1985.
12. Talukder Maniruzaman, Opcit. P.223, 1980
13. BBC Commentary, October. 19, 1986
14. Rounaq Jahan , Pakistan: Failure in National Integration, 1972
15. Tofail Ahmed, Decentralization and people's participation in Bangladesh BARD, Comilla, 1987.
16. K. Westergard, State and Rural Society in Bangladesh, Scandinavian Institute of Asian Studies, Copenhagen, 1985, P. 90
17. Tofail Ahmed, Opcit, P. 44.
18. Tofail Ahmed, Opcit, P. 44
19. Ittafaq, June 12, 1985
20. Tofail Ahmed, Opcit, P. 76
21. The Bangladesh Observer, April 2, 1986

Chapter – VII

Fall of General Ershad

Since the coup d'e'tat of March 24, 1982, Political parties, student organizations, the citizen Committee, the open Forum, the conglomerate of a large member of cultural organizations called combined cultural Jote, the Bangladesh Medical Association, the supreme Court Bar Association, the University Teachers Association and many other professional groups have been demanding the resignation of Ershad and the holding of free and fair elections to restore civilian supremacy in politics. At home, Ershad could easily managed the armed forces, the bulwark of his power. Although there were many in the armed forces who did not Share Ershad's policy of using the armed forces for political manipulation they were isolated individual and numerically too few to mount an effective opposition against Ershad. The majorities of the soldiers were largely apolitical and too hide bound by the code of conduct of military discipline to question Ershad's motives.

The United States and it's allies were more or less satisfied with Ershad. In the mid 1990, Ershad was assured of the gratitude of the American administration by dispatching a token force to Saudi Arabia and thereby providing a seal of Islamic approval to a predominantly western coalition against Iraq. Though Ershad was successful in securing the support of the loyal armed forces and maintained good relation with western block and International Finance Institutions, he failed to establish his hegemony and domination over the civil society in Bangladesh. Trough out his almost nine-year tenure of power, Ershad failed singularly in his numerous attempts to obtain a popular endorsement for his regime. The electorate scornfully boycotted the referendum and the presidential election and thus refused to legitimise Ershad's naked ambitions for power. Nor was he any more successful in giving his regime a civilian facade through parliamentary elections.

The edifice that Ershad had built was fragile and might have been torn down by the first gust of anti-Ershad popular movement in 1985. Instead, he became the longest occupant of presidency in the history of Bangladesh. The main reason which kept Ershad in power was the disunity of the opposition groups. To an extent Ershad himself was responsible for splitting the opposition and preventing the country's 160 odd political parties from combining effectively. Many of the parties were reportedly funded by the government, and Ershad himself fond of bragging that there were few politicians who did not make nocturnal visits to the cantonment or had not received hand-outs from him.

However a far more serious obstacle to a united front was the hostility and deep suspicion between the Awami League and the Bangladesh Nationalist Party. Admittedly there were important ideological and policy differences between the two parties which would have made any meaningful coalition between them difficult. But the real stumbling block was the personal rivalry between Sheikh Hasina and Begum Khalada Zia. Hasina suspects the hand of Khalada Zia's husband, the late Ziaur Rahman, in the assassination of her father. But the hatred also goes beyond filial loyalty. Hasina was convinced – and entirely without reason – that a sizeable section in the armed forces was opposed to the Awami League's return to power and was working hand in hand with the BNP. Faced with what she perceived to be the hostility of the army, she reckoned that her only hope of capturing power was to pressure Ershad to hold a 'free and fair' election which she was confident of winning. On the other hand, she was reluctant to launch a popular movement, to overthrow Ershad because she feared that it would provoke violence and thus give the army pretext to reimpose martial law and eventually bring in the BNP through the back door in a power-sharing scheme in order to give the military regime a civilian facade.

Khalada Zia, too had deep misgivings. She not only resented Hasina's attacks on her husband but also suspected that Hasina had struck a deal with Ershad whereby he would hand over power to the AL government in return for continuing as president with diminished authority. That Hasina had an amicable working rapport with Ershad was probably correct, but the allegations of a secret deal were a figment of the imagination. Hasina had concluded that

there was little to choose between one military ruler and another and was therefore reluctant to launch a popular movement merely to replace one with another. Hasina appeared to prefer the devil she knew. To Khalada, on the other hand, Ershad was completely unacceptable. She suspected that Ershad had a hand in her husband's murder and she was therefore not prepared to come to any understanding with Ershad, short of forcing his resignation.

It was precisely this antagonism between the two main opponents which ensured that attempts at popular mobilisation against Ershad invariably ended in mutual bickering and recriminations. At least four occasions, starting in 1985, popular discontent erupted into spontaneously protests, demonstrations and prolonged periods of strikes with crippling economic consequences. But each time Ershad was able to sit through the crises just long enough for the opposition groups to run on each other.

The students, incensed by the brutality of the regime and frustrated by their squabbling leaders, took matters into their own hands and vowed to bring there factional differences to and end and to continue the struggle until Ershad was overthrown. Now allow me to discuss the role of students, political parties, and various professional groups during the Ershad regime and how they were ultimately able to bring about the fall of Ershad regime.

Role of Students

The students of Dhaka University first Challenged the martial law and started movement against Ershad government. On November 5, 1982, five student organizations for the first time issued a joint statement against martial law.¹ They started their fighting and struggle against Ershad with idealism, honesty, single-mindedness and determination. They deserve highest marks for forging unity among themselves forgetting past differences. Their infect acted as the catalytic force behind the larger unity established among the student community, the political parties, various professional groups and people at large.

The students developed vehement movement after the declaration of New Education policy of Ershad. On September, 1982, Mazid Khan, Ershad's adviser for Education, declared the new Education policy for the next five years. The policy was not satisfactory to the student community and so they termed it anti-people and undemocratic. The salient features of the new education policy were the following:

- a) Three languages were compulsory at primary levels, i.e, Bengali, Urdu and Arabic;
- b) Two years extension of secondary education;
- c) Introduction of a pre-Graduate course after the completion of secondary stage;
- d) Selective higher education where less meritorious students were allowed to be educated on the basis of 50 percent cost.²

The regime justified its new education policy saying that it was designed to address the problems of unemployment as it would turn out more effective and employable students. Regarding Arabic the regime claimed that it be very useful and important in the context of the Bangladeshi reality since Arabic is important for getting jobs in the Middle East. It is important from a religious point of view as well since the majority of the people are Muslims. Ershad himself, in various speeches, tried to draw the attention of Muslim community. In a secret conference, organised by Baitul Mukaram Mosque Authority, Dhaka in December 17, 1982, Ershad commented:

"We will go ahead with the banner of Islam to build the country. Once again, Islam will revive in Bangladesh.... It appears we have learned other religion more than Islam. I want children to read the Quran in Arabic, remember Allah when they converse. We want Islamic education everywhere through giving Islam a place in the constitution. I want to introduce such an education system so that students are not brought up revolutionaries, rebel."³

Why the student rejected the new education policy of Ershad? As professor Talukder Maniruzzaman writes, "the students interpreted the new education policy as a long term plan by the government to create a small ruling class."⁴ The students violently agitated for the withdrawal of the new education policy on the other hand, the regime reacted seriously and took the path of

repression to suppress the student movement. On November, 8, 1982, while the students were demonstrating against education policy at Dhaka University campus, the police force raided the Arts faculty and started lathi charge indiscriminately that resulted in the several students being injured. The police also arrested more than one hundred students.

The November 8 incident inspired the student organization to launch a vigorous movement unitedly which ultimately led to the formation of Central Students Action committee (CSAC) on 21st November 1982, consisting of 14 student organizations⁵ which were radical left, liberal left, and liberal right in character. After the formation, the CSAC issued a joint statement that published by the different dailies on 20th November. The CSAC in their statement stated:

"This government was not established on popular support. The education policy of this self-styled government was a notorious document which aimed at crippling the nation. The policy of Bourgeois patronization was reflected nakedly in the government's education policy"⁶

Although Bangladesh Jatiotabadi Chattra Dal, the student front of BNP did not include with CSAC, it continued anti-education movement from Separate platform – Sangrami Chattra Jote. The Jote maintained liaison with the CSAC and declared similar action programmes in the anti-authoritarian movement.

The CSAC declared a Gharaoe programme at Sikkha Bhaban (Education Directorate) to be held on February 14, 1983 to show their non acceptance of imposed education policy. On that day while the students were proceeding towards the Education Directorate, the armed police openly started firing on the procession in which at least five Students of Dhaka University were killed and hundreds of students and police were injured. The government imposed curfew in order to bring the situation under control.

In the afternoon of the same day, the students came to the campus with the dead body of their comrades and the campus was gathered by thousands of students, teachers,

journalists and guardians. But at that time another brutal incident took place at the Arts faculty where the armed police made a commando attack upon the unarmed students. Several thousands of students were arrested and large numbers were injured seriously there. Even female students were not escaped from their brutal assaultation.⁷

In response to the demands of CSAC, the regime adopted a carrot and stick policy. The regime proposed for a 'talk' with the CSAC leadership about Education policy. The proposal for talk came through Dhaka university vice-chancellor professor Fazlul Halim Chowdhury. The CSAC exchanged views with the national leaders about proposed talk with the regime. Later the CSAC adopted a majority resolution to join the talk. But, now the regime did not show any interest to join the talk.

After the mid-February student upheaval, the CSAC observed Independence Day on 26 March 1983. On that day the CSAC organized a meeting at Battala after parading different areas of the Dhaka university campus. In the meeting, Aktaruzzaman, DUCSU, VP, declared 10-point programme. In order to embrace all section of the masses the CSAC while formulating the 10-point programme gave importance to the demands of the students, workers, peasants, Journalists, and other subordinate and oppressed section of the society. The 10-point programmes are as follows:

- i) Withdrawal of the proposed education policy,
- ii) Withdrawal of martial law
- iii) Restoration of the constitution prior to the 4th amendment
- iv) Abolition of special educational institutions like kindergarten, Cadet College, residential Model schools etc.
- v) Autonomy for university according to the 1973 university ordinance,
- vi) Increasing the number of educational institutions from the primary to university levels.
- vii) release of all students and political prisoners,
- viii) Judicial probe into the mid-February incidents and

- ix) Publication of the list of all persons killed and injured in the mid-February incident.⁸

After adoption of the 10-point demands the SAC observed a series of programme including campaign for 10-point programme, demand day, declaration of solidarity with the movement of university teachers for restoration of autonomy of the universities, organizational week etc. During August – September, when the 22 political parties declared their 5-point demands, the SAC lent its support. The CSAC activities got a momentum in the month of October and November 1983. On November 2, 1983, the CSAC convened a Grand conference of the students at Dhaka University Battala. More than 850 delegates from 70 districts and sub-divisional headquarters attended the grand conference. All VP-GS of DUCSU, EUCSU, JACSU, RUCSU CUCSU, and BACSU attended the conference. All delegates supported the 10 – point demands and urged the student community to spearhead their movement the CSAC adopted a resolution at the grand conference aimed at not to confined their movement on the education policy but also to restore of democracy and basic right. The grand conference declared November 2, 1983 to be observed direct action day against the regime.

On November 1, 1983, the CSAC observed general strike in the educational institutions all over the country in protest against education policy. The students of Dhaka University, Engineering University, Dhaka Medical College, Eden Girls College, Jagannath Collage, Suhrawardy College, Kabi Nazrul College and some other college abstained from classes. Same programme was also observed all over the country.

In Dhaka, students in big and small groups paraded the campus and the adjacent roads. They chanted different slogans condemning the proposed education policy and demanded immediate release of arrested student leaders (three of whom already freed). The CSAC termed the release of three leaders as success of their on going movement and they demanded immediate release of the rest two leaders - K.M. Faruk, VP – EUCSU and Mohan Raihan, a JSD backed student leader. At the call of the CSAC,

strikes, meetings and demonstration were continued. The CSAC decided to observe February 14, 1984 as "Anti-Dictatorship Day" to commemorate two students, Mozammal, Jainul and others who were shot dead while holding a demonstration against the education policy of the government on February 14, 1983.

To drum up the Anti-Dictatorship Day, some CSAC members of different residential Halls of Dhaka University – Joined a procession in the evening of 13 June 1983. While leading the procession, Raufun Basunia, a central leader of CSAC and joint-secretary of central committee of Jatio Chhatra League (student organization of BAKSAL) was shot dead by the government-backed Natun Bangla Chhatra Samaj near the university laboratory school and college. The killing of Basunia intensified the student movement.

The government in its ugly maneuver wanted to capture the sentiments of general students by floating its student front – Natun Bangla Chhatra Samaj (NBCS). The NBCS failed to attract brilliant students; rather some unruly and misguided students from different student organizations joined the NBCS. Instead of creating congenial atmosphere in the campus, the NBCS created a reign of terror in Sir A. F. Rahanan Hall, Kabi Jasim Uddin Hall, S.M. Hall and Surya Sen Hall with police protection.

On the night of February 5, 1986 the NBCS decided to observe general strike to be held on February 6 in protest against bomb attack at Surya Sen Hall. The musclemen of NBCS took position inside Arts Faculty after closing the gates around. As the students were totally unaware of the strike, they assembled outside the gate. The armed NBCS members threatened the general students with most sophisticated arms and ordered not to attend the classes. The CSAC and the Sangrami Chhatra Jote (SCJ) having support of the general male and female students beat back the NBCS from the campus of Dhaka University. A good number of general students were seen carrying

books in one hand and sticks in the other. They were not frightened by the bombs thrown and shots fired from the direction of Surja San Hall which was known a stronghold of NBCS. The CSAC, SCJ and the general students ransacked about sixty rooms at different halls and burnt the NBCS's main office at Elephant road. The angry students also attacked the office of Jatio Jubo Sanghati and Swadin Trade Union at Motijheel.

In the first and second weeks of February 1986 the students made a series of assaults against the presence of ministers. Information minister Shah Moazzam Hossain was harassed by a group of students when he went to the National Press Club to attend the publication ceremony of a vernacular daily. The students smashed the windshield of Moazzam's official car. State Minister Anwar Zahid and Deputy Minister Ziauddin Ahmed Bablu had to stay out of a function at Rajshahi in the face of student's demonstration. Commerce Minister Kazi Zafar Ahmed and State Minister Mustafa Zamal Haider had to leave the venue of a book exhibition at the central public library. The car of ziauddin Bablu, DUCSU General Secretary, sometime back, was burnt by Chittagong university students and he was rescued by the police. Two other ministers – Mizanur Rahman Chowdhury and Sheikh Shahidul Islam had to cancel their Schedule visit to Manikgong in the face of student's demonstration. The students declared their plan to harass the ministers wherever they can.

As a part of it's effort to mobilise country wide anti-election campaign the CSAC launched a massive movement against the parliamentary election of 1986. The CSAC convened on April 2, 1986 a Join-meeting of the representatives of different professional groups and classes at Dhaka University teacher-student centre (TSC). Sixty one Professional groups joined the meeting. The meeting pledges to carry forward the movement for lifting of martial law, independence of Judiciary, establishment of fundamental rights, freedom of press and expression. The CSAC received overwhelming response.

The CSAC came to a split on the question of 1986 parliamentary election. Of the 17 organization CSAC, seven organizations severed their relation with CSAC.⁹ The remaining nine organizations¹⁰ initiated a fresh movement against what it termed a "blueprint for an election to legalise the illegal measures of the Martial law regime."

✓ The student movement against Ershad continued the year 1987, 1988 and 1989 and up to May 1990. During opposition's "Dhaka Siege" programme in November 10, 1987, the students played vital role in organizing oppositions programme. The students also played a vital role against the 1988 parliamentary election. From 1987 to May 1990 students observed at least fifteen strikes, and twenty five hartals against Ershad regime. During their strikes and hartals a total of 899 students were injured by police baton charge and at least 16 students were killed by police and JP gun men.

The watershed in the anti-Ershad movement of students came in June-October 1990 when Jatiotabedi Chattra Dal (Nationalist Student front) won the student's Union Election in 170 out of 350 colleges including the central student union of Dhaka University (DUCSU), a historical seat of anti-government agitation. The JCD leaders of DUCSU convened a meeting of elected college students on October 1, 1990 at the Institute of Engineers in Dhaka. The assembly of 2731 leaders of JCD from all over the country resolved to force the resignation of the Ershad government so that a free and fair election under a neutral caretaker government could take place.¹¹

During a demonstration against the government on October 10, 1990, 5 people were killed at Dhaka. Of the 5 people 2 were shot dead by police and others 3 by JP gun men. The JP gunmen took position in JP office at Allawala Building., Motijheel. When the BNP procession was passing gunshot were fired from inside Allawala Building and 3 persons were killed. Of the 3 persons killed near Allawala Building, a student named Nazir Hossain Zehad was one of them. Zehad was a degree student of Ullapara Akbar Ali government Degree College and JCD leader of the Upazila in Serajgong District.

The students were able to snatch Zehad's dead body from the police and took it to the campus. When Zehad's body came at DU campus, students from all organizations paraded Zehad's body and later. They put the dead body at the foot step of Aparajoy Bangla and took oath touching Zehad's dead body that they would not return home until the autocrat Ershad is ousted. The ensuing outrage catalysed all the 22 student organizations forgetting their past and party ideology to form the All party student's Unity (APSU) which vowed at the steps of the Shaheed Minar that same evening to bring Ershad down. Thus bullet and batons have brought the students under a single banner. In protest against the killing of 5 men including Zehad, the APSU declared a demonstration, rally and general strike in all educational institution across the country to be held on Oct. 11, 12 and 13 respectively. While protesting the killings of October 10, at least 50 students including Aman ullah Aman, Khairul Kabir Khokon, Shah Aalm, Habibur Rahman Habib, S.M Kamal, Altaf Hossain Badhan, Ishakh Ali Khan Panna, Ahmed Hossain, Nazmul Haque Prodhan, Khorshed Alam Sujon, were severely injured from baton charged at Shahbug. Later, they admitted to Dhaka medical college Hospital where they had to stay for a week.

In the absence of the APSU stalwarts, Khandaker Babul (Student Union), Jahangir Sattar Tiuku (Jatio Shatra League), Fazlul Haque Milon (JCD), Noor Ahmed Bakul (Shatra Moitree), Faruk Ahmed Shatra Moitree), Shafi Ahmed (JSD), Ashim Kumar Ukil (BCL), Nasir Uddin (Student Union), Akter Sobhan Masrur (Ganotantrik Student Okkaih), Abul Hakim (Shatra Moitree), Shah Alam Murad (BCL), Irin Parvin Badhon (BCL), Shamsun Nahar (JSD), lead the strike in the educational institutions on October 15, 1990. During the APSU sponsored strike, Manirazzaman Azad, a first year student of Dhaka Poly Technical Institute was shot dead at Satmazid Road and six students were seriously injured there. Azad's killing gave fuel to the fire. The students caught two police personnel at Palashy area and beat them up after undressing them. Some demonstrator ransacked the office room of BAEC and set fire on all the 14 vehicles parked there. They also damaged valuable articles and furniture of BAEC. At one stage, the agitated students set the police control room at Shawardy Uddyan on fire.

A private car belonging to Shamsur Mobin Chowdhury, a director of the foreign office was set on fire near Sukrabad.

The injured APSU leaders left the DMCH on October 16, 1990 and took an oath of unity sinking ideological differences in a student gathering at the footstep of central Shaheed Minar. The APSU pledged to continue their united movement and vowed that no amount of provocations or any partisan slogan could split their unity.

The APSU intensified their movement against the "Educational Institutions Law and Order Ordinance 1990" published in the Gazette on Oct. 13, 1990. As the government declared the closure of Dhaka University on October 14, 1990 the APSU termed the closure of DU as a violation of the autonomy of Universities. When the government closed down the Agricultural University at Mymensingh and the Rajshahi University on 17 October, the APSU resorted to further violence damaging public property, vehicles and petrol pumps belonging to private citizens. Nearly every day fifty to sixty vehicles were damaged and burned.¹²

The APSU announced their own programme from a protest meeting in front of DUCSU Bhaban on 17 October, 1990. Accordingly, a joint students-teachers-lawyers-doctors-engineers-guardian protest meeting at central Shahid Minar was held on 22 October. There was a protest demonstration in front of the Education Ministry on 25 October and a resistance day all over the country on 28 October. More subtle and violent means of breaking the back of the students followed. An undated confidential memo, taken from the file of the home minister Major General (Rtd) Mahmudul Hasan in early November, states that "in the present anti-government movement, student unity is taking the leading part, and controlling the political movement of the country." The memo goes on to suggest ways by which "mistrust and differences among the workers" of APSU should be created. "For example it is necessary to circulate amongst the opposition (i.e, opposing student groups) that other side had taken money from the government, or a particular student leader met the president secretly." It also suggests publishing photographs of students at meetings where unknown to them senior

government and intelligence officials have been present. "All possible help must be extended to them (students)" the memo adds, such as (i) diplomatic Service, government Jobs (ii) lucrative money or business possibility." The government also thought that the intensified student movement could perhaps be defused if some divisions could be created within it. To this end, Golam Faruk Ovi and Sanaul Haq Niru, two renowned student leaders belonging to the BNP student wing who enjoyed the reputation of being terrorists were reportedly released from jail on October 18, following a secret meeting between them and Ershad's men.¹³ Ovi had been serving a three year sentence since September 1989 for the murder of a member of left wing Jatio Samajtantrick Dal.

The government clearly hoped that since Ovi and Niru had previously been associated with BNP, their violent conduct would be seen as a secretarial move by the party, and student unity would crumble.

As soon as the release news of Ovi-Niru came to the attention of BNP high command, Niru and five students were expelled from JCD on 23 November. The leaders and workers belonging to 'Niru group', headed by Ovi and his supporters, terrorized the university campus. They attacked the DUCSU office, threw out the DUCSU leaders of JCD and opened fire on a student procession. The following day the campus was turned into a battleground, with the two groups of BNP students fighting each other, destroying property and setting fire to various dormitories of the university.

On 25 November, Ovi and Niru entered the Dhaka University campus by an Ambulance of Rabata Alme Islami at about 10. a.m. They managed the ambulance from Shahbug on gun point. About a hundred of strong gunmen also followed Ovi – Niru. At the time, a meeting of APSU was going on and APSU leader Habibur Rahman Habib was then delivering lecture. Ovi stated firing towards the meeting from inside the Ambulance. Consequently an armed battle broke out between the two groups – leading

to a spontaneous reaction by the students, teachers and university employees who had not previously taken sides. Thousands of students joined the resistance and after several hours of shooting, the students were able to drive Ovi and Niru from the campus. Surja Sen Hall from where Ovi and Niru conducted their operations was taken over by APSU supporters who then led a victory procession. On the following day 26 November – the Ovi – Niru group re-entered the university and engaged arms battle with APSU workers by strong police protection at Dowel Chattar. They occupied the Shahidullah Hall and Fazlul Haque Hall and moved towards the Bangla Academy and the teacher–student centre (TSC). The whole area became a battle field.

Although the Ovi-Niru group temporarily succeeded in diverting the main political issue and in creating confusion in the mind of the people, in the end this show of strength turned out to be counter productive. Instead of dividing the students, their mere presence in the campus united the entire student community against the government and the situation became more volatile. The news that a control room had been set up at the residence of an important leader to conduct the operations in the university campus and that a team of ministers had taken an active part in trying to divide the student community caused more anger among the students against the government. On November 9, the APSU declared a 7 day programme as a part of their movement against Ershad regime at central Shaheed Minar. The 7-day programme are as follow: November 10, students participation in the Dhaka university classes, November 12, holding of rallies and wearing of black badges by students all over the country, November 13, students – workers rally at Tejgaon Industrial Area, November 14, demonstration in front of upazila, district and union parishad's head quarters in protest against Education ordinance 1990 and price hike of essential items, November 15, students– workers rally at Tangi, November 16, students – peasants rally at Narsingdi, November 17, Gherao of official residence of the Ministers in Minto road and on November 18, Joint solidarity demonstration by students and workers. The APSU observed its entire declared Programme. Wearing black badges to protest the Educational Institution (law and order) ordinance 1990, the teachers and students joined

classes at morning on November 11, 1990. The first class of the day began with Head of the Bangla Department – Abul Kalam Manjur Morshed. Morshed delivered an excellent lecture on current democratic movement and urged the student to join the oust – government movement. Dr. Sanjida Khatun of Bangla, Ferdous Hossain of Political Science, Dr. Sadrul Amin of English, Dr. Rangalal Sen of Sociology and Prof. Tahidul Anwar, Dr. Golam Rahman and Dr. Ahaduzzaman Mohammad Ali of Journalism Department also took classes in the morning.

As announced earlier, the APSU held a rally at Tejgaon Industrial Area on November 13, 1990. The police obstructed the procession in some points coming from different directions. The police cordoned the entire area. Speakers at the rally reiterated the call to take ahead the current movement till the cherished goal—restoration fundamental rights is achieved. Here DUCSU VP Aman stressed the need for forging greater unity among students and workers to achieve what he said "establishment of an exploitation free society." Sounding note of caution against the 'conspirators' he said none could break the prevailing unity in the opposition camp.

The APSU brought out a mourning procession in the city on November 15 in protest of the killing of 5 workers at Adamjee Jute Mill. The processionists wore black badges and paraded the main city through fares which terminated at the central Shaheed Miner. The APSU blamed the police for the murder of Adamjee workers and demanded judicial inquiry into the killings.

As a part of their declared programme, the APSU observed Gherao Programme to the residences of ministers on November 17, 1990. The ruling JP and its front organizations organized nine rallies and erected daises blocking the roads at Kakrail, Shahbug, Moghbazar, Siddeswari and Mouchak area as part of their programme to resist the gherao of minister's residences by APSU. Ershad, Moudud, Zafor and other cabinet members addressed the rallies of the party under police security ring.

Mintoo Road, Hare Road and Park Avenue where the residences of ministers are located became the target of the students. Police cordoned the entire area and restricted the entry of outsiders since early morning. Even the morning walkers were not allowed inside the Ramna Park as part of their security measures in the wake of student's programme.

The trouble originated when a big procession of the APSU led by BCL president Habib and some DUCSU leaders came out from DU campus and proceeded towards Bangla Motor. They crossed the police barricade near PG Hospital and at 11.30 a.m. stormed the dais of Bank Federation in front of Sheraton Hotel. The leaders of the federation including its president Md. Jamal Uddin Ahmed ran away for safe shelter when the students damaged the dais and tried to set it on fire.

The students spread to Paribagh, Shahbag, Science Laboratory, New Market, Elephant road, Bangla Motor and Topkhana areas. At Paribagh, the students tried to storm the residence of the Irrigation Minister.

Around 1.00 p m the national press club area turned into a battle ground when the students and JP supporters staged chase and counter chase. The ruling party's Youth Front Jatio Jubo Sanghati Supporters held a rally in front of the press club. Moudud, Moazzam, Jafor Imam, Kazi Feroz Rashid addressed the rally. When Mr. Zafor Imam and Kazi Firoz Rashid and other Jubo Sanghati leaders were on their way to leave the meeting place with their Jeeps and micro buses, a procession of the students appeared near the Education Bhaban. Bombs exploded near the foreign office and the ministers with their supporters ran for safety towards the secretariat. The Jubo Sanghati Supporters chased the students with open arms and brandishing hockey sticks and iron rods. They fired pistol shots. Some of the Jubo Sanghati activists went inside the press

club premises with pistols in their hands when the students chased them. After about half an hour the ministers left the area with police escort.

Later the students held a rally in front of the Press Club. The APSU leaders declared that the ministers and ruling party MPs would not be allowed to come out and their vehicles would be damaged. The student leaders termed the rally as their victory meeting following what they considered successful gherao programme of the residences of the ministers. They said that the activists of the Jatio Party 'mastans' with their open arms proved that how much panic the gherao programme created in the ruling party circle.

The APSU played a decisive role in the joint declaration of the three alliances. As Prof. Talukder Maniruzzaman writes:

“The spontaneous unity of the students forced or "shamed" the political parties to cooperate and on November 19, 1990 the three alliance issued a joint statement.”¹³

The APSU observed November 24 as "detenu release day." They now called for a hartal on 26 November, the day fixed for the grand rally of the Jatio Party. As the students decided to hold at the same place of JP's grand rally, the JP lastly postponed their grand rally programme to avoid any confrontation.

On 27 November, the Niru-Ovi group engaged in a battle with the students for the fourth consecutive day in the Dhaka university campus resulting in the injury of several students. Ovi himself was also severely injured. Dr. Shamsul Alam Milon, a Joint Secretary of the Bangladesh Medical Association (BMA) while travelling on a rickshaw along with BMA Secretary General Dr. Mustafa Jalal Mohiuddin was caught in a cross fire and shot dead at TSC area. The news of Dr. Milon's death went round the city like wild-fire and aroused so much emotion that the main streets of the city were

filled with people shouting slogans and demanding Ershad's resignation. Soon after the killing of Dr. Milon, the government declared a national emergency and imposed curfew in Dhaka.

Table-1
Repression on Students during Ershad Regime

| Years | Type of Repression | | | |
|-----------|--------------------|---------|--------|-------------------------------|
| | Arrest | Injured | Murder | Expulsion from the university |
| 1982-1986 | 9 | 90 | 7 | --- |
| 1987-1989 | 15 | 199 | 9 | 11 |
| 1990 | 11 | 787 | 13 | --- |
| Total: | 29 | 1076 | 29 | |

The Proclamation of the state of emergency and imposition of curfew became ineffective as the students brought out procession in the streets of Dhaka and other district towns. The female students of Dhaka University brought out Processions on bare foot violating curfew and emergency. As the students of Dhaka University emerged the core of the movement, the government announced the closure of the Dhaka University and ordered the students to vacate the residential Halls. The students refused to vacate Halls. They assembled in front of the vice-chancellor's residence and urged the general students not to vacate the Halls. However, the students left the Halls apprehending police raid and arrest. This time, the students did not leave Dhaka and continue their on going movement. The student's movement took a new shape in the last week of November and the first week of December.

The APSU like the KAMI (Kesatuan Aksi Mahasiswa Indonesia), an action front of Indonesia university students that spearheaded student movement against "Sukarno Establishment" – rampaged in the city demanding in loud chorus a new deal for the people. Their spectrum of concern stretched from public morality to market prices.

Their slogans roundly accused Ershad, his first lady, many cabinet ministers and bureaucrats of embezzlement and nepotism. They denounced "Ershad Establishment" for becoming dollar millionaires on bribes and commissions and secreted away in foreign banks. Some of the ministers were named and the amounts they are alleged to have hoarded abroad was any body's guess, so every had a guess. The students demanded that this money should be brought home to help fill the gaping hole in the economy. On the walls round Dhaka University and Dhaka city, the students scrawled huge slogans:

'WE DO NOT WANT ERSHAD TO CONTINUE POWER", DOWN ERSHAD AND DEMOCRACY BE FREED, IMMEDIATE HANDING OVER POWER TO CARETAKER GOVERNMENT.

During the entire week of November and first week of December, the students ran amok in Dhaka shouting:

AUTOCRAT ERSHAD AND HIS STUPID MINISTERS GET OUT. CARETAKER GOVERNMENT- YES. ERSHAD AND HIS COHORTS-NO.

Complying with the demands of the students of Dhaka University, the vice-chancellor, Pro- Vice-chancellor and other teachers of the Dhaka University announced their decision to resign in protest against the emergency. The students urged the Journalist community to continue their strike till the withdrawal of emergency. On December 2, the APSU distributed a leaflet urging the mass people to stage mass upheaval. They also urged the doctors, journalists, government officials, SKOP, and artists to gear up their united movement. On November 30, APSU declared that all educational institutions, government offices and courts will remain close until the fall of the autocrat Ershad.

The APSU unit of Chittagong also observed various programmes to oust Ershad. On November 5, 1990 they carried an effigy of Ershad and burnt it in front of Chittagong Shahid Minar. The APSU lent their strong support when the opposition alliances urged the people to observe eight hour hartal every day from the 6 a.m. to 2 p.m. from December 4, 1990. By this time the APSU decided to hold procession in every ward, play ground and parks to inspire the people and professional groups so that they could join the movement with the call of APSU and three alliances 205 BCS (Admn.) cadres tendered their resignation and joined the movement. On December 3, 58 NGO's in a meeting at Dhaka decided to express their support to the movement. Thus the students emerged the core of the movement and brought the three opposition alliances, the lawyers, Journalist, doctors, Engineers the artists of Radio and Television, the Sammilita Sanskritik Jote, BCS (Admn. and Foreign Service) cadres, NGO organizations, and the general people in the movement and made Ershad bound to resign on December 4, 1990.

On December 5, 1990, the APSU declared a 13 – point charter of Demands to the caretaker government at a rally at Purana Paltan, what they termed the 'victory rally.' The General Secretary of DUCSU Khairul Kabir Khokon announced the demands on behalf of the APSU. The 13 – point demand were:

- i) Immediate arrest of Ershad and his trial.
- ii) Those who sacrificed their lives in the democracy movement be declared as national heroes and compensation to their families be paid by December 14.
- iii) Seizure of the property of corrupt ministers MP's, politicians and bureaucrats.
- iv) Trial of the killers of the students and people in past nine years.
- v) Changing the names of the educational institutions named after Ershad within 24 hours.

- vi) Immediate repeal of the special power Act, Emergency Act, Educational Institutions (law and order) ordinance 1990 and other black laws.
- vii) The city unit office of Jatio Party (Allawala Building) as the museum of anti-autocracy movement.¹⁴

The APSU also declared 28 Jatio Party leaders as "People's enemies" and imposed ban on their political activities.¹⁵

The Role of Lawyers

Ershad's scheme for decentralisation of the judiciary and administration of justice created an uproar amongst the lawyers in Dhaka. The Supreme Court Bar Association resisted from the very day the Martial Law Proclamation (2nd amendment order May 9, 1982). The Bar Contended that instead of changing the structure of the judiciary, it would be more desirable to improve its organization and logistics in general. The lawyers also questioned the quality of the justice to be dispensed and the hurriedly recruited munsifs and magistrates. As the new judges and magistrates were far from the control of supervision of any higher authority and were therefore likely to take the job more as executive agent than dispensers of justice and equity. Besides, Ershad's intention of bifurcating the High Court Division was regarded from the beginning by the Supreme Court Bar Association as a sign of his disrespect for the judiciary. The Bar construed the bifurcation plan of the High Court Division as totally unjustified and a design to destroy the institution of the judiciary. As the Bar was already antagonistic toward the illegal military rule and assumed a more political role in this regard, took an adamant and persistent stand against Ershad on the issue, mobilising not only lawyer but also public opinion, by combining other broader national political issues.

The Supreme Court Bar Association could easily convince the District Bar Association all over the country in favour of their movement. They now framed six-point demands and launched movement. The lawyers through out the country observed their week-long boycott of the Court from May 2 to May 8, 1984 in support of their six-point demands.

The six-point demands include:

- I) Restoration of the constitution with fundamental rights immediately.
- II) Handing over power to an interim national government after lifting Martial Law and holding of the election to the parliament before the presidential polls.

- III) Immediate withdrawal of govt. measure decentralising the High Court Bench of the Supreme Court in different district headquarters, that was made by violating the constitutional provision through Martial Law proclamation.
- IV) Dissolution of Munsif Courts and Magistrate Courts in the upazila as the very system is unrealistic and contrary to the smooth functioning of judiciary.
- V) Repeal of all those ordinances through which amendments were made to civil and criminal procedures which were unreasonable and not helpful to the judiciary and.
- VI) Immediate dissolution of the nominated council constituted by the Government by dissolving the elected council of the Bangladesh Bar Council.¹⁶

Through out the weeklong programme, the Lawyers observed total boycott of the Court. In the morning of their week-long boycott programme, the Executive Committee of Coordination Council of the Bar Association of Bangladesh held a meeting on the Supreme Court Bar Association premises with Shamsul Huda Chowdhury, president of the Supreme Court Bar Association in the chair. Addressing the meeting, Shamsul Huda Chowdhury called upon the Government to show respect to the constitution and lift Martial Law immediately and revive the constitution without any further delay. Mr. Chowdhury also urged Ershad to relinquish the office of the Chief Martial Law Administrator and go back to the barrack. Lawyers all over the country observed demonstration day on January 24, 1985 in support of their 6- point demands.

The Lawyers community of the Country split up over the question of bifurcation of the judiciary. While Dhaka based Lawyers Associations remained rigid in their stance against decentralization of the judiciary, especially the Supreme Court, the Lawyers Associations related to the high Court Divisions of the Supreme Court outside

the capital were hailing the decentralisation move. The situation had further deteriorated following deployment of police in the Supreme Court premises on January 8, 1987 and manhandling of the Lawyers during their procession and entrance into the Court premises on January 11, 1987. On that day the Supreme Court Bar Association and Dhaka Bar Association boycotted the Court of the Chief justice (CJ) and took to street. On January 11, 1987, while proceeding towards the Supreme Court in a procession from Dhaka Bar Association to attend the general meeting in the Supreme Court premises, the lawyers were barricaded by police near Gulistan. At the south gate of Supreme Court 9 students from Sangrami Satra Samaj were arrested where they had gone to express solidarity with the Lawyers meeting.

The meeting of Lawyers condemned police action and demanded immediate resignation of the CJ and his aides and charge of what it called “violation of the constitution”. The meeting also decided to continue boycott of both the Appellate and High Court Divisions of the Supreme Court till January 18, 1987 when the Lawyers would announce their action programme if their demands were not met by that time. The Lawyers also decided to observe “Justice Day” on June 15, 1987 and called upon political parties, teachers, students, Journalists and workers to observe hartal on that day for the “sake of establishing an independent Judiciary in the country”.

At the other pole, the Bar Associations of Chittagong, Rangpur, Jessore, Comilla and Sylhet High Court Divisions of the Supreme Court hailed the CJ for his December 24, 1986 order for holding High Court Divisions at the aforesaid places. Corroborating the order of the CJ citing clause No.100 of the constitution, they argued the CJ not to give in to the “illegal and extra-constitutional demands of a section of lawyers motivated by personal aggrandisement”. These associations kept aloof from the January 7, hartal called by Coordination Council of Lawyers Associations. They also condemned misbehaviour with the CJ. They have called upon the CJ to appoint more Justices in the High Court Division benches for holding session on permanent basis.

Bangladesh Supreme Court Bar Association observed “Justice Day” on June 15 through boycotting the Court and holding rallies in protest against what it said violation of the constitution by the CJ by setting up High Court Division Benches at six different places and for holding the dignity of the highest court of the country. On this day, the Lawyers hoisted black flag atop the building of the Supreme Court and they wore black badges to express their negation to the action of the CJ. The central rally decided to boycott the bench if presided over by the CJ and to boycott both divisions of the Supreme Court on every Thursday from June 25 till resignation of the CJ.

The Association observed June 15 in remembrance of June 15, 1982 when the High Court Division of the Supreme Court was split into six permanent benches by a Martial Law proclamation. It may be mentioned that the Lawyers of the High Court were demonstrating since November 1986 protesting the Government’s decision for setting up six circuit benches outside Dhaka.

The Bar Association argued that with the withdrawal of Martial Law on November 10, 1986, there is no legal sanction for having any permanent bench of the High Court at any particular place or places while circuit benches may be held at place from time to time as and when required.

But the orders issued by the CJ for holding of sessions of the High Court Divisions of the Supreme Court at six places of the country caused a great anxiety among the Lawyers. Supreme Court Bar Association described the orders of the CJ as a “flagrant violation of the constitution” and said the notification (No.9096-9) issued under article 100 of the constitution is super sessions of all previous orders stood void as no notification under the same article was even made since 1972 in that respect. Shamanl Huda Chowdhury, president, Supreme Court Bar Association citing article 100 of the constitution said no circuit bench could function outside the capital and the articles mentioned oneness and indivisibility of the High Court Division and thus

division of its power and its territorial Jurisdiction for a particular area was contradictory to the constitution.

Lawyers movement against Ershad's decentralisation of Judiciary got initial success after long seven years in 1989. The Appellate Division of the Supreme Court on September 2, 1989 declared formation of six permanent High Court Benches outside Dhaka ultra vires.

In a majority decision, the full bench of the Bangladesh Supreme Court restored article 100 relating to the one permanent High Court Bench in Dhaka which was amended by the parliament on June 9, 1988, for forming High Court Benches outside Dhaka. The annulment of the amendment of article 100 of the constitution by the Supreme Court was viewed by the legal experts as a major setback for the Judicial reforms of Ershad.

The Supreme Court verdict said: "The impugned amendment of article 100 along with consequential amendment of article 107 of the constitution is held to be ultra vires and here by declared invalid." The verdict spelt out restoration of old article 100 of the constitution which says, "the permanent seat of the Supreme Court shall be in the capital." The article was replaced by the eight amendments passed in parliament June, 1988.

Two citizens of Bangladesh, Anwar Hossain Chowdhury and Jalaluddin filed the writ petitions before the High Court Division at Dhaka challenging the validity of the 8 amendment as it related to the old article 100 of the constitution. Thus, the judgment of the Supreme Court became effective immediately and the permanent benches created by article 100 of the 8th amendment were dissolved.

The cheering lawyers at a meeting immediately after the verdict was pronounced on September 3, 1989 described it an “historic legal victory of the people who wanted to live under the constitutional rule”.

Dr. Kamal Hossain described the Judgement as “a milestone” in the history of constitution. As Dr. Kamal Commented, “the Judgment uphold the sentiment of the people and Lawyers who want constitutional rule and discredits other desirous of disrupting it by ‘arms and force’”.¹⁷ Other Lawyers like Khandaker Mahabub Uddin, President, National Bar Association of Bangladesh, Barrister Amirul Islam, member Constitution Drafting Committee (CDC), Fakir Shahabuddin Ahmed, a former Attorney General, Barrister Syed Ishtiaq Ahmed (former attorney general) and Shamsul Huda Chowdhury, Supreme Court Bar Association congratulated the verdict. The relentless agitation and demands of the Supreme Court Bar Association finally resulted in a successful conclusion of the issue. The Supreme Court Bar Association however continued to agitate against even holding the sessions outside Dhaka and the courts at upazila level. Later the lawyers limited their boycott to the Court of the CJ F.M.M.A Munim because of his collaboration with the president in establishing the permanent benches of the High Court outside Dhaka. The boycott continued until Justice Munim retired in the middle of 1989 and the Bar Council of the Supreme Court continued to demand the resignation of Ershad through seminars, conferences and meeting.¹⁸

Role of Doctors

Ershad searched desperately for a series of dramatic initiatives that he could take to justify illegal military take over, win public support and project a dynamic image. One of his initial and most dramatic actions was the adoption of WHO sponsored essential drug scheme. Of all his action, the essential drug scheme proved to be the most controversial. Through out his long nine-year authoritarian rule Ershad adopted two drug policies (1982, 1987) and a Health policy. Instead of an outpouring of support, Ershad faced a firestorm of criticism from almost every quarter for his drugs and health policies.

These policies touched of a massive ideological battle that pitted the foreign multi nationals, the large western donors, the World Bank, the Chernist, the urban middle class and the doctors. But it was only the doctors who voiced sharply and could gain support from the opposition political parties, SKOP, and other professional groups opposed to Ershad regime.

As the policy denied the doctors the right to prescribe appropriate medication, the BMA termed it as “undue interference, by Government in their professional right. Beside, the policy was formulated under martial law and in total secrecy; the regime did not have any prior consultation with the BMA; so that they could accommodate their opinion. So the BMA did not agree with the drug policy as it was. Dhaka University Pharmacy Department also argued in favour of a review. A sample survey of medical practitioners at Dhaka city showed that 75% of them expressly disagree with the drug policy, though they did not present any coherent logic.¹⁹ The BMA think the policy is tendentious and reflect the opinion of a small group of influential physicians. So the doctors were opposed to any Government interference in their professional right to prescribe appropriate treatment.

After the announcement of drug policy, the doctors all over the country raised in protest against drug policy what they called “an exercise of romantic socialism.” The

doctors launched its public counter offensive through protest rally, procession and newspapers advertisement and press note. The advertisement and press note characterized the policy as a neo-colonial plot hatched by GPL, OXFAM, foreign NGO's and the Christian churches. The BMA also attacked the small group of reformist doctors who were member of the expert committee, especially Zafrullah Chowdhury and the GPL. The entire policy, the BMA argued, was ideologically motivated and inspired by Zafrullah Chowdhury to promote his foreign-backed GPL drug factory. The doctors threatened Zafrullah Chowdhury to be withdrawn his general membership from BMA.

Now the BMA framed a 20-point demand and launched movement. The 20-point BMA demands include encadrement of all doctors, granting of time scale, repeal of ordinance regarding doctor's fee, withdrawal of the UNO upon doctors. On July 10, 1984, an agreement signed between the BMA and the Minister and Secretary of Health. During the agreement meeting it was decided that the Government would issue an order regarding the agreement. But the Government remained silent in this regard.

Now the doctors all over the country observed strike on August 25, 1984 for the first time regarding the issuance of Government order. On August 30, 1984, the BMA observed a 24-hour strike in all the Hospitals and medical institutions to press home their demands for the implementation of the agreement signed between the Health Minister and BMA.

The In-service Trainee doctors also joined the movement for the implementation of their 6-point demands. The 6-point demands include absorption of in-service trainee doctors in regular government jobs, implementation of the recommendations made by the Health Man power planning Committee, payments of two advance increments at the time of appointment, creation of 1200 posts in every year so that all the medical graduates can be employed after completion of their course etc. The in-service trainee

doctors in all the eight medical college hospitals started indefinite strike from April 11, 1986 to press home their demands.

On May 27, 1986, Police picked up 32 in-service Trainee doctors from Topkhana Road when they tried to join a press conference at National Press Club. The government on May 28 postponed all on-going examinations in the medical colleges and asked the students to vacate the hostels. The government also closed all medical colleges for one month from October 18, 1986. In protest against the closure of medical colleges and the quick implementation of 6-point demands and the withdrawal of cases against them, the in-service trainee doctors on October 20, 1986 started hunger strike unto death in all medical colleges. A total of 78 (45 at DMCH, 28 at Rangpur Medical college, 25 at RMCH) joined the hunger strike programme. The Director of the Dhaka Medical College Hospital, the president of the teachers Association, the BMA, different organizations and different political parties had expressed solidarity with the programme of the in-service trainee student parishad.

Doctors' movement took a serious turn when Ershad on July 25, 1990 announced the out line of a three-tier health system envisaged in the health policy of the country which included Upazila Health Authority, District Health Authority and eight Regional Health Authorities.

A perusal of the abstract of the 450-plus page policy leaves no doubt that it has been formulated with the intention of a) Improving medical administrative structure, b) of giving the public a say in the decision making process, c) of introducing a system of accountability of the doctors and, d) of making health and family planning facilities available to villagers at the Upazila level. These are the good intentions but then 'the way to hell is paved with intentions.' As important as good intentions are the practicability of the policy, or the consequences may be disaster rather than the hoped

for success. In this respect, the Health Policy falls short in much of its methodology. One of the reasons for failure is that the committee did not take into account the underlying realities of the medical situation in our country.

In an instant protest against the new health policy, BMA called for a 7-hour strike on July 26, from 9, a.m. in all hospitals across the country. The BMA leaders and 300 doctors from the DMCH and IPGMR brought out a procession in the city soon after Ershad had announced the National Health Policy over Radio and Television to protest it. Before parading city through fares, the BMA leaders and DMCH doctors gathered in front of the Jatio Press Club and held a protest rally there. They also staged a public burning of a copy of what they called “anti-people” Health policy. The rally was addressed by M.A Majed and Mustafa Jalal Mohiuddin, president and General secretary of BMA respectively, professor S.G.M. Chowdhury Md. Taher, Jonit Director of IPGMR, Abdul Bayes Bhuiyan, president Medical Teachers Association, Shahjhan Nurus Samad, president of doctor’s action Committee, C.M. Delwar Rana, Kazi Shahidul Alam and Gazi Abdul Haque.

Dr. M.A Majed termed the NHP as “controversial “and said its announcement by passing parliament ‘axed’ the democratic process. As Mustafa Julal Mohiuddin, BMA Secretary General, Observed, it would not help attain the desired goal, as the policy was formulated without the suggestions of the medical professionals. He redetected the announcement of the health policy and vowed to build up mass resistance for its immediate cancellation.

BMA and doctors observed a 7-hour strike through out the country on July 26, 1990, in protest against the new health policy. The Doctors working in both Government and non-Government hospitals termed the health policy as “anti-people” and said it aimed at privatising the health sector. In the capital, all doctors working with three major hospitals-DMCH, SMCH and IPGMR abstained from their routine duty.

Hundreds of agitating doctors held rallies and brought out processions during the strike hours chanting slogans against the NHP announced by Ershad.

The doctors observed 72-hour strike from July 28, to July 30, 1990. At the end of the 72-hour strike, the doctors held a rally at the central Shaheed Minar. In the rally the doctors decided to resign en masse from Government services alleging that the health policy had destroyed the health cadre by creating regional, district and upazila health authorities. BMA also decided to cancel the association membership of Dr. M.R. Chowdhury, Dr. SMIG Mannan and Dr. Zafarullah Chowdhury, the policy formulator from the association.

The rally also blamed the Government for harassing senior doctors by transferring them “illegally” and asked for a halt to it. It also criticized the Government for not paying heed to the BMA demands for ten percent budgetary allocation to health sector.

On August 14, 1990 the Government issued a press note. In the press note, the Government mentioned, that “the new policy would be formulated through discussion and exchange of views with the BMA and other professional organizations and agencies related to Medicare.

Later, in a presidential directive the Government on September 10, 1990 constituted a 13-member committee to formulate the national health policy.

The structure of the committee was as follows.

- | | | |
|------|---|----------|
| I. | Anwar Hossain Communication Minister | Convener |
| II. | Dr. Azizur Rahman Health and Family welfare Minister | Member |
| III. | Barrister Rafiqul Haque. | Member |

| | | |
|-------|--|--------|
| | Attorney General | |
| IV. | Syed Hasan Ahmed | Member |
| | Health and Family welfare secretary | Member |
| V. | Major General (Retd) M.R. Chowdhury. | Member |
| VI. | Dr. Nurul Islam | Member |
| | National Professor. | |
| VII. | Prof. M.A. Majed | Member |
| | President, B.M.A | |
| VIII. | Dr. Mostafa Jalal Mohiuddin | Member |
| | Secretary, B.M.A | |
| IX. | Dr. Altaf Hossain | Member |
| | President, Bangladesh Private Medical Practitioners. | |
| X. | Dr. Ainul Islam | Member |
| | Secretary, Bangladesh Private Medical practitioners. | |
| XI. | Prof Dr. Shamsher Ali | Member |
| | Prof, Physics dept, DU. | Member |
| XII. | Dr. Zafarullah Chowdhury | Member |
| | Chairman. Ganoshastra kendra | |
| XIII. | Md. Matiur Rahman | Member |
| | Joint Secretary, Health and Family welfare Ministry. | |

The structure of the committee published in the National dailies. Dr. Mostafa Jalal Mohiuddin quoting a report on the daily that committee has been set up to prepare the final draft of the national health policy. It means a draft is almost ready and the committee will finalise it. Jalal termed this as a clear shift from the earlier government position envisaged in the press note On August 14 that said, a committee would be formed to formulate a new health policy "acceptable to all". Jalal also showed his reservation about Dr. Azizur Rahaman, Major General (Retd) M.R. Khan and Dr. Zafurullah Chowdhury because these three members were the makers of the anti-people health policy.

A good part of the doctors' rage must have been fuelled by the fears what they called "the destruction of the medical cadre". The young doctors understandably dislike being lower in authority than a Upazila chairman which will be the case if he opts to serve in the Upazila Health Centre. No one who is acquainted with the sordid realities of Bangladeshi politics can blame them for that attitude. The doctors also resent the fact that the chief of the district Health authority will be an additional secretary or an equal ranking military official.

The doctors also raised their serious voice against the so-called "referral system" mentioned in the health policy. Under this system, the cases of the patient who cannot be cured at the Upazila Health Centre will be referred to the district hospitals or the specialised hospitals, if necessary. If an adequate infra-structure existed, such a system would have real practical value but since it does not, such a system becomes nothing more than a declaration of pious intent. In fact, most of the policy's methodology is characterized by unrealistic attitudes and ignorance of the awesome shortcomings of our infrastructure.

Different political parties supported the doctors' movement. Begum Khalada Zia, chairperson of BNP on July 27, 1990, asked the doctors to launch countrywide agitation in protest against the National Health Policy. A group of doctors met Begum Zia at her central office. While talking with the doctors, Begum Zia alleged that Ershad has no right to formulate any health policy as he has no representative character. Begum Zia accused Ershad Government of pursuing anti-people policies one after another to perpetuate its hold on power. She alleged that Ershad government was out to destroy the medical system and totally failed to ensure the minimum medical facilities for the common man. Sheikh Hasina, president of Awami League, also supported the doctors' movement. Hasina in a statement urged the government to accept the demands of the doctors.

The striking doctors in a general meeting on July 30, 1990, decided to continue the strike till August 15 in view of the non-fulfillment of their demands. On the third day of their strike, 450 doctors of IPGMR, DMCH and SSMH handed over their resignation letters to the BMA. The BMA asked the physicians all over the country to send their resignation letters to the BMA office by August 10, 1990.

The 8- party alliance leader on August 6, 1990 asked the government to withdraw its health policy immediately and formulate another in consultation with BMA. The 8- Party in a protest rally held at Jatio press club on August 6, termed the policy "anti-people" designed to privatise health sector depriving the people of immediately facilities. Abdus Samad Asad, a leader of 8- party asked the government to pack up the health policy and formulate a new health policy after discussion with the representative of BMA. Some speakers alleged the country's health system would be given over to NGO's to serve the purpose of vested interest, if the health policy is implemented.

The central coordination committee of the Doctors, Engineers, Agronomists supported the doctor's movement for cancellation of the NHP and realisation of their demands. Bangladesh Pharmacy Graduate Association in a meeting held at the pharmacy lecture Theatre of Dhaka University termed the NHP as incomplete, because there had not been any mention about the role of pharmacists.

In a press conference on July 29, 1990 Health and Family Welfare Minister Dr. Azizur Rahman expressed his determination to implement the health policy at any cost. He termed the anti policy movement a manipulation of an interested quarters. Government could however manage some doctors in favour of NHP. Some 56 doctors in a Joint statement expressed their grave concern over the continuous strike of the doctors. The signatories to the statement said the BMA was playing at the hands of

some practical quarters and went on continuous strike with out analyzing the NHP of the government. Bangladesh Homocopathic Board hailed the NHP.

Ershad on August 6, offered negotiation with the doctors in a bid to end the countrywide doctors' strike. In an instant reply, BMA president Dr. Mazed rejected talk offer. According to him the NHP has to be withdrawn before any negotiation takes place between the doctors and the authorities. BMA Secretary General Dr. Jalal reacted sharply in saying there in no scope of retreating from the movement before withdrawal of the undemocratic and anti people NHP. BMA president and secretary general in a joint statement on August 7, asked the doctors to continue their strike and send their resignation letter to the BMA office

On August 6, some 150 doctors (including the principal and 20 teachers of Slyhet Medical College) resigned en masse. In the same day, 177 doctors of RMCH resigned. By August 7, 1990, most of the doctors including all the principles of medical colleges, Directors of hospitals, and Directors of different institutes submitted their resignation letters to the BMA. Besides, all the officers of the Health Directorates including it's Director General prof. Abu Taher Siddique have signed resignation letter en masse and submitted to the BMA Secretary General.

The Communist Government of Ethopia tried to ban private practice of Government Doctors by a health policy in 1984-85. All the doctors resigned en masse. To prevent the total breakdown of the health system, the Ethiopian Government had to revoke the ban.

On August 8, 1990 Prime Minister Kazi Zafer Ahmed offered talk to the doctors. BMA president Dr. Majed turned down Kazi Zafer`s officer to hold talks with the striking doctors on the proposed health policy. Majed refused to join the talk until the NHP is withdrawn.

Foot notes

1. The 5 student Organization are: Chattra League (Inu), Biplobi Shatra Moitree, Shatra Okkiya Forum, Biplobi Shattrra Union (Ishrafel) and Bangla Shattrra Union (Shaheed).
2. The Daily Ittefaq, September 24, 1982
3. The Daily Ittefaq, December 18, 1982, Songbad, 15 January, 1983.
4. Talukder Maniruzzaman, Politics and Security of Bangladesh, UPL 1994, P.139
5. The 14 Student Organizations are : i) BCL (S-R), ii) Jatio Chhatra League (Sujan), iii) Chhatra Union, iv) Biplobi Chhatra Union, v) Jatio Chhatra Sangsad, vi) Chhatra Samity, vii) Samajtantrik Chhatra Front (Faruk), viii) BCL (Chinu), ix) BCL (Shirin), x) Chhatra Oikkyo Forum, xi) Chhatra Moitree, xii) Jatio Chhatra Union, xiii) Samajbadi Chhatra Jote, xiv) DUCSU
6. The Bangladesh Observer, November 21, 1982
7. Zaglul Haider, Functional Group Conflict in Bangladesh and Crisis of Integration, Journal of Political Science, Vol. 1, No. 1, May 1983
8. Holiday, April, 1983
9. The Seven Organizations are : i) BCL (S-R), ii) Jatio Chhatra League (Sujan), iii) Chhatra Union, iv) Jatio Chhatra Sangsad, v) Chhatra Samity (S), vi) Chharta Samity (R), vii) Biplobi Chhatra Dhara.
10. The 9 Student bodies are: i) Samajtantrick Chhatra Front (Faruk), ii) BCL (Chinu), iii) BCL (Shirin), iv) Chhatra Oikkyo Forum, v) Ganotantrik Chhatra Union, vi) DUCSU, vii) Chhatra Moitree, viii) Jatio Chhatra Union, ix) Samayabadi Chhatra Jote
11. Talukder Maniruzzaman, Op.cit, p. 140
12. Moudud Ahmed, Democracy and Challenge of Development UPL, P.333
13. Moudud Ahmed, ibid, p.340.
14. Chhatra Barta, DUCSU's spoke letter, December 19, Vol. 19, No. 3, 1990
15. The 28 Jatio Party Leader declared as " people's enemies" are : i) Moudud Ahmed, ii) Kazi Zafar Ahmed, iii) Shah Muazzam, iv) Maulana M.A. Mannan, v) Mizanur Rahman Chowdhury, vi) Naziur Rahman Monju, vii)

Anowar Hossain Monju, viii) Lt. Col. (Retd) Zafar Imam, ix) Zia Uddin Bablu, x) Abul Hasnat, xi) Shiekh Shahidul Islam, xii) Serajul Hossain Khan, xiii) A.S. M. Abdur Rab, xiv) Sarder Amzad Hossain, xv) Ruhul Amin Howlader, xvi) Mustafa Jamal Haider, xvii) A.B.M. Golam Mustafa, xviii) Khaladur Rahman Titu, xix) Major General Mahmudul Hasan, xx) Mamdudur Rahman, xxi) Tajul Islam, xxii) Dr. Azizur Rahman, xxiii) M.H.A. Gaffar, xxiv) Nurun Nabi Chand, xxv) Dr. M.A. Matin, xxvi) Kazi Feroj Rashid, xxvii) Amisul Islam Mahmud, xxviii) Major (Retd) Manjur Kader.

16. Bangladesh Observer, May 2, 1984
17. Observer. September, 3.1984.
18. Talukder Manuruzzaman, The Fall of The Military Dictator: 1991 Elections and the Prospect of Civilian Rule in Bangladesh. Pacific Affairs, vol.55, No.2 Summer 1992.
19. Ahmad, Health Sector in Bangladesh, Journal of Political Economy, Vol. 9, No. 3, December 1989.

Role of Political Parties

Political parties played the main role to oust autocrat Ershad. During his long nine years rule, Ershad could not even earn single confidence from the opposition political parties. Though Ershad managed to secure support of the armed forces, he failed to establish his hegemony and domination over the political parties of Bangladesh. The opposition political parties along with Doctors, Lawyers, scop and students continued their anti-Ershad movement till his fall in December 1990. Ershad banned all political activities through his rigorous application of martial law at the beginning of his illegal regime. So the open opposition to the military regime was not possible at least for a year. But credit goes to the patriotic students of Dhaka University who first developed rigorous movement defying martial law against the Education policy in mid February 1983.

In February, the students demanded immediate withdrawal of the New Education policy. As a part of their movement, the students violently agitated at secretariat building that resulted in several Dhaka University students being killed. Ershad suspended the implementation of the education policy.

The traumatic events in mid-February and the success of students in stopping the implementation of education policy led the opposition political parties, despite their differing ideologies and orientation to be united against the regime. Consequently two major alliances – 15 party Alliance led by Awami League (AL) and the-7 party Alliance headed by the Bangladesh Nationalist party (BNP)-were formed.¹ By August-September 1983, both the alliances came to an understanding to launch the anti-military movement and formulated a common formula of 5 points. Those 5 points were:

- i) Immediate withdrawal of Martial law and lifting of bans on political activities:
- ii) Release of political prisoners:
- iii) Ending of press censorship;
- iv) Holding of parliamentary elections before any other elections: and

- v) Trial of those responsible for killing students during the riot in Dhaka in February 1983. ²

The regime, however, refused to meet the demands. Ershad wanted to normalise the situation. Thus he allowed in door political activities from 1 April 1983 and permitted all political activity from 14 November of the same year – with a proposal to hold presidential election on 24 May and parliamentary elections on 25 November 1984. Ershad also invited the political parties in 'dialogue' to find out ways and means to civilianize his regime. Seventy-five political parties with 360 leaders joined the dialogue. The dialogue broke down for 3 reasons:

- i) Ershad wanted to "give proper role to the military" through constitutional means which the political parties negated.
- ii) Ershad desired first presidential election to be followed by parliamentary election, the opposition demanded election to the Jatio-Sangsad before presidential poll.
- iii) Ershad planned to have the Upazila chairmanship elections, which was considered by the opposition as an effort to build support base for the regime at the local level.

The political leaders did not get anything from the dialogue. It was a strategy of Ershad to induce certain sections of the opposition into false promises of dialogue. He wanted to show the world that he was very serious about a transition to democracy. Nevertheless the dialogue proved fruitless.

The opposition's main demand which Ershad conceded immediately was that parliamentary election be held first. Later this concession was rejected since the opposition's demand that Ershad step down before holding general election was not accepted.

Now Ershad adopted a strategy to create hostilities between the two main opposition parties and in particular between the two factions of their respective student wings. As a result, intensity of the opposition movement began to falter.

Ershad's main interest was to conduct national assembly election and thus legalise his illegal military take over. He announced the date for holding the parliamentary election on December 1984. The opposition rejected this proposal as they contended that no election could take place under martial law. To bring the opposition into electoral race Ershad in an address to the nation offered to the opposition a compromise formula through a "five point modus vivendi:

- i) Martial Law Administration (MLA) posts and offices would be disbanded at the district level by December 31 and at the zonal levels by January 31, 1985;
- ii) Martial law tribunals and courts would be dismantled by the same dates;
- iii) A partial restoration of the suspended constitution would be made by January 15, with revival of those clauses dealing with fundamental rights and writ jurisdiction of the High court;
- iv) Complete reinstatement of the constitution and withdrawal of martial law once the new assembly met; and
- v) The cabinet would retain no political appointees once the election schedule had been established and no standing cabinet member would be permitted to run the election – this had been another central concern of the opposition, lest government appointed cabinet members have an edge in the electoral process.³

Ershad on January 15, 1985 announced that parliamentary election to be held on April 6, in which also the opposition alliances refused to participate. Ershad reacted to the decision of the opposition with "abrupt decisiveness" by canceling the April parliamentary poll and reinstated those aspects of martial law which had been withdrawn earlier. All political activities were banned. Ershad claimed that the

opposition political parties have "miserably failed in discharging their duties and responsibilities..... Continuing to deprive the people from an elected parliament and government.⁴ He therefore announced his decision to hold a public referendum on his government's policies and programme on March 21, 1985.

From November 1985, when several attempts were made to bring the two main opposition parties to joint action against the military regime, Ershad again cleverly created a rift. A few prominent members of BNP like Moudud Ahmed and Kazi Zafar Ahmed and some Awami League leaders like Korban Ali and Mizanur Rahman Chowdhury joined Ershad's newly formed Jatio Party. Furthermore, he succeeded in ensuring that the division between Khalada Zia and Sheikh Hasina would become more open. On 16 December 1985, Khalada Zia claimed publicly that only BNP had given democracy while sheikh Hasina dryly commented that all government after 1975 which includes the BNP government was illegal.

However, when the chief Election commissioner declared the schedule for the parliamentary election to be held on April 6, 1985, the 15 – party alliance and-7 party alliance placed 7-point demands to the regime as the precondition for their participation: The 7 preconditions were:

1. Lifting of Martial law:
2. Holding of parliamentary elections under a non partisan, neutral caretaker government;
3. Holding of polls by Election commission, enjoying confidence of the people;
4. Refrainment of the head of the state and cabinet members from making any statement about political issues.
5. Postponement of the Upa-zila chairmen elections up to the end of the parliamentary election;
6. Withdrawal of cases and warrants of arrests against political activists;
7. Implementation of the SKOP's agreement.

The edifice that Ershad had built was fragile and might have been torn down by the first gust of anti-Ershad popular movement in 1985. Instead, he became the longest occupant of the presidency in the history of Bangladesh. The main reason, which kept Ershad in power, was the disunity of the opposition groups. To an extent Ershad he himself was responsible for splitting the opposition and preventing the country's 60 odd political parties from combining effectively. Many of these parties were reportedly funded by the regime and Ershad was himself fond of bragging that there were few politicians who did not make nocturnal visit to the cantonment or had not received hand-outs from him.

However, a far more serious obstacle to a united front was the hostility and deep suspicion of AL and BNP. Admittedly there were important ideological and policy differences between the two parties, which would have made any meaningful coalition between them difficult. But the real stumbling block was the personal rivalry between the two women who led their respective parties.

Sheikh Hasina suspects the hand of General Zia in the assassination of her father sheikh Mujibur Rahman. But the hatred also goes beyond filial loyalty. Hasina was convinced – and entirely without reason – that a sizeable section in the armed forces was opposed to the Awami League's return to power and was working hand in hand with the BNP. Faced with what she perceived to be the hostility of the army. She reckoned that her only hope of capturing power was to pressure Ershad to hold a "free and fair" election which she was confident of winning.

On the other hand, she was reluctant to launch a popular movement to overthrow Ershad. Because she feared that it would provoke violence and thus give the army the Pretext to re-impose martial law and eventually bring in the BNP through the back door in a power-sharing scheme in order to give the military regime a civilian facade.

Khalada Zia, too, had deep misgivings. She not only resented Hasina's attack on her late husband but also suspected that Hasina had struck a deal with Ershad, whereby

he would hand over power to the AL government in return for contriving as president with diminished authority. That Hasina had an amicable working rapport with Ershad was probably correct, but the allegation of a secret deal was a figment of the imagination. Hasina had concluded that there was little to choose between one military ruler and another and was therefore reluctant to launch a popular movement merely to replace one with another. To Khalada, on the other hand, Ershad was completely unacceptable. She suspected that Ershad had a hand in her husband's murder and she was therefore not prepared to come to any understanding with Ershad, short of forcing his resignation. The animosity between Khalada and Hasina was such that both were content to leave Ershad in power rather than see the other in office. Ershad was aware of the tension between the two leaders and played on their fears to prevent them from coming to power.

Ershad held first Upazila election in February 1985 and referendum on March 1985. These elections were held under strict martial law cover and military supervision. The opposition parties did not participate in these elections. Rather they called to boycott it and they observed common hartals on the election dates. By this time, the opposition came closer to launching a common programme. To stop the opposition movement, the regime resorted to arrests, and illegal search conducted on the houses of opposition leaders.

The regime allowed "indoor politics" from October 1985 and "outdoor politics" from January 1986. The regime also lifted a ten-month ban on political activities on the first day of 1986. The two mainstream opposition alliances – the 15 – party alliance and the 7 – party Alliance and also the Jamaat–I–Islami celebrated the New Year with procession and mass rallies. The opposition alliances announced a coordinated programme of "direct action" to overthrow the military regime unless there was an announcement by the end of February of a definite polling date for parliamentary elections on the alliances own terms – that is, under a caretaker non military government.

In response to the demands of the opposition, Ershad in a national broadcast on March 2 proclaimed that elections to the Jatio Sangsad would be held in the last week of April. In his national broadcast Ershad offered three concessions to the opposition to seek their cooperation. They were:

- i) Resignation of ministers who might contest in the election.
- ii) The abolition of offices of regional martial law administrators and military court: and
- iii) Prohibition of the use of state facilities for campaigning.

Ershad's declaration of the date of parliament elections and the concessions were inconsistent with the five-point demands of the two opposition alliances. So they challenged Ershad's broadcast and observed a half-day strike throughout the country on March 8.

On 21 March, Ershad in an address to the nation gave further concessions to the two alliances. Ershad declared that the Upazila Chairmen or anyone connected with the administration would be debarred from association or campaigning in favour of any party or candidates. Though Ershad made a commitment that the election would be free and fair and the administration would play a completely neutral role, the opposition political parties could not trust him. So they vowed to continue movement against Ershad's illegal rule.

Now the unity of the two alliances became very crucial. A liaison Committee was formed with the initiatives of Journalist Faiz Ahmed. The liaison Committee worked for forming a grand alliance by bringing together the 15-party and 7-party coalitions in one platform and on March 18, 1986 both alliances, for the first time since they had begun their anti-Ershad movement four years earlier, vowed jointly to "resist anyone who will contest the polls." They also planned to hold a countrywide hartal on March 22, the schedule deadline for filing nomination papers for the parliamentary election. Ershad in his national broadcast on March 21, threatened that if the opposition did not agree to participate the parliamentary election,, he would re-impose all the

rigorous of Martial law. The liaison committee's bullying could not however, hide the inherent contradiction between the two alliances. The rift in their unity occurred on the night of March 21 when the Awami League decided to participate in the election after Ershad announced a revised polling date of May 7 in a national broadcast. The AL announced their intention only hours before the Election commission's Schedule time for submitting nominations. The Communist party of Bangladesh (CPB) and Jamaat-I-Islami also decided to participate the election.

The BNP demanded the fulfillment of three Pre-condition for participating in the May 7 parliamentary election – restoration of fundamental rights, release of all political prisoners, and the annulment of the judgement against politicians convicted under martial law. Begun Khalada Zia alleged that the May 7 election would be "an arranged game" between the AL and the regime.

The May 7 parliamentary elections were held in the midst of allegations of unprecedented violence, vote rigging, hijacking of ballot boxes and the flow of election result was interrupted on several occasions on the Television and Radio. The electronic media stopped announcing the results for several hours. Shiekh Hasina in a press conference after the election rejected the election result. She claimed that widespread ballot rigging, manipulation of results and biased media coverage, had resulted in the declaration. She had won only 76 seats.⁶ She accused the government of "vote piracy" and put forward a seven point charter of demands including re-polling in some polling stations, recounting of votes, suspending the announcement of result, etc.

If the two alliances had taken part together in the May 7 parliamentary election on a combined seat-sharing basis, Ershad would have been eliminated. Thus the fragile unity among the opposition parties was broken. The AL unilateral participation in the election marked the end of any possibility of a grand coalition and drove the last nails in the coffin of a 22-party unity. It broke not only the unity of a grand coalition but also split the 15 – party Alliance, which now reduced to eight parties.

The unity among the opposition parties was not to be restored till middle of 1987. When the AL walked out of parliament in July 1987, opposing the Zila parishad bill a semblance of unity surfaced again. Sheikh Hasina reiterated her pledge to continue movement "both inside and outside the parliament." The zila parishad bill was pushed on July 12, allowing the military "non-voting representation" on the 64 District councils of Bangladesh.

The zila parishad bill sparked of immediate protest, strikes and processions led by SKOP and student Organizations lasting for two days. The opposition political parties declared a 54-hour hartal ending on July 24. They claimed that the bill was nothing but the first step towards institutionalizing the military within the civil administration. During the hartal, protesters burned 50 cars, ransacked government buildings and gheraoed the Bangladesh secretarial building for 90 minutes. At least seven persons were killed by police firing and more than hundred were injured. The result was that the regime could see no alternative but to sent back in August in the name of reviewing but it never got any chance to be discussed again in the majestic floors of the sangsad.

By July 1987, the seven party alliances, the eight party alliances and the five party alliances decided to form the liaison committee. The success in resisting the zila parishad bill through a 54-hour hartal call inspired the opposition alliances to go for a hard line movement. They agreed on a one-point demand for the removal of autocrat Ershad. With the help of liaison committee, the alliances adopted a common programme of laying seige to Dhaka City and paralyzing the government administration with a million people, on October 7, 1987. Due to colossal devastation through out the country caused by severe flood, the date for a "Dhaka siege" was however shifted to November 10. On October 28, Sheikh Hasina and Begum Zia for the first time met at National press club and smiled their way a long-felt agreement on joint actions in the movement. The two opposition leaders urged the general people, professional groups, government employees and students to join the mass movement

and to force Ershad to resign and to declare a specific date for general election under a neutral government. The "Dhaka siege" programme created enormous enthusiasm amongst the people and it was predicted that the fall of Ershad was now imminent.

Ershad now decided to join a dialogue with the opposition leaders. As the opposition refused to have any dialogue with the regime, Ershad now took a number of precautionary measures. He proclaimed an emergency, banned assemblies and public meeting, tightened the administration, arrested and interned political leaders and workers and stopped movement of trains launches, inter-district buses and trucks so that the protestors from out side Dhaka could not reach the capital. The regime deployed the army along with the BDR and other regular law enforcing agencies to face the "Dhaka siege" programme.

On 10 November 1987, the capital city Dhaka turned into a battlefield. Tens of thousands of opposition workers gathered around secretariat building and chanted anti-government slogan and demanded the resignation of Ershad. When Sheikh Hasina reached the zero point, police started firing tear gas and bullets that led to 8 deaths and over 100 injured. Police firing killed Noor Hossain, a Jubo League worker. Many vehicles were damaged, Banks were attacked and fire was set on the American Bicentennial Hall in Dhaka. The police action resulted in hartals for two consecutive days, day long on November 11 and dawn to dusk on November 12. Both Khalada zia and Sheikh Hasina were arrested on the night of 10 November and were interned at their residences. The government issued a "shoot-at-sight" order against arson and looting. The opposition prolonged its hartal programme on November 14 and 15 and expressed its determination to continue the movement till the fall of Ershad. Hartal continued till November 24 with a break of one or two days in the midst of these strikes and 72-hour hartal observed from November 29 to First December. The situation deteriorated to such an extent that irate people attacked residences, cars, and offices of the pro-government leaders and ministers. The protesters held up passenger trains, bus, launches steamers and snapped telecommunication and signaling connections.

Ershad proclaimed a state of emergency through out the country on November 27 in pursuance of the Article 141 A (1) of the constitution of Bangladesh. All fundamental rights were suspended, local newspapers and media-men, both national and international, were strictly advised not to report any activities of the opposition. Political parties and open politics were not banned but complete restrictions were imposed on political activities and the press.

Ataus Samad, correspondent of BBC in Bangladesh was arrested and detained under the special power Act of 1974. All BBC activities were closed in Bangladesh. Ershad in his address to the nation on November 28 explained the reasons for proclaiming emergency. He termed the oppositions programme since November 10, as "planned anarchy" and "planned terrorism" He declared that he would not surrender to any terrorism, "illegal and undemocratic pressure" and that any change of the government should be followed in accordance within the procedures prescribed in the constitution. Ershad in his address put forward four specific proposals to arrive at a satisfactory solution to the situation in conformity with national interest. The proposals were:

- i) The government was ready to discuss all reasonable issues individually or collectively with the opposition political parties;
- ii) If consensus about fresh elections could be arrived at through discussions then polls could be held at a date acceptable to all, if necessary even ahead of schedule;
- iii) All measures could be ensured on behalf of the government for implementation of recommendations framed on the basis of agreed consensus and acceptable to all for holding and management of fair elections; and
- iv) If any party obtains the mandate of the majority of the people through elections and wants to amend the constitution in the parliament then there would be no opposition from his side.⁷

The regime released some leaders of the opposition except Khalada and Hasina within one or two days of the address to expedite the negotiation between the government and the opposition. However, the situation did not improve. The movement acquired considerable momentum when all 10 members of parliament belonging to Jamaat-e-Islami and 3 independent members announced their resignation from parliament. Though Sheikh Hasina personally was not in favour of leaving the parliament at that stage and she was under house arrest in Dhanmondi, the presidium members outside held a meeting and passed a resolution asking their members to resign from the parliament. At this stage Ershad dissolved the parliament on December 8 in accordance with the power conferred upon him under Article 72(i) of the Bangladesh constitution.

The regime released Sheikh Hasina and Begum Zia from month long internment after four days of the dissolution of parliament. At this stage the regime allowed indoor politics, television and radio coverage of the opposition to expedite the holding of parliamentary election to be held within ninety days. But all such moves proved futile. Both Hasina and Khalada rejected the offer saying that they would not contest any election under Ershad. The two opposition leaders also reiterated their previous demand that Ershad must resign and then election could take place under a "neutral caretaker" government. At the same time the liaison committee of the 21 opposition parties urged the upazila charimen to resign between December 19 and 21 and to observe the dawn-to-dusk hartals on December 22 and 23.

A strong anti-Ershad outburst engulfed entire country when the police opened fire with live bullets on Hasina's meeting at Chittagong on 24 January 1988. Hasina went to Chittagong to address a huge public meeting as part of the boycott movement. Police opened fire indiscriminately at the direction of Hasina's motorcade and at least a dozen people were killed and injured about hundred of people. Public reaction to Chittagong massacre was almost instantly adverse. The regime set up an enquiry committee. But the people could not trust upon the committee. An all party gathering

was scheduled at shaheed Minar at Dhaka to protest the Chittagong killing. Countrywide protests were spontaneous and overwhelming. The Chittagong killing led to strike, public meetings and demonstrations all over the country. Many foreign observers felt that Ershad fall was now imminent.

The opposition liaison Committee was dissolved in early 1988 and the agitation against Ershad virtually stopped. Sheikh Hasina and Khalada zia could not reach a common consensus on the modalities of movement. For unknown reason, Hasina did not join the protest meeting against Chittagong killing as scheduled earlier in the language Martyrs Monument. As Khalada zia joined the protest meeting, she questioned about the non-present of Hasina. By this time both leaders blamed each other of collusion with Ershad. Ershad cleverly engineered this development which gave him another respite.

The distrust between the two main opposition leaders and the breaking of liaison committee resulted in no meaningful agitation against Ershad government. From January 1988 to June 1990, the opposition could not launch any meaningful movement in the true sense of the term. Ershad used the time clearly. He announced on the New Year Day of 1988 that parliamentary election would be held on February 28, which was later shifted to March 3, 1988. Ershad held the 4th parliamentary Election on the appointed day though the major opposition parties did not participate the election, they could not organize meaningful resistance anywhere in the country. Ershad could manage a total of 765 unknown candidates representing 8 political parties and 217 independent candidates for contesting the parliamentary election. How could Ershad manage these unknown parties and individual for his rigged election? Moudud Ahmed tries to answer this question in the following way:

"the regime had nurtured these parties and individuals with money and all kind of favours to convince them to stand in the election in the face of the boycott by the other opposition parties."⁸

Ershad even managed to produce so-called combined opposition parties (COP) in the parliament. A.S.M. Abdur Rab, leader of JSD led the Cop consisting of 76 parties. As the election was a "dirty stick" "conspiracy" and "arranged game" Rab was given 30 seats to be as main leader of the opposition in parliament.

The watershed in the anti-Ershad movement came in June – October 1990. By this time the students emerged the core of the movement. With the victory in the student's union election in Dhaka University as well as 270 colleges out of 350, the Jatioatabadi Chattra Dal (JCD) affiliated with BNP emerged as vanguard of anti-Ershad movement. The DUCSU leaders convened a meeting of elected college students on October 1, 1990 at the Engineer's Institution in Dhaka. The Assembly of 2731 leaders of JCD from all over the country resolved to force the resignation of the Ershad regime so that a free and fair election under a neutral caretaker government could take place.⁹ The opposition political parties now realized that without combined effort, the military regime would not fall. Despite their conflicts and contradictions there was a consolidation of the objectives among the opposition political parties. As Ershad and Jatio party leaders were under the euphoria of so called high rate successes, all the opposition political parties united on one platform named combined opposition Alliances and launched their fresh movement to oust Ershad from 10 October 1990. This time they were more united, organized and well prepared for the showdown against Ershad and his party.

Opposition Alliances observed dawn-to-dusk hartal and sit down demonstrations at different places around the secretariat on October 10, 1990. Transports remained off the roads except a few belonging to police and other law enforcement agencies. Shops and private offices remained closed though government and semi-government offices functioned with thin attendance. BDR and police contingents were deployed around the secretariat to prevent opposition demonstration. During the sit-in-demonstration five persons were gunned down in front of the Jatio party office at Allahwalla Building in the Motijheel Commercial Area of the capital. Out of the five persons killed, two were shot by police and three were killed by JP gunmen.¹⁰

The combined opposition Alliances found a sympathy drawing public. Half-day hartal was observed next day to protest killings by police. Ershad and JP leaders provided this opportunity to the opposition. Half-day hartal was observed again on 16

October and was followed by meetings and again one person was killed in police firing. The combined opposition also called a full day hartal on 10 November.

In protest against the killing of October 10, students observed strike in all educational institutions on October 12. Police resorted to lathi charge on the procession of students at Shahbag resulting in some leaders of DUCSU being wounded. Dhaka University became the battle ground for students and police. The violence spread to numerous places in the city and resulted in two deaths, including that of a student of Tejgaon polytechnic Institute.¹¹ The Automatic Energy Commission premises were set on fire by the students. The students and other youths went on rampage, damaging a large number of vehicles including those belonging to embassies, foreign nationals and organizations. The student then observed hartal on 15 and 16 October. These events acted as the accelerators of a mass upheaval which had been fomenting since 1987.¹²

All twenty-two student's organizations formed the All Party Student's Unity (APSU) to lead the meetings, and processions which had become daily affairs by now. The spontaneous unity of the students forced or "shamed" the political parties to cooperate.¹³ On November 19, 1990 the three alliances issued an identical joint declaration. The joint declaration or Magna Carta was a agreed formula of the three alliances.

The declaration stated that the alliances would not participate in any elections under the Ershad government. He would have to resign, dissolve his government and present parliament and appoint a neutral and non-partisan person as vice-president (under article 51 of the constitution) acceptable to the three alliances and parties. Ershad would have to hand over power to the vice-president who would head the care taker government as the acting president. The caretaker government would be responsible for day to day administration. Its task would be to reorganize the Election Commission, redefine its duties, responsibilities so as to facilitate the holding of a free and fair election. It would also provide freedom of radio and television and the state

controlled media to ensure the equitable access of all for election campaigning irrespective of party affiliation. The caretaker government would hand over power to the sovereign parliament. It would be also accountable to the sovereign parliament. Ultimate transfer of power would be through constitutional manner. No elected government would be unsealed without any election or unconstitutional way. The declaration vowed that the fundamental rights of the people, freedom and neutrality of Judiciary and rule of law will be ensured.¹⁴

What was the importance of the joint declaration of the opposition? Mr. Fakhruddin Ahmed, ex-foreign secretary and adviser for Foreign Affairs in the first caretaker government, tries to evaluate in the following way:

"The importance of the joint declaration of the three alliances lies in the fact that for the first time in eight years the opposition was able to put a constitutional formula for Ershad to step down and hand over power to a neutral and non-partisan caretaker government."¹⁵

Ershad rejected the formula calling it absurd and impractical. Even on 20 November 1990, he showed no sign of bending the appeared confident enough to tackle the situation. But he did not know that the events of next two weeks would go far beyond his imagination and would force him to resign.

As declared earlier the opposition observed hartal on 10 November. They also announced fresh programme for another month of agitation. Various professional organizations like the University Teachers Association, the combined cultural jote, the citizen's committee, the Bangladesh Medical Association, the Supreme Court Bar Association, and many other professional groups had already joined the agitation to support the hartal which invariable led to clashes with the police and JP gunmen and damage to public property.

In the desperate attempt to create a division to the growing ground swell of opposition, at the end of October, the regime instigated attacks and looting on Hindu homes and temples. The Justice and peace commission reports that as police dispersed an opposition procession in the city of Chittagong on the evening of October 30, a mob of about 5,000 people armed and coordinated by Al Hajj Dastagir Chowdhury, the Mayor of Chittagong and loyal supporter of Ershad, set fire to Hindu temple while the police stood idle by. In Dhaka the next day, armed gangs under the charge of Abul Hasanat, the mayor of Dhaka – who had said about the storming of the Babri Masque in Ayodhya, India by Hindus that a "befitting reply must be given to the damage done" – attacked temples and looted Jewelry and other shops in old Dhaka area.

The decisive stage of the movement began with the killing of Dr. Shamsul Alam Khan Milon, a young Doctor and assistant secretary, Bangladesh medical Association (BMA) by JP gunmen near the T.S.C. on the Dhaka University campus on November 27, 1990. The killing of Dr. Milon acted as a catalyst creating an unprecedented national unity. The news of Milon's death went round the Dhaka city like wild-fire and aroused so much emotion that the main streets of the city were filled with people shouting slogans and demanding Ershad's resignation.

On that day (Nov. 27) Ershad went to Chittagong to inaugurate the main building of EPZ and two Japanese factories. The news of Dr. Milon's death also created unprecedented revulsion against Ershad in the minds of the people of Chittagong. They put up road blocks in a number of places and thousands of people gathered to demonstrate against Ershad. Ershad had to cancel his whole day programme in the face of stiff opposition by the heroic people of Chittagong.

In the evening of 27 November, Ershad proclaimed the state of emergency and imposed curfew and addressed the nation. Ershad declared emergency under Article 114(A) of the constitution. The relevant article reads follows:

"If the president is satisfied that a grave emergency exists in which the security or economic life of Bangladesh or any part thereof, is threatened by war or external aggression or internal disturbance, he may issue a proclamation of emergency."¹⁶

The proclamation of emergency did not bring the situation under control; rather it aggravated the whole situation. Instead of making the things favorable for Ershad, it went further against him. The people were so enraged that they violated the curfew en masse: Journalists and newspaper owners associations stopped publications while others such as entertainers and writers, irrespective of ideological affiliation, joined the movement. The doctors and nurses of Dhaka and Chittagong medical college, the teachers of Dhaka University and Bangladesh University of Engineering and Technology resigned from their jobs. The journalist community in Dhaka reviewed the situation and decided to continue the strike till the withdrawal of emergency and turned down a proposal from the Information Ministry for a dialogue for lifting censorship. The Bangladesh Civil Service (Admn) Cadre led by Dr. Mohiuddin Khan Alamgir joined the movement. Government officials and functionaries excepting a few top-hats poured in from all branches of government. The businessman in Dhaka brought out a procession denouncing Ershad's government.

The collapse of government authority became certain when the deputy Commissioner of Dhaka – the linchpin of the administration – resigned and signaled others to follow suit. The protesters defied the curfew with impunity and were often joined by uninformed policemen. The central office of JP at Dhanmondi was ransacked by unruly mob and similar violence spread to Chittagong, Khulna, and Rajshahi town.

On 1 December 1990, seven people were killed near the Purabi Cinema Hall at Mirpur when BDR opened fire on a procession which was brought out violating emergency. Police and BDR also killed two persons at kazi para, two persons at Demra, one person at Nilkhat and one person at Kalurghat, Chittagong. On the same day, nineteen members of parliament belonging to the JP and led by Dr. M.A. Matin, former

Deputy prime Minister, tendered their resignation to the speaker Shamsul Huda Chowdhury. Different professional groups including the artists of radio and television expressed their solidarity with the movement. The Sammilita Sanskritik Jote brought out a procession and came to the National press club on December 1, 1990. Radio announcer Shafi Kamal was forced to seek apology for his voice in the cassette of poetry composed by Ershad.

205 BCS (Admn.) cadres tendered their resignation on December 3 in protest against the emergency. Officers and staffs of foreign ministry refused to work. 52 Non-Government Organizations (NGOs) in a meeting decided to express their support to the movement. Ershad addressed the nation through television and radio on the night of 3 December. He announced a 10 – point proposal for negotiation with the opposition.

Ershad in his address proposed the following:

1. In order to ensure a free and fair election in a neutral atmosphere he would hand over power to a neutral vice president and resign from the post of president fifteen days before the date of submission of nominations. The election would be held under the acting president.
2. The parliament will be dissolved after the vice president is elected in accordance with the provision of the ninth Amendment.
3. The election commission would be reconstituted in consultation with the political parties and alliances.
4. The election to the presidency and the parliament would be held on the same date.
5. All state owned media including radio and television, would afford equitable opportunities to all parties.

6. The state of emergency would be lifted by 16 December.
7. Any member of foreign dignitaries could participate as observers of the elections.
8. All educational institutions, including the Dhaka University would be re-opened as from 17 December.
9. Censorship imposed on newspapers would be withdrawn immediately.¹⁷

The three alliances of the opposition reacted seriously on Ershad's ten point proposal for political settlement. They rejected the proposal outright and termed it as last minute trick of Ershad to gain time and attempt to slow down the momentum of the movement.

In desperation Ershad turned to the army but the mood even in the Dhaka cantonment was sombre. The strength of the popular protest was quite unprecedented. The dilemma facing the army was not only whether repressive policies could stem the tide of popular uprising but more critically, whether the ordinary soldiers – any more than the police and the paramilitary forces – would be willing to shoot fellow Bangalis in large numbers. The problem was made more acute by the fact that the Bangladesh army is drawn from a wide spectrum of society and has close and intimate links with the civil population. The loyalty of the army to Ershad had to be balanced with the risk of a schism in the armed forces. As was to be expected, the opinion in the army was divided with many of the younger officers not unwilling to risk a confrontation with the protesters.

At this critical juncture, as indeed in the weeks leading up to the general election, the key restraining influence was Lieutenant General Noor Uddin Khan, who not long before had been appointed Army chief of staff. An engineer by training, Noor Uddin

has had a distinguished career in the army, is a deeply religious man and has an uncommon understanding of national and international affairs. Ershad brought him back from a tour of duty in Saudi Arabia to make him Chief of staff in preference to several other claimants for the job, largely because of Noor Uddin's apolitical outlook and his commitment to professional soldiering. His advice to Ershad was courageous but correct: he would not involve the army in the political arena and Ershad would have to tackle the problem politically.

Bereft of his coercive power, Ershad made marginal concessions to stave off opposition but the protesters, having got the smell of blood, were unwilling to settle for anything less than the overthrow of Ershad's government. When a political settlement proved elusive, Noor Uddin resisted the temptation to impose martial law – a time honoured practice of Chiefs of staff – and instead insisted that Ershad hand over power to a neutral caretaker government. Noor Uddin had sealed Ershad's fate. He addressed all officers of Army Headquarter (AHQ) in the auditorium on the morning of December 4, and briefed on the whole situations. From junior level officer to mid level as well as top brasses of the army showed open annoyance and resentment against Ershad. Some said that the whole nation was blaming the Army for supporting Ershad and his ministers in their corrupt practices and misdeeds. They were holding on power due to army's backing. They questioned as to why the army should take blame and side with Ershad. Some even told that officers and men had become targets of taunt and ridicule when they go outside the cantonments; people jeer at the soldiers and often hurl abuses calling them as men of Ershad. They said that Ershad should sort out his political differences with the opposition leaders without involving Army. It was meant for the CAS to convey to the president. The message was clear:

"Army should not support Ershad to hold on power and no more involvement of Army personnel in politics."

The message of the generals at AHQ was communicated to Ershad by his two generals – Major General Salam, CGS and Major General Manzur Rashid Khan, military secretary to Ershad. As soon as Ershad came to know that Army is no more with him, he decided to resign. Ershad signed the letter of resignation even without consulting his cabinet colleagues. Ershad's resignation was announced in the middle of 10.00 p.m. television news ironically at the very moment when his vice-president Moudud Ahmed was making a last-ditch attempt at a negotiated settlement. His final act was a testimony to his contempt for popular opinion: he resigned only after he had forfeited the confidence of the cantonment.

It is very interesting that Ershad maneuvered to bring about a fresh martial law regime even after the announcement of resignation. Professor Talukder Maniruzzaman tried to explain the matter in the following way:

"While the opposition leaders were busy selecting their nominee for vice – president to whom Ershad would hand over power, Ershad called a meeting of his vice president Moudud Ahmed, Lieutenant-General (Rtd.) Atiqur Rahman and lieutenant-General Noor Uddin Khan at his house in Dhaka cantonment to consider the proposal of establishing a new martial law regime. The stratagem failed, as Lieutenant General Noor Uddin failed to appear at the meeting."¹⁸

Ershad thus had no other alternative but to hand over power to a consensus candidate of the three alliances. The APSU and the left party alliance made it known that their choice for Acting president was Justice Shahabuddin Ahmed, the Chief Justice of Bangladesh. The BNP and the AL also accepted Shahabuddin's nomination.

Table – 1

Political killings, Injured, Arrests and Imprisonment During Ershad Regime

| Types | Number |
|--------------------------------|--------|
| Political killing | 62 |
| Killing at CHT | 507 |
| Injured | 4319 |
| Arrests of Political Activists | 1342 |
| Jailed | 26 |

Table – 2

Participation in Anti-Ershad Movement

| Nature of participation | % of Areas |
|--|------------|
| Active anti-Ershad Movement | 37 |
| Active movement but facing strong resistance from administration | 27 |
| Active movement but facing strong resistance from JP | 15 |
| Not active | 21 |
| (of which virtually unaffected by the movement) | (10) |
| Total | 100 |

Source: BIDS survey of election 1991
 Preliminary findings
 Mahbub Hossain, Hossain Zillur Rahman, Binayak Sen, P.1

Table – 3

Political Programme of the Opposition Political Parties during Anti-Ershad Movement:

| Types of programme | Number/Days | Hour |
|---------------------------------|-------------|------|
| Half-day hartal (6 hrs.) | 21 | 126 |
| Dawn to dusk hartal (12 hrs.) | 15 | 180 |
| Day-night hartal (24 hrs.) | 3 | 72 |
| Two days hartal (48 hrs.) | 5 | 240 |
| Two & half-day hartal (54 hrs.) | 1 | 54 |
| Three days hartal (72 hrs.) | 1 | 72 |
| Sit-in-demonstration | 3 | 36 |
| Gherao | 6 | 72 |
| Imposing section 144 of crpc | 2 | 25 |
| Seize | 2 | 48 |
| Curfew | 5 | 60 |
| Total | 59 | 985 |

Compiled by the author himself.

The actual transition, following week's chaos, was remarkably orderly and constitutional: vice president, Moudud Ahmed, resigned to make room for the appointment of Shahabuddin Ahamed CJ as vice president to whom Ershad, in turn handed power as the Acting president. Shahabuddin CJ successfully held a general election within the stipulated time which was generally hailed as "the most free and fair" election held in Bangladesh. Thus the civil society prevailed over the armed sector of the state.¹⁹

Notes:

1. 15 Parties were : (i) Awami League (Hasina) (ii) Awami League (Nur-E-Aalm Siddiqui) (iii) BAKSAL (iv) JSD (v) Gano Azadi League (vi) BSD (Khalekuzzaman) (vii) NAP (Harun) (viii) NAP (Muzaffor) (ix) workers party (x) Samyabadi Dal (Toha) (xi) Samyabadi Dal (Nagaan) (xii) Jatio Ekota Party (xiii) Sramik Krishak Samajbadi Dal (xiv) BSD (Mahabubul Haque) and (xv) Mazdur Party. 7 parties were: i) BNP ii)UPP iii) Ganotantrik Party iv) Bangladesh Jatio League v) NAP (Nur-ur Rahman) vi) KSP vii) Bangladesh Biplobi Communist League.
2. The weekly Bichitra (28th October, 1983)
3. Peter J. Bertocci, Bangladesh in 1985; Resolute Against the storms," Asian Survey, vol. 26, No.2 (February, 1986) p. 227.
4. Ibid, p.228
5. The Bangladesh Times (41th February 1985)
6. Ahmed Moudud, Democracy and the Challenge of Development, UPL. (1995), P. 319.
7. The New Nation, November 29, 1987.
8. Moudud Ahmed op.cit. p.325
9. Maniruzzaman, Talukder Politics and security of Bangladesh, UPL, (1994), P. 141.
10. Daily star, December 7, 1995
11. Moudud. Op.cit. p.331
12. Maniruzzaman, Talukder, op.cit. p.142
13. Maniruzzaman, Talukder, op.cit. p.142
14. The Bangladesh Observer, November 20, 1990
15. Ahmed, Fakhruddin, The caretakers, UPL, 1998, p.9.
16. The Bangladesh constitution, Article 114(A).
17. Ahmed, Moudud, op.cit. p.344
18. Maniruzzaman, Talukder, op.cit, p.143
19. Ibid. p.143

Chapter-8

Conclusion

Tyrannics, as Aristotle pointed out long ago, are all "quite short lived". It depends on one's view as to how short is "Short lived". Modern tyrannical systems tend to become institutionalized, viz, they become diffuse and self-perpetuating. The Ershad regime has thus perpetuating its rule on a way which has institutionalized inefficiency and put a break to economic development initiatives. The regime has instead taken a path where the nation has been put to a serious uncertainty.

In popular mythology, which has also been given academic credence by the so-called theorists of modernization, the authoritarian rulers in the third world are seen as catalysts of development. In Bangladesh, especially during the Ershad regime, the evidence very clearly shows that the reverse is true. According to almost all indices, the economy of Bangladesh stagnated, in some areas actually regressed, during Ershad's nine years of authoritarian rule. Bangladesh has one of the lowest rates of savings even amongst the least developed countries, the share of expenditure in the mid 80's persistently exceeded the development expenditure and the regime had to depend upon foreign aid for almost of the development budget.

Since coming to power, Ershad and his generals announced with endless monotony that they are "soldiers with a difference." No public statement or speech is completed without several repetition of this phrase. Given the disrepute into which military rule has fallen in Bangladesh it is hardly surprising that Ershad and his generals and party colleagues would seek to distance themselves from other military regimes in the eyes of their fellow Bangladeshis.

Military regimes do not follow a single trajectory which can be easily demarcated from civilian rule but exhibit significant differences from state to state and, in some cases, from one regime to another within the state. Nevertheless, it has been possible to observe widespread common features of military rule even though these are

not replicated exactly in all cases. In a significant number of ways the rule of the autocrat Ershad reflects broader commonalities of military rule.

In common with most military rule in the third world countries, the military rule under Ershad in Bangladesh demonstrated the promotion of the corporate interests of the army in a context of evident factionalism within the military elite. Ershad has attempted to strength his support within the armed forces through the distribution of a variety of material benefits to the troops but at the same time, has also dealt ruthlessly with opponents, real or imaginary within the officer corps.

Both tactics can be seen as parts of a two – pronged attempt to reduce the prospects of a successful counter – coup such as has occurred many other countries of Asia, Africa and Latin America. The greatest threat to any military regime comes from within the military and Ershad's use of both reward and fear (carrot and stick) reproduces a common pattern recognizing both a shared set of military interests and a division of interests within the military elite.

Despite the occasional use of radical rhetoric, military regimes in third world states have a record of economic conservatism and the Ershad regime is no exception to this fairly general pattern. The regime did not develop any macroeconomic policy aimed at improving economic performance or ensuring a more egalitarian distribution of wealth and resources within the country. Members of the regime have routinely expressed their support for "capitalist free enterprise" but have not elaborated on the relevance of this doctrine for the large majority of people who are engaged in small – scale peasant agriculture.

In all fairness one would have to recognize that the weakness of the economy during Ershad regime placed severe restrictions on the range of options available to any government but increased military spending and the building of triumphal arches seem a less than appropriate response to the problems of economic underdevelopment.

An all too familiar feature of military rule in third world countries which can clearly be seen in Bangladesh during Ershad regime is the intensification and expansion of the authoritarian aspects of the state. At an official level this has included severe and repeated attacks on the independent press and other critical segments of the society, and the widespread use of torture and imprisonment without trial of suspected regime opponents. Legislation rest solely on the promulgation of military decrees which cannot be challenged by the courts. At an unofficial level the new authoritarianism has seen in the growth of arbitrary violence and petty predation inflicted on civilians by members of the armed forces. Specific regional cases of military rule increase fears of escalating authoritarianism. The disastrous experiences of rule by soldiers in Liberia (under Samuel Doe), Sierra leon (Under valentine Strasser) and Gambia (under Yahya Jammeh) are too close to home for Bangladesh.

Whilist no long term viable development strategy has been undertaken during Ershad regime to solve the problems of hunger, malnutrition and unemployment the government, because there were no checks and balances. The regime spent public money at the whims of few in the top. While the basic social and health needs of the people have remained unfulfilled because of reported resource constraint-the government budget and expenditure pattern will show that money was being spent on less priority sectors just to benefit few. While allocation in Health and education sector has declined as a proportion of total revenue expenditure – expenditure on defense has increased manifold. In 1983 – 84 defense expenditure was Tk. 4168 million while health and education has been Tk. 1132 and Tk. 3184 million respectively. The result has been ominous because more investment went to unproductive sectors at the neglect of productive sectors and building of social infrastructure.

Ershad regime has destroyed national unity and since there was no popular participation and public accountability – the regime has embarked on a course of development strategy which has promoted neither growth nor development. The regime and its collaborators have promoted traders, speculators and hoarders who have amassed unprecedented wealth.

The government's budgetary behavior—heavy borrowing, persistent deficit financing, escalating inflation, and increasing defense—directly result in three things: expansion in money supply, ever increasing income disparity and inflation. Upon examination of recurrent trends and policies – it would be said that history has repeated again and the country plunged to the 1960's Pakistani model of economic development strategy. The industrial and manufacturing sectors were built on neo-Calvinist doctrines and free enterprise 'crony capitalism.' Official policies were formulated along those lines where – by income is being more concentrated into fewer hands with banking and credit in private sector and more access to public sector financing— a group of people controlled the entire liquidity.

In fact, general Ershad's rule was by all definition a total autocracy. Under his system there was no safeguard against arbitrary government. All the civil and military authority remained concentrated in one person who was the president of the country, active commander of the combined armed forces and over – powering and omnipotent Chairman of the ruling party. There did exist a parliament to which neither the president nor his cabinet was responsible. The president used to allow the parliament as an act of his benevolence to deliberate on topics of his choice to grant a sense of participation to the party in power as well as those in opposition. There were indisputable evidences of the infringement on parliament's authority as the sovereign in the legislative process.

The parliament was indeed used merely for the implementation of the desires of the president and putting seal on his deeds. Moreover, the 4th parliament was elected with all the major parties boycotting it so the legitimacy crisis of his government reached its peak. Other institutions were also feeble. It was the highest degree of concentration of power with which he ruled the country for nine years without any checks and balances against the exercise of his personal wishes, decisions and actions. With formal political institutions rendered absolutely ineffective, his exit from power was left only with the mass movement which in the end succeeded.

Appendex-1

Proclamation of Martial law
Registered No. DA-1
The Bangladesh Gazette
Extraordinary
Published by Authority
Wednesday, March 24,1982

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH PROCLAMATION
OF MARTIAL LAW.

WHEREAS a situation has arisen in the country in which the economic life has come to a position of collapse, the civil administration has become unable to effectively function, wanton corruption at all levels has become permissible part of life causing unbearable, sufferings to the people, law and order situation has deteriorated to at an alarming state seriously threatening peace, tranquility, stability and life with a dignity bickering for power among the members of the ruling party ignoring the duty to the state jeopardizing national security and sovereignty

And

WHEREAS the people of the country have been plunged into a state of extreme frustration, despair uncertainty.

And

WHEREAS in the greater national interest and also in the interest of national security it has become necessary to place our hard earned country under Martial law and the responsibility has fallen for the same upon the Armed Forces of the country as a part of their obligation towards the people and the country.

NOW, therefore, I, Lieutenant General Hussain Mohammad Ershad, with the help and mercy of Almighty Allah and blessings of our great patriotic people, do hereby take over and assume all and full powers of the Government of the people's Republic of Bangladesh with immediate effect from wednesday, 24th March, 1982 as Chief Martial Law Administrator of the people's Republic of Bangladesh and do hereby declare that the whole of Bangladesh shall be under Martial law with immediate effect. Along with assumption of powers of Chief Martial

Law Administrator I do hereby assume the full command and control of all the Armed Forces of Bangladesh.

In exercise of all powers enabling me in this behalf, I, Lieutenant General Hussain Mohammad Ershad do hereby further declare that:

- a. I have assumed and entered upon the office of the Chief Martial Law Administrator with effect from Wednesday, 24th March 1982.
- b. I may nominate any person as president of the country at any time and who shall enter upon the office of the president after taking oath before the Chief Justice of Bangladesh or any judge of the Supreme Court designated by me. I may rescind or cancel such nomination from time to time and nominate another person as the president of Bangladesh. The president so nominated by me shall be the head of state and act on and in accordance with my advice as Chief Martial Law Administrator and perform such function as assigned to him by me.....

..... This proclamation, Martial law Regulations, Orders and other Orders/ Instructions made by me, during their continuance shall be the supreme law of the country and if any other law is inconsistent with them that other law shall be to the extent of inconsistency be void.

I may by order notified in the official Gazette amend this proclamation

Hussain Muhammad Ershad
Lieutenant General
Commander-in-chief
Bangladesh Armed Forces

Dhaka
The 24th March 1982.

And
Chief Martial law Administrator

CMLA's Secretariat
Old Sanghad Bhavan
Tejgaon, Dhaka
Telephone: civil-317112
No. 700/Civ/CMLA/E
28 April, 1982.

To : Secretary
Establishment Division

Information : Rear Admiral M. A Khan psn BN,
DCMLA and advisor-in-charge of the Ministry of Communication.
MR. A.Z.M. Obaidullah Khan
Advisor-in-charge of the Ministry of Agriculture
Mr. M.M Zaman
Secretary, Cabinet Division

BA-195 Brigadier Mahmudul Hasan
Director of Military Operation Army Head-quarters,
Dhaka Cantonment

Dr. Anisuzzaman, Professor of Public administration,
Chittagong University, Chittagong.

Mr. Maqsood Ali, Director General, National Institute of Public
Administration.

Dr. Shawkat Ali, Member-Director, Bangladesh Agricultural
Development Corporation.

Subject : Committee for Administrative Re-organisation/ Reform

1. The Chief Martial Law Administrator has been pleased to constitute a committee consisting of the following to examine the present system of civilian administration and recommend an appropriate and effective system of administration for the country:-

- a) Rear Admiral M.A. Khan psn BN, -Chairman
DECMLA and Advisor-in-charge of the Ministry of Communication.
- b) Mr. A.Z. M. Obaidullah Khan Advisor -Member.
in-Charge of the Ministry of Agriculture.
- c) Mr. M. M. Zaman, Secretary, Cabinet -Member
Division.
- d) BA-195 Brigadier Mahmudul Hasan -Member
Director of Ministry Operations, Army Headquarters, Dhaka Cantonment.
- e) Dr. Anisuzzaman, Professor of Public -Member
Administration, Chittagong University.
- f) Mr. Maqsood Ali, Director General -Member
National Institute of Public Administration.
- g) Dr. Shawkat Ali, Member -Member-Secretary
Director Bangladesh Agricultural
Development Corporation.

2. The terms of reference of the Committee will be :-

- (i) To review the structure and organisation of the existing civilian administration with a view to identifying the inadequacies of the system for serving the people effectively; and
 - (ii) To recommend an appropriate, sound and effective administrative system based on the spirit of devolution and the objective of taking the administration to the people.
3. The Committee will be able to co-opt other members, if necessary.
4. The Committee will submit its report by 30 May, 1982.

Sd/

Major General
Principal Staff Officer
(Muzammel Hussain)

Chief Martial Law
Administrator's Secretariat
Old Sangshad Bhaban
Tejgaon, Dhaka
Phone: Civ: 317112
No. 7002/3/Civ-1
31 August 1982.

Subject: Constitution of a National Implementation Committee for Administrative Re-organization /Reform.

1. As envisaged in the Report of the Committee for Administrative Re-organization /Reform, the Chief Martial Law Administrator has been pleased to appoint a high powered National Implementation Committee to implement the measures recommended in the Report. The National Implementation Committee will consist of the following:

- | | | |
|----|---|------------|
| a. | Rear Admiral Mahabub Ali Khan, psn, BN DCMLA, Chief of Naval Staff and Minister in-charge of Ministry of Communication. | Chairman |
| b. | Minister for Finance and Planning | -Member |
| c. | Minister for Law and Land Reforms | -Member |
| d. | Minister for Local Government | -Member |
| e. | Minister for Agriculture | -Member |
| f. | Secretary, Cabinet Division | -Member |
| g. | PSO to CMLA | -Member |
| h. | Col Staff (Implementation) CMLA's Secretariat. | -Secretary |

2. The terms of reference of the Committee are to implement the recommendation of the Administrative Re-organisation/Reform Committee, taking into consideration the Comments of the Minister. In the process of implementation, the following steps will be taken, among others:
 - a. Identification of the different phases under which the re-organisation will be carried out.
 - b. Determination of the minimum strength of officers and staff of different categories and other facilities to be made available to each Thana under plan of Re-organisation.
 - c. Identification of the Thana to be taken up for development in the 1st phase, based on the Agricultural facilities available in the existing.
 - d. Prescribing a time table for development of thanas in phases, elimination of the sub-districts etc. along with providing personnel and other facilities.
 - e. Giving guidelines to Establishment division and law and parliamentary Affairs' Division to plan recruitment and posting of proper personnel in the thanas and districts, according to the time table.
 - f. Giving guidelines to Ministry of Works, Ministry of Local Government and Land Administration and Land Reforms Division regarding the facilities for land, buildings, roads etc. for thanas and the district.
3. The Committee will be able to co-opt. other member(s), if necessary.
4. The committee will keep the CMLA and Council if Ministers informed about the development from time to time.

Sd/

Major General
Principal Staff Officer

(Muzammel Hussain)

Annex-4

NICAR Committees and Sub-Committees

A. Committees

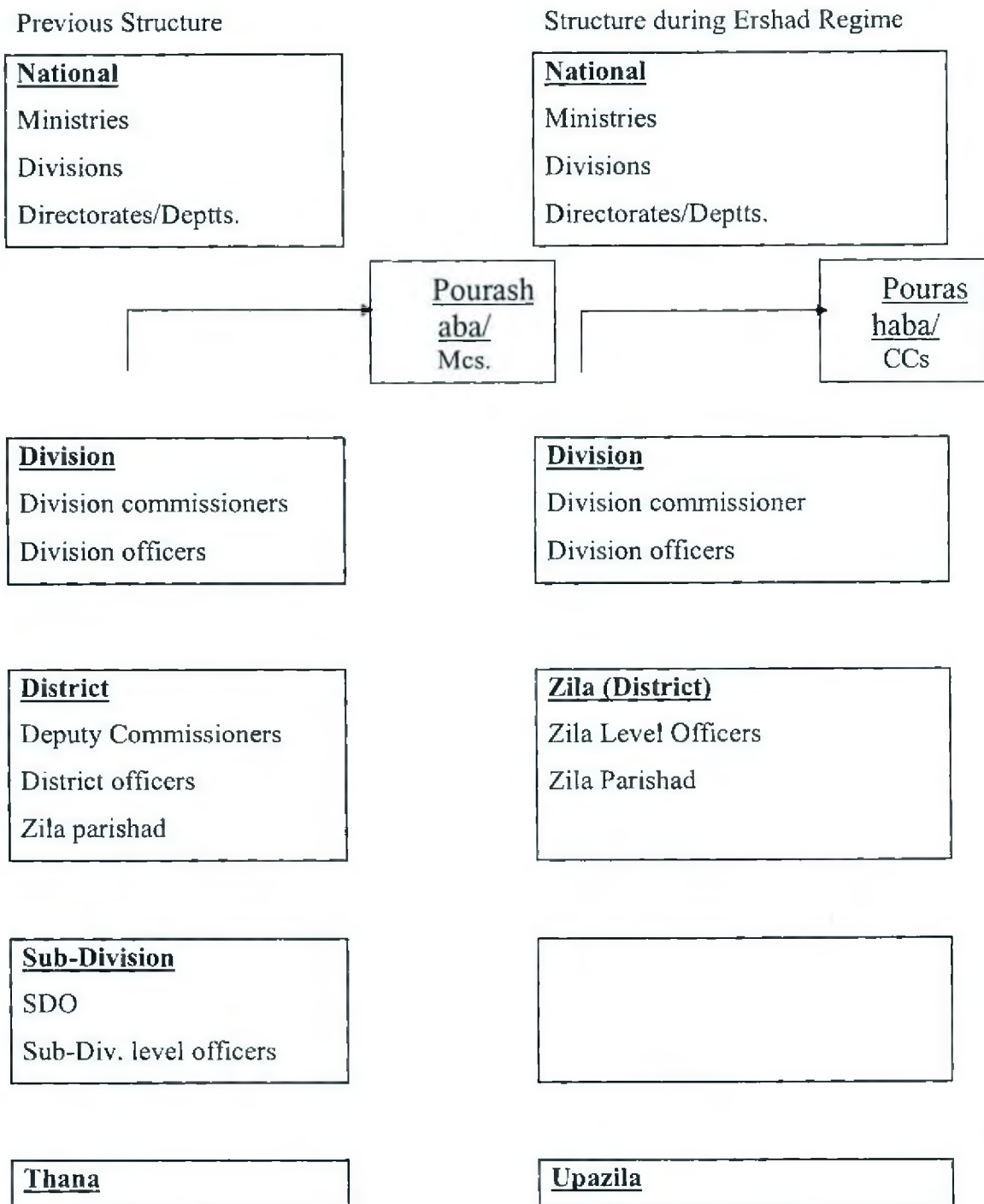
1. Special Committee to recommend the phases of creation and set up of new districts (M.M. Zaman, Chairman),
2. Committee to determine the set up of the district administration and the existing Sub-divisional Headquarters (M.M. Zaman, Chairman).
3. National Monitoring Committee for construction work in new districts (M. M. Zaman, Chairman).
4. Committee to decide the question of lump grant to 63 Sadar Upazilas for maintenance and repair of government buildings (M. M. Zaman, Chairman).
5. Committee to determine the question of upgradation of Thanas which are not Development Circles (M. M. Zaman, Chairman).
6. Committee to determine the training design of Upazila officials (Secretary, Establishment Division, Chairman).
7. Committee to recommend procedure for recovery of rent from Upazila officers/agencies for use of accommodation facilities (Secretary, Local Government Division, Chairman).
8. Committee to determine the future local government set up of Tongi Paurashave (Mujibul Huq, Chairman).
9. Committee to recommend detailed mechanism for absorption of RWP personnel and Engineering/Technical personnel of Zila Parishad (Secretary, Local Government Division, Chairman).

B. Sub-Committees

1. Sub-committee to scrutinize draft orders in respect of area adjustment of Upazilas
(M. M. Zaman, Chairman).

2. Sub-committee to examine and recommend necessary changes in the Upazila administration of urban areas and the set up of the District Officers
(M. M. Zaman, Chairman).
3. Sub-committee to recommend procedure for deputation of officials to Upazila Parishad
(M. M. Zaman, Chairman).
4. Sub-committee to recommend organisational set up of land revenue and land administration
(M M. Zaman, Chairman).
5. Sub-committee to recommend posting of staff to selection of site for Narayangonj Upazila
(Mujibul Huq, Chairman).
6. Sub-committee to recommend the procedure for sharing of assets and liabilities of Zila Parishads
(Mujibul Haq, Chairman).
7. Sub-committee to study the allocation of tax base between the Centre and Upazila Parishad
(Dr. A.M.A. Rahman Chairman).

Structure of Government in Bangladesh



Assist Commissioners/
Circle Officers
Thana Level Officers
Thana Parishad

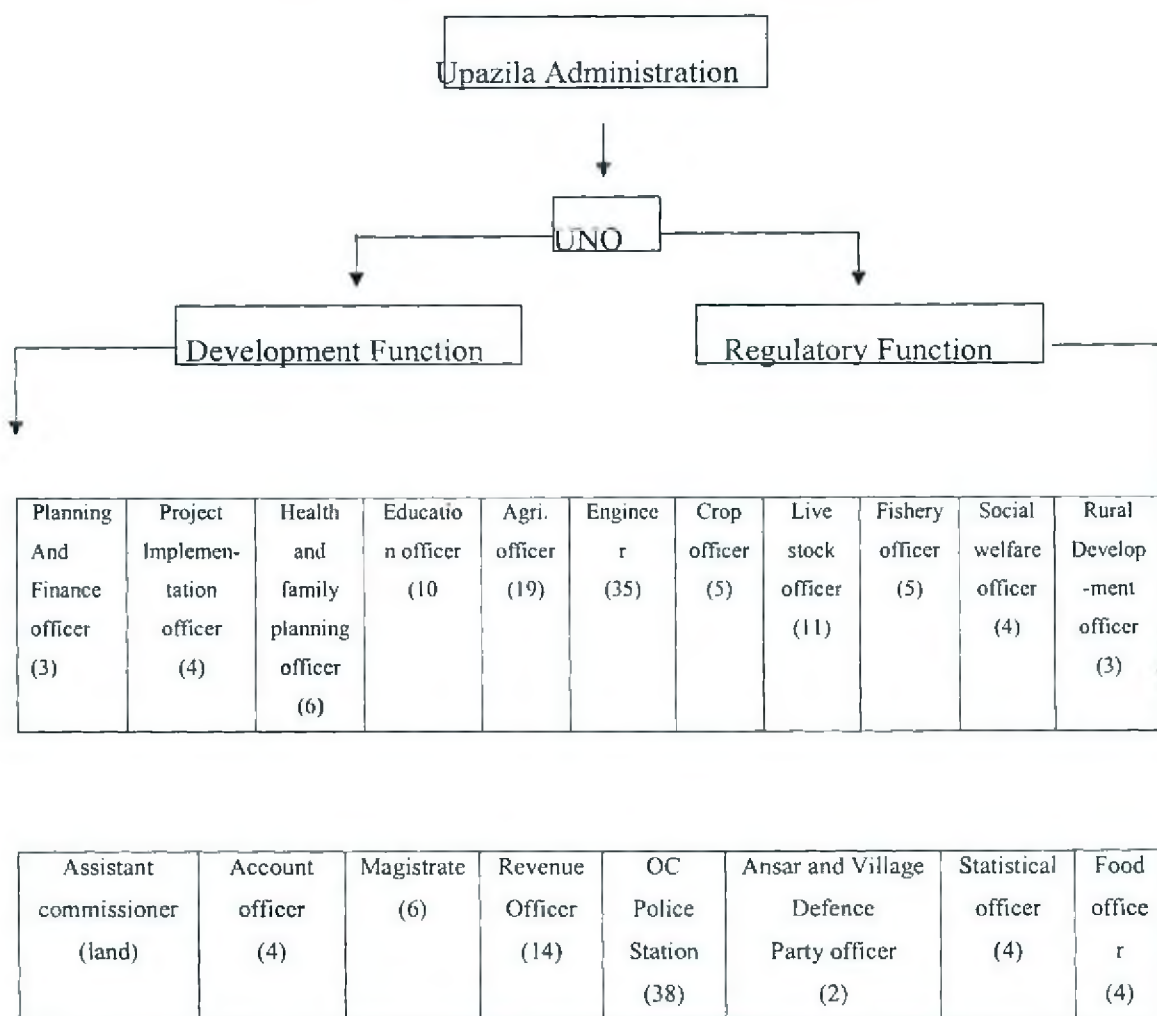
Upazila Nirbhahi Officers
Upazila Level Officers

Union
Union Level officers
Union Parishad

Union
Union level officers
Union Parishad

Source : Decentralization in Bangladesh
A Review of Human Development Initiative.
Abdul Hye Mandal
BIDS, Dec. 1991

Structure of Government in Bangladesh



Note : Figures in parentheses are authorised staff strength for each Upazila, these officers are posted only in Upazials which have sanctioned national programmes in these fields.

Source :

1. Adopted from presentation of Administrative Re-organization and reforms, Chief martial Law Administrators secretariat, Dhaka, September, 1983 quoted in world Bank (1984) :
2. Local Government (Upazila Parishad and Upazila Administration Reorganization) (Repeal) Ordinance 1991.

Illustrative list of regulatory and major development functions retained by the Government.

1. Civil and Criminal judiciary.
2. Administration and Management of central revenue like income Tax, Customs and Excise, Land Revenue, Land Tax, etc.
3. Maintenance of Law and Order.
4. Registration.
5. Maintenance of essential supplies including food.
6. Generation and distribution of electric power.
7. Irrigation schemes involving more than one District.
8. Technical education and education above Primary level viz. School, College and University education.
9. Modernised District Hospitals and Hospitals attached to the Medical Colleges.
10. Research organisations like Council of Scientific and Industrial Research (C.S.I.R) laboratories.
11. Large scale seed multiplication and diary farms.
12. Large scale industries.
13. Inter-district and Inter-thana means of communication viz., posts telegraph, telephones, railways, mechanically propelled road and inland water transport, highways, Civil aviation, ports and shipping.
14. Flood control and development of water resources.
15. Marine fishing.
16. Mining and mineral development.
17. Compilation of national statistics.

Source: Resolution on Reorganization of Thana Administration, Cabinet Division, October, 1982.

List of Transferred Subjects

1. Agriculture including extension services, input supply services and irrigation
2. Primary education.
3. Health and family planning including Upazila Health complexes, MCH and all population control Services.
4. Rural water supply and sanitation programme.
5. Rural works Programmes.
6. Food for works Programmes.
7. Disaster Relief including VGF, IGF, etc.
8. Cooperatives and cooperative based rural development Programmes.
9. Fishing development and
10. Livestock development.

Source: Resolution on Reorganisation of Thana Administration, Cabinet Division, October, 1982.

| Phase of Upgradation | No. of Upazila | Date of Upgradation |
|----------------------|----------------|---------------------|
| 1 st | 45 | 07.11.1982 |
| 2 nd | 55 | 15.12.1982 |
| 3 rd | 55 | 14.03.1983 |
| 4 th | 57 | 15.04.1983 |
| 5 th | 51 | 02.07.1983 |
| 6 th | 47 | 01.08.1983 |
| 7 th | 50 | 14.09.1983 |
| 8 th | 37 | 07.11.1983 |
| 9 th | 18 | 01.12.1983 |
| 10 th | 45 | 01.02.1984 |

Source: Report of the Special Committee P.85

Proposed Tax base of Upazila Parishad

- a. Tax like revenue, cinema and land development should remain with the centre but may be shared with TP.
- b. Tax on dramatic and theatrical shows and other entertainments may be given to TIP.
- c. Registration fee for transfer of property shall remain with the centre.
- d. Tax on the following will be collected by TIP.
 1. Settlement of Jalmahals situated entirely within the Thana boundaries. (by open auction).
 2. Tax on trade, callings and professions.
 3. Tax on dramatic and theoretical shown and other entertainment and amusement.
 4. Street lighting tax.
 5. Fees for fairs, agricultural and industrial shows, exhibition and tournaments.
 6. Fees for licences and permits granted by the Thana Parishad.
 7. Toll of services and facilities maintained by Thana Parishad or Zila Parishad.
 8. Collection from specified Hats and Bazars to be determined by the Government.
- e. Tax on the following will be collected by UP:
 1. Tax on annual value of buildings and land.
 2. Tax for remuneration of village police.
 3. Tax for the execution and maintenance of any works of public utility.
 4. Conservancy tax.
 5. Fees for registration of birth and marriage.
 6. Collection from hats and bazars (where buyers and sellers are generally from within Union).
 7. Special community tax on the adult males for exemption from labour for execution of any public works of general utility.
 8. Fees for specific service locally rendered by a Union Parishad.

Grouping of Districts into Categories Abstract**Total number of Upazilas and Thana**

| District Category | Number | Upazilas | Thanas | Total |
|-------------------|--------|----------|--------|-------|
| Special | 5 | 41 | 20 | 61 |
| I | 21 | 201 | 6 | 207 |
| II | 31 | 178 | 8 | 186 |
| III | 11 | 40 | 1 | 41 |
| | 68 | 460 | 35 | 495 |

Note:

Special Category Districts: Dhaka, Chittagong, Khulna, Rajshahi and Mymensingh.

Category I : Districts with 8 or more Upazilas/Thanas.

Category II : Districts with 5 to 7 Upazila/Thanas.

Category III : Districts with 4 or less Upazilas/Thanas.

List of Government officers who will be deputed to the Upazila Parishad.

Designation of the Officer

1. Upazila Nirbahi Officer.
2. Upazila Health Officer
3. Upazila Education Officer
4. Upazila Agriculture Officer
5. Upazila Engineer
6. Upazila Co-operative Officer
7. Upazila Livestock Officer
8. Upazila Fishery Officer
9. Upazila Social Welfare Officer
10. Upazila Finance Officer

People not aware of Ershad's programme, by division (in per cent of cases)

| Programme | Dhaka | Khulna | Rajshahi | Chittagong | Bangladesh |
|------------------------------|-------|--------|----------|------------|------------|
| Cluster Village | 67.9 | 60.5 | 64.9 | 67.9 | 65.2 |
| Debt Settlement Board | 78.1 | 68.9 | 73.1 | 82.3 | 75.6 |
| Tenancy Reforms | 94.0 | 94.9 | 80.8 | 86.3 | 89.6 |
| Family Case Settlement Court | 89.9 | 83.7 | 66.6 | 78.0 | 80.5 |
| Khas Land Distribution | 66.4 | 70.0 | 43.2 | 82.1 | 65.7 |
| Fisheries Reform | 97.4 | 96.2 | 95.0 | 93.7 | 95.8 |
| Upazila Court | 18.7 | 28.5 | 21.1 | 13.6 | 20.5 |
| Upazila Administration | 9.0 | 20.2 | 23.5 | 12.0 | 15.7 |
| Free Education for Girls | 44.9 | 46.0 | 45.0 | 62.1 | 49.0 |
| Vulnerable Group Development | 28.3 | 47.5 | 17.8 | 41.8 | 33.7 |
| Palli Rationing | 60.6 | 76.3 | 86.5 | 71.8 | 72.8 |

Source

BIDS Surrey of Election' 91
 Preliminary Findings
 Mahbub Hossain
 Hossain Zillur Rahman
 Binayak Sen.

Perception about the programmes for rural areas initiated under the Ershad Regime.

(% of opinion-makers)

| Type of programmes | Target group status | % of opinion makers unaware about the existence of programme | % opinion who have assessed the programmes to be beneficial | Incidence of increasing corruption |
|------------------------------------|------------------------|--|---|------------------------------------|
| Cluster villages | Lower classes | 70 | 14 | -- |
| Debt Settlement Board | All | 76 | 4 | -- |
| Tenancy Acts | All | 90 | 3 | -- |
| Family Court | All | 81 | 11 | 1 |
| Khas land distribution | Lower classes | 71 | 14 | 2 |
| Cancellation of Jalmahal/Ijaradari | All | 96 | 1 | -- |
| Upazila Court | All | 21 | 53 | 10 |
| Upazila system | All | 16 | 55 | 12 |
| Free Education for Girls | All | 49 | 34 | -- |
| VGD | Lower classes (female) | 37 | 43 | -- |
| Rural Rationing | All | 73 | 14 | -- |

Source

BIDS Surrey of Election' 91

Preliminary Findings

Mahbub Hossain

Hossain Zillur Rahman

Binayak Sen.

BIBLIOGRAPHY

1. Books:

Ahmed, Kazi, Khalakuzzaman, 1984. Land Reform for Social Transformation in Bangladesh, UPL.

Ahmed, Tofail. 1994. Decentralization: A Theoretical Perspective. Bangladesh Academy for Rural Development, Kotbari, Comilla.

Alamgir, Mohiuddin Khan (ed.): 1981. Land Reform in Bangladesh, Dhaka, Centre for Social Studies.

Ali, A.M.M. Shawkat, 1986. Politics and Land System of Bangladesh, Dhaka NILG.

Ali, Quzi Azhar. 1995. Decentralized Administration in Bangladesh, UPL.

Ali, Shaikh Maqsood, M. Safiur Rahman and Khanada Mohan Das. 1983. Decentralization and People's Participation in Bangladesh, Dhaka, NIPA.

Bakth, Zahid and Depapriya Bhattacharya. 1994. The Study of Japanese Cooperation in Industrial Policy for Developing Economics– Bangladesh. Institute of Developing Economics, Tokyo.

Baxter, Craig. 1984. Bangladesh: A new Nation in an Old Setting. Boulder, Colorado: West View Press.

Baxter, Craig and Syedur Rahman. 1989. Historical Dictionary of Bangladesh. Metucheu, New Jersey: Scarecrow Press.

Blair, Harry W. (ed.) 1989. Can Rural Development Be Financed from Below? Local Resource Mobilization in Bangladesh. UPL, Dhaka.

Decalo, Samuel. 1979. Coups and Army Rule in Africa: Studies in Military Style. New Haven, Yale University Press.

Finer, S.E. 1962. The Man on Horse Back: The Role of Military in Politics. London: Pall Mall Press.

- First, Ruth. 1970. *The Barrel of a Gun: Political Power in Africa and The Coup d'etat*, London: Penguin.
- Haque, Ahmed Shafiqul. 1988. *Politics and Administration in Bangladesh: Problems of Participation*. UPL. Dhaka.
- Hye, Hasnat Abdul (ed.) 1985. *Decentralization, Local Government Institutions and Resource Mobilization*. BARD, Comilla.
- Humphrey, Clare E. 1990. *Privatization in Bangladesh*, UPL.
- Huntington, Samuel P. 1975. *Political Order in Changing Societies*. New Haven: Yale University Press.
- 1957. *The Soldier and the State: The Theory and Politics of Civil- Military Relations*. Cambridge, Mass: Belknap Press.
- Islam, Syed Serajul. 1988. *Bangladesh: State and Economic Strategy*. UPL, Dhaka.
- Johnson, John J. (ed.). 1962. *The Role of the Military in Underdeveloped Countries*. Princeton University Press.
- Kennedy, Gavin. 1974. *The Military in the Third World*. London: Gerald Duckworth.
- Khan, Azizur Rahman, and Mahbub Hossain, 1989. *The Strategy of Development of Bangladesh*, London: Macmillan Press.
- Kochanek, Stanley A. 1993. *Patron-Client Politics and Business in Bangladesh*. Dhaka, UPL.
- Maniruzzaman, Talukder. 1980. *The Bangladesh Revolution and its Aftermath*. Dhaka, UPL.
- 1987. *Military Withdrawal from Politics: A Comparative Study*. Ballinger Publishing Company. USA.
- 1994. *Politics and Security of Bangladesh*. Dhaka, UPL.
- Norby, Ole David Koht (ed.). 1990. *Bangladesh Faces the Future*. Dhaka, UPL.
- Sobhan, Rehman. 1990. *From Aid Dependence to Self-Reliance: Development Options for Bangladesh*. Dhaka, UPL.
- (ed.).1991. *The Decade of Stagnation: The State of the Bangladesh Economy*. UPL, Dhaka.

Tiranti, D.J. 1986. *Essential Drugs: The Bangladesh Example— Four Years on 1982-86.* Oxford: IOCU/New International Publication/War on Want.

2. Article:

Ali, Akbar. 1989. Decentralization for Rural Development. *Bangladesh Journal of Public Administration.* Vol. 11, No. 1, January.

Chetley, Andrew. 1985. Drug Production with a Social Consequence: The Experience of GPL. *Development Dialogue*, Vol. 2, PP. 94-107.

Evans, Huge. 1988. Bangladesh: South Asia's Unknown Quantity, *Asian Survey*, October.

Elahi, Khondakar Quadrat-I, and Mandal M.A.S. Implementation of Land Reforms and Agricultural Labour (Minimum Wages) Ordinances 1984- A Closer Look, *Bangladesh Journal of Political Economy*, Vol. 11, No. 2.

Islam, Syed Serajul, 1987. Bangladesh in 1986: Entering A New Phase. *Asian Survey.* Vol. 27. No. 2, February, PP. 163-172.

— 1988. Bangladesh in 1987. A Spectrum of Uncertainties, *Asian Survey*, Vol. 28, No. 2. February, PP. 163-71.

Islam, Kazi, Mariful. Administrative Decentralization: A conceptual Analysis and Its Implementation in Bangladesh, January-June 1997. *Administration, Communication and Society*, Vol. 1, No. 1.

Khondker, Habibul Haque. 1986. Bangladesh: Anatomy of an Unsuccessful Military Coup: *Armed Forces and Society.* Vol. 13. No. 1, Fall, PP. 125-43.

Mandal, Abdul Hye. Decentralization in Bangladesh: A Review of Human Development Initiative. *BIDS Journal*, December, 1991.

- Rahman, Hossain Zillur, Re-thinking the Land Reforms Question: BIDS Journal, Vol. 7, No. 8, 1996.
- Rahman, Syedur, 1989. Bangladesh in 1988: Precarious Institute Building Amid Crisis Management. Asian Survey, Vol. 29, No. 2, February, PP. 216-22.
- 1989. Political Boundary Building in Bangladesh: A Case Analysis of Political Demands in Government-Opposition Negotiations, Asian Thought and Society, Vol. 16, Nos. 41-42. May-October, PP. 161-77.
- Sahota, Gian S. An Assessment of the Impact of Industrial Policies in Bangladesh, The Bangladesh Development Studies, Vol. XIX, March-June, 1991, Nos. 1-2.
- Saha, Bimal Kumar Understanding Agrarian Structure, Theoretical Perspective, Vol. 2, No. 1, 1995.
- Sen, B.B. Land Administration, Report on the Task Force, Vol. 2.
- Siddique, Noore Alam. 1996. Politics of local Government Reform in Bangladesh, 1971-85, Asian Profile, Vol. 24, No. 4, August, 1996.
- Development from Below. 1997. Bangladesh Institute of Development Studies Journal. Vol. 20
- Taher, Md. Abu. Industrialization in Bangladesh: A Historical Perspective, Journal of Asiatic Society of Bangladesh. Vol. 43. No. 1, June, 1998.

3. Newspaper:

Guardian (London)

Times (London)

Herald Tribune (Hongkong)

Bangladesh Observer

Daily Star

Bangladesh Times

Dainik Bangla

Dainik Ittefaq

Morning Sun

Washington Post

4. Weekly Journals & Newspaper:

Asian World Street Journal (Hongkong)

Far Eastern Economic Review (Hongkong)

The Economist (London)

Economic & Political Weekly (India)

Dhaka Courier

Holiday

The Tide

Friday

Bichitra