

# PRESSURE GROUPS IN BANGLADESH POLITICS

**GIFT**

BY

Md. Abdul Maleque  
BSS(Hons.) MSS, M.Phil. (Dhaka)

401868



A DISSERTATION SUBMITTED TO THE UNIVERSITY OF DHAKA  
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY



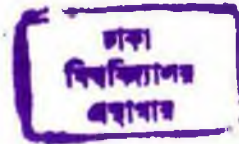
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Md. Abdul Maleque  
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## CERTIFICATE

This is to certify that the materials embodied in this thesis titled, "Pressure Groups in Bangladesh Politics", submitted by Md. Abdul Maleque 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 Doctor of Philosophy in Political Science.

401868



*Talukder Maniruzzaman*

Supervisor  
Professor Talukder Maniruzzaman  
Department of Political Science  
University of Dhaka

Dated : The 30<sup>th</sup> November, 2003

## **ABSTRACT**

There is hardly any study on the pressure groups in Bangladesh Politics. The works, which available are mainly based on traditional, historical and legal-formal approaches.

In this thesis, we have tried to break a new ground focusing the interactions that happened between the policy-makers of the government and leaders of different pressure groups in Bangladesh Politics. The interest groups exert diversified pressure on government. Thus, they have affected the policy making process of the government. As a result government often tilted in favor of some pressure groups and accordingly decisions as well as policies of government are being shaped, or changed or nullified.

The interest groups in Bangladesh politics articulate interests of their group members by forming associations. Bargaining political culture of the private associations moves to pressure on government in the political process. This process has become a permanent feature in Bangladesh politics. In this work we found enormous strength of “private associations” as the striking feature to influence public policy in Bangladesh. Thus, this study highlights the interactions of different pressure groups’ in the political process of Bangladesh. This thesis has also addressed when and how the pressure groups’ personnel manage the key policy-makers of the government in the realm of the highest level of decision making.

I have particularly highlighted the trends of forming associations and techniques adopted by pressure groups in Bangladesh. I have further shown in thesis when and how some policies have been influenced and shaped by the highly organized pressure groups like BCS (Administration) Cadre Association, army, lawyers, businessmen, NGOs, trade unions and tribal groups and extend of their success.

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November, 2003

Md. Abdul Maleque

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## Abbreviations

ADAB	Association of Development Agencies in Bangladesh
ADB	Asian Development Bank
AIT	Advanced Income Tax
APSR	American Political Science Review
ASA	Association for Social Advancement
ASRC	Administrative and Services Reorganization Committee
BAF	Bangladesh Audibashi (aborigins) Forum
BAKSAL -	Bangladesh Krishak Sramik Awami League
BARD	Bangladesh Academy for Rural Developments
BASS	Bangladesh Aushd Shilpa Samiti
BCI	Bangladesh Chamber of Industriess
BCIC-	Bangladesh Chemical Industries Corporation
BCS	Bangladesh Civil Service
BEXIMCO	Bangladesh Export Import Corporation
BGMEA	Bangladesh Garments Manufacturers and Exporters Association
BJMC	Bangladesh Jute Mills Corporation
BLD -	Bangladesh Legal Decisions
BPAT	Bangladesh Paublic Administration Training Centre
BRAC -	Bangladesh Rural Advancement Committee
BRDB	Bangladesh Rural Development Board
BSCBA -	Bangladesh Supreme Court Bar Association
BSEC	Bangladesh Steel and Engineering Corporation
CARE	Cooperative of American Relief Everywhere
CBA	Collective Bargaining Agent
CEI	Committee for Examination of Irregularities
COTA	Civil Officers Training Academy
CCCI	Chittagong Chamber of Commerce and Industry



CCD	Christian Commission for Development, Bangladesh
CHT	Chittagong Hill Tracts
CMLA	Chief Martial Law Administrator
CPR	Contraceptive Prevalent Rate
CSP	Civil Service of Pakistan
DCCI	Dhaka Chamber of Commerce and Industry
EPCS	East Pakistan Civil Service
FAP	Flood Action Plan
FBCCI	Federation of Bangladesh Chamber of Commerce and Industry
FICCI	Foreign Investor's Chamber of Commerce and Industry
GB	Grameen Bank
GDP -	Gross Domestic Product
GNCC	Government-NGO Consultative Council
GNP -	Gross National Product
GOB	Government of Bangladesh
IBS -	Institute of Bangladesh Studies
ICS	Indian Civil Service
IFIS	International Financial Institutions
IWWC	Industrial Workers Wages Commission
UPL -	University Press Limited
LLB -	Bachelor of Law
LLM -	Master of Law
MNA	Member of the national Assembly
MCCI	Metropolitan Chamber of Commerce and Industry
MIDAS	Micro Industries Development Assistance Society
MNCs	Multinational Corporations
NAEM	National Academy for Educational Management
NCCHT	National Committee on Chittagong Hill Tracts
NGDO	Non-Government Development Organization
NGO	Non-Governmental Organization

NGOAB	NGO Affairs Bureau
NPC	National Pay Commission
NSC	National Security Council
NTC	National Training Council
NWP	National Water Plan
PARC	Public Administration Reforms Commission
PSI	Pre-Shipment Inspection
ODI	Overseas Development Institute
OECD	Organization of Economic Cooperation Development
ORD	Oral Rehydration therapy
PARC	Public Administration Reforms Commission
PCJSS	Parbattya Chatragram Jana Sanghati Samity
RC	Regional Council
SAARC	South Asian Association for Regional Cooperations
SB	Shanti Bahini
SMP	Senior Management Pool
SSP	Senior Serevice Pool
UNDP	United Nations Development Program
WB	World Bank
YOB	Young Ones (Bangladesh) Ltd.

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## **CHAPTER ONE**

# **Pressure Groups in Politics: An Analysis**

## Pressure Groups in Politics: An Analysis

The recent Western group literature on Political Science abounds in studies with the “Interest groups” and “Pressure groups”. The study of group politics focuses the interaction between the polity and organized interests. It helps the political analysts, in democratic process of developed and developing countries, to go beyond the formal political institutions and highlight the ‘informal institutions’ as well to locate the social and economic bases of political power.<sup>1</sup> The term “group” is used in this work to mean any collectivity of people with identical interests, making claims on the political system for authoritative allocation of resources for its members. These values and resources are authoritatively allocated in a society through the process of the conflict of groups.<sup>2</sup>

The term “Pressure group”, in this sense, is well established and extremely effective as a tool of analysis in comparative politics. Phrases like-“interest groups,” “pressure groups,” “private associations,” and “lobbies” will often interchangeably be used in this study. At the outset we intend to take care, for the sake of role specification, to distinguish their relative meanings. But it is hardly prefaced with conceptual scheme and discussion of model anywhere. Pressure groups are emerging as vital factors in the democratic process. The realization and analysis of any political process could not be understood without the analysis of group interaction. They have gradually appeared and influenced the environment in political system.

### The Pressure Group:

The interest of the study of pressure groups in politics has derived from the two distinct approaches – “**pluralism**” and “**corporatism**”<sup>3</sup>. Pluralism, in political system, refers to the active role of private associations of all kinds in terms of institutional and

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<sup>1</sup> Talukder Maniruzzaman, Group Interests and Political Changes: Studies in Pakistan and Bangladesh, (Green Book House Ltd., Dhaka, 1982), p.43.

<sup>2</sup> Harry Eckstein and David E. Apter (eds.), Comparative Politics: A Reader, (New York: The Free Press, 1963), p. 390.

<sup>3</sup> Stanley A Kochanek, Patron-Client Politics and Business in Bangladesh, (Dhaka: University Press limited, 1993), p.9-12.

associational interest groups. They claim for larger constitutional role in decision-making process in society. It implies that the state should not have an unlimited control over the plurality of these private associations. At the same time, they seek safety in society so that a number of important private associations could provide a cushion between the individual and the state. **Corporatism**, in political system, submits the network of industrial-occupational organized associations around the system of government rather than the representation of geographical divisions. They advocate for professional representation in the parliament instead of territorial or regional representation. It has perhaps some similarity to the view that “professional groups” should play a larger role for economic development. They claim professionals’ effective participation in the decision-making process would accelerate process of political development. The interest groups, for these reasons, sometimes, exert pressure upon government.

**The present study** is guided by a set of questions in addition to an attempt to explore the utility of some conceptual framework. Why do we use the pejorative term ‘Pressure’ in politics? In what form does the articulation of political interests carry out in different societies? How are these interests transmitted to other parts of political structure? How are these interests translated into choices of political personnel and converted to public policy? When and how do interest groups become pressure groups to put statute in public policy? So what we want to do in this paper is to shed some light on interactions generally take place in shaping the public policies between the interest groups and policy-makers in government. There will be relevant discussion and analysis of “pressure group” concepts together with approaches and its operation. In addition, we want to examine when and how different interest groups become pressure groups and exert pressure upon the system to bring change or resist change in the policies related to the group interest. The development of such conceptual framework is a pre-requisite for the systematic study of the role of pressure groups in Bangladesh politics.



### The genesis:

The origin of the term “Pressure group” can be traced to the writings of the founder of group theory, Arthur F. Bentley’s book “The Process of Government: A Study of Social Pressures”, published in 1908. Bentley identifies his book as an ‘attempt to fashion a tool’. It is almost entirely concerned with the concept of “group pressures”<sup>4</sup> as a tool of analysis in politics. He did not, of course, directly reverse the phrase so as to make it “pressure groups”. But it is very much clear when Bentley says, “ I prefer to use the word “pressure” instead of “force,” since it keeps the attention closely directed upon the groups themselves”<sup>5</sup>. Bentley emphasizes that “pressure” is associated with “power”. W.J.M. Mackenzie points out that the reversal of the phrase “group pressures” to “pressure groups” must have been made a little later by casual usage in politics and journalism. He cited, for example, Mr. Anthony Hurd’s (M.P.) remarks, “We do not have pressure-groups on this side of the House” on the Crichel Down Debate in the Parliament on 20 July 1954. It has always had a flavour of political utility<sup>6</sup>.

Bentley defines, firmly, society as the system of interacting groups. He says the term “pressure” is always a group phenomenon, which indicates the ‘push’ and ‘resistance’ between groups. He concludes by saying, “The balance of group pressures is the existing state of society.”<sup>7</sup> Pressure is broad enough to include all forms of the group influence upon other groups. We can say, for example, pressure is applied by ‘X’ upon ‘Y’, whenever ‘X’ tries to make a course of action more desirable by promising or threatening contingent rewards or punishments. It may take in the form of ‘force’, ‘commands’, ‘manipulation’ or ‘bargaining’.

In the Federalist No.10, James Madison acknowledged the inevitability of the factions. The most common and durable source of factions, has been the various and unequal distribution of property. Those who hold and those who are without property have ever

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<sup>4</sup> Arthur F. Bentley, The Process of Government: A Study of Social Pressures, (New York: The Principia Press, 1949), and p.258-259.

<sup>5</sup> *Ibid.*, p.258.

<sup>6</sup> W.J.M. Mackenzie, “Pressure Groups in British Government”, The British Journal of Sociology, vol.4, 1955. pp.133-147.

<sup>7</sup> Bentley, *op. cit.*, p.259.



formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest and with many lesser interests grow up of necessity in civilized nations and divide them into different classes, actuated by different sentiments and views<sup>8</sup>. Robert A. Dahl identifies three sources of strains and pressure exerted by interest groups on political system. These are: (a) disparity in distribution of resources, (b) disparity in performance in terms of knowledge and skill and (c) disparity in socialization and motivation.<sup>9</sup> The regulation of these various interfering interests forms the principal task of modern legislation. It involves the spirit of party and faction in the necessary and ordinary operations of government.

The origin of pressure groups in their contemporary form can be traced to three principal sources<sup>10</sup>. They are - Economic factors, particularly specialization; psychological factors; and the weakness of political parties.

**Economic Specialization**: Society in the United States is built upon economic specialization and organization. Both have contributed greatly to the rise of pressure groups. Specialization fosters the growth of groups and sub-groups in the field of management as of labor.

**Psychological factors**: In modern industrial society, there is a high degree of group consciousness. Here workers with identical interests join groups to achieve a sense of belonging to untied structure. Pressure groups act as a safety valve for removing the individual frustration.

**Weakness of political parties**: Pressure groups grow vigorously on the inability or unwillingness of political parties to exercise the powers of government, which they have lawfully gained at the polls. The advantages of this situation to the lobby group are

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<sup>8</sup> The Federalist No. 10.

<sup>9</sup> Robert A. Dahl, Modern Political Analysis, (New Jersey: Englewood Cliffs, 1990) Translated by Bangla Academy (Dhaka: 1995), p. 54.

obvious. Lack of cohesion in the parties encourages well-organized private interests to secure some of the advantages of political power.

### **Interest Groups:**

The origin of the concept 'Interest' can be traced in the writings of Machiavelli's (1469-1527) book 'The Prince'. Machiavelli began a profound transformation by instructing Prince to mobilize rational will in the service of self-interest. He lauded the salutary effects of interest behavior in which reason is harnessed in the orderly pursuit of selfish goals.<sup>11</sup> In the analysis of 'group', Bentley's influential phrases, is treated as mandatory tools. "When the groups are stated, everything is stated. When I say everything I mean everything... The balance of the group pressures is the existing state of society"<sup>12</sup>. There is no group without its interest. An interest, as the term, is equivalent to group. The "interest group" or have a "group interest" may be interchangeably used for the sake of clearness in expression.

So the "group" and the "interest" are not separate something. The difference is that, sometimes we emphasize on the "interest" phase, sometimes on the "group" phase. There exists only one thing, that is, so many men bound together in or along the path of a certain activity.<sup>13</sup> There may be a question as to whether the "interest" is responsible for the existence of the "group" or the "group" responsible for the existence of "interest". Bentley does not comment or care anything at this. He actually finds in this group phenomenon, from the observation and study, *interested men*. Nothing is more valuable and nothing less to him than these "*interested men*". That is the "*raw material*" in political process. But, what is an interest group? Interest groups go by many names. They are- special interests, vested interests, pressure group interest, and organized interests. This varied terminology yields a diverse collection of operational definitions. Definitions

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<sup>10</sup> Donald C. Blaisdell, American Democracy Under Pressure, (New York: The Ronald Press and Company, 1957), pp.63-66.

<sup>11</sup> Machiavelli, The Prince, Kay Lehman Schlozman and John T. Tierney, Organized Interests and American Democracy, (New York: Harper and Row Publishers, 1986), p.15

<sup>12</sup> Arthur F. Bentley, The Process of Government: A Study of Social Pressures, (New York: The Principia Press, 1949), and pp.201-221.

<sup>13</sup> Bentley, op. cit., p.211.

have varied over time. Interest groups become pressure groups when they actively try to influence the course of public policy. Pressure groups are designed to influence governmental policy.

The term 'interest' means the selfish pursuit of one's own welfare or that of a particular section of a society. David Truman argues 'interest group' refers to any group, which is based of one or more shared attitudes.<sup>14</sup> A group is said to exist when two or more individuals interact, on the basis of shared attitude, with a certain minimum frequency. If and when it makes certain claims upon any of the institutions of government, it becomes a political interest group<sup>15</sup>. According to G. A. Almond interest groups may articulate or inarticulate, manifest or latent, formally organized, or simply a condition of like-mindedness and informal communication about issues<sup>16</sup>. N.C Hunt says an interest group is "any organization which seeks to influence government policy without willing to accept the responsibility of public offices."<sup>17</sup> It may be noted here that Truman adds a precondition – of claiming upon any of the institutions of government, to be an interest group. Hunt views the interest groups as unwilling to accept the responsibility of public office. But Almond thinks that if any interest group remains latent, political parties may indirectly take them into their confidence. .

Bentley argues that all depends, either in despotism or in democracy or even in any other form of government on the given interests, their group relations and their methods of interaction. The interest groups create the government and work through it. The government, as activity, works for the groups. The government, from the viewpoint of group interest, may at times be their private tool. The government, from the viewpoint of others of the groups, seems at times their deadly enemy. But the process is all one, and the joint participation is always present. It, however, may be phrased in public opinion.<sup>18</sup>

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<sup>14</sup> David B. Truman, op. cit., p.33.

<sup>15</sup> David Truman, op.cit., p.37.

<sup>16</sup> Gabriel A. Almond, "A Comparative Study of Interest Groups and the Political Process", American Political Science Review, vol. 52, (1958), p.271.

<sup>17</sup> N.C.Hunt, "Pressure Groups in the U.S.A.," Occidents, 12 (1956), p.114.

<sup>18</sup> Bentley, op.cit.p.270.



### **Lobbying:**

The term “Lobbying” and its legal definition in the United States statute, lies in ‘The Federal Regulation of Lobbying Act,’ 1946. According to the Encyclopaedia of Social Sciences, the term ‘lobby’ is originated in American governmental experiences about 1830. Lobbying refers to representatives of interest groups wasted time in the lobbies off The Assembly halls of the American Congress and state legislatures, hoping to get a chance to speak to legislators and thereby attempt to influence their decisions.

All lobbying involves communications. It is the only way that influence can be transmitted. Lobbying is, in fact, the stimulation and transmission of communication by someone other than a citizen, acting on his own behalf. It is directed to a governmental decision-maker with the hope of influencing his decision. For this sort of activities, Finer in his book- ‘Anonymous Empire’ prefers the term ‘Lobby’<sup>19</sup>.

Lobbying may be addressed as a process rather than an organization. It is most helpful to think it as a communication process. With this process, lobbyists attempt to get governmental officials to accept the policy desires of lobbying clients. Lobbying, then, is one of the methods or means of representation those individuals and groups might utilize. The Federal Regulation of Lobbying Act,’ 1946 leads many persons to believe that lobbying applies only to legislative decisions. But lobbying occurs not only with legislators but also with executive branch officials, and even to certain extent with judicial officials.

Groups can be of various types. These can be social classes in the Marxist sense of the term- such as the bourgeoisie, the middle class, land lords, industrial workers, the rural proletariat and the like. On the other hand, organizations like the army, bureaucracy, legislators, political executives; corporate groups, professional groups- factions and cliques within these organizations can also form groups claiming shares of political power. In addition, groups can be based on language, culture, ethnicity, and geographic

region.<sup>20</sup> Maniruzzaman observes the modern looking associational groups like trade union, business association, student organization, professional bodies (lawyers, engineers, physicians, and teachers) are built on regional, ethnic and cultural lines<sup>21</sup>.

In the developing areas, the western educated elite from upper economic classes, generally mobilize their respective cultural regional groups to defend their claims for effective roles in the decision making process. It is conflict among the group of elites, drawing support from horizontal, communal and territorial cleavages rather than from vertical class divisions, that provides the main dynamic of politics in the new states.

### **Politics: System of Influence Relations**

Politics, as Lasswell and many others have suggested, is concerned with struggles for sharing of scarce values available within the state. Groups are the basic contenders in the competition for scarce resources.<sup>22</sup> David Easton<sup>23</sup>, in this context, offers an explanation of three components- 'political system', 'values allocation' and 'authority'. Easton views, (a), The political system allocates values against the demands of input by means of policies. It (output) goes to action on the basis of support of input. (b), Its mode of allocations is exclusively authoritative. (c), Its authoritative allocations are binding for members of the society as a whole. He points out that a policy is clearly authoritative when the feeling prevails as it must or ought to be obeyed; and that policies, whether formal or effective, are accepted as binding.<sup>24</sup>

The emergence of pressure groups in the political system causes the unequal distribution of resources for the members of society. Let us look into the concept, "political system"

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<sup>19</sup> S.E.Finer, Anonymous Empire, Pall Mall, 2<sup>nd</sup> ed., 1966. P.3.

<sup>20</sup> Myron Weiner, The Politics Scarcity: Public Pressure and Political Response in India, (Chicago: The University of Chicago Press, 1962), p.

<sup>21</sup> Talukder Maniruzzaman, Group Interests and Political Changes: Studies in Pakistan and Bangladesh, (New Delhi: 1982),p.

<sup>22</sup> Harold D. Lasswell , Politics Who Gets What, When How. (New York: Meridian Books,1958); Talukder Maniruzzaman, Group Interests and Political Changes: Studies of Pakistan and Bangladesh, (New Delhi: South Asian Publishers, 1982), p.1-3.

<sup>23</sup> David Easton, The Political System: An Inquiry into the state of Political Science (New York: 1953), p.130.

<sup>24</sup> *Ibid.*, p. 133.

firstly. G.A.Almond, for the first time in the study of Comparative Political systems, suggests this conceptual framework introducing new vocabulary<sup>25</sup>. He observes the “political system” is a system of action. What does it mean? It means that we students of political systems are concerned with empirically observable behaviour. We are, however, concerned with norms or institutions in so far as they affect behaviour. Emphasizing “action” merely means that the description of a political system can never be satisfied by a simple description of its legal or ethical norms. In other words, political institutions or persons performing political roles are viewed in terms of what it is that they do, why they do it, and how what they do is related to and affects what others do. The term “system<sup>26</sup>” satisfies the need for an inclusive concept, which covered all of the patterned actions relevant to the making of political decisions. Most political scientists use the term “political process” for these purposes. The difficulty with the term ‘process’ is that it means any patterning of action through time. In contrast to process, the concept of “system” implies a totality of relevant units, interdependence between the interactions of units, and certain stability in the interaction of these units.

The unit of the political system is the “role”. The role according to Parsons and Shils, “ is that organized sector of an actor’s orientation which constitutes and defines his participations in an interactive process”<sup>27</sup> It involves a set of complementary expectations concerning his own actions and those of others with whom he interacts. Thus a political system may be defined as a set of interacting roles, or as a structure of roles, if we understand by a “structure” a patterning of interactions. The advantage of the concept of role as compared with such terms as “institutions”, “organizations” or “groups”, is that it is more inclusive and more open concept. In this work, we refer the the term “pressure group” can include formal offices, informal offices, electorates as well as persisting groupings, and the like, in so far as they enter into and affect the political system.

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<sup>25</sup> G. A. Almond, “Comparative Political Systems” *The Journal of Politics*, Vol.18, No.3 August 1956,pp. 391-397.; G.A.Almond, *The Politics of the Developing Areas*, (Princeton: Princeton University press, 1960),pp. 2-33.

<sup>26</sup> David Easton, *The Political System: An Inquiry into the state of Political Science*, (New York: Alfred Knopf,1953), p.87.



The concept of system implies that these roles are interdependent and that a significant change in any one role affects changes in the others, and thereby changes the system as a whole. Almond describes, “ Thus the emergence of pressure groups produced certain changes in the party system and in the administrative and legislative process. The rapid expansion of executive bureaucracy was one of the factors that triggered of development of legislative bureaucracy and pressure group bureaucracy. Changes in the role of political communication have transformed the electoral process, the behavior of parties, the legislative, and the executive. The concept of system and of interdependence leads us to look for these changes when any specific role changes significantly<sup>28</sup> .

Harry Eckstein<sup>29</sup> delineates politics is the decision making process by which social values are authoritatively allocated. This is done by decisions. The decisions are produced by activities. Each activity is not something separate from every other. But masses of activity have common tendencies in regard to decisions. These masses of activity are groups. So the struggle between groups or interests determines what decisions are taken. Talcott Parsons in his work, ‘Economy and Society’ draws four such subsystems: “adaptive”, “goal-attainment”, “integrative” and “latency”. The ‘adaptive’ sub-system is that through which the society’s resources are allocated. The goal attainment subsystem is that through which the societies shared goals are put into practice.

Following Bentley, the recent political scientists like David Truman, *Governmental Process*, (1951); Earl Latham, “The Group Basis of Politics: Notes for a Theory”(1952); W.J.M. Mackenzie, “Pressure Groups in British Government”(1955); G.A. Almond, “A Comparative Study of interest Groups and the Political Process: Research Note”(1958); Oliver Garceau, “Interest Group Theory in Political Research”(1958); The H.D, Lasswell, *Politics: Who Gets What, When, How*, (1958); G.A, Almond, *The Politics of the Developing Areas*, (1960); Myron Weiner, *The Politics of Scarcity: Public Pressure and Political Response in India*, (1960); Joseph LaPalombara, “The Utility and Limitations of

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<sup>27</sup> Talcott Parsons and Edward A. Shils, (eds.), *Toward a General Theory of Action*, (Cambridge: Harvard University Press, 1951), p.23.

<sup>28</sup> G.A. Almond, *op. cit.*, pp. 395.

Interest Group theory in Non-American Field Situations”(1960); V.O.Key, Politics, Parties and Pressure Groups,(1964); S.E.Finer, Anonymous Empire,(1966); Richard Kimber, Pressure Groups in Britain, (1974); T. Maniruzzaman, Group Interests and Political Changes: Studies of Pakistan and Bangladesh,(1982); Stanley A Kochanek, Patron-Client Politics and Business in Bangladesh,(1993); “The Rise of Interest Politics in Bangladesh”(1996); and others have tried to explain the governmental process as the interactions of contending groups.<sup>30</sup>

### **Pressure groups and Public policies**

The classic formulation of the theory came in Latham’s words: “The legislature referees the group struggle, ratifies the victories of successful coalition, and records the terms of surrenders, compromises, and conquests in the form of statutes. Every statute tends to represent compromise because the very process of accommodating conflicts of group interest is one of deliberation and consent...Public policy is actually the equilibrium reached in the group struggle at any given moment, and it represents a balance which the contending factions of groups constantly strive to weigh in their favor.”<sup>31</sup> Oliver Garceau says, case-studies of particular policy-formations show that “the interplay of forces pictured in these is strikingly more complex than that produced by studies focussed on the parallelogram of interest-pressures.”<sup>32</sup>

Marry E. Dillion defines pressure group as an approach. He explains, a Pressure group is a non-partisan organization of a segment of the people formed to exert influence upon the legislature, the executive or other governmental agency through public opinion for the enactment or the rejection of certain legislation, or for the adoption, modification, or

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<sup>29</sup> Harry Eckstein, “Group Theory and the Comparative Study of Pressure Groups” in Harry Eckstein and David E. Apter (eds.), Comparative Politics: A Reader (New York: The Free Press, 1963). p.391.

<sup>30 30</sup> D. B. Truman, The Governmental Process, (New York: Alfred A. Knopf, 1951); E. Latham, “The Group Basis of Politics, Notes for a Theory,” American Political Science Review, Vol.46, (1952), p. 376-397; G A. Almond, Rapporteur, “Research Note, A Comparative Study of Interest Groups and the Political Process,” American Political Science Review, Vol. 52, (1958), pp.270-282.

<sup>31</sup> Latham, op. cit., p. 390.

<sup>32</sup> Oliver Garceau, “Interest Group Theory in Political Research,” in Donald C Blaisdell ed., Unofficial Government: Pressure Groups and Lobbyies, The Annals of the American Academy of Political and social science, Vol. 319, 1958,p.107.

discontinuance of a public policy.<sup>33</sup> As the decisions or public policy made by governments hurt and help people; tax some people and not others; give subsidies to some and not others. So some group's support the government continues and others do not.

The classic formulation of the theory came in Latham's words as follows: '*The legislature referees the group struggle, ratifies the victories of successful coalition, and records the terms of surrenders, compromises and conquests in the form of statutes... Public policy is actually the equilibrium in the group struggle at any given moment and it represents the balance which the contending the factions of groups constantly strive to weigh in their favour*'.<sup>34</sup>

Earl Latham points out that interest groups can acquire direct political significance and they become political actors, when they actively try to influence the course of public policy<sup>35</sup>, when they work to put favorable statutes into law or attempt to persuade officeholders to exercise their authorities for the benefit of the group. Interest groups that are organized for action of this kind are thought of as *pressure groups*. It is these attributes that have direct political significance. The ordinary usage of other organized groups is not enough to displace, and "*pressure groups*"<sup>36</sup> they remain in action. Finer delineates that groups are pressure groups only intermittently. In the same way, the lobby is not always lobbying, nor an interest group always articulating interest.

The social Science Research Council's Committee on Comparative Politics, in its first research planning session at Stanford, California in 1957, decided to concentrate its main efforts on the study 'political groups' in various countries.<sup>37</sup> The discussions in the planning session led to the conclusion that Western and non-Western political systems have much in common. The particular group of scholars, among the participants, shared a

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<sup>33</sup> Mary E. Dillion, "Pressure Groups" *American Political Science Review*, No.36, 1942, p.472.

<sup>34</sup> E. Latham 'The Group Basis of Politics, Notes for a theory', *American Political Science Review*, vol. XLVI (1952), p. 390.

<sup>35</sup> Earl Latham, "Interest Groups in American Political System" in Stephen K. Bailey ed., *American Politics and Government*, (New York: Voice of America Lectures, 1965), p.161.

<sup>36</sup> W.J.M. Mackenzie,

<sup>37</sup> Gabriel A. Almond, "Research Note: A Comparative Study of Interest Groups and the Political Process" *American Political Science Review*, vol.52 (1958), p.270.



common approach and theory of politics. Almond, on the basis of this common outlook, formulates his "Functional Approach"<sup>38</sup>. The participants in the comparative study agreed that they were concerned with the functions of political choice. They also agreed with the ways in which these functions were performed in different societies.

"Every independent society makes political choices like broad policy decisions which are backed up by severe sanctions. In making and enforcing these political decisions all societies have some way of articulating and communicating political demands, aggregating these demands, translating them into choices of political personnel and public policy."<sup>39</sup> In studying pressure groups in politics we are primarily concerned with the structures, institutions and processes by means of which these functions are accomplished. In this context, recent writers on the politics of developing nations have suggested various models and approaches. It helps us comprehend better the many facets of severe group interaction in the emerging nations. In this work we would like to apply Almond's 'functional model' in general and Maniruzzaman's 'two dimensional model'<sup>40</sup> in particular for the systematic study of the pressure groups trends towards the pattern of interest articulation and their effective role in decision making process in Bangladesh politics.

### **Working Definition:**

As a working definition of pressure group, we can define that "*pressure group may be regarded as any group of collective people organized with identical interest which articulates interests and making claims upon the political process and exert pressure on the policy-makers of government to shape the public policies in favor of them and they do not put any candidate for election.*" It excludes political parties and other groups, whose objective is to take over

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<sup>38</sup> Ibid., p.281.

<sup>39</sup> Ibid.,

<sup>40</sup> Talukder Maniruzzaman, The Politics of Development: The Case of Pakistan 1947-1958, (Dhaka: Green Book House Limited, 1971), p. 11.

the government but pressure groups, want to influence the public policies and decisions of government and they do not seek to occupy the position of the authority.<sup>41</sup>

Elaborating the field of pressure groups, G.A. Almond argues “our course offerings have expanded to include the many areas outside of Western Europe- Asia, the Middle East, Africa and Latin America since late forties. Secondly, we can no longer view political crises in Anglo-American areas with detached curiosity or view countries such as Indochina and Indonesia as interesting pathologies. We are led to extend our discipline and intensify it simultaneously”<sup>42</sup>. It is argued here that we may distinguish at least four types of political systems, where the functions of interest articulation and aggregation performed by pressure groups in different ways. These systems are<sup>43</sup>:

- (1) **The Anglo-American:** Here the institutions carrying out the separate functions are sharply differentiated and each is bureaucratized. In other words, pressure groups articulate interests, which are aggregated by party organizations and presented as workable alternatives to the electorate.
- (2) **The Pre-Industrial Political System:** There is relatively low degree of structural differentiation. Where poor political communication and a consequent high degree of interest latency leads to competition for power within the framework of the traditional elite. Here traditional culture and tactics of westernization are most effective. It refers to the developing areas including India and Asian countries.
- (3) **The continental European:** It refers to France, Germany, and Italy. This system deals with a little bit different pattern of political culture characterized by uneven pattern of development. It does not include the Scandinavian and Low Countries. It combines some of the features of the Anglo-American area.

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<sup>41</sup> Jeremy J. Richardson, *Pressure Groups*. (London: Oxford University Press, 1993), p.1.; Talukder Maniruzzaman, *op.cit.*, p.16.

<sup>42</sup> Gabriel A. Almond, “Comparative Political Systems” *The Journal of Politics*, vol. 8, August 1956, No.3. P.390-409.

- (4) **Totalitarian political systems:** The totalitarian political culture gives the appearance of being homogeneous. Since there are no voluntary associations, and political communication is controlled from the centre.

### **The Structural Differentiation Model:**

The structural differentiation model, basically refers to the group interaction in the political system in terms of four separate conceptual components<sup>44</sup>:

- (1) **Values:** These are the most generalized ends or ultimate legitimating of purposeful behavior, which individual expects from the society. (e.g. democracy, free enterprise, etc.).
- (2) **Norms:** These are more specific regulatory principles, which are necessary to realize values. (I.e., the rules of elections specifying how democracy is to be attained).
- (3) **Mobilization for motivation:** It defines how individual action is mobilized to achieve the ends assigned by norms and values. (I.e., the various forms of private organizations).
- (4) **Situational facilities:** These are the means and actors utilize to attain their goals (i.e., tools, skills, awareness of their consequences of their action etc.).

In the literature of the study of comparative politics, Almond, first, introduces a new vocabulary<sup>45</sup>. These are – instead of ‘state’, ‘political system’; instead of ‘powers’, ‘functions’; instead of ‘offices’, ‘roles’; instead of ‘institutions’, ‘structures’; in place of ‘public opinion and citizenship training’, ‘political culture and political socialization’.

These vocabularies have become almost standard terms in the literature of the study of the politics of developing areas. Almond then categorizes the functions of the political system as: (A) **Input functions** - (!) Political socialization and recruitment; (2) Interest articulation; (3) Interest aggregation; (4) political communication;

(B) **Output functions** – (1) Rule-making (2) Rule-application (3) Rule-adjudication.

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<sup>43</sup> Ibid., p.393.

<sup>44</sup> Francis G Castles, Pressure Groups and Political culture: A Comparative Study, (New York: Humanities Press, 1967), p.13.



Almond, in the introductory chapter of his book, *The Politics of the Developing Areas*, has presented a 'functional model' for the study of politics<sup>46</sup>. Explaining the Political system and its functions, Almond develops his functional model. The citizens, in a developed polity, are inducted in the political system through the political socialization and recruitment process. In this way the citizens are endowed with a balanced orientation towards authority. These orientations and socialization processes help them form associational groups in large scale. In addition to, the individuals get ready for building nation-wide secular, pragmatic, and bargaining type of interest groups. Political parties articulate and aggregate interest of their members respectively. The inputs, in terms of political socialization, interest articulation and aggregation, are put into the governmental structure through an autonomous communication system. There is a sort of boundary maintenance between the subsystems on the input side as there is structural differentiation of rule making, rule application and rule adjudication on the output side of the political system.

Almond's scheme of categorization of the political functions is not beyond theoretical objections. Binder<sup>47</sup> raised the first question- on what grounds does Almond arrive at his functional categories. He points out the classifications of activity are derived neither logically nor empirically and so we can ask, 'why these, not others'? Of course, Almond is very much clear in his answer to this objection. He states that his functional categories have been derived from the observation of the political systems of Western democracies. As observation is the first step in the scientific inquiry, a model built on observation need not be set aside, if it serves inquisitive purposes.<sup>48</sup>

He observes, "the political system is that system of interactions to be found in all independent societies which performs the functions of integration and adaptation, by

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<sup>45</sup> Gabriel A. Almond has presented these vocabularies in the introduction chapter to his book. 'The Politics of the Developing Areas'

<sup>46</sup> Gabriel A. Almond and T.S. Coleman (eds.), The Politics of the Developing Areas, (Princeton: Princeton University Press, 1959), p. 3-64.

<sup>47</sup> L. Binder, Iran: Political Development in a changing Society, (Berkeley: University of California Press, 1962), p.10.

means of the employment of force or threat of employment, of more or less legitimate physical compulsion. The political system is the legitimate order maintaining and transforming system in the society"<sup>49</sup>.

Almond specifically applies this developmental construct when he discusses the interest articulation functions performed by various kinds of interest groups<sup>50</sup>. He categorizes four types of groups:

- (a) **Institutional interest groups,**
- (b) **Associational interest groups,**
- (c) **Non-associational interest groups, and**
- (d) **Anomic interest groups.**

(a) **Institutional interest groups:** Institutional interest articulation occurs within the particular organizations such as legislatures, political executives, armies, bureaucracies, political parties and the like. These organizations articulate their interest in two ways: **First**, They uphold the relative significance and national image of their organizations in the political system. **Second**, They mobilize their own interest as members of these organizations along with the articulation of institutional interest.

(b) **Associational interest groups:** These interest groups are specialized structures of interest articulation. Associational interest takes place within the organizations such as trade unions, organizations of businessmen or industrialists, ethnic associations, professional associations and civic groups. Their particular characteristics are explicit representation of the interests of particular groups. Their organizational base gives them an advantage over non-associational groups. In the developed societies, many associational interest groups have been the objects of many studies.

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<sup>48</sup> Talukder Maniruzzaman, op. cit., p 3.

<sup>49</sup> Almond, op.cit.,p

<sup>50</sup> G.A. Almond and James S. Coleman, *The politics of the developing Areas*, (Princeton: Princeton university Press, 1960), pp.33-35.; Almond and Powell, Jr. *Comparative Politics: A Developmental Approach*, (New Delhi: Amerind Publishing Co. Pvt. Ltd., 1966), pp.75-79.

**(c) Non-associational interest groups:** These interest groups refer to the kinship and lineage groups, regional, religious, status and class groups. They articulate interests informally, intermittently, through individual cliques, family and religious heads and the like. The distinguishing characteristic of non-associational interest articulation is often informal and intermittent.

**(d) Anomic interest groups:** These groups are more or less spontaneous penetration into the political system from the society such as riots, demonstrations, assassinations, violence and the like. The very characteristic is their relative structural and functional disability. These riots, demonstrations and violence may be deliberately organized and controlled in the political system.

Every political system has some way of articulating demands, interests, and claims for political action. The function of interest articulation, as we have mentioned above, is closely related to the political socialization and recruitment process and the pattern of concerned political culture. Interest articulation is particularly important because it marks the boundary between the society and the political system. If the groups within the society do not find open channels through which to express their interests and needs, these demands are likely to remain unsatisfied. The resultant dissatisfactions may erupt in violence or may require suppression by the elite. The manner of expression can serve either to intensify the conflict, or to reconcile and mitigate it through consensus.

#### **Nature of interest articulation and exerting pressure:**

The performance of the interest articulation function may be manifest or latent, specific or diffuse, general or particular, instrumental or affective in style. A Manifest interest articulation is an explicit formulation of a claim or demands. It is latent when it takes the form of behavioral trends or attitudes, which may be read and transmitted, into the political system. The demand or claim may be specific or diffuse. It is specific when it takes the form of a request for a particular piece of legislation or a subsidy; it is diffuse when it takes the form of general statement of dissatisfaction or preference. (For



example, “We need a change”, “government is failure”, and the like). Demands and claims may be general or particular. They are general when they are expressed in class or professional group terms. (I.e., “The rich ought to be taxed more”, “violence should be checked”), but it is particular, when they are expressed in individual or family terms (i.e., “I’ll cast my vote in favor of you, if you lower my taxes.”). Lastly, the articulation of interest may be instrumental or affective. It is instrumental when it takes the form of bargaining with consequences of reality (i.e., “if you do not vote for this bill, we’ll campaign against you in the next election”); it is affective when it takes the form of simple expression of gratitude, anger, disappointment, etc.

The implication of Almond’s scheme of classification of groups is that the process of political development consists in the development from anomic and non-associational groups towards associational groups.<sup>51</sup> When groups begin to achieve associational character and enter into the political conversion process with specific demands, it becomes easier for the political parties to effect compromises among contending groups. It enables the parties to be free of ideological rigidity and to take an aggregate character.

Myron Wiener’s study ‘The Politics of Scarcity’<sup>52</sup> provides the first full-length analysis of interest groups in a non-Western transitional political system. His empirical research on the activities of community associations includes trade unions, business associations, student organizations and anomic movements in India. It is the best work in the literature of interest group. He draws attention of the statesmen towards the development of a legitimate and stable democratic infrastructure in India. It is conditional on the development of a bargaining culture in the key roles of the political system played by the political parties, the bureaucracy and among the interest groups themselves. Such a culture does not develop willingly. It needs of exercises more and more. The scarcity of resources available to the statesmen inevitably acquires the idea that particularistic demands of whatever kind are denied legitimacy. As a consequence, interest groups

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<sup>51</sup> Talukder Maniruzzaman, *The Politics of Development: The Case of Pakistan 1947 – 1958*, (Dhaka: Green Book House Limited, 1971), and p. 3.

<sup>52</sup> Myron Wiener, *The Politics of Scarcity: Public Pressure and Political response in India*, (Chicago: The University of Chicago Press, 1968),

either become captives of government or alienated from the political system. So, a balance between output and input is inevitable for a viable political system.

Myron Weiner, in context of India, explains the main problem in the political process of developing areas. He observes that various groups in the developing nations are in a much weaker position than the governmental structures. A balance is very necessary between the two for the creation of a viable political system. The development of associational groups and large-scale organizations are the indicators of political development in the developing nations.<sup>53</sup> He observes that the basic units or actors in the political system are groups and that the political system is the resultant of process of group interaction.

V.O.Key observes the functions of pressure groups in the political system in a little bit different way. He argues that the striking feature of politics is to some extent. "Private associations", formed to influence public policy, supplement political parties. These organizations are, in the United States, commonly called pressure groups. These associations may perform a representative function by communicating the wishes of their members to public authorities. They bring pressure to bear upon the government or the government may consult the same groups.<sup>54</sup> They may even exercise forms of private authority, which differ little from governmental authority. At times the influence of the group on the actions of the formal government may be so potent that they in fact control the exercise of public authority. Key distinguishes pressure groups from political parties by arguing that 'pressure groups' promote their interests by attempting to influence government rather than by nominating candidates and seeking responsibility for the management of government.

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<sup>53</sup> Myron Wiener, The Politics of Scarcity: Public Pressure and Political Response in India, (Chicago: The University of Chicago Press, 1968).

<sup>54</sup> V.O.Key Jr., Politics, Parties and Pressure groups, (New York: Thomas Y. Crowell company, Inc, 1964), p. 11.



## Overview of issues:

From the foregoing analysis, we can generalize that not all interest groups are pressure groups. Although all interest groups may become pressure groups when the occasion arises. As for example, interest groups can acquire direct political significance when they become political actors, when they actively try to influence the course of public policy, when they work to put favorable statutes into law or attempt to persuade officeholders to exercise their authorities for the benefit of the group. Interest groups that are organized for action of this kind are thought of as pressure groups, and it has direct political significance.

This essence of the study of “pressure group” may be perceived only in its relations to other groups. It aims to shed some light to group’s bargaining and interaction happened with the decision makers on public policies. The term “interest”, which he puts forward, is a specific group interest in some definite course of conduct or mass activity. The uniformity, which affects the behavior of men in-groups, is the key to understand sharply what is involved when the term “group” is used. David Truman argues that the basic units or “actors” in the political process are groups and “group interaction”. V.O.Key conceives these groups as “private associations” formed to influence public policy. while S.E.Finer’s preference is for the term “lobby. G.A.Almond categorizes, through observation, four types of interest groups in different political system. David Knoke describes the present changes in interest group activities as an “advocacy explosion”<sup>55</sup>. Jeffery Berry prefers the phrase “lobbying explosion”<sup>56</sup> regarding the frequencies of pressure group activities. Mark A. Peterson found, “a dramatic transformation of the structure of interest representation” and Salisbury has brought about “transformation in the way much public policy is made”<sup>57</sup>. Talukder Maniruzzaman observes the tendency in forming the associational interest groups from non-associational interest groups in Bangladesh and Pakistan. He termed it as developmental trend. Stanley A. Kochanek addressed the activities of associational groups as the rise of interest politics in Bangladesh.

<sup>55</sup> David Knoke, Associations and Interest Groups, (New York: 1986) p. 15.

<sup>56</sup> Jeffery Berry, Remaking American Politics, (Washington: 1989), p. 239.

We can assume that the different associational interest groups increasingly emerged in Bangladesh politics. The business group gradually increases their number in the parliament. In 2001, businessmen won about 58 percent seats of the Members of the Parliament in Bangladesh. The associational performance of that group is very strong and united. One rich businessman can invest his resources in two ways. Either he can invest money in political game in terms of gaining nomination from the party in power or succeed in business through planned investment. It depends on the functional input activities in terms of earlier socialization and motivation prevailing in the society. Besides, the role of the group of civil servants, lawyers, trade unions, NGOs may be examined in alignment with the shaping of public policies in Bangladesh.

### **Determinants of Pressure Groups:**

Harry Eckstein<sup>58</sup>, analyzing the British Medical Association, categorizes the determinants of pressure group activities under the following headings:

- (1) ***The Form of their activities:*** Various factors influence the channels of pressure group activity. For example, governmental structure, function, and values of the political system in so far it is favorable or inimical to pressure group activity.
- (2) ***Their Intensity and Scope:*** Intensity refers to the enthusiasm with which an objective is pursued as well as to the group's persistence. Scope denotes the 'number and variety of groups engaged in politics'. The determining factors are here such characteristics as the social legitimization of group activity and the group's specific aim. The political structure is, to some extent, able to fulfil the demands of it.
- (3) ***Their effectiveness:*** The determinants of major importance here are a group's physical resources, its wealth, membership in relation to potential membership and its expertise. It refers to the pressures groups' ability –political skills, organizational cohesiveness, and prestige among the general public or governmental decision-makers.

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<sup>57</sup> Ibid.,

<sup>58</sup> Harry Eckstein and David E.Apter (eds.), *Comparative Politics: A Reader*, (New York: The Free press,1963), p.408-418.

### **How pressure Groups Operate:**

Pressure groups attempt to exert influence on every phase of the political process<sup>59</sup>. They endeavor to influence their own members and other groups. They particularly urge political parties to endorse favored policies and work for the selection of “friendly” officials so that they can secure favorable decisions from executive, legislature and judiciary. In different political systems, the functions of pressure groups are multifunctional. They serve as critical agents of social integration and participation and as channels of communication between the individual and the state. The emergence of pressure groups in the present country produced certain changes in the party system and in the administrative and legislative process. The rapid expansion of executive bureaucracy was one of the factors that triggered of the development of legislative bureaucracy and pressure group bureaucracy. Changes in Information and communication Technology (ICT) have transformed the electoral process, the characteristics of political parties, the legislatures and the executive. The concepts of system and of interdependence lead us to look for these changes when any specific role changes significantly.<sup>60</sup>

Let us examine where and how do pressure groups apply pressure? It depends on the aims and characteristics of the individual organization. An interest group may attempt to have access to the influential, influence its own membership, the electoral process, the legislative, executive and judicial branches of the government and the public opinion.

### **Access to the influentials:**

To be effective, an interest group must be able to reach key political decision-makers. It becomes often difficult for all groups to achieve affective access. “Access” is very critical

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<sup>59</sup> Henry A. Turner, “How pressure Groups Operate” in Donald C Blaisdell ed., *Unofficial Government: Pressure Groups and Lobbyies*, *The Annals*, The American Academy of Social and Political Science, No. CCCXIX, September, 1958, pp.63-71.

<sup>60</sup> *ibid.*.



and almost equated with influence. By the term “access” we emphasize here the “the door opening power”<sup>61</sup> of group leaders.

### **Influencing the Membership:**

There is a tendency, from the very beginning, among the interest group leaders to gain effective control over the members of the group. In some associations the office bearers (elective/selective officials) may enjoy near permanent tenure. In other associations the officials may be selected from a relatively small elite group. These officers and the paid bureaucracy in many instances literally run the organization. Hence, from the standpoint of origination of policy, they become the organization. In the real sense of the ‘pressure group’ terminology, the said office bearers, on behalf of the association, maintain all sorts of communications with public officials, seek active support of their allies and potentials.

### **Pressure groups and Political Parties:**

By definition, the pressure groups are non-partisan organizations. They, in fact, attempt to influence some phase of public policy. They hardly, themselves, draft the manifestos of political party or nominate candidates for public office. But pressure groups do, however, appear before the resolutions committees of the political parties to urge the endorsements of their programs in the party’s election manifestos. They often attempt to secure the endorsement of both major parties and thus remove their program from the arena of partisan controversy.

### **Pressure on the Legislators:**

The methods employed to influence legislative decisions are the most obvious actions of pressure groups. The major organized interest groups maintain permanent staffs of professional lobbyists, research personnel, press agents and secretaries around the legislators. A delegation of the pressure groups may be organized to attend committee

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<sup>61</sup> Henry W. Ehrmann (ed.), “American Interest Groups: A Survey of Research and Some Implications for Theory and Method” in *Interest Groups on four Continents*, (New York: university of Pittsburgh press, 1967), p.187.

hearings on the concerned bills. At crucial times, when a committee is considering a bill or when the measure has been debated in the parliament, pressure groups often have their members write, telegram or call on their favorable legislators. Some pressure groups attempt to flood the legislators with messages; while others concentrate on having communications sent by the principal supporters of each legislator.

### **Pressure groups in the executive branch:**

Pressures are applied on executive and administrative personnel who are in the position to render decisions or take action of interest to organized groups. After a bill has been passed by the legislature, it is sent the chief executive or president for final approval. Interest groups may inundate the chief executive with statements, letters, telegrams and representation. They may appeal to him personally to veto or sign the measure. They are very much aware of the importance of the chief executive's recommendations regarding legislative policies and budgetary matters. Organized interests urge the president to incorporate or omit the specific proposals from the legislative programs. They appeal in various forms to increase or decrease budgetary requests for particular administrative departments or agencies.

The tendency of the legislatures to grant administrative officials broad discretionary powers has caused pressure groups to be more interest than in the past in the selection of administrative personnel. Particularly, it is apparent to most groups that administrators may forcibly execute a statute or virtually nullifies it. For these reasons, it is not unlikely, of pressure organizations, to seek the appointment of their members or of individuals friendly to their group to administrative posts of particular interest to them.

### **Pressure Groups in the Judiciary:**

Although pressure groups relatively expend less energy and time attempting to influence the judicial branch of the government than either the executive or legislatures. They attempt to influence whether judges are elected or appointed; organized groups often participate in their selection. The pressure groups occasionally seek to advance the cause



of their members by initiating litigation to test the constitutionality of legislation or the action of public officials.

### **Pressure groups and public opinion:**

The most significant recent development in pressure group activity can be traced to the use of mass media of communication to win support for the concerned pressure association. The awareness is gradually increasing among the interest group leaders that public opinion is a basic entity, which must be taken into account. Through the proper utilization of mass media- propaganda, techniques and devices, public opinion may be tilted in favor of them. The development of information technology has brought the revolutionary changes in the field of communication. It makes virtually possible for millions of people to be reached daily communication via radio, television, newspapers and lastly Internet etc. Realizing the importance of public opinion, many interest groups- business associations, labor organizations, professional associations, institutional associations now employ 'Public Relation Officers' (Pros) on a full time basis. The PROs or consultants advise their highest officials of strategy groups on public relations and direct propaganda programs. V.O. Key views that an organization's public-relations program may increase the prestige of the group and its leaders.<sup>62</sup>

### **Public Policy:**

In the political system, the heart of government is public policy. Its lifeblood is the policy-making process. A public policy is a decision or a set of decisions. It establishes a purpose and creates a precedent of the governmental course of action. The decision itself is a conclusion drawn from a set of premises. The policy is, virtually, the outcome of actions of interested groups inside or outside of government. The interested groups may be legislative group, political party, administrative agency, and private interest group. However, policy almost never originates solely within the legislature. The political parties have largely ceased to be the centers of policy formulation. Administrative agencies and private interest groups have come to be the principal originators of policy.

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<sup>62</sup> V.O. Key, Jr., Politics, Parties and Pressure Groups, (New York: Thomas Y. Crowell press). P.

While, legislative groups along with the administrative and private groups are the major shapers of public policy. Public policy is, virtually the resultant or by-product of interactions among the different pressure groups in the political system<sup>63</sup>.

### **Political Culture:**

The role of pressure groups in shaping public policy in favor of them, depends upon the cultural setting within which they operate and the nature of the policy making process. Political culture means the sum total of the orientations including beliefs, values, norms, and attitudes affecting political behavior of the individuals in any political system. Political socialization and recruitment process is the mechanism through which individuals acquire these orientations. Almond and Verba categorize three types of political culture—Parochial, subject and participant.<sup>64</sup> The important cultural elements which condition the political activity of pressure groups suggest the following features: the history of people, the nature of the educational system, the influence of religion, the media of communications, nature of the economy, the constitutional separation and distribution of powers of government, the electoral system, the party system, the nature of the civil service – its organization and control- and the level of efficiency in the management of government.

### **Techniques of Pressure groups activities:**

**Electioneering:** Pressure group strives, for influencing the governmental policies, to facilitate the nomination of their confidential candidate in the election of legislature or appointment to the executive. Pressure group does not participate in the election independently. But it could draw the attention of the leader of the political party and pursue him in favor of their interest. They could not only pursue the political leaders but also participate in propagandizing of the election.

**Other important techniques are-** deputation to the government, Sending of memorandum, strike, cease work, pen down strike, wearing black badge, protest rally,

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<sup>63</sup> Mancur Olson, *The Logic of Collective Action*, (Cambridge Mass: Harvard University Press, 1965), p.43.

<sup>64</sup> G.A.Almond and Sidney Verba, *The civic Culture*, (Princeton: Princeton University Press, 1963), pp.17-21.

road blockade, gherao, mass communication, inviting key personnel of the government as chief guest and special guest to the annual conference and placing demands before them in the form of memorandum.

### **Pressure Groups in Bangladesh Politics:**

The rise of interest groups in Bangladesh Politics is increasingly diversified. They articulate their group interest and place them before the government. They also exert pressure upon government to bring the public policy in favour of them or resist the policies, which are against their interest. The interaction between the following interest groups and some public policies would be examined in this paper.

- (a) **A group of civil servants:** The Administrative and Services Reorganization Committee (ASRC) headed by Dr. Muzaffar Ahmed Chowdhury recommended that the posts from grade III to grade I should be addressed Senior Policy and Management posts in 1974. The officials of outstanding managerial abilities with high level of technical expertise in relevant fields should be promoted to these posts. In addition, a high-powered body chaired by a judge of the Appellate Division of the Supreme Court should be formed to implement the recommendations of the committee.

But a group of CSP officers led by Shafiul Azam and Momen Khan did not show any interest to execute this report. On the other hand, they put associational stand so that the report might not be public. In consequence, the political leadership instead of implementing the recommendations of the ASRC shelved the report and barred it from public circulation. In this way the Senior Service Pool (SSP) was not materialized due to unavoidable resistance exerted by the then CSP association. In 1989 the Ershad government had to nullify the SSP under the pressure of BCS (admin.) cadre association.

- (b) **A Group of Army Personnel:** The allocation of defence budget had been decreased to 13 percent in the last budget of Bangabandhu Sheikh Mujib in 1974-75. Later President Ziaur Rahman increased it to nearly 32 percent in 1975-76. From the beginning the Bangladesh suffered from the strains of two groups-



“Participants” and “repatriates”. Major General Ershad the then Chief of Staff, in a press conference, demanded the constitutional role of the military in Bangladesh in 1982. Ershad thus mounted strains on President Sattar to incorporate the role of army in the constitution. President Sattar initially rejected this demand and had said that the primary role of the army would be to defend the frontiers of the country. So they would stay in barracks without any sort of political role.

But in a certain stage President Sattar had 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 of staff was extended from three to four years and allowances of the members of the armed forces were substantially augmented. Finally, President Sattar was to set up the National Security Council (NSC) comprising President, vice-President, Prime Minister and three services chiefs as member of the council.

- (c) **The Group of Lawyers:** Bar associations led by Bangladesh Supreme Court Bar Association was against the decentralization policy of Judiciary made by the Martial Law Proclamation No. 11 of 1982. Accordingly six benches of the High Court division were set up at Rangpur, Jessore, Comilla, Chittagong, Sylhet and Barisal. The judges of the Supreme Court held offices at the pleasure of the CMLA. This had never happened before. In June 1988 Ershad government amended a part of the constitution by the Eighth Amendment Act.

Lawyers opposed and protested against decentralization process of judiciary and started movement. Their movement continued. The lawyers led by Dr. Kamal Hussain and Barrister Ishtiaq Hussain challenged the constitutionality of the Eighth Amendment Act. The Lawyers headed by the Bangladesh Supreme Court Bar Association mounted severe movement against this amendment. Lawyers' movement inside and outside the court drew more attention of the honourable judges than the reasons and counter reasons placed by the lawyers to the court. In September 1989, the Appellate Division declared the amending provisions permanently breaking up the High Court division of the Supreme Court *ultravires*



and invalid. In this way the associational interest group like the lawyers stood by their interest.

- (d) **The Business group:** The influential businessmen lead the interest groups in Bangladesh politics. The percentage of lawyers in the national Parliament has gradually declined from 26 percent in 1973, 23 percent in 1979, 19 percent in 1991, 15 percent in 1996 and only 12 percent in 2001. On the other hand, the percentage of businessmen and industrialists has continuously increased from 24 percent in 1973, 28 percent in 1979, 53 percent in 1991, 56 percent in 1996 and 58 percent in 2001.
- (e) **The Group Of NGOs:** The Drugs (Control) Ordinance 1982 categorically banned 1700 drug products in Bangladesh. This policy was formulated by a group of physicians led by Major General Shamsul Haq, Ershad's Chief Advisor on Health. The other members of this group were national professor Dr. Nurul Islam, Dr. Zafrullah Chowdhury of Gonoshasthya Kendra and Dr. A.K.Humayun Hye, the chairman of the Drug control committee. This policy guaranteed the availability of modern drugs at cheap prices for the poor. The major supporters were the local and International NGOs, health activists and smaller local companies.

But the doctors, the chemists and multinational industries mounted pressure upon government through their respective country's ambassadors to appoint a special review committee. Ultimately a special review committee was formed but its recommendations were not made public. Ershad stood firm despite those pressures. The foreign multinationals estimated that the new drug policy would reduce their sales in Bangladesh from 20 to 60 percent. On the other hand, the local pharmaceuticals in Bangladesh increased from US \$70 million in 1982 to US \$142 million in 1988. In addition, the activities of trade union and tribal group in Bangladesh politics to be examined in this study.

Comparisons of professions of Legislators Elected in 1954, 1970, 1973, 1979, 1991, 1996 and 2001 in the Jatiya Sangsad of Bangladesh.

Table -1

Occupation	1954		1970		1973		1979		1991		1996		2001	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Lawyers	116	55	79	29	75	26	78	23	56	19	47	15	24	12
Businessmen & Industrialists	11	4	72	27	67	24	91	28	160	53	152	48	118	58
Former army officers now businessmen	-	-	-	-	-	-	-	-	17	6	18	6	2	1
Land lords	56	19	12	5	50	18	40	12	12	4	22	7	1	
Retired Civil servants	-	-	7	3	2	1	-	-	6	2	6	2	5	2
Doctors	12	4	20	7	15	5	13	4	8	3	15	5	10	5
Teachers	16	5	25	9	28	10	20	6	28	9	12	4	21	10
Religious leaders	21	7	-	-	-	-	-	-	-	-	-	-	-	-
Journalists	11	4	-	-	-	-	Eng-5, Jn-4, CA-3, Tu-6		6	2	6	2	3	1
Politicians	-	-	14	5	35	12	-	-	6	2	8	3	7	3
House-wives	-	-	-	-	-	-	19	6	-	-	17	5	-	-
Others	7	2	5	2	11	4	40	12	1	1	30	9	14	7
total	250	100	268	100	283	100	327	100	300	101	318	100	205	99

Source: Talukder Maniruzzaman, "The Fall of Military Dictator: 1991 Elections and the Prospect of Civilian Rule in Bangladesh", *Pacific Affairs*, Vol.65 No.2 (Summer 1992), p. 215; Rounaq Jahan, *Bangladesh Politics: Problems and Issues*, (Dhaka: UPL, 1980), p. 99 and 148; \* For 1996 and 2001 Some confidential documents have been consulted in the JS library. Total percentage exceeds or declines 100 because of rounding.

What do the members of the parliament represent in Bangladesh? What sort of interest group or associational interest emerges in Bangladesh politics? Table 1 helps us answer to this question. If we closely look at the Table 1 find that the business and industrial groups are the dominant social forces among the members of the Jatiya Sangsad constituting 48 percent of the total in 1996 election. It gives us a comparison of occupations for the legislators elected in 1954, 1970, 1973, 1979, 1991, 1996 and 2001. In Table 1, the percentage of lawyers has continuously declined from 55 percent in 1954 to 29 percent in 1970. This declined trend of percentage of lawyers in the Jatiya Sangsad

in independent Bangladesh continues from 26 percent in 1973, 23 percent in 1979, 19 percent in 1991 15 percent in 1996 and to only 12 percent in 2001. On the other hand, the percentage of businessmen and industrialists has increased from 4 percent in 1954 to 48 percent in 1996 and 58 percent in 2001.

Talukder Maniruzzaman shows that the Percentage of rising business group in legislature is 53 in 1991. This trend would be increased to 59 percent in 1991, if we include the number of former army officers now businessmen and industrialists. The same tendency also dominates in the election in 1996-<sup>65</sup>. Thus, the business group represents (48% + 6% former army officers now businessmen and industrialists emerged as legislators) 54 percent of legislators in the Jatiya Sangsad in 1996 and 58 percent in 2001.

#### Comparison of Education for Legislators of 1973, 1991, 1996 and 2001

**Table 2**

Level of Education	Legislators 1973		Legislators 1991		Legislators 1996		Legislators 2001	
	No.	%	No.	%	No.	%	No.	%
Post-graduate	78	28	114	38	128	40	92	38
Graduate	128	45	139	46	144	45	122	50
Below Graduate	75	27	47	16	46	15	30	12
total	281	100	300	100	318	100	244	100

Source: Data for 1973 and 1991 see Talukder Maniruzzaman, "Bangladesh: The Fall of the Military Dictator", *Pacific Affairs*, Vol. 65, No.2 (Summer 1992), p, 220; Data for 1996 see Aminur Rashid, *Pramannya Sangsad* (Documentary Sangsad), unpublished, 1997. For 2001 see Submitted bio-data of MPs available in the JS library (LIC confidential).

Table 2 shows, while 28 percent of legislators of 1973 had post-graduate education the figure is larger 38 percent of legislators of 1991. But the figure is the largest 40 percent of legislators have post graduation education of 1996 in all the previous elections. Table 2 further delineates that while 73 percent of legislators had graduate and post-graduate education in 1973, that figure is 84 percent in 1991 and it increases to 85 percent in 1996.

<sup>65</sup> *Life Sketches* of the Members of Jatiya Sangsad, published by Jatiya Sangsad, March 1981. (Introductory chapter); For the source of data for 1996 legislators see Aminur Rashid, *Pramannya Sangsad* (Documentary Sangsad), unpublished, 1997.



But the number of MPs obtaining graduate and post-graduate degrees is 214 or 88 percent in 2001.

Table 3

Comparison of Age for Legislators elected in 1973, 1991, 1996 and 2001

Age	1973		1991		1996		2001	
	No.	%	No.	%	No.	%	No.	%
56 and above	13	5	62	21	92	21	138	48
46 – 55	61	21	101	34	144	45	91	32
36 – 45	112	40	113	38	68	21	53	19
31 – 35	63	23	20	7	14	4	04	1
25 – 30	31	11	4	1	-	-	-	-
Total	280	100	300	100	318	100	286	100

Source: Talukder Maniruzzaman, "Bangladesh: The Fall of Military Dictator", Pacific Affairs, Vol. 65. No.2 (Summer 1992), P. 221; Data for legislators elected in 1996 see Aminur Rashid, Pramannya Sangsad (Documentary Sangsad), Unpublished, 1997. For 2001 see the submitted bio-data of MPs to the JS library (LIC confidential).

Table 3 shows the age of members of the Jatiya Sangsad elected in 1973, 1991, 1996 and 2001. The vast majority of the legislators in the Jatiya Sangsad of 1973 belonged to the age group 45 and below. This generation that launched successive movements against the central government of Pakistan in the late 1960s fought and won the independence of Bangladesh in 1971. They thought that permanent political power belonged to them or the supreme leader, Sheikh Mujibur Rahman. They were thus arrogant regarding their opponents and did not care much for developing political institutions.<sup>66</sup>

### Justification of the study:

There is no study on pressure groups in Bangladesh Politics. The works, which available are mainly based on traditional and institutional approaches. In this study on 'pressure groups in Bangladesh politics', we shall try to break new ground satisfying some unanswered questions. We are mainly concern with the following questions:—

(1), Why should lawyers association absolutely move for the separation of judiciary from the executive in Bangladesh Politics? Why should they remain silent on the administrative and judicial decentralization policy in Bangladesh politics?

<sup>66</sup> U.A.B. Razia Akter Banu, "The Fall of Sheikh Mujib Regime – An analysis," The Indian Political Science Review, vol. 15, no. 1 (January 1981), p. 6.s



(2). Why should the associational interests groups give up strikes and street demonstrations, when national independence did not bring any change in their profession and accommodate them in the decision making process?

(4). Why should the petty officials and professionals groups work hard and be honest when their wages did not give them subsistence living, and what is more important, when they found that the top officials, who were twenty times better paid, were corrupt?

### **Specific objectives:**

- (1) To identify some important public policies how they have been shaped in the face of pressure exerted by pressure groups in Bangladesh politics.
- (2) To examine the role of bar associations how they shape the public policy;
- (3) To explore the role of businessmen and other pressure groups how they guide the public policies;
- (4) To detect the role of institutional interest groups in the policy-making process in Bangladesh;
- (5) To focus the bureaucratic pressures against the administrative reforms policy in Bangladesh.

### **Hypothesis:**

This work is designed to examine the interactions of different pressure groups and how they exert pressure on policy-makers and shape the policies and decisions in favor of them. Also, how the government responds and tilts in favor of pertinent pressure groups in Bangladesh Politics. It may be examined in alignment with the following propositions.

Myron Weiner concludes that the gap between government policies and decisions and the many demands of organized groups is so great that the danger is ever present that neither democratic institutions nor effective government policy will survive.<sup>67</sup> Talukder Maniruzzaman views that a general trend prevails among groups to take associational forms,<sup>68</sup> in Bangladesh politics, which is the syndrome of political development. Ziring

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<sup>67</sup> Myron Weiner, *op. cit.*, p. xviii – xix.

<sup>68</sup> Talukder Maniruzzaman, Group interests and political changes: Studies in Pakistan and Bangladesh, (1982), p. 43.

points out that the politics in Bangladesh from the very beginning revolves around the personalities, not ideas or political institutions.<sup>69</sup> Arthur F Bentley concludes, “The balance of group pressures is the existing state of society”.<sup>70</sup> Earl Latham points out “Public policy is actually the equilibrium reached in the group struggle at any given moment, and it represents a balance which the contending factions of groups constantly strive to weigh in their favour.”<sup>71</sup>

The foregoing hypothesis drawn by different scholars may be tested in this study. Here we would like to concentrate our attention among the professional associations like-lawyers, Business, civil servants, NGOs and trade union, associations with special emphasis to Lawyers, civil servants and business group in Bangladesh politics.

### **Methodology and source materials:**

Taking a broader structural functional and group approach to the concept of pressure group’ we shall present this thesis on Pressure Groups in Bangladesh Politics. We shall collect necessary data from both the primary and secondary sources. Existing literature in terms of published materials will be reviewed. Besides this, we shall conduct interview of leading personalities of concerned pressure groups in Bangladesh politics.

### **The Scheme of the study**

The process of exerting strains and stresses upon the governmental system by different pressure groups in the political process is continuous efforts everywhere. But there is hardly any study on the pressure groups in Bangladesh Politics. The works that available are mainly based on traditional, historical and legal-formal approaches. The interest groups in Bangladesh politics articulate interests of their group members in the form of association and exert increasingly diversified pressure on government. This strains and stresses gradually enlarged on the policy-makers in Bangladesh. So in this thesis, we shall try to break a new ground emphasizing the interactions that happened between the

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<sup>69</sup> Lawrence Ziring, *Bangladesh from Ershad to Mujib: An Interpretive Study*, (UPL, Dhaka, 1992), p.216.

<sup>70</sup> Arthur F Bentley, *The Process of Government: A Study of Social Pressures*,(New York: The Principia Press,1949),pp.258-259.

pressure groups and the policy-makers of the government. Bargaining culture of the private associations' play a key role in the political process and it does not develop in a short time. It needs of exercises more and more. V.O.Key points out the striking feature of politics is the strength of "private associations"<sup>72</sup> to influence public policy in different forms. Thus, my primary interest in the present works is the study of pressure groups in Bangladesh politics through highlighting the conceptual framework in the beginning. In addition, in this thesis I attempt to shed some light on the public policies, which had to change or nullify in the face of pressure and stresses exerted by different pressure groups in different periods in Bangladesh Politics. The rest of this dissertation is therefore divided into nine chapters.

(1) **In chapter two**, I shall examine the questions: Why should the group of civil servants resist any administrative reforms measures in Bangladesh Politics? Why are the recommendations of most of the reports, on public administration reforms, neither implemented nor made public in Bangladesh? Why the government had to repeal the Senior Service pool (SSP) in 1989? Why should the government make delay to separate Judiciary from the Executive while main political parties are committed to the people for this? Why should the government not enact Ombudsman act, which was passed by the Parliament in 1980? Why should the government not re-institute the upazila system or decentralize administration in Bangladesh Politics? In addition, I shall try to highlight in this study the institutional strength and organizational set up of the Bangladesh civil service (Administration) association.

(2) **In chapter three**, The business groups widely emerge in Bangladesh Politics. This group is now dominant in the Parliament and their strength gradually increasing. I shall look for answers to questions: ? Why should the political parties prepare businessmen more than other groups for nomination in the election? Why should government frequently change its decisions and commerce policies with the approaches of business associations? Why should the government often tilt in favor of some groups than other

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<sup>71</sup> Earl Latham, "The Group Basis of Politics: Notes for a Theory" in American Political Science Review, Vol.46, No.2, June, 1952, p.390.

<sup>72</sup> V.O.Key op.cit.,



groups? Why is Bangladesh Politics being addressed as the rise of interest groups? Besides, I shall attempt to focus well-reputed federation, chambers and industries Like, FBCCI, DCCI and MCCI.

(3) **In chapter four**, From the beginning of independent Bangladesh, the army plays a decisive role in Bangladesh politics. In this chapter, I shall examine the questions: Why should the group of army insist the constitutional role in Bangladesh politics? Why should the government, of the poor country like Bangladesh, specially deal with the allocation of defence budget than others in Bangladesh Politics? Why should the government incline to the approach of the group of army in Bangladesh? How do the group of army exert strains upon the political system in Bangladesh? Also, the specific measures taken by the group of army in the mid seventies and early eighties in Bangladesh politics to be specially dealt with.

(4) **In chapter five**, I shall deal with the nature of constraints exerted by the lawyers group and how the Bangladesh Supreme Court Bar Association (BSCBA) manage the government to stop the process of judicial decentralization in the late eighties. Questions may be examined Why should lawyers association absolutely move for the separation of judiciary from the executive in Bangladesh Politics? Why should they remain silent on the administrative and judicial decentralization policy in Bangladesh politics? Why should the government not implement the changing form of the Article 100 of the constitution of Bangladesh encoded in the eighth amendment to the constitution? In addition, I shall focus the genesis of the formation of lawyers' associational group interest led by Bangladesh Supreme Court Bar Association in Bangladesh Politics.

(5) **In chapter six**, I shall explain newly emerging pressure groups like NGOs addressing the questions: Why and how do some NGOs mobilize people into group to fight for poverty alleviation at the grass root level in Bangladesh while governmental agencies fail to do so? Why could not governmental agencies bring the people into confidence while Voluntary associations do it easily? Why do government gradually share the development activities with the NGOs? Why and how should the Association of Development



Agencies in Bangladesh (ADAB) manage the government agree to provide loans to the rural poor, through the Palli Karma Sahayak Foundation (PKSF) just on 2% interest only in Bangladesh Politics? How do the members of Government-non-government Consultative Council (GNCC) interact with each other and exert pressure on the government? As well, I shall analyze the drug ordinance policy 1982 along with interactions of some donor countries.

(6) **In chapter seven**, I shall specially show the close interactions between different trade union groups and owners of the industries. Along with this, the very pertinent questions to be examined: Why should trade unions give up strikes and lockouts when the ruling elites, after independence, failed to improve the labor's work conditions?

(7) **In chapter eight**, I shall discuss the strains of tribal group in related with questions: Why do some countries succeed in living together with tribals peacefully while others fail to do so? How did the tribal groups exert strains upon the government since the inception of Bangladesh? Why and how should the government sign the Peace Agreement, in December 1977, which curbs the fundamental rights of the citizens, with the tribal group of Chittagong Hill Tracts? What sort of strategies and policies has the government initiated or changed in the face of strains and stresses of the tribal group in Bangladesh politics? Specially, I shall delineate the Peace Agreement signed on December 1997 between the government of Bangladesh and Shanti Bahini of CHT.

(8) **In chapter nine**, I shall summarize the interactions of noted pressure groups analyzed in different chapters as the findings of this research work. And some annexures will be prepared highlighting public policies resisted or shaped by different pressure groups in Bangladesh politics. I shall prepare a selected bibliography on the literature of Pressure groups in politics in chapter ten.

In fine, we can assume that the scheme of the present study on Pressure groups in Bangladesh Politics will significantly contribute to the existing body of literature on pressure groups in Bangladesh politics.

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## **CHAPTER TWO**

# **Lawyers as Pressure Group in Bangladesh Politics**

## CHAPTER TWO

### Lawyers as Pressure Group in Bangladesh Politics

The group of Lawyers is highly professional and organized pressure group<sup>1</sup> in politics. This group consists of 25000 advocates enrolled by Bangladesh Bar Council. They are professionally trained and engaged in independent legal profession in the judicial process of Bangladesh. They articulate associational interests and often exert pressure on government to shape the public policies in Bangladesh politics. This pressure group belongs to the urban-based middle class professionals. The group of lawyers has increasingly been dominating the political process of Bangladesh since 1970s. They apparently have been accountable to no one but themselves.<sup>2</sup> Almond points out that the lawyers' organizational base gives them an advantage over non-associational interest groups. They may effectively limit the influence of other non-associational and institutional groups.<sup>3</sup> The techniques and goals adopted by the association of lawyers are often recognized as legitimate in the society.

Professionalism is one of the most important components of an ideal legal system. Max Weber identified three major bases of political legitimacy- **legality, formally correct rules** and **accepted procedure**.<sup>4</sup> In Weber's analysis all of these common bases are closely linked with the objectives and norms of legal professionalism. Weber, in fact, demonstrates that *legal systems were shaped by such factors as the internal characteristics of the legal*

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<sup>1</sup> See, for example, V.O. Key, Jr.: *Politics, Parties and Pressure Groups*, (New York: Thomas Y. Crowell Company, 1964), p.17. Key refers the term "pressure Group" to "private associations formed to influence public policy". Earl Latham "Interest Groups in the American Political System" in Stephen K. Bailey (ed.), *American Politics and Government: Forum Lectures*, (Washington: United States Information Agency, 1965), p.161; Latham depicts that interest groups have political significance. They try to influence the course of public policy and to put favorable statutes into law. They even attempt to persuade the officeholders to exercise their authorities for the benefit of the group. These associational interest groups are thought of as pressure groups; Myron Weiner, *The Politics of Scarcity: Public Pressure and Political Response in India*, (Chicago: The University of Chicago Press, 1968); Talukder Maniruzzaman, *Group Interests and Political Changes: Studies in Pakistan and Bangladesh*, (Dhaka: Green Book House Ltd., 1982).

<sup>2</sup> Stanley A. Kochanek, "The Rise of Interest Politics in Bangladesh" in *Asian Survey*, Vol.36, No.7, July 1996

<sup>3</sup> G. A. Almond, "Interest Groups and Interest Articulation" in G. A. Almond (ed.), *Comparative Politics Today: A worldview*, (Boston: Little Brown and Company, 1974), pp.77-78.

*professions and the nature of the political systems.<sup>5</sup> Lawyers by profession, in the name of public interest<sup>6</sup>, do not only interpret law in the rule-adjudication process in the judicial structure but also get more preference to be members for rule-making in the legislature. These significant positions would lead them to be involved in the rule-application process in the political system.*

Lawyers are, by profession, involved in judicial process with different roles of **advocates, draftsmen, counselors, solicitors, barristers, attorneys, judges and the like**. In the process of professional competence, in terms of law interpretation and distinctive responsibility in the administration of legal order, the court professionals are transformed into a legal elite.<sup>7</sup> Thus they enjoy a monopoly of practice in the higher courts with sufficient values and status in the society. Bar Association is, all over the world commonly recognized as lawyers' professional forum. It attempts to promote their professional fitness and claims their associational interests in the due course of public policy. They also sometimes exert pressure on the government to shape the policies in favor of their group interest. The Supreme Court Bar Association is the highest forum of all Bar Associations in Bangladesh. The association plays a great significant role not only in maintaining professional interests in the judicial process but also in protecting associational interests in politics. In this study, we would like to shed some light on the specific role of the Bangladesh Supreme Court Bar Association (BSCBA) in the political process of Bangladesh. This work is guided by a set of questions. Why should BSCBA absolutely move for the separation of judiciary from the executive in the existing system? Why should BSCBA stand against the administrative and judicial decentralization policy in Bangladesh politics? What role do lawyers play in Bangladesh Politics? How do Bar Associations shape the concerned public policy?

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<sup>4</sup> Max Weber, The Theory of Social and Economic Organization, translated by A.M. Henderson and Talcott Parsons (Glencoe, Illinois: Free Press and Falcon's Wing Press, 1947),p.77.

<sup>5</sup> John R. Schmidhauser, Judges and Justices: The Federal Appellate Judiciary, (Boston: Little Brown and Company, 1979), p. 2.; Guenter Roth and Claus Wittch, (eds.), Max Weber: Economy and Society, On outline of Interpretative Sociology, Vol. 2 (New York: Bedminister Press, 1968), p. 883.

<sup>6</sup> Michael Zander, Lawyers and Public Interest, (London: The Garden City Press, 1968), p.7.

<sup>7</sup> The International Encyclopedia of Social Sciences, pp. 66-67.



### **The Legal profession:**

The term 'profession' may be explained in terms of intellectual competence, skills and full-fledged attachment to some institutional means. The legal profession implies the lawyers' competence in matters of law interpretation and distinctive responsibility in the administration of legal order. In ancient Greece, the values of law are not seen as distinct from the morality of the polity. Experienced persons then performed the legal tasks of counsel and judge in the absence of specialized legal profession<sup>8</sup>. But the distinctiveness of law is increasingly emphasized among the people in the society. The need for autonomous legal profession is also gradually perceived along with the independence and authority.

Law is more appropriate for the settlement of disputes or the accommodation of conflicting interests. Here the function of the lawyer involves little more than mastery of some techniques of social adjustment. The legal profession, in fact, develops when law is viewed as an embodiment of values. Society then requires specialized group functions, in context of divergence over some issues, for the protection of its legal heritage. These needful functions are found in that profession of legality. Their interests are identified with the preservation of legal skills and values. In this process, the legal craftsmen are transformed into legal elite. The specialized group of Lawyers then assumes the critical mission of maintaining the legal order and determining its subsequent development. The legal profession is historically associated with the performance of rule adjudication<sup>9</sup> together with particular applications of general expertise. Lawyers are legal professional elite in both developed and developing countries. Let us see the occupational roles played by lawyers in the field of adjudication.

**The Adjudicator:** Adjudicators refer to judges in the judicial process. They are mainly responsible for making authoritative decisions in the dispensation of justice. Concerned lawyers on both the sides then played vital role on issues of right and responsibilities in the light of legal principles. The role of adjudicator is not only the settlement of disputes but also accommodating values and skills in the administration of justice. There tends to be more pressure to reserve access to, and control of this role to the legal profession.

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<sup>8</sup> International Encyclopedia of the Social Sciences, (New York: Macmillan, 1968), pp.66-71.

<sup>9</sup> G.A. Almond (ed.), The Politics of the Developing Areas, (Princeton: The Princeton University Press, 1960), p.30.

**The advocate:** An advocate is generally being addressed as a legal representative. He takes up the task of pressing the official recognition of claims of right, in the court, on behalf of the plaintiff or defendant. This role is closely attached to the adjudication process. The role of advocate is particularly marked by a conflict between the lawyer's responsibilities as an officer of the law and his commitment to the interests of his client. This is a source of pressure not only for lawyer but also for legal system as a whole. His special competence may be defined as an expertise in the assessment of authoritative. Whatever kind of activity he may be involved in, the lawyer's distinctive contribution lies in his ability to interpret the law in context of interest. They formulate or criticize the reasons and strive to impress the authority towards claims, decisions, policies or action. Lawyers also assume many other roles like mediators, managers in private business, politicians, public administrators and the like. The role of lawyers in society may be examined in two ways: Private Lawyers and Public Lawyers.

### **Private Lawyers:**

Quintin Johnston and Dan Hopson have cited six primary roles of lawyers.<sup>10</sup> One of the roles of lawyers is **counseling**. Lawyers advise their clients to follow a certain course of action on the relevant legal issues. Second, lawyers engage in **negotiating**. The negotiation includes offering proposals, counter proposals, re-considerations, reaching compromises, advising clients and taking instructions from the client. The lawyer generally negotiates in both the criminal and civil cases. Nearly all the criminal cases are terminated in negotiations. The defendant, on the advice of the attorney, agrees to plead guilty in return of some consideration, such reduced charge or punishment.

Third, the role of lawyer is **drafting**. Drafting is the writing and revision of documents that reflect the legality and a lawyer's skills. \* Mayer observes, "Communal life in a modern society rests upon the pieces of paper that tell people their rights, privileges, powers and immunities, duties, liabilities and disabilities. When challenged, these pieces of paper... must stand up. The lawyer assures that will."<sup>11</sup>\* Legal-oriented drafting includes contracts, deeds,

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<sup>10</sup> Mitchell S.G. Klein, Law, Courts and Judiciary, (New Jersey: Prentice Hall, Inc., Englewood Cliffs, 1984), pp.74-76.

<sup>11</sup> *Ibid.*, p. 75.

leases, mortgages, wills, pleadings and the like. The drafting function is so important that the skills of the attorney are entirely trusted in it.

Fourth, the role of lawyer is **litigating**. Indeed, people generally associate lawyers with litigation. The litigator is “the man in court, questioning witness, objecting to another lawyer’s questions, appealing to juries.” Mayer suggests that the job of litigating is immensely enduring. When conducting contested litigation, a lawyer must make repeated on-the-spot decisions of importance to the client’s future. At the same time, only a small portion of attorneys regularly engages in the trial work. Thus litigation has become a specialty. Non-specialists rarely participate in an actual trial. Hopson notes, “*A sizable minority of the Bar Association never participates in contested litigation, and few lawyers are regularly engaged in it.*”

**Fifth**, the role of a lawyer is **investigating**. As an investigator, the lawyer seeks out data about events and develops theories of cause and effect. For example, a good defense attorney will often become actively involved in searching for the facts in a criminal case. Factual investigation is often a prelude to counseling, negotiating and litigating. **Finally**, lawyers engage in **researching**. This role includes searching for authoritative statements of legal doctrine, specific factual situations and the rule in particular cases. Research involves both painstaking and creativity. At the same time, research is also a creative process of discovering new relationships, clarifications and rationales. Experienced members of the Bar may do very little research, particularly if they are working in their specialty.

### Public Lawyers:

The American President Woodrow Wilson once observed, “*The profession I choose was politics; the profession I entered was the law. I entered one because I thought it would lead to the other.*”<sup>12</sup> It implies that political ambition inherently lies with the environment of legal system as well as profession. The key positions of government in the United States, both elected and appointed, are dominated by attorneys i.e., legal professionals. Indeed,

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<sup>12</sup> Eulau, H & Sprague, Lawyers in Politics, (Indianapolis: Bobbs Merrill, 1964), p.1; Mitchell S.G. Klein, Law, Courts and Judiciary, (New Jersey: Prentice Hall Inc., Englewood cliffs, 1984), Chapter, 3, “Lawyers”.



Heinz Eulau and John Sprague have referred to lawyers as the “**high priests of politics**”<sup>13</sup> Blaustein and Porter observes, lawyers are found throughout the government in the States. Besides their presence in Congress, members of the Bar Association are commonly found in state and local legislatures. A number of lawyers serve on congressional staffs<sup>14</sup>. In addition, many bureaucrats at all levels of government have a legal background. In the bureaucracy lawyers are involved in **drafting and interpreting documents, reviewing decisions, litigating and policy advising.**<sup>15</sup> A number of concerns have been expressed about the dominance of lawyers in American policymaking process.

The fact is that the Bar Association is over represented in government. It is the every possibility that lawyers in government conspire to shape policies beneficial to the Bar. Another apprehension is that lawyer, as individuals tend to be conservative. Thus, if lawyers dominate government, public policies will be biased in a conservative direction. Some are fearful that legal training does not equip attorneys to solve the problems of the nation. Given their training, lawyers may well interpret the course of law in the judiciary to ensure the administration of justice. At most, however, this merely suggests the need for more consultation between lawyers and non-lawyers in the process of formulating policies.

Holten and Jones observe that a prosecutor may invariably be appointed in any one of the key positions of government. Thus prosecutors are found at all levels of government in the United States. At the federal level all prosecutors work under the Attorney General in the Judiciary. The role of prosecutors is very important at the state, county and local levels. The job of prosecutor is crucial to the operation of justice in the United States. It has been observed, “ The discretionary power exercised by the prosecuting attorney in initiation, accusation and discontinuance of prosecution gives him more control over an individual’s liberty and reputation than any other public official.”<sup>16</sup>

It is evident that an enormous number of lawyers can be found in government, particularly in the highest positions. Several factors contribute to the predominance of lawyers in politics. Let us look into these elements first.

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<sup>13</sup> Eulau, H & Sprague, op.cit., p.11.

<sup>14</sup> Blaustein, A.P. & Porter, The American Lawyer, (Chicago: University of Chicago Press, 1954), ch. IV.

<sup>15</sup> Brown, E.L., Lawyers, Law School and Public Service, (New York: Russell Sage Foundation, 1948), p.43.

These are: (1) **Proximity** to government is an important consideration. Eulau and Sprague observe: "No occupational group stands in more regular and intimate relation to American Politics than the legal profession"<sup>17</sup> In the course of their legal practice, lawyers come into regular contact with judges, prosecutors, public attorneys. It is a part of the political sub-culture through which an attorney may well pursue a government position. (2) **Availability** is also critical for entering into the government service. Lawyers, as legal experts, have more access to government than people do in most other professions. This gives them more flexibility, making possible a greater involvement in politics as well as government. (3) **Running for political office** may help the career of a private attorney. As Joseph Schlesinger notes, "Political campaigning is generally regarded as an ethical form of advertising. In addition, political activity provides lawyers with the kinds of experience and contracts which can aid their private trade".<sup>18</sup> Members of few other professions can benefit from a political campaign which is very much limited to the victory of ballot box.

**Finally**, the presence of lawyers in key governmental positions may also be accounted for by the "ambition theory". This theory holds that lawyers are able to enter politics earlier in their working career than others are. In this regard they can pursue more opportunities for advancement. The attorney, who fails to advance, can go back to another public job or on private practice. But non-lawyers are comparatively reluctant to seek elective office. Because, they might have nowhere to go in the event that they lose the electoral contest. Thus, it is likely that lawyers will continue to populate the key positions in political system.

How extensively they participate in such roles in the political system, may both affect and reflect the authority of the law. The structure of the lawyers association here may be analyzed in terms of legal education, entry into the profession, professional autonomy, bar association's objectives in context of Bangladesh. This sort of work is hardly done in Bangladesh politics. So we, therefore, shall try to break new ground satisfying some unanswered questions. Who is represented in the Bangladesh Supreme Court Bar Association? Why should BSCBA absolutely move for the separation of judiciary from the executive in the existing system? Why should BSCBA stand against the administrative and

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<sup>16</sup> Mitchell S.G. Klein, op. cit., p.79.

<sup>17</sup> Eulau, H & Sprague, op. cit., p.11.

<sup>18</sup> Joseph Schlesinger, "Lawyers & American Politics: A Clarified View", Midwest Journal of Politics, vol. 1, 1957, pp. 26-39.



judicial decentralization policy in Bangladesh politics? What role do lawyers play in Bangladesh Politics? How do Bar Associations shape the concerned public policy?

**Bar Association**: It is the lawyers' legal professional organization. To promote the competence of its members, it is one of the major tasks of the legal profession. The modern professional associations or guilds, in both developed and developing countries are coming to resemble "miniature governments"<sup>19</sup>. They have all the types of power normally exercised over government. The self-regulating guild or association with compulsory membership has reached its furthest degree of development in many state bar associations. Many state legislatures have been induced to require by law that every practicing lawyer must be a member of the state bar association.<sup>20</sup> The legal profession has evolved a number of structural arrangements, which can be more or less successful in securing a viable autonomy. Apart from its effectiveness in this regard, the social organization of the bar pertaining to values, social acceptance, tradition and practice also influence the development of law as well as in the course of public policy. Indeed, the particular organizational device within the profession creates elite specially charged with the protection of legal ideals. The British system has achieved this differentiation by developing a small and specialized class of barristers. They enjoy a monopoly of practice in the higher courts. They deal with the clients, maintaining significance, only through solicitors<sup>21</sup>.

Smigel observes in the United States, the large firms have developed a very high level of technical proficiency in legal work. They have restricted barristers' and other technical experts practice to the most stable and secure clientele. These practices have, in fact, limited their contacts to the top levels of government and the judiciary.<sup>22</sup> The emergence of these elites can be traced into the course of special training institutions, such as the "Inns of court" in Britain and the American Ivy League law schools. The legal training, culture and etiquette practised in those institutions help to strengthen these elites. This aristocracy lies in the

<sup>19</sup> Mancur Olson, The Logic of Collective Action, (Cambridge Mass: The Harvard University Press, 1965), p.138.

<sup>20</sup> M. Louise Rutherford, The Influence of the American Bar Association on Public opinion and Legislation, (Philadelphia: 1937), pp.32-34, It may be mentioned that The American Bar Association was created in 1878; Mark P. Petracca (ed.), The Politics of Interests: Interest Groups Transformed, (Sanfrancisco: Westview Press, Inc., 1992), pp.66-70.

<sup>21</sup> The solicitors are mostly involved in the client counseling and take care of cases in the lower courts and governmental agencies.



nucleus of bar association everywhere. The services of the elite bar tend to benefit those most competent to pursue their interests through of the legal process.

**Genesis of the Bar:** The practicing legal profession has traditionally been organized into guild like associations. It can be traced into the role of the “Inns of Court” in Britain, “Ordre des Avocats” in France and “American Ivy League” law schools in States. These institutions have often been quite powerful in regulating the practice of law. In the United States, the organization of the bar used to consist of small and voluntary associations. It was relatively little cohesion and authority. It still remains today highly fragmented. It is primarily concerned in the exercise of disciplinary control along with the protection of the profession against public intervention and lay encroachments. In the United States, membership of the Bar association is compulsory for all practitioners. The association can thus enjoy greater security and larger resources. The American Bar Association was created in 1878 and progressively developed into a federation of state and local groups. It has assumed a prominent role in the bar as a whole. The Bar association elaborates the standards of entry and canons of ethics. It also recommends reforms in the law and administration of justice. Regarding legal reform, the association collaborates with two specialized organizations of the profession, -The American Judicature Society and the American Law Institute. The latter under takes to codify American common law in the form of “Restatement of law”. The Institute plays a significant role in the field of drafting of model acts and codes in various branches of law.

**Organization of the Bar:** There are mainly three subjects especially relevant to the distribution of legal services. These are organizational style, Specialization and Method of payment. **First**, organizational style, the existing Bar generally consists of solo practitioners, small firms, large firms, house counsel in corporations, non-profit institutions and public lawyers.<sup>23</sup> It seems reasonable that organizational style of attorneys will have various effects on the legal profession towards associational interests. For example, lawyers in large firms usually operate more effectively than solo practitioners. Similarly, the corporations, which do not have house of counsel naturally, rely upon the expertise of large

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<sup>23</sup> International Encyclopedia of the Social Sciences, New York: Macmillan, 1968, p.70.

firms. Thus, it may make sense for government to attempt to manipulate the organizational structure of the Bar. **Second**, the important structure of legal services is the extent of existing specialization by subject matter. According to the survey report, conducted by the American Bar Association, the leading fields of specialization include litigation, corporate law, real estate, taxation, labour, probate and criminal cases. Regarding attorney specialization, advocates argue that it promotes competence, accessibility, and reduced costs. Traditionally, the legal profession has not recognized specialization as like as medical profession. But specialization among attorneys is presently a growing trend. In fact, by 1981 fifty three percent of attorneys indicated that they considered themselves to be specialists.<sup>24</sup> The Special Committee on Recognition and Clarification of Specialization in Law practice submitted a report in 1974. It called for state pilot programs on specialization in those states lacking such a program. By 1977 four states – California, New Mexico, Florida and Texas, were operating specialization plans.

**The California model**<sup>25</sup> involves clarification of specialist's in particular fields. Applicants must pass written and oral examinations to receive a specialization certificate. Those who win certification may advertise this status in legal directories and in the classified pages of telephone books. **The New Mexico model**<sup>26</sup> involves the self-identification of attorneys as specialists in the field. Rather than seeking to measure competence in written or oral tests, New Mexico demands only that a lawyer claims to devote 60 percent of his or her time to a particular field. The plan contains the designation of sixty-two fields of specialization, including general practice. Other specialization plans are adaptations of the California and New Mexico models. There is reason to believe that if lawyers would specialize and make their area of specialization widely known both the quality and equality of legal services would be enhanced. Specialized legal services are presently enjoyed mainly by the affluent, by corporations and by other large organizations.

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<sup>23</sup> Jacob, H. *Justice in America*, (Boston: Little Brown, 1978); Mitchel S.G, Klein, *Law, Courts and Judiciary*, (New Jersey: Prentice Hall Inc., Englewood Cliffs, 1984), p. 84.

<sup>24</sup> *The American Bar Association Journal*, (Chicago: Illinois, 1981b, p. 1451. A monthly collection of diverse articles bearing on the legal profession; Mitchell S.G Klein, op. cit., p. 82.

<sup>25</sup> *ibid.*,

<sup>26</sup> *ibid.*,

**Third,** The method of payment is another important structure of Bar Organization. Among those in private practice five primary methods are used in charging fees.<sup>27</sup> The hourly fee involves compensation to the lawyer for services rendered, i.e., fixed amount per hour. The contingent fee refers compensation upon the successful outcome of a client's legal problem. The lawyer receives a fixed percentage of anything recovered for the client. The flat fee is a set amount of money charged by lawyers for performing a service. It is used commonly for routine tasks such as drafting a simple will or contract. Last, the additional fee is a monthly or yearly charge by an attorney to a client. This ensures lawyer's continued availability to deal with ongoing, routine legal tasks.

**Bangladesh Bar Council:** Bangladesh Bar Council is a statutory corporate body. It has been established by the Bangladesh Legal Practitioners and Bar Council Order, 1972<sup>28</sup>, (President's Order No. 46 of 1972). The Bar Council shall consist of fifteen members<sup>29</sup>. The Attorney General of Bangladesh shall be the Chairman ex-officio of the Bar Council. Seven members shall be elected in the prescribed manner by the advocates on the roll from amongst their number. The rest seven shall be elected in the prescribed manner by the advocates on the roll, one from amongst the advocates who are members of a local bar association. For this purpose, the Bar Associations shall be divided by the Government, by notification in the official Gazette, into seven groups.<sup>30</sup> There shall be a Chairman and a vice-Chairman of the Bar Council. The Vice-Chairman of the Bar council shall be elected in the prescribed manner by the members of the Council from amongst themselves.<sup>31</sup>

According to the provisions of this Order and Rules<sup>32</sup>, the functions of the Bar Council are: (a), to admit persons as advocates on its roll, to hold examinations for purposes of admission and to remove advocates from such roll; (b), to prepare and maintain such roll; (c), to lay down standard of professional conduct and etiquette for advocates; (d), to entertain and determine cases of misconduct against advocates on its roll and to order punishment in such

<sup>27</sup> Gallagher, B.M. How to Hire a Lawyer. (New York: Dell, 1979), pp.43-48.

<sup>28</sup> Government of the People's Republic of Bangladesh, Ministry of Law & Parliamentary Affairs, (Law Division). The Bangladesh Legal Practitioners and Bar council order and Rules, 1972: As amended up-to February, 2000, (Dhaka: published by Bangladesh Bar Council, 2000). Bangladesh Bar Council was earlier the East Pakistan Bar Council, before the 26<sup>th</sup> day of March 1971.

<sup>29</sup> The Bangladesh Legal Practitioners and Bar Council Order, 1972. Article 5 (1).

<sup>30</sup> *Ibid.* Article 5 (a), (b), (c).

<sup>31</sup> *Ibid.*, Article 6 (1), (3).



cases; (e), to safeguard the rights, privileges and interest of advocates on its roll; (f), to manage and invest the fund of the Bar Council; (g), to provide for election of its member; (h), to lay down the procedure to be followed by its Committees; (I), to promote legal education and to lay down the standards of such education in consultation with the universities in Bangladesh imparting such education<sup>33</sup>. The Bar Council works through four functional committees<sup>34</sup>, namely, (1) the executive committee consisting of five members, (2) the enrollment committee consisting of three members, (3) the finance committee consisting of five members and (4) a legal education committee consisting of nine members.

**Bangladesh Supreme Court Bar Association:** Bangladesh Supreme Court Bar Association (BSCBA) is a highly legal professional organization of lawyers of the higher courts of the independent and sovereign state Bangladesh. It represents professional excellence, high status, skills and values not only as lawyers' organization of higher courts but also of 2500 legal practitioners enrolled in 79 local bar associations<sup>35</sup> of this country. The Role of lawyers in politics is inextricably related with the role of the Supreme Court Bar Association, which legally influence politics through Courts.<sup>36</sup> Bangladesh (former East Pakistan) achieved her independence on 16 December in 1971. Subsequently, the erstwhile "High Court of Judicature at Dhaka in East Pakistan" became the "High Court of Bangladesh". The constitution of the People's Republic of Bangladesh<sup>37</sup>, was promulgated on 4 November 1972 and the Supreme Court of Bangladesh came into existence as the highest seat of judiciary of this land<sup>38</sup>. The then Dhaka High Court bar Association naturally, got renamed as the Bangladesh Supreme Court Bar Association. It has a significant episode, which dates back in history and needs to be mentioned in some extent.

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<sup>32</sup> The Bangladesh Legal Practitioners and Bar Council Rules, 1972.

<sup>33</sup> Op.cit., Article 10

<sup>34</sup> op.cit., Article 11.

<sup>35</sup> Barrister Amir-Ul- Islam, The Memorandum: The Silver Jubilee & Lawyers Conference- 1997, (Dhaka: Bangladesh Bar Council, 1997), See, "the Welcome Address".

<sup>36</sup> Barrister Amir-Ul Islam, Ibid.,

<sup>37</sup> Bangladesh (formerly East Pakistan) emerged as an independent and sovereign state, through a nine-month long traumatic liberation war, on 16 December 1971. See, For details, Talukder Maniruzzaman, Radical Politics and the Emergence of Bangladesh, (Dhaka: Bangladesh Books International Ltd., 1975).

<sup>38</sup> The Constitution of the People's Republic of Bangladesh, Article 94. (There shall be a Supreme Court of Bangladesh comprising the Appellate Division and the High Court Division.).

**Legal Background:** The establishment of High Courts in the Sub Continent can be traced into the Indian High Courts Act, 1861 passed by the British Parliament. On the basis of the said Act of 1861, the High Courts of Judicature at Calcutta, Bombay and Madras were established in 1861 and 1862 respectively. Thereafter, by virtue of the Government of India Act 1915, His majesty was empowered to establish the new High Courts in any territory in the then India. After partition of India in 1947, the jurisdiction of the Calcutta High Court was restricted to the territorial limits of West Bengal.<sup>39</sup> As a result, the necessity for establishing a High Court for the territorial jurisdiction of East Bengal<sup>40</sup> became inevitable. In pursuance of such necessity, the High Court of East Bengal at Dhaka formally began its journey on 17 November 1947 with a team of five judges while Mr. Justice A.S.M. Akram as the chief justice.

**Eminent Lawyers:** The opening of the seat of the higher judiciary at Dhaka was an historical event to the lawyers of this region. The eminent Lawyers, namely, Mr. A. K. Fazlul Huq, Mr. Prakash Pakrashi, Mr. Syed Modares Ali and Mr. Sabita Ranjan Pal felt to have an association of the advocates who started practicing in the new High court. As a result, the said pioneers in the field of legal profession formally formed an 'Association' in November 1948 under the leadership of Sher-e-Bangla A.K. Fazlul Huq, who became the first president of the Bar Association and Mr. Dinesh Chandra Roy secretary. The advocates enrolled in the Dhaka High Court thus got themselves associated in a common platform for promoting their welfare as well as for realizing grievances and professional interests. By the Bar Association, the lawyers, therefore, take the opportunity to articulate their interests and place to any relevant authority in respect of their own status. The Bar association, thus avail the chance of suggesting ways and means for enlistment and promoting of the cause of judiciary in this part of the country. This is how the journey of the then East Bengal High court Bar Association commenced.

At the formal opening ceremony, of the East Bengal High Court Bar Association in 1948, Mr. A.K.Fazlul Huq in his welcome address raised a very important question, whether the independent country, in respect of dispensation of justice through courts, would still follow

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<sup>39</sup> In exercise of the powers conferred by the government of India Act as adopted by the Indian Provisional Constitution (Amendment) Order, 1948 limited the Calcutta High Court's jurisdiction.



the laws based on English concepts or evolve a concept which will suit the socio-economic condition of the country. We must ponder. Mr. Huq suggested that the British, although, have left India but then they have left behind splendid legacy i.e., “a legal literature which is the pride of all who follow the profession of law”. He further mentioned the need of a rich library and referred to a statement of the Lord Chief Justice of England that Judges were human but Justice was divine. While speaking on the occasion Mr. Huq prayed that God would assist the judges to do their best and inspire them to build up a tradition, which would be honored by all.

In reply to the deliberation made by Mr. Fazlul Huq president of the East Bengal High Court Bar Association, Chief Justice Mr. Akram accorded a cordial welcome to the members of the Bar. His Lordship said that on this momentous occasion of historical importance he was sure that judges of this High Court would be able to do even-handed justice to all without distinction of caste and creed with the help of the members of the Bar<sup>41</sup>. Here it may be marked that a very close relationship then maintained between the Bar association and the Judges of the High court. In the legal system, lawyer’s role is as important as that of judges.

In 1956 there was the promulgation of the Constitution of the Islamic Republic of Pakistan, which envisaged that Province of East Pakistan should mean the earlier Province of East Bengal. The High Court of East Bengal at Dhaka shall be deemed to be the High Court for the Province of East Pakistan as the “High Court of Judicature at Dhaka in East Pakistan”<sup>42</sup>. After the emergence of Bangladesh as an independent state in 1971, the then East Pakistan High Court Bar Association got renamed as the Bangladesh Supreme Court Bar Association.

**The Structure:** Bangladesh Supreme Court Bar Association (BSCBA) is administered and managed by the Executive Committee consisting of fourteen members<sup>43</sup>, namely, (a) One President (b) Two Vice-Presidents (3) One Secretary (4) One Treasurer (5) Two Assistant Secretaries and (6) Seven members. The office-bearers and other members of the Executive Committee are all elected by the general members of the Association for one term

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<sup>40</sup> The East Bengal, presently Bangladesh, was part and parcel of the then Pakistan (1947-1971).

<sup>41</sup> The Constitution of the Bangladesh Supreme Court Bar Association, published by Secretary, Bangladesh Supreme Court Bar Association & Printed By Ideal Products, Dhaka: 1998. See the “Forward” section.

<sup>42</sup> Ibid.,



in a prescribed manner. The term of office of the Executive Committee is fixed for one from the 1st April of one year to the 31<sup>st</sup> March of the succeeding year. Barrister Mainul Islam and Md. Shahidul Islam Siddiqui President and Secretary respectively lead the current term of the office of the Bar for the term 2000-2001. There are 2130 advocates presently in the enrolment strength of Bar Association<sup>44</sup>. Among them, 54 advocates are most senior and duly honoured by two stars (\*\*). They are designated as senior advocates, Appellate Division of the Supreme Court of Bangladesh. There are 152 advocates in the Appellate Division of the Supreme Court duly honoured by one star (\*) and 27 advocates-on-Record in the Appellate Division of the Supreme Court duly honoured with plus (+) mark. It may be significantly mentioned that 14 (fourteen) learned advocates among them held Ph.D. degree.

**Objectives:** The Bangladesh Supreme Court Bar Association is registered under the Societies Registration Act, 1860 (Act XXI of 1860). Its office is located in the Supreme Court Bar Association Building at Dhaka, the capital of Bangladesh. The objectives of the Association are:<sup>45</sup> (1), to provide for its members a common place where all the members of the association may gather together and have all facilities for conducting their profession; (2), to provide for the use of its members, books and journals for the diffusion of knowledge with special reference to the legal profession and to maintain a well equipped and up-to-date library; (3), to assist members to do all that may be necessary to maintain and protect the interests and dignity of the Bar; (4), to provide scope for discussion of all matters of legal interest as also of great public importance; (5), to give or arrange for legal assistance free or at nominal costs in special circumstances or to people in distress; (6), to publish journals, if thought fit; (7), to organize social and cultural functions as games, sports and recreational facilities for creating fraternal relationship and for the well-being of members; (8), to organize security for the members and their families by instituting Benevolent Fund and Relief Fund and if possible, by introducing Group Insurance of members; (9), to do all such other deeds and things as may be necessary to promote further and secure all or any of the objects.

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<sup>43</sup> Article 14 (1)

<sup>44</sup> List of Members, Bangladesh Supreme Court Bar Association, Dhaka 2000.

<sup>45</sup> Article (3), *Ibid.*, p.2.

**Legal Education:** In order to practise the legal profession a person he or she must be a graduate of law from a recognized university<sup>46</sup>. It will be treated as pre-qualification of filing application for enrollment. In Bangladesh legal education is imparted to the students or scholars in the Faculty of Law, University of Dhaka, in the Faculty of Law, University of Rajshahi, in the University of Bangladesh Studies (IBS), University of Rajshahi and in the Faculty of Sharia, Islamic University. Besides these institutions, legal education is imparted in different Law Colleges, which is affiliated to the National University, Gazipur. After successfully completing the prescribed courses by these Institutions, the degrees awarded to the students or scholars are:<sup>47</sup> (1) Bachelor of Law, (2) Bachelor of Law (Honours), (3) Master of Law, (4) Master of Philosophy, (5) Doctor of Philosophy, (6) Doctor of Law. Let us go through the said courses.

(1) **Bachelor of Law:** Bachelor of Law (LL.B.) course is contained as two-year post-graduate course in Bangladesh. It has been introduced in the different Law Colleges, which is affiliated, to the National University, Gazipur. The concerned university conducts the curriculum, the examination and all the academic matters. The syllabus of the course is more or less same as prevalent in the Bachelor of Law (Honours) course. But the technical difference is that, in the case of Bachelor of Law, course has to be completed within two years. Annual written examination is held at the end of each academic session. Graduation of the merits of the students are evaluated in the same manner as the merits of the students of the Honours course are evaluated on the basis of obtained marks.

(2) **Bachelor of Law (Honours):** This course is designed as four years undergraduate Bachelor of Law (Honours) course. It has been introduced in the Department of Law, which is under Faculty of Law, University of Dhaka. The same course is going on, in the Department of Law, which is under the Faculty of Law, University of Rajshahi and in the Department of Sharia, Islamic University, Kustia. These Honours courses are moduled as per recommendation of the Legal Education Committee of the Bangladesh Bar Council and Faculty of the concerned university. The major taught course on Laws

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<sup>46</sup> The Bangladesh Legal Practitioners and Bar Council Order, 1972, Article 19 (1).

<sup>47</sup> A.B.M. Mafizul Islam Patwari, Legal System of Bangladesh, (Dhaka: Humanist and Ethical Association of Bangladesh, 1991), pp. 102-104.

are: (a) Jurisprudence, (b) Roman Law, Personal Law (Muslim Law and Hindu Law), (c) Equity, (d) Tort. (e) Constitutional Law, (f) Criminology, (g) civil Law, (h) Labour Law. (I) Criminal Law. (j) Law of Evidence, (k) Land Law, (l) International Law etc. Annual Course System has been introduced in which at the end of each academic year course final examination is held. Graduation of the merits of the students are evaluated and divided into three classes. The first class is marked who obtain 60% marks in average. The second class is traced who obtain 45% marks in average and third class is characterized who obtain 36% marks in average. The results of all examinations thus published with the final approval of Academic Council and Syndicate of the University respectively.

- (3) **Master of Law**: This course is taught in the Department of Law, University of Dhaka and Rajshahi. In the Department of Law, University of Dhaka, two LL.M courses have been introduced: Course-A and Course-B. The duration of Course-A is one year, which is meant for the students who have successfully completed Bachelor of law (Honours) course. Annual examination is held at the end of academic session. The duration of course-B is two years, which is meant for the students who have successfully completed Bachelor of law course with at least 45% marks in average. The students of Course-B need not attend the classes- only registration is sufficient to appear at the examination and preparation of the dissertation for the award of the degree. Graduation of the merits of the students of Course-A and Course-B are evaluated in the same manner as the merits of the students of the Honours Course are evaluated. In the Department of law, University of Rajshahi, two Master of Law courses have been prevalent: Master of Law, Part 1(Preliminary) and Master of Law Final. The Part 1 is meant for the students who successfully completed Bachelor of Law course. Master of Law Final course is meant for the students who have successfully completed Bachelor of Law (Honours) course or Master of Law Part 1 course. The final position is that those students who have completed Bachelor of Law course are to require two years for the degree of Master of Law. The students who have completed Bachelor of Law (Honours) course are to require one year for obtaining Master of Law degree.



- (4) **Master of Philosophy:** Two years Master of Philosophy in Law course has been in existence in the Faculty of Law, University of Dhaka; in the Faculty of Law, University of Rajshahi; and in the Institute of Bangladesh Studies, University of Rajshahi. In the case of Faculty of Law, University of Dhaka, the research scholar has to complete in the first year course work and to pass written examination. In the second year, he has to write dissertation duly approved by the university authority. In the case of the institute of Bangladesh Studies, the research scholar has to complete in the first year inter-disciplinary course work. In the second year, he has to write independent thesis duly approved by the authority of the University. In the case of Faculty of Law, Rajshahi University, the research scholar has only to write a thesis duly approved by the authority of the University.
- (5) **Doctor of Philosophy:** Two years Doctor of Philosophy in Law course is prevalent in the Faculty of Law, University of Dhaka; in the Faculty of Law, University of Rajshahi, and in the Institute of Bangladesh Studies, University of Rajshahi. The degree is awarded to a scholar who has earned his distinction by writing a thesis duly approved by the authority of the University concerned.
- (6) **Doctor of Law:** Two years Doctor of Law course is in existence in the Faculty of Law, University of Dhaka. The research Scholar must have general knowledge in every branch of Laws of Bangladesh. He is to write a thesis, which distinctively contributes, to the body of existing literature on Law and legal system.

**Entry into Legal Profession:** Legal profession is relatively more restrictive by regulations. In Bangladesh law students graduated from Universities and colleges do not know how to practice law. Question may be raised why do students after obtaining graduation or post-graduation degree on Laws from the recognized University not know the requisite procedure of practising Law? What made the curriculum of those courses, which are not enough for the graduate to start as a legal practitioner? A large number of technique and skills are required to be a lawyer. Among the most important requisites are<sup>48</sup>: (1) fact

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<sup>48</sup> Mitchell S.G. Klein, Law, Courts and Judiciary, (New Jersey: Prentice Hall Inc; Englewood Cliffs, 1984), p.68.

gathering technique, (2) applying legal concepts to facts, (3) winning the confidence of others, (4) effective oral expression, (5) ability to understand and interpret the law, (6) knowledge of substantive law, (7) legal research, (8) negotiating, (9) drafting legal documents and (10) understanding the viewpoints of other people. These are the most important legal skills for a graduate to be a lawyer.

We need to learn how well the courses are being taught law graduates by the departments of Law under different Universities and Law Colleges in each of these skill areas. In Bangladesh the skills that had been rated as most important to the practice of Law were not learned in the concerned Department or Colleges. These Institutions are little bit different and especially deficient in teaching interpersonal skills. In addition, Law educational institutions are not very effective in training prospective lawyers particularly in fact gathering<sup>49</sup>. The said Law Institutions are mainly attached in receiving high marks in particular areas. These are- teaching theoretical knowledge of underlying law, imparting knowledge of substantive law with a few touch of teaching how to do legal research. As a result, the fresh-graduates from the University are not considered fit for immediate legal practice. In order to overcome these shortcomings, Bangladesh Bar Council introduced new courses for Law graduates in addition with the University degree. The procedure for practising the profession of Law has been contained in the Bangladesh Legal Practitioners and Bar Council Order, 1972 (President Order 46 of 1972). The said Order provides that no person shall be entitled to practise the profession of Law unless he is an advocate.<sup>50</sup>

A person shall be qualified to be admitted as an advocate if he fulfils the following conditions, namely: - (a) he is a citizen of Bangladesh; (b) he has completed the age of twenty-one years; (c) he has obtained a degree in Law from any university of Bangladesh or a Bachelor degree in Law from any University outside Bangladesh recognized by the Bar Council or he is a Barrister; (d) he has passed such examinations as may be prescribed by the Bar Council; and (e) he has paid such enrollment fee and fulfils such other conditions as may be specified by the Bar Council.<sup>51</sup> Before a person is admitted as an advocate, the Bar Council may require him to under go regular training for a continuous period of six months

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<sup>49</sup> *Ibid.*,

<sup>50</sup> The Bangladesh Legal Practitioners and Bar Council Order, 1972. Article 19(1).

<sup>51</sup> *op.cit.*, Article 27 (1)

as a pupil in the chamber of an advocate who has practised as an advocate for a period of not less than 10 years. Years' experience<sup>52</sup>.

Every applicant for admission as an advocate shall have to complete the prescribed course, as may be determined by the Bar Council and pass a written examination and the viva-voce examination held under the direction and supervision of the Enrolment Committee of the Bar Council.<sup>53</sup> The written examination shall be of one (one) paper of 100 marks as per the syllabus prescribed by the Bar Council and the duration of the examination shall be of 4 (four) hours. The viva-voce examination will be of 50 marks and every applicant will be examined in the 10 cases submitted by him in the written script.<sup>54</sup> A candidate for enrolment as an advocate shall have to obtain at least 50 marks in written examination and 25 marks in the viva-voce examination.<sup>55</sup> A person who has obtained LL.M degree shall not be required to appear in the written examination but shall be required to appear in the viva-voce examination. No person shall practise as an advocate unless he is a member of the local Bar Association, which is recognized by the Bangladesh Bar Council.

No advocate shall be permitted to practise before the High Court Division of the Bangladesh Supreme Court unless- (a) he has practised as an advocate before subordinate courts in Bangladesh for a period of two years; (b) he is a law graduate and has practised as an advocate before any Court outside Bangladesh notified by the government in the Official Gazette; (c) he has, for reason of his legal training or experience, been exempted by the Bar Council from the foregoing requirements; and (d) he has paid the fees<sup>56</sup>, namely, fee for enrolment as an advocate; fee for permission to practise before the High Court and annual fee payable by advocates.

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<sup>52</sup> The Bangladesh Legal Practitioners and Bar Council Rules, 1972, Article , 60(1).

<sup>53</sup> Ibid., Rule, 60A(1).

<sup>54</sup> Ibid., Rule, 60(2) and 60B.

<sup>55</sup> Rule , 60C

<sup>56</sup> Article, 21(2) and 22(1).



## OATH OF ADVOCATE:

*I, ..... do hereby solemnly take the oath of an advocate as I undertake to uphold at all times the dignity and high standing of my profession, as well my own dignity and integrity as a member of the Legal profession and I will adhere to the canons of professional conduct and etiquette.*

*I will always deem it my sacred duty to safeguard, protect and defend the constitution and to maintain its supremacy as the embodiment of the will of the people of Bangladesh. I will not collaborate in any action, which violates the constitution. I will always be vigilant in the protection of human rights and thus work towards building " a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social will be secured for all citizens."*

**Membership of the Supreme Court Bar Association:** (1) Any person who holds a degree of Bachelor of Law or equivalent degree recognized by Bangladesh Bar Council and is entitled, as of right, to practise in the Supreme Court of Bangladesh may apply for regular membership of the Association<sup>57</sup>. (2) Application for the purpose shall be made to the Secretary of the Association in the prescribed form, provided that in case of an applicant who has been or is a member of any other Bar Association, the applicant shall be supported by a certificate from that Bar Association stating that the applicant is a fit and proper person to be admitted to the membership of the Association<sup>58</sup>. The Executive Committee of the association may, after making such enquires and obtaining such further information about the applicant as may be considered necessary, admit or refuse to admit the applicant to such membership and the decision of the Executive Committee shall be final.

**Admission Fee:** A person admitted to regular membership of the Association shall pay to the Association Admission Fee of Tk. 7000.00 and such annual subscription, fee and contribution as may be decided upon in the special General Meeting from time to time. Any member who, having temporarily taken up other employment is unable to practise or who

<sup>57</sup> The Constitution of the Bangladesh Supreme Court Bar Association, Article 4(1).

<sup>58</sup> Ibid., Article 4 (2).s

has retired from profession, and is desirous of continuing his connection with the Association, may apply to the Secretary of the Association for being admitted as an Associate member of the Association and the Executive Committee may admit him to such membership<sup>59</sup>. Provided that an Associate Member shall have no right to vote in any meeting or to be elected to the Executive Committee of the Association. An Associate Member shall pay to the Association only the annual subscription of Tk. 75.00 or such sum as may be fixed in the Special General Meeting from time to time by the 31<sup>st</sup> March each year.

**Election of the Bar:** The term of the Office of the Executive Committee is constituted one year from the 1st April of one year to the 31<sup>st</sup> March of the succeeding year<sup>60</sup>. The Secretary shall, on the first working day of the last month of a term, issue a notice of election stating therein the date and time of poll, the last date and time for filing nominations, scrutiny of nominations and withdrawal of candidature. Such notice shall be widely circulated among the regular members of the Association and a copy of the notice shall be pasted on the notice Board of the Association for the period<sup>61</sup>. Provided that 10 days' time is allowed for filing of nominations and 3 days' time after scrutiny for withdrawal of candidature. Fees for the nomination paper has been introduced at the rate of Tk. 5000.00 for President, Tk. 3000.00 for Vice-President, Tk. 2500.00 for Secretary, Tk. 2000.00 for treasurer, Tk. 1500.00 for Assistant Secretary and Tk. 1000.00 for Members.<sup>62</sup>

**Election Sub-Committee:** The Executive Committee may constitute a sub-committee for election consisting of seven regular members. Of them one is senior regular member of the Association. He acts as the Convenor of the Sub-Committee. Poll is conducted under the management and supervision of the sub-Committee. The Secretary does render to it all assistance necessary to conduct the poll smoothly and efficiently.<sup>63</sup> The Convenor of the Sub-Committee for election declares the result of the election in the Annual General Meeting of the term. Candidate or Candidates securing the largest number of votes are therefore declared elected to the respective office/offices for the term to come. The out-

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<sup>59</sup> Ibid., Article 4 (5).

<sup>60</sup> Ibid., Article 14 (2).

<sup>61</sup> Article 15 (1)

<sup>62</sup> Article 15 (1) a.

<sup>63</sup> The Constitution of the Bangladesh Supreme Court Bar Association, Article 15 (6).

going Executive Committee of the Association hands over charge to the newly elected Executive Committee. In this matter the two Secretaries act on behalf of their respective Committee.<sup>64</sup>

**Candidature's Qualification:** A regular member may be proposed as candidate for election to any office in the Executive Committee by a regular member. Such proposal shall be seconded by two other regular members. The proposal should be countersigned by the proposed candidate in token of his acceptance of the nomination as such candidate.<sup>65</sup> The Constitution of Bangladesh Supreme Court Bar Association (BSCBA) provides that no member shall be eligible for being nominated<sup>66</sup> - (a) for the office of President, if he has not been enrolled as an advocate of the Dhaka High Court/ Supreme Court of Bangladesh for at least 20 (twenty) years; (b) for the office of Vice-President, if he has not been enrolled as an advocate of the Dhaka High Court/Supreme Court of Bangladesh for at least 15 (fifteen) years; (c) for the office of Secretary/Treasurer, if he has not been enrolled as an advocate of the Dhaka High Court/Supreme Court of Bangladesh for at least 10 (ten) years; (d) for the office of Assistant Secretary/Member, if he has not been enrolled as an advocate of the Dhaka High Court/Supreme Court of Bangladesh for at least 5 (five) years.

**Leaderships:** Woodrow Wilson once remarked, "The Profession I choose was politics; the profession I entered was the law. I entered one because I thought it would lead to the other."<sup>67</sup> The leaders of the Bar Association, since its inception, were very much involved in the political process in India, Pakistan and Bangladesh. Here it may be mentioned the name of some political leadership, namely, Mohanlal Karam Chand Ghandhi, Jawaharlal Nehru, Quaid-I-Azam Mohammad Ali Jinnah, Sher-e-Bangla A.K.Fazlul Huq and Hossein Shaheed Suharawardy were eminent Lawyers by profession<sup>68</sup>. Besides Fazlul Huq, each and

<sup>64</sup> Ibid., Article 15 (7), Article 15 (8).

<sup>65</sup> Ibid., Article 15 (2).

<sup>66</sup> Ibid., Article 15 (2), (a), (b), (c) and (d).

<sup>67</sup> Eulau, H & Sprague, Lawyers in Politics, (Indianapolis: Bobbs-Merill, 1964), p.1:

<sup>68</sup> M.K.Gandhi (1869-1948) passed Bar at Law in 1891. He returned from London and joined the Bombay High Court Bar as a Barrister in the same year. He is one of the greatest political leaders that India has ever produced. He was surnamed the "Father of the Nation"; Jawaharlal Nehru (1889-1964) passed the Bar at Law in 1912 from Inner Temple, London and returned home. He joined the Alahabad Bar as a Barrister in the same year. He became the independent India's first Prime Minister. Quaid-I-Azam Mohammad Ali Jinnah (1876-1948) passed the Bar at Law from the Links-Inn, London. Returning home he joined the Bombay High Court Bar as a Barrister. He was independent Pakistan's first Governor General. He was also the president of the



every body was reputed Barrister. They were primarily belonged to the legal profession, which virtually led them towards politics. These legal elite personalities did not only inspire the legal profession but also led the nations in those countries at the apex of popularity. Each of honorable Political leaders did uphold the status and dignity of legal profession as well as the interest of the nation as a whole.

Dr. Kamal Hossein who joined the Dhaka High Court Bar as Barrister in 1962 and later got Ph.D. degree from Oxford played a significant role as one of the three Awami League Leaders participating in the negotiations in March 1971. He became first Law, Judiciary and Parliamentary Affairs Minister in independent Bangladesh in 1972. A thirty-four member Special Committee headed by Dr. Kamal Hossein was created in the first session of the then Constitutional Assembly. The Committee Was entrusted with the task of drafting a Constitution.<sup>69</sup> The Constitution was drafted within six months and it was passed by the Constituted Assembly on 4 November 1972. It became effective on 16 December – exactly a year after the liberation of Bangladesh. Later he led the Bangladesh Bar Council and Bangladesh Supreme Court Bar Association efficiently. At present, he is one of the leading personalities in the legal profession not only in Bangladesh but also in the International Court of Justice.

Barrister Mainul Hussein, who is present president of the Bangladesh Supreme Court Bar Association (BSCBA), joined the then Dhaka High Court Bar in 1965. He became the member of the first Parliament in 1973 and played vital role. He resigned from the

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Constituent Assembly (1947-48), as elected to C.A. from the Punjab Constituency; He was surnamed the "Father of the Nation" in Pakistan; A.K.Fazlul Huq (1873-1962) passed B L (Bachelor of Law) in 1897 and joined the Calcutta High Court Bar. He became Education Minister of the then Undivided Bengal in 1924 and chief Minister (1937-1941). He was noted as "Sher-e-Bangla". The people of the then Bengal, Pakistan (now Bangladesh) would know him as "Huq Shaheb". Later, he became Chief Minister, East Pakistan in April 1954, Minister, Central Government (1955-56), Governor, East Pakistan (1956-58); Hussein Shaheed Suhurawardy (1892-1962) obtained the Bar at Law degree in 1918 from London. After returning from London he joined the Calcutta High Court Bar as a Barrister in 1920. He became Minister in 1943, Chief Minister of undivided Bengal, 1946. Later, he became Chief Minister of the then Pakistan in 1956.

<sup>69</sup> Rounaq Jahan. *Bangladesh Politics: Problems and Issues*, (Dhaka: UPL, 1980), P. 62.

parliament protesting the Fourth Amendment to the Constitution that created the One Party autocracy in the name of Bangladesh Krishak Awami League (BAKSAL) in the early 1975. It provided for presidential form of government and named Sheikh Mujib as the President. Mujib also announced that the legal system would be reformed to ensure speedier justice and to bring justice closer to the people at the than level. But the specifics of the legal system neither had nor yet been announced.<sup>70</sup> The government at the time controlled the civil liberties and virtually disgranted the lawyers within the system. The regime, gradually became weak and isolated, eventually faced the dire consequences on 15 August 1975.

It is very interesting to note that Sher-c-Bangla A.k.Fazlul Huq, starting his career as a lawyer (Deputy Magistrate for some time), held most of the key positions in politics. He again became the founder President of the then Dhaka High Court Bar Association in 1948 and continued to till 1956. He had been the President of the Bar consequently eight terms since its inception. Besides, Barrister Syed Ishtiaque Ahmed who joined the Dhaka High Court Bar in 1960 and Barrister Amir-Ul-Islam also played a significant role to uphold the legal professional interests. It may be mentioned of the eighth Amendment to the Constitution in the 1980s, which was challenged in the Court by the lawyers and ultimately they own the victory against the government. In continuation, the associational interest group of lawyers thus penetrated the formal structures of government as well as established the effective image of the legal profession in politics. They obviously prevented all attempts at public policies, which could hurt their professional interests.

**Bar Association against the Decentralization of Judiciary:** The term 'Decentralization' refers to the process of strengthening local government in which local representatives are given formal power to decide on a range of public matters.<sup>71</sup> Decentralization, in fact, implies democratization of powers, which leads to separation of powers. But without democratization it means centralization of powers in the hands of authority. However, in the name of decentralization of judiciary and to bring the justice at the door-step of people, the High Court Division of the Supreme Court was replaced in four permanent Benches at Dhaka, Rangpur, Jessore and Comilla by Martial Law Proclamation

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<sup>70</sup> Rounaq Jahan, *Bangladesh Politics: Problems and Issues*, (Dhaka: UPL, 1980), p. 117.

<sup>71</sup> Mawhood, P. "Decentralization and the Third World", *Planning and Administration*, Vol. 14. No. 1, pp.10-22.

Order No. 11 of 1982. Three major permanent Benches were Subsequently established at Chittagong, Sylhet and Barisal. One unique feature of the proclamation of Martial Law of 1982 was that the superior Courts, upon suspension of the constitution, existed without power of judicial review and independence. The Supreme Court was broken up into several permanent Benches. The subordinate Courts were scattered hither and thither. The judges of the Supreme Court held office at the pleasure of the CMLA. This had never happened before. Lawyers opposed and protested against the decentralization process of judiciary. They started movement against such decentralization of the High Court Division and restoration for independent judiciary.

**The Six-Point Demand:** With the arresting of Syed Ishtiaq Ahmed, Shamsul Huq Choudhury along with twelve eminent leading advocates of the Supreme Court Bar Association in 1982 led the lawyers towards vigorous movement. For this movement, they had to face severe measures<sup>72</sup>. Toward the end of the 1982, the leaders of Bar Association formed the Co-ordination Council of Bar Associations with Mr. Shamsul Huq Choudhury as its Chairman. Under the leadership of Shamsul Huq Choudhury, a meeting of the Executive Committee of the Co-ordination Council of Bar Associations of Bangladesh held on 19 November 1983 and drew up the Six-Point demand program. That demand was again adopted by the Supreme Court Bar Association in its meeting of the Executive Committee held on 21 November 1983 and by its General meeting held on 22 November.

The Six Points Demand were: (1) Restoration of the Constitution of the Country along with the fundamental rights of the people; (2) Lifting of the Martial Law, and subsequently establishment of the interim National Government to arrange the election of the Parliament before the 31<sup>st</sup> March, 1984 before the election of a President; (3) Repeal the District level permanent Benches of the High Court Division of the Supreme Court; (4) Repeal the so-called decentralization of the subordinate judiciary and “Upa-Zilla” system; (5) Nullify the

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<sup>72</sup> There are twelve leading advocates- Shamsul Huq Choudhury (President Supreme Court Bar Association), Syed Istiaque Ahmed, Mr., Kaiseruddin Ahmed, Mr. Khademul Islam Choudhury, Mr. Sirajul Huq, Khandaker Mahbubuddin Ahmed, Mr. Md. Yasin, Mr. Shawkat Ali Khan, Mr. S.S.Halder, Mr.Mahfuzur Rahman, Syed Serajul Huda and others were arrested and taken into Dhaka Central Jail where they had been in cell for ten days; See. Advocate Syed Serajul Huda, “ Ten Days In a Cell” in Souvenir of the Supreme Court Bar Association, 1984. P.25.



so-called amendments to Civil and Penal laws; (6) Dissolve the nominated body of the Bangladesh Bar Council, the fresh election of the Council should be declared at once.<sup>73</sup>

**Lawyers against the eighth Amendment:** Even after revival of the Constitution their grievances were not redressed. Their movement continued and in June 1988 the early Martial Law measures in this regard were made part of the Constitution by the Eighth Amendment Act, 1988. Lawyers contented that this was unconstitutional and there was stalemate.<sup>74</sup> Article 100 of the Constitution<sup>75</sup> was amended by the eighth amendment of the Constitution on 9 June 1988. It provided the setting up six permanent Benches at Rangpur, Jessore, Barisal, Chittagong, Comilla and sylhet. The President was authorized to fix the territorial jurisdiction of the permanent Benches by notification. It, thereby, curtailed the territorial jurisdiction of the High Court Division in the permanent Seat. The President issued notifications and thus the High Court Division and permanent Benches had mutually exclusive jurisdiction. It further provided the transfer for pending proceedings and judges from High Court Division to permanent Benches.<sup>76</sup> The lawyers, in the Court challenged the constitutionality of this Amendment Act. Eventually in September 1989 the Appellate Division of the Supreme Court declared the amending provisions permanently breaking up the High Court Division of the Supreme Court ultravires and invalid as the amendment altered the basic structure of the Constitution.<sup>77</sup>

Observing the eighth amendment of the Constitution, Syed Ishtiaq Ahmed pointed out that it had created ten effects on the structure of government: (1) It seeks to alter the permanent seat of the Supreme Court; (2) creates six permanent Benches; (3) establishes permanent Benches at predetermined places selected at random coinciding with Martial Law dispensation; (4) provides for jurisdictions, powers and functions of permanent Benches; (5) provides for territorial limits of permanent Benches; (6) confines the High Court Division functioning at the permanent seat to the area not assigned to permanent Benches; (7)

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<sup>73</sup> See. The Souvenir of the Supreme Court Bar Association, 1984, p. 32.s

<sup>74</sup> Journal of the Bangladesh Legal Decisions, 1989, Special Issue, (Dhaka: Bangladesh Bar Council), p.1.

<sup>75</sup> Article 100 of the Constitution says that the permanent seat of the Supreme Court, shall be in the Capital, but sessions of the High Court Division may be held at such other place or places as the Chief Justice may, with the approval of the President, from time to time appoint. See. The Constitution of the People's Republic of Bangladesh (as modified up to 30 June 1994).

<sup>76</sup> Ibid.,

<sup>77</sup> Constitution Eighth Amendment Case Judgement, BLD, 1989, Special Issue, p.234.

provides for transfer of judges the High Court Division by a deeming provision; (8) gives power to transfer of judges to the Chief Justice without any guideline, qualification or safeguard; (9) delegates to the President the constituent power of assignment areas of jurisdiction of the permanent Benches; and (10) give rule-making power to the Chief Justice on “incidental” matters relating to the permanent Benches<sup>78</sup>.

Ahmed submitted that more permanent seats had been created in a clever manner without adding the word “seat” with the word ‘permanent’. He submitted that in the name of setting up permanent Benches actually permanent seats have been created in the six places, namely, Barisal, Comilla, Jessore, Rangpur, Sylhet and Chittagong. These places had been given constitutional status. Dr. Kamal Hossein pointed out in the course of his submission that the discrimination had been made by giving these places constitutional status out of the 64 districts of Bangladesh and it was done arbitrarily. He opined that by creation of these permanent Benches, mutually exclusive High Court Division had been created which was repugnant.

Dr. Kamal Hossein emphasized on the concept of the Supreme Court of Bangladesh. It does consist of both the Appellate Division and the High Court Division. It is a unique one and it has been so devised as to keep the Supreme Court, the highest judicial Organ of the State, in line with Article, 1 of the Constitution, which provides that “Bangladesh is a unitary, independent, Sovereign Republic”. Like the permanent seats of the other two organs, namely, the Executive and the Legislature, seat of the Supreme Court is in the capital of the Republic. This integrated Supreme Court is a part of the basic structure of the Constitution. It cannot be damaged directly or indirectly. Separation of the High Court Division from the Supreme Court is not permissible because it is an integral part of the Supreme Court. It is not even permissible to create a separate High Court under the Supreme Court as it will run counter to the unitary character of the state opening a door for ultimate disintegration of the state.<sup>79</sup> He further clarifies that Bangladesh is a unitary character of the state. It is very much clear that the homogeneity does exist among her people having same language, culture, tradition and way of life within a small territory. The state has been so organized as a unitary

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<sup>78</sup> Syed Ishtiaq Ahmed submitted his view in the eighth amendment case, Bangladesh Legal Decisions, 1989, Special Issue, page, 50, paragraph 17.

<sup>79</sup> Bangladesh Legal Decisions (Journal), 1989, Special Issue, Paragraph, 361, p. 149.



state by its founding fathers leaving no scope for devolution of executive, legislative and judicial powers on different regions to turn into province ultimately. The unitary character of the state has been reflected in the field of judiciary.<sup>80</sup>

Mr. Nurullah, the learned attorney General, contended that the eighth amendment of the Constitution has been made for the good of the people. He submitted that a Constitution could be amended by the Parliament in exercise of the constituent Power. Accordingly, the pattern and practice of amendment from Ist to eighth amendments of the Constitution were followed. During the course of amendment no objection was taken when the bill had been passed in the Parliament. This amendment in any form did not destroy the basic structure of the Constitution and no illegality had been committed by the said amendment.<sup>81</sup>

Mr. Asrarul Hossein, Amicus Curiae, submitted that the amendment is beyond the amending power of the Parliament. He pointed out that Article 48 of the Constitution says that there shall be a President of Bangladesh. Article 65(1) says that there shall be a Parliament of Bangladesh. And Article 94 says that there shall be a Supreme Court of Bangladesh. The learned Counsel submitted that the Supreme Court of Bangladesh is a creation of the Constitution. It has provided certain unique features and had undoubtedly placed the Supreme Court above the other two organs- the Executive and Legislature. He concludes as saying that the Parliament has no power to amend this Article 100 because it is the structural pillar of the Constitution and Parliament is creature of Constitution itself as such the amendment ultra vires the Constitution<sup>82</sup>.

**Lawyers Movement:** The movement of Lawyers outside the Court and the dimension it assumed in the Eighties here need to be examined in some extent. All records of the lawyers' movement against the decentralization policy of Judiciary were duly submitted as documents before the Court in the Eighth amendment case. These papers were included as evidence and reflected in the judgment of that case. These resolutions of the Bar Association and the Judgement of the Court undoubtedly have been treated as primary data in this work. Representations of Bangladesh Bar Council and the Supreme Court Bar Association

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<sup>80</sup> Ibid., p.150.

<sup>81</sup> Ibid., para. 21, 22, 26.

<sup>82</sup> op. cit., para. 27.28.



virtually advocated the interests of the lawyers. These representations were filed to the Chief Martial Law Administrator requesting for reconsideration of the necessity of setting up permanent Benches in the outlying areas. Syed Ishtiaq Ahmed placed before the Court, in the eighth amendment case, various petitions, appeals, Extract from the meeting of Bangladesh Bar Council held on 22 November 1986 reads as- “ The Council therefore, unanimously resolved that the government be advised to revise their decision without loss of time and undo the so called decentralization of judiciary in the greater interest of the people and the country”<sup>83</sup>. Then he placed before the Court numerous resolutions of the Supreme Court Bar Association that focus “the need of an honest effort to find out real anomaly”. Then in another resolution dated the 5th June 1982 the Bar Association took notice “The authorities concerned remained unconcerned to our appeal and representation”<sup>84</sup> On 23.9.82 the following resolution was passed unanimously:

“It is further resolved that the authority be urged once again to review the entire matter in the greater interest of the country”. Then on 10.10.82 the Bangladesh Bar Association recommended for setting up a National Law Commission<sup>85</sup>.

On 13.10.82 the Supreme Court Bar Association authorized president of the Association “to hold dialogue with the Chief Martial Law Administrator in order to appraise him of the situation arising out of the establishment of the High Court Divisions in the Divisions and is authorized to take such steps as may be necessary in this regard”. On 18 October 1982 the Bar Association noticed that:

“That the unprecedented situation created by the Government in arresting the 12 eminent Advocates of the Supreme Court Bar Association, sealing of the Office of the Supreme Court Bar Association, seizure of its papers and documents after forcefully breaking open the office-room and posting of armed police personnel in the Association Building have impeded the normal activities and functioning of the Supreme Court and also of the

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<sup>83</sup> *Ibid.*, paragraph, 225, p. 101-102.

<sup>84</sup> *Ibid.*,

<sup>85</sup> *Ibid.*,

supreme Court Bar Association compelling abstention from works by the learned advocates".<sup>86</sup>

Thereafter series of resolutions were passed on different dates, namely, 3.9.84; 10.1.85; 26.6.86; 23.7.87; 3.9.86; 20.11.86; 23.11.86; 1.1.87; 26.1.87; 19.2.87; 4.3.87; 11.6.87; 21.4.88; and 14.6.88 to show how the Bar consistently petitioned, fervently appealed the Government to reconsider the decision and even suggested for setting up a broad based National Law Commission with retired Judges and members of the Bar who will hold regular enquiry and public opinion. Mr. Ahmed submitted "all our endeavors failed instead we got amended Article 100".<sup>87</sup> The judiciary has a duty to see the administration of justice functions properly. Justice Badrul Haider Choudhury said in his judgment, "It is not clear when the Supreme Court Bar Association. Bar Council made so many appeals and representations even suggesting for setting up a National Law Commission the authorities concerned did not pay any heed to such representations instead it passed an amendment Act".<sup>88</sup>

Justice M.H.Habibur Rahman mentioned in his judgment that "From a number of resolutions of Bangladesh Supreme Court Bar Association, it appears that notification dated 24.11.1986 was viewed as an instrument for continuing the Martial Law dispensation prevailing immediately before the restoration of the constitution. Certain unfortunate things happened at the permanent seat of the supreme. The above notification was, however, not challenged in Court and the High Court Division continued to hold its sessions at six places. The members of the Supreme Court Bar Association abstained from attending the Court presided over by the learned Chief Justice who stoically carried on his administrative functions. The whole matter uneasily drifted for some time".<sup>89</sup>

Justice A.T.M.Afzal pointed out in his judgment that "It is a matter of current history that the measure has all along been opposed by the Supreme Court Bar Association at various stages and on different grounds. Over the years, the matter has taken on political colour and dimension of on small magnitude. Syed Ishtiaq Ahmed and Dr. Kamal Hossein for being the

<sup>86</sup> BLD, journal, op. cit., para. 226, p.102.

<sup>87</sup> Ibid.,

<sup>88</sup> Ibid., para. 227. pp 102-103.

president of the Supreme Court Bar Association, and both of them members of the Bar Council, have been among the leaders of the movement opposing the measure. The Court being at the centre of the controversy has itself experienced the heat and dust of the said movement.<sup>89</sup>

**Economic interest:** As legal function is very technical and involved with the protection of civil and human rights of citizens, lawyers are more reliable than others in the legal point of view. In this sense, lawyers are not only professionally trained and involved with the rule-adjudication process in the Judiciary but also more preferable to be members for rule-making in the Legislature, which obviously could lead them towards politics. It is the professed policy of government to take justice to the door-step of the poor. But question is closely involved. Why should the lawyers disassociate with the decentralization policy of judiciary? Governments seem to be convinced that justice nearer the doors is ensured if judges are located at the local head quarters for exercising both civil and criminal jurisdiction. Besides this, a mufossil town may not have the attraction for the lawyers to settle down. There is also lack of qualitative educational institutions for their children. No infra-structure is, in fact, available to dispense justice of quality through the judicial process we have adopted. No effort has been made effectively so far to substitute a judicial process that is likely served the interest of the poor and the appointment of more judges in the rural town.<sup>91</sup> Although there is a proposal to establish village court at every Thana Head quarter with limited jurisdiction. Moreover, the poor people and the minorities have lost their faith in the possibility of the village level justice phenomena. In the rural power structure consisting of landlords, lineage, local bodies managed by money and bureaucratic relationship with the upper echelon, justice might hardly be dispensed there.

A lawyer is a professional in the sense that his lively-hood depends on his earnings with few exceptions. He needs money; he tends to move towards the place where there are commercial and industrial activities that generate money. The earning source usually promotes cultural and educational activities. In other words, he is attracted to the urban life

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<sup>89</sup> Ibid., p.163.

<sup>90</sup> Ibid., pp. 181-182.

<sup>91</sup> A Baset Majumder, "Judicial Process: Role of the Bar", in Memorandum, Lawyers Conference – 2000, Dhaka, pp. 76-77.



and urban living. What kind of court may function at a small town that has become a local head quarter for administrative purpose? There one or two lawyers may settle down to look after their agricultural interest at best. What kind of library of law books can a small place afford both in the court and the Bar Association? These are the vital questions that cannot be lost sight of. If there is no good and up to date library, the standard of advocacy is bound to be poor. As a result, judgments will necessarily be poor in such places for want of competent assistance from the bar.<sup>92</sup>

Administration of criminal justice is more difficult. In small places there are no jails, sub-jails or judicial lock-up. Under-trial prisoners have to be brought from distant places. The trial may be adjourned several times. Each time the journey has to be performed. It involves simply the waste of time and money. What about the living conditions of judges in such small places. Some times it can be untold misery. On the other hand, centralized dispensation of justice from larger towns and the district headquarters has many advantages. Over the years a Bar would have grown in a large town or city. If the work were diverted to a small town no lawyer would go to smaller town. Litigants will have to come to the larger towns to seek lawyer of their choice. That may cause delay and additional expense to litigants. Efficiency in such event, is bound to reduce at the lower level and judicial process must suffer in the long run. This is an area where the Bar Association has a significant role to play. It should resist the mushrooming of courts where proper conditions do not prevail for judicial process, irrespective of the consequences. The government will be wiser to take plan for the establishment and expansion of courts on more relevant criteria than doing something arbitrarily. However, the lawyer is an instrument of the justice indispensable to the judicial process and to the rule of law. The legal profession is, in fact, an institution, which is accepted in every society with respect. The Bar Association is the symbolic representation of that profession and still the nation's conscious keeper.

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<sup>92</sup> Ibid.,

Comparisons of professions of Legislators Elected in 1954, 1970, 1973, 1979, 1991, 1996  
and 2001 in the Jatiya Sangsad of Bangladesh.

Table -1

professions	1954		1970		1973		1979		1991		1996		2001	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Lawyers	116	55	79	29	75	26	78	23	56	19	47	15	24	12
Businessmen & Industrialists	11	4	72	27	67	24	91	28	160	53	152	48	118	58
Former army officers now businessmen	-	-	-	-	-	-	-	-	17	6	18	6	2	1
Land lords	56	19	12	5	50	18	40	12	12	4	22	7	1	
Retired Civil servants	-	-	7	3	2	1	-	-	6	2	6	2	5	2
Doctors	12	4	20	7	15	5	13	4	8	3	15	5	10	5
Teachers	16	5	25	9	28	10	20	6	28	9	12	4	21	10
Religious leaders	21	7	-	-	-	-	-	-	-	-	-	-	-	-
Journalists	11	4	-	-	-	-	Eng-5, Jn-4, CA- 3, Tu-6		6	2	6	2	3	1
Politicians	-	-	14	5	35	12	-	-	6	2	8	3	7	3
House-wives	-	-	-	-	-	-	19	6	-	-	17	5	-	-
Others	7	2	5	2	11	4	40	121	1	1	30	9	14	7
total	250	100	268	100	283	100	327	100	300	101	318	100	205	99

Source: Talukder Maniruzzaman, "The Fall of Military Dictator: 1991 Elections and the Prospect of Civilian Rule in Bangladesh", Pacific Affairs, Vol.65 No.2 (Summer 1992), p. 215; Rounaq Jahan, Bangladesh Politics: Problems and Issues, (Dhaka: UPL, 1980), p. 99 and 148; \* For 1996 and 2001 Some confidential documents have been consulted in the JS library. Total percentage exceeds or declines 100 because of rounding.

What do the members of the parliament represent in Bangladesh? What sort of interest group or associational interest emerges in Bangladesh politics? Table 1 helps us answer to this question. If we closely look at the Table 1 find that the business and industrial groups are the dominant social forces among the members of the Jatiya Sangsad constituting 48 percent of the total in 1996 election. It gives us a comparison of occupations for the legislators elected in 1954, 1970, 1973, 1979, 1991, 1996 and 2001. In Table 1, the percentage of lawyers has continuously declined from 55 percent in 1954 to 29 percent in 1970. This declined trend of percentage of lawyers in the Jatiya Sangsad in independent Bangladesh continues from 26 percent in 1973, 23 percent in 1979, 19 percent in 1991 15 percent in 1996 and to only 12 percent in 2001. On the other hand, the percentage of

businessmen and industrialists has increased from 4 percent in 1954 to 48 percent in 1996 and 58 percent in 2001.

Talukder Maniruzzaman shows that the Percentage of rising business group in legislature is 53 in 1991. This trend would be increased to 59 percent in 1991, if we include the number of former army officers now businessmen and industrialists. The same tendency also dominates in the election in 1996-<sup>93</sup>. Thus, the business group represents (48% + 6% former army officers now businessmen and industrialists emerged as legislators) 54 percent of legislators in the Jatiya Sangsad in 1996 and 58 percent in 2001.

**Lawyers' professional Demands:** Let us go through the Lawyers' demands that placed in the address of welcome the Prime Minister Sheikh Hasina as chief guest in their Conference'2000 held on 21 April 2000 at Dhaka. The main ten demands were: (1) separate the Judiciary from the Executive urgently; (2) appoint the Judges to the vacant post immediately; (3) promote the Magistrate on the basis of the recommendations of District Judges; (4) refrain the Magistrate in the judiciary from the administrative function; and (5) introduce the legal training courses for the Judges and legal trainees; (6) separate pay scale for judges; (7) constitute legal cell in every bar association including the Supreme Court Bar; (8) ensure the rule of law, justice and freedom of Judiciary; (9) introduce the appeal to the District Judge Court against the release of the accused of C.R.cases; (10) enhance the jurisdiction of the District Judge.<sup>94</sup>

Barrister Amir-Ul-Islam vigorously emphasized on the effective role of lawyers. He insistently views that lawyers have great responsibility towards the society. They play major role in the development of society. It is, therefore essential to upgrade the standard of legal education with a view to producing competent lawyers. They can become the social architects and contribute not only in practicing but also in interpreting, applying and in making laws.<sup>95</sup> Legal profession includes not merely the branch of litigation as practised in the court but also covers chamber practice, counseling, corporate practice, law teaching, law

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<sup>93</sup> Life Sketches of the Members of Jatiya Sangsad, published by Jatiya Sangsad, March 1981, (Introductory chapter); For the source of data for 1996 legislators see Aminur Rashid, Pramyannya Sangsad (Documentary Sangsad), unpublished, 1997.

<sup>94</sup> Barrister Amir-Ul-Islam, "Welcome address", The Memorandum of the Lawyers' Conference-2000, (Dhaka: Bangladesh Bar Council, 2000), p. 24.

<sup>95</sup> Bangladesh Bar Council, Memorandum, the sixth Lawyers Conference-1994, Dhaka, pp.47-51.



research, administration in different branches where law plays a role. Lawyers' special functions and skills in law applying, advising, advocating, law making and adjudicating are traditionally well known and most securely held. But a lawyer today is viewed not only arguing a case in the courtroom. He is also an architect of social structure, a designer of a framework of collaboration and specialist in the high art of speaking in the days to come. Lawyers are the dynamics of society. It is high to realize that law cannot be viewed in isolation. Law must be perceived along with its role in society. The study of law as an independent, self-contained discipline will be enabling to achieve the cherished goal.

The law adjudication and the law-making issues in the political process are very much interrelated with the role of lawyers. While the lawyers interpret law from the position between the government and the aggrieved party may be tilted the balance to the later for political interest. Thus, they try to influence the government by the legal control through court and political control through parliament.

In line, from the foregoing analysis it appears that lawyers did not only strain on the chief executive of the state but also persuade the judges of the Supreme Court. All records of the lawyers, movement together with resolutions of Bangladesh Supreme Court bar Association (BSCBA) against the decentralization policy of judiciary and amendment of the article 100 of constitution were duly submitted before the Court. It assumes that during argumentation judges were more convinced with the references of movements and pertinent resolutions of BSCBA than the reasons of the lawyers' logical argument. It relates to my assumption when justice Badrul Haider Chowdhury said that BSCBA and Bar Council made so many appeals and representations suggesting for setting up National Law Commission. But government did not pay any heed to such representations instead it passed an amendment act.

In addition to, justice Habibur Rahman pointed out that the members of the Supreme Court Bar Association abstained from attending the Court of Chief Justice who impassively carried on his administrative functions. The whole matter was uneasily streamed for sometime. Justice Afzal also pointed out that over the years in the eighties the matter had taken on political colour with different magnitude. It has become evident from the resolutions of BSCBA submitted before the court that judges under constraints, had to reconsider the

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# **CHAPTER THREE**

## **BUSINESS GROUP IN POLITICS**



## CHAPTER THREE

### Business Group in Bangladesh Politics

The business group is presently more influential associational interest group in Bangladesh politics<sup>1</sup>. This business group in Bangladesh exists only among the 16 percent of the population living in the urban areas. At the time of liberation in 1971, the industrial sector had contributed only 7.8 percent of Gross Domestic Product (GDP). By 1999, Industry's contribution accounted roughly 20 percent of GDP.<sup>2</sup> The increasing contribution to the total national income obviously bears a great significance and potential effectiveness of the group. Its emergence in Bangladesh can be traced in the Trade Organizations Ordinance 1961, which remained in force under the Laws (Continuance and Enforcement) Order 1971<sup>3</sup>. This act was in the provision of rehabilitation of the pre-independence business organizations like chamber of commerce and trade and industry associations in Bangladesh. At the individual level, Bangladeshi businessmen have been very active in politics. They have not only been involved in associational interest articulation arena but also well represented in the legislative process.

Khaleda Zia regime faced a 10-month of political crisis and stalemate in December 1994. The political elite of Bangladesh, for the first time, came under the intense pressure from the country's emergent business group. They categorically demanded that the elite should stop holding the economy hostage to political conflict. Business leaders asked in some extent that the ruling party, Bangladesh Nationalist Party (BNP) and the opposition Awami

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<sup>1</sup> Talukder Maniruzzaman, *The Politics of Development: The Case of Pakistan 1947-1958*, (Dhaka: Green Book House Limited, 1971), pp. 93-99; *Group Interests and Political Changes: Studies of Pakistan and Bangladesh*, (New Delhi: South Asian Publishers, 1982), chapter 1.

<sup>2</sup> Stanley A. Kochanek, "The Growth of Commercialization of Power" in Rounaq Jahan (ed.), *Bangladesh: Promise and Performance*, (Dhaka: The University Press Limited, 2000), pp. 149-150.

<sup>3</sup> *The Laws (Continuance and Enforcement) Order 1971* dated the 10<sup>th</sup> day of April, 1971, Mujibnagar, Bangladesh. It deemed to have come into effect from the 26<sup>th</sup> day of March 1971. (It is an act, which is designed to provide legal continuity for the new state like Bangladesh.)

League (AL) sit together and hold dialogue under the patronage of the Federation of the Bangladesh Chambers of Commerce and Industry (FBCCI) to settle their differences for the greater interest of the nation<sup>4</sup>. Although their effort came into vein, it marked the first time since liberation that the business group had made such a demand in the political process. It reflected the significant changes and emerging role of the business community in the political arena. This emerging role, moreover, was reinforced again by the business leaders in ending the political crisis in March 1996.

This chapter **first** aims to emphasize the origin, development and the role of business group in the changing political process of Bangladesh. How does the business group try to convert its wealth into power? What reasons does it draw upon in trying to influence public policy? Why has government ownership and operation on partnership basis been adopted and what are the considerations involved? Does government dominate business or business dominate government? How do business and government interact? How does one explain the preponderance of a business and industrial class in the politics of Bangladesh? How could this transformation take place? Did the Parliamentary elections represent any social change in Bangladesh? What is the prospect of the civilian rule in Bangladesh? **Secondly**, we shall be concerned with all these questions.

### **The Genesis of Business group in Bangladesh:**

The term 'business' is used here in its broadest significance as equivalent to the economy and economic life of the state.<sup>5</sup> The economic enterprises are mainly divided into public and private sectors. Here we shall concern with the later. Historically, Bengali Muslims played an almost insignificant role in trade and commerce in British India. Bengali Hindu, Marwari and British traders controlled the limited trade and industry that existed in the eastern districts of undivided Bengal<sup>6</sup>. Its origin can be traced in the writings of C.N.

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<sup>4</sup> Stanley A. Kochanek, "The Rise of Interest Politics in Bangladesh" in *Asian Survey*, Vol. 36, No. 7, July 1996, pp. 704-722; Stanley A. Kochanek, *Patron-Client Politics and Business in Bangladesh*, (Dhaka: University Press Limited, 1993), pp.107-165.

<sup>5</sup> Marshall Edward Dimock, *Business and Government*, (New York: Henry Holt and Company, 1953), p. 4.

<sup>6</sup> Stanley A. Kochanek, *Patron-Client Politics and Business in Bangladesh*, (Dhaka: UPL, 1993),

Vakil.<sup>7</sup> In his book 'Economic Consequences of Divided India' in 1950. At the time of partition of India and Pakistan in 1947, Rehman Sobhan observes, "there was not a single large scale industrial enterprise in East Bengal controlled by a Bengali Muslim. Nor were they present in the jute trade, tea or inland water transport."<sup>8</sup> Before the partition of India in 1947, the then East Bengal (later East Pakistan) and West Pakistan were overwhelmingly agrarian society. The size of the agricultural sector was slowly decreased from 51 percent of the Gross Domestic Product (GDP) in 1950 to 32 percent in 1999. On the other hand, the manufacturing sector has grown from 3.8 percent of GDP during the said period to 11.5 percent. The industry's sector in 1999 accounted approximately 20 percent of the GDP.<sup>9</sup>

The two regions virtually depended on the other parts of India for their basic supply of manufactured consumer goods. West Pakistan grew wheat and cotton and supplied the raw cotton to the textile mills of Bombay and Ahmedabad. East Pakistan grew rice and jute and supplied raw jute to the jute mills of Calcutta. Although East Pakistan produced 70 percent of the raw jute in British India, it did not have a single jute mill. Similarly, West Pakistan, which was one of the major cotton-growing regions in India, had only three small textile mills before 1947. At the time of partition, the industrial sector in East Pakistan contributed near about 4 percent to the GDP. As part of Pakistan the region developed a limited but significant industrial base. The rate of Industrial growth was 6.6 percent per year from the fiscal year 1950. By 1970, it was counted 8 percent to the provincial GDP. Most of this industry was concentrated in large and medium-sized units located around Chittagong and Dhaka. The two most important industries were jute and cotton textiles. G. F. Papanek analyzed the level of concentration of industry in Pakistan as early as 1971. He discovered that of the more than 3000 individual firms in Pakistan, 24 individuals,

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<sup>7</sup> C.N. Vakil, *Economic Consequences of Divided India: A Study of the Economy of India and Pakistan*, (Bombay: Vora & Company Publishers, 1950), p. 388.

<sup>8</sup> Rehman Sobhan, "Growth and Contradictions Within the Bangladeshi Bourgeoisie," *Journal of Social Studies*, no. 9 (July 1980), p. 3.

<sup>9</sup> Rounaq Jahan, 2000, op. cit., pp.149-150.



families, or foreign corporations controlled nearly half of all private industrial assets.<sup>10</sup> Moreover, he demonstrated the close relationship between family and community origins of Pakistan's entrepreneur's like- Adamjee, Dawood, Bawany, Ispahani and others. But not a single of Pakistan's leading entrepreneurial families was Bengali. Sergie Barnab has classified some Bengali Muslim business houses. In his study he demonstrated the sixteen Bengali Muslim Houses in 1969- 1970 according to the ownership of assets of Rs.25 million or more.<sup>11</sup> It can be seen in Table-1. Rehman Sobhan Estimates that 55 percent of these assets were concentrated in jute and textiles. Many of the groups had close connections with the large Pakistani industrial houses.<sup>12</sup>

**Table 1**

The leading Bangladeshi (the then East Pakistan) Business Houses in 1969-1970

No	Business Group	Number of Companies	Estimated Assets (Rs. Million)
1.	A. K. Khan	12	75
2.	Gul Baksh Bhuiya	5	65
3.	Md. Fakir Chand	14	60
4.	Zuhurul Islam	10	60
5.	Maqbulur Rahman & Zuhurul Qayyum	9	50
6.	Al-Haj Muslimuddin	6	50
7.	Al-Haj Shamsuzzoha	5	50
8.	Khan Bahadur Mujibur Rahman	4	45
9.	Afil	7	40
10.	Sattar	5	30

<sup>10</sup> Gustav F. Papanek, "Pakistan's Industrial Entrepreneurs: Education, Occupational Background and Finance", in W. P. Falcon and G.F. Papanek (eds.), *Development Policy II: The Pakistan Experience*, (Cambridge: Harvard University Press, 1971), pp. 237-61.

<sup>11</sup> Sergie S. Barnab, *East Bengal: Characteristics of Economic Development, 1947-71*, (Dhaka: Jatiya Sahitya Prakashani, 1986, translated from Russian and published in Bangla)

<sup>12</sup> Rehman Sobhan and Muzaffar Ahamed, *Public Enterprises in an Intermediate Regime: A Study in the Political Economy of Bangladesh*, (Dhaka: Bangladesh Institute of Development Studies, 1980), pp. 15-16.

No	Business Group	Number of Companies	Estimated Assets (Rs. Million)
11.	Ashraf	4	30
12.	Bhandari	6	30
13.	Safdar Ali	7	30
14.	Ibrahim Mia	7	30
15.	Serajul Islam Chowdhury	4	25
16.	Mohammad Abdus Samad		
	(Delta Group)	5	25
		110	695

Source: Barnab, East Bengal: Characteristics of Economic Development, 1947-71, (Dhaka: Jatiya Sahitya Prakashani, 1986), p. 13; Stanley A. Kochanek, Patron-client Politics and Business in Bangladesh, (Dhaka: UPL, 1993), p. 113.

Mahbubul Haq, chief economist of the Planning Commission of Pakistan, told a meeting in Karachi in the mid fifties that the economy of Pakistan had become dominated by 22 families who controlled 66 percent of the total industrial, 70 percent of the insurance and 80 percent of the banking assets of the country.<sup>13</sup> Gohar Ayub son of President Ayub Khan had also joined the ranks of the lucky '22 families' through his association with Gandhara Industries. The Awami League along with all opposition political parties, in the anti-Ayub movement, included nationalization of banking, insurance and industries in its election manifesto of 1970.

Among the top five Bengali Business houses, the largest was the A. K. Khan group. It was established in 1945. This group in 1969-70 had 12 companies with estimated assets of 75 million rupees. It is one of the oldest and largest private-sector organizations in the then East Pakistan now Bangladesh. A barrister, a former member of the Bengal Civil Service (Judicial), who married the daughter of a prominent Chittagong businessman, founded the group. A.K.Khan's father-in-law was a member of a Chittagong Saudagar Family with

<sup>13</sup> Kochanek, 1993, p. 115.

economic interests in Burma. A. K. Khan took over his father-in-law's business interests and used them as a base to establish one of the largest Bengali Muslim businesses houses in the country. He was elected to the Constituent Assembly of India in 1946 and was a member of the Pakistan Constituent Assembly. He also served as a minister in the cabinet of Ayub Khan from 1958 to 1962.<sup>14</sup>

## **The Structure of Industry in Bangladesh**

Bangladesh emerged as an independent state through a nine-month long traumatic liberation war against Pakistan in 1971. Following the war, the Awami League formed the government under the leadership of Sheikh Mujibur Rahman, who initiated the massive program of nationalization. Overnight, the public sector grew from 34 percent to 92 percent of total industrial assets in Bangladesh. The government also gained control of 27 percent of the commercial establishments, 12 banks with 1175 branches and both the life and general insurance businesses. The large-scale sector was made up of 3130 registered factories. The industry was dominated largely by consumer goods producers, which included 791 jute and cotton textile mills, 574 chemical units and 406 food companies.<sup>15</sup>

Through this massive program of nationalization led by the new Awami League government, Bangladesh mainly inherited the mixed traditions of British pluralism and Pakistani corporatism in the economic sector. The short existence of a united Pakistan from 1947 to 1971 did little to accelerate the development of modern business association. Despite the business association grew rapidly in the early years of Pakistan, these associations were unable to overcome their internal conflicts. It also failed to develop the sense of collective action that would transcend primordial group loyalties. As a result, Ayub Khan, from the very beginning of his Martial Law in 1958, made these associations part of his corporatist state. Under his regime in the sixties, Pakistani business associations never achieved sufficient organizational effectiveness to articulate their associational interest and play a significant role.

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<sup>14</sup> Stanley A. Kochanek, *Patron-Client Politics and Business in Bangladesh*, (Dhaka: UPL, 1993), p. 114.

<sup>15</sup> *ibid.*, pp. 116-17.



The public sector control and dominates 160 large units of industry and 40 percent of industrial assets in Bangladesh. At present, it is organized into six giant public sector corporations. These are- the Bangladesh Chemical Industries corporation (BCIC), the Bangladesh Jute Mills Corporation (BJMC), the Bangladesh Steel and Engineering Corporation (BSEC), the Bangladesh Textile Mills Corporation (BTMC), the Bangladesh sugar and Food Industries corporation (BSFIC) and the Bangladesh Forest Industries Corporation (BFIC). These public sector units produce fertilizer, steel, sugar, jute products, cotton textiles, cement and paper. These industrial units, however, operate at only 40 to 73 percent of their capacity. They actually suffer from high losses, poor management, gross overstaffing and rigid bureaucratic rules and procedures. The public-sector jute mills, for example, employed 94,600 workers in 1969-70 and produced 0.56 million tons of jute products. By 1981-82 they employed 200,700 workers and produced only 0,58 million tons of jute products.<sup>16</sup>

In the private sector, industry grew considerably since 1975. But in the late eighties, the private sector was very small and employed a very small portion of workforce. The table 2 shows that industry in Bangladesh was still dominated by small-scale units, cottage industry and handlooms.

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<sup>16</sup> op. cit., 117.

Table 2

The Structure of Industry in Bangladesh

Size	Units	Percentage of Units	Employments	Percentage of employment
Large and medium	5,895	1.1	490,000	20.2
Small	23,130	4.3	312,500	12.9
Cottage	248,447	46.2	765,300	31.7
Handloom	260,000	48.3	850,000	35.2
Total:	537,472	99.9	2,417,800	100.0

Source: Stanley A. Kochanek, *Patron-Client Politics and Business in Bangladesh*, (Dhaka: UPL, 1993), p. 118.

As seen in Table 2, The large and medium scale sector had 5,895 units, which represented only 1.1 percent of the total workforce but provided 20 percent of the industrial employment. The small size industrial sector had 23,130 units, which represented 4.3 percent of the total workforce and provided 13 percent of the industrial employment. But in 1987, the cottage and handloom sector represented around 47 percent of the total work force and accommodated 34 percent of the industrial employment in average in the private sector. Let us see the contemporary history of the development of business association in Bangladesh.

### The Origin of Associations 1833-1947

The European merchants of the port cities of Calcutta, Madras and Bombay first introduced Modern business associations in India in 1833. It was established in response to end the exclusiveness of trade of the East India Company. After the establishment of Indian National Congress in 1885, Indian merchants and industrialists with a view to rising tempo of political and economic nationalism formed the similar business association. Parallel All India Federations representing foreign and indigenous capital were created

after the First World War.<sup>17</sup> But Indian Muslim businessmen did not replicate this pattern of association until the 1930s and the early 1940s.<sup>18</sup> For the first time, the European merchants established the business associations in Dhaka and Narayangonj in 1904 and in the port city of Chittagong in 1905<sup>19</sup>. Both cities had been important centers of commerce during the Mughal Period. But it had been displaced by the emergence of Calcutta as the center of British power.

Despite Hindu businessmen were a dominant force in the trade, commerce and industry of East Bengal, their associational activity centered on Calcutta. As a result, the East Bengal districts never developed strong Hindu or mixed chambers of commerce comparable to the Indian Merchants Chamber in Bombay, the Calcutta Chamber, the Southern Indian Chamber in Madras or the Karachi Chamber. A small Indian Merchants' association did function and a mixed chamber of Hindu and Muslim jute traders was created in Khulna in 1934. But its organizational approach was very weak. In India, the first chamber of commerce of Muslim businessmen was founded in Calcutta in 1932 headed by the Ispahani and Adamjee families<sup>20</sup>. These two families were very prominent Muslim trading houses in Calcutta. It had 90 members drawn from among the most important Muslims' merchant, manufacturing and banking houses in the city.

The Ispahani trading houses were very active in city politics and became closely associated with Mohammed Ali Jinnah and the Muslim League. The Adamjees provided financial support to the League and Jinnah's financial contacts with the Memon trading community. It may be mentioned here that the Muslim Chamber in Calcutta had 143 members and was entitled to elect one member to the Bengal Provincial Assembly.<sup>21</sup> With Jinnah's blessing, the Ispahanies led a major movement in the late 1930s and the early 1940s to mobilize the muslim business community in India. The Muslim Chamber of Commerce were, however,

<sup>17</sup> Stanley A. Kochanek, Business and Politics in India, (Berkeley: University of California Press, 1974), pp. 108-55.

<sup>18</sup> Stanley A. Kochanek, Interest Groups and Development: Business and Politics in Pakistan, (Delhi: Oxford University Press, 1983), pp. 105-10.

<sup>19</sup> -----, Patron-Client Politics and Business in Bangladesh, (Dhaka: UPL, 1993,) p.128.

<sup>20</sup> *ibid.*, p.129.



created in Dhaka and Chittagong in 1936. Both were very small, and their membership consisted of local Bengali Muslim traders. In 1945, the Isphanies succeeded in creating an All-India Federation under the leadership of Sir Adamjee Haji Dawood, founder of the Adamjee group. The new federation was designed to articulate the demands of the Muslim league. With partition of India in 1947, the headquarter of the federation in New Delhi became defunct.

### **The Development of Associations 1947-1971**

During this period<sup>22</sup> the development of business associations passed through two phases. The **first** involved the reconstruction of the existing chambers and the growth organizations to represent the new diversities of trade and industry in East Pakistan. The **second** involved the forced integration of associations under government command as part of Ayub's corporatist state.

In 1947, with the creation of Pakistan the Bengal was divided into East and West. The East Bengal as the majority of Muslim inhabitants annexed to Pakistan and the West Bengal as the majority of Hindu inhabitants remained in India. As a result, the most non-Bengali Muslim trading houses of Calcutta shifted their headquarters to Dhaka. Other Muslim traders came from West Bengal and other parts of North India. In the face of language differences and strong native sentiments, the larger non-Bengali trading houses joined the British Chambers survived in Chittagong and Narayangonj. Most of the smaller immigrant traders founded their own business associations in Chittagong and Dhaka. Thus, the six different chambers of commerce proliferated in the port city of Chittagong, as the more prominent trade center, to represent its diverse components. These are<sup>23</sup> - the Chittagong Chamber (1905), the Muslim Chamber (1936), the Pakistan chamber (1947), the City Chamber (1947), the East Bengal Chamber of Commerce (1952), and the East Bengal Chamber of Commerce and Industry (1965).

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<sup>21</sup> Das Gupta, L.R., Indian Chambers of Commerce and Commercial Associations, (Calcutta: The Eastern Chamber of Commerce, 1946), pp. 26-27.

<sup>22</sup> During this period the present territory of independent Bangladesh was known as East Pakistan, province of the united Pakistan.

<sup>23</sup> Chittagong chamber of Commerce and Industry (n.d.), History of the Chitagong Chamber.

In Dhaka, the provincial capital, there had four chambers of commerce<sup>24</sup>. These are- the Dhaka-Narayangonj chamber (1904), the Dhaka Chamber (1936), the United Chamber (1947) and the Dhaka chamber of Commerce and Industry (1958). Small Chambers also gradually emerged in the less prominent trade centers of East Pakistan. In addition to the old Khulna Chamber (1934), new chambers were also founded in Rajshahi (1950), Bogra (1962) and Sylhet in the mid sixties. These chambers and the rapid growth of business associations reflected a tendency to promote interests of trade associations as instruments of individual representation under the shed of collective action to influence the public policy. But some of these chambers and associations were not so active to promote their occupational interest. A few of them individually maintained lobby with the government.

### **Political Recruitment of Associations:**

In the face of uneven development between the two wings of Pakistan, the fragmentation and the lack of cohesion prevailed among the Pakistan businessmen. This trend internally hampered the development of organized business associations based on common interests. The Government of Pakistan from the start offered various concessions to persons who are interested of setting up new industries. **First**, the government acquired land through the Land Acquisition Act for the prospective industrialists at prices far below those prevailing at the market. **Second**, the government gave various types of tax concessions to new industrialists. The first concession related to exemption of five- percent tax on the capital invested under the new industrial undertakings. The second concession related to the initial and additional depreciation allowances. The third concession related to the exemption of investments in the initial and fresh share capital of public companies.<sup>25</sup> These concessions to new industries were continued upto 1958.

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<sup>24</sup> Dhaka Chamber of Commerce and industry, Silver Jubilee, 1984.

<sup>25</sup> Talukder Maniruzzaman, The Politics of Development: The Case of Pakistan 1947-1958, (Dhaka: Green Book House Limited, 1971), p. 93.

Besides these political concessions, 'almost any industrialist was guaranteed a profit, for imports offered little competition, domestic production was inadequate and those able to import machinery were subsidized by undervalued foreign exchange. In some industries, annual returns of 100 percent on investment were usual'.<sup>26</sup> Thus, the government's patronage, prospect of high profits, and sudden increase in economic opportunity brought into existence- a new able, ruthless group of industrial entrepreneurs. With the growth of industries, various trade and commerce associations came into existence. By 1958, the total number of associations was 250.

In the early 1957, Suhrawardy's government proposed that there should be an all Pakistan Federation of Commerce and Industry known as the Pakistan Chamber of Commerce and Industry (PCCI) at the top of all trade organizations in the country. The two regional federations of chamber of Commerce and Industry to be known as East and West Pakistan Chambers of Commerce and Industry would be affiliated to the PCCI<sup>27</sup>. The trade and organizations welcomed the proposal. But, after the fall of Suhrawardy's government, the two successive governments did not take up the plan of accommodating the trade and business associations.

However, the Pakistan Federation of Chamber of Commerce and Industry (PFCCI), in some different form, was officially inaugurated on 16 August 1960. General Ayub Khan sent a personal message of congratulations and explained the reform plan designed to make government and business equal partners in development. He told the federation that government would look to these bodies to provide advice. He also warned that this presupposes these bodies would be handled at all stages with intelligent, patriotic and capable persons. In time they must see to it that members carryout activity according to accepted standards.<sup>28</sup> The new federation was grown very rapidly in size and action. But the imbalances of regional distribution of its membership reflected the uneven development of

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<sup>26</sup> *Ibid.*,

<sup>27</sup> *Ibid.*, pp. 94-95.

<sup>28</sup> Kochanek, 1993, p. 136.



industry in Pakistan. The federation membership grew from its original 39 founding members to 73 at the time of Bangladesh liberation war in 1971.

On 17 May 1965, the President of Dhaka Chamber of Commerce in a letter to the PFCCI raised a list of Bengali economic grievances. He strongly demanded a reorganization of the federation based on the principle of parity of East and West Pakistan. The East Pakistan regional committee of businessmen met in mid-June 1965 to develop a plan for more tangible action. The Committee passed a resolution demanding a complete reorganization of the federation based on parity of East and West. A copy of the resolution was forwarded to the federation and government. In addition to a conference of all East Pakistani businessmen was scheduled for August 1965 to reinforce this demand. The 1965 Indo-Pakistan war disrupted life in both the wings of Pakistan and ultimately tended to strengthen Bengali feelings of isolation. It also intensified the latent demands for greater autonomy in both political and economic spheres.

Side by side, Sheikh Mujibur Rahman and Awami League, in the movement for regional autonomy of East Pakistan, announced on February 1966 the burning six-point “charter of survival”<sup>29</sup> program, which included: (1) reintroduction of a Parliamentary form of government based on universal and adult franchise; (2) a federal form of government with only- defense and foreign affairs departments to be lodged with the central government; (3) separate currencies and state banks for the two states; (4) all heads of taxation under the states, with the central government dependent on a fixed levy from the states; (5) the independence of two states in international trade; and (6) the development of a militia or paramilitary force in East Pakistan.<sup>30</sup>

The pressure for restructuring the Pakistan Federation of Chamber of Commerce and Industry was renewed in 1967 and the demand had shifted from parity to separation. At a conference of presidents and delegates of East Pakistani chambers held at Khulna on 24

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<sup>29</sup> Talukder Maniruzzaman, Radical Politics and the Emergence of Bangladesh, (Dhaka: Bangladesh Books International Ltd., 1975), p. 36.

<sup>30</sup> Ibid.,

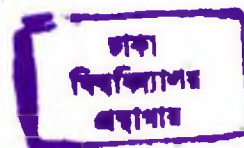
June 1967. A resolution was passed unanimously demanding that the PFCCI be reconstituted by way of forming a separate Federation for East Pakistan. It will be directly responsible to the Director of Trade organizations (DTO), Ministry of Commerce. In addition, the resolution insisted that all trade and industry associations be reconstituted on an East and West Pakistan basis. The business group's demand and pressure that moved in this critical period for the separate chamber of Federation was understandably linked with the "charter of survival"-regional autonomy launched by the Awami League.

By the late 1960s Bengali nationalism had reached a fever pitch. West Pakistani businessmen came under severe attack. The economic disparity between East and West had become a major political issue. East Pakistan was entitled to select a president for the federation for 1968-69 and six candidates entered the race. The main conflict, however, was between Syed Mohsin Ali and M.M. Ispahani. Mr. Mohsin Ali was a small East Pakistani businessman and a vocal. He was politically oriented Bengali nativist from the Dhaka Chamber. On the other hand, M. M. Ispahani was from Narayangonj Chamber. Although most Ispahani family assets were located in East Pakistan, he was seen as a member of one of the leading industrial families of Pakistan and an outsider. Although it was critical race, Mohsin Ali was, however, succeeded in mobilizing the support of other business associations and elected.<sup>31</sup>

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As a president of the federation for the term 1968-69, Syed Mohsin Ali publicly complained that Gujrati and Urdu speakers owned 80 percent of the industry in East Pakistan. He argued that Bengali interests did not properly attend and criticized the structure of the federation. The lack of effective East Pakistani voice in the federation had resulted in government credit policies, investment policies and plan allocations that discriminated against the eastern wing of the country he added. In order to correct these anomalies, he strongly demanded the priority allocation of investment funds to East Pakistan and the nationalization of big business. But Karachi business community became furious with Mohsin's anti-big business stand. In response, in early May 1970 the

<sup>31</sup> Kochanek, 1993, p. 141.



government issued a Gazette notification under the Trade Organizations Ordinance, prescribing a set of amendments to the federation's constitution. It stipulated the principle of parity in the General body and the Managing Committee of the federation. Under the amendment the General Body was to consist of 50 delegates from each wing and the Managing Committee was to have 16 representatives from each wing.

The amendments were seen as an attempt to destroy the representative character of business associations in Pakistan in an effort to solve the political problem. But the result was a stalemate. In an effort to break the dead lock, Asraf Tabani, newly elected chairman for the West Pakistan Zonal Committee, was appointed by the government as administrator of the federation. Tabani was to govern the federation with an Advisory Committee of 136 leading businessmen. The Advisory Committee, however, produced a set of compromise proposals among the businessmen of the two wings. But the Pakistan elections of December 1970 in which Awami League won the victory, and in response to the repressive policies of Yahya regime and the military crackdown on 25 March 1971 in Dhaka ultimately led the Bengalis towards the liberation war in 1971.

### **Business Associations in Bangladesh 1971- 2000:**

Following the liberation war associations virtually inherited the legal framework, structures and culture of the Pakistan period. Associations continued to function under the Trade Organizations Ordinance of 1961, which remained in force through the enactment of the Laws (Continuance and Enforcement) Order 1971. This act was designed to provide legal continuity for the newly independent state. Under the Trade organizations Ordinance, all large-scale business units must belong to at least one chamber of commerce, trade or industry association in order to secure access to a variety of government benefits. Apparently, the collective action on the part of the business community in Bangladesh has been very limited. But traders and industrialists have developed a large number of business associations, which articulate the associational interests and attempt to speak on behalf of the rising business group in Bangladesh. Although in the year 1999-2000, there are 236



business chamber and associations<sup>32</sup> in the register, but only handful business associations play an active role in the political process.

The immediate post-liberation environment in Bangladesh was hostile toward both private sector business and its associations. The nationalization policies of the Awami League placed most trade and industry under the control of public sector. The disrupted private sector business was reduced to indenting, real estate speculation, contracting and smuggling. Officially, Bangladesh in 1971 had eight recognized chambers of commerce, 10 industry associations and the shattered remnant of the old zonal committee of the Pakistan Federation of Chambers of Commerce and Industry (PFCCI). Although pro-Awami League businessmen controlled the major associations, the AL government itself was divided and largely indifferent to these associations. Business associations in Bangladesh, in fact, did not begin to recover until revival of the private sector in the late 1970s. And they did not start to come into their own position until the 1980s. The new Awami League government was mainly divided on the question of the fate of business associations in the country. The leftists in the AL and the Planning Commission argued that the private sector and its associations had no role to play in the new socialist economy and society in Bangladesh. The rightist and pro-business elements in the AL government, on the other hand, argued that private sector business associations should be reconstructed to play an active role. This atmosphere of conflict, confusion and uncertainty lasted until the economic crisis of 1974, when the Awami League government was forced to turn to business for advice on how to rehabilitate the economic sector.<sup>33</sup>

The fortunes of the Bangladeshi business associations however did not really begin to revive until Zia took power in 1975. Under Zia, pro-Awami League businessmen were removed from the leadership of the major chambers of commerce by new elections, membership began to grow and some semblance of order was restored in both business organizations and the country at large. The business associations began to play a larger role in the policy process and came into their own positions under the Ershad government in the

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<sup>32</sup> The Federation of Bangladesh Chamber of Commerce and Industry, Annual Report 1999-2000, p.31.

<sup>33</sup> op. cit.,

1980s. The rehabilitation and restoration of business association in Bangladesh began with the reconstruction of the three most important chambers commerce located in Narayanganj, Dhaka and Chittagong. These efforts were paralleled by attempts to create a new apex association to replace the old PFCCI. As a result of this process of transformation, the most important associations representing trade and industry in Bangladesh became members of Dhaka Chamber of Commerce and Industry (DCCI), Chittagong Chamber of Commerce and Industry (CCCI) and Metropolitan Chamber of Commerce and Industry (MCCI) in Dhaka. How do these business organizations develop and function in the political process? It needs to be explained in some extent.

### **The Dhaka Chamber of Commerce and Industry (DCCI)**

The Dhaka Chamber of Commerce and Industry (DCCI) was created in December 1958. It was a result of the unification of the old Dhaka Muslim Chamber and the United Chamber, under the Trade Organizations Ordinance. It is a premier trade and industry organization in Bangladesh and attempted unsuccessfully to eclipse all other business organizations. It had very large membership of almost 5000 most of who were illiterate petty traders. It has got a staff of 54 with an annual budget of Tk. 143 million in 1998.<sup>34</sup> It became politicized to the extent the presidency of the DCCI was seen on step forward to be a cabinet member. The DCCI tended to identify with and support the government of the day. It represents the interests of members consisting of persons firms, and corporate bodies engaged in trade, commerce and industry. It formulates suggestions on the country's commercial, industrial and fiscal policies and maintains a liaison between the government and the business community. It is consulted by the Government from time to time and represented on public bodies concerned with trade, commerce and industry.<sup>35</sup>

During the Pakistan period, conflict in the chamber resulted in the appointment in 1967 of an administrator under the Trade Organizations Ordinance. In the post liberation period, the chamber was almost moribund from 1970 to 1976 and did not begin to function effectively again until the late 1970s. At the time of liberation (Table-3), Matiur Rahman,

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<sup>34</sup> The Dhaka chamber of Commerce and Industry, Annual Report, 1999, p. 26.

an Awami League politician and businessman from Rangpur controlled the DCCI. When he became a minister in the government of Sheikh Mujib, K. A. Sattar, another pro-Awami League businessman, replaced him. Sattar served from 1972 to 1976. During Sattar's term the chamber was in serious decline. Although it had a membership of 82, some 453 members had not paid their annual dues and the chamber was in serious financial trouble. Despite his pro-Awami League sentiments, even Sattar got into trouble with the Awami League government. He was, at a stage, jailed for daring to criticize the government's salt policy. Sattar's long rule came to an end with the assassination of Sheikh Mujibur Rahman and the emergence of a new government.<sup>36</sup>

**Table 3**

Presidents of the Dhaka Chamber of Commerce and Industry, 1969-1999

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Mr. Matiur Rahman, 1969-72
Mr. K. A. Sattar, 1972-76
Mr. Mirza Golam Hafiz, March-September 1976, Administrator
Mr. Chowdhury Tanvir Ahmed Siddiki, October 1976-1979
Mr. Nuruddin Ahmed, 1979-82
Mr. M.A.Sattar, 1982-84
Mr. M. Yunus, 1984-85
Mr. Mahbubur Rahman, 1985-86
Mr. A.S. Mahmood, 1986-1991
Mr. Mahbubur Rahman, 1991-92
Mr. A.T.M. Waziullah, 1993-94
Mr. A. Rab Chowdhury, 1994-95
Mr. R. Maksud Khan, 1995
Mr. Ali Hussein, 1996
Mr. A.S.M.Kasem, 1997
Mr. Mr R. Maksud Khan, 1998
Mr. M.H.Rahman, 1999

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Source: Kochanek, 1993, p.150; DCCI, Annual Report, 1999, p. 4.

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<sup>35</sup> DCCI, Guide to Membership and Introducing, p.1.

<sup>36</sup> Kochanek, 1993, p. 149.



Tanvir Ahmed Siddiky challenged Sattar's leadership of the DCCI. Siddiky was from a landed family and had entered business in 1967. He had been a member of the Muslim League and later joined General Zia's Bangladesh Nationalist Party (BNP) and became a minister. The restoration of the private sector under Zia led to a growth in membership and development of stable and effective leadership. Since 1976 the DCCI has been highly successful in managing its elections peacefully. Following the defeat of K.A. Sattar, Tanvir Siddiky helped create a five-member presidium, which took charge of the affairs of the chamber and developed a system for managing chamber elections. The presidium dominates the affairs of the chamber through its control over the Estimates Committee, the Finance Committee and the constitution committee.

Officially the DCCI was governed by a 24-member board of directors composed of a president, a senior vice-president, a vice-president and upto 21 members, under the Trade Organizations Ordinance. Representation on the board is divided in to four groups. General members are full members with Tk. 1800/- as annual subscription and they have 12 seats but not more than 1 representative on the board for every five general members. Associate members with Tk.1000/- annual subscription, shall have six seats on the board but not more than one representative on the board for every ten Associate members. Town association with Tk. 5000/- annual subscription shall have three seats on the board but not more than one representative on the board for every five members. A "Group" member with Tk. 5000/- annual subscription follows the town association with three seats.<sup>37</sup>

### **The Chittagong Chamber of Commerce and Industry (CCC)**

The Chittagong Chamber of Commerce and Industry (CCC) was founded in 1963 following a four-year struggle to amalgamate five local chambers under the Trade Organizations Ordinance. During the Pakistan period it was the largest chamber in East Pakistan and second largest in Pakistan. It owned its own building with relatively well financed and had a staff of 100. The membership of the chamber in the 1980s fluctuated

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<sup>37</sup> The Dhaka Chamber of Commerce and Industry, Guide to Membership and Introducing (n.d.)

between 2500 to 4000 members, of whom 75 percent were traders.<sup>38</sup> Like the DCCI the Chittagong chamber was also faced by severe internal conflict. From 1969 to 1974, the chamber was controlled by M. Idrees a pro-Awami League trader and a member of the Constituent Assembly as seen in Table 4. Elected president of CCCI in 1969, Idrees refused to hold new elections until forced by a court order in 1974. Idrees explained his behavior by stating, 'It was our practice that we could not leave the throne, once it was obtained by us'.

**Table 4**

Presidents of the Chittagong Chamber of Commerce and Industry (CCCI) 1969- 90

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M Idrees , 1969-74

A.M. Zahiruddin, 1974-1978

Md. Sekander Hussain Miah, 1978-1980

Shafiqur Rahman, 1980-1981

Serajuddin Ahmed, 1981-1984

Mirza Abu Mansur, 1984-1985

Akhtaruzzaman Chowdhury, 1985-1986

Amir Khosru Mahmud Chowdhury, 1986-

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The Chittagong Chamber drew its leadership from some of the top business houses in Bangladesh and from prominent businessmen involved in politics. The politics of the CCCI took a dramatic turn in 1985 when the Awami League successfully seized control of it. Under the leadership of Akhtaruzzaman Chowdhury, a member of the Awami League, a group of CCCI members mobilized a large number of discontented traders who had been badly hurt by Ershad's trade policies. Ershad had liberalized the country's import policy and allowed the import of goods under a variety of new schemes other than the traditional government cash-license system. As a result thousands of small traders, most of who were the members of the AL, were thrown out of business. They're spontaneous attendance at the Annual General Meeting of the chamber in 1985 enables Chowdhury's group to elect president.<sup>39</sup> When Akhtaruzzaman Chowdhury left in 1986 to become president of the

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<sup>38</sup> Kochanek, 1993, p. 153.

<sup>39</sup> Chittagong Chamber of Commerce and Industry, Annual Report 1985-86 pp.9-10.

FBCCI, Amir Khosru Mahmud Chowdhury, another pro-Awami League businessman, replaced him.

### **Metropolitan Chamber of Commerce and Industry (MCCI)**

The Metropolitan Chamber of Commerce and Industry, (MCCI) Dhaka is the oldest, best organized and most influential business association in Bangladesh. British merchants in the name of Narayanganj Chamber of Commerce and Industry established it in 1904 under the Indians Companies Act, 1882 as an association by guarantee. It was later recognized under the Trade Organizations Ordinance 1961 and registered under the Companies Act, 1913. It has demonstrated a remarkable ability to adapt to the changes resulting from partition, civil war and independence. It moved its headquarters from Narayanganj to Dhaka in 1950 and renamed itself the Metropolitan Chamber in 1980 as a part of an effort to retain its distinctive identity. It owns its own multistoried building in the heart of the capital, business district Motijheel. The rental of its excess office space provides steady flow of income that makes the organization almost self-financing. Its long history and steady income have enabled it to develop the largest, most experienced professional staff of any chamber in the country.

At present almost all the established industrial organizations in the private sector, all corporations in the public sector, banks and insurance companies are members of the MCCI. It represents about 80 percent of the established industries in Bangladesh.<sup>40</sup>

The Chamber's main objectives are to (1) provide a forum to trade and industry not only to facilitate exchange of views and ideas but also to project views based on representative discussion; (2) promote the interests of trade and industry in general and those of its member-firms in particular; (3) act as a channel of communication between the country's business community and the Government; and (4) bring business expertise to bear on the solution of the national economic issues.



**Membership of the MCCI:** Like other chamber, the MCCI is not open to all. The Chamber holds a unique position in view of affiliation of prestigious and established industrial organizations of the country. Presently, almost all the established organizations in the private sector, the public sector corporations, banks and insurance companies are members of the chamber. It represents about 80 percent established industries in the country. Like its representative base, the chamber's committee also consists of top businessmen and professional of both public and private sectors. Membership fees are deliberately kept high to prevent a possible hostile take over by petty traders. As a result, because of the small size and character of the membership, the MCCI is much more cohesive organization than the DCCI or CCCI. The MCCI has never been very large. During the Pakistan period, as seen in table 5, the membership grew from 16 in 1947 to 106 in 1969.

**Table 5**

Growth of membership of the MCCI, 1969- 1997

Year	Number of Membership
1969	106
1973	96
1978	116
1978	139
1979	149
1980	161
1981	180
1982	183
1983	191
1984	200
1985	206
1986	221
1987	223
1988	236
1989	232
1990	235
1993	240
1995	245
1997	256

Source: Based on analysis of the Metropolitan Chamber of Commerce and Industry, Members' Directory 1997; Stanley A. Kochanek, 1993, p. 166.

<sup>40</sup> M. Nazrul Islam, " Pressure Groups in Bangladesh: A Case of Metropolitan Chamber of Commerce And

In the post-liberation period, membership increased from 96 in 1973 to 256 in 1997.

The chamber's services to the development of trade and industry in the country are unique. The chamber has been rendering expert services in specialized areas like taxation, trade practices, custom tariff. The Chamber renders similar services regularly through bodies like consultative committee for the ministry of commerce, consultative committee for the ministry of industries, National Consultative Committee on Power, Transport Consultative Committee, Chittagong port Advisory Committee, Bangladesh Bank's Co-Ordination Committee, Inter-Ministerial Committee on Labor and others. Metropolitan Chamber of Commerce and Industry, Dhaka has been accepted in international markets as the only body in Bangladesh eligible and entitled to arbitrate on commercial disputes.

The Chamber is managed by a Committee, which consists of President, vice-president and eleven members. To help it deliberate on different issues, each year, the Committee constitutes different sub-committees. The MCCI functions with experienced Secretariat, Economic Research Cell, Taxation Cell, Arbitration, Library and Publication section efficiently. Table 6 shows the list of Presidents of MCCI since 1970 to 2000.

**Table 6**

Presidents of the Metropolitan Chamber of Commerce and Industry (MCC), 1949-2000

Year	Name	Year	Name
1970	Mr. Rashid Ahamed		
1971	Mr. A. Qayyum		
1972	Mr. Kamruddin Ahmed		
1973	Mr. Kamruddin Ahmed		
1974	Mr. Kamruddin Ahmed		
1975	Mr. F. K. Ghuznavi		
1976	Mr. Rashid Ahmed		
1977	Mr. M. Anis Ud Dowla		
1978	Mr. M. Anis Ud Dowla		
1979	Mr. S. H. Kabir		
1980	Mr. Mushfeq-U-Salheeen		
1981	Mr. M. Morshed Khan		
1982	Mr. M. Morshed Khan		
1983	Mr. Zeaul Huq		

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1984	Mr. S. H. Kabir
1985	Mr. M. R. Siddiqi
1986	Mr. M. R. Siddiqi
1987	Mr. Habibullah Khan
1988	Mr. Habibullah Khan
1989	Mr. Salman F. Rahman
1990	Mr. Syed Manzur Elahi
1991	Mr. Syed Manzur Elahi
1992	Mr. M. Morshed Khan
1993	Mr. Latifur Rahman
1994	Mr. Latifur Rahman
1995	Mr. M. Anis Ud Dowla
1996	Mr. Shamson H. Chowdhury
1997	Mr. Shamson H. Chowdhury
1998	Mr. Laila Rahman Kabir
1999	Mr. Laila Rahman Kabir
2000	Mr. Shamson H. Chowdhury

Source: Based on analysis of the Metropolitan Chamber of Commerce and Industry, Annual Report, 1998 & Interview.

**Table 7**

Top 14 Bangladeshi Groups in business with Annual Turnover of over Tk. 250 million.

Name of Group	Chairman/ Managing Director	Year Established	1988 Turnover	Number of Units
1. W. Rahman	Latifur Rahman	1885	2510.00	4
Jute				
2. Mohammad Bhai	Muhammad Bhai	1956	705.49	6
3. Apex	Syed Manzur Elahi	1972	650.00	2
4. Islam	Zahurul Islam	1963	628.60	4
5. Pacific	M. Morshed Khan	1964	542.54	5
6. BEXIMCO	A. S. F. Rahman	1966	524.26	3
7. Square	Samson H. Chowdhury	1958	503.13	2
8. Elite	Ramzul Seraj	1944	473.89	1
9. A. K. Khan	A.M.Zahiruddin Khan	1945	400.00	1
10. ERBA(Alpha Tobacco)	Agha Yusuf	1969	385.90	4
11. Karnaphuli	Hedayet Hussain Ch.	1954	350.00	1
12. Kumudini	Mrs. Joyapati	1933	340.00	2
13. Bangladesh Solvent	Momenur Rahman Ch.	1980	300.00	1
Oil Ltd.				
14. Ganges Motors	Habibullah Khan	1960	260.00	3

Source: Kochanek, Patron-Client Politics and Business in Bangladesh, (Dhaka: UPL, 1993), p. 170.



The departure of Pakistani trading houses and entrepreneurs, however, created a vacuum in the field of trade and commerce in Bangladesh. With a view to filling this vacuum, the Bangladesh Export Import Company Limited (BEXIMCO) was incorporated in 1972 as a private company having a paid-up capital of Tk.20, 000 and a total strength of 30 employees. Today BEXIMCO is one of the largest and most diversified private-sector groups in Bangladesh. It employs some 6500 people. In 1986-87, its total turnover was slightly over Tk. 1 billion and the group controlled Tk. 1 billion in assets. By 1990 its turnover had reached Tk. 3 billion. The group is engaged in international trading.

As seen in Table 7, the top 14 industrial group includes the Elite group, Alpha Tobacco, the Karnaphuli group and the Kumudini group. Serajuddin Ahmed found the Elite group. He was born on 16 March 1932 in Nadia, West Bengal. He received a degree in business communications from Dhaka University in 1952. The group was established in 1954 and became one of the leading manufacturing and trading houses in Bangladesh. Originally a paint manufacturer, it gradually diversified into other fields- chemicals, garments, leather, tea, steel and banking.

Ranada Prasad Shah, who was one of the most prominent philanthropists of Bangladesh, founded the Kumudini group. RP Shah, son of Debendra Prasad Shah, was born on 15 November 1896 at Mirzapur in the district of Tangail. He established the Kumudini Hospital in the name of his mother at Mirzapur for the crippled and diseased. He also founded the Kumudini College and contributes to the building of the Debendra College at Manikgonj. The occupation army on 2 may 1971 killed him and his son. His daughter, Mrs. Joya Pati, now runs the group. The group owns the Kumudini Welfare Trust, Bengal River Service Company, Kumudini Handicrafts and Kumudini Pharmaceuticals. The annual turnover of this group in 1988 is Tk.340.00 million.

## **The Federation of Bangladesh Chamber of Commerce (FBCCI)**

The Federation of Bangladesh Chambers of Commerce and Industry (FBCCI) is the apex representative organization of the private sector of Bangladesh. It was established in March 1973 in Dhaka under the Trade Organization Ordinance, 1961 and Companies Act, 1913. It consists of all Chambers of Commerce and Industry as well as all Trade and Industrial Associations of the country. Presently, It comprises with 236 member-institutions of which 69 are Chambers of Commerce and Industry and 167 Trade and Industrial Associations.<sup>41</sup> The Executive Committee (Board of Directors) consists of one President, one Vice-president and thirty members. Of thirty members fifteen members are elected from Chambers and rest fifteen form Associations. President is also elected from Chambers or Associations in every alternative term. If the President of the Federation is elected from Chamber's group for one term, the next President will be chosen from the Associations for election of the coming term. It maintains a secretariat with 31 staffs.

The main objectives of the FBCCI are: (1) to promote the interests of its member units both Chambers and Associations; (2) to develop trade, industry, agriculture, human resources and communications sectors in Bangladesh; and (3) to project, encourage and safeguard the interests of the private sector through interaction with the Government.<sup>42</sup>

For safeguarding the interest of the private sector, FBCCI consults and advises the Government in formulating the Commercial, Industrial and Fiscal Policies of the country. It also plays a vital role in all Government Forums and Economic Development Organizations for sharing views on all-important issues related to the associational interests. FBCCI maintains relations with Trade and Industrial Associations and other mercantile and public bodies abroad. It represents the private sector in 98 permanent committees of the government and autonomous bodies. Time to time, FBCCI sends representatives in different committees and task forces on specific issues constituted by the government. The FBCCI usually invites Prime Minister, Finance Minister, Commerce Minister or concerned ministers and high officials to their annual functions, seminar or

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<sup>41</sup> The Federation of Chambers of Commerce and Industry (FBCCI), Annual Report, 1999-2000, p. 31.

workshop and place their demands in the address of welcome. The first president of the federation was Mr. Mashiur Rahman as seen in Table 8. He was a member of the Awami League and a charter accountant from the firm of M.M. Rahman and company. He is president of the Launch Owners' Association.

Table 8

Presidents of the Federation of Bangladesh Chambers of Commerce (FBCCI), 1974-2000

Year	Name
1974	Mr. Mashiur Rahman
1975	Aminul Haq, Administrator
1976	A.A. Yusuf, Administrator
1977	A.M.Zahiruddin Khan
1978	W.A.Wahab
1979	Chowdhury Tanvir Ahmed Siddiky
1980	Iftikharul Alam
1981	M.A.Mumin, Administrator
1982	Nuruddin Ahmed
1983-84	M.S. Islam
1984-85	M.A. Sattar
1985-86	M.A.Kashem
1986-90	Akhtaruzzaman Chowdhury
1990-92	Alhaj Muhammad Akram Hussain
1992-94	Mahbubur Rahman
1994-96	Salman F Rahman
1996-98	Yusuf Abdullah Harun
1998-2000	Abdul Awal Mintoo
2000-	Yusuf Abdullah Harun

Source: The Federation of Bangladesh Chambers of Commerce and Industry (FBCCI), Annual Report, 1999-2000; Kochanek, 1993, p. 156.

In 1975 and 1976, Government under the Trade Organizations Ordinance appointed Mr. Aminul Haq and A.A.Yusuf administrator of FBCCI respectively. Besides the DCCI, CCCI, MCCI and FBCCI there are other two representative business organizations in Bangladesh. For example, The Bangladesh Chamber of Industries (BCI). It was created in 1985. It looks the interests as the 'sole and exclusive chamber of industrial community' in

<sup>42</sup> Ibid.,



Bangladesh. Another is the Foreign Investors' Chamber of Commerce and Industry (FICCI). It was created in June 1987 by a small group of foreign multinational corporations (MNCs).

### **Business Elite in Bangladesh:**

The term 'elite' is defined as the group 'who decide whatever is decided of major consequences'.<sup>43</sup> In response to explain who constitute elite, Lasswell defines, 'The study of politics is the study of influence and influential. The influential are those who get the most of what there is to get. Available values may be classified as deference, income and safety. Those who get the most are elite; the rest are mass'.<sup>44</sup> On the basis of the possession of the maximum amount of deference, income and safety, the elite in Bangladesh consisted of the political leaders, cabinet ministers and higher civil servants especially connected with the governmental decision making process. Here we are concerned with business elite in Bangladesh.

The business elite in Bangladesh refers to the small group of few persons consisted of the office bearers of different business organizations like chamber of commerce and industry-FBCCI, MCCI, DCCI, BCI and CCCI. They maintain close relationship with the influential cabinet members of the government and play a significant role in the decision making process related to the private sector enterprises in the country's economy. The combined information in Table 9 shows that the top five business houses in Bangladesh are Zahurul Islam, Ispahani, BEXMICO, Anwar and A.K. Khan. The Zahurul Islam and A.K. Khan groups were among the top Bangladeshi business groups even during Pakistan periods.

The Pacific group of industry was founded in 1965 by Mr. Morshed Khan, a nephew of A.K.Khan, had been president of the MCCI for two terms 1981 and 1982 respectively. Morshed Khan was born on 8 August 1940 in Chittagong. He obtained the degree in

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<sup>43</sup> C. Wright Mills, *The Power Elite*. (New York: Oxford University Press, 1956), p. 20.

<sup>44</sup> H. D. Lasswell, *Politics: Who Gets What, When, How*, (New York: Meridian Book, The World Publishing company, 1958), Paperback, p. 13.

engineering from the Tokyo University of Technology and Agriculture. The group started as import/export house and later moved into manufacturing. Morshed Khan has become a highly visible chamber president and politician belonged to Bangladesh Nationalist Party (BNP). He became the minister of Khaleda Zia's cabinet in the early 1990s. He has close connections with Japanese business firms. The annual turn over of the five companies in the group in 1988 was Tk. 542.54 million.

The BEXIMCO group is one of the dominant business groups in Bangladesh. A. S. F. Rahman founded this group in December 1971. Rahman was born on 19 April 1945 in a village in Dhaka district. He is son of late Fazlur Rahman, a former minister. He graduated in Physics in 1966 from Dhaka University. He started his career as a businessman in 1966 as managing director of New Dhaka Industries, a jute mill that was nationalized five years later. Rahman received financial help in building his mill from A.K. Sumar, A prominent Ayub Supporter.

Syed Manzur Elahi founded the Apex group in 1972. He is son of late Justice Nasim Ali. He was born on 26 September 1941 in Calcutta. He received bachelor and master's degree in economics from Dhaka University in 1962 and 1964 respectively. He served as a senior executive in the Pakistan Tobacco Company from 1965 to 1972. He resigned in 1972 to found Manzur Industries Limited. In 1980 he founded Apex Tannery Limited. He was one of the Advisors in 1996 to caretaker Government in Bangladesh. The Apex group is one of the most successful exporters of shrimp and finished leather in Bangladesh.

Mr. Abdul Awal Mintoo, President, the Federation of Bangladesh Chamber of Commerce and Industry (FBCCI) and Chairman & CEO of the Multimode Group of Companies. He has a high academic background and commendable experience in the field of trade, industry, shipping, banking and insurance. He was born on 22 February 1949. Mr. Mintoo obtained B.Sc. degree in marine Transportation Science in 1973 and M.Sc. degree in Transportation Management in 1977 from Maritime College under the State University of New York. Upon graduation he started working with Bresuan Shipping company, Inc. in New York in the field of chartering and continued till 1980. He returned to Bangladesh in

1981. Since then Mr. Mintoo involved himself with various other business and industrial establishments. Samson H. Chowdhury, President, Metropolitan Chamber of Commerce and Industry (MCCI) founded the Square group in 1958. He was born on 25 February 1926 in Faridpur. He is a Baptist. In 1958 he founded Square Pharmaceuticals, partnership firm.

Most of the elite started in jute and textiles and then diversified<sup>45</sup>. All are family based and most are well educated. Except for the established elite like Ispahani and A.K.Khan, most of the new entrepreneurs grew very fast and were highly dependent upon government patronage in the form of contracts, loans and credit. All business elite are well connected politically and some are very active in politics. Several groups have also proved leadership to the business community as presidents or executive committee members of major business associations in Bangladesh.

### **The Rise of Business Group in Politics:**

Let us look at the main stream of the rise of businessmen in politics. It is the general election that reflects the configuration of the interactive social forces in the country<sup>46</sup>. What social forces do the members of the elected legislators represent in Bangladesh? Table 9 helps us answer to this question. If we closely look at the Table 9 below we find that the business and industrial groups are the dominant social forces among the members of the Jatiya Sangsad constituting 48 percent of the total in 1996 election. The figures in Table 9, however, become more interpretative when we compare these previous data on Bangladesh legislators. It gives us a comparison of occupations for the legislators elected in 1954, 1970, 1973, 1979, 1991 and 1996. In Table 9, the percentage of lawyers has continuously declined from 55 percent in 1954 to 29 percent in 1970. This declined trend of percentage of lawyers in the Jatiya Sangsad in independent Bangladesh continues from 26 percent in 1973, 23 percent in 1979, 19 percent in 1991 15 percent in 1996 and to only 12 percent in 2001. On the other hand, the percentage of businessmen and industrialists has

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<sup>45</sup> Kochanek, op. cit., p. 179.

<sup>46</sup> For an excellent analysis for the comparative figures of legislators in the elections, see Talukder Maniruzzaman, "The Fall of the Military Dictator: 1991 Elections and the Prospect of civilian Rule in Bangladesh", *Pacific Affairs*, Vol. 65, No. 2, (summer 1992), PP. 203-224.



increased from 4 percent in 1954 to 48 percent in 1996 and 58 percent in 2001. Talukder Maniruzzaman shows that the

**Table 9**

Comparisons of occupations for Legislators Elected in 1954, 1970, 1973, 1979, 1991, 1996 and 2001 in the Jatiya Sangsad of Bangladesh.

Occupation	1954		1970		1973		1979		1991		1996		2001	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Lawyers	116	55	79	29	75	26	78	23	56	19	47	15	24	12
Businessmen & Industrialists	11	4	72	27	67	24	91	28	160	53	152	48	118	58
Former army officers now businessmen	-	-	-	-	-	-	-	-	17	6	18	6	2	1
Land lords	56	19	12	5	50	18	40	12	12	4	22	7	1	
Retired Civil servants	-	-	7	3	2	1	-	-	6	2	6	2	5	2
Doctors	12	4	20	7	15	5	13	4	8	3	15	5	10	5
Teachers	16	5	25	9	28	10	20	6	28	9	12	4	21	10
Religious leaders	21	7	-	-	-	-	-	-	-	-	-	-	-	-
Journalists	11	4	-	-	-	-	Eng-5, Jn-4, CA- 3, Tu-6		6	2	6	2	3	1
Politicians	-	-	14	5	35	12	-	-	6	2	8	3	7	3
House-wives	-	-	-	-	-	-	19	6	-	-	17	5	-	-
Others	7	2	5	2	11	4	40	121	1	1	30	9	14	7
total	250	100	268	100	283	100	327	100	300	101	318	100	205	99

Source: Talukder Maniruzzaman, "The Fall of Military Dictator: 1991 Elections and the Prospect of Civilian Rule in Bangladesh". *Pacific Affairs*, Vol.65 No.2 (Summer 1992), p. 215; Rounaq Jahan, *Bangladesh Politics: Problems and Issues*, (Dhaka: UPL, 1980), p. 99 and 148; \* For 1996 and 2001 Some confidential documents have been consulted in the JS library. Total percentage exceeds or declines 100 because of rounding.

Percentage of rising business group in legislature is 53 in 1991. This trend would be increased to 59 percent in 1991, if we include the number of former army officers now businessmen and industrialists. The same tendency also dominates in the election in 1996-

<sup>47</sup> Thus, the business group represents (48% + 6% former army officers now businessmen and industrialists emerged as legislators) 54 percent of legislators in the Jatiya Sangsad in 1996. Above all Table 9 demonstrates at a glance how the legislators in 1996 and 2001 emerge with the dominance of group interest in terms of profession.

### **Foreign Aid and the Emergence of New Ruling Class:**

Law-making functions of the government usually refer to perform with politician and legal experts in the country. With this view to end, the legislature is to be dominated by the political and legal elite instead of businessmen. But we see the fully different panorama in Bangladesh. Question may be asked why do businessmen move into politics in Bangladesh in the age of specialization while others do not? How does one explain the preponderance of a business and industrial group in the politics of Bangladesh? Bangladesh, which had been a “rural slum”<sup>48</sup> later agrarian society in the British and Pakistan periods, is now under the fluctuation of moneyed group that emerged during the three decades of independence. How could this transformation take place? Maniruzzaman envisages that foreign aid that Bangladesh had been receiving since its independence largely contributed to the growth of moneyed group.<sup>49</sup>

According to a World Bank report, during the period December 1971 to June 1990 about U.S. \$ 10,25 billion in foreign loans had been disbursed in Bangladesh. According to a the statement of finance minister in Jatiya Sangsad, Bangladesh received a total foreign aid of U.S.\$22.46 billions during the period December 1971 to June 1991. Of this 49 percent came as grants and 51 percent was in the form of concessional loans. Maniruzzaman visualized, “ This foreign aid helped foster the growth of a new class of beneficiaries, consisting of private intermediaries who acted as commission agents both legally and illegally, for suppliers of goods and services financed by the aid. The foreign aid also

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<sup>47</sup> Life Sketches of the Members of Jatiya Sangsad, published by Jatiya Sangsad, March 1981. (Introductory chapter); For the source of data for 1996 legislators see Aminur Rashid, Pramyannya Sangsad (Documentary Sangsad), unpublished, 1997.

<sup>48</sup> Talukder Maniruzzaman, 1992, Op. cit, p. 217.

<sup>49</sup> Ibid.,

helped industrialists who borrowed money from the aid-financed Development Financing Institutions (DFIs) or who ran their factories on foreign exchange provided as commodity or as program aid to finance recurring imports.<sup>50</sup>

With this foreign aid, International consultants, National consultants, local consultants, Evaluators, NGO Bureaus, construction contractors and others were highly benefited both legally and illegally.<sup>51</sup> These intermediaries strategically were to take the support of the bureaucrats in the government. They are involved in negotiation with the aid donors and often share commissions with these bureaucrats. Thus, foreign aid virtually helped the emerging bureaucratic bourgeoisie. This new wealth was not generally invested productively in Bangladesh. As a result, the 'nouveau riche' group emerged without have a high rate of saving. It has been observed that the domestic savings as a percentage of GDP in Bangladesh had fallen from 3.4 percent in 1980-81 to 0.8 percent in 1989-90.<sup>52</sup>

The intermediaries of the foreign aid rushed to the export and import trade and enjoyed the double benefits. They invested money in the construction of luxurious housing, which was rented out to the foreign community at highly profitable rate and advances. The institutions such as World Bank and International Monetary Fund (IMF) develop a tendency to continue aid to the countries they deal with. Indeed, this bourgeoisie class along with bureaucracy is still active in the form of businessmen in Bangladesh.

### **Patrimonialism:**

This Intermediaries group is not only the product of foreign aid alone but also facilitated by the policy of patrimonial followed by successive government in Bangladesh. Under the legacy of this system the ruling elite of every regime used national wealth and resources to enrich themselves. They would create an affluent group and make them subordinate to them through the massive transfer of public wealth to private hands.<sup>53</sup> This policy is

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<sup>50</sup> Talukder maniruzzaman, *Pacific Affairs*, vol. 65:2, (Summer 1992), p.217.

<sup>51</sup> Rehman Sobhan, National Sovereignty, External Dependence and Government of Bangladesh (*National Professor Atwar Hossain Memorial Lecture*, 1991, Dhaka, October 26, 1991), p.27.

<sup>52</sup> *Ibid.*, p. 5.

<sup>53</sup> Talukder Maniruzzaman. *op.cit.*, p.218.



primarily adopted to perpetuate the power. In 1972- 75, Sheikh Mujib allowed his partymen to take the 60,000 houses and many industries left behind the non-Bengalis and West Pakistani's owners. This was the beginning of the mushroom growth of a 'nouveau riche class. Most of the permits for opening indenting (import-export) firms were given to Awami League workers and sympathizers. During this period, the large scale smuggling of rice, jute and relief goods to India was carried on mostly by AL workers or people having connections with AL leaders.<sup>54</sup> Thus Pakistan's 22 families had become Bangladesh's 2000.

Under Zia, Ershad and Khaleda Zia regime, that nouveau riche group created in the early 1970s have been gradually expanded and flourished through over the period of two and a half-decade. In the regime of Zia and Ershad, the same conventional strategy of development was followed. Both Zia and Ershad offered various incentives to prospective industrialists. These incentives included such practices as lending capital from Development financing Institutions. With Money in hand the so-called entrepreneurs bought fancy cars, constructed luxurious houses. They became involved with profitable import-export trade and other easy methods of earning money. There is hardly good investment in the productive sector or the development of infrastructure. As a result, many of them defaulted in repaying bank loans and interests. In 1991 the unpaid loans from Development Financing Institutions amounted to 11000 million Tk. only.

According to the statement of finance minister in the Jatiya Sangsad of that time the Bangladesh Industrial Credit corporations alone had defaulters' list of 761 persons. The Agricultural Bank failed to recover loans amounting to 3150 million Taka. Bangladesh Industrial Bank has the largest defaulting creditors whose names were not published. But according to another minister about 80 percent of the projects funded by DFIs do not exist. Sobhan visualized that defaulters on loans could evade legal action by paying kickbacks to

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<sup>54</sup> Talukder Maniruzzaman, The Bangladesh Revolution and Its Aftermath, (Dhaka: Bangladesh Books International Limited, 1980), pp. 158-159.

government functionaries including the 'highest authority'<sup>55</sup> in the country like Bangladesh where we live.

Ershad altered the relevant rules, enabling himself as president, to sanction any projects over the Planning Commission and any ministry. He wanted to create a rich rural clientele by introducing the Upazila system. While a large fund was allocated for Upazila development, Upazila Chairmen could not be as rich as the businessmen and industrialists of major cities and towns, who vied with each other to get the nomination of the major parties – BNP and AL. This created the opportunity for Ershad to enrich himself and his partymen<sup>56</sup>. Only eight Upazila chairmen were elected to Jatiya Sangsad in 1991. The nouveau riche group realized well how they had been created by political power. By now they do want to have political power for themselves. This elucidates very clearly to us why businessmen and industrialists move into politics and form the majority not only in the Jatiya Sangsad but also in the ministry 'to safeguard their interests'.

### **Learning of Legislators: Education and Experiences**

Talukder Maniruzzaman rightly indicates two factors<sup>57</sup>- 'education' and 'age' with experience can counterbalance the occupational background of the members of the Jatiya Sangsad in the days to come in Bangladesh. While businessmen and industrialists form the majority in the Jatiya Sangsad in Bangladesh do seem to be a disadvantage for the growth of the assembly as an effective political institution. Maniruzzaman raised very relevant and vital questions. Do the legislators have other skills, which might offset this weakness? What are the skills needed by the members of the Jatiya Sangsad to make it an effective legislature<sup>58</sup>, center of debate on national issues and policy formulation? In response to this, we should argue that modern education is a dynamic asset required for membership in any modern legislature. Education widens the worldview and increases the analytical ability of the MPs. It does enable them to look at a problem from multi-various points of

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<sup>55</sup> Rehman Sobhan, *National Sovereignty*, p.10

<sup>56</sup> Talukder Maniruzzaman, *The Fall of the Military Dictator*, pp.219-220.

<sup>57</sup> *Ibid.*,

<sup>58</sup> *Ibid.*, p. 220.

view. Education does not only enable the MPs to understand the problem and formulate the policy but also play a vital role in the legislature sharpening the arts and etiquette of negotiation and representation. In addition, higher education can help the members hear others with patience along with honor and submit the own views deliberately. Education also facilitates the members how to achieve consensus on the national issues with the accommodation of note of dissent for the greater interest of the nation.

We would also argue that age together with experience is another factor in the effectiveness of a member of the house. A younger legislator relatively can be a firebrand in the interaction of views in the assembly. But the middle-aged legislator could be more matured and thoughtful. In the same way, as an elderly legislator can bring his accumulated experience to bear on the legislature's proceedings and during the interaction of members in the house. Let us look at the Table 10 and Table 11 to understand the factors 'education' and 'age' of legislators elected in 1973, 1991 and 1996 in the Jatiya Sangsad.

**Table 10**

Comparison of Education for Legislators of 1973, 1991, 1996 and 2001

Level of Education	Legislators 1973		Legislators 1991		Legislators 1996		Legislators 2001	
	No.	%	No.	%	No.	%	No.	%
Post-graduate	78	28	114	38	128	40	92	38
Graduate	128	45	139	46	144	45	122	50
Below Graduate	75	27	47	16	46	15	30	12
total	281	100	300	100	318	100	244	100

Source: Data for 1973 and 1991 see Talukder Maniruzzaman, "Bangladesh: The Fall of the Military Dictator", Pacific Affairs, Vol. 65, No.2 (Summer 1992), p, 220; Data for 1996 see Aminur Rashid, Pramannya Sangsad (Documentary Sangsad), unpublished, 1997. For 2001 see Submitted bio-data of MPs available in the JS library (LIC confidential).

Table 12 shows, while 28 percent of legislators of 1973 had post-graduate education the figure is larger 38 percent of legislators of 1991. But the figure is the largest 40 percent of legislators have post graduation education of 1996 in all the previous elections. Table 12 further delineates that while 73 percent of legislators had graduate and post-graduate education in 1973, that figure is 84 percent in 1991 and it increases to 85 percent in 1996.



But the number of MPs obtaining graduate and post-graduate degrees is 214 or 88 percent in 2001.

**Table 11**

Comparison of Age for Legislators elected in 1973, 1991, 1996 and 2001

Age	1973		1991		1996		2001	
	No.	%	No.	%	No.	%	No.	%
56 and above	13	5	62	21	92	21	138	48
46 – 55	61	21	101	34	144	45	91	32
36 – 45	112	40	113	38	68	21	53	19
31 – 35	63	23	20	7	14	4	04	1
25 – 30	31	11	4	1	-	-	-	-
Total	280	100	300	100	318	100	286	100

Source: Talukder Maniruzzaman, "Bangladesh: The Fall of Military Dictator", Pacific Affairs, Vol. 65. No.2 (Summer 1992), P. 221; Data for legislators elected in 1996 see Aminur Rashid, Pramannya Sangsad (Documentary Sangsad), Unpublished, 1997. For 2001 see the submitted bio-data of MPs to the JS library (LIC confidential).

Table 11 shows the age of members of the Jatiya Sangsad elected in 1973, 1991, 1996 and 2001. The vast majority of the legislators in the Jatiya Sangsad of 1973 belonged to the age group 45 and below. This generation that launched successive movements against the central government of Pakistan in the late 1960s fought and won the independence of Bangladesh in 1971. They thought that permanent political power belonged to them or the supreme leader, Sheikh Mujibur Rahman. They were thus arrogant regarding their opponents and did not care much for developing political institutions.<sup>59</sup>

The majority of the members constituting 55 percent of the Jatiya Sangsad of 1991 belonged to the age group 46 and above. This generation saw the traumatic events in Bangladesh since its inception. They were more careful and pragmatic about political forms and choices than the legislators were in 1973. The facts that power was transferred peacefully from General Ershad to civilian caretaker government showed the pragmatism and maturity of both military and the political leaders.

Table 11 shows that the vast majority constituting 74 percent of the members in 1996 belonged to the age group 46 and above. This generation is more mature and experienced than the members of 1973 and 1991 do. Table 13 further delineates that 26 percent members in 1973, 55 percent members in 1991 and 74 percent members in 1996 were belonged to the age group 46 and above. This increasing trend of age group 46 and above implied that members of the Jatiya Sangsad in Bangladesh are going to be more mature and thoughtful in the years to come.

### **Business group and Political Crisis:**

By 1990 while the anti-Ershad movement led by the opposition deepened among intellectuals, teachers, doctors and students, the businessmen in Dhaka brought out a procession denouncing Ershad's government. The decisive stage of the movement began with the killing of Dr. Shamsul Alam Million<sup>60</sup> on 27 November 1990. Soon after the killing the government declared emergency and imposed a curfew in Dhaka. But the situation of law and order with the tremendous anti-Ershad mass movement was deteriorating and consequently Ershad government was bound to resign on 4 December 1990. For the first time in Bangladesh, the businessmen joined this anti-government movement. About 53 percent members of the Jatiya Sangsad were elected from businessmen and industrialists in the 1991 Jatiya Sangsad election. This position of businessmen in the legislature paved the way to intervene in political crisis in the years to come. Nearly the two and a half-year anti-government political government (1994-1996) designed to create a neutral non-partisan caretaker government to conduct elections in Bangladesh. It had a devastating effect on the business community together with country's economy. It is estimated that the country suffered from 175 days of political disturbances

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<sup>59</sup> U.A.B. Razia Akter Banu, "The Fall of Sheikh Mujib Regime – An analysis," *The Indian Political Science Review*, vol. 15, no. 1 (January 1981), p. 6.s

<sup>60</sup> The gunmen of the regime in the Dhaka University campus killed Dr. Shamsul Alam Million, Assistant Secretary, Bangladesh Medical Association on 27 November 1990. This killing turned the movement and sparked the

during that period including 92 days of countrywide hartals and 22 days of continuous non-cooperation that paralyzed the entire economy of the country.<sup>61</sup>

In November 1994 the political dispute raised between the government and opposition following the boycott of Parliament by the opposition. In order to solve this dispute the mediation effort by a representative of the British Commonwealth was held in the form of dialogue between the government and the opposition for 39 days came into vein. Following this breakdown the first intervention came when Mr. Salman Rahman president of FBCCI, called upon the government and opposition to enter a dialogue under the patronage of FBCCI in an effort to reconcile their differences. Salman Rahman argued political instability, hartals and street demonstrations were not only making the government paralyzed but also hurting efforts to attract the foreign capital, reducing the economic growth and constraining the entire economy. He emphasized that the economic sector of the country could not afford a continued political crisis. Rahman's views were supported by the presidents of Bangladesh chamber of Commerce (BCI, 1987), Bangladesh Employer's Association (BEA), DCCI and MCCI.<sup>62</sup> The Awami League, opposition in the Jatiya Sangsad agreed to the proposal but the BNP government rejected it.

The mediation efforts, however, failed and the resignation of the opposition from the Jatiya Sangsad in December 1994 intensified the political crisis. The political leadership's inability to resolve their differences increasingly frustrated all. In spite of that the business community organized a symbolic 15-minute silent public protest. They promised to take this protest to the streets if the crisis was not solved. The FBCCI President Salman Rahman going one step forward suggested that business group should nominate at least 100 candidates in the next Parliamentary elections to inject greater realism into politics. He also declared that he would run as an independent candidate in the coming Jatiya Sangsad election.<sup>63</sup> In an effort to resolve the crisis, according to the BNP government's written

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<sup>61</sup> *Dhaka Courier*, March 19, 1996, p. 16.

<sup>62</sup> *Dhaka Courier*, December 30, 1994, pp.12-13.

<sup>63</sup> *Dhaka Courier*, November 3, 1995, p. 11.



suggestion, President dissolved the Jatiya Sangsad and arranged the general election on 15 February 1996 but failed.

The Jatiya Sangsad, which emerged through this election, passed the Constitution Thirteenth Amendment Bill providing the eleven member non-partisan neutral caretaker government to conduct new elections. In the meantime, pressure from civil society for settlement of political crisis was intensified. The business community led by Salman Rahman was attempting to mobilize the interest groups of Bangladesh to act as a third force in the country's politics in the form of bringing pressure on the political leadership to compromise. On 30 March 1996 the crisis came to an end when the Prime Minister resigned. The President dissolved the Jatiya Sangsad and the interim caretaker government was sworn in to conduct new elections. For the first time, the business groups as well as other organized society held the political elites of Bangladesh accountable in the political crisis of 1994 to 1996. The country's business community played a positive role in this process. This role reflects not only the emergence of business group in politics but also the rise of interest politics in Bangladesh.<sup>64</sup>

### **Use of Hartal as a Political Weapon Opposed:**

Leaders of different chambers and trade associations in January 2000 strongly opposed the use of hartal as a political weapon. They demanded consensus between the government and the opposition on basic economic and national issues. The FBCCI president Abdul Awal Minto, in his address of welcome the chief guest Prime Minister Sheikh Hasina, at the grand conference of the business community at Osmani Memorial auditorium on 22 January 2000, demanded both the government and the opposition to bring an end the political instability through discussion and dialogue<sup>65</sup>. The business leaders asserted that after a general election an elected government must be given full time to complete its tenure. They further insisted that the opposition must not create any obstacles in the way of running the country by the elected government.

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<sup>64</sup> Stanley A. Kochanek, "The Rise of Interest Politics in Bangladesh", *Asian Survey*, Vol. 36, No.7 July 1996, pp. 704-722.

<sup>65</sup> The FBCCI, *Annual Report 1999-2000*, p. 83.

The leaders categorically opined that if the opposition had any issue, they could raise it in the Jatiya Sangsad, through media and at public meetings. Emphasizing that it is not only the government has the prime responsibility for mitigating the political stalemate but also the opposition has the major role to behave like a 'shadow government' i.e. 'government – in-waiting' in this regard. Mr. Mintoo said that political instability is affecting the economy and called upon the government and the opposition to build a national consensus on the basic issues remaining above the party interest. He pointed out that trade and political instability, general strikes and confrontations were seriously affecting production activities. He added, "we strongly believe, general strike should not be used indiscriminately as political weapon". BGMEA president Anisur Rahman Sinha emphasized the need for an end to the "Politics of hartal" and said, "We want free streets and roads and effective Parliament". MCCI President said that opposition should behave like a responsible party. Former FBCCI President Yusuf Abdullah Harun said that if the opposition and the government gave the nation a stable political situation the business community would give the country "economic emancipation".

In reply to the welcome address, Prime Minister Sheikh Hasina while inaugurating the grand conference made a fresh offer of dialogue with opposition leader Begum Khaleda Zia to discuss all issues including the one-point demand for resignation of the government. She clarified that the offer has been made in a bid to end political stalemate as sought by the business community. She said, "If necessary there can be an open discussion to be broadcast live on radio and television so that people could witness the discussion". The discussion or dialogue could be held at any place and at any time, she added.

BNP Chairperson and Leader of the opposition in Jatiya Sangsad Begum Khaleda Zia, addressing "Business Conference" at Osmani Memorial auditorium in Dhaka on 24 January 2000, rejected dialogue offered with Prime Minister. Ignoring business community's plea to resolve the current political deadlock through dialogue, she said that if necessary, the opposition would launch repeated hartal program to overthrow Awami League from power to protect country's independence and sovereignty. Khaleda Zia

reiterated, "There is no scope for talks. It can be held with the caretaker government only after the resignation of the present government to discuss the issue relating to reformation of the Election Commission".

At the end of the grand conference, FBCCI President Abdul Awal Minto said "We have successfully ventilated our grievances, both the Prime minister and the Leader of the opposition listened to the problems being faced by the country's businesses". He concludes that one of the objectives of the conference was to highlight businessmen's views on the political situation in the country. Their viewpoint was that the businessmen need a stable political atmosphere to run their businesses. Thus, the business group with their views played a role of third force in the political crisis in Bangladesh politics.

Let us see when and what sort of decisions of government have been changed by the pressure of business group in Bangladesh politics. The influential businessmen lead the associational interest groups in Bangladesh politics. The percentage of lawyers in the national Parliament has gradually declined from 26 percent in 1973, 23 percent in 1979, 19 percent in 1991, 15 percent in 1996 and only 12 percent in 2001. On the other hand, the percentage of businessmen and industrialists has continuously increased from 24 percent in 1973, 28 percent in 1979, 53 percent in 1991, 56 percent in 1996 and 58 percent in 2001. Some specific pressure points exerted by the business group on Government are hereby highlighted as follows:

(1) **Exemption of Donation to Sports Federation:** The government took the decision in 1997, in order to improve the standard of sports in Bangladesh, every business association should donate tk. 10 Lac to National Sports Federation Fund. Thus the decision of the government was circulated to all business association. The Metropolitan Chamber of Commerce & Industry (MCCI) is the best organized and most influential elite business association in Bangladesh. **Status:** The MCCI made a representation to the Minister for Finance and appealed to the government for exemption of donation amount of taka 10 Lac to the National Sports Federation Fund. A delegation of the MCCI's executive Committee led by its president Mr. Shamson H. Chowdhury, following the representation, met Shah A.M.S.



kibria, Minister for Finance. The delegation made a long discussion with Minister on exempting the issue of donation and requested him consider the case urgently. Strong lobbying followed the meeting. In consequence, the amount of five lac, out of 10 lac, was exempted.

**(2) Advance Income Tax (AIT):** The government imposed **Advance Income Tax (AIT)** on capital machinery imported by 100 percent export oriented industries in 1997-98 annual budget. The MCCI made a representation for withdrawal of AIT and raised it at the meeting of the task force on exports. Accordingly the delegation from the MCCI headed by Samsun H. Chowdhury met Tofail Ahmed, Commerce Minister and requested him to withdraw the provision of AIT. Consequently, Task Force on Exports made resolutions recommending the withdrawal of Advance Income Tax provision. The Minister for Commerce and Industry finally approved the recommendation regarding the withdrawal of AIT provision and ultimately it was withdrawn.

**(3) Income Tax Assessment Certificates (ITAC):** The government of Bangladesh in a circular in 1997 introduced the provision of Income Tax Assessment Certificates for the membership of trade organizations in 1998. MCCI suggested that instead of ITAC, Taxpayers Identification Number (TIN) should be adequate. Because income taxes assessment process will take more time and pave the way of procrastination. Ultimately the Ministry of Commerce and Industry accepted the proposal and amended the rules accordingly.

**(4) Pre-shipment Inspection (PSI):** As the Pre-shipment Inspection system at the port did not work well, the government decided to drop the scheme for the time being in 1996 and accordingly issued a circular. In reaction, the MCCI in a press conference demanded the continuation of PSI for the greater interest of the business community. Otherwise, the business association would move. The government took the issue seriously and considered in favour of continuing the Pre-shipment Inspection (PSI) for the interest of the business community. Later on, the government issued another circular directing the PSI to be continued.

(5) **Prime Minister Gold Cup Hockey:** In the early 2001, the government of Bangladesh in an order imposed amount of tk. 60 Lac on the **Bangladesh Insurance Association (BIA)** as donation for the flourishing the **Prime Minister Gold Cup Hockey** competition to be held in March 2001. The BIA strongly lobbied with the government for considering the issue and reducing the amount of donation. The delegation of BIA led by Rezaul Karim, president of the association met the minister for Sports and cultural affairs and the minister for Commerce and Industries and placed their associational resolution. Ultimately the BIA somehow paid tk. 38 Lac instead of 60 Lac for the Prime Minister Gold Cup Hockey competition.<sup>66</sup>

(6) **L/C Margin Requirements under Bangladesh Bank's Circular: Chamber Press Conference:** The Bangladesh Bank issued a circular requiring high letter of Credit (L/C) margins 30% for import of industrial goods and 50% for commercial goods. The margins would not be applicable for capital goods.

**Status:** The Chamber took up the issue with the government and held a press conference urging upon the government to withdraw the L/C margins requirements for commercial and industrial imports which the government announced through a Bangladesh Bank circular. A press release jointly with the Dhaka Chamber of Commerce and Industry (DCCI), Foreign Investors Chamber of Commerce and Industry (FICCI), Bangladesh Aushad Shilpa Samity and Bangladesh agro-processors' association was also issued urging the Bangladesh Bank to withdraw the circular immediately. The government ultimately withdrew the L/C margin requirement and the decision was acclaimed by Chamber.<sup>67</sup>

### **Business Group's Suggestion:**

Businessmen and industrialists by profession do not only occupy the 53 percent seats in the Jatiya Sangsad but also play a vital role in the political process. They raised a very

<sup>66</sup> The Daily News Paper *JUGANTAR*, 15 April 2001.

<sup>67</sup> The MCCI, *Annual Report, 2001*, p. 30.

significant question about the role of Members of the Parliament<sup>68</sup>. **Why should a Member of the Parliament in Bangladesh not be allowed to vote according to his own conscience and the mandate of his constituent while other does?** They think that if the Jatiya Sangsad is to be sovereign then each member also must feel and act on the essence of individual sovereignty. Its members cannot properly exercise their own rights to vote by the dictates of their own consciences.<sup>69</sup> So, how can Members of the Parliament represent their own constituents? The dictating power lies in the hands of Leader of the House and Leader of the Opposition. It is so absolute that they not only regulate the Members of the Parliament but also control and dominate the legislative body itself.<sup>70</sup> Under these circumstances, business leaders argue that citizens cast their vote to elect Members of Parliament to represent them. But members once elected only represent their party at best or more specially the party leader. In order to relieve the MPs from this old provision, the Jatiya Sangsad is in badly need of urgent reforms, businessmen think<sup>71</sup>.

The urgent reforms, in the form of privileges of Member of the Parliament, they suggest 15-point as follows: (1) all bills must be passaged through the standing Committee; (2) committee must hold public hearing before deciding on the bill; (3) except in case of important issues, Members of Parliament should not be directed to vote on the party line; (4) important issues are: - formation of government, no confidence, budget and constitutional amendment; (5) on normal laws, members should be allowed to vote according to their “own conscience” and “demand of their constituents”; (6) speaker should allow the MPs if they want to vote on the basis of secret ballot; (7) MPs shall not interfere in the job of the local government / administration; (8) MPs should get cash amount to maintain an office and staff in their constituencies; (9) minimum pay of MPs should be taka one lac per month and daily fees and allowance should be abolished; (10) MPs must undergo at least 3 months training in a training institute; (11) minimum educational qualification to be an MP; (12) a woman member from each district should be

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<sup>68</sup> The Parliament generally refers to the legislature of the government. In Bangladesh, the legislature is officially termed as Jatiya Sangsad. Parliament or Jatiya Sangsad has been interchangeably used in this work.

<sup>69</sup> *FBCCI Journal*, Vol. 1 No. 6, September-October 2000, p. 6.

<sup>70</sup> *Ibid.*,

<sup>71</sup> FBCCI president Mr. Abdul Awal Mintoo explained this view during interview.



elected by direct vote; (13) speaker and two deputy speakers (one from the opposition) should be proposed by the leader of the House and seconded by the leader of the opposition; (14) speaker and deputy speaker once elected must quit the party politics temporarily; and (15) speaker and deputy speaker should be responsible to select / appoint all officers of the Parliament secretariat<sup>72</sup>. In case of necessity business group is more or less ready to bring amendment to the constitution to realize their suggestions. They urge the government parliament should provide good governance and their 15-point should be taken into active consideration by the concerned authorities.

To conclude our discussion in this chapter, the study of business group in Bangladesh politics shows certain developmental trends. There was a general trend in the non-associational interest groups to take associational forms. We observe this trend on the formation of FBCCI in 1973, the Bangladesh Chamber of Industry (BCI) in 1985, the Foreign Investor's Chamber of Commerce and Industry (FICCI) in 1987 and Bangladesh Garments Manufacturers and Exporters Association (BGMEA) in 1991. Second, as the number of businessmen is continuously increasing in the Jatiya Sangsad. On the other hand the businessmen and industrialists educated with modern education do not only occupy the major seats in the parliament but also enrich this institution increasingly with experiences. Modern education is an essential asset required for membership in any modern institution. Besides, elderly legislators can face the new problems with accumulated experiences. There is also tendency on the part of the business groups to take specific program orientation, which enhanced the spirit of urgent reforms in the political affairs so that Jatiya Sangsad should provide good governance in Bangladesh in the years ahead.

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<sup>72</sup> FBCCI Journal, op. cit., pp. 6-9.

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## **CHAPTER FOUR**

# **Civil Servants As Pressure Group**



## CHAPTER FOUR

### Civil Servants As Pressure Group

The group of Civil Servants competently upholds the civil service and represents one of the institutional interest groups in Bangladesh. The Bangladesh Civil Service is the continuation of the Civil Service of Pakistan (CSP) and the East Pakistan Civil Service (EPCS). The Civil Service of Pakistan was the successor of the Indian Civil Service, which was divided between Pakistan and India under partition and independence in 1947. The existence of a skilled body of civil servants along with the ability of these skilled personnel in an organized form is not only a pre-requisite for policy-making but also essential for policy-implementing. In Bangladesh, it has only about 9,50,000 civil servants engaged on different services. Class I officers are the key decision-makers. They constitute 8% of all civil servants in Bangladesh. This chapter deals with the respective roles of the bureaucratic elite to protect their 'legitimate rights' as well as group interests of the best available talent in the country on the one hand, and resistance to various administrative reforms on the other. Bureaucracy is an important independent variable that greatly influences any kind of transformation in the socio-economic and political structure in the developing countries.<sup>1</sup> Bureaucrats are generally identified as those who occupy managerial roles with some directive capacity in the 'middle' and 'top' management level of government.<sup>2</sup>

As Ralph Braibanti has observed bureaucracy in Pakistan and argues that the bureaucracy stood when other structures of society failed and collapsed. It closely conducted the business of government and helped to forge a new state along with its group exclusiveness.<sup>3</sup> In Bangladesh, two of the most important institutional interest groups – Bangladesh Civil Service and Armed Forces are hereditary well disciplined, high moral and *esprit de corps*.<sup>4</sup> La Palombara in 'Bureaucracy and Political Development', argues that since the bureaucracy of

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<sup>1</sup> Joseph La Palombara. "An Overview of Bureaucracy and Political Development" in Joseph L. Palombara (ed.), Bureaucracy and Political Development. (Princeton: Princeton University Press, 1963), p.4.

<sup>2</sup> *Ibid.*, p. 7.

<sup>3</sup> Ralph Braibanti. "Public bureaucracy and Judiciary in Pakistan", in LaPalombara (ed.), Bureaucracy and Political Development (Princeton: Princeton University Press, 1963). p. 409.

the newly independent countries is the only institution which is cohesive and coherent, and since representative institutions are weak, the bureaucratic structure plays a vital role in both the policy-making and implementation and thereby works against the development of representative institutions.<sup>5</sup> Even though the Bangladesh civil service (BCS) class I personnel constitute 8% of the country's total bureaucratic population, it is not at all surprising that they have been the subject of academic attention over such a long period.

Here we shall mainly confine our analysis to the critical opposition role played by the group of Bangladesh civil service administrative cadre, as an enormously influential pressure group<sup>6</sup>, toward the administrative reforms recommended by the different committees and commissions in different periods in Bangladesh. Second, we shall be concerned with the following questions. For example, does the present class structure of the Bangladesh civil service enable to meet efficiently the developmental needs of the country? Why do bureaucratic elites resist all the administrative reforms while others do not? In what ways they express their opposition? What are the reasons for the failure of major administrative reforms in Bangladesh? What sort of education, qualifications and aptitudes should a civil servant possess to perform his functions in an independent country?

In focusing the group interest of the elitist civil servants in policy-making and implementation, we shall use the following scheme as **the analytical framework**: (1) Aims and Objectives, (2) Structure, (3) Resistance of civil servants to different reform measures - (through the means of associational demands and exerting pressure upon government for maintaining the status quo in service structure), (4) The basis of support (district and than level officers), (5) Personnel (senior civil servants close to Policy-making), (6) Modus operandi.<sup>7</sup>

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<sup>4</sup> Talukder Maniruzzaman, "Administrative Reforms and Politics within the Bureaucracy in Bangladesh" in Mohammad Mohabbat Khan and Habib Mohammad Zafarullah (eds.), Politics and Bureaucracy in a New Nation: Bangladesh, (Dhaka: Center for Administrative Studies, 1980), pp. 199-215.

<sup>5</sup> LaPalombara op. cit.

<sup>6</sup> See for details the influential role of CSP as pressure group in Pakistan, Shahid Javed Burki, "Twenty Years of the Civil Service of Pakistan: A Reevaluation" in Asian Survey, vol. 9 (April, 1969), pp. 240-253.

<sup>7</sup> This scheme is based on the framework presented by Talukder Maniruzzaman, in 'The Politics of Development: The Case of Pakistan' I have used the term aims and objectives, instead of program, used by Maniruzzaman. By modus operandi, I mean the technique of exerting pressure upon government used by the civil servants associational interest group.

**Bangladesh Civil Service (Administrative) Association:**

**Aims and Objectives:**

Bangladesh civil service BCS (Admin.) cadre association basically represents the associational group interest of the civil servants at the apex level. It has inherited the traditions of erstwhile three services, namely, the ex-CSP, the ex-EPCS class I and the ex-Military Lands and Cantonment Service and replaced all past Associations of the said services into Bangladesh Civil Service (Administrative) Association. Some of the major aims and objectives of this association are:<sup>8</sup>

(1) To maintain Association as a common forum for resolving all matters concerning their services in terms of service-structure, pay, status, seniority and that whatever they shall resolve to do or in whatever manner they may decide to act shall be through the Association and not servicewise or individually; (2) to voice their rightful claims or demands, affecting their common interest, through the Association; (3) to face any threat or act which prejudices their common interest they shall a united stand against such threat or act in the manner resolved or advised by the Association; (4) to take a firm and unequivocal stand on issues of common interest and give necessary guidance to the members; (5) to serve the interest of its members aims at upholding the cause of the nation as well; (6) to consider their profession as a specialization of higher administrative mechanism and must be treated as such and that entry of officers from different services not only threatens their common interest but is also detrimental to the efficient and orderly management of public services; (7) to sustain and improve specialization of the administrative services proper training opportunities must at all times be made available; (8) to elect the seniormost member in regular service available as the president of the Association and all other office-bearers of the Executive Committee shall be elected in accordance with the Constitution. BCS (Admin.) cadre association has elaborately stipulated aims and objectives in its constitution. It has been strongly reflected in practice, whenever any sort of reform or act of government is threatening any common interest of the association.

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<sup>8</sup> See, the Constitution, Bangladesh civil service (Administrative) Association, (adopted unanimously in the National Convention held on 19<sup>th</sup> April, 1981 and finally approved in a general meeting in 1986) Dhaka: pp. 4-16.



## Structure:

There are three kinds of civil services in Bangladesh. There is generalist-administrative civil services led by Bangladesh Civil Service BCS (Admin.) cadre<sup>9</sup>. There are functional cadre services like BCS (Audit and Accounts), BCS (Taxation), BCS (Customs and Excise), BCS (Judicial), BCS (Railway) and others. The third kind consists of specialized professional services designed as BCS (Engineering), BCS (Health), BCS (Agriculture), BCS (Education) cadre and others. Another classification of civil bureaucracy in Bangladesh would be to divide into four classes. e.g. Class I, Class II, Class III and Class IV. Class I and Class II civil servants are the better paid gazetted officers in the sense that the name of these officers appear in the official gazette and they also enjoy higher power and responsibilities in the hierarchy<sup>10</sup>. The minimum educational qualification for members of Class I and Class II is a graduate or an equivalent degree. Class III civil servants are mainly secretarial and others who carry on routine work under the supervision of Class I and Class II officers. Class IV employees consist of manual workers. In this chapter, we shall take a close look at the elitist civil service designed as BCS (Administration) cadre. This generalist cadre plays a highly influential and powerful role not only in policy-making and implementing but also in resistance any reform/policy, which is against the associational interest. Table I shows the Class-wise strength of civil servants as on 1 January 1999.

**Table 1**

Class	MIN/DIV		DEPT/DTE			AUTO/CORP			TOTAL		
	Sanc.	Exist	Vacant	Sanc.	Exist.	Vacant	Sanc.	Exist	Vacant	Sanc.	Exist
Class I	2128	1875	253	41951	32922	9029	50052	43888	644	94131	78685
Class II	67	51	16	12670	10741	1929	29779	26066	3713	421516	5658
Class III	4548	4132	416	482413	442859	39554	157169	132851	24318	644130	579842
Class IV	2426	2343	83	175378	162819	12559	96927	86202	10725	274731	251364
Total	9169	8401	768	712412	649341	63071	333927	289007	44920	1055508	946749

Source: Ministry of Establishment, Statistics of civil officers and staff of GOPRB, Dhaka, 1999

<sup>9</sup> Cadre means strength of a service or a part of a service sanctioned as a separate unit. (Bangladesh Service Rules, 5/7); There are 29 cadre services created in 1980. In the cadre system every post is borne clearly against one or another cadre. No member of a particular cadre is expected to be posted in another cadre. This implies that a civil servant who becomes a member of a particular cadre is clearly aware about his own lines and prospect for promotion.

<sup>10</sup> K. B. Sayeed, The political system of Pakistan (London: Oxford University Press, 1967), pp. 128-29.

The office bearers of the BCS (Admin.) Association is always in the top-level administrative positions, which reveal the cohesive structures and exerting pressure upon the government for their favourable policy formulation.

### The Central Executive Committee of BCS (Admin.) Association 1995 & 1996

1	Mohammad Asafuddin Secretary, Ministry of Commerce	President
2	Dr. Mohiuddin Khan Alamgir Member, Planning Commission	Vice-President
3	Md. Ershadul Haq Secretary, Ministry of Education	"
4	Abdul Moyeed Chowdhury Secretary, Ministry of Food	"
5	A. T. M. Giasuddin Chairman, BTMC	"
6	Md. Nuruzzaman Miah Commissioner, Dhaka Division	Secretary General
7	Md. Azmal Chowdhury Joint Secretary, Election Commission	Treasurer
8	A. H. M. Abul Kashem Deputy Commissioner, Dhaka	Joint-Secretary General
9	Saiful Alam Deputy Secretary, Cabinet Division	"
10	A. Z. M. Shafiqul Islam Director, Prime Minister's Office	"
11	Latifur Rahman Deputy Commissioner, Sunamgonj	"
12	Mujibur Rahman Howladar Sr. Assist. Secretary Ministry of Establishment	Assistant-Secretary General
13	Salauddin Ahmed Private Secretary to PM	"
14	Md. Fazleh Elahi TNO, Narayngonj sadar	"
15	Abul Faisal Mufazzal Karim Secretary, Ministry of Fisheries & Livestock	Member
16	Muhammad Faizur Razzak Secretary Ministry of Power and Energy	"
17	Dr. Towfiq Elahi Chowdhury Executive Chairman, NBR	"
18	Mahbub Kabir, Additional Secretary, ERD	"

- 19 Md Abdul Kader Miah ..  
Joint Secretary, Election Commission
- 20 M Akter Ali ..  
Secretary, Ministry of Agriculture
- 21 Dr. Md. Mujibur Rahman ..  
Deputy Secretary, Minister of Agriculture

Besides, 9 more members in the rank of Secretary, Joint secretary, Deputy Secretary to be included in the Executive Committee of the Association

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Source: Annual Report 1995\_BCS (Admin ) Cadre Association

### **The Origin of Civil Service: British period**

The term 'Civil Service' can be traced its origin in the Charter granted by the Queen Elizabeth and authorized the East India Company on 31 December 1600 for private trading<sup>11</sup>. For about 150 years the English Merchants conducted mainly trading in India. But after 1757, the Company became the ruler of a vast area of India. Then the servants of the Company in addition to their trading functions performed such other activities such as collection of revenue and tax, judicial, political and administrative tasks. The term "Civil Service" was first used by the East India Company to designate its servants who were engaged in mercantile work like merchants, factors and writers, in order to distinguish them from those whose duties were of naval and military forces. In fact, the merchants, factors and writers were the civil servants of the East India Company. They were exclusively recruited in England under the Mercantile Service, which was transformed into an well-organized Covenanted Civil Service when the company became the ruling power with administrative responsibilities.<sup>12</sup> We see the phrase 'Civil Service' was first used in British administration in India. But it was virtually popularized by Sir Charles Trevelyan while the principle of open competitive examination was introduced in Great Britain in 1854.<sup>13</sup>

The administrative system, which was built in India during the British period, was the chief instrument of control and domination over the natives during the colonial period. The administrative system was primarily organized to meet the specific needs of British rule as

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<sup>11</sup> Ali Ahmed, Role of Higher Civil Servants in Pakistan, (Dhaka: National Institute of Public Administration, 1968), pp. 2-30.

<sup>12</sup> Muzaffar Ahmed Chowdhury, The Civil Service in Pakistan, (Dhaka: National Institute of Public Administration, 1963), p. 2.

<sup>13</sup> David L Sills (ed.), International Encyclopedia of the social sciences, Vol. 1&2, (New York: the Macmillan Company and the Free Press, 1968), pp.495-500.



follows: (a), to maintain law and order situation; (b), to collect revenues and serve the imperial interest; and (c) to exhibit pomp and glory of the British imperial authority. At that particular point of time, the civil servants as general administrators were trained in a way that inculcated a strong belief in their mind that they were recruited through a competitive examination from the best available talents as the rulers of the territory. Besides this, they received enormous patronage from the British master. Thus the civil service in undivided India developed as a paramount institution with immense power. The British rulers created a congenial atmosphere to make the administrators "iron men" and master of the people. The British rulers did not want these administrators to be accountable to the people or any other political authority of undivided India.<sup>14</sup> The colonial masters, for the newly recruited civil servants, introduced exceptional type of orientation, indoctrination and a foundation training course, which could make them completely different type of gentlemen. Consequently, that a common tendency of not showing proper regard to the general public was not only found among them but also they preferred to remain far apart from the reach of the general masses.<sup>15</sup>

It is historically recognized that the British colonial authorities trained the Indian elite to rule the sub-continent. Under the vice-regal system, the Governor General was responsible to the Crown of England. As the centrally recruited officers, most notably the members of the Indian Civil Service (ICS) were hierarchically linked with the Governor General. Thus the civil servants as the general administrators became not only powerful but also disdainful to indigenous politicians.<sup>16</sup> The British rulers were never interested to change the elitist and centralized character of the administrative system. On the other hand, the rulers intended to use it as an instrument of repression and control of the native population with a view to strengthening the foundation of Imperial domination. The members of the Indian Civil Services symbolized the British desire to create an elite class of civil servants who closely resembled the colonial masters in values and norms.

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<sup>14</sup> Emajuddin Ahmed, *Bureaucratic Elites in Segmented Economic Growth: Pakistan and Bangladesh*, (Dhaka: University Press Limited, 1980), P. 43.

<sup>15</sup> Obaidullah, A.T.M., "Problems of Administrative Reforms in Bangladesh: Institutionalization of Bureaucracy", *Asian Profile*, vol. 19, No. 1, (1991), p.44.

<sup>16</sup> M. Asaduzzaman, "Generalist-Specialist Controversies in Bangladesh Civil Service" in Abul Kalam (ed.), *Bangladesh: Internal Dynamics and External Linkages*, (Dhaka: University Press Limited, 1996), pp. 56-57.

The native members of the ICS, who usually came from rich and influential families, had to qualify in competitive examinations which were initially held in Britain only. Key positions like policy-making as well as policy-implementing at all levels of central and provincial governments were reserved for the 'heavenly born' ICS members<sup>17</sup>. Moreover, they were advised to keep distance from politicians and the public at large so that they could effectively function as the 'steel frame'<sup>18</sup> of the British Indian Empire.

### **Dominance of civil servants in Pakistan 1947-1971:**

Pakistan, after independence in August 1947, inherited the administrative apparatus of the British. The Civil Service of Pakistan (CSP), is the most powerful and elitist administrative service in Pakistan. It was the successor to the former Indian Civil Service (ICS), which was organized at a time when the colonial power was interested in maintaining law and order and not much concerned with welfare administration. The CSP, the elitist civil service, has been able to resist functional reorganization of the bureaucracy and the deconcentration of the power that it holds.<sup>19</sup> It may be argued that when the country was faced with political instability and lack of national consensus, a generalist civil service like the CSP was fortunately available to fill the vacuum created by the political leadership. K. B. Sayeed argued that except generalist, a highly specialized and functionally organized bureaucracy might not have been able to fulfil this duties.<sup>20</sup> In 1947, the total number of Indian Civil Service and Indian Political service (ICS-IPS) persons available to Pakistan was 157. Of these 50 were British officers and most of whom left during the first two years of independence. By 1955 the Civil Service of Pakistan (CSP), equivalent to Indian Civil Service (ICS), cadre reached a total strength of 270. Of these 200 (114 being the members of the ICS) were available for administrative services.<sup>21</sup> This hard core of the Civil Service had been much accused both in the press and by the politicians for their alleged arrogance and subversion of the parliamentary constitution.

M.A. Gurmani, the first Governor and one of the architects of the West Pakistan One-Unit, stated after he had been removed from the post of the Governorship that " In Pakistan,

<sup>17</sup> Mohammad Mohabbat Khan and John P. Thorp (eds.), *Bangladesh: Society Politics and Bureaucracy*, (Dhaka : Center for Administrative studies, 1984), pp. 146-147.

<sup>18</sup> Lloyd George in a speech delivered in the House of Commons in August 1922 first used the term 'steel frame'.

<sup>19</sup> Khalid bin Sayeed, *The Political System of Pakistan* (London: Oxford University Press, 1967), p. 128.

<sup>20</sup> Khalid bin Sayeed, op. cit., p.128.

however, the administrators have taken upon themselves the task of making and unmaking ministries. The result is that at present the country is being ruled by a coterie of foolish politicians and the 'King-maker' administrators".<sup>22</sup> There is strong evidence that, from the beginning, some of the higher echelon of the Civil Service came to have a dominating influence on Pakistan's politics. This was partly due to the historical tradition of the ICS officers. When the British introduced 'Dyarchy' in 1920 and transferred some subjects to popular Ministers, the Secretaries under the Ministries were given the right to see the Governor over the head of the Ministers. A similar right was given to the secretaries under the 1935 Act by which all provincial subjects were transferred to the popular ministers. In fact, the British-trained ICS officers later CSP were kept 'as the watchdog of native ministers'<sup>23</sup>

Jinnah, as Governor General appointed three former British ICS officers as Governors of three of the four provinces. Two of who used to preside over the cabinet meeting and one even re-allocated the portfolios without the consent of chief Minister. They also used to send fortnightly reports to Jinnah about the activities of the cabinet Ministers. Jinnah even used to call the Secretaries over the heads of the Ministers. After Jinnah's death, the Prime Minister Liaquat Ali Khan continued to get reports from the chief secretaries of the provinces.

During Pakistan period four separate studies of the Civil service of Pakistan were undertaken with a view to restructuring the public service to make it efficient and more people oriented. These were: (1), the Pakistan Pay Commission 1948-49, under the chairmanship of Justice Mohammed Munir; (2), Rowland Egger Commission in 1953; (3), Bernard L. Gladieux in 1955; and (4), the Pay and services Commission, 1959-62, under the chairmanship of Justice A.R. Cornelius. The Munir Commission stated the high salaries had directed too many of the best talents of the country towards the Civil Service of Pakistan and recommended reducing the salaries of CSP officers. The recommendations of the commission were accepted by the government and not seriously contested by the members of CSP. They knew very well that in the socio-economic conditions of Pakistan, their status and influence depended not merely on salary but on additional benefits.

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<sup>21</sup> Talukder Maniruzzaman, The Politics of Development: The Case of Pakistan 1947-1958 (Dhaka: Green Book House Limited, 1971), pp. 74-84.

<sup>22</sup> Talukder Maniruzzaman, *op.cit.*, p.74.

<sup>23</sup> *Ibid.*.



Egger and Gladieux<sup>24</sup>, who were commissioned by the Planning Commission of the Government of Pakistan, made frontal attacks on the monopoly of all high level posts by the CSP officers and suggested a complete restructuring of the Pakistan Civil Service. But the political leaders were so engaged in political feuding that they could not take up the recommendations of the said Commissions. The high powered Commission under the chairmanship of Justice A.R.Cornelius condemned in the strongest possible terms the great discrepancy between the promotional chances of officers in the Civil Service of Pakistan and those of top officers in the specialized services. The Commission observed that the cause of this inequality is to be found in the continuation of the system of "antiquated or colonial ruse".<sup>25</sup> The Commission strongly recommended the unification of all services into a seven-tiered structure with opportunities for specialists to move up to the top policy-making positions. By the report of the Cornelius Commission, the CSP officers were greatly embarrassed and activated the central and two provincial branches of the Civil Service Association to bring covert as well as overt pressure on the government not to implement the report of the Cornelius Commission.

The two senior CSP officers of who were members of the Commission had already given a note of dissent against the radical restructuring of Pakistan's Civil Service recommended by the majority of members of the said Commission. The central and provincial Civil Service Associations met seventeen times, prepared five documents and circulated them among members of Ayub's government. President Ayub Khan accepted the contention of the CSP Association that revolutionary change in a service structure well established in the subcontinent would be disruptive of national unity and social stability. In addition, it would be detrimental to the rapid growth of the economy. Thus the recommendations of the Cornelius Commission could not be implemented due to insurmountable bureaucratic pressure and consequently Cornelius Report was, therefore, shelved.<sup>26</sup>

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<sup>24</sup> Talukder Maniruzzaman, "Administrative Reforms and Politics within the Bureaucracy in Bangladesh" in M.M.Khan and M.Zafaulah (eds.), *Politics and Bureaucracy in a new Nation Bangladesh*, (Dhaka: Center for Administrative Studies, 1980), p. 203; For more on these reports see Shahid Javed Burki "Twenty Years of the Civil Service of Pakistan: A Reevaluation", in *Asian Survey*, vol. 9, (April 1969), pp. 240-254.

<sup>25</sup> Talukder Maniruzzaman, op. cit., p. 203.

<sup>26</sup> *Ibid.*, 204.

## The Post Independence Period: Mujib Regime

With the independence of Bangladesh in 1971, political forces under the leadership of great leader Sheikh Mujibur Rahman came to the forefront. The Awami League, ruling political party with its diverse interest groups and supporters asserted their dominance and planned to relegate the bureaucracy to a secondary role in the decision-making process<sup>27</sup>. But the civil servants in Bangladesh have been enrolled with conflicts, factionalism and sectarian discontents with corrosive consequences for its overall effectiveness.<sup>28</sup> It seems that developmental process in Bangladesh will be impeded not by failure of political leadership but by the resistance and pressure from bureaucrats. Conflicts in the bureaucracy in Bangladesh first occurred on the issue of 'collaboration' with the Pakistan regime during the period of liberation war in 1971. Only about 500 hundred civilian government employees joined the government-in-exile in Calcutta. Of these, thirteen had been members of the Civil Service of Pakistan (CSP), two of the Pakistan Police Service (PSP), several of the East Pakistan Civil Service (EPCS) and the rest were lower ranking employees.

Of the India-returned CSP officers, one was appointed as Principal Secretary to the Prime Minister, four as secretaries, and eight others as deputy secretaries. One PSP officer, two EPCS officers and one private practicing doctor who held the rank of secretary under the government-in-exile retained this rank in Bangladesh. These patriotic government employees had the support of powerful Awami League leaders. About 600 government employees including nine former CSP officers lost their jobs in Bangladesh on charges of 'collaboration' with the Pakistan military regime. A quota of all new appointments was reserved for the members of the Mukti Bahini (Liberation Army) and a special civil service examination was held for the recruitment of freedom fighters.<sup>29</sup> The policy of Sheikh Mujib's government did favor the officials who served the government-in-exile and officials having connections with the Awami League. Thus, violating the established rules and practices in force during Pakistan days created simmering discontent among the rest of the government employees.

The conflict between the 'patriots' and the 'non-patriots' was only one aspect of the civil servants in Bangladesh politics. Another dimension of conflict was the jealousy and rivalry

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<sup>27</sup> Government of the People's Republic of Bangladesh, The First Five Year Plan 1973-1978, (Dhaka: Planning Commission) p. 4.

<sup>28</sup> Talukder Maniruzzaman, *op. cit.*, p. 199.

<sup>29</sup> Talukder Maniruzzaman, *op. cit.*, p. 200.

between the former members of the EPCS and the former members of the CSP. The first group numbering 950, argued that with the emergence of Bangladesh as a sovereign state the erstwhile provincial civil services should be automatically turned into the national civil service of Bangladesh. Besides, they demanded that, since the EPCS and CSP officers did identical jobs and had similar educational qualifications, status and promotion in the new amalgamated cadre of the two services should be determined on the basis of length of services.<sup>30</sup>

On the other hand, the former CSP members argued that since they had come from the top five percent of university graduates and through open competitive examination, they should form the nucleus of the top administrative structure of Bangladesh. They claimed that the EPCS men, having lost the competition in the Central Superior Service Examinations entered the provincial services. They were designed at most to reach certain levels in the government. The CSP group emphasized merit rather than length of service as the criterion of promotion. They strongly demanded that two-thirds of the policy-making positions in the secretariat should be reserved for them and the rest should be filled by promotion from the former EPCS cadre. Citing the example of France and Malaysia, they insisted that the principle of meritocracy have to be sustained in the government. They proposed the creation of the Bangladesh Administrative Service as *corps d' elite* on the pattern of Civil Service of Pakistan.<sup>31</sup>

In the initial years of independence in Bangladesh, the Bengali members of the erstwhile CSP could hardly assume the attitude of a ruling class. This attitude of Bengali CSP seemed to be changed having seen the enormous sacrifices of lives and the majesty of the power of the people during the liberation war. Besides, they were aware that the Awami League during the elections in 1970 had proposed the restructuring of the existing administrative machinery designed to discharge the functions of a colonial government and the creation of specialized professional cadres on the basis of merit.<sup>32</sup> Sheikh Mujib's principal political advisers were the influential leaders of Awami League and its affiliated organizations, including some of his

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<sup>30</sup> The Memorandum of the erstwhile EPCS (Executive – Class I) in Report of the Pay and Services Commission (Bangladesh, 1977), Part I. The services, vol. III, a compilation of memoranda from Service Associations/Unions/ Groups, pp. 228-35.

<sup>31</sup> The memorandum of the CSP officers submitted to Pay and Services Commission in 1976. The former CSP cadre officers had used the same arguments in 1972.

<sup>32</sup> Talukder Maniruzzaman, op. cit.,



relatives. For economic policies, Sheikh Mujib relied wholly on the members of the Planning Commission. They were all professional economists. Members of the bureaucracy were left only with routine duties. Besides, Sheikh Mujib initiated several measures to curtail the power and prerogatives of the bureaucrats. In the first place, in January 1972 the President had promulgated an ordinance called Presidential Order (P.O.) 9, under which President could terminate the service of any civil servant without showing any reason and without giving any chance to explain his/her case. Mujib asked the bureaucrat to shun their bureaucratic outlook and treat the people as their masters. In a meeting in Tangail he said, "I want the officials to eliminate malpractices and corruption from the soil of Bangladesh. There is no guarantee of your jobs. If some one is found guilty, he will be served with the notice that your services are no longer required".<sup>33</sup> About 53 high ranking civil servants lost their jobs after the P.O.9 was put into effect in January 1972. From July to November 30, 1974 over 300 government officials were dismissed under the same order<sup>34</sup>.

The government of Sheikh Mujib appointed an Administrative and Services Reorganization Committee (ASRC) on 15 March 1972 under the Chairmanship of Dr. Muzzafar Ahmed Chowdhury, a specialist on Public Administration, to prepare and recommend a comprehensive scheme for administrative reorganization. There were three other members in the Committee. The Committee heard representations from 183 service associations, interviewed 15 ministers and 56 high officials- secretaries to the government and heads of autonomous organizations, sector corporations of nationalized enterprises and other financial institutions. The Committee also visited the USSR to get first-hand knowledge of the Russian administrative system.

The Committee aimed at a complete restructuring of the bureaucracy and submitted its report in two phases in April 1973 and in May 1974. The Committee strongly recommended that (1), all civil servants should be organized in a single classless grading structure covering the whole service; (2), there should be an appropriate number of different pay levels matching different levels of scales of skills and responsibility; and (3), a correct grading of each post is to be determined by an analysis of the job.<sup>35</sup> The Committee termed the former CSP an

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<sup>33</sup> Emajuddin Ahmed, "Dominant Bureaucratic Elite in Bangladesh" in M.M. Khan and Habib M. Zafarullah (eds.), *Politics and Bureaucracy in a New Nation Bangladesh*. (Dhaka: Center for Administrative Studies, 1980), p.154.

<sup>34</sup> Talker Maniruzzaman, *op. cit.*

<sup>35</sup> *Report of the Administrative and Services Reorganization Committee*, Part I, The Services (April 1973) p. 26.

“artificial institution”<sup>36</sup> and stated that the preference for the generalists should be given those who have acquired competence in the concerned area.<sup>37</sup> The committee strongly disapproved the reservation of key posts for the members of the former CSP and urged that all the key positions at all levels must open to competent men irrespective of the services to which they might belong.<sup>38</sup> The Committee further suggested a ten-grade structure in the Civil Service with senior administrative/top specialist grades at the head and the messengers and semi-skilled labour at the bottom.<sup>39</sup> Following the Fulton Report the Committee recommended that the posts from Grade III to Grade I should be called ‘Senior Policy and Management’ posts and that only officials with outstanding managerial ability and a high level of technical expertise in relevant fields should be promoted to these posts.<sup>40</sup> The Committee strongly suggested that a high-powered body chaired by a judge of the Appellate Division of the Supreme Court should be formed to implement the recommendations of the committee.<sup>41</sup>

The political leadership of the time, instead of implementing the far-reaching recommendations of the committee to overhaul the colonial bureaucracy, shelved the report and barred it from public circulation. The resistance together with undue group pressure of former CSPs was one of the major reasons why ASRC’s recommendation was buried at the implementation level like the Cornelius report in the Pakistani days. By the end of 1974 Sheikh Mujib could clearly see the disastrous consequences of his political and economic policies. Law and order had completely broken down and the country was faced with a devastating famine. Sheikh Mujib turned to former CSP officers for advice and for the conduct of the administration. This resulted in undue dependence of political rulers on bureaucrats who convinced the former of the necessity of maintaining the effectiveness of administration and the status of the generalist civil servants. Thus the former CSP officers were placed as chairmen of key corporations and more and more of them were appointed as deputy commissioners.

Mujib’s heavy reliance and dependence on the bureaucratic elites in June 1975 was indicated by the fact that he nominated 21 senior bureaucrats ( 9 former CSP officers, 1 police officer, 4

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<sup>36</sup> Ibid., p.10.

<sup>37</sup> Ibid., p. 19.

<sup>38</sup> Ibid., p. 16.

<sup>39</sup> Ibid., pp. 30-31.

<sup>40</sup> Ibid., p. 37.

<sup>41</sup> Ibid., pp. 46-47.

top military officers and 7 senior members of other services) as the members of the newly formed Central Committee.<sup>42</sup> On June 21, he issued a Presidential Ordinance breaking the existing 19 districts created 61 districts. On July 16, he announced the names of the 61 District Governors. Of those 61 District Governors, 14 were senior bureaucrats( 9 former CSP officers, 1 military officer, and 4 members of other services).<sup>43</sup>

### **National Pay Commission (NPC-1)**

The National Pay Commission (NPC-1), headed by A. Rab, a member of the pre-partition Bengal Civil Service was constituted in July 1973 by the Mujib government with a view to working in close alliance with the ASRC. The Commission was asked to suggest scales of pay in the light of the government's declared objective of the establishment of a socialist society. The Commission, therefore sent a three-member<sup>44</sup> delegation to Bulgaria, Yugoslavia and the German Democratic Republic for an intensive study of the conditions and pay policies in these countries. The commission observed that the determination of salaries was essentially an administrative process. The pay structures were very much subject to intra-bureaucratic power struggle, which always tilted in favour of the higher bureaucracy.<sup>45</sup> The Commission argued that Bangladesh should have a pay policy involving sharing of hardship in an equitable manner.<sup>46</sup> Working in consultation with the ASRC, the National Pay Commission recommended ten-grade national pay scales. The lowest scale was of taka 130-5/6-240/= while the highest scale with salary of taka 2000.00 (fixed).<sup>47</sup>

It may be mentioned that while the Administrative Services Reorganization Report was totally rejected, the political leadership accepted the NPC's recommendations. Still some of the major recommendations of NPC effecting the pay scale of the middle and senior civil servants could not be implemented. The non-implementation of pay scales for the higher grades was due to the resistance and group pressures of senior bureaucrats- particularly

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<sup>42</sup> In June 1975 Sheikh Mujib announced the constitution of the national Party- Bangladesh Krishak-Sramik Awami League (BAKSAL) and nominated the 15-member Executive Committee and the 115-member Central Committee.

<sup>43</sup> Emajuddin Ahamed in "Dominant Bureaucratic Elites in Bangladesh" in M. M. Khan & Zafarullah (eds.), *Politics and Bureaucracy in a New Nation: Bangladesh*, (Dhaka: Center for Administrative Studies, 1980), pp. 150-175.

<sup>44</sup> One of the member of the National Pay Commission was the then Colonel Ziaur Rahman, who became president later on.

<sup>45</sup> Government of the People's Republic of Bangladesh, *Report of the National Pay Commission*, Bangladesh, vol.1, The Main Text (May 1963), Dhaka: p. 15.

<sup>46</sup> *Ibid.*, p. 17.



members of the erstwhile CSP and EPCS. They specially demanded enhancement in their salaries associated with fringe benefits. The generalist civil servants were, in fact, aggravated with the Commission for recommending less pay for them.<sup>48</sup>

### **Zia Regime:**

Sheikh Mujib's regime was ended in a tragedy<sup>49</sup> on 15 August 1975. After the coup and counter coup in the early November 1975, Major General Ziaur Rahman, a leading freedom fighter,<sup>50</sup> ultimately emerged as the effective head of the government. He did not want to alienate the members of the Liberation Army and the officers who had joined the government-in-exile. The Martial Law regime in Bangladesh was in fact a partnership between the military officers and the elite civil servants. A part of the Constitution was repealed, the national Party was banned and the President's Order No. 9 of 1972, which provided for the dismissal of officials without assigning any reason, had been declared void. The bureaucratic elites have been responsible for the formulation of development strategy and policies since then and all the key policy-making institutions are dominated by them.<sup>51</sup> A council of advisers to the President was formed on 5 December 1975. Most of the advisers were either bureaucrats or technocrats. Of the 24 advisers, one had belonged to the police service, three were retired military officers, six were senior civil servants, four university professors, two journalists and two women social workers. In the overall power structure, the positions of the CMLA, DCMLAs and the Advisers to the President were crucial and eighty percent of them were held by the senior civil servants.

While the Rakkhi Bahini was dissolved most of its members were absorbed in the Bangladesh Army. The new government sacked some of the officers specially favoured by the previous regime and demoted some others. The former CSP officers who had been removed from the service were reinstated. One of the reinstated officers was Shafiul Azam who secured the first position in the first Central Superior Service Examination in 1949 and

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<sup>47</sup> Ibid., p. 88.

<sup>48</sup> M.M.Khan, Op.cit., p. 154

<sup>49</sup> Talukder Maniruzzaman, *The Bangladesh Revolution and Its Aftermath* (Dhaka: Bangladesh Books International Limited, 1980), pp. 179-191.

<sup>50</sup> Ziaur Rahman was then a Major in the Pakistan Army in March 1971 and declared the independence of Bangladesh on behalf of the Great Leader Bangabandhu Sheikh Mujibur Rahman from the Chittagong broadcasting centre. He commanded the 'Z' force of the Liberation Army in 1971. By the time of the fall of Sheikh Mujib regime he had been promoted to the rank of Major-General and deputy chief of staff of the Bangladesh Army.

was the Chief Secretary, Government of the East Pakistan during the liberation war 1971. He became the new Cabinet Secretary- the high priest of the Civil Service. A review committee, headed by Shafiul Azam, reinstated most of the government employees removed from service by the Mujib government.

**Pay and Services Commission (PSC):**

The military regime led by General Ziaur Rahman appointed a twelve-member Pay and Services Commission (PSC) on 20 February 1976, under the Chairmanship of A. Rashid, a member of the pre-partition Bengal Civil Service, who retired as secretary of the central government of Pakistan. The Commission was asked to conduct a fresh inquiry into the services and pay structure, and to suggest necessary reforms. Like the earlier Administrative and Services Reorganization Committee, the Pay and Services Commission heard representation from 154 services, associations and unions. The Chairman along with some members of the Commission visited the United Kingdom to acquaint them with the newest development of the British Civil Service.

The Commission observed that the generalist Indian Civil Service (ICS) was 'the one great political invention of nineteenth century in England'. But it contrasted with the late nineteenth century situation while functional services were non existent. It was badly needed for technocrats of various kinds like doctors, engineers, planners, economists, statisticians, accountants etc. for the development of Bangladesh. The commission deeply observed that the shortcomings of the CSP, patterned on the ICS, were of the institution and not the CSP officers as individuals who collectively formed an impressive group.<sup>52</sup> In view of the Commission the generalist-specialist controversy taking a new functional approach to the staffing of government positions could only end the tension. For this, what were needed were identical scales of pay and equitable prospects of promotion at the corresponding levels of all the different functional cadres in which general administration is only one.<sup>53</sup>

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<sup>51</sup> Emajuddin Ahamed, op. cit., p. 164.

<sup>52</sup> Government of the Peoples Republic of Bangladesh, Cabinet Division, Report of the Pay and Services Commission (Bangladesh 1977), part 1, The Services.

<sup>53</sup> Report of the Pay and services Commission (Bangladesh 1977),p. 46.

In the light of the discussion with various associational groups, the Commission submitted its report on 27 May 1977 with the following main recommendations for restructuring the Bangladesh Civil Service:

(1), The term 'Civil Service' should generally include all functionaries of the government excepting those in the military service; (2), Functional service cadres like Bangladesh Administrative Service, Engineering service, Health Service, Education service, police service etc. wherever viable should be created at the administrative and executive levels; (3), The barriers between the erstwhile CSP and other non-technical and technical services should be removed by the introduction of an equal starting salary, retirement and pension rules, the conditions of service and equitable opportunity for advancement to the top of their respective cadres; (4), Secretarial posts, particularly those from the level of deputy secretary and above, should not be reserved in favour of any other services; (5), A senior policy pool, should be created as the top most cadre of senior officers from all functional cadres on the basis of merit and ability to be tested in a suitable manner.<sup>54</sup> (6), Fifty-two scales of pay ranging from Tk. 230/- to Tk. 4000/- were recommended to reduce the anomalies of the pay structures. "These measures", the Commission held, would develop a spirit of partnership and cooperation in the civil service<sup>55</sup>.

#### **Outcome of the Report:**

The government did not make the report a public document. But a Committee comprising of advisers to the President was formed under the chairmanship of Saifur Rahman, a chartered accountant, to examine the report. Some of the major recommendations were accepted in principle but implemented in modified forms. The process was long. Besides, five cabinet committees worked out the modalities of reform implementation.

**First**, twenty eight services under fourteen main cadres were created within the civil service.

**Second**, a Senior Services Pool (SSP) was constituted in 1979 by the government. But the SSP order was formulated and implemented in such a manner that the objective behind SSP was willfully ignored. Induction of a large number of mid-ranking and senior generalist civil servants without examinations and proper screening violated the very principles on which the

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<sup>54</sup> *ibid.*, pp. 42-44.



SSP was premised. Initially, only three civil servants belonging to specialist cadres were allowed to join the SSP. This action seriously undermined the credibility of the SSP in the eyes of the non-generalist civil servants<sup>56</sup>. This action, i.e. automatic induction of generalist civil servants into the SSP clearly demonstrated enormous group pressure of the generalist civil servants vis-a-vis others within the civil service system. **Third**, The services (grades, pay, and allowances) Order 1977, was published on 20 December 1977 introducing new national grades and scales of pay providing for twenty-one grade. The lowest salary in the pay scale was Taka 225-6-315/= and the highest Taka 3,000/= (fixed). The salary of entry point for senior services at Grade X was Taka 750-50-900 EB-55-1230-60-1470/=.<sup>57</sup>

### **Bureaucratic Reaction and pressure:**

The Pay and Services Commission in their letter of submission to the President expressed 'concern for the tension they noticed in the Civil Service'. The announcement of the new national grades and scales of pay only aggravated the tension because they were so much at variance with what had been expected on the basis of the Commission's recommendations. It is in fact not wholly clear at what point between the Commission and the final order the changes were made.<sup>58</sup> The early hopes raised that the specialists would have equal status and pay with the generalists was fully disappointed. Instead, the generalists' predominance was assured in the shape of higher pay and grades. the protests by the specialists began to increase in volume as well as intensity.<sup>59</sup>

### **Economists:**

At first the economists in the Planning Commission strongly protested against this manipulation of grades and scales of pay. The Division chiefs, section chiefs and deputy chiefs of the Planning Commission (almost all of whom had Ph.D. degree) were expecting to receive the grades and scales of additional secretary, joint secretary and deputy secretary

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<sup>55</sup> Ibid., p. 43.

<sup>56</sup> Mohammad Mohabhat Khan, *Administrative Reforms in Bangladesh*. (Dhaka: University Press Limited, 1998), p. 100.

<sup>57</sup> Government of the People's Republic of Bangladesh, Ministry of Finance, Introduction of New National Grades and Scales of Pay, Grades 1-X1, Government Sector, (20 December 1977), p. 2.

<sup>58</sup> Senior officers belonging to the CSP were reported to have expressed the view that the new grades and scales as prepared by the implementation cell of the Ministry of Finance would not be acceptable to major sections of the civil service.

<sup>59</sup> For an excellent interpretation of reaction and pressure from different group of civil servants to the new national grades and scales of pay order 1977. See, Talukder Maniruzzaman . "Administrative Reforms and

respectively. The new grades and scales of pay put the division chiefs in Grade III, the grade in which the generalist joint secretaries had been placed. The section chiefs were placed in Grade IV which meant for deputy secretaries. The deputy chiefs were given Grade VII which was two stages lower than that of a deputy secretary. The officers of the Planning Commission resorted to a pen-down strike as soon as they received the copies of the Service Order. Dr. M. N. Huda, a member of the President's Council Advisers and chairman of the Bangladesh Economic Association held an emergency meeting of the association and discussed the anomalies made in the grades and scales. In the light of the discussion, the Association sent a representation to the president to look into their grievances enraged in the new national grades and scales of pay.

### **Engineers:**

The chief engineers of various ministries like Communication, Power, Water Resources, Flood control, Public Works and Environment and Urban Development and their subordinates placed in grades which treated them insignificant and lower in pay and status than their equivalent generalists were. The Engineers Association, of which Chairman B. M. Abbas was a member of the President's Council of Advisers, met the President to make known their grievances. Besides, Doctors, nurses, scientists and agriculturists similarly sent respective delegations to the President expressing their disapproval of the new grades and scales of pay. They categorically demanded the befitted status and pay according to the significance of their jobs and posts.

### **Government Employees:**

The lower ranking government employees organized in the powerful Bangladesh Gono Karmachari Sangjukta Parishad (United Association of Public Employees of Bangladesh) had sent a memorandum to the Pay and Services Commission demanding large Scale recruitment at the lowest level. They included in demands the education and proper training of the recruited personnel at the government cost and filling the higher positions by promotion of these recruits. The Commission, however, rejected the proposal stating that such a scheme for the civil service is not only unfeasible in the developing country like Bangladesh but also undesirable.<sup>60</sup> As the different associational groups of the specialists in the civil service began

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Politics within the Bureaucracy in Bangladesh" in M.M.Khan and M.H.Zafarullah (eds.), *Politics and Bureaucracy in a New Nation Bangladesh*, (Dhaka: Center for Administrative Studies, 1980), pp. 199-215.

<sup>60</sup> *Report of the Pay and Services Commission* (Bangladesh, 1977), Part I, The Services, vol. 1, PP. 45-46.

to protest against the new grades and scales, the Sangjukta Parishad revived their demands and protests along with them.

The various dissatisfied groups of the Civil Service started wearing black badges, holding protest meetings, pendown strikes. As the intensity of protests continued, the generalist officers formerly of the EPCS and CSP began to organize themselves. The younger generalist officers who enjoy prestige and power of the posts in the districts and then the sub-divisions complained that the generalists field officers had been downgraded *vis-a-vis* secretariat officers. The deputy commissioner, who is 'the king-pin of administration' in the subcontinent, for long held status and salary equivalent to that of deputy secretary. But in the new scheme the deputy commissioner was placed in Grade VII, which is two grades lower than that of deputy secretary. The young generalist officers vehemently argued that because of the downgrading of the office of the deputy commissioner, bright and able officers would avoid field jobs.

The generalist officers as a whole resented the recommendations of the Pay and Services Commission that policy-making posts at the secretariat should be open to all branches of the Civil Service. At a combined meeting, they chose a delegation of two senior former CSP and three senior former EPCS officers (all holding the rank of secretary) to convey the feelings of the generalists to the President. Some former EPCS and CSP officers also meet two members of the Council of Advisers – Shafiul Azam and Abul Momen Khan (who previously belonged to the former CSP and the former EPCS respectively) to take up their interests<sup>61</sup>.

For three months a tremendous aggrieved dissatisfaction among the civil servants had been going on after the publication of the new grades and scales of pay. There was virtually no work done in some government offices in that period. The situation took a serious turn when the doctors went on strike and threatened not to attend even emergency wards. The students of the medical college, the University of Engineering and Technology, the University of Agriculture and the Polytechnics stopped attending classes. The climax of the protest against the new scheme came in March 1978 when students of the four general Universities went on strike on the grounds that under the new grades and scales of pay persons holding general

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<sup>61</sup> Talukder Maniruzzaman, *op. cit.*, p. 211.



degrees (MA/MSc) would get less pay and lower-grade jobs than graduate in agriculture, medicine and engineering.

The total dissatisfaction expressed by various groups of government employees and lastly joining in by the students<sup>62</sup> led some observers to think that a general eruption would take place at any time<sup>63</sup>. The government, however, retreated and in a March 1978 announced the formation of a Review Committee of Presidential Advisers to examine the anomalies of the new grades and scales of pay. The government also set up an Appellate Committee with Justice Abdus Sattar, the Vice-President, as chairman. Any officer or section of the bureaucracy dissatisfied with the awards of the Review Committee would have the right to seek redress from the Appellate Committee. The government also hinted that deserving specialist officers might fill the vacancies in the superior policy pool. In spite of the announcement of the formation of Review and Appellate Committee, the tension among specialists- engineers, doctors and agriculturists continued. On the other hand, the pressure of the generalists was so great that the Shafiu Azam and Abul Momen Khan were to be included in the Review Committee, which at the beginning was constituted without them.

Finally, **the government virtually shelved the report of the Pay and Services Commission and the new national grades and scales of pay.** The government argued that the execution of the Report and the new scales of pay were very complicated and time-consuming task which would be completed in due course. Instead, the government announced new scales of pay and the abolition of the 'grading system'. In the new scales the salary of specialists was increased at all levels. Possibly to satisfy the generalists, the government also increased the salary of deputy commissioners, additional commissioners and sub-divisional officers<sup>64</sup>.

#### **Unified Cadre Service:**

The government introduced a new civil service system in 1980 i.e. Unified Cadre Service on the basis of the recommendation of Rashid Commission of 1977. The new service structure was primarily designed to create a class-less bureaucracy with 14 functional Cadres and 14 sub-cadres. Officers of all cadres now belong to on service called the Bangladesh Civil

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<sup>62</sup> Students in the developing countries belong to anomic group. They held glorious tradition of movement in the past and had led successful movements against the former Pakistan government in the sixties.

<sup>63</sup> Talukder Maniruzzaman, op. cit.,

<sup>64</sup> Ibid., p. 213.

Service (BCS). Later two other sub-cadres were created by the government- the BCS (Co-operative) and BCS ( Health: Family Planning). There are now 51855 class 1 posts in the government. Only 57.7% of them (29,940) have so far been encadred. Table 2 shows the name of the cadres and cadre-wise strength of BCS Officers.

**Table 2**

List of 29 BCS cadres and their cadre strength as on 1999:

Sl. No.	Name of Cadre	Strength
1	BCS (Administration)	4166
2	BCS ( Agriculture)	2252
3	BCS ( Ansar)	227
4	BCS (Audit & Accounts)	310
5	BCS (Co-operative)	189
6	BCS ( Economic)	532
7	BCS (Custom & Excise)	177
8	BCS ( Family Planning)	353
9	BCS (Fisheries)	659
10	BCS (Food)	219
11	BCS (Foreign Affairs)	256
12	BCS ( Forest)	114
13	BCS ( General Education)	13526
14	BCS ( Health )	8616
15	BCS ( Information)	583
16	BCS (Judicial )	793
17	BCS (live stock)	1471
18	BCS (Police)	963
19	BCS (Postal)	192
20	BCS (Public Health Engineering)	122
21	BCS (Public Works)	635
22	BCS ( Railway: Engineering)	258
23	BCS (Railway Transportatio & Commercial)	69
24	BCS (Road & Highways)	598
25	BCS (Statistical)	118
26	BCS ( Taxation )	307
27	BCS (Technical Education)	709
28	BCS ( Tele Communication)	550
29	BCS (Trade)	66
<b>Total =</b>		<b>39,230</b>

Source: Ministry of Establishment: Statistical Division, strengthe of Cadre officers.

### Senior Service Pool (SSP):

The Senior Service Pool Order of 1979 was also made in the light of the recommendations of Pay and Services Commission of 1977. It was explicitly mentioned that all officers of different cadres would ultimately fill in the posts of Deputy Secretary, Joint Secretary, Additional Secretary and Secretary through a competitive examination to be conducted by the Public Service Commission. The provision was made, except for (i) 10 percent of the posts of deputy secretary, which should be filled by promotion from among section officers belonging to the erstwhile secretariat services; (ii) 50 percent posts of the deputy secretary, Director and Director General and above in the ministry of Foreign Affairs and 5 percent posts of deputy secretary and above in the ministry of Law, Justice and Parliamentary affairs. According to SSP Order, selection was made among the officers (of different cadres ) (a), who have not attained the age of 45 years; (b) all officers directly recruited to the post placed in the new national scale of Tk. 750-1470/= (now Tk. 4300-7740/=) who have completed not less than 10 years and not more than 15 years of service and are holding the posts, with the senior scale of pay and above the senior scale of Tk. 4800-7250/= (now Tk. 7200-10840/=).

However, the creation of the SSP was a virtual liberation from the bondage of the generalist bureaucracy.<sup>65</sup> But in Practice, even after the introduction of the SSP, the generalist-bureaucrats were very much in position to continue its dominance. In the early 1980, the Public Service Commission, as indicated in the SSP Order automatically inducted 520 officials in SSP with fifteen years of service experience without having any selection test. They were all generalist bureaucrats. Only three specialists with average experience of twenty years could get into the SSP. As a matter of fact, top administrative positions and strategic posts in the administration were monopolized by the generalist civil servants.<sup>66</sup> In this way due to undue pressure of the generalist civil servants, the induction into the SSP without any test was made possible. Thus the SSP order, which was created in the name of an apex cadre of senior and talented officials, had been violated.

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<sup>65</sup> M. M. Khan, *Bureaucratic Self Preservation: Failure of Major Administrative Reform Efforts*

<sup>66</sup> M. Asaduzzman "Generalist-Specialist Controversy in Bangladesh Civil service" in Abul Kalam (ed.), *Bangladesh: Internal Dynamics and External Linkages*. ( Dhaka: University Press Limited, 1996), pp.56-71.



## **Ershad Regime:**

Lieutenant General Hussain Mohammad Ershad assumed state power through a bloodless coup d'état on 24 March in 1982. In order to create a support base with the members of the different administrative cadres, Ershad initiated several measures. These were : The Committee for Administrative Reorganization/Reform (CARR), two martial Law Committees, a Committee on Irregularities, Secretaries Committee, a Special Committee, a Cabinet sub-committee and a Council Committee. In this section, we shall focus the recommendations of some particular committees, which are related to the reforms of civil service and the protest made by the bureaucrats.

### **Committee for Examination of Irregularities:**

Ershad government constituted a Committee for Examination of irregularities (CE I) in Appointment and promotion officers and staff, in September 1982 under the Chairmanship of a Brigadier Enam. The other members included a member of the Bangladesh Public Service Commission, a Joint Secretary, a Lieutenant Colonel and a Deputy Secretary. The Deputy Secretary was designated as the member-secretary to the committee. The Committee was asked to examine the irregularities committed in the appointment and promotion in various ministries/divisions/ departments including the system of encadrement of officers in different cadres of the BCS and to suggest ways and means to streamline recruitment and promotion in various ministries, divisions and departments.

The Committee made as many as one hundred recommendations. The major recommendations of the Committee included as follows<sup>67</sup>: (1) framing the seniority Rules and Gradation Lists of Officials and staff; (2), constitution of Selection Committees and Departmental Promotion Committees in ministries, divisions and departments; (3) recruitment to different cadres/ sub-cadres of the Bangladesh Civil Service should be made strictly in accordance with the Bangladesh Recruitment Rules , 1981; and (4) appointment and encadrement of officers in the Senior Service Pool should be made on the basis of selection by the PSC. The government did not show any interest for the recommendations of

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<sup>67</sup> M. M. Khan, Administrative Reforms in Bangladesh (Dhaka: University Press Limited, 1998), pp. 106-107.

the Committee and the recommendations were not even discussed at higher levels in the hierarchy. Consequently, the recommendations of the CEI were shelved.

**Secretaries Committee:**

The secretaries Committee on Administrative Development was constituted on 20 April 1985 under the chairmanship of the Secretary, Cabinet Division, to solve critical problem of inadequate promotion prospect in various cadre services. The Committee recommended the status quo on promotion for particular ten cadre services. But the recommendation was not ultimately implemented.

**Special Committee:**

The Ershad government appointed a Special Committee on 23 December 1985 to review the structure of the Senior Services Pool (SSP) and anomalies caused by its introduction. The Chief of Navy and the Deputy Chief Martial Law Administrator (DCMLA) Mahbub Ali Khan headed the Committee. The Committee first recommended.<sup>68</sup> The continuation of SSP as a cadre with the lateral entry into SSP at the level of Deputy Secretary only through competitive examinations to be conducted by the PSC. Second, promotion within SSP would be strictly on the basis of merit and tenure of secretaries to be limited to eight years to ensure greater opportunities for promotion at higher levels of administration.

**Cabinet Sub-Committee:**

The government constituted a Cabinet Sub-Committee on 3 June 1987 to examine the report of the Secretaries Committee and the Special Committee. Mr. M. A. Matin, Deputy Prime Minister, an eye specialist headed the Sub-Committee with two senior cabinet ministers as members. The sub-committee was assigned to ensure implementation of the recommendations of the special committee and to devise the implementation mechanism to the higher posts of the secretariat from all cadres of Bangladesh Civil Service. Initially, the Sub-Committee endorsed most of the recommendations of the Special Committee. It also made a number of recommendations including creation of fifty percent of posts Deputy Secretaries and Senior Secretaries within the Pay Scale of Taka 4200- 5200 with a view to

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<sup>68</sup> Ibid..

making SSP more attractive and selection of Joint Secretaries by the Council Committee. The Sub-Committee, however, opposed special committee's recommendations concerning fixation of tenure for Secretaries.

**Council Committee:**

The Council Committee on Senior Appointments and services structure considered reports of both the Special Committee and the Cabinet Sub-Committee on 31 October 1987. The Committee upheld most of the recommendations of the former and few of the later. The council Committee recommended the continuation of the SSP as an apex cadre; limiting entrance into SSP at the level of Deputy Secretary; and keeping tenure of secretaries open.

But the President did not approve the recommendations submitted by the Council Committee. It may be pointed out that before happening this, some former CSP vehemently protested against the mechanism of SSP and the promotion test to be conducted by the Public Service Commission. In connection with this, members of the Cabinet Sub-Committee met President several times. On the basis of such meetings the Cabinet Sub-Committee (CSC) came up with a new set of recommendations. And finally Matin Committee (CSC) Report recommended that Senior Services Pool be abolished and filling up of posts of Deputy Secretaries and Joint Secretaries by promotion on the basis of quota reservation for various cadres. Second, sixty percent vacant posts of Joint Secretary and sixty five percent of the deputy secretary including the reserved one's in the secretariat be allocated to the BCS (Administration) cadre and the President approved the recommendations of the Committee on 2 June 1989. **The quota system, which the Matin Committee initiated virtually, reinstated the dominance of a particular influential cadre, BCS (Admin.), over the 'key positions in the secretariat'.** The quotas for the policy-making and higher executive positions went on changing from time to time and thus, inequity in career advancement continued. The Matin Committee, in fact, created tremendous discontentment and frustration among others cadres of civil servants in the late eighties.

**Khaleda Zia Regime:**

After the fall of Ershad regime in December 1990, Bangladesh Nationalist party (BNP) under the leadership of Khaleda Zia came to power through a free and fair election held under a neutral caretaker government in 1991. The government appointed The Administrative



Reorganization Committee (ARC) in August 1993 to reorganize the Secretariat administration. The Committee consisted of six members including the Chairman, all of them were senior civil servants either retired or serving. The junior-most member was designated as member-secretary to the Committee. The Committee was asked to review the government's administrative structure with staffing patterns in the ministries and to ascertain actual personnel need along with the proposals for reorganizing the machinery of government to meet the new demands placed on the civil service.

The ARC submitted its report to the government, after three times extension of its tenure, in August 1996. The Committee recommended the reduction of the number of ministries from 35 to 22 and administrative organizations from 257 to 224; provisional structure for the office of ombudsman and reduction the volume of the Planning Commission; creation of a secretariat for the Supreme Court for handling all work arising out of the separation of the Judiciary from the executive and reduction in the number of existing missions abroad.<sup>69</sup> The ARC, however, submitted its report to a new government under the leadership of the Awami League chairperson Sheikh Hasina. The new government did not pay any attention to the report and was therefore shelved.

Besides this, during the regime of Khaleda Zia two cabinet sub-committees were set up under the leadership of two senior cabinet ministers. One sub-committee looked as how to bring about efficiency in the civil service while the other considered ways and means to remove pay discrimination among members of cadre civil services. The first committee submitted a report while the second did not do that. But the government neither did take any action on the report of the committee nor made it available to the public. On 8 January 1994, the government issued an order upgrading some posts of nine cadre services except BCS (Admin.). The BCS (Admin.) association vehemently demanded the government BCS (Admin) cadre to be included to this order, which was made it withheld in the face of resistance of the association covert and overt in a certain stage. Consequently on 2 November 1995, BCS (Admin) cadre was included with the said nine cadre services. As a result 1101 officers of Administration cadre were given selection-grade in the scale of Tk. 6300/-.<sup>70</sup>

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<sup>69</sup> M. M. Khan, *op. cit.*, p. 114.

<sup>70</sup> Annual Report, 1995, Bangladesh Administrative Service Association (Dhaka), p. 13.

BCS co-ordination committee, consisted of twenty-eight cadre services ( except BCS-Admin) presented a memorandum to the Prime Minister placing strong demands for an uplift of position of the specialist in the civil services.<sup>71</sup> The major demands were: (1), abolition of the recommendations of the Matin Committee Report and action taken on the basis of the report; (2), abolition of the BCS (Admin) cadre and creation of BCS (land) and BCS (Magistracy); (3), re-introduction of SSP; and (4) declaration of the “Pay scale” as the only determinant of status of the officials working under various cadre services.

In order to clear up the stagnancy and promotion jam in the cadre services, khaleda Zia government promoted 654 officials to the various posts of Secretary, Additional Secretary, Joint Secretary and Deputy Secretary in the secretariat. In this process many senior and vastly experienced officials of various cadres have been superseded by the junior officials. The government decision regarding the promotion of 654 officials was challenged by the civil servants and resented. Many civil servants were openly protesting that decision. As the civil servants felt deprived and became very much aggrieved, the government in a certain stage declared that the decision of promotion of 654 officials to be carefully thought about.

#### **Public Administration Sector Study:**

The public Administration branch of the UNDP with a view to reducing the frustration of the civil servants in specialist and generalist cadres in particular, conducted an in-depth inquiry into the overall civil service structure and management in Bangladesh in 1993. It recommended the abolition of the practice of reservation of posts in the secretariat for a particular. Instead, the report suggested for open competition to be conducted by the concerned authority for secretariat posts from all cadres based on qualification and relevant experiences<sup>72</sup>. The UNDP study team maintained that the progressive cadre distinctions have to be removed by combining similar cadres into a smaller number of cadres. It would open up more promotional opportunities based on merit at the mid and top levels of administration.<sup>73</sup> The study revealed that cadre system has contributed to inter-service rivalries, jealousies and argument.

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<sup>71</sup> Bangladesh Civil Service Co-ordination Committee Memorandum, 1991.

<sup>72</sup> Report of the Public Administration Sector Study, UNDP, 1993. p. 37.

<sup>73</sup> Ibid., p. 45.

Some aspects of the UNDP report antagonized the generalist civil servants in some extent in curving their privileged position in the administration. So the generalists civil servants led by BCS (Admin) cadres tried to resist the implementation process of the UNDP report until a better arrangement could be found on the basis of the observation and experiences of the British civil service model. It may be mentioned here that while the UNDP report was submitted, the government appointed another Secretarial Committee consisting of four top ranking generalist civil servants to visit Britain and to offer recommendations in similar with the sector study.

The UNDP report, of course, could go a long way in resolving generalist versus specialist conflict in a smooth and peaceful manner. But neither serious attempt has been made to materialize the recommendations put forward by the said report nor did it seek better arrangement. And thus, the BCS (Admin) cadre eventually managed not only to resist the implementation of the UNDP report but also to put pressure upon the government to maintain status quo until the British experiences are gathered to. The result was that the UNDP sector study report was shelved.<sup>74</sup>

### **Sheikh Hasina Regime:**

Bangladesh Awami League (AL) under the leadership of Sheikh Hasina came to power through a free and fair election under a non-party caretaker government in June 1996. To win the election, the Awami League had to gain the trust and support of the dominant groups, e.g. the civil bureaucracy, the military and the business community. During its brief rule (1972-75), the Awami League alienated all these groups. To win back these groups, the AL had to discard some of its past policies and images. The party dropped its socialist stance and firmly committed itself to free market economy. The civil bureaucracy was particularly promised institutional autonomy and further strengthening.<sup>75</sup>

The newly elected regime realized that civil service reforms were necessary to ensure the socio-economic development of the country and materialize its commitment to the people.

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<sup>74</sup> M. Asaduzzaman "Generalist-Specialist Controversy in Bangladesh Civil Service" in Abul Kalam (ed.), *Bangladesh: Internal Dynamics and External Linkages*. (Dhaka: University Press Limited, 1996), p. 65.

<sup>75</sup> Rounaq Jahan "Bangladesh: Promise and Performance" in Rounaq Jahan (ed.), *Bangladesh Politics: Promise and Performance*, (Dhaka: University Press Limited, 2000), PP. 3-30.



The government from this viewpoint constituted a fourteen-member **Public Administration Reforms Commission (PARC)** <sup>76</sup> headed by A. T. M. Shamsul Haq former CSP on 29 October 1997. The full-time members of the Commission were: Aminul Islam a former CSP; Syed Abdul Munim, additional secretary as member-secretary of the commission. Besides, the part-time members (**ex-officio**) were Kazi Shamsul Alam former CSP, now Cabinet Secretary; S.A. Samad former CSP, Chief Secretary to Prime Minister; Syed Yusuf Hussain former CSP, Comptroller and Auditor General Bangladesh; Md. Rashidul Alam EPCS, additional secretary In-charge, Establishment Ministry; Dr. Akbar Ali Khan former CSP, Secretary Ministry of Finance.

The other part-time members of the Commission are: Rahmat Ali, MP, State Minister, Rural Development and Cooperative; Khandokar Asaduzzaman, MP, former CSP; Professor Dr. S. M. Nazrul Islam, Vice Chancellor, Khulna University; Syed Manzor Elahi, an industrialist; Khaled Shams, former CSP & NGO representative and Professor Dr. Nazmunnesa Mahtab, department of Public Administration, Dhaka University. The dominance of the former CSP group in the composition of the Commission has already been criticized by professional associations and experts in the field as biased and motivated. It is widely apprehended that the dominance of CSP group in the commission will frustrate and derail the present government's attempt to reform and revitalize the public service. The Commission is still working and yet to submit its final report.

The Public Administration Reforms Commission (PARC) has been asked to examine and identify implementable recommendations of<sup>77</sup> : (a), Public Administration Efficiency Study (1989), Public Administration Sector study (1993), Towards Better Government in Bangladesh (1993), Government That Works (1996), Report of the Administrative Reorganization Committee (1996); and (b), examine the organization and structure of civil services and recommend measures to make it more effective and dynamic, suitable to the needs of time; (c), recommend measures for strengthening parliamentary vigilance over various functions of government.

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<sup>76</sup> Government of the People's Republic of Bangladesh, Cabinet Division, Resolution, Bangladesh Gazette, 29 October 1997.

<sup>77</sup> Ibid.,

The term and reference of the Commission is too broad. It is in badly need of wholehearted cooperation of the bureaucratic elite to make the commission's function a success. Here may be pointed out that the earlier constituted Administrative Reforms Committee (ARC), in the first year of Sheikh Hasina's regime in December 1996, could not even start its function well due to lack of cooperation of the bureaucratic elite. As a result, the chairman of the ARC submitted his resignation to the government on the ground that he did not receive any needful cooperation from the civil servants in performing his duties. Besides, another member of that Commission also tendered his resignation on the same ground.<sup>78</sup>

The public Administration Reforms Commission (PARC) headed by A. T. M. Shamsul Haq, however, could able to submit its interim recommendations, after near about three years of continuous functions, in May 2000. The PARC recommended<sup>79</sup> that (1), civil servants should be identified as gazetted and non-gazetted according to their grades instead of class-wise identification; (2), in the secretariat three clusters of closely related ministries, namely, General, Economic and socio-physical infra-structure clusters should be constituted with the posts of Deputy secretary and above; (3), Senior Management Pool (SMP) should be introduced in the secretariat, which should consist of the posts of Deputy Secretary, Joint Secretary, Additional secretary and Secretary. Induction into the SMP at the level of Deputy Secretary will be on the basis of competitive examination to be conducted by the PSC. This will ensure scope of representation of all cadres at the secretariat and reduce the generalist-specialist controversy; and (4), The retirement age of public servants may be raised from 57 to 60 years and there should be no contractual appoints in the duty posts of the government.

The proposed Senior Management Pool (SMP) reminds us of the resistance and protest by the senior civil servants against the Senior Service pool (SSP) in the late eighties. In the face of pressure exerted by civil servants the Matin Committee recommended the abolition of the then SSP and it was therefore implemented. We hope that SMP would not follow the fate of the earlier SSP in the field of civil service reforms in the years to come.

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<sup>78</sup> M. M. Khan, *op. cit.*, p. 118.

<sup>79</sup> Bangladesh Civil Service Coordination Committee, National Conference'2000, *Souvenir*, (Dhaka) pp. 31-33.

### **Natioanl Pay Scales:**

The current regime of Sheikh Hasina has provided its employees a new pay scale with effect from 1st July 1997. Let us look at a glance the different national pay scales given by different regimes to meet the demands of employees. The new national pay scale is such a document, in which the dominance of bureaucratic elites is sharply reflected with grades and positions.

The National Pay Scales for Officers & Employees so far have been implemented are attached at the end of the chapter.

### **Bangladesh Civil Service: Generalists-Specialists**

There are two organized groups in the Civil Servants, namely, generalists and professionals. Let us define them first. The term 'generalists' is used in this work to mean any administrative personnel with identical interests in the civil servants and engaged on the policy-making and policy-implementation process. They are, of course, graduates of the university with non-vocational education. The term 'professionals' is also used here to imply those recruited to functional posts for which professional, scientific, technical or any other specialist qualification is essential<sup>80</sup>. They are, especially graduated with honors degree from the recognized university. The professionals include architects, engineers, surveyors, scientists, doctors, lawyers, economists, statisticians, psychologists, sociologists and many other professionals and disciplines.

The generalist is specially assigned responsibility for advising Ministers, the formulation of administrative policy and control of the governmental machine with financial monitoring. On the other hand, the role of the professional is to carry out the work of various specialist branches of the civil service, under the ultimate financial and administrative control of the generalist, and to advise the generalist on policy matters. The generalist case is that by nature of his education and training in the service, he can bring to bear on the work of the department the same type of consideration that the Minister would himself bring, and act accordingly. The generalist is to be known as administrator in the civil service. The administrator receives extensive training mainly on in-service kind and when fully trained, is expected to be able to administer practically anything in the civil service and advise his

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<sup>80</sup> T. H. Proffitt "Great Britain" in F. F. Ridley (ed.), *Specialists and Generalists: A comparative study of the professional civil servants at home and abroad* (London: George Allen & Unwin Ltd, 1968), pp. 12-14.



Minister on almost any subject. The professional is, undoubtedly, in administrative command in highly technical branches of the service, though under the ultimate control of the generalist. For example, some senior professionals like the Chief Scientific Advisers, have influence on the formulation of policy.<sup>81</sup> These senior advisers put the 'professional point of view' when policy is being decided. This is the pattern of the British Civil Service, which is structured on the basis of a demarcation between those who administer and those who advise.

Let us look into the parallel function of the generalists and professionals in the Bangladesh civil service. An example may illustrate this point. An honorable Member of the Parliament submits to the Ministry of Local Government and Rural Development requests to vary planning arrangements for road construction in his constituency. The request for the variation of an approved plan comes first to the generalists after Minister's comment. They, in turn, refer it to the planners in the Planning Commission for a professional opinion. Having examined the proposed variation, the professional staff signs a report saying 'our recommendation is that this variation should be permitted' or 'our recommendation is that this variation should not be permitted. The request then goes back to the generalist, be he Secretary, Additional Secretary, Joint Secretary, Deputy Secretary or even Assistant Secretary, who makes a decision in the light of the recommendation and says 'Yes, it may be allowed' or 'No, it may not be allowed'. The generalist's case is that in taking the decision he brings to light on it the same kind of consideration as would his Minister were he personally dealing with it, and that this is a function for which the professional is not equipped because of his narrower specialized background and training.

Many professionals adapt to the system and accept the overall control of generalists. Nevertheless, there are a quite number who would contend that the specialization and division of function as between administration and the giving of professional advice is the most convenient way of running the civil service. But one may ask the question, do professionals, if taken to administration, become more creative and more effective without the generalist's support, which the organization provides? Or is it that the system of ultimate generalist control dominates rather than assists them? Professionals accept that a carefully planned organizational network is essential for any undertaking of size.

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<sup>81</sup> F. F. Ridley, *op. cit.*, p. 15.

However, the vertical class structure of the British Civil Service is based on this theory of two separate roles- the generalist and the specialist/ professional. The generalists who 'specialize on the awareness of the ministerial responsibility'<sup>82</sup> and the professionals, about whom C. H. Sisson in his book, 'The Spirit of British Administration' comments, 'the generalist administrative officials have to learn to extract from the specialist flowers around them the honey their Minister needs'.<sup>83</sup> In America, a man trained in the sciences and the professions based on the sciences finds it easy to move up into higher administrative posts. In Sweden, where jurists occupy many of the policy posts, professionals in turn fill many of those in the top management of the public services. In France, the professionals hold a large share of the directorial posts in those branches of administration for which their training has prepared them. The Australian system is one in which the professionals are dominant. But it is heavily weighted to give preference to the officer who can demonstrate competence in his particular job.<sup>84</sup>

The central theme of this controversy in Bangladesh is, the officials of all cadres want to be associated equally with the policy-making & policy-implementing process of the government. But the existing policy for induction into the elite cadre does not provide equal opportunity to all. As a result, both the groups, for a balanced promotion to the elite cadre, exert pressure on government covert and overt through their associational *modus operandi* and often, tilted it in favor of the universally adapted generalists.

The elite cadre service faced a serious challenge during the years 1983-86, while the government declared its administrative reorganization program with the creation of Upazilas as the lowest tier of administrative unit. The then professional cadres namely- BCS (Agriculture), BCS (Engineer) and BCS (Health) at the local level became agitated against the role of Upazila Nirbahi Officer (UNO) as an executive head who is a member of BCS (Administration). Along with the demand for the withdrawal of administrative cadre's supremacy, the professional cadres began to raise other demands on their service structure, pay, status and equal opportunity. The three services formed a professional coalition named (PROKRICHI)<sup>85</sup> to create pressure on the government and submitted separate lists of

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<sup>82</sup> Ibid., p. 17.

<sup>83</sup> Ibid..

<sup>84</sup> Ibid., p. 12.

<sup>85</sup> Three professional cadres (BCS Engineers, Agriculturists, and physicians) coalition is PROKRICHI. Bangladesh Medical Association (BMA) submitted a 20-point charter of demands to the President on 23 April

demands to the President. They gave a call of continuous strike for an indefinite period with effect from 4 February 1985. During the on-going strike of them, the government constituted a Council Committee to look into the professional's issues and recommend suitable measures. The Committee recommended that the government accept some of the demands of the professionals such as appointing Engineers as head of the autonomous bodies, setting up training academy for them and opening research facilities with creating more posts for other professionals at different levels.

During Khaleda Zia regime the professional groups of the civil servants (PROKRICHI) came forward with 17-point demands to make the administration transparent and more people-oriented. It was the result of grand rally held by the specialist groups in June 1992. Some of the major demands which the Prokrichi termed as the "Blue Print" of a democratic accountable administration are: (1), Institutional transfer of power to elected people's representatives at all levels of administration; (2) make the administration and Minister accountable to the Parliament; (3), appointment of officers of functional cadres in all functional Ministries from the level of Assistant Secretary to Secretary; (4), there can no functional cadre except for the requirements of different Ministries; based on this requirement, BCS (Admin.) cadre should be bifurcated into BCS (Land) and BCS (Magistracy) and be placed under their own functional Ministries; (5), in districts, the designation "Zella proshasak" instead of Deputy Commissioner has led to confusion., the Deputy Commissioner should be exposed of his responsibility as Coordinator of all development activities; (6), the secretariat administration be merged with field administration and consequently the Rules of Business 1975 and the secretariat instruction of 1976 be amended; (7), promotion to senior management level should be equal for all cadres on the basis of merit.

The 17-point Charter of PROKRICHI BCS is a product of series of seminars, symposia and discussion meetings on "good governance" organized by the professionals during the last five years. The charter was formally submitted to the Prime Minister in 1993 in the form of memorandum.<sup>86</sup> There is another stream, which is opposing these views. The supporters of this stream viewed the demands of Prokrichi as totally unrelated to the issue of ensuring

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1984. Bangladesh Krishibid (Agriculturist) Institution and Engineers Institution also submitted a 13 point and 8 point demands respectively to the President during the same time.

<sup>86</sup> *The Daily Star*, 18 November 1993.



accountability. These are, rather perceived as more narrowly focused on self-interests. The so-called notion of function-based cadre is a misnomer in itself as far as secretariat administration is concerned. At this level, the government needs a professional management group to assist in policy formulation, overseeing, monitoring and implementation of policies. This professional group cannot be and must not be limited to the functional cadres on the basis of representational model. The group must be composed of the best talents in all cadres and there should not be any reservation for any particular group or cadre<sup>87</sup>. So, the lack of accountability, as argued by the specialists has no merit. The proposed 'Senior Management Pool' (SMP), if executed properly, may pave the way of equal opportunity for the members of all cadres in administration. For the lack of such a balanced policy, the very crisis of generalist-specialist conflict in Bangladesh Civil Services has tremendously contributed to the mismanagement of administrative performance.

### **Recruitment & Training:**

In every year, The Bangladesh Public Service Commission (BPSC) conducts an open competitive examination, for the direct recruitment of Class I level officers into 29 cadres and other services. Cadre services comprise general administration, functional and professional streams where personnel are recruited under the Bangladesh Civil Servants Recruitment Rules, 1981.<sup>88</sup> According to this rule, a degree from a recognized university is the minimum qualification and the candidates have to be between the ages of 21 to 30. The competitive examination is divided into written, oral and psychological tests. Owing to the large number of candidates, a preliminary test, weighted of 100 marks, is taken before the formal written tests. They consist of compulsory and optional papers. Compulsory subjects are English, Bengali, Mathematics, General Knowledge- Current Affairs in Bangladesh and International. The optional list offers a wide variety ranging from pure mathematics and statistics to American history, social sciences and the various natural and physical sciences. The candidates have to select any three of these subjects carrying 100 marks each. In order to qualify for entrance into the cadre services a candidate has to secure at least 25 percent marks in the compulsory subjects and his average should be at least 45 percent in all the written tests. A large number of fresh graduates from the university enthusiastically participate in the

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<sup>87</sup> M. Assaduzzaman, op. cit., p. 68.

<sup>88</sup> Bangladesh Civil service Recruitment Rules, 1981, Government of the People's Republic of Bangladesh, Bangladesh Gazette, Extraordinary, 1 January 1981.

**Transfer and Promotion:**

The transfer of civil servants from one post to another or one place to another is generally done on the basis of Rules.<sup>91</sup> It is clear from the interviews with some senior civil servants conducted by me that government could make transfer any civil servant at any time in the public interest. The situation in the area of transfer shows a trend of uncertainty and lack of trust among civil servants and Ministers. In general ten percent of the deputy secretaries, joint secretaries and additional secretaries completed two years in one post. The eighty percent of deputy secretaries, joint secretaries, additional secretaries stayed in one post for one year or less. During the five year regime (1991-1996) of Khaleda Zia, changes at the level of secretaries were made 86 times breaking the all past records in this regard.<sup>92</sup> the changes were brought about because many secretaries resisted political interference and opposed giving undue favour to BNP supporters. A cadre civil servant's aptitude, training and relevant experience is not always taken into consideration while deciding on his/her transfer though it is made in the public interest.

**Promotion** in the cadre civil service is based on merit but seniority is given due consideration. It is regulated by the specific rules of promotion.<sup>93</sup> Promotion to deputy secretaries, joint secretaries, additional secretaries is based on the following formula. Sixty percent weightage is given on any ten years of candidate's Annual Confidential Report (ACR) and forty percent weightage is placed on the interview. In interview both seniority and performance are duly considered. Promotion is an area of civil service management where clash of interests among members of generalist cadres led by BCS (Admin.) and professional and functional cadres is the greatest in complex. This is primarily because government has not yet come up with a unified promotion policy covering all BCS cadres.

The massive promotion exercise was undertaken in 1992 and later on Khaleda Zia regime could not satisfy anybody. The members of functional cadres and professional cadres made their displeasure known publicly alleging partiality towards BCS (Admin.) and demanding cancellation of the promotion order. Some cadre civil servants took legal course to challenge the entire promotion process. There are six Board/ Committees are in order for supervising

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<sup>91</sup> The National Training Council (NTC) was constituted in 1984 as the central government agency responsible for policy formulation and implementation in respect of training of the civil servants of different cadres.

<sup>92</sup> Bangladesh Service Rules (BSR) part two: Personnel Manual- 7.01 & 7.02.

<sup>93</sup> Dhaka Courier, 13 September 1996.

<sup>94</sup> Bangladesh Civil Service (Examination for Promotion) Rules, 1986 ,

promotion of civil servants attached to different civil services. These are:<sup>94</sup> (1) The Superior Selection Board (SSB) headed by Cabinet Secretary considers the promotion to the posts of joint secretary and above as well as the officers of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> grades in the national pay scale. (2), Departmental Promotion /Appointment Committee headed by the Secretary of the concerned Ministry considers the promotion cases, except deputy secretary, of officers under his Ministry engaged in the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> grades in the national pay scale. (3) Committee for Promotion to the posts of deputy secretary headed by State-Minister In-charge of the Establishment Ministry conducts the interview among the cadre officers and makes a promotion list to the said posts. (4) The Special Promotion Committee headed by the secretary/Additional secretary of the concerned Ministry considers the promotion cases of officers to the scale of Tk. 7200 – 10840/. (5), Departmental selection Committee chaired by a deputy secretary is in order to look into the promotion cases of Class III employees and others.

The foregoing analysis reveals that a lot of attempts have been made by the successive regimes to reorganize the elitist civil service structure in an egalitarian manner. Many administrative reform/ reorganization commission/committees have been constituted to offer recommendations on the structural and functional aspects of administration. But in most cases the recommendations of these committees/commissions remained unimplemented owing to the resistance to change and pressure for maintaining status quo exerted by the senior civil servants of a particular cadre. As a result, the status of the specialist services remained almost unchanged. Experiences would suggest that whatever may be the recommendations of these commissions/committees they were, in fact, turned down at the stage of implementation because of organized bureaucratic resistance and pressure from those who are beneficiaries. The generalist civil servants, led by the administrative cadre, were very much dominant since the period of British rule and Pakistan period. The dominance of the generalist bureaucrats is, more or less continued during the successive regimes in Bangladesh too. As a matter of fact, in countries, where bureaucracy has got an institutional rather than instrumental form, it has established upper hand in governance of the state affairs because of weak political institutions lack of commitments.

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<sup>94</sup> The formation of Promotion Committee for making request for promotion of competent civil servants to the higher posts of government/autonomous bodies, Establishment Ministry, Circular No. MOE/HA-4/2-4/91-23, DT. 19/08/1991.



In the group of civil servants, some senior bureaucrats led by Cabinet Secretaries formally exert pressure upon government. In respond to the pressure government is often found tilted to the interest of the special pressure groups like BCS (Administration) Cadre Association. A list of Cabinet Secretaries is hereby given in Table 3:

**Table 3**  
**List of Cabinet Secretaries in Bangladesh**

Sl. No.	Name	Period	
		From	To
1.	Mr. H. T. Imam	16.7.1971	27.4.1975
2.	Mr. Shafiul Azam	28.8.1975	14.7.1976
3.	Mr. Abdul Momen Khan	14.7.1976	14.7.1977
4.	Mr. Korban Ali	15.7.1977	14.4.1982
5.	Mr. M. Mahbubuzzaman	14.4.1982	23.11.1986
6.	Mr. Mujibul Haque	23.11.1986	31.12.1989
7.	Mr. M. K. Anwar	1.1.1992	10.1.1991
8.	Mr. Siddiqur Rahman	20.1.1991	4.2.1992
9.	Mr. Md. Ayubur Rahman	6.2.1992	30.9.1996
10.	Mr. Syed Ahmed	1.10.1996	18.1.1997
11.	Mr. Ataul Haque	18.1.1997	13.12.1998
12.	Kazi Shamsul Alam	13.12.1998	30.6.2001
13.	Mr. Md. Akbar Ali Khan	30.6.2001	31.3.2002
14.	Dr. Kamaluddin Siddiqui	2.4.2002	6.5.2002
15.	Dr. Shahadat Hossaun	6.5.2002	Till to-date

The structure of bureaucracy that is a beneficiary always resists implementation of the reform measures which endanger its privileged position in society. It turns down necessary alteration in the reform measures so that they do not affect its protected position after implementation of the proposed measures. It seems that whenever any reform measure is attempted to uplift the structure and function of the civil servants, gets restricted and shelved it by the senior bureaucrats in order to save their coterie interests untouched. Historically, the generalist civil servants have been the most dominant entity in Bangladesh. It assumes that the political leadership of the country has been traditionally over-dependent upon the generalist civil servants. These backdated historical chains, in the age of specialization, have been abused by the leading administrative elite. it is the core of the problem in civil service and must be broken. The administrative service must build its profile and image on a continuous basis of competition and merit rather than tradition. The political leadership should take in right earnest the issue of civil service reforms and introduce firm determination and measures to

materialize the recommendations of different committee/commissions for enhancing the skill and effectiveness of the administrative structure for the greater interest of the nation.

We may conclude, therefore, that even though the generalists led by BCS (Admin.) cadre continues to be the most powerful services, the demands of implementation of recommendations of different reforms commissions are emerging from all cadres as influential as generalists. The existing conflict between generalist-specialist civil servants should be addressed with urgency and be brought to an end with **commitment** and effective measures suitable to competitive age.

The significant recommendations of different Committee/Commissions on reforming the civil service and public administration have been submitted to the government of Bangladesh in different period and different form. Their status have been frequently manipulated and resisted either in the stage of formulation of policy or in the implementation process by the pressure of senior civil servants belonging to BCS (administration) cadre association. The recommendations of different committees and their status are shown in Table 4.

**Table 4**

Sl. No.	Committee/Commissions for Reforming the Civil Service and Public Administration of Bangladesh and its Composition	Recommendations	Status
1	Civil Administration Reforms Committee (CARC) headed by Mahbubuzzaman esp. (Appointed on 27 Dec.71 and reported on 4 Jan.72.)	<ol style="list-style-type: none"> <li>1. Establishment of twenty ministries and seven constitutional bodies;</li> <li>2. Specific function of civil servants in different levels;</li> <li>3. Providing appropriate status and respect to the civil servants.</li> </ol>	Adopted
2	Administrative and Services Reorganization Committee (ASRC) headed Muzzafar Ahmed Chowdhury. (Appointed on 15 Mar.72 & reported in May'74).	<ol style="list-style-type: none"> <li>1. Unified classless grading structure for all civil servants;</li> <li>2. Reservation of key posts for particular groups should be discontinued;</li> <li>3. Senior Policy &amp; Management posts must open to competent men.</li> </ol>	Not Adopted
3	National Pay Commission (NPC-1) headed by A. Rob esp. (Appointed on 21 Jul'72 & reported in 1973)	<ol style="list-style-type: none"> <li>1. Ten-grade National Pay-scales</li> <li>2. The lowest scale is 130/- 240/ and the highest scale is 2000/- (fixed)</li> </ol>	Partially Adopted
4	Pay and Services Commission (P&SC) headed by M.A.Rashid esp. (Appointed on 20 Feb'76 & Reported on 27 May 1977)	<ol style="list-style-type: none"> <li>1. Functional cadre service to be created at the administrative and executive levels;</li> <li>2. Senior Policy Pool should be created;</li> <li>3. Secretarial posts not to be reserved for any particular service groups.</li> </ol>	Partially Adopted
5	Martial Law Committee (MLC-1) headed by Brigadier Enamul Haq.	<ol style="list-style-type: none"> <li>1. Reduction in the number of ministries/divisions/departments/directorates;</li> </ol>	Adopted

Sl. No.	Committee/Commissions for Reforming the Civil Service and Public Administration of Bangladesh and its Composition	Recommendations	Status
	(Appointed on 18 Apr'82 & reported in Aug'82)	2. formalizing and regularizing the recruitment process; 3. reduction of layers for deciding cases; 4. arranging training for civil servants.	
6	Committee for Administrative Reorganization/Reform (CARR) headed by Navy Chief Mahhub Ali Khan and members included four senior civil servants, a senior civil servant became minister, a senior army officer and an academic. (Appointed on 28 Apr'82 & reported in Jun'82).		Adopted
7	Committee for Examination of Irregularities in Appointment and Promotion of Officers in the Government (CEI) headed by Brigadier M.N.Sofa. (Appointed on 9 Sept'82 and reported on 17 Apr'83)	<ol style="list-style-type: none"> <li>1. Framing the seniority rules and gradation lists of officials and Staff;</li> <li>2. Appointment should be made on BCS Recruitment Rules, 1981;</li> <li>3. Encadrement of officers in the Senior Service Pool should be made by PSC;</li> <li>4. Constitution of selection committee for promotion should be made as per rules.</li> </ol>	Partially Approved
8.	National Pay Commission (NPC-III) headed by a Supreme Court Justice (appointed on 31 May'84 and reported in 1985).		Partially adopted in the form of modified new pay scales (MNPS)
9	Secretaries Committee on Promotion and Administrative Development (SCAD) headed by Mahbubuzzaman, Cabinet Secretary (Appointed on 20 Apr'85 and reported in 1986).		
10	Special Committee to Review the Structure of the Senior Service Pool (SSP) headed by DCMLA (Appointed on 23 Dec'85 and reported in 1986.)		
11.	Cabinet Sub-Committee (CSC) headed by M.A.Matin, Deputy Prime Minister to find out the devise for implementation of the recommendations of the Special Committee (Appointed on 3 Jun'87 and reported in 1989)		Adopted <sup>98</sup>
12	Council Committee considered recommendations of both the Special Committee and Cabinet Sub-Committee.		
13	National Pay Commission (NPC-IV) headed by a former Secretary to the		Partially Adopted

<sup>98</sup> Recommendation was implemented in different indifferent form and phases. It included 70% vacant posts of Joint secretaries and 75% vacant posts of Deputy Secretaries in the secretariat from BCS (Admin) cadre services and rest of the posts from other cadre services.



Sl. No.	Committee/Commissions for Reforming the Civil Service and Public Administration of Bangladesh and its Composition	Recommendations	Status
	Government of Bangladesh (Appointed in Aug'89 and reported in 1990)		
14	Administrative Reorganization Committee (ARC) headed by Nurun Nabi, esp. (Appointed in Aug'93 and reported in 1996).		Not Adopted
15	Four Secretaries Committee headed by Ayubur Rahman, esp. cabinet secretary. Other members were Dr. Showkat Ali, esp.; Hasinur Rahman, esp.; Dr. Kamal Siddiqui, esp. worked Towards Better Government.		
16	Cabinet Committee for Administrative Reforms headed by M.A. Mannan, Cabinet Minister formed in 1993.		
17.	National Pay Commission (NPC-V) headed by Mojibul Haq, esp (Appointed in Aug'96 and reported in 1997)		Adopted in phase-wise
18	Public Administration Reforms Commission headed by ATM Shamsul Haque, esp (Appointed on 29 Oct'97 and reported in 2001.) The Commission was assigned to go through (a) the Public Administration Efficiency Study (1989), (b) Public Administration Sector Study (1993), Towards Better Government in Bangladesh (1993), Government That Works (1996) and Report of the Administrative Reorganization Committee (1996)		shelved the report.

The foregoing analysis together with a pen-picture of table-3 reveals that a lot of attempts have been made by the successive regimes to reorganize the elitist civil service structure in an egalitarian manner. Many administrative reform/reorganization commission/ committees have been constituted to offer recommendations on the structural and functional aspects of administration. But in most cases the recommendations of these committees/commissions remained unimplemented owing to the resistance to change and pressure for maintaining status quo exerted by the senior civil servants of a particular cadre. As a result, the status of the specialist services remained almost unchanged. Experiences would suggest that whatever may be the recommendations of these commissions/committees they were, in fact, turned down at the stage of implementation because of organized bureaucratic resistance and

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**We may conclude that** the structure of bureaucracy that is a beneficiary always resists implementation of the reform measures, which endanger its privileged position in society. It turns down necessary alteration in the reform measures so that they do not affect its protected position after implementation of the proposed measures. It seems that whenever any reform measure is attempted to uplift the structure and function of the civil servants, gets restricted and shelved it by the senior bureaucrats in order to save their coterie interests untouched. Historically, the generalist civil servants have been the most dominant entity in Bangladesh. It assumes that the political leadership of the country has been traditionally over-dependent upon the generalist civil servants. These backdated historical chains, in the age of specialization, have been abused by the leading administrative elite. It is the core of the problem in civil service and must be broken. The administrative service must build its profile and image on a continuous basis of competition and merit rather than tradition. The government should take the issue of civil service reforms and re-introduce senior service Pool (SSP) with firm determination and measures in the political process of Bangladesh.

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The National Pay Scales ( 1973 -1997)

Source: Government of the People's Republic of Bangladesh, Ministry of Establishment, Statistical Division.



professionalism<sup>8</sup>. Historically, the demand for objective control has come from the military profession and the demand for subjective control from the multifarious civilian groups anxious to maximize their power in military affairs.

S. E. Finer observes that the military, in the developing countries, often work on governments from behind the scenes.<sup>9</sup> Even when they do establish a military dictatorship they usually fabricate some quasi-civilian facade of government behind which they retire as fast as possible. Overt military rule is therefore, comparatively rare and apparently short-lived. The modes of military intervention in politics are as often latent or indirect, as they are overt and direct. Finer points out that instead of asking why the military engage in politics, we should ask, why do military intervene otherwise? For at first sight the political advantages of the military vis-a-vis other and civilian groupings are overwhelming. The military posses vastly superior organization and they posses arms.

Perlmutter states that modern military regimes are not purely military in composition. Instead they are mixed components, i.e., they are military-civil regimes.<sup>10</sup> He describes the three models of military in politics- (1) the professional soldier (2), the praetorian soldier and (3) professional revolutionary soldier. The professional military may be explained in terms of managerial, organizational, technical and subordinates to the higher political authority. For example, UK, USA and France armies. The praetorian soldier challenges the civilian legitimacy of political authority and sometimes threatens the use of power<sup>11</sup>. Praetorians lead to the collapse of executive power. E.g., the military in Africa, Middle East, Latin America and in some countries of Asia- Indonesia, Myanmar and Pakistan except Sri Lanka and India<sup>12</sup>. The professional revolutionary soldiers are generally anti-corporate in nature. They are dedicated to mass military mobilization and represent no social class. For example, People's Liberation Army (PLA) in China, the

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<sup>8</sup> Ibid.,

<sup>9</sup> S. E. Finer, *The Man on Horseback* : The Role of Military in Politics, (London: Westview press, 1988), pp. 1-4.

<sup>10</sup> Amos Perlmutter, "The Comparative Analysis of Military Regimes: Formations, Aspirations and achievements" in *World Politics*, 33(1), 1981, pp. 96-120.

<sup>11</sup> Amos Perlmutter 'The Military and Politics in Modern Times' in Amos Perlmutter and Valrie Plave Bennett (eds.), *The Political Influence of the Military: A Comparative Reader*, (New Haven and London: Yale University Press, 1980), p. 89.

<sup>12</sup> Stephen P. Cohen, *The Indian Army: Its Contribution to the Development of a Nation*, (Berkely: University of California Press, 1971), and p. 190.

## **CHAPTER FIVE**

# **The Changing Role of Army in Bangladesh**

## CHAPTER FIVE

### The Changing Role of Army in Bangladesh Politics

The group of armed forces, like civil servants discussed in the previous chapter, is an institutional interest group in Bangladesh Politics. They work inside the government. The issue of changing role of army in Bangladesh politics does **'not aim at the abandonment of force for defence but development of forms of force capable of meeting external challenges without posing threats to domestic developments'**.<sup>1</sup> That very group now consists of 137,000 armed forces and 55,200 paramilitary forces. It is very active, strategically important and plays a very significant role in every crisis of national consequences. It is well disciplined with high morale and *esprit de corps*. So the role of army in Bangladesh politics including its interventions, defense policy and changing role towards physical securities of the state and non-military security issues claims of analysis with great significance. The military elite intervened in Bangladesh politics in the mid-seventies and the early eighties and ruled it over nearly 15 years out of 30 years of its independent existence covert and overt. In this chapter, we shall be mainly concerned pressure exerted by the standing army for their constitutional role in state affairs against the strategy of nation-in-arms and citizen army.

Secondly, we shall look for the answers of the following questions: why do military frequently intervene in Bangladesh politics while others do not? Why do some military elite, overlooking their profession, accept the principle of civilian control while others do not? How do the internal characteristics of the military establishment affect the likelihood of intervention? What factors motivate the overthrow the civilian governments? What aspects within the civilian sphere encourage the military rule and provide the opportunity to put them into effect? In what specific ways do the military rulers restructure the regime and the polity? How successful are they in legitimizing their power? Are they more likely to bring about modernizing and progressive changes? What should be the changing role of army in context of political development in Bangladesh?

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<sup>1</sup> Talukder Maniruzzaman, Politics and Security of Bangladesh, (Dhaka: University Press Limited, 1994), p.164.



## Review:

As General Von Clausewitz, the Shakespeare of military literature, wrote that the subordination of the political point of view to the military would be unreasonable; rather the subordination of the military point of view to the political is, therefore, the only thing, which is possible.<sup>2</sup> He argues that policy, the intelligent faculty, creates war. The war is only the instrument and not the reverse. Mao Tse-tung asserted that “our principle is that the party commands the gun and the gun must never be allowed to command the party”.<sup>3</sup> The military intervention in politics, in most cases, creates a vicious circle that perpetuates the conditions of political underdevelopment that initially brought about military rule.<sup>4</sup> The key factor in political development is the growth of durable political institutions.<sup>5</sup> The primary resources for developing political institutions in any country are the political skills of its politicians. As has been argued by the leading authorities on Indian politics, due to desirable absence of military interventions in politics, India has been uniquely successful in building up a developed political system mainly because of the political skills of its politicians.<sup>6</sup>

Huntington views the issue of ‘civilian control’ over military with the relative power of civilian and military groups.<sup>7</sup> The civilian control may be exercised to some extent through maximizing civilian power as well as military professionalism. He explains the civil-military relations from the subjective and objective point of view. The subjective civilian control achieves its end by civilianizing the military and making them the mirror of the state. The objective civilian control achieves its end by militarizing the military and making them the tool of the state with the recognition of autonomous military

<sup>2</sup> Talukder Maniruzzaman, *Military Withdrawal from Politics: A Comparative Study*, (Cambridge, Massachusetts: Ballinger Publication House, 1987), p. 1.

<sup>3</sup> Claude Welch E., Jr., (ed.) *Civilian Control of the Military: Theory and Cases from Developing Countries*, (Albany : State University of New York Press, 1976), p. ix.

<sup>4</sup> Talukder Maniruzzaman, *Military Withdrawal from Politics*, (Cambridge, Massachusetts: Ballinger Publication House, 1987), pp. 4-7; *Politics and security of Bangladesh*, (Dhaka: University Press Limited, 1994), pp. 165-175.

<sup>5</sup> Samuel P. Huntington, “Political Development and Political Decay” in *World Politics* 17(3), April, 1965, pp. 421-427.

<sup>6</sup> W. H. Morries-Jones, *Parliament in India*, (London: Longmans, Green & Co., 1957), p.49; Myron Weiner, *The Politics of Scarcity: Public Pressure and Political Response in India*, (Chicago: The University of Chicago Press, 1968); *Party Building in a New Nation: The Indian national Congress*, (Chicago: The University of Chicago press, 1967), pp. 11-16.

<sup>7</sup> Samuel P. Huntington, *The soldier and the state: The Theory and Politics of Civil-Military Relations*, (Cambridge, Massachusetts: Harvard University Press, 1985), pp. 80-85.

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<sup>9</sup> S. E. Finer, The Man on Horseback : The Role of Military in Politics, (London: Westview press, 1988), pp. 1-4.

<sup>10</sup> Amos Perlmutter, "The Comparative Analysis of Military Regimes: Formations, Aspirations and achievements" in World Politics, 33(1), 1981, pp. 96-120.

<sup>11</sup> Amos Perlmutter 'The Military and Politics in Modern Times' in Amos Perlmutter and Valrie Plave Bennett (eds.), The Political Influence of the Military: A Comparative Reader, (New Haven and London: Yale University Press, 1980), p. 89.

<sup>12</sup> Stephen P. Cohen, The Indian Army: Its Contribution to the Development of a Nation, (Berkely: University of California Press, 1971), and p. 190.

Israeli Defence Force (IDF) is another type of professional revolutionary army. The PLA did not intervene in politics against the wishes of the political leadership.

The Military government initially brings civilian technocrats and political renegades or rebels into their governing councils. But that does not omit the distinction between military and civilian regimes. The civilian counselors joining the military government hold office on the satisfaction of the military dictator.

Maniruzzaman delineates that politics is more of a vocation than soldiership. For success, politicians have to acquire proficiency in political skills as much as military officers have to gain fighting skills through long professional training. The political skills needed for developing a viable and self-sustaining political system involve, among others, ideological commitment, the capacity to respond to new challenges, and the arts of administration, negotiation, representation and bargaining. These skills can be acquired only in the hard school of public life. For example, Indian political leaders gained through their active participation in open politics since its inception under the enlightened leadership of Jawaharlal Nehru. But what happens to politics under a military regime? The military rulers severely restrict the free flow of the political process and force the politicians to confine into a long period of hibernation. The period of military rule is usually a total waste as far as the development of political skills is concerned. Military rulers are not only incapable to create effective political institutions but also fail to transfer their professional skills well to the sphere of politics<sup>13</sup>.

Morris Janowitz has argued that society and state are more complex than barracks where the army lives. The political organizations are valued for their effectiveness, adaptability and dignified by ideological images. They can be transformed into durable political institutions. The organizational logic of the armed forces is fully different from that of political formations<sup>14</sup>. Military personnel can bring only specialized perspectives and skills to the political arena. The development of political organizations, however, requires political skills that rise above functional specialization and can be acquired only through long and hard experience in public life. Even military leaders, like Ayub Khan (1958-69)

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<sup>13</sup> Talukder Maniruzzaman. *Military Withdrawal From Politics*. op. cit., p. 5.

<sup>14</sup> Morris Janowitz, *Military Institutions and Coercion in the Developing Nations*, (Chicago: University of Chicago Press. 1977), p.17.



and Zia-ul Haq (1978-88) in Pakistan, Ne Win in Burma now Myanmar (1962- date), Gamal Abd al-Naser in Egypt (1952-70), Zia-ur Rahman (1975-81) and H. M. Ershad (1982-90) in Bangladesh- all of whom had, more or less, long periods of rule. But they did not succeed in developing sustainable political institutions.

The military profession is a special type of vocation. It may be explained in terms of expertise, responsibility and corporateness, which efficiently lead to “the management of violence”<sup>15</sup>.

Soldiership is now a highly technical and specialized profession and requires arduous and continuous training. Because the function of a military force is successful armed combat. The expansion of the role of a modern army seriously damages its military efficiency. Present-day military officers can indulge in politics only at the cost of their fighting skills. Perhaps for this reason, senior army officers who take over the civilian control of the state and want to stay in power beyond any specific limit generally give up their command in the armed forces. The military government primarily suffers from innate lack of legitimacy. As a result, the regime has to depend on the continuous support of the armed forces especially the officer corps.

During the military rule, politics is banned or restricted in the other sectors of the polity and soon find their open expression in the armed forces and gradually deteriorate their unity, cohesion and morale as well as devotion to the profession. The distraction of politics also inevitably affects the pure technical expertise of army personnel.<sup>16</sup> For Example, in the Arab-Israeli war in 1967 the Syrian army’s performance suffered immeasurably because of fratricidal feuds among its officers, which resulted in an inability to mount a serious offensive against the Israeli army. The Iraqi army was similarly debilitated by internal political conflict. Thirteen years of political involvement similarly impaired the fighting edge of the Pakistani armed forces, as was clearly demonstrated in the 1965 and in the 1971 war with India.

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<sup>15</sup> Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, (Cambridge, Massachusetts: Harvard University Press, 1985), p. 11.

<sup>16</sup> Talukder Maniruzzaman, *op.cit.*, pp. 8-9.

## Politics and The Background Bangladesh Army

The Bangladesh army is the lineal descendent of the British Indian and Pakistan army. It inherited not only the institutional framework of its predecessors but also their ethos and orientation against the politics of civilians and their consciousness of political power. As early as 1857, the politicization of the Bengali armed personnel from this part of the sub-continent was highly resented by the British generals. They deliberately excluded the Bengalis from the British Indian Army since the “ Mutiny of 1857.”<sup>17</sup> Major General Hearsey, one of the first British Generals to take note of the original uprising in Barrackpore in 1857 urged that recruitments of all “Brahmins and Muslims of Hindustan cease”.<sup>18</sup> Recruitment to the British Indian Army was thus largely confined to the northwestern part of India from the so-called “martial races”<sup>19</sup> of Punjab. That is why the number of Bengalis in the British Indian Army has always been very small. In 1930, the Indian Statutory Commission pointed: “ Bengal with a population of 45 millions, provided 7,000 combatant recruits; the Punjab, with a population of 20 millions, provided 349,000 such recruits. The Punjab and the United Provinces provided three-fourths of the total number of combatant recruits raised throughout India”.<sup>20</sup>

Bangladesh (formerly East Pakistan) was born in as an independent and sovereign state on 16 December 1971 through a liberation war against the united Pakistan. The military Junta refused to recognize the results of the general election of 1970, which led the people toward the liberation war. The general election, held in December 1970, clearly revealed the verdict of the people of Pakistan, to quote Zulfikar Ali Bhutto, “two majority parties” in Pakistan. The first is in the eastern wing where the Awami League (AL) had secured 167 out of 169 seats reserved for East Pakistan in the 313-member National Assembly<sup>21</sup>. The second is in West Pakistan where the Pakistan People’s Party (PPP) had secured 88 out of 144 seats reserved for West Pakistan.

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<sup>17</sup> Stephan P. Cohen, *The Indian Army: Its Contribution to the Development of a Nation*, (Berkeley : University of California Press, 1971), pp. 32-36.

<sup>18</sup> *Ibid.* p.37.

<sup>19</sup> Lord Roberts popularizes the concept of “martial races” in India and recruited maximum forces from Punjab instead of Bengalis, that took part in the 1857 uprising.

<sup>20</sup> F.majuddin Ahamed, *Military Rule and the Myth of Democracy*, (Dhaka: University Press Limited, 1988), p. 38.

<sup>21</sup> *Asian Survey*, Vol. xiii, No.5, May 1973, p. 482.

In addition, the main reasons for the break-up of Pakistan and the emergence of Bangladesh were the lack of Bengali participation in central decision-making processes in Pakistan. The colonial style of exploitation of the then East Pakistan by West Pakistan further aggravated this background. By 1970 out of twenty central secretaries only three Bengalis had attained the rank of secretary. Similarly, out of thirty-five army officers of the ranks of Major General, Lt. General and General, there was only one Bengali. See Table 1 and 2.

**Table 1**  
**Military Elite in Pakistan, July 1955 (No. Officers)**

Service	East Pakistan	West Pakistan	East Pakistan Total (%)
Army	14	894	1.5
Navy	7	593	1.2
Air Force	60	640	8.6

Source: Rounaq Jahan, *Pakistan Failure in National Integration*, (Dhaka: University Press Limited, 1977), p.25; Talukder Maniruzzaman, *Politics and Security of Bangladesh*, (Dhaka: University Press Limited, 1994),p. 73.

**Table 2**  
**East-West Representation in the Higher Ranks of the Central Secretariat. 1955**

Rank	East	West	East Pakistan Total (%)
Secretary	-	19	-
Joint Secretary	3	38	7.3
Deputy Secretary	10	123	7.5
Undersecretary	38	510	7.0

Source: Rounaq Jahan, *Pakistan Failure in National Integration*, (Dhaka: University Press Limited, 1977), p. 26; Talukder Maniruzzaman, *Politics and Security of Bangladesh*, (Dhaka: University Press Limited, 1994),p.73.

On 7 March 1971, Sheikh Mujibur Rahman, leader of the Awami League, stood fast and addressed a mammoth gathering of about a million people in the Ramna Race Course (now Suharawardy Uddayan) demanding the immediate abolition of Martial Law and transfer of power to the people's elected representatives. He urged the people to continue their nonviolent non cooperation movement until these demands were realized and declared that the struggle this time was for complete "emancipation and independence"<sup>22</sup>

<sup>22</sup> Talukder Maniruzzaman, *Radical Politics and the Emergence of Bangladesh*, (Dhaka: Bangladesh Books International Ltd., 1975), pp. 41-48.



But the military junta led by General Yahyia Khan, accordingly, could not transfer power. On the contrary, the Pakistani army cracked down on an un-armed people in Dhaka at mid night on 25 March 1971 and arrested Sheikh Mujibur Rahman, proposed Prime Minister of Pakistan. Consequently, the independence of Bangladesh and liberation war was declared in the name of the nationalist movement and its great leader, Sheikh Mujibur Rahman on 26 March 1971. The people of East Pakistan plunged into the liberation war. The Bengali personnel of the army stationed in East Pakistan also did revolt and sided with the people to fight for independence under the political leadership.

### **The Exile Government and the Liberation War:**

On 17 April 1971, the exile government was formed by the Awami League Leaders who were elected members of the National Assembly (MNAs) and the Provincial Assembly of the East Pakistan (MPAs). Through the Proclamation of Independence, Sheikh Mujibur Rahman, Syed Nazrul Islam and Tajuddin Ahmed were elected President, Vice President and Prime Minister respectively. Absence of Sheikh Mujibur Rahman, vice-president would act as President. In the meantime, different groups of the Bangladesh Society like students, mass, labours, armed forces and paramilitary forces spontaneously joined the liberation war. In the first few months, the number of freedom fighters joining the Mukti Bahini (liberation force) was reported to be over two lakhs<sup>23</sup>. A full-fledged and protracted war commenced and people from every section of society came forward to join the fight. But they remained divided in faction and the government in exile was also confused by factional feud.<sup>24</sup> The government, however, appointed Col. (Retd.) M.A.G. Osmani as a Chief of Staff and Col. (Retd.) A. Rob as Deputy Chief of the Mukti Bahini (Liberation Army) to establish their political control and chain of command over those who were fighting the war. With the assistance of Indian Government, several camps were set up to train thousands of Bengali youths around the secure boarder areas. The Indian government also arranged special commando and guerilla training courses for Bengali youths in their military camps. It also helped to raise a special core of freedom Fighters called "Mujib Bahini".

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<sup>23</sup> Rounaq Jahan, *Bangladesh : Promise and Performance*. (Dhaka: University Press Limited, 2000), p. 7.

<sup>24</sup> *Ibid.*.

The roots of today's Bangladesh Army lie in the Liberation War and the men who fought for the independence of the country irrespective of the command of the exile government and allied forces of India. In broad terms they included as follows:<sup>25</sup> (1), Three to four thousand trained personnel of East Bengal Regiment (EBR) of the Pakistan Army stationed in East Pakistan, who switched allegiance and joined the people to fight the Pakistan Army; (2), the personnel of the East Pakistan Rifles (EPR), East Pakistan Police<sup>26</sup> and Ansars; (3), the Mujib Bahini; (4), the Freedom Fighters, who were to join the mainstream of the Liberation Forces i.e., Mukti Bahini; (5), near about 100,000 guerillas<sup>27</sup> (6), Bahinis, such as Quader Bahini, Aziz Bahini, Hasan Bahini; (7) groups of guerillas raised by individual political parties particularly leftist parties.

On 16 December 1971 the Pakistani Army with 93,000 soldiers surrendered in Dhaka. The involvement of the Indian Army in the last phase of the Liberation War played a decisive role. The joint command of Bangladesh Mukti Bahini and Indian Allied forces led by Lt. General Jagjit Singh Aurora accompanied by Bangladesh exile government's representative Group Captain A. K. Khandker commanded the instrument of surrender. Once the instrument of surrender was signed, Aurora and Khandker departed from Dhaka and Bangladesh was left in the hands of the Indian Army. Finally, after a week of surrender, the exile government returned to Dhaka to manage an independent country. The government had no clear, independent ideas about the structure, composition and character of the new Bangladesh Army. There is little information available about Tajuddin's idea of people's militia. The idea was that there would be no standing army and all Freedom Fighters, including the regular forces, would constitute a national militia. Accordingly, in the very early of January 1972 an eleven-member Central Board of National Militia was constituted with the Prime Minister Tajuddin Ahmed as the chairman.

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<sup>25</sup> Moudud Ahmed, *Democracy and Challenge of Government: A Study of Politics and Military Interventions in Bangladesh*, (Dhaka: University Press Limited, 1995), p. 4.

<sup>26</sup> About 9000 personnel from the EPR and 34,000 from the police joined the liberation war against Pakistan Army.

### **Sheikh Mujib: An Independent Bangladesh**

On 10 January 1972, Sheikh Mujib returned from the captivity of Pakistan. He was accorded a warm and spontaneous reception. Sheikh Mujib immediately took charge. The very next day after his return, Mujib issued a Provisional Constitutional Order stipulating a unitary, parliamentary form of government, a Constituent Assembly and guarantee of specific fundamental rights. Stepping down from the post of President, Sheikh Mujib became the Prime Minister, swore in an extended cabinet and grasped the reins of power. Within a year, the Constituent Assembly including the national basic principles- Nationalism, Democracy, Socialism and Secularism adopted a constitution. It provided for a unitary parliamentary system. The Awami League government then held general elections on 7 March 1973, which it won enormously, securing 292 out of 300 seats in the national Assembly. (See Table A).

### **Bangladesh Army vs. Pakistan Model**

While he initially attached great importance to the Freedom Fighters and discussed the idea of national militia, it received relatively less priorities. The new government of the Awami League led by Sheikh Mujib, strategically transformed the pre-trained Army Officers of the Freedom Fighters giving them promotion with two-year antedated seniority into a regular force of the Bangladesh Army. And the government followed the model of Pakistan Army's organization, structure, training and recruitment for the new army. In addition, the government proposed setting up a National Defence Academy. General Osmany, who had been appointed Commander-in-Chief of the Liberation Forces during the war resigned in April 1972 and the post of C-in-C was abolished. On the same day, separate headquarters were established for the three services of the armed forces- Army, Navy and Air Force. Col. K.M. Shafiullah was appointed Chief of Army Staff, Col. Ziaur Rahman as the Deputy Chief of Staff and Col. Khaled Mosharraf as the Chief of General Staff. All the three officers belonged to the East Bengal Regiment of the Pakistan Army and played active part as the command of 'S'-Force for Shafiullah, 'Z'-Force for Ziaur Rahman and 'K'-Force for Khaled Mosharraf in the Liberation War<sup>28</sup>. On the same

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<sup>27</sup> Talukder Maniruzzaman, *Radical Politics and the Emergence of Bangladesh*. (Dhaka: Bangladesh Books International Ltd., 1975), p. 48.

<sup>28</sup> For details see, Emajuddin Ahamed, *Military Rule and the Myth of Democracy*. (Dhaka: University Press Limited, 1988), p.44.



day, Commodore Nurul Huq was appointed as the Chief of Naval Staff and Group Captain A.K. Khandker as the chief of Air Staff.

But the Freedom Fighters who had been inducted into the armed forces were not generally happy. Participation in the war was a political act and had fully politicized them. After independence, they were neither assigned a political role nor were they given any part to play in the development activities of the state. Members of the armed forces particularly the Freedom Fighters felt that, in relation to the sacrifices they made in the liberation war, they were not given due honor and prestige in terms of policy making and running the administration. On the contrary, the social status of the army was further downgraded by raising of a paramilitary force- the Jatio Rakkhi Bahini (JRB)<sup>29</sup> and importance attached to it. The Awami League ruling elite as a counter force apparently, built up the Bahini to the army.

In addition, the crisis between the armed forces repatriated from Pakistan (about 28,000 men and 1100 officers) and those who (8000 men and 200 officers) fought in the liberation war was acute. The army officers returned from Pakistan were left out of the Bangladesh Army and many of the senior military officers were posted in insignificant posts after their repatriation.<sup>30</sup> The real problem concerned in particular about 100 hundred senior officers like Lt. General Wasiuddin,<sup>31</sup> Maj. General M.I.Karim, Brig. Majedul Haque, Lt. Col. Dastagir and H.M.Ershad who were senior to the Freedom Fighter officers who were occupying the highest positions in the army already constituted. Although some of the officers were retired and others were posted out of the army, the basic problem however remained and simmered within the vast majority of the repatriated officers who had to be integrated into the new army under those who had previously been their junior officers. The conflict and jealousy also prevailed between the military and the more political para-militia, the Rakkhi Bahini. The multiplication of

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<sup>29</sup> The Jatiyo Rakkhi Bahini Order, 1972 (Presidential Order No.21 of 1972) was promulgated on 7 March 1972 giving a retrospective effect from the 1st February. For details explanation of Jatiyo Rakkhi Bahini, see. Moudud Ahmed, *Bangladesh: Era of Sheikh Mujibur Rahman*, (Dhaka: University Press Limited, 1983), pp. 40-44.

<sup>30</sup> Rounaq Jahan, *Bangladesh Politics: Problems and Issues*, (Dhaka: University Press Limited, 1980), p. 84.

<sup>31</sup> After his return from Pakistan, Lt. Gen. Wasiuddin, who is the senior most army officer, was made an officer on special duty in the Foreign Ministry. He was not offered to the post of Chief of the Bangladesh Army.

Bahinies, most of which belonged to the government or party in power, added to the problems of coordinating the law and order enforcing agencies of the new state.<sup>32</sup>

Thus, the new composition of the Bangladesh Army instantly gave rise to mutual suspicion, jealousy, rivalry and bitterness between the 'participants' and the 'repatriated'<sup>33</sup> officers. In such a situation the basic cohesion required in any army hierarchy was difficult to achieve. In short, the origin of Bangladesh Army may be characterized as follows: (1), The battalions of the East Bengal Regiment (EBR) who formed the nucleus of the freedom fighters group in the war 1971 broke away the command and discipline of the army for which they had taken an oath of allegiance; (2), Bangladesh Army followed the structural pattern of Pakistan Army in values and aspirations i.e., praetorian army. This was contradictory to the reality that should be recognized in different form. But the troops who had revolted once from the Pakistan Army and taken part in the war had undergone a change in their values and aspirations. They could not be expected to behave in a manner acceptable in a normal army establishment; (3), the newly recruited officers were tilted towards the influence of either Freedom Fighter Group or the Repatriated group in the army; (4), a group of freedom fighters headed by Col. Taher and Ziuddin earnestly tried to indoctrinate a section of the army in the philosophy of classless army which was contradictory to the old order; (5), Liberation forces<sup>34</sup> within the army were subdivided in groups and subgroups according to their respective political or group affiliations; and finally (6), the induction of the repatriated officers into the army caused immediate bitterness among the Freedom Fighter officers. The resulting division into two broad groups created an almost permanent wound in the structure and composition in the Bangladesh Army.

### **The First Army intervention: Fall of Mujib**

In the early hours of the morning of 15 August 1975, Sheikh Mujib and most of his family members were killed by a group of former guerillas, majors in the Bangladesh Army, in a surprise attack. It was the reminiscent of the tactics used against the

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<sup>32</sup> The government, apart from the three services of the military, had the Bangladesh Rifles, Rakkhi Bahini, Police, Ansar, and village defence force etc.

<sup>33</sup> Zillur Rahman Khan, *Leadership Crisis in Bangladesh: From Martial to Martial*, (Dhaka: University Press Limited, 1984), pp. 225-226.

<sup>34</sup> To avoid excessive repetition, I have used the phrases "Liberation forces", "Liberation army", "Participants" and "Mukti Bahini" as synonyms for "Freedom Fighters"

repatriated officers from Pakistan. The assassination of Mujib brought the army to the heart of the Bangladeshi political process. The coup leaders led by Maj. Farooq Rahman and Khondker Abdur Rashid made the pro-American Awami League leader, Khondker Mustaq Ahmed, the President<sup>35</sup>. Mustaq issued a proclamation of martial law but did not suspend the Constitution and the parliament. He also issued an ordinance giving indemnity to the killers of Sheikh Mujib. Significantly, the army had suffered from two sharp divisions- "participants" and the 'Repatriates' since its birth.

In addition, the political dissidents like Col. Abu Taher and Col. Ziauddin, were earlier force retired in November 1972, joined the Biplobi Sainik Sangstha (Revolutionary People's Army), an underground military organization which comprised the members of and the Mukti Bahini guerillas belonging to the Jatiya Samajtantrik Dal. In his testimony Colonel Taher said, " The experience of the War of Independence, and the experience at Dhaka and Comilla cantonments, inspired me to organize a Revolutionary People's Army (RPA) as opposed to anti-production oriented standing army".<sup>36</sup> While the armed forces could not take advantage of their organizational strength, they could very well ascertained that their corporate interests were not safe in the hands of the Awami League regime. Thus they remained dissatisfied with the government. First, the military elite felt that the government had not been deeply interested in the development of defence services. Second, the revenue expenditure incurred on defence services was not only minimal but it was gradually reduced. In the 1973-74 budget, the revenue expenditure on defence was a little more than 16%, but in 1974-75 budget it came down to 15%. In 1975-76 budget estimate, the expenditure on defence forces was less than 13%.<sup>37</sup> Third, the establishment of a new militia-the Jatiya Rakkhi Bahini (national security force) appeared as a parallel organization. It was planned that this militia would be increased annually so that by the end of 1980 its total strength would be about 120,000. It was also planned that one regiment of the Jatiyo Rakkhi Bahini would be placed under the command of each district governor. The military elite highly resented this move because it was symbolic for the fact that the regular armed forces were replaceable in place of Rakkhi Bahini. Arms

<sup>35</sup> See. Rounaq Jahan, *Bangladesh: Promise and Performance*, (Dhaka: University Press Limited, 2000), p. 14; Talukder Maniruzzaman, *Bangladesh Revolution and its Aftermath*, (Dhaka: Bangladesh Books International Limited, 1980); Marcus Franda, *Bangladesh: The first Decade*, (New Delhi: South Asian Publishers Pvt. Ltd., 1982), pp. 50-51.

<sup>36</sup> Lawrence Lilschultz, *Bangladesh: The Unfinished Revolution*, London: Zed Press, 1979), pp. 85-88.

<sup>37</sup> Emajuddin Ahamed, *Military Rule and the Myth of Democracy*, (Dhaka: University Press Limited, 1988), p. 54.



transfer issue was played a role behind the coup of 15 August. In February 1974, the Egyptian President Anwar Sadat – negotiating rapprochement between Sheikh Mujibur Rahman and Zulfikar Ali Bhutto, Prime Minister of Pakistan offered to grant 30 T-54 Russian tanks to the Bangladesh Army. Sheikh Mujib unwillingly accepted the offer. The arrival of the tanks in late 1974 and early 1975 tilted the balance in favor of the army. Thus the conspiracy against Sheikh Mujib began<sup>38</sup>.

Besides, Sheikh Mujib brought the fourth amendment to the constitution turning the country into a one-party state in the early 1975. Talukder Maniruzzaman explained this fourth amendment of the Bangladesh Constitution as Constitutional Coup.<sup>39</sup> He banned all political parties including Awami League and out of them created BAKSAL. He suspended fundamental rights, shifted the freedom of press, and made the judiciary subservient to the executive. His actions produced a serious political vacuum in the country. Before he could mobilize the people around his program, he was assassinated. Lawrence Lifschultz has suggested that the August coup, which killed SK. Mujib and toppled his government, was an out come of year-long conspiracy hatched by a number of right wing Awami League leaders and some military officers with the knowledge of the CIA.<sup>40</sup>

#### **The Second Intervention: Khaled Musharrof's Abortive Coup:**

The first Coup on 15 August 1975 was added conflict between senior and junior officers when the seven 'Majors' killed Sheikh Mujib without the support of their commanding officers and installed Khandker Mushtaq Ahmad as President. Mushtaq promoted Major General Ziaur Rahman, from Deputy Chief of Staff to the Chief of Staff of the Army. As the 'Majors' continued to reside in Bangobhaban and remain outside the command of Army headquarters, some senior officers led by Brigadier Khaled Musharrof staged a counter-coup on 3 November 1975 and removed Mustaque from the Presidency and arrested Ziaur Rahman. Khaled first forced Moshtaque to promote him to the rank of Major General and appoint him as the Chief of Staff in place of Ziaur Rahman and the process took some time. But before handing over power, the regime killed four leading

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<sup>38</sup> Talukder maniruzzaman, *Politics and Security of Bangladesh*, (Dhaka: University Press Limited, 1994), pp.121-123; See also Anthony Mascarenhas, *Bangladesh : A Legacy of Blood*, (London: Hodder & Stoughton, 1986), p. 71.

<sup>39</sup> Talukder Maniruzzaman in his " Bangladesh in 1975: The Fall of the Mujib Regime and its Aftermath", *Asian Survey*, Vol. XVI, No. 2, February 1976.

Awami Leaguers- Syed Nazrul Islam, Tajuddin Ahmed, Monsur Ali and Kamruzzaman inside the Dhaka prison. Consequently, the lower ranks in Dhaka cantonment along with the Biplobi Gonobahini (People's Revolutionary Army), a leftist group within the armed forces led by retired Col. Abu Taher and the Jatiya Samajtantrik Dal (JSD) engineered a soldier's mutiny on 7 November and restored Ziaur Rahman to his former position from his house arrest.

**The 1975 Army Uprising: Emergence of Ziaur Rahman:**

Mosharrof's coup was short lived and he was killed in the mutiny. However, the Chief Justice of the Supreme Court Justice A. M. Sayeem, who was earlier appointed by Khaled Musharrof continued as President and Chief Martial Law Administrator (CMLA). And Ziaur Rahman as Deputy Chief Martial Law Administrator (DCMLA) remained in the background of the power as a strongman. After a week, a new set of martial law regulations was promulgated stipulating death sentence to future mutineer. Parliament was dissolved and political parties and civil and political rights were suppressed under martial law. Taher and JSD leaders were arrested.

Through the soldier's 'revolution'<sup>41</sup> on 7 November 1975 Major General Ziaur Rahman emerged as the military strongman of the regime. For almost a year he ruled from behind the scene as one of the Deputy Chief Martial Law Administrators (DCMLA). Bangladesh went through a number of coup d'etats in 1975. First, the "constitutional coup" the fourth amendment was brought to the Constitution by Sheikh Mujib on 25 January. Second, the coup of "Majors" on 15 August, in which Sheikh Mujib was assassinated and Khondkar Mushtaq Ahmed was brought to power. Third, the coup of Khaled Musharrof on 3 November in which Mushtaq was toppled from power and Justice Sayeem was managed to ascend the throne, and finally the army uprising on 7 November in which Musharrof was killed and General Zia was installed as the *de facto* leader of the military regime. So, the changing events in 1975 mark the year as the year of coup d'etats in Bangladesh politics.

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<sup>40</sup> Lawrence Lifschultz, Bangladesh: The Unfinished Revolution, (London: Zed Books, 1979), pp. 132-136.

<sup>41</sup> The November 7, 1975 army uprising was called a "revolution" by the soldiers and the day is still publicly celebrated as the "Revolution Day" by the Bangladesh Nationalist Party (BNP) in Bangladesh.

As Col. Taher and the leftists group within the armed forces wanted to have Zia as the leader of the regime. Similarly, Zia was acceptable to the rightists. Zia was acceptable to both the groups because of his popularity with the rank and file in soldiers. This acceptability to the left and to the right was one of Zia's major assets<sup>42</sup>. But it was also a problem. He had to continuously balance the pressure exerted by his left and right constituencies.<sup>43</sup> Eventually, 'the participants' in the 1971 war were to close the left and 'repatriates' to the right. The Gonobahini, leftist group of the armed forces led by Col. Taher, pressed Zia to accept its twelve-point demands, which called for the establishment of "an exploitation free society under the leadership of a classless army, which would be the inseparable part of our production system."<sup>44</sup> But Zia's stand was mighty and against the classless army. He strongly refused to go along with the Gono Bahini and its twelve-point demands. Taher was later tried in military court and sentenced to death.

On the other hand, the identity crisis of the citizens which brought Zia under pressure from the rightist forces. After rejecting Taher and his revolutionary cause and in the face of rightist pressure, Ziaur Rahman tried to curve out a centrist position for himself. He initiated to build a majority coalition of support behind the regime.

#### **Political Development under Zia:**

Zia proved to be a leader with insight, imagination and initiative with popularity. He understood the need for primacy of politics over arms<sup>45</sup>. He could also see that the greatest obstacle to the establishment of a stable civilian political system was the non-professional, politicized and divided army. The feuding factions within the army were inclined to make unpredictable raid on government. Zia, therefore, tried to foster unity and professional pride in the armed forces through higher pay, improved training and adequate supplies of arms and ammunition. During the last budget of Sheikh Mujib in 1974-75, the allocation for defence had been approximately 13 percent. Zia increased it to nearly 32 percent in 1975-76 and in the budget of 1976-77, an allocation of Tk. 2194

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<sup>42</sup> Ziaur Rahman as a Major of the East Bengal Regiment (EBR), declared the independence of Bangladesh on behalf of the Great Leader Sheikh Mujib on 27 March 1971 over the radio in Chittagong. Besides, after the coup of August 15, 1975 Zia was promoted to the Chief of staff of the army.

<sup>43</sup> Rounaq Jahan, Bangladesh Politics: Problems and Issues, (Dhaka: University Press Limited, 1980), p. 199.

<sup>44</sup> Lawrence Lifschultz, Bangladesh: The Unfinished Revolution, (London: Zed Press, 1979), pp. 85-88.

<sup>45</sup> Talukder Maniruzzaman, Politics and security of Bangladesh, (Dhaka: University Press Limited, 1994), pp. 79-80.



million was made i.e. approximately 29% of the budget<sup>46</sup>. Second, Zia integrated the Rakkhi Bahini with the military and placed it under the military's chain of command and accommodated H.M.Ershad, a repatriated officer, as Deputy Chief over the claims of Mukti Bahini officers. Simultaneously, he began to reconstruct the country's political structure.

First, he advocated reconciliation between the pro-liberation and anti-liberation forces in all sectors of Bangladesh society. He expressed a linguistic-territorial-Islamic nationalism, which he called Bangladeshi nationalism, in place of the linguistic-territorial-secular nationalism, the Bengali nationalism profounded by Sheikh Mujib. As it was felt that recognition of Islam was necessary to counteract Indian influence. In addition, the regime repealed the Collaborator's Order of 1972 and released from the prison about 20,000 thousand people held as well as convicted under the Collaborator's Act. It also lifted the ban on religion based parties and rehabilitated the Islamist political parties. Thus the rightist, pro-Islamic and anti-Indian forces became a major support base for the regime<sup>47</sup>.

Zia brought various political groups under a Nationalist Front, which made his platform of national reconciliation. He initiated the 'Bangladeshi nationalism', a problem-solving approach in the economic field. He then restored electoral politics and won the Presidential elections held on 3 June 1978 by defeating the Awami League candidate convincingly. Zia soon transformed the Nationalist Front into a political party called the Bangladesh nationalist Party (BNP), which won a large majority in the National Assembly elections of February 1979. (See Table 4).

### **The Third Intervention: Fall of Zia**

Left-wing and anti-repatriated factions in the army remained dissatisfied with the rapprochement process of Zia's regime. Their continuing dissent was reflected in about twenty attempted coups against Zia's government. Finally a group of 'Freedom Fighting' officers led by Major general M. A. Monzur assassinated Zia in Chittagong on 30 May 1981 in a surprise attack similar to the one in which Mujib had been killed. The army's

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<sup>46</sup> Moudud Ahmed, *Democracy and the Challenge of Development: A Study of Politics and Military Interventions in Bangladesh*, (Dhaka: University Press Limited, 1995), p. 66.

Chief of Staff at Dhaka and BNP leaders, however, encouraged Vice-president Abdus Sattar to become acting President. Sattar took the charge and arranged a presidential election in November 1981 in which, as the BNP's nominee, he duly won. But Major General Ershad Chief of Staff, within two weeks of the presidential elections, in a press conference demanded the constitutional 'Role of the Military in Bangladesh'. In this paper Ershad said, " I will reassert my proposition that the role of the military in the context of national army should be very much that of a participant in the collective effort of the nation"<sup>48</sup>.

He emphasized president Sattar to change structure of the Constitution to incorporate a political role of the army.<sup>49</sup> President Sattar initially rejected this demand and had said that the primary role of the army would be to defend the frontiers of the country and that they would stay in barracks without any political role. But under pressure from the military group Sattar finally agreed to set up a National Security Council (NSC) with the President, Vice-president, Prime Minister and the three services Chiefs as member of the council.<sup>50</sup> But the NSC however, did not satisfy the army and brought President Sattar under severe pressure from the rightist group, which finally forced Sattar to hand over power to H.M.Ershad, Chief of Army.

#### **The fourth Intervention: Military Regime of General Ershad**

In the fine morning of March 24, 1982 Ershad seized power from an elected President M.A.Sattar in a bloodless coup. He declared martial law, suspended the Constitution, dismissed Sattar and his cabinet, dissolved parliament and became the Chief Martial Law Administrator with the navy and air chiefs as his deputy. Ershad would rule the country, almost nine years, up to November 1990. Though force of events led Zia to power in 1975, but design played the major part in the seizure of power by Lt. General Ershad. By 1982, the developments in the Bangladesh Army reached a watershed<sup>51</sup>. Each of the twenty unsuccessful coups during the rule of President Ziaur Rahman had been followed by severe reprisals resulting in the death and dismissal of suspected dissidents. Zia was

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<sup>47</sup> Rounaq Jahan, Bangladesh Politics : Problems and issues, (Dhaka: University Press limited, 1980), pp. 202-217.

<sup>48</sup> For details see, Major General H. M. Ershad "Role of the Military in Under Developed Countries" Bangladesh Army Journal, Vol.1 June 1981, p.12; Moudud Ahmed, Democracy and the challenge of Development: A Study of Politics and Military Interventions in Bangladesh, op. cit., p.227.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid., p. 240.

the victim of such last coup staged by the dissident officers of the freedom fighters' group within the armed forces in Chittagong. It mobilized the closely-knit repatriated officers group in the army led by Lt. General Ershad to seize political power.

### Parliamentary Elections in Bangladesh 1973, 1979 and 1986

**Table 3**

The General Elections of March 7, 1973

Party	No. of seats contested	No. of seats won	% of votes secured
Awami League	300	292	73.2
National Awami Party (Pro-Moscow)	223	-	8.6
Jatiya Samajtantric Dal (National Socialist Party)	236	1	6.5
National Awami Party (Bhasani)	169	-	5.4
Independent and Others	159	6	6.3
Total	1087	299*	100.00

\*The election in one constituency was postponed; the seat was later won by an Awami League Candidate.

Source: Talukder Maniruzzaman, *Group interests and Political changes: Studies of Pakistan and Bangladesh* (New Delhi, 1982) P. 145.

**Table 4**

The General Elections of February 1979

Party	No. of seats contested	No. of seats won	% of votes secured
Bangladesh Nationalist Party	298	207	44
Awami League (AL) (Major Faction)	295	39	25
Muslim League/Islamic Democratic League Alliance	265	20	8
Awami League (Minor Faction)	183	2	2
Jatiya Samajtantric Dal (National Socialist party)	240	8	6
Other Parties	419	8	6
Independents	425	16	9
Total	2125	300	100

Source: T. Maniruzzaman, *The Bangladesh Revolution and Its Aftermath*, (Dhaka: 1980), p. 226.

<sup>51</sup> Talukder Maniruzzaman, *Politics and Security of Bangladesh*, op. cit., p. 82.



Table 5

## The general Elections of May 1986

Party	No. of seats won	percentage. of votes secured
Jatiya Party	153	42
Bangladesh Awami League	76	26
Bangladesh Jamaat-e-Islami	10	5
National awami party	5	1.29
Communist party of Bangladesh	5	0.29
Jatiya Samajtantrik Dal (Rab)	4	2.54
Bangladesh Muslim League	4	1.45
Other/Independents	43	22.00
Total	100	

Source: Muhammad A.Hakim, *Bangladesh Politics: The Shahabuddin Interregnum*. (Dhaka: University Press Limited, 1993), pp.25-26.

Like all other military dictators Ershad's first strategy was to nurse his constituency, i.e., to keep the armed forces satisfied. The defence budget increased on average by 18 percent over the period while total yearly budget increased by 14 percent. Indeed, the pay and perquisites of army personnel were increased so much that the real wages of the officers and privates were nearly double the real income of corresponding civilian positions. A good number of civilian posts of the government were taken over by the military officers. Of 22 large corporations, 14 were headed by serving or retired members of the armed forces, and of 48 heads of missions abroad, one-third were drawn from the defence forces<sup>52</sup>. The strength of the armed forces was increased from 60,000 in 1975-76 to 101,500 in 1988-89. Besides, about 40 percent of his successive councils of Ministers are drawn from the armed services. More importantly, senior military officers act as a 'super cabinet' for Ershad who used to discuss all important policy measures with them.

#### **Military Regime Versus the civil Society:**

On the political front, Ershad, however, floated his party 'Jatiya Party' (JP) in 1986. The Regime included a parliamentary election in 1986 (see Table 5) and another parliamentary election in 1988. As a major party BNP stayed outside the race. But the elections failed to generate a sense of legitimacy for the regime. While Ershad managed to secure the support of his constituency i.e., the group of armed forces, the regime was

brought under the pressure of students and lawyers seriously. In late 1982, Ershad's government announced a new education policy, which recommended the restriction of higher education to only talented students<sup>53</sup>. The students rejected the Majid Khan's education policy. They interpreted the new education policy as a long-term plan by the government to create a small ruling class. The students violently agitated for the withdrawal of the new education policy. This agitation resulted in several Dhaka University students killed including a teacher was seriously wounded.<sup>54</sup> In the face of the student's agitation, even under martial law period, Ershad suspended the implementation of the education policy.<sup>55</sup> Thus the student opposition to Ershad's rule continued unabated.

### **The 1990 Mass Upheaval: The Fall of Ershad a Military Dictator**

Ershad's government came into sharp collision with politically important sector of the civil society. That very group of lawyers led by the Bangladesh Supreme Court Bar Associations protested against the decentralization process of judiciary adopted by the regime. On 8 June 1982 Ershad, as chief martial law administrator, established permanent benches of the High Court Division of the Supreme Court at Dhaka, Comilla, Rangpur, Jessore, Barisal, Chittagong and Sylhet. The purpose, as stated by Ershad, was to bring justice at the doorstep of the rural people. The lawyers could easily see that the move was an attempt to disperse the lawyers all over the country and so reduce their political influence. The Lawyers strongly protested by boycotting the sessions of the Supreme Court for some time. Later the lawyers limited their boycott to the Court of the Chief Justice 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 the Chief Justice Munim retired. The lawyers' united movement against the Eighth Amendment to the Constitution centering the decentralization issue of judiciary brought the regime under pressure covert and overt. It was further fomented, when the appellate Division of the Supreme Court on 2 September 1989 declared the amendment of Art. 100,

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<sup>52</sup> See, "Politics: Bangladesh" in the Cambridge Encyclopedia of India, Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan and Maldives (1989), pp. 219-22.

<sup>53</sup> For the main recommendations of the new education policy of Ershad's government. See, The Daily Ittefaq (Dhaka), September 20, 1982.

<sup>54</sup> While the students brought out processions within the Arts Faculty building of Dhaka University, police heavily lathi-charged on them. Some students took shelter inside the room of Nurul Amin Bepari a teacher of Political Science. But the police did not exempt them from beating even inside the room and Bepari was seriously injured in his head. He was immediately admitted to the Dhaka Medical College Hospital.

<sup>55</sup> The Daily Ittefaq, February 15, 1983.

ultra vires the constitution and to be void.<sup>56</sup> Thus the Bar Association of the Supreme Court continued to demand the resignation of Ershad through seminars, conference and meetings.

Last of all, in **the 1990 mass upheaval**, when thousands of people were in the streets of Dhaka demanding the resignation of Ershad on 4 December 1990, the senior army officers led by Lieutenant General Noor Uddin Khan, who succeeded Lt. General Atiqur Rahman in August 1990 decided in a meeting that the army could not support Ershad as President any more. Accordingly, Ershad had no other alternative but to hand over power to the Chief Justice of the Supreme Court, Justice Shahabuddin Ahmed on 6 December 1990. Justice Shahabuddin Ahmed, a consensus-candidate, was given a mandate by all opposition political parties to hold free and fair elections of the Jatiya Sangsad (National Assembly) within three months of his assuming office. Thus the civil society prevailed once again over the armed forces of the state.<sup>57</sup>

#### **Khaleda Zia's regime: Civilian Rule Once Again at the Starting point**

The caretaker government headed by Justice Shahabuddin Ahmed held the free and fair elections of the Jatiya Sangsad on 27 February 1991 (See Table D). The Bangladesh Nationalist Party (BNP) led by Khaleda Zia emerged as the winner with 140 seats, followed by the Awami League (AL) with 88 seats, Jatiya Party with 35 seats and the Jamaat-i-Islami with 18 seats in the parliament. With the support of the Jamaat, the BNP formed the government.<sup>58</sup> The majority of the members of the Jatiya Sangsad belonging to both AL and BNP were also in favor of a parliamentary system of government. The supporters of the parliamentary form of government argued that under the extant constitution the president was an all-powerful executive without any accountability to the people. The council of minister was only to "aid and advise" the president. As a result, the elected president tended to degenerate into an autocrat, and created a crisis situation. A supporter of the presidential form of government, Khaleda Zia dragged her feet on the issue and ultimately decided for a parliamentary system.

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<sup>56</sup> "Constitution 8<sup>th</sup> Amendment Case Judgement: Summary of Submissions" Bangladesh Legal Decisions, Special Issue, 1, Vol. IX (A), pp. 234-35.

<sup>57</sup> For an excellent analysis and presentation see, Talukder Maniruzzaman "The Fall of the Military Dictator: 1991 Elections and the Prospect of Civilian Rule in Bangladesh" in Pacific Affairs, Vol. 65, No. 2, Summer 1992, PP. 203-223; see the chapter 'Lawyers in Politics' in this thesis; See "The Fall of Ershad Regime: The Last Episode", Holiday, December 7, 1990.



The Jatiya Sangsad voted unanimously for the introduction of a parliamentary system on 7 August 1991 and Khaleda Zia took oath of office as Prime Minister under the amended constitution on September 19, 1991 and marked the Jatiya Sangsad to be “a symbol of our collective wisdom”<sup>59</sup>. Maniruzzaman pointed out that by the end of 1990, the armed forces had been virtually defeated by the mass upheaval, which put the power to the Jatiya Sangsad. It would require a hotheaded general to drive his tank through this Jatiya Sangsad Building.

**Table 6**  
**Results of Elections of Jatiya Sangsad held on February 27, 1991**

Name of the Party	No. of seats won	% of total votes cast
Bangladesh Nationalist Party (BNP)	140	30.81
Bangladesh Awami League (AL)	88	30.08
Jatiya Party (JP)	35	11.92
Jamaat-e-Islami	18	12.13
Pro-Moscow Leftists	11	3.50
Pro-Chinese Leftists	1	1.23
Orthodox Islamic Parties	1	2.28
Independent and others	6	8.05
Totals	300	100

Source: Talukder Maniruzzaman, *Politics and security of Bangladesh*, p.148 (Dhaka: UPL, 1994)

Khaled Zia’s regime faced a prolonged confrontation between the BNP headed by Khaleda zia herself and the AL led by Sheikh Hasina. It reached a crisis point with the voterless election of February 1996. Finally, the civil society groups and even the members of the civil bureaucracy came out in favor of an election under a neutral caretaker government. Khaleda Zia, who is amenable to reasonable argument and capable of taking tough decision, however, acceded to the demands. The new parliament dubiously elected in mid February 1996 met only once to pass a constitutional amendment providing for future parliamentary elections under a neutral caretaker government. The Jatiya Sangsad was dissolved again. Khaleda Zia resigned and handed

<sup>58</sup> Muhammad A. Haiku, *Bangladesh Politics: The Shahabuddin Interregnum*, (Dhaka: University Press Limited, 1993), p. 54.

<sup>59</sup> *The Bangladesh Observer*, December 16, 1991.

over power to a caretaker government headed by Justice Md Habibur Rahman, a former chief Justice.

Both Khaleda and Hasina, of course, tried to project the final outcome of the crisis as victories of their respective stands. Hasina argued that by forcing Khaleda Zia to accept the issue of caretaker government she strengthened the democratization process. Khaleda, on the other hand, posited that she saved democracy by following a constitutional process of passing a constitutional amendment to introduce a provision of general elections under a neutral caretaker government.

### **The abortive 1996 May Coup attempt: Withdrawal Nasim from Army Chief**

The caretaker government headed by Justice Muhammad Habibur Rahman was then taking preparation for conducting general elections. The Chief of Army Staff Lieutenant General Abu Saleh Muhammad Nasim, instead of implementing the order of the President, mobilized a section of the members of the armed forces loyal to him against the order and directed them on 20 May 1996 to march towards Dhaka<sup>60</sup>. The President's order was that two senior officers- Major General G.H. Morshed Khan, Bogra Area Commander, and Brigadier Miran Habibur Rahman, Deputy Director General of the Bangladesh Rifles, were retired from services with effect from May 18, 1996. Troops accordingly coming from northern districts had taken up positions at Nagarbari Ghat. While another group of troops had assembled at Aricha Ghat on the other side of the river. The authorities strongly asked the troops moving out from Bogra and Mymensingh cantonments to return to their respective barracks and assured them of amnesty on quick return.

President Abdur Rahman Biswas in addressing the nation over radio and TV said two senior army officers have been retired from services under army Acts and relevant Rules and later, the army Chief ASM Nasim has been given retirement for disobeying the government order and acting in a blatantly "insolent manner" which is tantamount to rebellion against the government. Moreover, he has issued directives to members of armed forces loyal to him to march to Dhaka and organized them against that order.

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<sup>60</sup> The Bangladesh Times, 23 May 1996.

A five-member high-powered Court of Enquiry was constituted to probe the incident on May 20 1996 in the Bangladesh army headed by a Major General on 25 May 1996. The Court of Enquiry included four other senior army officers as its members. On the basis of the recommendations of the Court of Enquiry, seven army officers were dismissed and four others compulsorily retired from the services. Considering the participation and role of the accused officers in the war of liberation this minimum penalty under the provision of the Army Act was awarded.<sup>61</sup> The dismissed officers are: (1) Lieutenant General Abu Saleh Muhammad Nasim, Bir Bikram, Psc; (2) Major General Ainuddin, Bir Bikram, Psc; (3) Major General Golam Helal Morshed Khan, Bir Bikram, Psc; (4) Brigadier K.M.Abu Bakar, Bir Pratik, Psc; (5) Brigadier Fazlur Rahman, Psc; (6) Brigadier Md. Zillur Rahman, Psc; (7) Brigadier Shafi Md. Mehbub, Psc.

Meanwhile, Major General Syed Md. Ibrahim, BirPratik, Awc, Psc; Brigadier Md. Azizul Huq, Psc; Lieutenant Colonel Anisul Haq Mirdha and Major Syed Mahmud Hasan, Psc have been compulsorily retired. The dismissal and the compulsorily retirement took effect from 14 June 1996.

**Table 7**  
**The General Elections of June 1996**

Party	Number of seats Participated	Number of Seats Won	Percentage of Secured Votes
Bangladesh Awami League (AL)	300	146	37.44
Bangladesh Nationalist Party (BNP)	300	116	33.61
Jatiya Party (JP)	300	32	16.40
Jamaat-e-Islami Bangladesh (JI)	300	3	8.61
Jatiya Samajtantric (National socialist) Dal (JSD)		1	
Islami Oikkio (United ) Jote		1	
Independent		1	
Total		300	

**Source:** Rounaq Jahan (ed), Bangladesh: Promise and Performance, (Dhaka: University press Limited, 2000), p. 24; The Bangladesh Times, 27 June 1996; Aminur Rahshid, Pramannya Sangsad, (Dhaka: Sheba Dana Printers, 1997), p. 19.

<sup>61</sup> The Bangladesh Times, 16 June 1996.



Though there was an abortive coup attempt made by Major General Md. Nasim in the transitional period, the caretaker government was able to hold a free and fair election to parliament. In the June 1996 general election (see Table E) Bangladesh Awami League (AL) came out as the winner with 146 seats. Bangladesh Nationalist Party (BNP) won 116 seats and the Jatiya Party (JP) 32 seats.<sup>62</sup> The Islamist party Jamaat-e-Islami Bangladesh won three seats, Jatiya Samajtantric (socialist) Dal 1 seat, Islami Oikkio Jote 1 seat and Independent 1 seat.

### **Sheikh Hasina's regime: Continuity of civilian Rule**

Bangladesh Awami League under the leadership of Sheikh Hasina won single majority with 146 seats in the Parliament. With the support of the Jatiya Party AL formed the government on 23 June 1996. To win the election AL had to gain the trust and support of the dominant groups, e.g., the civil bureaucracy, the military and the business community. Two significant achievements of the Hasina government were the successful negotiated settlement of two long-standing disputes. In December 1996, a thirty-year Ganges water sharing treaty was signed with India. Second, in December 1997, a peace accord was signed with the rebels in the Chittagong Hill Tracts. But it is a matter of great regret that at the dawn of the new Millennium, Bangladesh was again faced with a serious political crisis. The two major political parties- AL and BNP failed to settle their differences through dialogue and negotiations and resorted to the tactics of agitational politics of the street along with frequent strikes.<sup>63</sup> In the meantime, Bangladesh has been experienced enough from different form of government of different regimes during the last three decades.

### **Rulers of Bangladesh since independence (Head of State or President)**

**Table 8**

<u>President</u>	<u>Tenure</u>
Sheikh Mujibur Rahman	1971- 1972
Syed Nazrul Islam (Acting President)	1971- 1972
Justice Abu Sayeed Chowdhury	1972- 1973
Mohammadullah	1973 -1975
Sheikh Mujibur Rahman	1975

<sup>62</sup> Rounaq Jahan, *Bangladesh: Promise and Performance*. (Dhaka: University Press Limited, 2000), p. 24.

<sup>63</sup> Rounaq Jahan, *op. cit.*, p. 26.

Khandokar Mushtaq Ahmad	1975
Justice Abu Sadad Mohammad Sayem	1975 -1977
Major General Ziaur Rahman	1977 - 1981
Justice Abdus Sattar	1981- 1982
Justice A.F.M.Ahsanuddin Chowdhury	1982- 1983
Lieutenant General H.M.Ershad	1983- 1990
Justice Shahabuddin Ahmed	1990- 1991
Abdur Rahman Biswas	1991- 1996
Justice Shahabuddin Ahmed	1996- 2001
Prof. A.Q.M Badruduzza chowdhury	2001- 2003
Prof. Dr. Iajuddin ahmed	2003-

Source: Talukder Maniruzzaman, Politics and Security of Bangladesh, (Dhaka; University Press Limited, 1994), p.74. (data for 1971 to 1983); Md. Abdul Maleque, The Role of Political Elite in the Rural Development of Bangladesh, (M.Phil. thesis), 1998, (data for 1990 to 1996)

<b>Prime Minister (or equivalent post)</b>	<b>Tenure</b>
Tajuddin Ahmed	1971- 1972
Sheikh Mujibur Rahman	1972- 1975
mansoor Ali	1975
Major General Ziaur Rahman	1975- 1977
Mashiur Rahman	1978- 1979
Shah Azizur Rahman	1979- 1982
Lieutenant Gen. H.M.Ershad	1982- 1983
Ataur Rahman Khan	1984- 1985
Mizanur Rahman Chowdhury	1986- 1988
Barrister Moudud Ahmed	1988- 1989
Kazi Zafar Ahmed	1989- 1990
Begum Khaleda Zia	1991- 1996
Sheikh Hasina	1996-2001
Begum Khaleda Zia	2001 -

Source: Talukder Maniruzzaman, Politics and Security of Bangladesh, (Dhaka; University Press Limited, 1994), p.74. (data for 1971 to 1983); Md. Abdul Maleque, The Role of Political Elite in the Rural Development of Bangladesh, (M.Phil. thesis), 1998, (data for 1990 to 1996).

Chief of Army Staff in Bangladesh	Tenure
M.A.G. Osmani (C-in-C)	1971-1972
Major General K.M. Shafiullah	1972-1975
Major General Ziaur Rahman (CMLA)	1975-1978
Major General H.M. Ershad (CMLA)	1978- 1986
Major General Atiqur Rahman	1986-1990
Major General Md. Nooruddin Khan	1990-1994
Major General A.S.M. Nasim*	1994- 1996
Major General Mahbubur Rahman	1996- 1997
Major General Mustafizur Rahman	1997-2000
Major General Harunur Rashid	2000-

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Source: A.M

\*He was given force retirement for involvement with the 1996 May abortive coup attempt.

### Arms of the State: Bangladesh

The strength of the armed forces in Bangladesh was increased from 60,000 in 1976 and 1977 to 101,500 in 1988 and 137,000 in 2000. There has been a notable increase in arms and ammunition for the army, particularly under the Ershad government. According to figures in 'World Military Expenditures and Arms Transfers' the importation of arms by Bangladesh averaged \$ 18 million per year during the period from 1972 to 1974, and \$30 million per year during the period from 1976 to 1986.<sup>64</sup> It is because of the support from this united and professionalized-armed force that Ershad could remain in power for more than nine long years. Prolonged military rule, however, increased the relevance of violence in Bangladesh politics.<sup>65</sup>

In 1999 the defence budget is for T 30bn (\$618m), compared to T29bn (\$619m) in 1998 when the outlay was T26bn (\$593m). There is confirmation that the Air Force has contracted for eight MiG-29s from Russia, four of which were for delivery in 1999. Meanwhile deliveries of Chinese F-7 aircraft Continue. The delivery schedule includes four FT-7 trainers in 1999-2000. Four more L-39 advanced trainers have been ordered

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<sup>64</sup> Talukder Maniruzzaman, Politics and Security of Bangladesh, op. cit., p. 123.

<sup>65</sup> Ibid., p. 123.



from the Czech Republic. The Air Force also took delivery of three more Mi-17 helicopters in early 1999.<sup>66</sup> The increasing strength of police, armed forces and defence expenditure may be seen in Table E and Table F.

**Table 9**

Growth in strength of Police Force in 1971-2000		Size of Armed of Forces 1976-2000	
Year	Police Strength	Year	Size
1971-72	34,000	1976	36,000
1974-75	40,000	1981	77,000
1977-78	70,000	1986	91,000
1989-90	98,000	1988	101,000
1999-2000	136,000	1992	106,000

Source: T Maniruzzaman, *Bangladesh Revolution and Its Aftermath*, p 203 (Dhaka 1980), *The Military Balance*, Institute of strategic studies, 1988-89 to 1999-2000.

**Table 10**

**Armed Force Levels (Military and Paramilitary) in 1986 -2000**

Force	Number in 1986	Number in 2000
Armed Forces	91,000	137,000
Army	81,000	120,000
Navy	6,500	10,500
Air Force	3,000	6,500
Paramilitary Forces	55,000	55,200
Armed Police	5,000	5,000
Bangladesh Rifles	30,000	30,000
Ansars (Security Guards)	20,000	20,000 + A further 1,80,000 unembodied.
Coast Guard		200 (HQ Chittagong & Khulna)

Source: For 1986 data, see T Maniruzzaman, *Politics and Security of Bangladesh*, p. 77 (Dhaka : 1994); and 2000, *The Military Balance*, The International Institute for Strategic Studies, (London: Oxford University Press, 2000), p. 151.

**Defence Policy of Bangladesh:**

Sheikh Mujib, founder of Bangladesh, once told before independence that he wants to make Bangladesh the Switzerland of the East. Apart from a symbolic army, a large number of standing army will not be built at the cost of defence. Because the huge

<sup>66</sup> *The Military Balance 1999-2000*, Internal Institute of Strategic Studies (London: 2000), p. 155.

expenditure in the defence sector would nothing but constantly increase the poverty of the people. Ironically, when he became the supreme authority in independent Bangladesh did not follow the Switzerland model but Pakistan. It is a tragedy of Bangladesh politics. Pakistan's notable Justice Keyani once remarked, 'Pakistan has a large, well-equipped and powerful army. But the only credit goes to them for which they have occupied their own country two times.'<sup>67</sup> Pakistan's model of standing army in Bangladesh also followed the tradition of occupation of own country for two times. This very standing army is not at all suitable for Bangladesh. It is in badly need of a small, motivated, patriotic, trained and well equipped contingent of army, which not only will remain standby to uphold the unity and sovereignty of the state against any foreign aggression but also play a significant role in the domestic development of the country. As a result of this, the domestic unity and united strength of manpower will be build up and it will be the biggest weapon for defence of the country covert and overt of an independent country. This has been proved not only in the 1971-liberation war in Bangladesh but also in the Vietnam War in 1973.

Bangladesh has pursued a consistent pattern of activities in the defence field over last thirty years. It has been reflected through the allocations to the defence sector and recruitment policies. Defence policy of Bangladesh is the outcome of the dominant four major factors. First, the security interests of Bangladesh shall be well served by friendly relations with all countries of the world particularly with the Islamic world. Second, huge investments should be made in socio-economic sectors to overcome the poverty and illiteracy, so the defence budget should therefore be remained small. Third, the war of liberation has given tremendous self-confidence to the people's ability, which should be allowed to motivate them into citizen army. Last, to be active member of the non-aligned movement along with the regional forum like SAARC. The fundamental features of the policy are<sup>68</sup>:

(a), To protect the territorial and political independence of the country at any cost; (b), deterrence is what Bangladesh hopes to achieve by combination of diplomacy and a standing Armed Force. The task of territorial defence of the country has been given to the

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<sup>67</sup> If justice Keyani were alive to see General Pervez Mosharrof's take over of power, he would say Pakistan's army has occupied their own land three times.

services who would on the initial attack and the people would take up arms in their own defence as they had done in the Liberation war; (c), to defeat all kinds of subversion from external and internal sources including dealing with insurgencies; (d), the mission given to the armed forces include participation in UN peacekeeping operations; (e), recruitment to the armed forces is done on the basis of merit and quotas to districts to ensure participation by people of all regions; (f), creation of a modest defence industry, mainly to meet the basic needs from domestic resources; (g) development of human resources is given high priority in the defence services, and to acquire a high level of proficiency among the officers and men through training and release all motivated people to the society after their retirement.

### **Changing Role of Army:**

Mahatma Gandhi, founder of India, in 1946 wrote, "If Swaraj is round the land we can look upon the military as ours and have no hesitation in taking all the constructive work, we can from them"<sup>68</sup>. Today they must stand by the people in natural disasters, farm the land, build the house for homeless and also do every other social service oriented works that they can. Thus they can turn the people's hatred of them into love. In this way we see that instead of abolishing the military, Gandhi advocated additional role beyond their immediate function. Nehru, similarly viewed the defence itself was connected with the socio-economic and many other aspects in the country. Consequently, we see that one of the characteristics of the Indian culture has been the political supremacy over the military affairs quite contrary to that of praetorian states.

Now the most pertinent question is how they might properly be involved in a way that is compatible with accepted principles of democracy, civil administration and the insights of Bangladeshis towards own armed forces.

### **Security problems of Bangladesh:**

Security is one of the basic needs of human being. A secured society is a pre-requisite for human development. The political system provides a peaceful society, an environment free from external and internal threats in alignment with the aspiration of the state's

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<sup>68</sup> Maj. Gen. A.M. Mansur Ahmed "In perspective Defence Policy of Bangladesh", Bangladesh Army Journal 26 th issue, December 1997, P. three.

<sup>69</sup> Bangladesh Army Journal. 23<sup>rd</sup> Issue, December 1994, p. 5.



citizens. National security is defined as the immunity of a nation from external aggression. The state ensures national security by having a military force capable of defending its territorial boundary and ensuring the exercise of sovereign authority. As a result, perception of security and insecurity in the western world revolved round the external factor and the various dimensions attached to it.<sup>70</sup>

Most of the developing countries of Asia and Africa including Bangladesh had large, well-equipped military, maintained at an enormous cost. In fact, it can be argued that powerful military forces often became a threat to the very state that they were supposed to protect. Talukder Maniruzzaman suggests that in the developing countries, higher per capita arms transfer relative to population and GNP may be a critical factor not only in the occurrence of military coups, but in prolonging military rule.<sup>71</sup> It is argued that over militarization led to long periods of military rule in Pakistan that ultimately led to her break up in 1971. The military rule for fifteen years out of thirty years of Bangladesh's existence demonstrates the vulnerability of the state to military intervention.

Robert S. MacNamara draws the attention to the social security, which is not less important than defence in any form. He said, "It is increasingly being realized that it is poverty, not the lack of military hardware that is responsible for insecurity across the southern half of the planet."<sup>72</sup> He further focused, "Security means development. Security is not military hardware, though it may include it, security is not military force, though it may involve it, security is not traditional military activity, though it may encompass it. Security is development and without development there can be no security."<sup>73</sup> Presently, the national security does not only mean the immunity from foreign aggression or military intervention but also include the environment, absence of hunger and disease, poverty and illiteracy.

The failure of food production or reservation not only results in famine, death and disease, but also could even become a political issue. It is strong enough to topple the government in power. Thus, the sense of insecurity in the developing countries for their

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<sup>70</sup> Md. Nuruzzaman, "National Security of Bangladesh: Challenges and Options", *BIISS Journal*, Vol. 12, No. 3, July 1991 (Dhaka), p. 370.

<sup>71</sup> Talukder Maniruzzaman, "Arms Transfers, Military Coups, and military Rule in Developing states", *Journal of Conflict Resolution*, Vol. 36, No. 4, December 1992, p. 751.

<sup>72</sup> Robert S. MacNamara, *The Essence of Security*, (New York: Harper and Row, 1968), p. 149.

particular regimes suffer in some extent from within their boundaries rather than from outside. It is an irony that the developing countries spend a greater percentage of their wealth on the military than the developed countries. The table.11 illustrates the defence budget of some developed and developing countries including Bangladesh further.

**Table 11**  
**Defence Expenditure of Selected Countries**

Country	Defence Budget			
	1985	1996	1997	1998
United Kingdom	\$45.4b	\$35.26b	\$35.74b	\$36.61b
France	\$46.5b	\$47.4b	\$41.5b	\$39.8b
Canada	\$11.14b	\$8.6b	\$7.75b	\$6.63b
India	\$8.9b	\$12.07b	\$12.8b	\$13.78b
Pakistan	\$2.95b	\$3.65b	\$3.50b	\$3.92b
Sri Lanka	\$325m	\$887m	\$898m	\$956m
Bangladesh	\$356m	\$554m	\$593m	\$607m

Source: The Military Balance 1988/99, The International Institute for Strategic Studies, London, 1998, pp. 295-97; BISS Journal, Vol.21, No.1 January 2000, p.40; The data for 1998, see, The Military Balance 1999-2000, Internal Institute for Strategic Studies, London, 2000, PP.300-302.

**Table 12**  
**Defence Expenditure of Selected Countries**

Country	Defence Budget as % of GDP			
	1985	1996	1997	1998
United Kingdom	5.4	3.0	2.8	2.8
France	4.0	3.3	3.0	2.8
Canada	2.2	1.4	1.1	1.1
India	3.0	3.3	3.3	3.0
Pakistan	6.9	5.9	5.8	6.5
Sri Lanka	3.8	6.3	6.4	6.1
Bangladesh	1.4	1.7	1.9	1.9

Source: The Military Balance, The International Institute for Strategic Studies, (London:1998/99), pp.Ibid., for data 1998, see, The Military Balance, 1999-2000, pp. 300-302.

<sup>71</sup> Ibid.,

The Table 11 and 12 Show that while the trend of defence expenditure in perspective of GDP in the developed countries like USA, UK, Canada, France gradually decreasing since 1985 to 1998 in an average, the trend of the same is rapidly increasing in Bangladesh. It clearly delineates that 1.4 % of GDP was allocated for defence sector in 1985, 1.7% in 1996, 1.9% in 1997 & 1998. The average growth rate of GDP in Bangladesh is 4%.

The territory of newly born independent and sovereign state Bangladesh is surrounded on three sides by our big neighbor, India with its nuclear power. Historically, the small states bordering on super/great power have suffered most from the violation by their neighbor of both their independence and their territory.<sup>74</sup> For example, Poland, Belgium and Mexico lost a large portion of territory to their great neighbors. In Asia, the Chinese invasion of Tibet in 1950-51; India's occupation of Kashmir in 1947-1949 and annexation of Sikkim in 1975; Indonesia's annexation of East Timor in 1975-76; the Vietnamese invasion of Cambodia in 1978-79- all indicate that the Third World big states and non-Third World great powers are of the same breed.

Any Indian government for diverting attention of her people from internal crisis of India might invade Bangladesh. What strategy does Bangladesh have for its defence against any possible Indian invasion of Bangladesh? Soon after the 1965 war between Pakistan and India, Sheikh Mujib stated: "The question of autonomy (of East Pakistan) appears to be more important after the war. The time has come to make East Pakistan self-sufficient in all respects"<sup>75</sup>. Sheikh Mujib, in his famous Six-point formula, recommended the setting of a militia or a para-military force for East Pakistan. He categorically pointed out that "we want to make our own defence arrangement in a small way with unsophisticated weapons suited to our own field craft within easy reach of our limited resources."<sup>76</sup> Unfortunately, Sheikh Mujib, as the head of the Bangladesh government (1972-75) and

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<sup>74</sup> For an excellent and exhaustive analysis of "Alternative Defence Strategies and Military Withdrawal" in Talukder Maniruzzaman, *Military withdrawal From Politics : A Comparative Study*, (Cambridge: Ballinger publishing Company, 1987);

<sup>75</sup> T. Maniruzzaman, *Politics and security of Bangladesh*, op. cit., p.166.

<sup>76</sup> Sheik Mujibur Rahman, *6-point Formula: Our Right to Live*, (Published by Tajuddin Ahmed, General Secretary, East Pakistan Awami League, Dhaka, March 23, 1966), p. 15.



having popularity at home and abroad along with his charismatic leadership, failed to formulate a clear-cut defence policy and went on with the model of Pakistan army for Bangladesh.

Why should Sheikh Mujib follow the model of praetorian army for the newly born independent Bangladesh? Was there any unavoidable pressure on the system from the environment, for which, Mujib had to step in the trap of standing army? The new regime, of course, came under strain of freedom fighters that were inducted into the armed forces and given promotion with two years anti-dated seniority. They were not generally happy with the simply promotion. They wanted to have something more after the war of liberation. Because, participation in the war was a political act and had fully politicized them. After independence, they were neither assigned a political role nor were they given any part to play in the development activities of the country. That very "Promotion" created a permanent division between the freedom fighters and the repatriates in the Bangladesh army.

Sheikh Mujib, however, signed a Friendship Treaty on 9 March 1972 with India as the corner stone of his foreign policy. The Treaty provided in Article 8: " Each of the High Contracting Parties shall refrain from aggression against the other party and shall not allow the use of its territory for committing any act that may cause military damage to or constitute a treat to the security of the other High Contracting party".<sup>77</sup> With the promise of 'long live' friendship with India and having no other neighbor that could invade Bangladesh, Mujib, founded a standing army consisting of the former Pakistan army who revolted and participated in the liberation war as well as repatriates. He, moreover, built up the army like Jatiya Rakkhi Bahini which called as "my army", that further had aggrieved the existing army. Now it is very much clear that it was the failure of Sheikh Mujib to formulate and follow a clear-cut and viable defence policy.

### **Chittagong Hill Tracts:**

The issue of Chittagong Hill Tracts (CHT) had been the focus of security concern at home and abroad for a long time. The CHT is the part and parcel of independent Bangladesh and constituted with three administrative districts- Rangamati, Khagrachari

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<sup>77</sup> For the text of the Treaty, see Appendix "E" in Moudud Ahmed, Bangladesh: Era of Sheikh Mujibur Rahman, (Dhaka: University Press Limited, 1983), pp. 274-275.

and Bandarban. It has 13,184 square kilometers areas i.e., approximately one-tenth of the total area of Bangladesh with 5,00,000 tribesmen in number.<sup>78</sup> It has been really a threat to the integrity of our nation since the very beginning of Bangladesh. The demand for self-rule by the indigenous people of that region was a source of embarrassment to every successive government. It has led to armed rebellion, confrontation, reprisals, military action and escape to India where the tribesmen are trained for these insurgency actions across the border. Insurgency in the region between the Bangladesh army and Shanti Bahini has produced many deaths, both civil and military until the Chittagong Hill Tracts (CHT) peace accord is signed in December 1997.

In order to establish national integrity and homogeneity within the identity of the “Bangalee Nation” Mujib’s government decided to allow lowland families to settle in the secluded high land of the tribes<sup>79</sup>. But unfortunately, the decision of the regime did not bring any expected results in terms of peace and co-existence between tribes and new settlers. In later by an ordinance, Zia brought a change on the identity concept of the citizen of Bangladesh as ‘Bangladeshi’ instead of ‘Bangalee’ as the Constitution of 1972 had decreed. This was deliberately done in a comprehensive framework in general and to accommodate the tribesmen in the diversity of unity in particular. The Bangladeshi concept, however, hardly drew effective attention of the tribes of the CHT. In the late eighties Ershad introduced Hill Tracts District Local Government Council Act separately for three Districts –Rangamati, Khagrachari and Bandarban to pave the way of active participation by the inhabitants of the hill areas, in the highest body of the local government. But this effort also failed to satisfy the tribesmen. Khaleda Zia regime also tried to settle the Shanti Bahini issue for several times through discussion at the ministerial level of government. At last Sheikh Hasina government from the very beginning of her term with the help of Indian government took the issue seriously to settle CHT insurgency from the political point of view.

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<sup>78</sup> Major General (Retired) Syed Mhammad Ibrahim, *Parbattya Chattragram: Shanti Prokria- O-Paribesh- Paristhitir Mullayan* (Chitagong Hill Tract: Peace Process and Situation Evaluation, (Dhaka: Maula Brothers, 2001), p.17.

<sup>79</sup> *Ibid.*, p. 20. According to Captain T. H. Lewin, an Anthropologist and British Administrator, “A great portion of the hill tribes, at present living in the Chittagong Hills, undoubtedly came about two generations ago from Arakan. This is asserted both by their own traditions and by records in the Chittagong Collectorate” (Lewin, 1869; p-28).

Sheikh Hasina's initiative was able to sign the CHT peace Treaty between the government of Bangladesh and the Parbatya Chattagram Jana Sanghati Samity (PCJSS) led by Jotirindra Bodhipriya Larma alias Santo Larma, providing the Regional Council, in December 1997. It may be mentioned that The CHT Peace Treaty was, however, protested, as it was a threat to the unitary pattern of Bangladesh, by the BNP marking the LONG MARCH from Dhaka to CHT. Chief of army staff Lieutenant General Mahbubur Rahman regarding the Peace Treaty said every body wanted peace in the CHT. He said he was happy to see that the problem, which existed for long 25 years, was solved through a political process.<sup>80</sup> The peace treaty duly signed on has four parts with 72 clauses and may be briefly characterized as (a) the formation of CHT Regional Council/Parishad headed by a tribesman; (b) the CHT local government council/hill district council act 1989 be remained in order; (c) the regional council will be formed combining three hill districts local government parishads amending some clauses of the existing act of 1989 with a view to strengthening and making them effective; (d) the Chairman of the parishad will be indirectly elected by the elected members of the district parishads. The Chairman will enjoy the status of a state minister and he must be a tribal; (e) the parishad will consist of 22 members including its chairman.<sup>81</sup> Two-thirds of the members will be elected from the tribals; (f) the organizational structure of the parishad will be as follows; Chairman 1, members tribals (male) 12, Members tribal (female) 2, member non-tribal (male) 6, and members non-tribals (female) 1; (g), the tenure of the council will five years and (h) a ministry of CHT affairs will be established where a tribal man there be a minister. Bangladesh army, Bangladesh Rifles (BDR), armed police and police have been deployed in CHT's interior areas to ensure peace and security indifferent times with different numbers as shown in **Table 13**.

<sup>80</sup> The Daily Star, 3 December, 1997.

<sup>81</sup> The Daily star, 3 December, 1997.



**Table 13**

Regions of CHT	Army	BDR	Armed Police	Police
Diginala	1104	124	78	158
Kaptai	1655	532	416	235
Bandarban	1330	1470	-	794
Kagrachari	3318	2722	780	1230
Rangamati	3168	1919	511	1088
Total	10575	6767	1785	3505

Source: Major General (Retired) Syed Muhammad Ibrahim, Chittagong Hill Tracts: Peace Process & situation Evaluation, op. cit., pp. 174-175.

**Table 14**

Year	1951	1961	1974	1981	1991
Total Population	2,90,000	3,85,000	5,08,000	7,08,452	9,67,420
Density (p.s.k)	57	75	100	147	190

Source: Preliminary Report on population Census, 1991; and see, Syed Muhammad Ibrahim, Chittagong Hill Tracts: Peace Process & Situation Evaluation (in Bengali). (Dhaka: Maula Brothers, 2000), p.19.

**Table 15**

Name of inhabitants in groups	Total population	percentage
Bangalee	5,00,000	50%
Chakma	2,40,000	24%
Marma	1,43,000	14%
Tripura	61,000	6%
Murong	22,000	2.2%
Tanchanga	19,000	1.9%
Boyam	7,000	0.7%
Pangkho	4,500	0.35%
Chak	2,000	0.20%
Khyang	2,000	0.20%
Khushi	1,200	0.12%
Lushai	662	-
Kuki (Mruyo)	5000	?

Source: Preliminary Report on Population Census, 1991; and see, Syed Muhammad Ibrahim, Chittagong Hill Tracts: Peace Process & Situation Evaluation, op. cit., p.20.

Table 14 shows us the increasing trend of population growth in CHT and distribution structure of CHT inhabitants in-group-wise tribesmen and settlers Bangalee are demonstrated in Table 15. However, a negotiated settlement of the quarter century-old insurgency in the CHT in Bangladesh could be a model for others. A purely military solution of insurgency is elusive. While military pressure persuades the insurgents to negotiate, a political solution must ultimately be found that would satisfy all sides. It will be a challenge to the politicians to bring the insurgents to the negotiating table. Besides this, what is more important, that is how to address genuine grievances of the ethnic and religious minorities. The issue of national integration must be addressed democratically- the aim is not to impose the will of the majority, but to accommodate the interests of the minority. However, Bangladesh government some how managed to overcome the CHT issue for the time being by signing a peace treaty with the Parbatya Chattagram Jana Sanghati Samity (PCJSS) on 2 December 1997.

#### **Security Panorama of Bangladesh:**

Bangladesh's security panorama has largely been Indo-centric. Indo-Bangladesh relations deteriorated after the military coup in August 1975. The military rulers sustained anti-India and pro-China policies to gain support of the religious right as well as the left. India also responded with manipulating the Farakka barrage on the river Ganges. However, after signing the thirty-year Ganges Water Sharing Treaty with India in 1996 and the CHT Peace Accord in 1998, the bilateral relationship is on a high note again. There are outstanding issues like trade imbalance, illegal migrants, cross border insurgency and transit facilities etc., all these issues have security implications in the years to come.

Bangladesh's short border with Myanmar has the potential for future conflict<sup>82</sup>. The military Junta in Myanmar often diverts the attention of the people from domestic troubles to external threats. The ethnic Muslim minority Rohingyas, forced into Bangladesh, creates pressure on Bangladesh's economy and social order. The exclusive economic zone between Myanmar and Bangladesh are not yet demarcated. Both countries claim a substantial portion of the Bay of Bengal and the claims overlap. Oil and gas exploration and fishing rights in the disputed sea could create tension in future between

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<sup>82</sup> Ishfaq Ilahi Choudhury " Security Challenges of South Asian Countries in the Coming Decade: An Overview" *Bangladesh Institute of International and strategic Studies (BIISS) Journal* Vol. 21, No.1 January 2000, p.46.

the two countries<sup>83</sup>. The end of military dictatorship and the establishment of democracy in Myanmar might improve Bangladesh Myanmar relations and reduce the possibility of armed conflict.

The general proposition goes that a war between India and her neighbors, other than Pakistan, is highly unlikely now or even in the coming future. Because the power asymmetry between India and these countries is so acute that it would be irrational for the smaller countries to go to war with India. On the same reason, there is no rationale behind India's attacking them. India could achieve her objectives in respect of these countries without resorting to war.<sup>84</sup> A Nation goes to war when diplomacy fails. India's maritime boundary with Sri Lanka and Maldives, and land boundary with Nepal and Bhutan are demarcated. Except for short, undemarcated stretches of about 6.5 km, the whole of 4000-km Indo-Bangladesh border is also demarcated. The two most serious issues between India and Bangladesh e.g., the sharing of the Ganges water and the insurgency in the CHT have been peacefully resolved. Although the maritime boundary between India and Bangladesh is to be settled, the national positions are not too divergent to find out a diplomatic solution. So the possibility of a war between India and her smaller neighbors, is therefore highly unlikely.

What alternative strategy of defence does Bangladesh have against any possible Indian invasion? Zia answered " The idea is to build up an army sufficiently strong to a raise the cost of an Indian invasion, to hold back the Indian army for a few days so that in the meantime international organizations could intervene and bring about a cease-fire"<sup>85</sup>. But the history does not confirm the expectations of Bangladesh's late President. As examples of Poland (1938, 1953, 1962), Czechoslovakia (1938, 1968) Kampuchea (1968) indicate that when the chips are down, a weak state finds itself alone to fight the giant. Although Kuwait (1990), a oil-rich state in the most oil-rich region of the world, was able to draw special attention of the United States and her allies to fight against Iraq in the Gulf war. Bangladesh, a poor country with a little bit of undiscovered natural gas lacking oil, uranium having no geographic security interest of the great powers. The present plight of the Bosnian, Kashmir Muslims and Palestine people provide clear examples of

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<sup>83</sup> Ibid.,

<sup>84</sup> The war may be defined



international apathy for worried peoples. In case of India's invasion, Bangladesh's citizen army would be more appropriate for effective defense than standing army. The 1971 liberation war reminds us the citizen army of Bangladesh had taken up arms in their own defense against the Pakistan army's sneaking attack on unarmed people.

### **The Citizen Army: Breaking the Cycle of Military Intervention**

Maniruzzaman visualizes that the issue of citizen army does not aim at the abandonment of force for defence but development of forms of force capable of meeting external challenges without posing threats to gradual developments of the civilian government. Bangladesh's adoption of offensive strategy of retaliation against the aggressive big neighbor India does not arise at all. For these small states like Bangladesh, besides providing depth in defence in conventional as well as nuclear, the decentralized territorial system will help end the circle of military intervention-withdrawal-and-reintervention.<sup>86</sup> The military in politics has afflicted in recent decades about two-thirds of the developing countries including Bangladesh. The standing army developed uncritically in almost all of these states is a constant threat to the civilian political system. The problem of developing countries is so complex and difficult that any government, civilian or military becomes a failure.

The standing army with the monopoly of major weapons can, thus, easily find some excuse to intervene in politics. It should be mentioned here that the absence of the standing army in England, from disbanding the Cromwellian army to glorious revolution (from 1660 to 1688) and in the USA from 1783 to 1813 facilitated the development of popular government in the crucial formative phase of democratic growth in the two oldest and effective democratic states in the world. In both the states UK & USA the fight for democracy went hand in hand with the movement against establishing standing armies. Because, the people considered the standing army in itself a threat to liberty and free government.<sup>87</sup>

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<sup>85</sup> Talukder Maniruzzaman, *Politics and Security of Bangladesh*, op. cit., p. 168. This information came while Maniruzzaman interviewed President Ziaur Rahman.

<sup>86</sup> Talukder Maniruzzaman, *Military withdrawal From Politics : A Comparative Study*, (Cambridge, Massachusetts: Ballinger Publishing Company 1987), Chapter 6.

<sup>87</sup> For more details on the fear of standing army and preference for militia defence in Great Britain and the United States see, *ibid.*, pp. 118-121; T. Maniruzzaman, *Politics and Security of Bangladesh*, (Dhaka: University Press Limited, 1994), p. 172.

It is now admitted by most scholars working on developing nations that in the long run military rule does more harm than good to a developing country economically and politically.<sup>88</sup> The replacement of the strategy of defence based on standing army by the strategy of nation-in-arms could go a long way toward eliminating the possibility of frequent coups d'état in the developing country like Bangladesh. The citizen army or nation-in-arms strategy would not only neutralize the civilian government in Bangladesh from unwanted army strain but also redeem these states from the curse of military dictatorships. The societies and politics are not only in the midst of change in Bangladesh but also in the south Asian countries. But when the prospect of parliamentary democracy was getting brighter, the attempt of May 1996 coup led by chief of Army, (though it is failed) in Bangladesh has threatened the stability of civilian rule. In the same way, the October 1999 coup, in Pakistan has thrown the wheel of democracy backward.<sup>89</sup> The politicians here use religious and cultural differences among people to advance their narrow political ends. These trends in the South Asian countries, however, indicate the integration crisis along cast and creed, communal and ethnic lines.

#### **Strategy of Nation-in-Arms:**

A gulf of difference in war-making capacities exists between India and Bangladesh. India's victory in a conflict with the state like Bangladesh seems almost automatically assured. What strategy can Bangladesh adopt to reverse the relative strength of the adversaries in such an unequal fight? The history of the wars lost by big powers teaches us that there is a strategy that can reverse decisively the outcome of confrontation between the weaker state and a much powerful invader. This is the strategy of total resistance by the nation-in-arms, virtually called national resistance, people's war, and the militia system and territorial defence prepared for the security of the body politic as whole. Under this strategy, to quote Clausewitz, "the nation itself rises and takes part in the war and a new force comes into being"<sup>90</sup>. Preparing the nation for such resistance requires the training of every able-bodied male and female citizen in defensive war. This strategy, however, is more political than military point of view. Its main weapon is motivation in some extent. It is manpower intensive and less weapon-intensive. It is a strategy of maximum effectiveness at minimum cost. As Clausewitz views the arming of

<sup>88</sup> Chapter I "Consequence of Military Rule" in op. cit., pp. 1-15.

<sup>89</sup> *BISS journal*, vol. 21, No. 1 January 2000, p. 51.

<sup>90</sup> Carl Von Clausewitz, *On War*, (England: Penguin Books Ltd.,1985), p. 19.

a nation is “a great means of defence”. It is such a significant strategy that awakens a thousand small sources of resistance, which would remain dormant or silent without it.<sup>91</sup>

While thousands of small wars continue, the nerves of the occupation power begin to crack. As war lingers on, paralysis of will saps the leadership of the invading power. The war finally is abandoned. As Henry Kissinger learned from Vietnam, the guerrilla wins simply by staying there. Vietnam, of course, is the most spectacular recent example of how the strategy “for defensive war makes even the means of small states infinitely great”. Spanish guerrillas fighting Napoleonic forces “every where”. Tito’s resistance to German occupation and Mao’s people’s war in China all have proved the capacity of a “thousand sources of resistance”. Particularly, Israel and Singapore have adopted the strategy of nation-in-arms. Israel’s highly motivated citizen army proved itself as a far superior fighting force to the more numerous and so-called professional armies of the Arab countries. If need arises, Singapore citizens’ army, initially trained by Israeli instructors, is likely to face any unwanted adversaries.

#### **Problems in Raising a Citizen Army:**

S.E. Finer argues, an army that had once withdrawn to the barrack would hurry back to seize power as soon as it perceived the slightest threat to the army’s institutional interest. The problem in Bangladesh, as in other developing countries, is how to slice down the standing army to a minimum size so that the smaller army can not be a threat to civilian government. It could be used to train and co-ordinate the dispersed and decentralized territorial militias. For personal and institutional reasons, the most severe opposition would come from the officers and men in the existing conventional army. For example, in the early years of the growth of Pakistan’s standing army some officers like General Akbar Khan argued for adoption of territorial militia as a deterrent to the Indian army. The Commander-in-Chief and most of the officers of the Pakistan army vehemently opposed the proposal of territorial army. General Akbar Khan together with his supporters were ultimately forced out of the services on charge of “conspiracy for overthrowing the Pakistan government through a pro-Communist military coup d’etat.”<sup>92</sup>

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<sup>91</sup> T.Maniruzzaman, op. cit., p.169.

<sup>92</sup> Ibid., Politics and Security of Bangladesh, op. cit., p. 173.



Z. A. Bhutto who called Pakistan army “the cancer of body politic” of Pakistan gave a serious attention to build up a territorial army in Pakistan. Bhutto in his book ‘The Myth of Independence’ argued that there were two possible deterrents for Pakistan against India. One is the development of nuclear weapon and the other is national militia. He emphasized on the nuclear weapons “ as a practical deterrent of Pakistan in any conflict with India in near future.”<sup>93</sup>

Bhutto delineated: “Pakistan’s best deterrent would be national militia, trained and led by professional officers, to support the standing army in the event of total war. Military training in Universities should be obligatory; in every village there should be created a cadre of active and courageous young man well trained in the use of primary weapons. ... The knowledge that an attack on Pakistan would lead to total welfare against a fully armed nation can be the only real deterrent for a relatively more powerful aggressor. Such a deterrent, moreover, would have a strong political value and would give our diplomacy scope for maneuvers more extensive than have hitherto been possible”<sup>94</sup>

In the early 1970s when Bhutto came to power and started an initiative to build up a national militia proposing compulsory military training for the university students, he faced stiff opposition from the army and gave up the move. Bhutto failed to initiate the program for national militia because he had not created public opinion in favor of the launching the program. Perhaps it was because of the opposition to raising a militia by the army that Bhutto opted for the alternative deterrent of nuclear weapon. Bhutto once promised that Pakistan would develop a nuclear weapon if her people were “to eat grass”. But it is an irony that Pakistan acquired the command and control of nuclear weapons in May 1998. And what is more important that since the October 1999 coup, Pakistan has become the first country in the world where the nuclear button is in the hand of a military commander who is also the executive head. Besides, the Islamic militants play an uncertain role in the Pakistani Politics. During the recent Kargil crisis, the Pakistan government, in effect, admitted that the militants operate outside the control of the government. It prompted intervention by US President Clinton who put pressure on Pakistani Prime Minister Nawas Sharif to withdraw the infiltrators from the Indian side of

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<sup>93</sup> See Zulfikar Ali Bhutto, *The Myth of Independence*, (London: Oxford University Press, 1969), pp. 152-55.

<sup>94</sup> *Ibid.*, p. 153.

the Line of Control.<sup>95</sup> While with substantial foreign aid Bangladesh can hardly manage her economy. The question of building nuclear capability by Bangladesh is all beyond the realm of practicability. So, therefore, the deterrent for Bangladesh could only be national militia.

In Bangladesh, the introduction of the militia system may not be difficult if public opinion could be created in favor of gradual replacement of the standing army by a people's army. Here the political parties can play the key role. The Jamaat-e-Islami had already stated in their election manifesto that if voted to power the party would introduce military training for defence for all 18-40 year old men and training for self protection for all 18-30 women. The Awami League leaders may well resurrect Bangobandhu's demand for militia in his historic Six-point Charter of demands in 1966. The BNP's Gram Sarker (Village Government) model could be transferred in alignment with the unit of citizen army in the rural areas. The party leaders must have known much about the strategy of nation-in-arms.

If the major political parties in Bangladesh become unanimous in gradually replacing the present standing army by a citizen army and mobilize the public opinion in favor of such a changing program, the army's opposition will tilt at this. It may be further facilitated if the army officers are offered full pension for life at the last pay, as it was done in the United States after her revolution. The disbanding would draw on public treasury but that would be small cost for switching over to a more effective defence strategy of Citizen Army for Bangladesh. This strategy will not only transform the whole Bangladeshi people into an army to deter any possible Indian aggression but also stand them against many non-military security issues- poverty and environmental degradation to fight with<sup>96</sup>.

### **Bangladesh Politics: Non-Military Security Issues**

Many non-military issues do play a significant role in the field of security of developing states, as well as its citizens on the threshold of the twenty first century. Growing population is a major threat for the security of South Asian States particularly for Bangladesh. Despite a fall in birth and fertility rate, South Asian populations will

<sup>95</sup> *The Military Balance 1999-2000*, (London: International Institute of Strategic Studies, 2000), p.151-155.

<sup>96</sup> Talukder Maniruzzaman, *The Security of Small States in the Third World*, (Canberra: Strategic and Defence Studies Centre, 1982); *Politics and Security of Bangladesh*, op. cit., p. 174.

continue to grow until the middle of the next century. Additional population will exert tremendous pressure on the political system for allocation of the limited state and natural resources. The region will have to cater food, clothing, shelter, schools and hospitals for almost half a billion additional mouths that will be added within the next fifty years. Within the next 25 years, India's population will exceed that of China. Already, Bangladesh is experiencing tremendous pressure of over population. Its impact on the society in the form of environmental degradation, deteriorating law and order, breakdown of the family values and traditional ties, unemployment and crime are evident.

Illegal migration of Bangladeshis to other countries including India indicates the insecurity among the people. Environmental degradation is threatening the future well being of this region. Deforestation and desertification, soil erosion and riverbed siltation, global warming and sea-level rise and air pollution are some of the issues that present real-life security issues to the people of South Asia including Bangladesh. For example, if the sea rises by one meter, nearly one-fifth territory of Bangladesh will go under water. Supply and availability of fresh water could become a major source of tension in future.<sup>97</sup> Arsenic pollution of ground water is threatening the life of millions in Bangladesh and India. Poor people are the first victims of environmental degradation. Environmental issues are, therefore, not being treated significantly. If security means a life free from danger, then the government in Bangladesh will have to consider environmental degradation as a vital security issue and treat it properly

#### **SAARC: Forum of Regional Security**

The South Asian Association for Regional Cooperation (SAARC) can now address many non-military security issues that pose common dangers to all together with economic cooperation among the South Asian nations. Poverty alleviation, environmental degradation, arms and drug trafficking, population planning, health and disease control etc. are already in the SAARC agenda and they all have security connotations. Strengthening the SAARC is the stated policy of the government and the opposition in India. India now realizes that by strengthening regional cooperation, all the nations gain and India stands to gain the maximum. Nancy Jetley writes, "India has a long-term stakes in peace and cooperation in the region. India's credibility outside in the region

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<sup>97</sup> *BISS Journal*, vol. 21, No. 1, January 2000, pp. 55-56.



would depend not only on its power profile, but also on its ability to carry its South Asian neighbors with it in a cooperative framework."<sup>98</sup> If the purpose of security is peace then peace can best be maintained by closer economic and security integration in South Asian region. The European Union has shown the way.

It is the demand of time that SAARC should have a defence forum to encourage defence cooperation within the member states. Except between India and Pakistan, SAARC countries are already engaged in various fields of defence cooperation. A SAARC defence forum could one day evolve into a common defence structure that could act as a shield against extra-regional interference. Such an arrangement s would be more useful for small states like Maldives, which cannot afford a standing army. The idea of common defence is not new in this region. Indeed, Quaid-I-Azam Mohammad Ali Jinnah, founder of Pakjstan; Jawaharlal Nehru, the first Prime Minister of Independent India, President Ayub Khan of Pakistan at various times in history proposed it.<sup>99</sup> Consequently, General Ziaur Rahman, President of Bangladesh (1975-1981) initiated regional forum of South Asian nations in the name of SAARC following the probable economic cooperation as well as common defence strategy. Here it may be mentioned that Ziaur Rahman first moved this said organization SAARC in the late seventies that formally came into existence in 1985. It is not unlikely; rather it has every possibility to perceive this regional forum as an avenue for greater interaction of states at the official and citizens' level. A psychosocial environment may be created at this leading to greater cooperation in the days to come to a peaceful and stable regional environment.<sup>100</sup> There our armed forces would facilitate to boost up the harmony among the member states and their people in the South Asian region.

### **Conclusion:**

In the light of aforesaid analysis on the changing role of army on the security issues of Bangladesh, we may conclude that the integration process in the civil-military relations was highly observed with little different in the liberation war. In 1971 the liberation army fought shoulder to shoulder with the civilian people under the political leadership to

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<sup>98</sup> Nancy Jetley, "SAARC: Looking Ahead" in Lalit Mansingh (eds.), *Indian Foreign Policy: Agenda for the 21<sup>st</sup> Century*, ( New Delhi: Konrak Publishers, 1997) Vol. 2, p. 11.

<sup>99</sup> Lorne J. Kavie, *India's Quest for Security: Defence Policies*, (Los Angeles: University of California Press. 1967), pp. 35, 68-69.

liberate Bangladesh. So the very relation of army in Bangladesh politics practically began with democratic control. But the intervention of military in politics for sometimes made a controversy in civil-military relations. Politics, other than defence, is not the function of army. However with the restoration of democracy in 1991, the situation started changing.

The large standing army is not at all suitable for Bangladesh. The traditional training system makes them think superior to civilian elite. The specter lies in the very training seed that should be driven out first. It is in badly need of a small, motivated, patriotic, trained and well equipped contingent of army, which not only will remain standby to uphold the unity and sovereignty of the state against any foreign aggression but also play a significant role in the domestic development of the country. As a result of this, the domestic unity and united strength of manpower will be established and it will be the biggest weapon for defence of an independent country covert and overt. This sort of army could not be a threat to the civilian role. For this, first of all strong political commitment is the only demand of time.

In fine, the continuation of democratic journey through the 1996 and 2001 general election has again proved the victory of civilian rule. It goes ahead with trial and error. Bangladesh's political culture also gradually moves towards participant form. But the allocation in the defence budget of the government of Bangladesh during the last twenty-five years is gradually striking the second and third position of priority. It has become evident that every regime had to pay serious attention towards their demand of the armed forces in Bangladesh Politics.

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<sup>100</sup> Nilufar Chowdhury "Regional Approach to Security of Non-Aligned States: The Case of South Asia" *BISS Journal*, Vol. 9, No. 3, July 1988, p. 258; *BISS Journal*, Vol. 21, No.1 January 2000, pp. 58-59.

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## **CHAPTER SIX**

# **The Political Role of NGOs in Bangladesh**

## CHAPTER SIX

### The Political Role of NGOs in Bangladesh

The Non-Governmental Organizations (NGOs) as volunteer associational interest groups are increasingly emerging as pressure groups in Bangladesh politics. Its structure, functions and influence are so coherence and complex that it has linked with a chain of control from grass root people to national and international level even to World Bank. Over 19000 NGOs are registered in Bangladesh, 1506 NGOs are registered to receive foreign fund and 160 foreign NGOs now work in more than 78% of the villages in Bangladesh to gear up the poverty alleviation program and achieve self-reliance. As a result 24 million people benefit from their activities.<sup>1</sup> In this chapter we shall analyze and discuss the constraints of the rising interest of some leading NGOs led by the Association of Development Agencies in Bangladesh (ADAB) and their increasing claims on government in the form of collaboration and participation in the development activities.

#### What is an NGO?

The non-government organization refers to any institution or organization outside the government in general. But here we concern with those organizations, which are involved in various development activities with the objective of alleviating poverty of the rural and urban poor in particular. Such organizations are usually termed as development NGOs or Non-Government Development Organization (NGDO) to differentiate them from other private organizations<sup>2</sup>. In Bangladesh, this terminology is used to refer to all such organizations and institutions that are registered with the government under the Voluntary Social Welfare Agencies (Registration and Control) Ordinance of 1961 and the Foreign Donation (Voluntary Activities) Regulation Ordinance of 1978.

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<sup>1</sup> World Bank, *Pursuing Common Goals: Strengthening Relations Between Government and Development NGOs in Bangladesh* (Dhaka: University Press Limited, 1996), Chapter 1, pp. 4-5.

<sup>2</sup> Report of the Task Forces on *Bangladesh Development Strategies: Managing the Development Process, The Role of NGOs*, 1991, Vol. 2, pp. 371-386.



The NGO sector is an important part of a pluralistic society and appears as the “third sector”. Hernando de Soto argues with regard to the informal economy, NGOs offer the “other path” to development.<sup>3</sup> In Bangladesh, non-profit organizations operate along a spectrum which, at one end, comprising organizations concerned mainly with welfare. They do not generally challenge the status quo of the society. On the other hand, some NGOs are concerned with change and development. They are involved in bringing about a positive change in the lives of the poor. In this chapter we shall deal with the later. These NGOs, sometimes self-styled as “private voluntary development organizations”, believe development to be a ‘process by which the members of a society develop themselves and their institutions in ways that enhance their ability to mobilize and arrange resources to produce sustainable and justly distributed improvements in their quality of life consistent with their own aspirations’.<sup>4</sup>

Phillip Eldridge observes, in India and Indonesia, the political role of NGOs in the networks of micro movements, lobby groups, and pre-party political formations along with groupings and mobilizations<sup>5</sup>. This chain of direction is somehow extended even to International Finance Corporations like World Bank (WB), Asian Development Bank (ADB), and Western donors covert and overt. Nowadays, NGOs are no more confined to the service oriented phenomena. They have gradually involved in interaction with government as well as donors in various sectoral development projects. In addition, recently NGOs’ apex frontier, ADAB has included the voter awareness program in the political domain of Bangladesh. Its implementation process is mainly attitudinal and ranges from social mobilization of rural poor to poverty alleviation to health, family planning and education. It is by now 20 percent of annual aid flow to Bangladesh has

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<sup>3</sup>Shelly Feldman, “NGOs and Civil Society: (UN) Stated Contradictions” in Rounaq Jahan (ed.), Bangladesh Politics: Problems and Issues (Dhaka: University Press Limited, 2000), p. 224; Harnendo de Soto, The Other Path: The Invisible Revolution in the Third World (New York: Harper & Row, 1989); See also Norman Uphoff, “Why NGOs are not a Third Sector” in Michael Edwards and David Hume (eds.), Beyond the Magic Bullet: NGO Performance and Accountability in the Post-Cold War World (West Hartford: CT; Kumarian Press, 1996).

<sup>4</sup> Brown and Korten, The Role of Voluntary Organizations in Development (Boston: Institute for Development Research, 1989), p. 5.

<sup>5</sup> Phillip Eldridge “The Political Role of Community Action Groups in India and Indonesia: In Search of a General Theory”. Alternatives, Vol. 10, No.3, winter. pp. 401-34; Noor Jahan Bava (ed.), Non-Governmental Organizations In Development: Theory and Practice, (New Delhi: Kanishka Publishers, Distributors, 1997), pp. 125-146; Rajni Kothari, “Voluntary Organizations in a Plural Society” in Indian Journal of Public Administration, Vol. 33, July-Sept., 1987. p. 433.

been channeled through the NGO sector.<sup>6</sup> All voluntary associations, non-governmental developmental organizations and donors along with World Bank view that central government services could be improved through decentralization, greater use of NGOs and local government institutions.<sup>7</sup> Therefore the importance of NGOs and its political role in the socio-economic development process of Bangladesh can hardly be overlooked.

In this chapter firstly we want to shed some light on the Government-NGO's collaboration in general and NGO's constraints rapidly increasing in development activities such as participation, incorporation and advocacy with government in particular. Secondly, answers of some questions will be looked for. Why and how do some NGOs mobilize people into group to fight for poverty alleviation at the grass root level in Bangladesh while governmental agencies fail to do so? Why could not governmental agencies bring the people into confidence while Voluntary associations do it easily? Why do government gradually share the development activities with the NGOs? How do NGOs access the mechanism of government's policy-making and implementation process? What are the roles of ADAB, NGO Affairs Bureau and Government-NGO Consultative Council (GNCC)? What impacts do Government of Bangladesh fiscal policies have on NGO operations? Are NGOs accountable and whom do they answer to?

### **Origin of NGOs:**

The emergence of NGOs in the development sector can be traced to the two major streams. One stream emerged in the developed countries and the organizations there are popularly known as 'NGOs from the North'. The other stream formed in the developing countries and these organizations are known as the 'NGOs from the South'. Both the group of NGOs from the North and South have the same orientation, i.e., the manipulation of the third world development through the people's participation. From the northern point of view, NGOs may be referred to any voluntary non-profit, tax-exempted private associations involved in the field of development cooperation or in education and policy advocacy activities.<sup>8</sup> In contrast, Pardon says Southern are in general private non-

<sup>6</sup> Asian Development Bank (ADB), *An Assessment of the Role and Impact of NGOs in Bangladesh*, (compiled by International Development Support Services Pvt. Ltd., Australia, December, 1992), p. 1.

<sup>7</sup> *Government That Works in Bangladesh: Reforming the Public Sector*, (World Bank, 1996), p. 34; *Pursuing Common Goals: Strengthening Relations Between Government and Development NGOs in Bangladesh* (World Bank, 1996), pp. 29-37.

<sup>8</sup> Brodhead, Tim, "NGOs: In One Year Out the Next?" *World Development*, vol. 15, Autumn, pp. 1-6; Gorman Robert (ed.) *Private Voluntary Organizations as Agents of Development*, (London: Westview

profit organizations registered from governmental agencies. The principal function of them is to implement development projects favouring the popular sectors, which receive financial supports from the developed countries in the framework of international development cooperation.<sup>9</sup>

Explaining the political role of NGOs, Philip Eldridge states that the term 'non-government' logically excludes governmental and quasi-governmental agencies. In normal usage it excludes the entire organized sector of the economy, such as trade unions and business companies. It embraces small and medium scale cooperatives and a host of non-official or voluntary activities at the local level in fields such as health, education, agriculture, family planning and poverty alleviation programs. But if the term 'voluntary organization' is used a problem arises because many such organizations employ paid or partly paid staff<sup>10</sup>. In any case these terms are quite inadequate to account for the large number of less formally structured self-help groups. These groups may be formed in different ways like cooperatives, action groups, people's movements led by combination of action groups or community organizations, research and documentary networks, lobby groups, pre-party political formations and other groupings<sup>11</sup>. So it would be worthwhile to develop categories of NGOs rather than finding out unanimous definition.

Kothari and Sheth view that state has lost its presumed role of mediator and protector of diverse interests and has become an instrument of domination of the ruling class in the developing countries. And this class in control of state receives its sustenance and support from the international patrons and donors. As such, policies pursued by the state result in massive decline in people's role in politics. The opposition political parties are found to endorse the same political style. Under the circumstances to reflect the aspiration and cater the need of the grassroots people, one must work towards developing a non-party political process from the grassroots. As such, they identified NGOs as one of the catalysts in place of the existing political parties in the new states<sup>12</sup>.

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Press, 1984); OECD, Voluntary Aid for Development: The Role of Non-Governmental Organizations, (Paris, 1988).

<sup>9</sup> Pardon, Mario, "Non-Governmental Developmental Organizations: From Development Aid to Development Cooperation", in World Development, Vol. 15, Autumn, pp. 69-77.

<sup>10</sup> Philip Eldridge, "The Political Role of Community Action Groups in India and Indonesia: In Search of a General Theory" in Alternatives, vol. 10, No.3, Winter, pp. 401-34.

<sup>11</sup> Ibid..

<sup>12</sup> Kothari Rajini, "NGOs, the state and the World Capitalism" in Economic and Political Weekly, 13 December, p. 2180.



So we would observe the NGOs from a broader perspective which will encompass both northern and southern NGOs by taking into account three main characteristics. These are (a) autonomy; (b) private initiative; and (c) working for a collective cause rather than individual advancement. From these viewpoints NGOs may be defined as associations of individuals formed voluntarily to pursue some objectives, general or specific, with private or state, national or international financial support under the legal framework of a state. The important thing is that these associations are autonomous from government and they develop under private initiative for a collective cause. Although the NGOs claim them as non-profitable and non-commercial organizations in character but in reality they have transformed themselves in profitable organizations and represent the private associational interests covert and overt in developing countries.

NGOs have emerged as a significant element in the development projects only in the 1970s. During the last three decades they have multiplied and expanded rapidly both in number and membership in developed and developing countries. According to Overseas Development Institute (ODI) the number of northern NGOs involved in development activities alone is more than 2000. Five hundred of these are based in the USA and two hundred in the UK. But the Paris based Organization of Economic Cooperation Development (OECD) report states that the total number of NGOs from OECD countries involved in Development is over 4000. The number of NGOs in France alone is 520 and there are 257 in Japan. In Canada, there are 40,000 registered charities of which 220 are engaged in third world development. In India, the number of NGOs is more than 50,000. Of these, six thousand are registered with government and 5000 of them are foreign funded. In Bangladesh the total number of NGOs is about 10,000 of which 158 foreign NGOs and 1348 foreign aided Bangladeshi NGOs obtain direct foreign fund.<sup>13</sup> NGOs are not only numerous but the rate of registration of new NGOs for foreign funds is also increasing in Bangladesh.

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<sup>13</sup> Tasneem Siddiqui, "Non-Governmental Organizations- Emergence and Role: In Search of a General Theory" in *Journal of International Relations* Vol. 1, No. 2, January-June 1994. pp.72-73.

### How have NGOs Emerged in Bangladesh?

The proliferation of NGOs in Bangladesh was initiated following the liberation war of 1971 mainly to undertake relief and rehabilitation activities in the war-torn country. Over the years, areas of operation began to spread along with the welfare orientation, education, health, family planning, micro-credit and many other development programs. These organizations are now recognized as country's leading NGOs, such as BRAC, Gonoshasthya Kendra (GK), CARITAS, CCDB, later emerged Proshika, ASA and Grameen Bank. A review of NGO activities over the last three decades indicates that NGOs have been concentrated their efforts in certain specific areas of intervention in accordance with their long-term objectives and vision. Thus the thrust of NGO operation seemed to gradually shift from development and welfare-oriented activities to their involvement in policy planning and sometimes in political arena. Nowadays they have been operating in such close cooperation with the government that they are now being considered as the 'third executive area of the government' or 'third sector of development management'<sup>14</sup>. Table 1 shows the number of NGOs is increasing in every year.

Table 1  
Number of NGOs Registered with NGO Affairs Bureau (1981-2000)

Year	Foreign NGOs	Foreign-Aided Bangladeshi NGOs	Totals
1981	68	45	113
1982	73	62	135
1983	75	77	152
1984	79	96	175
1985	80	112	192
1986	83	126	209
1987	88	157	245
1988	89	191	280
1989	89	241	330

<sup>14</sup> Shelley Feldman, "NGOs and Civil society: (UN) Stated Contradictions" in Rounaq Jahan (ed.), *Bangladesh: Promise and Performance* (Dhaka: University Press Limited, 2000), pp. 219-243.

Year	Foreign NGOs	Foreign-Aided Bangladeshi NGOs	Totals
1990	90	293	383
1991	106	421	527
1992	115	502	617
1993	125	600	725
1994	124	683	807
1995	129	790	919
1996	132	882	1014
1997	135	997	1132
1998	143	1096	1239
1999	146	1215	1361
2000	158	1348	1506

Source: NGO Affairs Bureau

The Task Forces report of 1991 duly recognized NGOs as “ a positive force in national development” and advised the government of Bangladesh to consider and recognize the NGOs as a constituting and distinctive sector. The report further advised the GOB to create a conducive and congenial policy environment enabling the NGOs operation to contribute effectively to national development<sup>15</sup>. The political role of NGOs in Bangladesh can be traced in terms of their attachment to some political parties. For example, the Secular and Western NGOs keep very intimate relationship with the pro-west political parties and try to help them in various to win in elections. On the other hand, the Islamic and Middle East based NGOs maintain liaison with pro-Islam parties in Bangladesh and finance to enhance their activities in different sectors.

NGO's involvement, in the recent issue of 'Fatwa' against the empowerment of women, emerged as a predominant factor in Bangladesh<sup>16</sup>. Initially, the Court verdict concerning 'Fatwa' created anger and anguish among the Ulema-Mashikh Islamic political parties of the country. Their protest was reflected in their declared political programs through demonstration. The issue led to dispute, later on between pro-Islam political parties and the ruling Awami League government where the NGO's involvement was a vivid

<sup>15</sup> The Task Forces Report to Government of Bangladesh 1991.



phenomenon. Under the auspices of Association of Development Agencies in Bangladesh (ADAB) a meeting was convened where the 'Fatwa' issue was the significant agenda. This very agenda directly involved the NGOs in contemporary politics of Bangladesh. ADAB, in an earlier meeting on 2 May 2000 forming the 'Anti-fundamentalism Citizen Morcha' was mobilizing public opinion in favour of them.<sup>17</sup> Against that meeting, Islamic Oikyo Jote called upon hartal and the subsequent occurrences registered many sorrowful incidents. These concerns continue to feature in contemporary debates on the NGOfication in Bangladesh politics.

However, NGO's political activities are now vivid from their recent programs such as voter awareness & education program, participation in the parliamentary election to be held in October 2001 covert and overt. According to newspaper sources, some leading NGOs have selected sixty candidates for contesting the said election and ADAB has played the pioneering role in collecting several hundred cores of Taka for utilizing to win the game. Even they move to enhance election campaign manifesting mainly four issues, such as (a) women empowerment; (b) resisting fundamentalism; (c) poverty alleviation and (d) economic reforms.<sup>18</sup>

In alignment of this political performance of NGOs, there are many extremes of thinking prevailing in Bangladesh. Some critics are of the opinion that the political role of NGOs reminds the role of 'East India Company'. Some others argue that the NGOs are serving as a very important tool of neo-colonialism. Maniruzzaman views the NGOs, its repayment mechanism of credit extension to rural poor, as 'kabuliwala' in new disguise.<sup>19</sup> Another view is that the NGOs are penetrating cultural aggression. The leftist political parties argue that this is one kind of patron-client relationship, which increases dependency and hinders social revolution. They, in some extent, termed the NGOs as a new "factor in imperialist strategy" and a vehicle to counter and disrupt the potentialities of the left movement. It may be identified as a barrier to the political struggle for basic changes in the traditional society. Lets see the nature of GO-NGO's collaboration and participation towards development projects, which could focus the increasing constraints

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<sup>16</sup> Rounaq Jahan, op. cit., p.220.

<sup>17</sup> ADAB's, *Annual Report 1999-2000*, p. 18.

<sup>18</sup> *The Bangladesh observer*, 20 June 2001.

<sup>19</sup> Talukder Maniruzzaman, *Politics of Bangladesh : Crisis and Analysis* (in Bangali, Bangladesher Rajniti Sangkat O Bislotion) (Dhaka: Bangladesh Cooperative Book Society Ltd., 2001), p. 171.

on government for liberalization the control of the state and placing NGOs in the main stream of development.

Grameen Bank (GB) is no longer an NGO in character. It has more than a staff of 10,000. The GB lends money to the landless people takes in return on 24 percent cyclic interest from the later. But the GB does behave with its borrower like Kabuliwala in disguise<sup>20</sup>. In 1976 GB began as a small "Grameen Bank Project" and developed via government ordinance into an independent financial institute in 1983 with majority of capital being provided by the government. Paid up capital base was expanded in 1986 with provision for 75 percent ownership by Grameen Bank borrower/shareholders. All of whom belong to the landless poor. While the Largest conventional NGO, Bangladesh Rural Advancement Committee (BRAC) has a staff of more than five thousand. Its annual budget already exceeds twenty million dollars and substantial further expansion is planned. This ongoing trend has predictably given rise to claims of empire building and job creation as well as over-dependence on foreign assistance. Even after this, NGOs claim that the most effective way they can help to bring about change. It is not by lobbying but rather by demonstrating on a significant improvement in the field of poverty alleviation and self-reliance among the landless poor exactly what is possible.

Thus Bangladesh NGOs have evolved sophisticated and effective technologies for organizing the poor through their innovative capacity. In addition to this organizing expertise, micro-credit/employment generation projects have made this change, highly effective. NGOs have been especially credited with changes in women's status. Targeting women as their primary recipients, NGOs have provided credit and training and contributed to decline in fertility. In Bangladesh, NGOs have played a key role in the struggle for democracy by providing a venue for discussion and debate around issues of poverty, equality, literacy, access to credit and more representative government.<sup>21</sup>

Gonoshasthya Kendra's work in challenging overpricing and associated malpractices in the pharmaceuticals industry has attracted international attention. It has proved that the establishment of GK's own pharmaceuticals factory capable of producing and marketing

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<sup>20</sup> Ibid.,

<sup>21</sup> Shelley Fiedman "NGOs and Civil Society: (UN) Stated Contradictions" in Rounaq Jahan (ed.), *Bangladesh : Promise and Performance* (Dhaka: University Press Limited, 2000), pp.219-220.

a wide range of essential generic drugs. Grameen bank has established a female focused, poverty-based banking model that is now being replicated by NGOs in many Asian, African and Pacific nations. Both BRAC and Proshika have been associated with a number of innovative initiatives with the poor in areas as non-formal education, vulnerable group training, fisheries, social forestry, landless irrigation and oral dehydration therapy. Besides, the low-cost treadle pump technology developed by Rangpur Dinajpur Rural service (RDRS) has gained widespread acclaim.

The major NGOs, in Bangladesh, through their size, reputation and confidence have evolved a donor-funding image. They also established ADAB in which they deal with a consortium of donors and seek 3 to 5 year programs support rather than funding for specific items. NGOs seek such an arrangement not only for upholding their group interest but also from the concept of partnership. This pattern of behavior provides some indications of mobilizations in the form interest articulations and aggregations for bargaining with the public sector vigorously.<sup>22</sup>

**Category and coverage of NGOs:** There exists a big network of NGOs in Bangladesh varying significantly in origin, size, purpose and approach. Its classification and summary is explained below.

**Welfare NGOs:** A good number of NGOs, both indigenous and international, fall into this category. They are registered under the Voluntary Social Welfare Act and their present number is 15,000. Many of them are small, inactive or defunct and near about, 200 NGOs run their charitable activities with foreign funds. In addition, 90 foreign organizations like as Save the Children Fund and OXFAM work under this Act. The Focus of the active organizations tends to be on health/family planning and disaster relief. Welfare organizations perform an important role in helping to overcome some of the gaps in government welfare services. They play very significant role in times of flood and cyclone disaster.

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<sup>22</sup> Asian Development Bank (ADB) study report.. op. cit.,p.3.



**Development NGOs:** These types of NGOs, around 600 in number, are committed to promoting self-reliance among their target group. From mid-seventies onward, many Bangladesh development NGOs saw the nation's feudal legacy as a major cause of the sense of powerlessness and hopelessness that characterized the poor and shaped their energy and initiative. Accordingly, NGOs worked to empower the poor so that they could remove themselves from the oppression of the moneylenders, landlords, corrupts officials. To achieve this objective they organized the poor into groups and undertook various efforts to conscientise<sup>23</sup> the poor men and women. They first voluntarily start the attitudinal work with the poor people of the grass root level evolving to know how to change their lot and mobilize them into a group. At present the pure conscientization approach has been largely abandoned and most of the development NGOs – BRAC, Proshika and Association for Social Advancement (ASA) have come forward to accept that: (a) the absorptive capacity and self-reliance of the poor can be developed only progressively; (b) as a result of combination of general scarcity of government resources and the capacity of the existing elite to capture the major share of government services, the “barriers to entry” facing the poor are much greater than originally believed. Many NGOs have micro-credit/employment generation projects similar to the government’s BRDB-Rural Poor Program.

**International NGOs:** Soon after the liberation war in 1971 many northern NGOs came to provide direct assistance in the war-trodden Bangladesh. Successive natural disasters and persistent high poverty levels have encouraged the continuing presence of some 115 of these organizations. Certain International NGOs such as CARE, OXFAM, Helen Keller International (HKI), Save the Children Fund (SCF) combine both welfare and development approaches according to the situation.

**Consulting / Research NGOs :** NGOs, which are few in number, concentrate on studies, surveys, evaluations etc. rather than on the direct implementation of rural development projects. For example, Micro Industries Development Assistance Society (MIDAS), ICDDR, B, BIDS, BIISS etc. They have three specific objectives, firstly, to accelerate the dissemination of the wealth of rural development technology accumulated by NGOs;

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<sup>23</sup> The term ‘conscientization’ is popularized by Brazillian educator, Paulo Freire to describe an action and reflection-based process of social awareness building among the poor. As practised by Bangladesh NGOs, this process usually involves participation in a functional literacy program.

secondly, to earn some money and assist the NGO's self-reliance and thirdly, to evaluate the NGOs core operations through consultancy work.

**Apex NGOs:** In Bangladesh the major NGO which exists to support and coordinate the activities of member agencies is the Association of Development Agencies in Bangladesh (ADAB). It was founded in 1974 and subsequently registered in its own right as an NGO under the Societies Registration Act 1860 and Foreign Donation Regulation Ordinance 1978. ADAB membership is of three types. (a) Full members are those who directly involved in project implementation, (b) associate members typically local or international NGOs mainly involved in funding projects and (c) chapter members are smaller, localized NGOs and local Offices of national NGOs. The 17 chapters of ADAB now comprise more than 1200 NGOs spreading all over the country.<sup>24</sup>

#### **NGOs in Participatory Development:**

From the very beginning, the legal status of NGOs has been as philanthropic social welfare and charitable organizations. The prime motivation of such organizations was and still is humanitarian and attitudinal. They aim to provide relief to the downtrodden. A good number of NGOs especially those based in the mainstream churches from the developed countries are operating from the same motivation. Their welfare work does not involve any intention of bringing about significant social change. We have kept these welfare NGOs out of our analysis.

In contrast to the Marxist position the participatory development NGOs attempt to bring about that change through conscientization.<sup>25</sup> This group of NGOs has been labeled in various ways- i.e., empowerment NGOs; human development NGOs, community organization developers and participatory development oriented NGOs. Both in northern and southern a good number of NGOs now see their role as catalysts of empowerment for the oppressed social groups.

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<sup>24</sup> Association of Development Agencies in Bangladesh (ADAB), *Annual Report-1990-2000*, p. 10.

<sup>25</sup> Hasan, *Process of Landless Mobilization in Bangladesh: Theory and Practice*, (Dhaka: Bangladesh Institute of Development studies, 1985), (Mimeo).

In the last two decades, the World Bank has accepted the role of NGOs as local intermediary mobilizing the people to participate in the government initiated programs. Accordingly the NGO was seen as potentially effective medium which could be utilized in delivering certain services to the rural areas of the developing countries. NGOs for them represented an alternative vehicle through which they could reach the poor by passing the traditional bureaucracy. Policy statements of developed country governments and multilateral organizations clearly indicate how they perceive the NGO role in the development process of developing countries. In March 1988 Canada announced its new strategy of development assistance, "Sharing Our Future" to the developing countries. The policy paper officially endorsed NGOs at home and abroad as partners. To confirm their commitment to this partnership the plan split Canada's official development assistance (ODA) into two parts. One part was under the control of government and the other was to be dispersed largely according to decisions made by the partners such as NGOs, multilateral aid agencies and educational institutions.<sup>26</sup>

In 1973 US policy also involved the NGOs, well known in the USA as Private Voluntary Organizations (PVO), as effective institutions for promoting development in the less developed countries. The main emphasis of the New Direction Legislation of 1973 was to provide direct assistance to the poorest people in LDCs rather than to rely upon the 'trickle down' process of development. The UK, Germany, France and some other developed countries have also simultaneously decided to provide the bilateral project aid through the NGOs and multilateral agencies working at the grass root level in the LDCs. Multilateral agencies such as the World Bank have systematically developed collaborative relationship with NGOs both from developed and developing countries. In 1982 a World Bank NGO committee was formed which acts as a formal coordinating forum to deal with the NGOs.

The increased involvement of the donors in the NGO process has contributed to the growth of another radical perspective on the NGO role. In this view the NGOs are not thought to be able to bring about any changes in the existing power structure. Rather it is claimed that the NGOs either knowingly or otherwise serve the interest of international

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<sup>26</sup> Copley, BH "Canadian NGOs: Past Trends Future Challenges" World Development, 1987, vol. 15. ; Tasneem Siddiqui op. cit., p. 86.



corporate capital.<sup>27</sup> As one of the prime proponents of this view, Rajni Kothari argues: The NGOs provide the new frontier of a dynamic technological integration of the world economy. Both world capitalism and important global institutions involved in development. The World Bank, IMF, UNDP, various donor agencies and consortia are discovering in the NGO model a most effective instrument of promoting their interest in penetrating Third World economics. Particularly the rural interiors, which neither private industries nor government bureaucracies were capable of doing this thing, like private associations.<sup>28</sup> According to Kothari, an added advantage of the NGOs to world capitalism is that they present a far less threatening image to the people of the developing countries.

### **Interest of Donors in NGOs:**

Foreign and Foreign funded NGOs in Bangladesh under the umbrella of IFI's support have already emerged as pressure groups in the policy making as well as implementation process on various sectoral development projects. They are not only demanding the due share of participation as development partners but also playing a very vital role in the name of materializing the voter awareness program for electing the qualified person in Bangladesh politics. In the following pages we highlight some networks of NGOs along with strong lobbies operating in the policy-making and implementation structure for the said purpose in Bangladesh.

Since the early eighties, a new trend has emerged where international financial institutions (IFIs) such as WB, IMF, ADB, UNDP and others have started showing keen interest in NGO's partnership activities. The IFIs are increasingly providing space to the NGOs in their forum. In the name of partnership and collaboration, they are not only formally taking into consideration NGO views on development issues but also encouraging the NGOs to actively participate in Development Programs funded by the IFIs.

WB and ADB as multilateral donor agencies have secured special status in the development context of Bangladesh. The World Bank acts as the coordinator of aid flow

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<sup>27</sup> Dhaka Courier, July 28, 1989 and August 3, 1989.

from bilateral and multilateral sources. It has become instrumental to major economic reforms like structural adjustment, decentralization, privatization and especially administrative reforms. ADB's resource mobilization in Bangladesh is steadily increasing over the years. The government of Bangladesh also treats both these institutions with great importance. Over the last two decades the IFIs have shown deep interest in NGOs. The WB in its country memorandum report in 1983 emphasized the importance of NGOs in Bangladesh. The report stressed the creation of rural employment and urged the Bangladesh government to utilize the NGO experience.

### **Three Institutions**

NGOs see their role as catalysts for empowerment of the deprived social groups and often bring the government under constraints for increasing NGOs' participation and collaboration in the every phases of development projects. The effective lobbying for this purpose with government is generally imparted by the Association for Development Agencies in Bangladesh (ADAB) along with WB and ADB. The mandate to coordinate NGO activities is by and large assigned to three institutions. The ADAB is on behalf of the NGOs and the NGO Affairs Bureau (NGOAB) on behalf the government. The Government-NGO Consultative Council (GNCC) works as the apex body to promote the mutual cooperation between GO and NGO in accelerating the development initiatives in Bangladesh<sup>29</sup>. Let's examine the specific role of these institutions.

#### **(1) Association of Development Agencies in Bangladesh (ADAB) :**

The largest coordination for the development NGOs in Bangladesh is ADAB. Its mandate and membership composition makes it a key organization to contribute towards a healthier government-NGO relationship. ADAB is a registered NGO that was set up in 1974 as a forum for international NGOs. It has now grown into a membership organization for more than 750 development NGOs representing a whole spectrum of international and national/local NGOs<sup>30</sup>. Membership in ADAB is voluntary. Local NGOs are organized under chapter networks located in 14 greater districts of the country.

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<sup>28</sup> Kothari, Rajini, "Masses, Classes and the State" in *Economic and Political Weekly*, 1986, pp. 2177; Tasneem Siddiqui, "Non-Governmental Organizations Emergence and Role: In Search of a General Theory" *Journal of International Relations* vol.1, No.2. January-June 1994 p. 90.

<sup>29</sup> The Government NGO Consultative Council (GNCC) has been established by GOB on 23 September 1996 through a gazette notification. See, *Bangladesh Gazette*, October 17, 1996.

The constitution of ADAB provides that the general members elect the sixteen-member executive committee (EC) for a two-year term from the member NGOs<sup>31</sup>. The executive committee comprises with four members from National level NGOs, eight members from local level NGOs, two members from international NGOs and two from Women organizations. Executive members elect their president, vice-president and treasurer. ADAB's director acts as the member-secretary of the EC.

At present Mrs. Khushi Kabir, coordinator of 'Nejera Kari' (We ourselves do it) organization headed by women, is the Chairperson of ADAB's Executive Committee (2000-2001)<sup>32</sup>. As an umbrella of NGOs, ADAB has several key functions to perform. Besides coordinating activities of its members it provides technical and advocacy support to small NGOs. Perhaps most importantly, it facilitates contacts between the NGOs and the government.

Major Program: ADAB plays a vital role in coordination, sector monitoring, networking and liaison function on (a) NGO-NGO relations; (b) government-NGO relations; (c) donors-NGO relations; (d) NGO-forum/sectoral networks relations; (f) NGO-civil society relations and (g) relations with national, regional and international bodies/networks relations with UN agencies. In addition, ADAB concentrates on advocacy, in policy-making, lobbying, linkages and development communication with specific emphasis on rural poor group interest advocacy, public interest advocacy and strengthening national and international linkages and development communication.

The steady rise of active members in ADAB is a testimony of its importance to the NGOs. Its achievements are the effective lobby of the government in rationalizing NGO regulations. ADAB has successfully collaborated with the government through the coalition of environmental NGOs in the preparation of National Environment Management Plan. It has effectively demonstrated its competence to coordinate relief activities in the disaster areas during natural disasters occurs. During preparation of

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<sup>30</sup> "Local NGO" means an organization working in 10 (ten) upazilas or less; : "National NGO" means an organization with Bangladesh origin working in more than 10 (ten) upazilas and "Foreign NGO" means an organization having principal office outside Bangladesh.

<sup>31</sup> The members of the ECs elect from among them, the three office-bearers- Chairperson, Vice-chairman, and the treasurer. In 1994, the composition of the EC has been revised as follows: 8 from local NGOs, 4 from national, 2 from women headed NGOs and 2 from international NGOs.

<sup>32</sup> ADAB, Annual Report 1999-2000, p.74.



micro-credit, environment and community forestry projects, ADAB has played a critical role in facilitating participatory discussions among the local and national NGOs. It has played a major role in increasing cooperation between NGOs and in strengthening capacity of small NGOs through training programs. It has also been a useful ally of small NGOs lobbying on their behalf when their activities come under attack by extremist elements in the society.

However, ADAB has been unduly compared to the Chamber of Commerce, the apex body of business group. One leading NGO leader points out that Chamber has been more able in highlighting its members' interests than ADAB<sup>33</sup>. It needs to strengthen representation of its members' interest in decision making process. It is deeply felt that ADAB needs to address the emerging issues of NGO participation and implication to significant policies for better GO-NGO relations in the years ahead.

#### **Non-government Organizations Affairs Bureau (NGOAB): one-stop service**

NGOs led by IFIs covert and overt are promoting their interest in Bangladesh two ways. Firstly, they are encouraging the government to develop liberal laws to create an enabling environment for the NGO's better participation in the development work. Secondly, they are persuading the government to allow NGO participation particularly in the IFI funded projects. Thirdly, various rules, under which NGOs operate in Bangladesh, were essentially amended towards control and regulation.<sup>34</sup> The Foreign Donations Regulation (Amendment) 1982 imposed greater restrictions on NGOs. The rules pertaining to the ordinance required NGOs to seek prior government approval each time they received a foreign contribution. Staff members of NGOs were to obtain government approval before travelling abroad under a foreign grant. From 1987 the WB along with other donors took the initiative of urging the government to streamline and simplify the rules and regulations relating to NGOs.<sup>35</sup>

<sup>33</sup> Interview with Khushi Kabir held on 22<sup>nd</sup> June 2001.

<sup>34</sup> For example, The Foreign Donations (Voluntary Activities) Regulation (FDR) Ordinance 1978 (amended in 1982), The Foreign Contributions (Regulation) Ordinance 1982. The military government of Ershad in 1982 to become the foreign contributions (Regulation) Ordinance amended the FDR Ordinance 1978. This ordinance redefined the meaning of foreign contributions as "any donation, grant assistance, whether in cash or kind including a ticket for a journey abroad". It imposed greater restriction

<sup>35</sup> World Bank, Bangladesh: Selected Issues in Rural Employment, (Washington DC, March 1983), p. 90.

In this way the government gradually came under pressure of donor agencies to liberalize the said rules for NGOs in the late eighties. In response to such request and lobby together with NGO demand, in 1990 the government of Bangladesh created the Non-Government Organizations Affairs Bureau (NGOAB) as one-stop service. It has remarkably made some changes in the procedures for project approval of NGOs. This has enabled the NGOs to obtain necessary government clearances for their programs from a single agency within a given time frame<sup>36</sup>. The government has also revised procedures in order to expedite permissions for NGOs to access foreign funds and get their projects approved. In addition, now NGO personnel need only inform the NGOAB when they leave the country.

### **Aims and Functions of NGOAB**

The NGOAB was virtually created to (a) ensure quality performance of the NGO sector and its accountability to the state; (b) register NGOs and approve the NGO project proposals along with disbursement of project funds; (c) approve appointment and tenure of services of expatriate officials and consultants; (d) review and comment on the reports and statements submitted by NGOs; (e) coordinate, monitor and evaluate NGO programs; (f) identify and approve Chartered Accountants for auditing NGO accounts; (g) realize fees/service charges of NGO income and expenditure; and (h) maintain liaison with NGOs' and donor agencies.

Since the establishment of NGOAB there has been a gradual bypassing the bureaucratic requirements. This has resulted in less paperwork compared to pre-NGOAB era. The amount of time required to obtain approvals has been reduced. A number of petty requirements have been abolished. Despite these improvements, however, there remain excessive procedures and most important of these are given below: (1) application for registration has to be submitted along with the following documents in nine duplicates: the constitution of the NGO; list of members of the Executive Committee; plan of operation; location and area of operation; and letters of intent from the donor agencies; (2) registration of an organization requires clearance from the Home Ministry. Officially this procedure is to be completed within ninety days; (3) NGOAB reserves the right to reject applications if it is not satisfied with the NGOs objectives; (4) NGOAB has the

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<sup>36</sup> World Bank, Pursuing Common Goals: Strengthening Relations between Government and Development NGOs in Bangladesh (Dhaka: University Press Limited, 1996), p. 30.

power to cancel registration of any NGO before the latter can present its case; (5) the registration is valid for five years during this time the NGOAB reserves the authority to terminate registration.

NGOAB occupies a key position to play a meaningful role in promoting development partnership. NGOAB, together with ADAB, could arrange for debates on GO-NGO issues, inviting members of the government, NGOs, civil societies and donors. Such debates would stimulate involvement and interests of the larger society on the national issues. Bureau, in collaboration with ADAB, could organize regular discussions with relevant ministries/agencies and NGOs about the impact of NGOs program.

### **Government NGO Consultative Council (GNCC): Bridge to Greater Collaboration**

In late 1994, the government of Bangladesh accepted a Technical Assistance (TA) grant from the Asian Development Bank (ADB) for strengthening government-NGO cooperation<sup>37</sup>. The objective of the TA is to help achieve the goal of greater involvement of NGOs in the design and implementation of the government's poverty alleviation efforts. A joint working group (JWG) was formed to facilitate the implementation of the TA project. The JWG was composed of representatives from government and the NGOs. It worked out the modalities for the formation of a Government-NGO Consultative Council (GNCC). In alignment with the recommendations made by the JWG and its intensive lobbying the government of Bangladesh established GNCC in October 1996.<sup>38</sup>

Memberships of the GNCC: The Council consists of 23 members including six representatives nominated by the government from concerned ministries (not below the rank of Joint Secretary/Joint Chief). Eight highest level appropriate NGO representatives nominated by ADAB including its chairman and executive director. The government would appoint the Chairman of the GNCC. The Director-General of the NGO affairs Bureau would be ex-officio member-secretary to this council. The remaining seven members would be co-opted: one representative from each of the Grameen Bank and Palli

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<sup>37</sup> World Bank, Pursuing Common Goals: Strengthening Relations between Government and Development NGOs in Bangladesh (Dhaka: University Press Limited, 1996), p. 36.

<sup>38</sup> Bangladesh Gazette, October 17, 1996.



Karma Sahayak Foundation (PKSF); One person with proven record of social service and four representatives of organizations not members of ADAB.<sup>39</sup>

The objectives of GNCC are to (a) provide a forum for dialogue between the government and NGO with a view to increasing understanding and cooperation in efforts to reduce poverty; (b) develop an improved policy and institutional environment for government-NGO collaboration; (c) formulate modalities for greater involvement of NGOs in the design and implementation of the government's development projects; and (d) improve the regulatory system governing NGOs and to streamline administrative procedures.

Meetings of the GNCC: The GNCC meet at least four times in a year with provision for special meeting to be called by the chairman, if necessary in consultation with other members. The quorum for the meeting is to be fulfilled by the presence of nine members. Since the Council is an advisory body to government, decisions are generally made by consensus. At least one major issue at each meeting with a background paper, including draft recommendations/proposals for action to be circulated prior to the meeting. In this purpose a small secretarial cell works to assist the council in its function. It is located in the office of the member-secretary of the GNCC. The Council could help ensure that the trends in the government-NGO relations remain positive. It could also serve as an arbiter in resolving conflicts, which might arise out of participatory relationships.

From the foregoing discussion it appears that NGOAB and ADAB play the crucial responsibilities to enhance partnership between the government and NGOs. NGOAB needs to shift from a micro-managing mode to a strategic planning mode encompassing supportive role and ADAB needs to ensure more providing services to the deprived poor people in the rural areas instead of growing commercial mode by its members. The GNCC reflects the interaction and strained relations between government and NGOs. Its existence and activities bear the political significance between the government-NGO's decision making and implementation process. The implementations of some development projects are evident of this.

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<sup>39</sup> Ibid.,

Table 2 highlights the name & status of GNCC Members as of June 2001. The tenth meeting<sup>40</sup> of GNCC that held on 27 September 2000 discussed the issue of 'Rehabilitation of Slum Dwellers'. Mrs. Khushi Kabir, Chairperson, ADAB and Mr. Mahbubul Karim, senior Vice President, Proshika presented a paper on the problems of rehabilitation of slum dwellers with some specific recommendations. The GNCC in its tenth meeting took the decisions as follows<sup>41</sup>:

- (a) to expedite the process of enactment of the Act on Disabled recently passed in the Jatiya Sangsad;
- (b) to introduce a training module on Coordination between UP Chairman and members and the local NGO personnel in the comprehensive training program conducted by the National Institute for Local government (NILG);

Table 2

Government –NGO Consultative Council (GNCC) consists of following members:

Sl. No.	Name & Designation	Status in GNCC
1.	Mr. Golam Rahman, Secretary to the Prime Minister	Chairperson (Govt.)
2.	S.M. Zafarullah, Director General, NGO Affairs Bureau	Member-Secretary (Govt.)
3.	Mr. Md. Saifuzzaman, DG, department of Social Welfare	Member (Govt.)
4.	Mr. m. Bazlur Rashid Khan, Joint Secretary, Mass Education	Member (Govt.)
5.	Mr.Md.Atiqul Islam Chowdhury Joint Secretary, Environ & Forest	Member (Govt.)
6.	Ms. Deena Huq, Joint Secretary, Women & Children Affairs	Member (Govt.)
7.	Mr. M.A. Muktadir Mazumder. Joint Chief, Health & F.Planning	Member (Govt.)

<sup>40</sup> The tenth meeting of the GNCC was held on 27 September 2000 at 10 am in the Prime Minister's Office with Ms. Zakia Akhter Chowdhury, Secretary to the Prime Minister, in the chair.

<sup>41</sup> Sec. Minutes of the Tenth Meeting of the Government-NGO Consultative Council (GNCC).

Sl. No.	Name & Designation	Status in GNCC
8.	Dr. M.A. Kamal, Joint Secretary, ERD, Ministry of Finance	Member (Govt.)
9.	Ms. Khushi Kabir, Chairperson, ADAB & Coordinator	Member (NGO)
10.	Mr. Omar Faroque Chowdhury, Executive director, CDS	Member (NGO)
11.	Ms. Sultana Kamal, Board Member, Nijera Kori	Member (NGO)
12.	Dr. Salehuddin Ahmed, Deputy Executive Director, BRAC	Member (NGO)
13.	Mr. Mahbulul Karim, Senior Vice-President, Proshika	Member (NGO)
14.	Mr. Abdul Kader, Executive director, Samata	Member (NGO)
15.	Ms. Aroma Dutta, Executive Director, PRIP Trust	Member (NGO)
16.	Dr. M. A. Hakim, General Manager, PKSF	Member (Govt.)
17.	Mr. Dipal Chandra Barua, Gen. Manager, Grameen Bank	Member (Govt.)
18.	Dr. Nasir Uddin, Executive Director, VHSS	Member (NGO)
19.	Mr. Shafiqul Haq Chowdhury, Managing Director, ASA	Member (NGO)
20.	Mr. Shamsul Huda, director, ADAB	Member (NGO)
21.	Mr. Khandaker Jahurul Alam, President, NFOWD	Member (NGO)
22.	Mr. Mustafa Monwar, Chairman, Jana Bibhab Unnayan Kendra	Member (NGO)
23.	Dr. Naila Zaman Khan, Professor, Shishu Bikash Kendra	Member (NGO)

Source: NGO Affairs Bureau

(c) to organize a Roundtable discussion to disseminate the recommendations of the GNCC on reaching the poorest; (d) to organize a national level workshop on GO-NGO collaboration and for this purpose, a five-member sub-committee headed by DG, NGO Affairs Bureau including three members from NGOs, was



formed; (e) A Task Force headed by the Chairperson of ADAB was comprised with representation from NGOs to prepare a proposal, for rehabilitation of the slum dwellers, that to be submitted to the Slum Removal and Rehabilitation Committee (SRRC) through DG, NGO Affairs Bureau. It may be observed in table 2 that out of 23 members of GNCC 13 comes from NGOs, which tend to constrain on government in the form of majority, though decisions are taken on the basis of consensus.

**Palli Karma Shahayak Foundation (PKSF):**

The recent emergence of PKSF represents the outcome of a spirited debate within government of the most acceptable ways of tackling poverty and of providing financial support to NGOs. Following the widespread criticism of the government in 1988 over its restriction of NGOs, the planning commission, with World Bank support, proposed the establishment of an independent Foundation. The function of this foundation would be to act as a channel for the World Bank to directly finance worthwhile micro-credit based, employment creation projects proposed by either GO or NGOs.<sup>42</sup>

The Foundation was created on the initiative of the World Bank, which provided IDA loan to fund the project<sup>43</sup>. In 1995 the WB has undertaken a study on the State-NGO relationship in Bangladesh. Aim of this study is to bring about a shift in the role of the state from that of monitoring and control of NGO activities to wider policy formulation. The increased recognition of the NGOs as representatives of civil society is reflected in the world Bank's circulation of the draft country economic memorandum to the NGOs for comments. Earlier this exercise was restricted to the government only. In early 1995 the WB created a NGO advisory committee consisting of leading NGO personalities like Fazle Hasan Abed of BRAC, Kazi Faruq Ahmed of Proshika Manobik Unnayan Kendra, Kushi Kabir, (current chair person of ADAB) of Nijera Kari, and Dr. Zafarullah Chowdhury of Ganashasthya Kendra.

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<sup>42</sup> PKSF Board members consist of Professor Wahiduddin Mahmud, (Chairman) Janab Salauddin Ahmed (M.D), Muhammad Yunus, Janab Iqbal Mahmud, Begum Tahrunnesa Abdulla, Janab Abdul Mueyed Chowdhury.

<sup>43</sup> ADB. 1992. *op. cit.*, p. 4.; Tasneem Siddiqui, "Interactions Between International Financial Institutions and the Non-governmental Organizations in Bangladesh" in Abul Kalam (ed.), Bangladesh: Internal Dynamics and External Linkages, (Dhaka: University Press Limited, 1996), p. 119.

Asian Development Bank (ADB) is also playing a crucial role in influencing the government of Bangladesh to provide a wider space for the NGOs in its overall development projects. In 1989 ADB commissioned a study on NGO in Bangladesh, as apart of a seven-country exercise. A follow-up study was undertaken by ADB in 1992 to assess the role and impact of NGOs in Bangladesh. The study identified 23 NGOs who 'by virtue of their size, experience, competence and attitude have the potential to collaborate' in Bank financed future projects. Since ADB cannot fund the NGOs directly, the study suggested the Bank to enter into a policy dialogue with the government of Bangladesh to create the working modality of such collaboration. In order to facilitate wider participation of NGOs in development the study felt that both government and NGOs institutions involved in the process should be strengthened their efforts in the years to come. The study proposed a project entitled 'Institutional strengthening for Government-NGO Cooperation, Technical Assistance Project'. The Project was designed to achieve an improved policy and institutional environment for government-NGO collaboration. To expedite the joint venture, the project took the measures of (a) establishing effective mechanism for government-NGO cooperation; (b) strengthening the NGO Affairs Bureau and (c) providing training assistance to NGOs.<sup>44</sup>

In 1969 MacNamara assumed the presidency of the World Bank. In his formal addresses he began to warn the global community that failure to confront poverty, unemployment and hunger in the then UDCs could trigger off social rebellion. To offset this he advocated the need for unpopular but necessary social reform. A new WB strategy was drawn where attainment of economic growth still continued to be the major priority, but programs were designed to eradicate poverty<sup>45</sup>. Overseas development aid remained the main vehicle of overseas resource transfer with the state being the sole recipient.

Programs such as poverty alleviation, increasing the productivity of small farmer, population control, health, women's development which were directed towards the rural poor, began to be taken up by the other organizations such as NGOs. Thus gradually, over the years, WB officially endorsed NGOs as potentially more effective channel through

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<sup>44</sup> ADB, "Institutional Strengthening of Government-NGO Cooperation, Technical Assistance Project", *Draft Inception Report*, (Dhaka, June 1995), p.4.

<sup>45</sup> MacNamara, R S, *The MacNamara Years at the World Bank*, (World Bank, Washington DC, 1981).

which poverty oriented development programs could be operated. The Bank preferred the external resources to be routed to the rural poor bypassing the state bureaucracy.

Now a days in the World Bank literature, NGOs have been treated as the third sector of development as well as new agents with a capacity and commitment to make up for the short comings of the governments in reducing poverty. After Preston became the president of the WB, a new handbook containing the agenda of his time stated that 'NGOs can provide an important resource to help improve the quality of poor people's lives. Because of their on the ground presence and first hand knowledge of the need and interest of the poor. NGOs often provide a critical link between official planners and project beneficiaries. They repeatedly have shown their programs can reach the poor, effectively, while the public sector managed programs fail to do so.'<sup>46</sup>

NGO's participation in the WB financed projects was very limited since 1973. The rate of such participation with the Bank's projects as well as with the government of Bangladesh was gradually increasing. In alignment with this mode of action the WB-NGO coordination committee was formed in 1982 to act as the formal forum to deal with the NGOs. Since 1983 it has published yearly progress report on NGOs entitled Cooperation between WB and the NGOs. In August 1988 the Bank issued policy guidelines which elaborated various possible channels through which Bank staff are encouraged to develop constructive working relationship amongst governments, donors and NGOs. Here it may be mentioned that the WB does not have any mechanism to fund NGOs directly. The NGOs are funded only through the national governments. Policy guidelines showed how Bank staff could encourage national governments to consider structured NGO participation In Bank-aided projects in different sectors of development. According to guidelines of WB's staff duty to advise the interested governments for providing NGOs with more supportive political environment and less regulative framework. It is not only those specific areas have also been identified where NGOs can participate in Bank-financed projects. These include environment, rural development, food security, women in development, small-scale enterprise development, appropriate technology, low-cost housing, education, vocational management training, family planning, health, nutrition

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<sup>46</sup> World Bank, Poverty Reduction Hnadbook and operational Directive, World Bank, (Washington DC May, 1992), pp. 5-18.



and fisheries and forestry.<sup>47</sup> In addition, disaster relief and reconstruction projects after disaster have also been areas where such cooperation is reflected as fruitful. This operation could take place mainly at six stages: (1) analysis of development policy issues and discussions; (2) project identification, (3) project designing; (4) project financing, (5) project implementation and (6) monitoring and evaluation of project impacts.

In order to facilitate NGO involvement the Bank bi-annually publishes the list of WB financed projects with potential for NGO involvement. The list of 1991 included 250 upcoming Bank projects. At present WB does not only maintain a department especially responsible for NGOs in its head office but also a particular cell function in each country including Dhaka. Thus all these initiatives have contributed to an over all increase in interaction between NGOs and the Bank. In the same way it takes place between NGOs and the recipient governments. This is evident from the fact that 217 projects approved by the Bank in 1990, 50 involved NGOs. In 1994, 50 percent of the projects approved by the Bank's board had underlined provisions for NGO participation.

The trend of bringing in NGO experience in ADB supported projects also started gain currency from the late eighties. In July 1987 the Director of ADB approved a policy paper calling for ADB cooperation with the NGO especially assisting the poor and disadvantaged the groups in meeting their basic needs.<sup>48</sup> Accordingly ADB undertook a series of studies on seven developing countries entitled Cooperation with NGOs in Agriculture and Rural Development. The study explored ways and identified opportunities for ADB cooperation with the NGOs. Among other things the study also prepared lists of major NGOs of the respective countries who could participate in ADB financed projects. So the potentialities of NGOs are not only realized by ADB in Bangladesh but the same case also for other developing countries.

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<sup>47</sup> World Bank, 'Collaboration with Non-governmental Organizations, Operation Manual Statement' (Washington DC, August 1989).

<sup>48</sup> Kortzen D C, " The Role of Non-governmental Organizations in Development: Changing Patterns and perspectives" in Paul and Israel (eds.) Non-governmental Organizations and the World Bank, Cooperation for Development, (Washington: World Bank, 1991), p. 96.

### **NGO's Interest: Participation in Donor's Funded projects**

It has become evident that most of the NGOs are favourably disposed towards a developing collaborative as well as participatory relationship with the government in donor funded projects ranging from designing to implementation. They have assigned several reasons in favour of their statements. Firstly, since 1978 the government with a view to controlling and confining the NGOs has amended various rules and regulations. These made NGO operations quite difficult. According to these regulations NGOs had to apply to different agencies for registration, approval and permission. Bulky bureaucratic procedures required by the government not only increased paper work for the NGOs but also resulted in loss of substantial funds due to delayed and non-approval of projects. Along with NGO pressure, it was on the insistence of major donors, including the IFIs that the government of Bangladesh created the NGO Affairs Bureau, which to a great extent decreased bureaucratic, red-tapism. NGOs also deeply felt that they needed donor support in establishing a favourable public policy framework for the NGOs accommodation in the national consequences.

Secondly, the NGOs now firmly believe that over the last three decades through their grass root level activities they have gained enough experience to contribute in the national policy formulation. In order to influence state policies in favour of the poor a great deal of advocacy work is essential. The scope for such advocacy work is enhanced through greater interaction both with the government as well as with the donors, including the IFIs the WB and ADB in Bangladesh. NGOs are more interested in collaborating at project designing and materialization stages as well. That way they believe that they can effectively make the projects more pro-people in the development areas.

Thirdly, NGOs like BRAC, Proshika, ASA and GSS have over the years built up their institutional capability to handle large-scale development programs.<sup>49</sup> Gradually with the increase in their areas of operation bilateral donors move in. But some of the NGOs have become so big that they require large scale funding. For example, BRAC alone runs more than 35000 non-formal primary education schools all over Bangladesh. To finance such a huge operation, it is obvious that BRAC has to seek multilateral donors' assistance.

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<sup>49</sup> BRAC has built its magnificent complex with high rise building at Mohakhali commercial area, Grameen Bank and Proshika at Mirpur, ASA at Shamoly, GSS at Savar, Dhaka each of the big NGOs is now established and well equipped on its organizational strength.

Therefore large NGOs have a stake in building rapport with the donors, WB, ADB as well as the government to access a larger pool of funds for operating their on going programs<sup>50</sup>.

Fourthly, the Bangladesh NGOs would like to see themselves as autonomous private sector organizations. The NGOs want the government to allow them to function under a policy of self-regulation. ADAB prefers to play its role like FBCCI, Bangladesh Medical Association and others.<sup>51</sup> In this respect as well NGOs find donors and IFIs as important ally to influence the government. Thus, NGOs in Bangladesh are gradually developing a close relationship with donors led by WB and ADB for greater access to a large scale funding and lobbying with the government for making the better public policy in favour of their more participation in development work. However it is true that both WB and ADB have helped NGOs gain their legitimacy, with viability and strongly provided them support to share with the government. NGOs could have developed better relationship with other segments of civil society and try to move government in their interest. But they did not do so. They remained alienated from other section of the civil society and increased their dependency on donors by relying on them even for influencing the government. Recently donors led by IFIs increasingly tilted towards NGOs.

#### **The Drugs (Control) Ordinance 1982**

This ordinance absolutely divided the 4200 drug products produced or sold in Bangladesh into three categories. The first category consisted of 305 drugs deemed positively harmful. These drugs were to cease by September 1982. The second category consisted of 1268 drugs designated useless and these products were to stop in six months. 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. In total, 1700 products were banned. This policy was secretly formulated by a small group of Bangladeshi doctors and health specialists. The key members of this group were national Professor Dr. Nurul Islam, Dr. Zafrullah Chowdhury, founder of the Gonoshasthaya Kendra and Dr. A.K. Humayun Hye, the chairman of the Drug Control Committee. This very group had worked closely with Major General Shamsul Huq, Ershad's Chief advisor on health, during the liberation war and had remained close. They convinced H.M.Ershad that

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<sup>50</sup> Interview with Fazle Hassan Abed, BRAC on 14 June 2001.

<sup>51</sup> Interview with Khushi Kabir, Chairperson ADAB on 2 June 2001.



adopting the WHO essential drug scheme would guarantee the availability of modern drugs at chief prices for the poor and win him international acclaim as a progressive statesman. Dr. Zafrullah Chowdhury, Managing director of Gonoshasthaya Pharmaceuticals Limited (GPL), supported by a non-governmental organization based in Netherland, played a crucial role in making this drug policy.

The key opponents were the doctors, the chemists, the industry and the urban middle class. The major supporters were the local NGOs, health activists, consumer groups and the smaller local companies. The drug industry argued that the policy denied the patient's basic right to choose medicine prescribed by his doctor. It also denied the doctor's right to prescribe appropriate medication. The doctors were opposed to any government interference in their professional right to prescribe appropriate treatment. The chemists feared that they would be forced out of business. The middle class thought they would all die due to lack of appropriate drugs. Each group of opponents was virtually failed in building a united coalition under martial law. So the open debate was conducted primarily through the press in the form of articles, editorials, letters and the paid advertisements. These advertisements characterized the policy as a neo-colonial plot hatched by GPL, Oxfam, foreign NGOs, the Christian churches and Bangladesh Aushad Shilpa Samiti (BASS).

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 met individually with Ershad to urge greater consultation with the industry on the issue. They argued the industry case that the lack of prior consultation was a mistake and the drug policy violated contractual arrangements between the governments and the companies. Unless changes were made, there would be massive retrenchment and plant closures. Jane Coon, the US ambassador, called on Ershad and did not leave until he had agreed to set up a review committee on the legislation.<sup>52</sup>

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<sup>52</sup> Stanley A Kochanek, *Patron-Client Politics and Business in Bangladesh* (Dhaka: University Press Limited, 1993), p. 303.

The combined pressures of the public outcry, donor insistence and industry predictions of dire consequences forced Ershad to appoint a special review committee of six military doctors to study the ordinance. The review committee with expert advice reported on 12 August 1982. But its recommendations were not made public. As a result of review committee, of course, some changes were made increasing the list of drugs that could be produced. Thus, despite the pressure, Ershad stood firm. In a certain stage, foreign multinationals estimated that the new drug policy would reduce their sales in Bangladesh by 20 to 60 percent. They threatened to simply close their doors and leave the country. In fact, the single impact of the drug policy was to increase the market share of local companies. The sales of pharmaceuticals in Bangladesh increased from US \$70 million in 1982 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 1988.

### **The Drug Policy: Its Second Wave**

The collapse of outright opposition to the policy was demonstrated in 1986 when the Bangladesh Jatiya Sangsad transformed the Drug (Control) Ordinance, 1982 into law. The industry reflected by BASS openly supported the change and publicly urged legislators to support it. This public support by BASS reflected the decline of power of the multinationals in the organization and intense government pressure on the industry to support the legislation. But in the late eighties, The drug Control Committee began to expand the list of essential drugs. This flexibility of increasing the number of drugs against the rigidity of the policy caused the reformers worried and led them to a new dramatic clash over the issue. The Drug Administration had approved a series of new additions to the essential drug list. Pressures for change occurred as members of the Bangladesh urban elite could not understand why products widely available elsewhere in the world were not obtainable in Bangladesh. This attitude reinforced pressures from doctors and the drug industry for greater flexibility in expanding the size of the list.

In May 1987 Dr. Zafarullah Chowdhury convinced Ershad to order a thorough review. He succeeded in removing the health secretary, who had begun to talk about the need for change. On 10 May 1987, the government of Bangladesh reconstituted Drug Control Committee including Dr. Zafarullah as member who played a major role behind the scene. However, the essential drug debate in Bangladesh is a revealing case study of a new pattern of interest-group activity and global political economy. It pits the

multinationals against the new force of international NGOs. It also focused that the decision-making process was highly centralized with little real consultation. As a result, the policies faced enormous resistance at the implementation stage.

#### Micro-credit Program:

The Fourth Five-Year Plan (1990-1995) recognized that the poor are assets rather than liabilities. They can substantially contribute to the growth process if ensured access to vital inputs like credit. As such, there is a strong necessity for implementing the microcredit concept. The importance of micro lending has now been recognized world wide leading to world Microcredit Summit in Washington in February 1997. The declaration of the summit called for the creation of an institutional capacity to reach the very poor in the developing countries. The Summit estimated that 21.6 billion dollars would be required to meet the needs of the poor all over the world upto the year 2005. Microcredit is a major means of financing private sector investment in the rural areas in Bangladesh. Government institutions such as BRDB, Grameen Bank and several leading NGOs such as BRAC, Proshika, ASA and MIDAS are involved in this process<sup>53</sup>. The recovery rate for institutions such as GB and BRAC is commendable. However, the impact of these organizations on the economy as a whole is limited. Table 3 indicates the probable source of NGO funding and their strength of donors as follows:

**Table 3**  
**Source of NGO Financing**

Sl. No.	Internal source	External Local GOB	Source Foreign through ERD
1.	Fees Collected from members	Direct allocation	Bilateral and multilateral agencies
2.	Service charges	project partnership sub-contracts	Through NGOAB Bi-lateral agencies
3.	Sale of publications	PKSF to small NGOs	International NGOs
4.	Transfer from commercial ventures	Private Donations from public and business group	Foreign private donations

<sup>53</sup> The Fifth Five-Year Plan 1997-2000, p.124.



Sl. No.	Internal source	External Source	
		Local GOB	Foreign through ERD
5.	Other earnings from investments & endowments funds	Credit Borrowing from Banks/ Bank funds on interest	Others Offshore NGO funding for training, contract research
6.	Donations		Embassy discretionary funds

Source: World Bank, Pursuing Common Goals: Strengthening Relations between Government and Development NGOs in Bangladesh (Dhaka: University Press Limited, 1996), chapter 5. p. 42.

### NGOs participation at Project Level

Growing constraints for collaboration and participation in development projects between government and NGOs could be classified as (a) sub-contract (b) joint implementation and (c) government as co-financier of NGO projects. Let's go through some projects.

### General Education Project

The persistent government of Bangladesh undertook the policy of 'Education for All by the End of This Century' and the present government has extended it upto 2006. The government's priority on education has led it to formulate the General education project. WB and ADB along with the DGIS, Netherlands and SIDA are the co-financiers of this largest education program so far launched in Bangladesh. The total budget of the project is US\$ 326m.<sup>54</sup> The non-formal primary education component of the project is being implemented by the NGO sector. ADB funds the non-formal primary education for the Chittagong Division and Swedish International Development Agency (SIDA) and DGIS Netherlands fund for the rest of the country. The project has two main objectives: (a) to reach the marginal children and (b) to provide literacy and income generating skills jointly to the intended beneficiaries. This project is under operation from 1988-89. Altogether 13 NGOs are participating in the project including BRAC, RDRS, Swanirvar Bangladesh, FIVDB.

In the Non-formal Primary Education (NFPE) project, there was very little scope of NGO participation in project designing. But the World Bank has made a major breakthrough in encouraging the government of Bangladesh for formal collaboration with NGOs. This

<sup>54</sup> Tasneem Siddiqui, op. cit., p. 125.

was possible because during the project preparation phase government did not have any experience for reaching marginal children through non-formal primary education. At this point government had to share NGO experience in the implementation process. Even then it was quite difficult to convince government about the benefit of involving NGOs in NPEP. One of the major difficulties of NGOs who are involved in this project such as BRAC, GSS and FIVDB is that their innovative capability has been compromised to an extent since they had to implement a pre-planned program.

### **Primary Health:**

Although Bangladesh can legitimately claim credit for creating a vast rural health infrastructure, the services are generally of poor quality. The public sector network comprises 360 Thana Health Complexes (THCs) and 3,400 Union Sub-Centers. Theoretically providing primary health care facilities at the Thana, union and village levels. These THCs are indeed staffed by a large number of doctors and other support staff. But very few patients seek treatment in the government clinics and those who receive a woefully inadequate service. On the other hand, the BRAC, one of the largest NGOs extending curative as well as preventive health care has achieved considerable success. BRAC, starting in 1972 with primary health care as its main concern, has gradually extended its services and developed a comprehensive Health and Population Program (HPP). It offers women and children in integrated package of health services-maternal care, family planning services, immunization, and health and nutrition education. These services are available in satellite clinics and BRAC's own antenatal care centers through community based health workers<sup>55</sup>.

The lack of public confidence in government health facilities is evidenced by the fact that only 15 percent of people suffering from any illness visit these clinics. Public discontent with the government health services is encapsulated by the complaint that "one goes to government clinics to die, not for cure". BRAC's success is evident from the relatively high visit rates at its clinics. For instance, the coverage for pregnancies is 73 percent in the areas served by BRAC, compared to 32 percent for government health centers.

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<sup>55</sup> World Bank, *Government that works in Bangladesh: Reforming the Public Sector* (Dhaka: UPL, 1996) pp.35-39.

Now the question is, why do government health services perform so poorly? Answer to this question is that there is a lack of staff motivation beginning at appointment. Physicians are recruited through the Public Service Commission (PSC) and posted to a destination not necessarily of their choice. As a result, these doctors have little knowledge of their area of operation, leading to poor moral and low commitment to assigned duties. BRAC's operations are very different. Its health workers are recruited for specific locations and have clearly defined duties and responsibilities. They also receive training and promotion according to their performance rather than their length of service.

Secondly, BRAC has the necessary monitoring measures to maintain performance standards. BRAC's experience in providing door to door health services through village health workers has paved the way for public confidence in its delivery mechanisms. The organization has attained universal recognition for spreading the ORT (Oral Rehydration Therapy), message to every home in the country, and broke the gender barriers by using female extension workers for this purpose. However, BRAC's HPP covers only 20 percent of Bangladesh's villages and provides only selected services. It cannot yet be regarded as a perfect substitute for government-provided services. Even so, BRAC's success proves that health care can be successfully delivered through NGOs. There is similar evidence from other countries. In Thailand, for example, community oriented primary groups, known as Local Health Cooperatives, provide services, releasing the government from this responsibility.

#### **Family Planning:**

Due to liberal policy of the government the number of NGOs steadily increased. More than 200 NGOs participated in the population activities during the Fourth Five-Year Plan (1990-1995) period. A large number of them were the beneficiaries of larger NGOs like (a) Path Finder Fund, (b) Family Planning Service and Training Center (FPSTC), (c) Swanirvar Programme Family Planning Management Development (FPMD) and Bangladesh Family Planning Management Development (BFPMD). Several studies show that the areas, where both the GO-NGOs are operating, have higher contraceptive prevalent Rate (CPR) and lower fertility rate compared to the areas where the government operated alone. During the Fourth Five-Year Plan NGOs played a vital role in raising CPR and reducing fertility. It is widely believed that in the reduction of societal fertility to the present level of 3.4 and raising CPR upto 48 percent NGOs made a significant



contribution.<sup>56</sup> In the Fifth Five-Year Plan (1997-2002) NGOs have been encouraged to play a larger role and ensure their presence in almost all the Upazillas. The share of NGOs' contribution to the recruitment of total contraceptive users in the current Five-Year Plan (1997-2002) has been projected to progressively increase as follows:

Table 4  
GO-NGOs' contribution to CPR in percentage (1996-2002)

	1996	1997	1998	1999	2000	2001	2002
		7					
GO	80	78	75	72	69	66	63
NGO	20	22	25	28	31	34	37
Total	100	100	100	100	100	100	100

Source: Fifth Five-Year Plan 1997-2002, p. 473.

Table 4 shows the percentage share of projected GO-NGOs' contribution to CPR during 1996-2002. It is clearly vivid that the NGOs' contribution in increasing the rate of CPR to be achieved from 20 percent in 1966 to 37 percent in 2002 and the government's contribution to the CPR is gradually decreasing from 80 percent in 1996 to 63 percent in 2003. It indicates the increasing role of NGOs in demographic sector in the years ahead.

### Primary Education

The government is the major provider of primary education. In 2000, there are nearly 80,000 primary schools in Bangladesh of which 37,170 are government, 19,683 are registered, 5771 are unregistered, and 1363 are high school affiliated primary schools. 9560 are community schools and more than hundred thousand NGO run NFPE primary schools. BRAC alone runs more than 35,000 NFPE schools enrolling more than 1.2 million students and spends more than 100 core for the program. ADB's Impact studies show that most government primary schools offer poor quality education when measured either by what is provided such as curriculum taught, textbooks and teacher/student ratio. In 1991, for example, the dropout rate from government primary school was 60 percent while the repeater's rate was 23.4 percent of total students. A five-year cycle in a government primary school takes on average 7 years to complete. In contrast, the BRAC

<sup>56</sup> The Fifth Five Year Plan 1997-2002, Planning Commission, government of the People's Republic of Bangladesh.

schools have performed appreciably better. Their drop out rate for the three-year program is only around 2 percent, and though no firm data are available, the repeater rate is also believed to be significantly lower.

Compared with the government schools, the NGO schools tend to offer more flexible timings to suit learners. They have smaller class sizes and are located closer to homes. They also use methods and materials, which are better, suited to some of the needs and interest of the learners. There is much greater community involvement, creation of effective demand through social mobilization, decentralized and flexible.

In contrast, the government schools are excessively centralized. Many of the present problems of government-run primary can be traced back to the nationalization of primary schools in 1973. The regime brought 36,165 schools under the control of monolithic centralized bureaucracy with a complex, multi-layered and flexible system of management. The disconnection between the management of schools and the communities, which they served, resulted in sharp deterioration in service standards. In fact communities in this situation felt alienated. Some attempts are now being made to improve the system by delegating some powers and responsibilities, improving teacher training and allowing communities more opportunities for participation. NGOs think the ultimate solution would be to hand the responsibility over to local government, or contract to NGOs or private sector<sup>57</sup>. But we would hardly agree to this view.

#### **Water and Sanitation (WATSAN): GOB-NGO Cooperation**

GOB-NGO collaboration in this area is an example of how local and foreign NGOs have helped the poor improve their access to water and sanitation. In 1980-81 sanitation coverage was about 2 percent. NGO intervention in the WATSAN sector was unsatisfactory. But motivated by the zeal of the International Decade for Water and Sanitation, NGOs were by 1990-91 able to increase the percentage to 16 percent and presently it stands 35 percent. Tubewell coverage has similarly increased over the past Decade. Now, 96 percent of the population use tube-wells for drinking water. During the last decades the NGOs under the aegis of an apex body, the NGO Forum, have made significant progress in extending safe, water, and sanitation to 8.5 million people in rural

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<sup>57</sup> Interview with Fazle Hassan Abed, BRAC on 2 June 2001.

Bangladesh. They have installed as many as 100,000 tube-wells in remote rural and peri-urban areas and set up two million latrines in rural areas largely, without financial or institutional support from the government.

Recognizing the contribution, the government asked them to implement the Prime Minister's target for sanitation coverage of 50 percent by 1996. GOB provided them with Tk. 400 million for this purpose. This involved distributing and installing an additional two million latrines in six months compared to the Department of Public Health and Engineering's capacity of about 100,000 a year. Not only did the NGOs agree to make the tremendous contribution, but they also brought about a policy change. Under the GOB's own program, beneficiaries were provided latrines at a subsidized rate of Tk.400, involving a subsidy of about Tk. 250. The NGOs, however, charged a full price of about Tk. 600, refusing to charge the subsidized price. The NGOs viewed the subsidy as unnecessary for this purpose.

#### **Infrastructure Development Projects:**

NGOs are also getting involved in infrastructure development projects financed by IFIs. The Jamuna Bridge Project (JBP) was one of the largest among such projects. IDA, ADB, WB, JAPAN and GOB funded the JBP and total cost of the project was US\$ 669m<sup>58</sup>. In the process of implementing the project as many as 77280 people had been affected. A few aspects of the two components were sub-contracted to the NGOs. BRAC was contracted to do a survey of the affected households. The group formation component of the resettlement program had also been contracted out to NGOs, which handled US\$ 10m. It may be mentioned here that NGOs did not provide any input in the project designing and preparation phase. Christian Commission for Development, Bangladesh (CCDB), another national NGO, was also involved in an infrastructure development project under WB, entitled Road Rehabilitation and maintenance project. The total cost of the project was US\$267m. CCDB handled US\$ .25m of the total cost. The project started in 1994 and continued for five years. CCDB, conducting a survey of the households assisted GOB in disbursing the compensation money among the evicted people. It, of course, immensely helped the affected people of the riverside and of the land acquisition area to resettle their homesteads informally.

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<sup>58</sup> World Bank, 'Staff Appraisal Report: Bangladesh Jamuna Multipurpose Bridge Project' (Washington: 1994).



#### **Fourth Population and Health Project:**

The Fourth Population and Health Project was a five-year project (1995-2000) duly approved by the government. This inter-sectoral project had more than 66 sub-components and the total cost of the project was US\$ 600m. 30 percent of the total cost was financed by IDA, 27 percent by the government of Bangladesh and 43 percent by 11 co-financiers.<sup>59</sup> The World Bank was, covert and overt, acting as the leader of the financing consortium. NGOs were involved in two components. Swanirvar Bangladesh was involved in the community participation component. Forty-six other NGOs were involved in NGO support component through the Bangladesh Population and Health consortium (BPHC). A total sum of \$50m was spent on NGO components. The major aim of this project was to promote the supply and delivery of contraceptives, increasing the contraceptive prevalence from 33 percent to 50 percent. The aim of the NGO support component was to provide funding and technical assistance to the local NGOs in the health and family planning programs. In this project although NGOs were represented in the steering committee for project preparation, their involvement in project implementation was very much accelerated towards service delivery.

#### **From Flood Action Plan (FAP) to National Water Plan (NWP)**

The Flood Action Plan (FAP) was originated out of concerns about two successive devastating floods, which occurred in Bangladesh in 1987 and 1988 respectively. Both floods were amongst the worst of the last century and inundated up to two thirds of the entire country. The 1988 floods inundated the Dhaka City including the diplomatic enclave of Gulshan and Baridhara. It drew unprecedented international media attention. The arrival of the wife of President Mitterand of France at the same time combined the international media presence caused an unprecedented international support and coverage for the flood victims in Bangladesh. In order to solve the flood problem, France, UNDP and Government of Bangladesh jointly designed the FAP, which consisted of a purely structural approach to embank both sides of the major rivers as they entered Bangladesh until they reached the Bay of Bengal. The Plan was estimated to cost US\$ 10 billion. On the other hand, the World Bank suggested that structural solutions to the flood problem

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<sup>59</sup> *Ibid.*, p. 126

i.e., construction of embankments at the lower end of the major rivers are unlikely to work and therefore, non-structural methods should be adopted.<sup>60</sup>

In December 1989 a conference was held consisting of France delegation, UNDP, GOB, WB and other donors on the proposed FAP in London. Dr. M. Matlubur Rahman<sup>61</sup>, in a meeting in Dhaka with some GO-NGO representatives explained quiet convincingly in a paper that despite decades of investments in flood protection embankments there was no increase in crop production associated with it. Rather, the major increase in crop production that had been achieved in Bangladesh had come from providing irrigation during the dry season to grow HYV Boro rice or wheat. Thus they concluded that if crop production or protection was the objective then investment in dry season irrigation (e.g. from groundwater) is a far more cost-effective investment than flood protection through embankments. The BARC report came out just as the government and donors were meeting in London. It seriously caused a sensation as some of the more critical donors referred to the BARC report to show that even Bangladesh's own government scientists had expressed doubts about FAP. This caused a major embarrassment for the Bangladesh government delegation led by the Prime Minister Kazi Zafar Ahmed. On his return, Kazi Zafar immediately caused the forced retirement of Dr. M.M. Rahman from BARC. Other scientists were also victimized at this.

The main concern of the NGO community was not only the environmental issue but also the lack of any say of the local people in developing or implementing the FAP plans. By 1992 the different groups of scientists, engineers, NGOs, journalists and concerned citizens had united together under a broad banner of "Anti-FAP Citizens' Group". They began to hold rallies, (while the WB President Lewis Preston visited Dhaka), meetings, press conference and lobby abroad in the donor countries. Over the next few years this broad anti-FAP coalition carried out an unprecedented advocacy campaign against one of the most prestigious and important projects of the government and donors and succeeded. The FAP was ultimately felt by the environmental scientists both at home and abroad to be environmentally unsound.

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<sup>60</sup> Saleemul Huq "NGOs' Advocacy Against the Structural Approach to Flood Control: The Case of the Flood Action Plan (FAP) in Bangladesh" in *Discourse, a journal of Policy Studies*, vol.1, No.1, summer 1997, PP. 75-87.

<sup>61</sup> Dr. M. M Rahman is a renowned agricultural scientist and senior executive vice-chairman of Bangladesh Agriculture Research Council (BARC),

Thus, in 1995 the Fourth FAP Conference came under tremendous strain of anti-FAP advocacy campaign led by NGOs community and the funders in a certain stage, dropped the word “FAP” and consequently formulated a “National Water Plan”. It would be environmentally and socially much more responsive. In addition, the anti-FAP groups would be invited to become partners to ensure that the future planning in the water sector would be for the benefit of both the environment and the people of Bangladesh. It is the first time in Bangladesh that the elements of civil society led by the NGOs were able to mount and sustain an advocacy campaign, in the face of tremendous odds, to a successful conclusion. The anti-FAP advocacy campaign therefore represents the best of the NGO community’s strengths at both the technical as well as popular level at moving public opinion at home and abroad. Besides this, the focus of the NGO operations can be seen in table 5, which lists NGO sector activities funded from external resources during 1990-91.

**Table-5**  
**Sector-wise Projects approved by NGOAB**

Sector	No. of Projects	Estimated cost ('000 Dollars)
Integrated Rural Development	82	69,000
Family Planning	47	6,000
Income Generation/Training	32	12,900
Women’s Development	34	5,000
Health	38	30,400
Education	47	8,300
Adult Education	07	1,500
Relief and Rehabilitation	24	8,200
Motivation	15	500
Agriculture	10	2,400
Fisheries	05	1,700
Legal Aid	10	500
Rehabilitation & Blind	14	7,800



Sector	No. of Projects	Estimated cost ('000 Dollars)
Child Development	11	2,100
Children home Orphanage	11	2,300
Environment and Forest	07	130
Public Health	05	4,600

Source: ADB, An Assessment of the Role & Impact of NGOs In Bangladesh (Australia: IDSS pvt.ltd. 1992), p.8.

The table 6 shows the increasing trend of flow of foreign fund received by the NGOs in Bangladesh in the last decade. It also delineates the number of projects approved by the NGO affairs Bureau.

Table 6  
Flow of Foreign Grant Fund through NGOs in Bangladesh (1991-2000)

Year	Number of approved Projects	Amount of Fund released ('000 Dollars)
1991	464	106,602
1992	549	121,638
1993	626	195,705
1994	581	171,009
1995	579	209,504
1996	702	259301
1997	746	250,142
1998	705	206,866
1999	1045	273,500
2000	776	182,350

Source. NGO Affairs Bureau.

Table 7 presents the GO-NGO collaborative projects implemented in the last decades in Bangladesh.

**Table 7**  
**List of selected GO-NGO Collaborative Projects**

Name of the Projects	Collaborative Agencies G O B	Collaborative Agencies NGO
A. Health & Family Planning 1. Expanded Program for Immunization (EPI)	Ministry of Health & Family Planning	Bangladesh Rural Advancement Committee (BRAC)
B. Education, Training & Research 2. Facilitation Assistance on Primary Education	Ministry of Education	BRAC
3. Non-formal Primary Education (NFPE)	Ministry of Education	BRAC
4. Apiculture Production Program	Bangladesh Agricultural Research Council (BARC)	Bangladesh Apiculture Institute (BAI)
5. Training and Resource Development	Bangladesh Rural Development Board (BRDB), Ministry of Health & Family Planning	Village Education Resource Centre (VERC)
6. Agriculture Research & Extension	BARC, BRRI, B. Ag. Univ. and BCSIR.	Mennonite Central Committee (MCC)
C. Employment Generation 7. Livestock Development Program	Ministry of Fisheries and Livestock	Proshika
8. Third Fisheries (Shrimp Culture) Project	Department of Fisheries, BWDB	CARITAS
9. Rural Maintenance Program	LGRD	CARE-Bangladesh
10. Income Generation for Vulnerable Group Development	Department of Relief and Rehabilitation	World Food Program, BRAC
11. Irrigation Equipment Scheme	BADC, Bangladesh Krishi Bank (BKB)	BRAC, Proshika
12. Poultry Program	Dept. of Livestock, Dept. of Relief and Rehabilitation	BRAC
13. Marginal and Small Farm System	Directorate of Agriculture	Rangpur-Dinajpur

Name of the Projects	Collaborative Agencies G O B	Collaborative Agencies NGO
Intensification Project	Extension	Rehabilitation Services (RDRS)
14. Post Drought Agricultural Rehabilitation program	Ministry of Agriculture	RDRS
D. Environment 15. Social Forestry Program	Forest Department	BRAC, Proshika

Source: Human Development in Bangladesh, UNDP, March 1992; ADB, An Assessment of Role and Impact of NGOs in Bangladesh (Australia: 1992), p. 6.

Table 7 indicates BRAC's collaboration, in the implementation of various development projects, is maximum than all other NGOs. BRAC is not only big in its size and employees but also more influential and well known at home and abroad. Moreover, many government officials including secretaries are directly or indirectly associated with NGOs like BRAC in varied forms (advisers, consultants and experts) and nurture to complete their missions. Some of them deserve to be mentioned such as Professor Jamilur Reza Chowdhury, computer engineer of BUET and ex-advisor of Caretaker-government, now is Vice Chancellor of BRAC University. M. Sayeeduzzaman CSP, ex-secretary and Finance Minister of Ershad government; Faroque Ahmed Chowdhury CSP, ex-Secretary of government and one time alternative President of Asian Development Bank (ADB); Abdul Mueyed Chowdhury CSP, ex-secretary of government and other like these renowned personalities are working as consultants to BRAC's Executive Director Fazle Hasan Abed.

But over the last three decades, the biggest NGO in Bangladesh BRAC was supposed to develop professional staffs, libraries and independent research capabilities.<sup>62</sup> Hiring retired government bureaucrats is not the answer to approach the problem (if any)<sup>63</sup>.

The primary responsibility must remain with the concerned organization. The donor community can make a very significant contribution in this area. They can provide

<sup>62</sup> To maintain its high standards, BRAC of course established a 'Research Evaluation Division' (RED) in 1975 together with a library.



overseas training programs, internships in abroad and modern office equipment. Associations like ADAB along with its partner organization in Bangladesh must develop a new generation of talent that is totally independent of the traditional civil service approach to problems. The most successful associations in Bangladesh have been those that have been able to recruit and train their own staff, not those that have dependent on retired civil servants. Question may be asked. Why could BRAC depend more on retired bureaucrats than its experienced staff for consultancy?

Since 1972 BRAC works to empower landless poor people and alleviate poverty through organizing them for education and training in the field of health, nutrition, family planning services and social development including income-generating activities. Over the years BRAC has grown into a multi-faceted organization with the ability to “scale up” programs to unprecedented levels of activities. BRAC now operates four commercial ventures like Arong shops, BRAC printers, Cold-storage facility, and a diary plant along with other income generating activities. In addition to these, the NGO has formally inaugurated its BRAC University located at Dhaka in the first week of June 2001. The very organization is going to open BRAC Bank with the paid up capital of taka fifty core very soon. BRAC employees are over 20,868 for full time and 33796 for part time making a total of 54614 staff.<sup>64</sup>

In the field of NGOs, Fazle Hasan Abed is not only a name but also an institute. In June 1994, the Senate of Queen’s University in Canada conferred an Honorary Degree of Doctor of Laws on F.H. Abed. The degree was conferred in recognition of ‘...his role in delivering exemplary and innovative health care to the poor, and a programme of human and purposeful learning to 650,000 landless children, primarily girls, in 21,500 villages – a programme which in 1994 will accomplish the training of 7,500 teachers for an additional 225,000 children... Through this honour, we salute the vision and leadership of the man, his herculean effort, the commitment of those who work with him, and the model they have together created for development in other nations that also seek a just and fulfilling life for their people.’<sup>65</sup>

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<sup>63</sup> Stanley A. Kochanek, *Patron-Client Politics and Business in Bangladesh* (Dhaka: University Press limited, 1993), pp. 343-346.

<sup>64</sup> BRAC *Annual Report* July 1999-June 2000.

Table 8

Apparent Effect of Group Pressures exerted by NGOs, civil society, donors, World Bank and ADB on GOB, in the form of demands/proposals for reforming the public Sector, are shown as below.

(1) Proposals Prompting Pressure	(2) pressure exerted by	(3) pressure point	(4) Position	(5) Responded/Action taken by GOB
1. Create one-stop Service for NGOs and simplify regulations	ADAB, donors led by WB	Executive	Favoured	Creation of NGO Affairs Bureau in 1990
2. Provide soft-term loan to the rural poor through the NGOs	ADAB, donors led by WB	Executive	Favoured	Creation of PKSF in 1990 and provided loan to the rural poor on 2% interest.
3. Establish GO-NGO consultative council.	NGO Advisory Committee led by WB & ADB	Executive	Favoured	Creation of Government-NGO Consultative Council (GNCC) in 1996
4. Establish National Commission on Reforming government <sup>66</sup>	WB	Executive	Partially favoured	Creation of Public Administration Reforms Committee (PARC) in 1996.
5. Implement pending recommendations by the Nurunnabi Committee and Four Secretaries Report	WB	Executive	Opposed	
6. Establish Steering Committee to monitor implementation of reforms.	WB	Executive	Opposed	
7. Initiate Measures to	WB	DO		

<sup>65</sup> BRAC. *Words and Deeds*: BRAC at 25, (Dhaka: 1997), p.30.

<sup>66</sup> World Bank, *Government that Works: Reforming the Public Sector in Bangladesh* (Dhaka: University Press Limited, 1996), pp. 37-41; World Bank proposed the government of Bangladesh to reform its public sector in alignment with the said proposals to be implemented within two years.

(1) Proposals Pressure	(2) Prompting	(3) pressure exerted by	(4) pressure point	(5) Position	(6) Responded/Action taken by GOB
establish Fully Funded Safety Net Program for redundant workers.					
8. Fully staff Efficiency in the PM's Office		WB	do		
9. Establish bipartisan Task Force for strengthening Parliamentary Institutions		WB	Legislative		
10. Appoint Ombudsman and establish its office.		WB	Executive	opposed	
11. Establish Public Complaint Offices.		WB	do	partially favoured	a complain cell was opened at the gate outside the secretariat in 1999.
12. Strengthen the Public Accounts committee.		WB	legislative	Partially favoured	PAC now works with full staff.
13. Introduce PM's Question Hour.		WB	Legislative	Favoured	Introduction of PM's Question Hour in the Parliament on every Tuesday during session going on.
14. Appoint qualified MPs, proportionate to party representation in Parliament, to chair select Committees.		WB	do	Favoured	Appointment of MPs, instead of Ministers, as chairman of the standing Committees in the Parliament
15. Provide Legislative assistants for MPs		WB	do	Favoured	MPs, Chairman of the standing committees, are equipped with staffs.
16. Establish Parliamentary Watchdog.		WB	do		
17. Key Executive and Judicial appointments to be made subject to Parliamentary		WB	do	Opposed	



(1) Proposals Pressure	(2) Prompting	(3) pressure exerted by	(4) pressure point	(5) Position	(6) Responded/Action taken by GOB
	confirmation.				
18.	Establish budget analysis unit	WB	Executive		
19.	Complete separation of audit and account functions.	WB	Executive		
20.	Establish Task Force to review anti-corruption issues.	WB	do		
21.	Establish a Task Force on Public Sector Transparency, made by members drawn from various professionals.	WB	Executive		
22.	Repeal the Official Secrets Act, 1923 and replace with Public Right to Information Act.	WB	Legislative		
23.	Publish annual income /tax payments of elected officials	WB	Executive	favoured	
24.	Establish a Deregulation commission for striking off redundant regulations.	WB	Executive		
25.	Establish Law Reform Commission.	WB	Executive	Favoured	
26.	Establish Judicial staff Training Institute	WB	Executive	Favoured	
27.	Initiate Program for strengthening judicial system.	WB	do		
28.	Streamline the NGO registration and approval process and assign responsibility to ADAB for overseeing NGO	WB	Executive	opposed	

(1) Proposals Prompting Pressure	(2) pressure exerted by	(3) pressure point	(4) Position	(5) Responded/Action taken by GOB
performance.				
29. NGO inputs in development planning should be included to ECNEC views.	WB	Executive		
30. Set up PKSF type mechanism for financing social/rural sector programs of NGOs	WB	Executive	opposed	
31. Initiate non-structural method instead of structural approach to FAP	NGOs, civil society	Executive	Favoured	Introduce National Water plan and dropped the term Flood
31.1. Pass legislation on Local government Reform.	WB	do	do	Action Plan (FAP) in 1995. *** *
32. Prepare plans for phased transfer of selected public services to LG govt.	WB	Executive		
33. Develop revenue sharing formula and ground rules for LG functioning	WB	Executive		
34. Establish PM's Private sector Advisory Council	WB	Executive		
35. Accelerate Privatization	WB	Executive		
36. Initiate Reforms of BOI and EPB.	WB	do		
37. Reduce the size and scope of Planning Commission.	WB	do		
38. Designate Heads of large development Departments/autonomous authorities (LGED, JMB,	WB	do		

(1) Proposals Pressure	(2) Prompting Pressure	(3) pressure exerted by	(4) pressure point	(5) Position	(6) Responded/Action taken by GOB
DG Education) as Principal Accounting Officers					
39. Enhance financial/administrative powers of Project Directors.	WB	do			
40. Promote and initiate training of "Agents of change" within the Civil Service.	WB	do			
41. Establish Pay Research Unit in Ministry of finance	WB	do			
42. Increase the recruitment quotas allocated to women and lateral entry in management and policy- making positions.	WB	do			

#### Lack of NGOs Accountability:

Over the last three decades, the number of NGOs increased manifold throughout the country. The process was helped by easy availability of donor funds for NGOs. The donors supported the NGOs to supplement the government's delivery system to reach the poor and to play a more creative role to conscientize them. This arrangement created an indirect pressure on the government to make its delivery system to be more efficient<sup>67</sup>. The resultant competition between the GO and NGO to reach the poor brought questions of cost-effectiveness, transparency and accountability of using public fund under sharper focus.

Government officials frequently complain of the lack of NGO accountability to donors. It is claimed that donors often have little detailed knowledge of NGO field operations and thus can be readily cheated. There is clearly financial malpractice among some of the

<sup>67</sup> the Fifth Five Year Plan 1997-2002, p. 137.



smaller NGOs. The record of NGOs receiving foreign funds is not so transparent. Of the 1506 NGOs registered with the NGO Affairs Bureau one local NGO's registration was cancelled in 1991-1992 fiscal year and in 1993-1994 fiscal year 23 local and 10 foreign NGOs' registration were cancelled<sup>68</sup>. In actual fact the financial accountability of all NGOs in Bangladesh is largely ensured through a legal requirement to maintain cash books and ledger books. These books are required to be audited annually by independent chartered accountants enlisted by NGO Affairs Bureau. In practice, concerned chartered accountants are somehow managed by the related NGOs and books are found audited. As a result, the real picture could not be able to bring to light. Thus the lack of transparency remains the more or less same.<sup>69</sup> On the other hand, NGOs are multifocal and often intended to produce non-economically quantifiable results. These impacts could be measured as psychological empowerment of the poor or social reforms such as more equitable access to resources. In such cases effective evaluation must be value oriented, relying more upon an intelligent summation of all types of costs and benefits rather than economic assessments alone.

The relationship between government and NGOs, towards the collaboration in development projects, remains strained with limited government resources in Bangladesh. A mutual distrust and concerns between GO and NGOs is prevalent everywhere. Government thinks NGOs are characterized as (a) lack of accountability, (b) practice insufficient inter-NGO coordination, (c) spend too much money on their operation and (d) rely too much on foreign funds<sup>70</sup>. On the other hand, NGOs think government is rigid, bureaucratic and tries to over regulate NGO activities. It unnecessarily requires prior approval for foreign funded projects. The government especially lacks appreciation about the differences in approach and style of NGOs' project management. It does not differentiate between NGOs with a proven record of performance and less committed NGOs.

From the foregoing analysis of the political role of NGOs in Bangladesh, we may conclude this chapter by saying that NGOs have sharply emerged as one of the influential

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<sup>68</sup> NGO Affairs Bureau, Flow of Foreign Grant Fund Through NGO Affairs Bureau: At A Glance, upto April 2001.

<sup>69</sup> Interview with A Qayum Khan, secretary GNCC, NGO affairs Bureau on 22 nd June 2001.

<sup>70</sup> Study report: " An Assessment of the Role and Impact of NGOs in Bangladesh", Asian Development Bank, 1992; World Bank, Pursuing Common Goals: op.cit., Chapter 1, p. 4.

groups in Bangladesh politics. In addition, they have already shifted their welfare-oriented programs to participation and collaboration areas with the government's development projects. This process has been possible due to easy availability of donor funds for NGOs. The donors supported the NGOs to accelerate the government's delivery system to reach the poor in the rural areas where bureaucrats hardly visit. This argument created an indirect constraint on the government to grant NGOs' experience in designing the projects and its implementation as well. In this way some leading NGOs hire some retired bureaucrats to influence the government in favour of their rising interest. Thus extension of micro-credit program among the poor people has been commercialized and transformed it into a tool of influencing the governmental policy. Some leading NGOs BRAC, Prashika and ASA exert pressure through the Government Non-government Consultative Council (GNCC) where NGO members are maximum. The World Bank, ADB and other donors also prescribe and pressurize the government for including the NGO experience in order to accelerate the poverty alleviation program. Thus, the NGO increasingly emerges as one of the pressure groups in the political process of Bangladesh.

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## **CHAPTER SEVEN**

# **Trade Unions as Pressure Groups**

## CHAPTER SEVEN

### Trade Unions as Pressure Groups

Trade Unions are associational and organized pressure groups in Bangladesh. They represent, speak and stand for the interest of the most active, productive and vocal sections of the workers in the industrial sector. These unions of labors are, in a particular trade, industry or plant formed to obtain by collective action improvements in pay, working conditions, social and political status.<sup>1</sup> With the growth of industries in Pakistan and later in Bangladesh, the number of industrial workers is increasing and with the increase in the number of workers, the trade unions are also growing steadily.<sup>2</sup> In this chapter, we shall focus the development of trade union and how they strain and pressurize the management at the plant level and the functionaries of government to respond positively to their demands and socio-economic welfare of workers.

Trade unions are generally registered under the Trade Unions Act, 1926 and the Industrial Relations Regulations Ordinance 1969. The ordinance of 1969 has been amended several times by ordinance No. 19 of 1970, 35 of 1977, 29 of 1980, 26 of 1982 and 15 of 1985. The number and memberships of trade unions in Bangladesh have been increased from 2593 to 10,90,338 to nearly 5915 to 18,56,694 respectively between 1986 to 1999.<sup>3</sup> In order to realize economic interests and welfare of workers, trade unions engage in lobbying and pressurizing the management and the government. The government either as employer or as the center of economic power determines the workers' wage, hours of work and conditions of employment in the work place.

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Pakistan Planning Commission, *The Second Five Year Plan (1960-65)*, June 1960, p. 378.

<sup>1</sup> *The New Encyclopaedia of Britannica*, vol.11, 1988, p. 886.

<sup>2</sup> Talukder Maniruzzaman, *The Politics of Development: The Case of Pakistan 1947-1958* (Dhaka: Green Book House Limited, 1971), p.104.



The workers in the Railways and other transport trades, like rickshaw, taxi, buses, Chittagong port workers association, Mongla port workers association and the employees in the post and telegraph departments are well organized today. Unionization has been most expansive among the textile workers due to rapid expansion of cotton, woolen and jute industries. Rounaq Jahan observed in Pakistan, the government could hardly bring any change in the working conditions at the industrial sector in Bangladesh. So, why should trade unions give up strikes and bargaining higher wages when the ruling elites after independence, failed to improve the labors work conditions?

**Its Origin:**

Trade unionism as a movement originated in Great Britain and the United States of America in the 18<sup>th</sup> century. British unionism received its local foundation in the Trade Union Act of 1871. The foundation of the American Federation of Labor (AFL) by several unions of skilled workers in 1886 marked the beginning of a successful large-scale labor movement in the USA. The organization gradually turned their attention to political and economic matters and began to encounter organized hostility on the part of employers and the government. Unions and unionists were regularly persecuted under various strains of trade and conspiracy statutes. A marked difference between British and US trade unionism appeared when the British movement exhibited a strongly a strongly inclination to political activity. It culminated in the formation of the Labor Party in 1906.

The principles and practices of trade unionism are firmly embedded in the economic system of all non-communist industrial countries. Favorable legislation in some countries and direct political action have established collective bargaining as the principal means of settling wages, working conditions and disputes. The source of trade unionism in winning a strong voice for its members has been silently acknowledged in the adoption of many of its goals and tactics by professional association and other groups. The trade union is a great social force that cannot be ignored today, either in developing country or developed one. It has become an indispensable part of modern industrial society. In fact, modern economic development is inextricably bound up with the rise of the working class people.

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<sup>3</sup> Bangladesh Labor Journal, Labor Directorate, Statistical Division, 1986-1987, part 11, p. 26; Bangladesh Labor Journal, Part 19, p.19.

### Organizational structure and Growth

The organizational structure and growth of trade unions are determined by the socio-economic conditions of the country. The economy of Pakistan at the time of partition in 1947 was basically and predominantly agrarian. With the end of British rule, the predominantly agrarian Bangladesh fared no better under Pakistani rule. Although East Pakistan's (now Bangladesh) jute was the main source of the nation's foreign exchange, development expenditure was concentrated in West Pakistan.<sup>4</sup> Consequently, Bangladesh remained industrially backward. There were not more registered trade unions in the whole of Pakistan at the time of partition of which greater number hailed from West Pakistan. Comparing these figures with the strength of trade unions in this part of undivided India, we find that in 1946 there existed then 1087 registered trade unions. But they were not well organized and many of them were in fact branches of the All India Organizations.<sup>5</sup>

Most of the trade unions were either affiliated with the All India Trade Union Congress (AITUC) or the Indian Federation of Labor (IFL). The All India Trade Union Congress (AITUC) was instrumental in setting up Trade Union Organizations in the then East Pakistan (now Bangladesh) after the partition of India in 1947. These unions were organized on factory, port or plant basis. The executive authority in the unions was generally vested in the general council and the executive committee. The general body of the members elected by the general council in the annual conference. The council normally consisted of office holders, viz., a president, one or two vice-presidents, a general secretary, one or more secretaries and a treasurer.

On 28 September 1947, Eastern Pakistan Trade Union Federation was formed with Dr. A.M. Malik as the President and Faiz Ahmed as General Secretary with the headquarters at Dhaka. Other labor leaders who belonged to this federation were Zahur Ahmed Chowdhury, Mahbub-ul Huq and Solaiman who had organizations in Docks, National Cotton Mills, Railways and Tea gardens.<sup>6</sup> In 1947, the West Pakistan Federation of Labor (WPFL) was also formed with headquarters at Lahore. In Pakistan there were two other

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Pakistan Planning Commission, *The Second Five Year Plan (1960-65)*, June 1960, p. 378.

<sup>4</sup> Rounaq Jahan, *Pakistan: Failure in National Integration* (Dhaka: UPL, 1972)

<sup>5</sup> Khalid Mahmud, *Trade Unionism in Pakistan* (Dissertation for the degree of Master of Arts, Department of Political science, University of Punjab, Pakistan, 1958), p. 14; M. Sayefullah Bhuyan "Trade Union Movement" in S.R. Chkaraborty and Virendra Narain (eds.), *Bangladesh: Domestic Politics*, Vol. 2 (New Delhi: South Asia Studies Centre, 1986), pp. 161-169.

federations. In Karachi, there was the Pakistan Federation of Labor. In Lahore, the Pakistan Trade Union Federation was the federation of railway workers' unions. During 1950, amalgamations took place among the East Pakistani federations and the All Pakistan Trade Union Federation was formed. This federation later joined the federation of Karachi and formed the All Pakistan Confederation of Labor (APCL) with its two branches- East Pakistan Federation of Labor (EPFL) and West Pakistan Federation of Labor (WPFL). The All-Pakistan Confederation of Labor claimed a total membership of nearly 300,000 workers including some workers of unregistered unions.<sup>7</sup>

In 1950 some of the important unions like the Post and Telegraph Union and Chittagong Port Workers Union were not affiliated to the All-Pakistan Confederation of Labor, which was the most representative of the labor federations and was affiliated with the International Confederation of Free Trade Unions. Since 1951, with the advent of industrialization, there has been steady growth of labor unions of factories like jute, cotton, sugar and match, etc. Labor union was formed at Adamjee at Narayanganj in 1953 under the leadership of Dewan Mahbub, Haji Muhammad Ali and others. Most of the trade unions like Railway Worker's Union, Dhaka District Cotton Mills Union, Dhaka Rickshaw Pullers' Union, Barisal Biri Sramik Union in the early 1950's were organized and dominated by leaders of the Communist Party.

The All-Pakistan Confederation of Labor was a loose union of East and West Pakistan federations. Except for a few matters- general policy of the organization, representation of workers in national and international organizations, decisions about national strikes, international cooperation and affiliation- the two federations in the two wings worked independently. The National Executive Board, which constituted the supreme executive authority of the All-Pakistan Confederation of Labor, consisted of 30 members. Besides, the All-Pakistan Confederation of Labor, there were two other labor federations- Pakistan Mazdoor (Labor) Federation and the East Pakistan Mazdoor (Labor) Federation. The Communist dominated Pakistan Trade Union Federation was banned in 1954.

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<sup>6</sup> Ibid.,

<sup>7</sup> Talukder Maniruzzaman, *The Politics of Development: The Case of Pakistan 1947-1958* ( Dhaka: Green Book House Ltd., 1971), p. 105.



However, the industrial workers soon began to be organized in the then East Pakistan. Labor unions tended to become an instrument for securing higher wages and amenities. The politicians of the then East Pakistan were under pressure to fulfil longstanding promises. The popular East Pakistan Assembly brought about agrarian reforms in 1955, divesting many of the big landlords of their holdings. Industrial Labor in East Pakistan intensified its drive to achieve better working conditions and higher wages. In 1956, the Government of East Pakistan established a Minimum Wage Board, Labor Legislations under strains of Trade Union Movement. From 1947 to 15 August 1955, there was no formal declaration of the labor policy of the government of Pakistan. The trade unions were considered anti-government before 1947 and it remained "anti-government" even after independence.

There were two important features for the slow growth of trade unions in Pakistan. The first was its non-political character and the second was the attitude of the employers who, by and large, being the first generation industrialists, failed to realize the contributions which workers can make to productivity and profitability. They have looked upon unions as instruments for extortion rather than as institutions through which mutual give and take can lead to a peaceful resolution of conflicts and possibly higher productivity. Although East Pakistan (now Bangladesh) was poorly industrialized the trade unions had their greatest organizational success in this territory.<sup>8</sup>

The distribution of trade unions by Provinces in the then Pakistan in March 1955 and by Divisions in Bangladesh in December 1999 was shown in Table 1 as follows:

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Pakistan Planning Commission, *The Second Five Year Plan (1960-65)*, June 1960, p. 378.

<sup>8</sup> *Ibid.*,

Table 1

Serial No.	Province	No. of Registered Trade Unions	Membership
1.	Punjab	113	212,763
2.	N-W.F.P.	29	6,215
3.	Sind	15	3,952
4.	Karachi	78	25,895
5.	Baluchistan	09	683
6.	East Bengal (now Bangladesh)*	162	153,322
	<b>Total</b>	<b>406</b>	<b>402,830</b>
7.	Headquarters in Dhaka (Bangladesh)	17	3205
8.	Dhaka Division	89	18,835
9.	Chittagong Division	63	11,101
10.	Rajshahi Division	97	10,716
11.	Khulna Division	71	6,287
	<b>Total</b>	<b>337</b>	<b>50,144</b>

Source: Talukder Maniruzzaman, *The Politics of Development: The Case of Pakistan 1947-1958* (Dhaka: Green Book House Limited, 1971), p. 104 for data from serial No. 1 to 6 and Bangladesh Labor Journal 1999, Part 19, Labor Directorate, Statistical Division, Government of the People's Republic of Bangladesh, p.19 for the data serial No. 7 to 11.

On 15 August 1955, however, formal announcement of the first comprehensive labor policy and program was made. This policy reiterated principles of conciliation and adjudication of disputes. Yet the labor organizations put their demands in the form of memoranda and deputation's to the Ministry for Labor and officials of Ministry of Labor for their favorable legislations. Of course, the unions had some success in having some legislations passed favorable to industrial workers, especially in East Pakistan. The Workmen's Compensation (Amendment) Act passed by the National Assembly in March 1957. It raised the rate of compensation to the injured workers. The East Pakistan government enacted a law in 1958 for the compulsory recognition of the representative trade unions by the employers. The East Pakistan government also enacted a minimum Wage Law. As only a small percentage of the industrial workers were in the Unions and as there were sometimes several small unions in the same plant or industry, the unions

could not always achieve wage and welfare gains or to maintain effective plant conditions. Here again, the well-organized unions in East Pakistan fared better.

In November 1957, about 30,000 workers in 63 jute presses at Narayanganj went on strike demanding increased rates of wages, better service conditions and other facilities. As the strike continued for ten days, the Employers' Committee conceded the demands of the Laborers and the Labor Association called off the strike. The East Pakistan Railway workers (class 3 and 4), well organized in the East Pakistan Railway Employees League (with Maulana Bhasani as President), under a strike threat, forced the central government in early 1957 to sanction an increase in dearness allowance. In October 1957, three well established unions in East Pakistan- All Pakistan Post & Telegraph Union claiming a membership of 8,000 out of the total 40,000 of this departments' employees, the Chittagong Port Trust Workers' Union with nearly 500 out of 700 employees of the port, and the United Council of the Central Government employees with a membership of 50,000 including Railways Post and Telegraph employees- threatened to strike and forced the central government to appoint a Pay Commission. The Commission recommended a raise in the salaries of Class 3 and 4 employees and the government accepted the recommendations<sup>10</sup>.

With the growing demands of the workers another labor policy was declared in February 1959 with a revision of the first labor policy. The objective of this policy was to achieve increased productivity by establishing healthy relationship between the employers and the employees. The Industrial Disputes Ordinance of 1959 came into force on 15 March 1960. This Ordinance again laid more stress on conciliation and adjudication of disputes rather on the right to strike. In the meantime, the Trade Unions Act of 1926 was amended several times withdrawing certain restrictions on the right to organize.

A new Labor Policy in the name of 'Industrial Relations Ordinance' was declared in 1969. By this ordinance, right to organize and right to strike and lock-out received recognition in the law for practical purposes. The law stipulated compulsory recognition

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<sup>9</sup> East Bengal was renamed as East Pakistan (now Bangladesh) in 1955 under united Pakistan. Bangladesh achieved her independence through a nine-month long traumatic war against Pakistan on 16 December 1971.

<sup>10</sup> *Ibid.*, 107.



of a Registered Union in an establishment as Collective Bargaining Agent (CBA). But it did not provide any procedure for the determination of CBA at the industrial or national level where there was more than one Registered Trade Unions. As a result, politicization and fractionalization in the Trade Union movement started not only at plant level but also at industrial and national levels.

**Bangladesh Period:**

After independence of Bangladesh, the first Labor Policy was declared in 1972. It categorically recommended for reducing the activities of the Trade Unions to the status of a welfare organization. Right to strike in the nationalized industries was prohibited for six months. In the year 1973 the right to strike and lock-out, as guaranteed by the Industrial Relations Ordinance in 1969 was nullified. In 1975, Industrial Relations Regulations Ordinance was promulgated wherein the earlier restrictions were reimposed and settlement of disputes through the process of conciliation and adjudication reaffirmed. In December 1998, the number of Trade Union in Bangladesh was 5694 with the members of 18,23,561. In 1999 the number of registered trade union was 337 with the members of 50,144 and 116 unions with the members of 17,011 were cancelled. The eight trade unions are industry based and two national Federations among registered trade unions. The number of district-wise registered trade unions in Bangladesh is shown in Table 2 as follows.

**Table 2**  
**District-wise Registered Trade Unions in Bangladesh**

Serial No.	District	No. of registered Trade Unions	Membership
1	2	3	4
1.	Dhaka	60	16194
2.	Narayangonj	11	1212
3.	Rajbari	03	974
4.	Gazipur	02	78
5.	Faridpur	02	94
6.	Shariatpur	01	20
7.	Jamalpur	05	322
8.	Mymensingh	02	280

Serial No.	District	No. of registered Trade Unions	Membership
9.	Narshingdhi	03	196
10.	Tangail	07	933
11.	Munshigonj	04	442
12.	Motheripur	03	354
13.	Gopalganj	02	32
14.	Sherpur	01	509
15.	Chittagong	35	5256
16.	Laksmipur	01	56
17.	Comilla	06	3201
18.	Chandpur	06	313
19.	Sunamgonj	01	203
20.	Cox's Bazar	02	172
21.	Brahmmonbaria	04	1396
22.	Noakhali	03	280
23.	Habigonj	02	80
24.	Moulovibazar	01	64
25.	Rangamati	02	80
26.	Bogra	17	2326
27.	Chapainobabgonj	04	198
28.	Kurigram	02	132
29.	Sirajgonj	08	776
30.	Panchagar	05	978
31.	Rangpur	04	194
32.	Rajshahi	07	1171
33.	Noagaon	05	549
34.	Jaipurhat	10	927
35.	Gaibandha	12	1401
36.	Natore	05	440
37.	Dinajpur	10	757
38.	Pabna	04	354
39.	Nilphamari	04	513
40.	Khulna	17.	2267
41.	Barguna	03	86
42.	Bhula	01	25
43.	Jenaidah	05	443
44.	Chuadanga	04	279
45.	Jhalkati	02	85

Serial No.	District	No. of registered Trade Unions	Membership
46.	Barisal	02	603
47.	Narail	01	52
48.	Potuaakhali	02	65
49.	Magura	03	97
50.	Jessore	04	498
51.	Pirojpur	02	80
52.	Satkhira	03	93
53.	Kushtia	05	500
54.	Meherpur	01	56
55.	Bagerhat	16	1458
	<b>Total</b>	<b>337</b>	<b>50,144</b>

Source: Bangladesh Labor Journal 1999, Part 19, Labor directorate, Statistical Division, Government of the People's Republic of Bangladesh, pp. 19-21

Table 3 shows the number of industry-based registered trade unions in Bangladesh.

**Table 3**

Serial No.	Name of Classified Industries	No. of Registered Trade Unions	Member ship
1	2	3	4
1.	Jute (JT)	02	575
2.	Jute Press and Baling (JPB)	01	101
3.	Tobacco (TO)	02	484
4.	Engineering Works (ENG)	07	757
5.	Transport (TPT)	93	16187
6.	Shop and Commercial Institute (SCI)	66	12166
7.	Hotel Restaurant & Food Products (HRF)	09	959
8.	Printing Press (PP)	01	174
9.	Cotton Textile Hoshiari and Yarn (CT)	04	803
10.	Dock and Port	07	1533
11.	Aluminium Enamel Ceramic and Glass (AECG)	01	51
12.	Food	02	44
13.	Service and Commercial Establishment (SCI)	02	840
14.	Miscellaneous (MISC.)	140	15470
	<b>Total</b>	<b>337</b>	<b>50,144</b>

Source: Bangladesh Labor Journal 1999, Part 19, p. 21.



In March 1980 a Labor Policy was announced liberalizing the right to organize and right to strike and lockout. But it should not be noted that the Labor Policy of 1980 took cognizance of the right to strike under the principles that, in the public sector, wages and fringe benefits for industrial workers were to be determined by the government. In the private sector wages would continue to be fixed through collective bargaining process. It may be mentioned here in this connection that only 15 percent workers are employed in the private sector. Workers in Bangladesh rely upon the right to strike as an effective tool to bargain collectively particularly on wage issue. Compulsory adjudication system is, however, continuously enforced upon them by legislation and reconciliation in this regard has to be made.

In 1987 one worker of Mill No. 3 of Adamjee Jute Mills at Narayanganj was stabbed to death while he was asleep in the Finishing Department of the Mill in the early hours of 24<sup>th</sup> March. When the dead body was found in the morning, workers of all the three mills stopped work. At one stage the workers gheraoed the local Police Station urging the police to take immediate action against those who committed the crime. The gherao situation was continued for several hours.<sup>11</sup> Workers, however, resumed work at 4 p.m. on the same day at the persuasion of the management. In 1996, the Government of Bangladesh has decided to ratify the International Labor organization (ILO) convention No. 100 (1951) concerning equal remuneration for men and women workers for work of equal value.<sup>12</sup>

### **Role of Trade Unions**

Trade union movement in Pakistan (Now Bangladesh) prior to partition in 1947 was largely non-political. Before 1951, there was little evidence of the involvement of labor unions with any political party. Though the industrial labor force is not yet large, its significance, however, is far greater than its numerical strength. It is concentrated in industrial centers subject to new hopes and discontents, and easy to organize<sup>13</sup>. The Planning Commission recognizes the political importance of industrial labor. The

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Pakistan Planning Commission, *The Second Five Year Plan (1960-65)*, June 1960, p. 378.

<sup>11</sup> *Bangladesh Labor Journal 1986-1987*, Part 11, p. 21.

<sup>12</sup> *Bangladesh Labor Journal 1996-1997*, Part 17, p.5.

<sup>13</sup> Pakistan Planning Commission, *the Second five Year Plan (1960-65)*, June 1960, p. 378.

government realizes that any industrial development program must seek the support of the industrial workers for achieving its objectives.

It was strongly felt during the military regime of President Ayub that certain level of commitment of labor is a necessary precondition for the economic development of a country. With this end in view, during Ayub's regime, various ordinances were passed to improve the condition of labor. The understanding of relation between unions and government has led to a new concept of the role of trade unions. Politics becomes salient for the unions. The government, in its turn, desires support of trade unions and endeavors to strengthen its ties with them. It has been suggested by David Morse, Director of International Labor Organization (ILO), that for the immediate future, trade unions will have to rely on political action to secure legislations for the improvement of worker's conditions.

The workers' political consciousness and political nationalistic feelings were developed during the Language Movement in 1952. This growing consciousness led them to extend their active support to the United Front in the Provincial election of 1954. The workers also played a very significant role in support of the 6-point program of the Awami League in 1966. They actively took part in the mass-upsurge and the Liberation War of Bangladesh in 1969 and 1971 respectively. During these critical periods, the workers extended their wholehearted cooperation to Awami League to end political oppression and economic exploitation by the military regime of the than Pakistan. The workers also participated in the mass-movement in 1990 against the Ershad regime and extended strong support to the process of establishment of Caretaker Government at that time and later in 1996.

The trade unions, irrespective of political affiliations, have always been found actively involved in the political development and socio-economic change in Bangladesh. Kamruddin Ahmed rightly observed the working class of Bangladesh had become more politically conscious and sensitive to socio-economic issue than was hitherto believed by the students of politics. They always fought for the right cause with a view to ending political oppression and economic exploitation. During the regime of President Ayub, when a large number of leaders were put into jail on 7 June 1966, "there was not only a general strike in the cities and towns but there were great agitation and unrest in the

industrial areas of Narayanganj, Tejgaon, Tongi and Chittagong.<sup>14</sup> The workers had always been in the forefront and responded to the call of any movement organized and led by the students' organization and political leaders against the authoritarian regime in Bangladesh.

In an independent Bangladesh, the government on 27 September 1972 announced a labor policy. But it had to withdrawn immediately. Strikes and lock-outs were declared illegal. The non-worker trade unionists were debarred from becoming trade union executives at the plant level. Activities of the trade union of the office employees of the government and autonomous bodies were suspended. Election for determination of Collective Bargaining Agents (CBA) and registration of new trade unions were also prohibited. In respect of public sector industries, wages, bonus, leave, gratuity and night shift allowance were determined by the Industrial Workers Wages Commission (IWWC). These issues were kept outside the scope of CBA in respect of nationalized industries. There is no doubt that with the imposition of these restrictive laws, the labor relation's situation started improving. The government, however, gradually withdrew the restrictive measures with the improvement of the situation of productivity.

In the context of the noted situation the Bangladesh government announced a labor policy on the 1st March in 1980. The salient features of the Policy were as follows:<sup>15</sup> -

- (a) effective utilization of resources, including manpower, machinery and materials;
- (b) increase in output, reduction in cost of production and wastage together with improvement of quality of products;
- (c) promote the general welfare of the workers through sharing of gains of increased productivity;
- (d) foster a spirit of mutual cooperation between labor and management for improving industrial relations, peace and harmony;
- (e) advance the entire nation, including the workers and the employers through increased productivity and profit of enterprises;

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Pakistan Planning Commission, *The Second Five Year Plan (1960-65)*, June 1960, p. 378.

<sup>14</sup> Kamruddin Ahmed, *Labor Movement in East Pakistan* (Dhaka, 1969), P. 38; Sayefullah Bhuyan "Trade Union Movement" in S.R. Chakraborty (ed.), *Bangladesh: Domestic Politics*, Vol. 2, South Asia Studies series 13 (New Delhi: South Asian Publishers, 1986), p. 165.



(f) formulation of appropriate incentive schemes by labor and management to boost up production.

Let us see how the different trade unions in different plant level exert pressure on the management as well as the government, bargain in favor of their demands, disputes and finally reach into negotiated settlements and agreements as follows:

**(1) Memorandum of Agreement:**<sup>16</sup>

On 30 July 1986, K. Rahman & Co., Sramik/Karmachari Union Regd. No. Chatta-976 as CBA representing the permanent staff and workers employed in Messrs K. Rahman & Company at Chittagong, having registered office at 9/A, Dhanmondi, Dhaka-1205 submitted 12 points Charter of Demands and requested for a dialogue under section 26(2) of the industrial Relations Ordinance'1969.

In the dialogue, The **representing employers** were- (1) H. R. Bhuiya, General Manager, (2) M. A. Taher, Sr. Commercial Manger, (3) Shadiul Haq, Plant Manger and (4) Md. Iqbal Hussain, Assistant Manager (Admin.). On the other hand, the **representing employees** were- (1) Md. Ekhlash Miah, President; (2) Sujayetur Rahman, General Secretary; (3) Zahirul Haq Bhuiyan, Organizing Secretary; and (4) Siddiqur Rahman, Office Secretary.

In the dialogue, the parties failed to reach at a settlement and the Union refereed the disputes to the conciliator u/s 27(a) of the said Ordinance. The conciliator took cognizance of the dispute and through good office of the conciliator, the parties arrived at a settlement on the following terms and conditions:

**Terms of Settlement:**

**Scale of wages:** Existing scales of wages shall remain in force. As agreed with the Union, all permanent staff and workers shall receive annual increment even after crossing the maximum ceiling of their respective scales and that will be treated as basic wages.

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<sup>15</sup> Bangladesh Labor Journal 1990, Part 13, p. 53.

<sup>16</sup> Bangladesh Labor Journal 1986 and 1987, Part 11, pp. 184-186.

**Demand No. 1- Basic wage:** From the commencing day of the agreement all the permanent staff and workers shall receive an average increase in their basic wage at Tk. 100 (one hundred). Existing personal pay of the staff and workers if any, shall be merged with the basic wage and there shall not be personal pay henceforth. Existing personal allowance shall remain unchanged. No other allowances i.e., House Rent; Daily allowance, Provident Fund etc. shall be applicable to personal allowance. The initial basic pay of the persons to be employed shall be as per existing scale plus Tk. 100 (one hundred) only.

**Demand No. 2(a)- House Rent:** All the staff shall receive house rent at 40% of their basic wage and the workers shall receive house rent at 35% of their basic wage. As agreed by the Union, the entire house rent Contract shall be terminated from January 1987. The house rent ceiling shall be paid to staff and workers with salary.

**Demand No. 2(b)- Medical allowance:** All the permanent staff and workers shall receive medical allowance at flat rate of Tk. 100 per month.

**Demand No. 2(c)- Conveyance Allowance:** All the permanent staff and workers shall receive conveyance allowance at flat rate of Tk. 40 per month. Tk. 20 shall however, be deducted from the persons who will avail the Company staff bus.

**Demand No. 2(d)- Washing Allowance:** All the staff and workers entitled to Uniform shall receive Tk. 20 per month as washing allowance.

**Demand No. 2 (e) – Shoe:** the Union has withdrawn this demand. **Demand No. 2 (f) - Beverage free of cost:** Union has withdrawn this demand.

**Demand No. 3 –Gratuity:** It is agreed that the persons resigned from the service shall receive gratuity at the rate of one-month basic wage for each complete year of service.

<b>Demand No. 4. For all employees:</b>	<b>Breakfast</b>	<b>Lunch</b>	<b>Dinner</b>
<b>Local....</b>	Tk. 4/-	Tk.7/-	Tk. 7/-
<b>Outstation....</b>	Tk. 5/-	Tk.10/-	Tk.10/-

Existing rate of allowances will remain unchanged. In addition, boarding allowance for sales representative and Driver for overnight stay in the hotel while they are on outstation duty shall receive Tk. 25/- per night.

**Demand No. 5- Daily Conveyance Allowance:** For attending office before 7 a.m. and leaving office after 9 p.m. each worker will be paid Tk. 8/- daily in addition.

**Demand No. 6- Heavy Duty Allowance:** heavy-duty allowance shall be paid at Tk. 100 per month to the drivers who hold the Heavy Vehicle License with effect from 1st November 1986.

**Duty No. 8: Night Duty Allowance:** Night Duty allowance shall be paid to security guards and Engine Room workers for over night duty at Tk. 5/- and Tk. 6/- respectively per night.

**Demand No. 9 -Canteen Subsidy:** Canteen Subsidy at TK. 4000/- per month shall be paid to the staff canteen in Chittagong Factory Premises. Increase of subsidy shall be effective from November 1986.

**Demand No. 10- Festival Bonus:** 2 (two) Festival Bonus shall be paid to all permanent staff and workers at the eve of 2 (two) Eid festivals at one month basic wage in each. Henceforth, no incentive bonus in any manner shall be paid.

**Demand No. 11- Union Office:** Company expressed its inability to provide any Union Office as demanded.

**Demand No. 12- other Allowances:** Other existing allowances and benefits, which are not included in this agreement, shall remain unchanged.

**Duration of the agreement:** This agreement becomes effective on 1st day of July 1986 and will remain in force and binding on the parties until 30 June 1988. Both the parties in this agreement agree to maintain peace and order in the factory and create a healthy atmosphere for better working condition. The Union undertakes not to raise any further demands in any form including financial matters to the employer during the currency of



this agreement. The Union also undertakes not to ask for implementation of any benefits etc., declared by the Government in respect of public sector, private sector and industries owned by the government. The Parties, therefore, signed this agreement on the 8<sup>th</sup> day of November 1986.

**(2) Agreement:**

The Management and the Sramik Union of M/s. Young ones (Bangladesh) Ltd., a 100% export-oriented readymade garment industry with its head office at New Baily Road, Dhaka and the Factory at 24, Agrabad Commercial Area, Chittagong, met for a negotiated settlement of their disputes on 25 August 1987. This negotiation was held through the good offices of Mr. Shah Abdul Haleem, the chosen representative of the garment manufacturers and exporters of Bangladesh. The representative of the Sramik Union of M/s. Young ones (Bangladesh) Ltd., and leaders of the Jatiya Sramik Party, Chittagong region, who participated in the negotiation, thankfully accepted the gracious gesture of Mr. Shah Abdul Haleem to lend his kind services towards the efforts of reaching a settlement<sup>17</sup>.

The following participated in the negotiations, which took place on the 14<sup>th</sup> and 15<sup>th</sup> of September, 1987 at Dhaka with the coordination of Mr. Shah Abdul Haleem.

**Representatives of Managements** were: 1. Mr. Md. Mosharraf Hossain, Managing Director, Zaki-Mosharraf Group of Companies; (2) Mr. Zakiuddin Ahmed, Chairman, Zaki-Mosharraf Group of Companies; (3) Mr. Md. Ibrahim, Managing director, Islamabad garments Ltd.; (4) Mr. Naveed Hashmet, Director, Young Ones (Bangladesh) Ltd. and (5) Mr. M. Shamsur Rahman, Managing director, Young Ones (Bangladesh) Ltd. On the other hand, **Representatives of Trade Unions** were: (1) Mr. Md. Fazlur Rahman, Jt. Convenor, Jatiya Sramik Party, Chittagong Zonal Committee; (2) Mr. Md. Faruk, Jt. Convenor, Jatiya Sramik Party, Chittagong Zoonal Committee; (3) Mr. Aurun Kumar Das, President, Young Ones (Bangladesh) Ltd. Sramik Union, Chittagong; and (4) Mr. Badiuzzaman Badsha, General Secretary, Young Ones (Bangladesh) Ltd., Sramik Union Chittagong.

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Pakistan Planning Commission, The Second Five Year Plan (1960-65), June 1960, p. 378.

<sup>17</sup> Bangladesh Labor Journal 1986-1987, Part 11, pp. 181-182.

After careful assessment of the circumstances leading upto the events of August 25, 1987 and thereafter, as well as of the long accumulated causes resulting in a climate of constant conflict between the management and the workers within the factory, a consensus was reached on all sides among other things: (a) to promote ceaselessly the process of creating a congenial harmony. It is essential to establish the correct industrial relationship between the management and workers. It will not permit recurrence of such series of unfortunate events as took place recently at the YOB factory, leading to stoppage of production and disruption of exports; (b) take concrete, sincere and whole-hearted measures to structure productivity in the factory in such a way to ensure full capacity production of YOB; (c) maintain the conduct of all sides in such a manner that the image and dignity of YOB management and workers remain always upheld as a foremost industry in the country.

With a view to achieve the above objectives the following agreements were reached in a spirit of mutual understanding and goodwill:

(1) That the cessation of probation of a female worker, Miss Aminunnssea, effected by the management on 24 September 1987, is upheld. However, at the request of YOB Sramik Union leaders and due to undertaking for satisfactory performance of her services, the management of YOB was pleased to agree to allow the worker in question a second chance and to put her on a new probation with effect from 4 October 1987. (2) That for the period of seven days of strike, from 25 August 1987 to 31 August 1987, both days inclusive, the workers shall not be made any payments. (3) That the four working days from 3 September 1987 to 7 September 1987, both days inclusive will be treated as “go-slow” period against any earned or casual leaves. The Company will pay the salary/wages for the balance of two days i.e., wages for the month of September, 1987 shall be paid with the adjustments as above. (4), the management of YOB will withdraw all show cause notices served on the workers and all cases filed against them. In reciprocity, the representatives of the Jatiya Sramik Party and the officials of YOB Sramik Unions undertake to ensure that no worker or Union official shall instigate or be a party to any illegal strike, go-slow movement, violence or any threat of violence or obstruction of export shipment in future.

Since the Company suffered heavy financial loss, due to disturbance in the said period, the leaders of the Sramik Union of YOB assured the management of the Company their full cooperation to recover the same by bringing about the most congenial working atmosphere within the factory. The Union also assured to work hard to the fullest satisfaction of the management in terms of productivity and discipline of YOB.

**(3) A tripartite Agreement** among Dalutpur Jute Press & Baling Workers Union (Reg. No. 1955), Khulna and the Manager, Ishawar Jute Press Ltd., Senhati, Khulna through the conciliator, Joint Director of Labor, Khulna Division, Khulna may be examined as follows:<sup>18</sup>

Management representatives were- (1) Babu Kashi Nath, Manager; (2) Sheikh Shafiuddin Ahmed, Administrative Officer. On the other hand, Union representatives were (1) Begum Monnu Sufian, President; (2) Gazi Abdul Kader Master, Joint Secretary; (3) Md. Jane Alam, Assistant Secretary, Conciliator was Rezaul Haq Chowdhury, Labor Officer, Labor directorate, Khulna Division.

**Background of Dispute:** President and General Secretary of Dalutpur Jute Press & Baling Workers Union (Regd. No. 1955) Khulna, under the section of Industrial Relations Ordinance' 1969 (amended) submitted 7 points charter of demands, including the issue of increasing the salary, to Manager Ishwar Jute Press Ltd., on 30 September 1998. But no bilateral discussion was held in due time. As a result, President and General Secretary of the Workers Union, u/s 27 (A) of the said Ordinance, requested the Joint Director of Labor, Khulna Division, Khulna to settle this industrial dispute containing the noted 7 points demands through tripartite conciliation on 10 November 1998. In this regard, an agreement was signed on the basis of consensus through a long discussion in a tripartite meeting held at the Labor directorate, Khulna on the 18<sup>th</sup> and 19<sup>th</sup> November 1998 as follows:

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Pakistan Planning Commission, *The Second Five Year Plan (1960-65)*, June 1960, p. 378.

<sup>18</sup> *Bangladesh Labor Journal 1999*, Part 19, pp. 4-5.



**Demand No.1** – Introduce Provident fund for the staff and workers. **Decision:** - The demand is hereby adjourned.

**Demand No. 2-** Declare the Pay Scale and other allowances equivalent to the Pay Scale enjoyed by the staff and workers of the Khan Brothers & Ispahani Jute Press. **Decision:** - 2 (two) increments shall be given to the staff and workers. The existing Pay fixation shall be made accordingly with effect from the 1st July 1998.

**Demand No. 3** – Increase the Pay by changing the Grade of the Pay Scale, as there is no provision of promotion for staff and workers.

**Decision:** - The demand is hereby adjourned.

**Demand No. 4-** Provide double gratuity for permanent staff, if they resigned. If the Company terminated any staff, double gratuity together with four months notice-pay should be provided.

**Decision:** - In the case of resignation or termination, the management shall pay the money equivalent to one-month salary for each complete year of service. For termination, 120 days notice-pay and other due allowances prescribed as per labor laws shall be paid to the staff and workers.

**Demand No. 5-** Introduce Production Bonus to all staff and workers provided 75-thousand bale packing are made in a year.

**Decision:** - This demand is hereby adjourned.

**Demand No. 6-** Divide the money of sweeping among the workers in every two-months.

**Decision:** - Management is agreed.

**Demand No.7-** Provide duty uniform with washing allowance. **Decision:** - The Union representatives withdrew this demand.

Other existing allowances and benefits, which are not included here, shall remain unchanged.

**The Agreement** between the Mongla Port Shipping Workers Association (Reg. No. 955) and the Mongla Port Stevedores & Labor Contractors signed on the 1st February 1997 as follows:

**Representatives of Mongla Port stevedores & Labor Contractors were:** - (1) Mr. Syed Mostahed Ali (2), Mr. M. A. Gofran (3), Mr. Syed Zahid Hossain (4) Mr. Sayeed Ahmed Tushar (5) Mr. A. Sobhan Khan (6) Mr. Kazi Md. Rafique Ullah (7) Mr.M.A.Baten (8) Mr. Mosharrof Hossain and (9) Mr. Shah Siddique. On the other hand, **representatives of Mongla Port Shipping Workers Association were:** - (1) Mr. M. A. Rob, President, (2) Mr. Faridul Alam, Vice-President, (3) Mr. Azmal Bhuiyan, Vice-President (4) Mr. Aurun Kumar Dey, General Secretary (5) Mr. A. Mazid, Assistant General Secretary (6) Mr. A.K.Azad, Organizing Secretary (7) Mr. Manirul Islam, Publicity Secretary (8) Mr. Nurul Afsar, Game Secretary (9) Mr. Moqsudur Rahman, Member.

**Background of disputes:**

The Mongla Port Shipping Workers Association (Reg. No. 955) submitted its 15-points a charter of demands of industrial disputes under section of 26 (1) of the Industrial Relations Ordinance'1969 (amended up to date) to the Mongla Port Stevedores & Labor Contractors on the 2<sup>nd</sup> October 1996. No understanding is arrived at the bi-lateral discussion. As a result, the workers association on the 9<sup>th</sup> November 1996 requested the Joint Director of Labor, Khulna Division for the settlement of the dispute through tripartite conciliation meeting u/s of 27(a) of the said Ordinance. In this regard, the tripartite conciliation meeting was held at the good offices of the joint Director of Labor and discussion made on the 15 points of demands on the 18<sup>th</sup> and 19<sup>th</sup> November. But both the parties could not arrive at a consensus. Consequently, the workers association served a notice of strike *sine die* from the 21 December 1996 u/s of 28 of the noted Ordinance. After having that notice, a conciliation meeting was held u/s of 30 of the said Ordinance from 30 December 1996 to 15 January 1997 at the office of the joint Director of Labor in Khulna. The discussion on the 15 points of demands in the meeting was continued in several sessions up to the 1st February 1997. In the Last meeting, Mr. Sharif Atiqur Rahman, Chairman, Mongla Port Authority; Mr. Tabibur Rahman, Director (Admin.); Mr. Lutfur Rahman, Traffic Manager and Kazi Golam Muktadir, Assistant Traffic Manager extended active cooperation to settle the said disputes and reached an agreement as follows<sup>19</sup>:

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Pakistan Planning Commission, The Second Five Year Plan (1960-65), June 1960, p. 378.

<sup>19</sup> Bangladesh Labor Journal, 1998, Part 18, pp. 3-15.

**Demand No.1-** Increase 100% Labor wages to the existing pay to redress the high prices of essential goods in the market since 1994.

**Decision:** - The Management is agreed to increase 16% wages to existing one.

**Demand No.2-** Establish Provident Fund, workers welfare Fund, Group Insurance, Family Welfare Fund etc.

**Decision:** - The Management shall establish a fund to provide death and disable allowance, Festival allowance and funeral cost for the workers with effect from the 1st July 1997.

**Demand No.3-** Employ all classes of workers in any form of loading and unloading at the Port Jetty. **Decision:** - Appointment shall be made in the areas of stevedoring services.

**Demand no. 4-** Be granted Tk. 100 for food allowance per duty at anchor outside the harbor. **Decision:** - The Port Authority is agreed to provide Tk 65/- in place of the existing rate of Tk. 30/-.

**Demand No. 5-** Provide three times more cold and dirty allowance, in comparison with the existing one, at per duty to each worker. **Decision:** Cold and dirty allowance shall be paid to all classes of workers at the rate of Tk.10/- to TKO. 13/- and Tk. 7/- to Tk.10/- respectively at per duty.

**Demand No. 6-** Each worker should be paid the amount of money equivalent to 30 duties in every Eid bonus.

**Decision:** The Port authority is agreed to pay Tk. 1025/- for each Eid of Muslim worker; Tk. 2050/- for Durgapuz of Hindu worker and Tk. 2050/- for Easter Day of Christian worker with effect from the 1st July 1997.

**Demand No.7-** Provide Summer, Autumn and Winter dress to each worker in every year.

**Decision:** - The Management is agreed to pay Tk. 610/- as dress allowance to each worker in every year.

**Demand No. 8-** Pay Tk. 1 (one) lakh at a time as pension allowance when a worker goes to retirement at the age of 60; Tk. 1,50,000/- for the worker who died by accident and Tk. 1,00,000/- for normal death of a worker. Besides, the management should pay the total cost for sending the dead body to village home and Tk. 5,000/- for funeral ceremony.

**Decision:** - The authority is agreed to pay Tk. 32,00/- for funeral ceremony, if a worker died and Tk. 2300/- for sending the dead body at village home.

**Demand No. 9-**, As there is no residence for the workers, Tk. 50/- should be paid per duty as house rent to all workers.



**Decision:** It is agreed to pay Tk. 15/- per duty in place of existing rate of Tk.10/- as house rent.

**Demand No. 10-** Arrange 24 hours vehicle for CBA representatives.

**Decision:** The authority is agreed to provide vehicle with a view to attending the formal meeting between the stevedores' association and workers' union.

**Demand No. 11-** Be appointed three paper workers in place of two for the container shipment and two paper workers for container unloading.

**Decision:** As per existing rules 2 workers for container shipment to be continued and for the container unloading 2 paper workers shall be appointed in place of existing one.

**Demand No.12-** Be granted two months leave with pay to each worker in every year.

**Decision:** - Existing rules shall be continued.

**Demand No. 13.** Appoint 1 (one) reliever along with three tally clerks in place of existing 2 (two) workers in loading the container with frozen goods.

**Decision:** - Existing rules shall remain unchanged.

**Demand No. 14-** Establish 50-bed hospital for workers and until it is implemented, pay Tk. 50/- per duty to each worker.

**Decision:** - The Port authority shall be requested to allow the members of the workers association for treatment in the Port hospital.

**Demand No.15-** The noted charter of demands shall be made into effect from the date of termination the time limit of the agreement signed on the 11<sup>th</sup> September 1994.

**Decision:** - The agreement shall come into effect from the date of signing the agreement i.e., the 1st February 1997 and remain in force for the next two years. The notice for strike sine die given by the Mongla Port Shipping Workers Association had been called off as the agreement signed on.

**Bangladesh Industrial Disputes took place in 1999 are disseminated as follows:**

The four disputes under the Crescent Jute Mill in Khulna took place with strike in 1999. According to record of the Khulna Division Labor Directorate, these disputes were not settled through their conciliation in due time. The number of workers involved to strikes was 22,957 and caused the loss of 19,780 working days.<sup>20</sup> The loss of production was approximately Tk. 98,40,000/- originated from the disputes of Jute groups. These disputes

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Pakistan Planning Commission, The Second Five Year Plan (1960-65), June 1960, p. 378.

<sup>20</sup> Bangladesh Labor Journal, 1999, Part 19, p. 9.

were directly related with 8-points of demands, consists of incrementing the pay and allowances, given by the Labor Action Committee. However, labors of different groups ultimately joined the work.

**Bangladesh Industrial disputes without strike:**

The number of disputes was five in the early 1999. The more 143 took place throughout the year; as a result the total number of disputes was 148 in the year 1999. Out of 148 disputes 10 for Jute group, 6 for cotton group, 7 for jute press group, 10 for steel, iron & technical group, five for tea plant group. 9 for chemical and medicine group, 4 for aluminum, enamel ceramic & glass group, 1 for Food and transport group, 4 for printing press group 2 for autonomous bodies 16 for Port & Dock group, 2 for hotel and restaurant, 11 for water transport group, 13 for road transport group and 46 disputes for miscellaneous group happened this year. The number of settled disputes was 140 out of 148 and the rest five remained unsettled.

The Table 4 shows the statistical data of Bangladesh industrial disputes involved in Strikes in 1999.

**Table 4**

Year	No. of rest of disputes early in the year	No. of new disputes of the year	No. of disputes for settlement	No. of settled disputes	No. of unsettled disputes	No. of labors involved to strikes	No. of loss working days	Amount of loss wages	Value of loss of production
1	2	3	4	5	6	7	8	9	10
1999	..	4	4	4	..	22,957	19,780	..	98,40,000/-

Source: Bangladesh Labor Journal 1999, Part 19, Labour Directorate, Dhaka, p.9.

The Table 5 shows the district-wise statistics of industrial disputes with strikes in 1999.

**Table 5**

District	No. of disputes	No. of labors involved in strikes	No. of loss working days	Amount of loss wages	Value of loss in production
1	2	3	4	5	6
Khalishpur, Khulna	4	22,957	19,780	..	98,40,000/-

Source: Bangladesh Labor Journal 1999, part 19. p. 9.

The Table 6 shows the classified industry of industrial disputes involved in strikes in the year 1999.

**Table 6**

Class of Industry	No. of disputes	No. of labors involved in strikes	No. of loss working days	Amount of loss wages	value of loss in production
1	2	3	4	5	6
Jute Mill	4	22,957	19,780	..	98,40,000/-

Source: Bangladesh Labor Journal 1999, part 19, p.10.

Table 7 delineates the causes of industrial disputes involved in strikes.

**Table 7**

Causes of strikes	No. of disputes	No. of labor involved in strikes	No. of loss working days	Amount of loss wages	Value of loss in production
1	2	3	4	5	6
8-point charter of demands	4	22,957	19,780	..	98,40,000/-

Source: Bangladesh Labor Journal 1999, part 19, p.10.

Table 8 presents the result-based industrial disputes involved in strikes in 1999.

**Table 8**

Results	No. disputes	No. of labors involved in strikes	No. of loss working days	Amount of Loss Wages	Value of loss in production
1	2	3	4	5	6
Success	4	22,957	19,780	..	98,40,000/-
Failure	..	..	..	..	..

Source: Bangladesh Labor Journal 1999, part 19, p. 10



The Table 9 explains the range of days in industrial disputes involved in strikes in 1999.

**Table 9**

Days	No. of disputes	No. of labors involved in strikes	No. of loss working days	Amount of loss wages	Value of loss in production
1	2	3	4	5	6
1 day or less	..	..	..	..	..
more than 1 day to 5 days	3	16,715	7,296	..	38,15,000/-
.. ,, 5 days to 10 days	1	6,242	12,484	..	60,25,000/-
.. ,, 10 ,, to 20 days	..	..	..	..	..
.. ,, 20 ,, to 30 days	..	..	..	..	..
More than 30 days	..	..	..	..	..
Total	4	22,957	18,780	..	98.40,000/-

Source: Bangladesh Labor Journal 1999. Part 19, p. 11.

#### **Trends of Trade Unions:**

In the foregoing agreements discussed in the previous pages focused the nature of influence and strains between the management and the trade unions. The leaders of the trade union in Bangladesh more or less entertain political ambitions and therefore become active in political activities through different political parties. Mostly leaders of the union in different plant level are outsiders. As a result, the trade union has not been able to draw up a real working class leadership. The government and even officials of the labor directorate sometimes are found to be unsympathetic towards the unions. The management discourages the idea of 'collective bargaining'. Within each enterprise, management displays a paternalistic attitude towards labor. It sometimes seems that management distributes favors to workers only when the latter abide by rules made by the former. Similarly, welfare programs and fringe benefits are given the workers, as gesture of goodwill and not as a right won by the workers through collective bargaining.

The background of industrial disputes, which leads to the agreement to be signed on, acknowledged the prevailing constraints at the plant level. In this regard, trade unions are often considered a challenge to the power and authority of employers. The employers resort to a variety of measures such as victimization of active members at the plant levels, floating of rivals unions, creating division among workers and maintenance of black list.

The activities of the unions seemed to be confined to deal with the wage issue only. Workers' union and their demands seem to be indispensable for a healthy growth of production as well as economic development in Bangladesh.

To sum up, the bourgeois or petty-bourgeoisie interests dominate most of the trade unions. Bureaucratic and bourgeois values are to be discouraged for the welfare of the members of the unions. It is true that inequality of income and wage exists between different categories of labors working in the organized and unorganized sectors of the economy. Inequality also exists between the skilled and unskilled workers within the same enterprise. In spite of these practical constraints and realities of the circumstances, the workers need to realize the value of unity. For the healthy growth of socio-economic development, the justified demands of the workers should be fulfilled not only for the welfare of the union's members but also for the greater interest of the nation in the days to come. Trade Unions also need organizationally strong and effective in order to make collective bargaining meaningful and a reality in their lives. So trade union's pressure upon the management as well as the government should be treated not only for the welfare of the labor community but also for the healthy growth of production in the plant level.

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## **CHAPTER EIGHT**

# **The Tribal Group : A Challenge to Bangladesh**

## CHAPTER EIGHT

### The Tribal Group: A Challenge to Bangladesh

The tribal group is an ethnic and regional pressure group in Bangladesh. The tribes of Chittagong Hill Tracts (CHT) are posing a serious challenge to the existing unitary structure of the country<sup>1</sup>. Why do some countries succeed in living together with tribals peacefully while others fail to do so? How do the tribal groups exert strains upon the government since the inception of Bangladesh? What are the demands of the tribal group? How did governments respond towards them? How do governments of different period face the challenges thrown by the tribal group of CHT? What sort of policies has the government initiated or changed in the face of pressure of the tribal group in Bangladesh? The main objective of this chapter is to look for the answers of the said questions and to examine the responds made by the governments in different periods. We could observe this issue in context of relevant frameworks for analysis.

The number of that ethnic groups is 1 million. Out of 123 million population of Bangladesh, 98.7% are Bangladeshis and the remaining 1.3% are hill people and tribes. 61% tribes of them live in CHT. It comprises with 5093 sq. miles or about 10% of the country's total territory of 55,598 sq. miles. The total number of CHT population is 600,000 (60%) tribals and 400,000 (40%) Bengali settlers. It is located in south-eastern corner of Bangladesh bordering India and Myanmar. The CHT is inhabited by thirteen tribes of different sizes. These are as follows<sup>2</sup>: (1), Chakma 30.57%; (2) Marma 16.60%; (3) Tripura 7.3%; (4) Murong 2.17%; (5) Tanchanga 2.04%; (6) Bom 0.17%; (7) Panku 0.21%; (8) Khumi 0.11%; (9) Mro 0.12%; (10) Khiyang 0.17%; (11) Chak 0.10%; (12) Lishai 0.08%; (13) Riyang 0.31%.

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<sup>1</sup> For details about the tribals groups in the Chittagong Hill Tracts, see Pierre Bressaignet, Tribesmen of the Chittagong Hill Tracts. (Dhaka: 1958); The Report of the International Chittagong Hill Tracts Commission , Dhaka: 1991.

<sup>2</sup> Syed Anwar Hussain, "Religion and Ethnicity in Bangladesh Politics" in Bangladesh Institute of International and Strategic Studies (BIISS) Journal vol. 12, No. 4, 1991, pp. 421-445.



### **Genesis of the Issue:**

The legal basis of the demand of regional autonomy made by tribal group of CHT can be traced in the Chittagong Hill Tracts Regulation 1900. It introduced separate administration under British rule and the fact that the document in which this regional autonomy was indirectly guaranteed has never been abrogated. These regulations still form the basis of the civil, revenue and judicial administration of the CHT. Although there have been several amendments to the rules and several new laws have been made applicable to the CHT between 1900 and up to the present. Until today the legal system in the CHT has significant differences with that prevailing in the rest of the country. Laws passed for the rest of the country do not automatically apply to the CHT unless they are specifically extended to the CHT in the manner laid down in the CHT manual.<sup>3</sup> In this regard, Raja Devasis Roy has placed greater emphasis on this colonial Regulation showing its 'separate but equal' approach which embedded separate identity in it.

In fact, Debasis challenges the government's assertion that Bangladesh have ever been a unitary state. Land rights, in particular, have become the focus of a powerful argument against the unitary structure of Bangladesh. The local system of land rights in the Chittagong Hill Tracts was recognized to be fundamentally to be different right from the inception of colonial rule. It was modified with certain adaptations in the regulation of 1900. One of the major bones of contentions in the present crisis and strains is the tacit expansion of the very different system of land rights with which Bengalis have lived for generations. The inhabitants of CHT demand that their own concept of land rights is respected, i.e. they demand that the legal pluralism which Bangladesh inherited is to be recognised and continued.<sup>4</sup>

### **Framework of analysis:**

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<sup>3</sup> Willem van Schendel "Bengalis, Bangladeshis and Others: Chakma Visions of a Pluralist Bangladesh" in Rounaq Jahan (ed.), Bangladesh: Promise and Performance, (Dhaka: University Press Limited, 2000), pp. 65-105.

<sup>4</sup> Raja Devasis Roy "Land rights, Land Use and Indigenous Peoples of the Chittagong Hill Tracts" in Philip Gain (ed.), Bangladesh: Land, Forest and Forest People, 1996, pp. 49-100.

It is important to note that the ethnicity of the tribal group has been considered as a part of the nation-building process in Bangladesh from the British period. To a large extent, the nation building process involves relationship between a central government and regional groups or nationalities. This relationship can be analysed within the framework of the centre-periphery model. This model, of course, has relevance more to the relationship between the developed and developing countries.<sup>5</sup> However, Kothari argues that both the processes of internal accommodation as well as consolidation and external linkages can be explored with the help of center-periphery model.<sup>6</sup> The process of nation building involves the penetration of central political institutions downward from the center to the periphery. The consequence of the penetration may be the accommodation or incorporation of the periphery's interest groups to the central institutions.

On the other hand, the penetration may generate a cleavage or conflict between the central nation-building culture and the increasing resistance from the different pressure groups in the peripheries. Hettne and Friberg suggest that it is in response to these cleavages that the local political elites mobilize the population politically. The mobilization may be termed **reactive** when it is undertaken in defence of rights believed to have been unjustly removed or denied. If the implementation does not take place, the outcome is either repression or **proactive** mobilization meaning the demands of new rights, which the groups were not previously entitled. In such a situation proactive mobilization will take a serious turn leading either to autonomy or secession.<sup>7</sup>

In analyzing the origin of the CHT tribal group problem we find all the elements suggested in this model. Cleavages between center and periphery lead to proactive and reactive mobilization respectively. A number of steps taken by the center dating from Pakistan days apparently in consonance with western model of nation building led to the process of reactive mobilization at the periphery. These steps simply ignored the vital question of pluralism. This very issue has engaged the attention of developing countries analysts now and then.<sup>8</sup>

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<sup>5</sup> J. Galtung, "A structural Theory of Imperialism", *Journal of Peace Research*, No. 2, 1971.

<sup>6</sup> Rajini Kothari, "State and Nation Building in the Third World" in Rajini Kothari (ed.), *State and Nation Building : A Third World Perspective*, (New Delhi : Macmillan, 1976), pp. 11-12.

<sup>7</sup> Syed Anwar Hussain, "Religion and Ethnicity in Bangladesh Politics" in the *Journal of Bangladesh Institute of International and Strategic Studies (BISS)*, vol. 12, No.4, 1991, pp. 421-445.

### **In Pakistan period:**

The tribesmen are conservative by nature. They observe a very rigid code of tribal custom, vigorously applied by the tribal headmen. They believe that custom and convention protect the tribal community from crime against it and from the violation of community taboos. The British policy with regard to the tribal people was to 'keep the tribes peaceful and well disposed as possible by means of plentiful bribes and loose reined administration'.<sup>9</sup> The government of Pakistan had accommodated three representatives in the Second Constituent Assembly from the tribal people who were mainly concentrated in the areas of North-West Frontier Province (N-W.F.P.) and Beluchistan. It is not only that they had also about 30 representatives in the in the then West Pakistan Assembly. The important is that the tribesmen and the tribal leaders increasingly appreciated the changes and demanded more of them. The tribal members of the West Pakistan Assembly were well united. They not only demanded ministerial portfolios but also greater allocation of money for the development of tribal areas. It may be mentioned here that in 1947 the First Constituent Assembly of Pakistan was originally consisted of 69 members. Subsequently, it was raised to 79 members including the representatives from the native states and the tribal areas – Bahawalpur, Khairpur and the Belucistan States.<sup>10</sup>

The first step of the center ruling elite creating the background for reactive mobilization was the Karnaphuli Multipurpose Project. It began in 1957 and completed in 1962. The project was launched to accelerate economic development of the then East Pakistan. But, when completed, it subjected the life and economy of the tribals to serious strains. The Kaptai lake submerged an area of about 400 hundred square miles. The submerged area includes 54000 acres of settled and cultivable land. About 100,000 persons including a sizeable number of **Jhumiya**s were affected. Of the affected families only 12,000 could be settled in about 20,000 acres of inferior lands. Even in 1981, a somewhat better-off displaced person was found grieving, " I have not been able to construct a house like the one built by my ancestors. That very land is now under the water of the Kaptai Lake."

### **Sheikh Mujib regime 1972 – 1975:**

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<sup>8</sup> Ibid.,

<sup>9</sup> Talukder Maniruzzaman, *The Politics of Development: The Case of Pakistan 1947-1958*, (Dhaka: Green Book House Limited, 1971), pp. 113-114.



In Bangladesh, a fundamental economic issue was transformed into an economic political-cultural problem by the government of Bangladesh between 1972 and 1975. The misperceived steps of the centre creating such a problem were quite a few. **First**, Mujib's call for the tribals to become "Bangalees" (1972-73). **Second**, passage of a bill in Parliament on 23 January 1974 declaring Bangladesh a unicultural and uni-lingual nation-state. **Third**, settlement of the Bangalees in the tribal areas in the Chittagong Hill Tracts (CHT).

The first symptom of the reactive mobilization could be seen in the rejoinder of the tribal elites. Manabendra Narayan Larma, MP opined in the Parliament in 1972 that "as citizens of Bangladesh we are Bangalees, but as a race we have our own identity. We want to retain this own identity. Our main worry is that our culture is threatened with extinction. But we want to live with our separate identity"<sup>11</sup>. Even the student community, specially, the chakmas vowed to uphold their culture against intrusion by the center. These intruders from outside shall not be allowed to settle at the CHT areas.

Since 1972 the tribal groups began demanding self-government and the formation of a special legislative body. In the early 1972, the two tribal's delegation led by Charu Bikas Chakma and Manobendra Larma met the then Prime Minister Sheikh Mujibur Rahman and submitted memorandum containing the CHT's problem respectively. But any way, the delegations could hardly satisfy at this. In consequence of the event, the Parbattya Chattragram Jana Sanghati Samity (PCJSS) was formed headed by Manobendra Larma on 15 February 1972 to realize their demand of regional autonomy for the CHT tribes.

Insofar as mobilization was concerned in the early seventies a period between 1972 and 1975 witnessed a sudden transition from reactive pressure to proactive action. In mid 1972, the communist party sheltered in CHT but maintained a low key profile. The main task of mobilization was to be carried out by the political front, Jana Sanghati Samity. In the early 1973, a military wing of tribal group named '**Shanti Bahini**' was added. The interest aggregation was followed by drawing up a Four-point charter of demands presenting the same to the government of Bangladesh. The charter in fact, to all intents and purposes, demanded autonomy for CHT and withdrawal of non-tribal settlers. From

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<sup>10</sup> Khalid bin Sayeed, *The Political System of Pakistan*, (Karachi: Oxford University Press, 1967), p. 68.

<sup>11</sup> Syed Anwar Hussain, *op.cit.*, p.440.

that situation government would remain **proactive** towards the said mobilization and it remains so until today.

In respond to the demands exerted by the Jana Sanghati Samity (JSS) along with the strains of Shanti Bahini, the Awami League government stopped Bengali settlement in CHT in 1973. But strongly rejected the demand for autonomy. This drove the Jana Sanghati Samity to immediate action. In response, the government mounted military offensive. First, three military cantonments were set up in the Chittagong Hill Tracts. Each built at Ruma, Diginala and Ali Kadam. Second, a joint-Indo-Bangladesh operation against CHT insurgents was reported to have been planned. But it could not be carried out because of a sudden political change in August 1975. Since then India also changed its policy vis-a-vis the tribal group insurgents, who have since been used to put the government of Bangladesh under constraints.

#### **Ziaur Rahman's regime 1975- 1981**

Ziaur Rahman came to the center of political power of Bangladesh through the soldier-mass revolution on 7 November 1975. Zia addressed the tribal group's problem economically, politically as well as demographically side by side with keeping up military operations. At the end of the Mujib regime autonomy demand of the tribals was taking as the character of independence movement for a "Jummaland". Zia perceived such a demand as a consequence of economic backwardness. He instituted the Chittagong Hill Tracts Development Board (CHTDB) to accelerate the development works in the early 1976. Politically, he opened a channel of dialogue with the insurgents. For this reason, Zia used the services of queen mother Binita Roy and Awang Shue Pru Chowdhury as advisers. But this accommodation to the central political ruling elites was not so available. The second political move was to institute a tribal convention in 1978 under the leadership of Charu Bikas Chakma. Comprising representatives of middle class tribals, the tribal convention was supposed to counter the *Shanti Bahini*. This move also failed to achieve desired results.

The perceptive recommendations of an opposition parliamentary committee for a comprehensive political settlement were, however, ignored by the Zia regime. But the regime desperately followed the most dangerous policy like demographic swamping by a planned settlement of landless Bangalees from the northern districts to CHT areas

between 1979 and 1981. As a result, the ratio of Bangalee settlers in CHT rose to 27.05 percent; whereas in 1947, the ratio was 02 percent. In 1990, this ratio stood at 39 percent. Another political move was to get the “Disturbed Areas Bill” tabled in parliament in 1980, which, however, floundered because of strong opposition. If the Bill passed, the law would have armed the police authorities with powers to arrest or shoot a person on “reasonable suspicion”. It might be applicable not only in the CHT areas but also the other regions where there would be law and order situation. Any way, the Zia regime took the tribal issue seriously and left the problem in more confrontation in reality because of assassination of Zia on 30 May 1981.

### **Ershad Regime 1982-1990:**

The Ershad regime, however, continued counter-insurgency operations of the past in the CHT areas. But at the same time he undertook some measures to develop socio-economic infra-structure and for political settlement.<sup>12</sup> Similarly the Ramon Magsaysay-Lansdale model of counter-insurgency to deal with the Hukbuhap guerillas in Philippines in the 1940s and 1950s.<sup>13</sup> This model refers to win “ hearts and minds” of the counter insurgents through accommodation. In the 1980s the security forces in the CHT areas have been found to be engaged in measures to win “ hearts and minds” of the tribal groups.

The **first** political move under this regime was the declaration of four general amnesties from 1983 to 1989. Taking advantage of these amnesties 2,294 insurgents surrendered. In addition, 30,399 tribals returned home from camps across the border between 1987 and 1990. The **second** important political move was to engage the representatives of the insurgents in dialogues. In this way, six sessions of dialogues were held from October 1985 to December 1988. The negotiations installed in the process as in March 1989, the government passed the Local Councils Act<sup>14</sup> for constituting the local government bodies in Rangamati, Bandarban and Khagrachari (three districts of CHT). The Act provided for devolution of 21 subjects to these councils and thereby for limited autonomy. These councils gave proportional representation to the tribal and Bangalee settlers. These measures have been objected to by the insurgents as they allege that the members

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<sup>12</sup> Syed Anwar Hussain, “ Shanti Ashantir Dolachale Parbatya Chattagram”(vernacular), *Bichitra*, cover story, 2 February 1990.

<sup>13</sup> For details on this model of counter-insurgency see “ An American Strategy for Third World Insurgencies”, The Heritage Foundation Backgrounder, (Washington, D.C : 12 March 1991.



although elected were co-opted by the government. In spite of many controversies and criticisms, these measures have brought about two qualitative changes in the scenario.

First, a beginning has been made in the direction of autonomy, though it limited one at the moment. Second, the ten most disadvantaged smaller tribes, other than the more advanced Chakma, Marma and Tripura, have for the first time been initiated to a political process. During the Ershad regime, 3 out of 21 subjects were transferred to the local government councils. The rest of the 18 subjects were transferred in mid 1991 during Khaleda Zia regime. The transferred subjects to the concerned local councils were :- (1), Law and order; (2), Coordination of Development Works; (3), Education; (4) Health; (5), Public Health Projects; (6) Agriculture and Forestry; (7) Animal husbandry; (8), fisheries; (9), Cooperatives; (10), Industry and Commerce; (11), Social Welfare; (12), Culture; (13), Development and Land Communication Facilities; (14), Development and Management of Ferries; (15), Maintenance of Playgrounds and Public Places; (16), Implementation of Government sponsored Development Projects; (17), Development of Overall Transport and Communication Facilities; (18) Water Supply and Sewerage; (19), Construction and Maintenance of Rest-houses and Circuit houses; (20), Planning for Local Development ; and (21) Planning for moral and economic development of local populace.

But the aspect of the problem that has remained unaddressed over the years relates to the Bangalee settlers. There are two aspects of the said problem. Number 1, the landless poor transplanted from other regions have nowhere to go but are victims of *Shanti Bahini* brutalities.

#### **Khaled Zia regime 1991-1996:**

Begum Khaleda Zia, for the first time, became the Prime Minister of Bangladesh through a free and fair national election held in February 1991 under non-party, neutral caretaker government.

The regime, however, did take the people of the country into confidence after a long period of nine years movement against Ershad. However, the tribal question took a serious turn. The tribal group of CHT led by Jana Shanghati Samity and its guerillas, Shanti Bahini reiterated their 5-point demand. The demands included<sup>15</sup>: (1), constitutional

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<sup>14</sup> The Rangamati Local Council Act, 1989; The Bandaeban Local council Act 1989; The Khagrachari Local Council Act 1989.

<sup>15</sup> The Report of Chittagong Hill Tracts Commission, May 1991, p.26.

provision forbidding any change of status of CHT without the verdict of the tribal population through plebiscite; (2) rehabilitation of tribals who had crossed into the Indian border as refugees together with due compensation for the families affected by the Kaptai Hydro-electric Dam; (3), fixation of tribal quotas for recruitment into civil and military services, admission into universities and medical and technical colleges; (4) relaxation of age and educational qualifications for the rehabilitation of all members of the JSS and SB; (5), Initiation of special development program for the CHT including establishment of a separate bank.

With a view to accommodating the tribals into the recruitment of civil and military services, Bangladesh government in the early eighties had to fix a following quota for them. Table 2 shows the tribals accommodate five percent of the total position in the recruitment and promotion to the services.

**Table 2**

Serial No.	Types of quota	For Class I & Class II Officers (%)	For Class III & Class IV Employees (%)
1.	Merit	45	-
2	Orphan and Retarded	-	10
3	Freedom Fighters	30	30
4	Women	10	15
5	Tribals	5	5
6	Ansar & VDP members	-	10
7	Banlance ( for district-wise distribution)	10	30
	Total	100	100

source: World Bank, Government That Works in Bangladesh: Reforming the Public Sector, 1996, p.113.

A large number of fresh graduates from the universities participate in the open competitive examination for recruitment to the Bangladesh Civil Services every year. The candidates from the tribal groups hold the reserve 5% quota for them till now. It is not only in services but also for admission in the public universities some specific seats have been reserved for tribals.

However, the earlier two regimes headed by General Ziaur Rahman (1976-1981) and Lt. General H.M.Ershad (1982-1990) resorted to military solution of the tribal problem of CHT. The army was placed in control of the area. About 30,000 to 35,000 security forces were deployed in 230 army, 100 Bangladesh Rifles and 60 police camps. It measured one force to every twenty-hill people<sup>16</sup>. Their continued policies of planned Bengali settlements in the CHT area from the plain lands. During 1976-1987 more than 400,000 Bengalis were settled there drastically reducing the tribal-non-tribal proportion. The creation of 'cluster villages' for the tribals as a part of counter-insurgency measures and restrictions on movements of tribal population could not bring any change there at all. In addition, attempts to divide them radically changed the situation and turned initial protest into all out resistance. The military counter offensives had driven out 55,000 to 60,000 people as refugees into the bordering Indian State of Tripura, which added an inter-state dimension.

Khaleda Zia government instituted a high-powered Official Committee consisting of nine Members of the Parliament (MP)<sup>17</sup> in July 1992. The Committee, headed by Oli Ahmed cabinet minister, represented various parties. It aimed at carrying out negotiations for a permanent solution of the tribal problem at CHT. The committee held dialogues with the Jana Shanghati Samity (JSS) and Shanti Bahini (SB) of tribal groups in different capacities. For this purpose, Oli Ahmed visited Calcutta and Tripura regions of India several times. He signed the inter-state level agreement<sup>18</sup> with India on 9 May 1993 regarding repatriation of tribal refugees from Asam and Tripura. Accordingly the first batch of refugees numbered 379 families returned home in February 1994. The periodic cease-fire between the government forces and the JSS/SB was first announced in August 1992. Later it was extended upto 15 July 1994. In fact, the negotiations with the JSS/SB were pursuing their original demand 'regional autonomy' in place of their earlier demand for 'provincial autonomy' with a legislature.

### **Sheikh Hasina regime 1996-2001:**

<sup>16</sup> Harun-Or-Rashid "Ethnicity, Religion and Nation-Building: The Case of Bangladesh" in *Journal of the Asiatic Society of Bangladesh*, vol.39, No.2, December 1994, pp.1-13.

<sup>17</sup> The Committee Members were: Oli Ahmed, MP and communications Minister (BNP), Rashed Khan Menon (Workers Party), Kalpa Ranjan Chakma (Awami League), Mostaq Ahmed Chowdhury (Awami League), Syed Wahidul Alam (BNP), Mohammad Shajahan (BNP), Barkatullah Bulu (BNP), Shajahan (BNP) and Shajahan Chowdhury (Jamaat).

<sup>18</sup> The Daily Star, 10 May 1993.



The Awami League headed by Sheikh Hasina formed the government winning the national elections in June 1996. Her party was, however, committed to solve the tribal problems of CHT politically if they were voted to power. Sheikh Hasina government formed the National Committee on CHT Affairs led by Abu Hasnat Abdullah (MP), who signed the peace agreement with leaders of the uprising tribal groups led by Santu Larma in December 1997. A long-standing administrative pluralism between the CHT and the rest of Bangladesh was reaffirmed through this Peace Deal. Institutions such as the Chittagong Hill Districts Regional Council, the three administrative Circles with their hereditary Circle Chiefs and the Hill District Police are unique to the region. Most significantly, the agreement states that if the new apex institution, the 'Regional Council',

**“finds any rule of the 1900 CHT Regulation and other related laws, rules and ordinances contradictory to the 1989 Hill District Council Acts then the government shall remove that inconsistency by law according to recommendation of and in consultation with the Regional Council.”<sup>19</sup>**

In addition, the accord stipulates that the BDR camps, cantonments in the three district headquarters, and three cantonments at Alikadam, Ruma and Dighinala will remain in their earlier position and strength. But all the temporary camps of the armed forces, Ansars and all Village Defense Parties will be rolled back gradually to their permanent base as the situation improves. Besides this, government will ensure security to the PCJSS cadre and their family. Different cases and warrants against the members of Shanti Bahini would be lifted. Every family of the PCJSS and Shanti Bahini will be provided Tk. 5000/- at a time for their rehabilitation.<sup>20</sup>

### **Reaction of PCJSS's inter group:**

This recognition of administrative pluralism did not satisfy a group of young Chakmas. They turned against the peace accord on technical grounds. They suspected that it would block the way to further autonomy and significant decentralization of the state. Thus, a

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<sup>19</sup> The Peace Agreement between the National Committee on CHT Affairs formed by the Government of the People's Republic of Bangladesh and the Parbattya Chattagram Jana Sanghati Samity (Dhaka: 2 December 1997), Paragraph C.11.

<sup>20</sup> The Peace agreement signed on between the NCCHT affairs and the PCJSS on 2 December 1997, clause 16.

group of young chakma formed a new political party<sup>21</sup>. There were other sub-groups in the tribal community. Specially- the Jumma Peoples Network, the apex body of overseas Jummas. They denounced the peace agreement for failing “to address the fundamental problems of the indigeneous Jumma Peoples, like the constitutional recognition of their distinct identity, land rights, full autonomy to the CHT,s and withdrawal of illegal settlers and the armed forces”.<sup>22</sup> The theme of the cultural hegemony was vehemently addressed by the Rangamati Declaration on December 1998. This declaration was adopted by the 100-odd participants at the broad-based Conference on Development in the Chittagong Hill Tracts, held in Rangamati on 18-19 December 1998. The Declaration demanded primary education in the mother tongues of the indigenous peoples of the CHT as well as courses on their languages and cultures. It also demanded that the existing inaccurate and disrespectful references to the languages and cultures of the indigenous peoples of the CHT in the national educational curriculum be corrected in consultation with the leaders and representatives of the people concerned.

### **Opposition in the Parliament:**

On the other hand, the opposition pointed out that the peace treaty has compromised state sovereignty. It is fully inconsistent with the unitary character of the state as such it is unconstitutional. In the campaign against the “ anti-people agreement” leading up to the “Long March” from Dhaka to CHT region. In November and December 1997, Begum Khaleda Zia, the then leader of the opposition, argued “ We won’t let it happen and we are going to protect the integrity and sovereignty of our country at any cost.”<sup>23</sup>

### **Government under pressure has to agree the followings in the treaty:**

The provisions of the Bangladesh constitution may examine the foregoing peace treaty structure here. The treaty has four parts- (1) General; (2) Hill Districts Local Government Council; (3) Parbattaya Chattragram Regional Council and (4) Rehabilitation , General Amnesty and others. The following are the main characteristics of the peace agreement:

<sup>21</sup> The United People’s Democratic Front (UPDF). For protests during the surrender ceremony on 10 February 1998; See, Rashed Chowdhury, “Chakma Faction Opposes Surrender”, Dhaka Courier, 27 February 1998, p.11.

<sup>22</sup> Willen Van Sehendel, “Bengalis, Bangladeshies and Others: Chakma Visions of a Pluralist Bangladesh” in Rounaq Jahan ed., Bangladesh: Promise and Performance. (Dhaka: University Press Limited, 2000), pp. 66- 105.

<sup>23</sup> Begum Khaleda Zia thundered this statement at public meeting. see, Dhaka Courier, 12 December 1997, p.15.

- Both the sides recognized the Chittagong Hill Tracts (CHT) areas as a tribal inhabited region. An implementation committee would be formed with the following members to monitor the process of the agreement. Members are:

One member nominated by the Prime Minister	Convenor
Chairman of the task force formed under the agreement	Member
Chairman, PCJSS	Member

- Both the parties have decided to formulate, change, amend and incorporate concerned acts, regulation, terms and practices encoded in the different sections of the agreement as following:

Existing views, languages and rules of the Hill Districts Local Government Council Act, 1989	The amended views, languages and forms to be of the Hill Districts Local Government Council Act, 1989
1. The term "Tribes" used in the different clauses of the Council's Act.	The term "Tribes" will remain enforced.
2. The Name of Local Council is "Hill District Local Government Council".	To be treated as "Hill district Council".
3. "Non-tribal permanent settlers"	To be unchanged
4. "Deputy Commissioner" and Deputy Commissioners"	To be treated as "Circle Chief" and "Circle Chiefs"
5. Elected person as Chairman or Member of any local council shall take oath before the "Chittagong Divisional Commissioner"	The elected person shall take oath "before the Justice of the High Court Division" instead of Chittagong Divisional Commissioner."
6. Regarding oath administration "to Chittagong Divisional Commissioner"	"As provision of the election regulation" will be substituted for "Chittagong Divisional Commissioner"
7. The "Three years" term of Local Council.	It will be replaced by "Five Years".
8. The Secretary of the local council will be of the status of deputy secretary	Tribal officers will be given priority for the post of secretary to the local council.

Source: Worked out from "The daily Star", 3 December 1997.



In addition, charges, warrants and convictions in absentia against the members of Shanti Bahini as well as PCJSS would be lifted. Those serving prison terms would be freed. They would also be granted Tk. 50,000/- to start normal life. In cases of their previous bank loans, interest would be waived. They would be reinstated in their jobs in government and autonomous bodies. Their family members should be employed in jobs on the basis of qualifications and age bar would be relaxed in their cases. They would get preference in getting bank credits on easy terms for cottage industries and self-employment efforts.

The accord was capped by formation of a tribal affairs ministry for the Chittagong Hill tracts (CHT) and the "Regional Council" (RC) to be headed by the tribal leaders. The RC would oversee and coordinate the administration, law and order development activities. It would also grant license for NGO activities and setting up of heavy industries. All posts officials and employees in the government and autonomous bodies in the CHT areas would be filled up giving priority to the tribal people.

About the much disputed land ownership issue, the government said, "Whatever is in the existing laws, no khas land in the CHT region be leased out, purchased, sold or transferred without the permission of the Regional Council". This, of course, would not be applicable to the recorded lands of government. Collection of land development tax in the district should be handed over to the RC. It is not the only but the collected revenue would have to be deposited with the council.

The jurisdiction of HILL district Parishad would control the following areas:

Land and land administration, local police, tribal law and social justice, youth welfare, environment protection and development local tourism, improvement trust and other local administrative bodies, licence for local trade and commerce, irrigation from different rivers and canals except Kaptai Lake. Jhum cultivation and money lending business would also be under the responsibility of hill district parishad. Moreover, a land commission headed by a retired judge would be set up to settle land dispute of the rehabilitated refugees. No appeal could be made against the verdict of this commission. The other members of the commission would be the concerned circle chief, chairman or

representative of the RC, Divisional Commissioner and concerned Chairman of the district parishad<sup>24</sup>.

### **Parbattaya Chattrogram Regional Council:**

The Twenty-two-members Parbattaya Chattragram Regional Council comprising the three hill districts local government councils aimed at strengthening hill district councils more. Keeping this view, hill districts local government council acts, 1989 (Act no. 19, 20 and 21 of 1989) would have to be amended. The elected members of hill district councils will indirectly elect the RC's chairman, who would enjoy the status equivalent to the state Minister of government. He shall be a tribal. The two-third members of the RC would be elected from the tribals. The RC will decide its rules of business. Following is the structure of the Regional Council<sup>25</sup>.

Chairman	1
Member Tribal (Male)	12
Member Tribal (Female)	02
Member non-tribal (Male)	06
Member Non-tribal (Female)	01
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Total	22

From the members of the tribal group (Male) five officials will be elected from Chakma, three from Marma, two from Tripura, one from Murong and Chaitanga and from Lushai, Bum and others. In case of tribal female, one from Chakma rest one from other tribal group. Three seats of RC will remain reserve for women. Of them one-third will come from non-tribals. The members of the District Council will indirectly elect the members of the proposed regional Council. The Chairmen of the three hill-district councils will be the ex-officio members of the RC and they will have the voting power. the term of the RC will be of five years. The chief executive secretary of the RC will be equivalent to the status of joint secretary. The tribal officer will be given priority for appointment to this post.

<sup>24</sup> The Peace Agreement. Part D, clause-4 &5.

<sup>25</sup> Ibid.' Part C, clause, 11

If there is found any contradiction between the Chittagong Hill Tracts Regulation 1900 together with other existing laws, rule, ordinances and Hill District Local Government Councils Act 1989, contradiction and dissimilarities will have to be removed through the provisions of laws provided the consultation and recommendation of the Regional Council.<sup>26</sup> This clause of the Peace Agreement is against the spirit of the Bangladesh Constitution, article 65(1). It says nothing in this shall prevent parliament to make orders, rules, regulations, by-laws or any other instrument having legislative effect. It does not need to consult any body or any agency. The Parliament, in the unitary form of government like Bangladesh, has supreme authority all over the territory provided by its constitution to make laws as country needs.

Moreover, a ministry on CHT Affairs would be set up appointing one minister from tribes. The following advisory committee should be constituted to assist the ministry:

1. The Minister of CHT Affairs Ministry
2. The Chairman/Representative of Regional Council
3. The Chairman/ Representative, Rangamati Hill District Council
4. The Chairman/ Representative, Bandarban Hill District Council
5. The Chairman/ Representative, Khagrachari Hill District Council
6. Member of the Parliament, Rangamati
7. Member of the Parliament, Bandarban
8. Member of the Parliament, Khagrachari
9. Chakma Raja
10. Bomang Raja
11. Mong Raja
12. Three non-tribal members to be nominated by the Bangladesh government

The Peace Agreement has come into effect from the date of its signing on 2 December 1997 and execution by both the sides. This agreement would be valid from the date of its effect until all the steps are executed as per the agreement.

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<sup>26</sup> *Op.cit.*, Part C, Clause, 11.



## After the Peace Deal:

According to the Peace Agreement the government had to introduce CHT affairs Ministry headed by Kalpa Ranjan Chakma. The RCCHT was also equipped at Rangamati and other conditions were also in progress. In course of time, Jotirindra Bodhipriyo Larma alias Shantu Larma, Chairman of RCCHT launched a new organization in the open conference in Dhaka 'Bangladesh Audibashi (aborigines) Forum (BAF) in April 2001 to protect and fight for rights of the indigenous people<sup>27</sup>. He was made convenor of the 15-member convening committee of the organization. Sonjib Drong, a leader of the Jatiyo Audibashi Shamannaya Parishad who became the Member-Secretary of the Forum openly declared the new organization would participate in local and national election. It could be both direct and indirect participation as a tactical step. Shantu Larma is not only the Chairman of the RCCHT and PCJSS but now became the chief of the Regional political party. The following are the twelve-point demands of the Bangladesh Audibashi Forum taken in the conference held in Dhaka<sup>28</sup>.

(a) The Audibashi should be recognized in the constitution of Bangladesh; (b) the Bangladesh Audibashi Forum should be allowed to exercise their socio-economic and cultural rights on land; (c) the Peace agreement should be properly implemented without any delay; (d) Forest Act (Amendment) 2000 and the decisions of making Eco-park in Moulvibazar and Tangail should be nullified; (e) Social Forestry Project and Eco-Tourism Project should be cancelled without any delay and no project would be implemented in the CHT areas without the consent of BAF; (f) Social Forestry Act Bill 2000 would not be passed unless the BAF gives consent; (g) killers of the Gidita Rema and Alfred Saren along with other killers of Audibashies should be taken into police custody and punished; (h) all sort of repression should be stopped and false cases would be withdrawn; (i) a few number of seats in the Jaitya Sangsad would be exclusively reserved for Audibashies; (j) Audibashi Ministry like CHT should be introduced; (k) existing quotas for tribes in education sector and job market should be

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<sup>27</sup> 01 April, 2001 The Daily Prothom Alo (Dhaka)

<sup>28</sup> Ibid.,

increased; and (I) The Audibashi Declaration 1997 made by the Audibashi Leaders should be implemented. From the language of foregoing demands Bangladesh Audibshi Forum, we could easily guess the amount of pressure to be exerted on government. Shanto Larma, (leader of BAF, RCCHT and PCJSS) along with other leaders of the forum met the Prime Minister Sheikh Hasina following day and submitted a memorandum contain those demands.

In this chapter, we minutely observe that the tribal group, which was once non-associational interest group, has formed to be associational and political in some extent in Bangladesh. As this trend is the symptom of political development in one hand, the challenge is also towards the unitary structure of government on the other. This strain on government tends to address the integration and penetration crisis. So, therefore, the government of a developing country like Bangladesh has to confront this tribal issue with very careful and vigilant.

To conclude our discussion in this chapter, it may summarized that the tribal groups and the techniques of exerting pressure by them are challenges in Bangladesh politics. It is really a threat towards the sovereignty of Bangladesh . The Peace Deal which has been signed in 1997 between the government of Bangladesh and the PCJSS headed by Santu Larma was not passed by the parliament. It proves that government had to agree to sign the Deal under pressure.

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## **CHAPTER NINE**

# **Concluding Remarks**



## CHAPTER TEN

### Concluding Remarks

From the discussions and analysis in the foregoing different chapters on pressure groups in Bangladesh Politics, the following conclusions may be drawn.

- Some pressure groups are specially dominant in Bangladesh Politics.
- Government's decisions and policies are frequently being shaped and changed by various pressure groups.
- Government's decision is often tilted in favor of some pressure groups than others.
- Most of the governments had marginal commitments to the implementation of administrative reform policies.

(I) A small number of civil servants organized under the Bangladesh Civil Service (Administration) Cadre Association plays a dominant role in the process of Bangladesh Politics. From the very beginning the government is trying to reform the structure of civil service according to the need of the society. For this purpose, different committees and commissions recommended different measures emphasizing the introduction of Senior Service Pool in the civil service where talented and skilled officers of different services can be inducted from the entry point of deputy secretary.

Following the Administrative and Services Reorganization Committee headed by Dr. Muzaffar Ahmed Chowdhury's Report in 1974, 17 committees and commissions for administrative reorganization and Reforms worked in different regimes in different capacities from 1972 to 2001 in Bangladesh politics<sup>1</sup>. Only the four reports, out of 17, have been so far implemented, six reports were partially adopted and rest seven reports were not adopted at all. The report of Civil Administration Reforms Committee headed by Mahbubuzzaman, csp, implemented in 1972. The other two reports on administrative decentralization creating "Upazila System" and adjustment of different posts in the civil

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<sup>1</sup> Annexure-I

service were implemented during the period of martial law in 1982. The other six reports were partially adopted and rest seven reports were shelved. Following the Matin Committee's recommendation the Senior Service Pool (SSP) was abolished in 1989 as explained below:

According to the recommendation of the Pay and Services Commission of 1977, President Ziaur Rahman issued The Senior Service Pool (SSP) Order in 1979. But the BCS (admin.) association did not want to have promotion through the process of SSP. Although, the Public Service Commission (PSC) in 1980 somehow implemented the SSP but it was grossly manipulated by the group of senior civil servants. In the appointment process only three personnel, out of 520 officials, from other services were selected in the SSP for the first time.

The PSC advertised for a competitive examination for SSP in 1988. But the group of civil servants headed by BCS (admin.) association strongly opposed against the mechanism of SSP. In consequent, Ershad government appointed cabinet-subcommittee headed Dr. M.A.Matin, Deputy Prime Minister to examine the SSP. The committee met President H.M.Ershad, several times with the issue of SSP and BCS (admin) association's stand. Ultimately Matin Committee recommended the abolition of SSP and President approved it in 1989. Before final submission of the last commission's report, which recommended senior Management Pool (SMP), in May 2001 the senior civil servants protested against the SMP and met Prime Minister Sheikh Hasina and requested not to approve the recommendation of SSP. So, therefore, the report was shelved.

The Bangladesh parliament passed the Ombudsmen act in 1980 providing office of the Ombudsman, who will investigate the functions of any higher civil servant or any ministry or public authority. The countries like India, Pakistan and Srilanka already have the system of ombudsman in place. Why did Bangladesh fail to implement the Ombudsman act, passed in 1980 while other neighbors succeeded to do so? Is it the only cause of the interruption of military bureaucracy in Bangladesh politics? No, higher civil servants also did not want to

be accountable to any other institute like the office of the Ombudsman, as the field level civil servants did not like to reintroduce the upazila system in Bangladesh.

The constitution of Bangladesh has made mandatory that the state shall ensure the separation of judiciary from the executive organs of the state. All major political parties are also committed to people by the election manifesto for the separation of judiciary. But it could not be implemented. Barrister Istiaque Ahmed, during caretaker government firmly announced that within two months the process of the separation of judiciary from the executive to be completed. BCS (admin) association vehemently protested against this decision and urged the government stop the process of separation of judiciary from the executive. Otherwise all administrative functionaries should abstain from the election duties. Ultimately, the caretaker government had to stop the process of separation of Judiciary from the Executive. Thus the group of civil servants headed by BCS (admin) association emerged as a dominant pressure group in Bangladesh politics.

(II) Bangladesh Supreme Court Bar Association highly represents the group of lawyers in the political process of Bangladesh. The group of lawyers from the very beginning moves for the separation of judiciary from the executive. In 1982, the Martial law government decentralized the High Court division of the Supreme Court into six permanent Benches outside Dhaka. Lawyers opposed and protested against the decentralization process of Judiciary, even under the suspension of the constitution. They started movement against the decentralization of the High Court division and restoration of independent judiciary. They moved against the government with six-point demand including repulsion of the decentralization process of the High Court division and decentralization of the subordinate judiciary along with upazila system.

In 1988, Ershad government amended article 100 of the constitution by the Eighth Amendment Act, which encoded the President, instead of Chief Justice, in consultation shall assign the area of the permanent Bench of the High Court division. The lawyers' association led by Dr. Kamal Hussain, Barrister Ishtiaque Hussain and Shamsul Haq challenged the constitutionality of the Eighth Amendment Act and mounted severe pressure on the



government through movement. Actually, judges of the High Court who were transferred to the six benches outside Dhaka, did not want to go the district town leaving the facilities of capital city. Lawyers' abstaining from attending the Chief justice Court, and movement inside and outside the Court campus constrained the judges rather than the arguments and counter arguments placed by the lawyers to the court. In September 1989, the Appellate Division of the Supreme Court declared the amending provisions permanently breaking up the High Court division is 'ultravires and invalid.' In this way the associational interest group of lawyers stood by their interest and shaped the decentralization policy of judiciary.

(III) The influential businessmen led by different business association like Metropolitan Chamber of Commerce and Industry (MCCI), Dhaka Chamber of Commerce and Industry (DCCI) and Federation of Chamber of Commerce and Industry (FBCCI) strongly represent the business group interest in Bangladesh politics. This business group is being addressed as the rise of interest group in the political process of Bangladesh. It is also pointed out the emergence of business group in the political process as the growth of commercialization of power in Bangladesh politics. The rate of lawyers as Members of the Parliament in Bangladesh politics is gradually declining from 26 percent in 1979, 19 percent in 1991, 15 percent in 1996 and on 12 percent in 2001. On the other hand, the rate of businessmen and industrialists is increasingly emerging from 24 percent in 1973, 28 percent in 1991, 53 percent in 1996 and 58 percent in 2001.

In addition, the business group is highly organized always strive to protect and promote the interests of trade and industry in general and that of its member firms in particular. The group association acts as a channel communication between the country's business community and the government. The business association led by MCCI is more influential than others are. The MCCI renders services to the government in specialized areas through its expert bodies like taxation, import policy, and trade practices, tariff and customs advisory council to the ministry of commerce, consultative committee to the ministry of Industry and others. In this way the business group constrained the government in favor of their group interest and influenced the policy-makers in different ways. In 1997, the MCCI made a representation to the Minister for Finance for exempting the donation amount of Tk 10 lac,

government imposed earlier, to the national sports federation fund. The delegation from the association made a strong lobbying with concerned minister and ultimately Tk 5 lac was exempted. Accordingly, The Advance Income Tax (AIT) provision in 1997-98 annual budget, introduction of Income Tax Assessment Certificate (ITAC), Pre-shipment Inspection (PSI), donation to Prime Minister Gold Cup Hockey in 2001, Letter of Credit Margin requirements under Bangladesh Bank's Circular were shaped by exerting pressure in the form of holding press conference, sending memorandum with lobbying with the concerned ministers. Besides, the FBCCI led by Abdul Awal Minto called upon the political parties to be shunned from Hartal arranging separate meetings with political leaders both the parties in power and opposition. This very business group is very dominant in Bangladesh politics now a days.

(IV) The group of army belongs to institutional interest group and it works inside the network of government. Since 1958, this group is very much dominant in the political process of the then Pakistan and now in Bangladesh. From the very beginning, Bangladesh Politics suffered from the strains of two groups in the army –‘participants’ in the war of liberation in 1971 and the ‘repatriates’ from the west Pakistan to independent Bangladesh. The allocation of defence budget had been decreased to 13 % in the annual budget in 1974-75.

Later, President Ziaur Rahman increased it to nearly 32 percent in 1975-76. Major General Ershad, the then chief of staff, in a press conference, demanded the constitutional role of the army in Bangladesh politics in 1982. Ershad said that the role of the military in the context of national army should be very much that of participant in the collective effort of the nation. He moved a few cantonments and articulated interests of the group of army. Thus he mounted pressure on the government of President Abdus Sattar to incorporate the role of army in the constitution. President Sattar initially rejected this demand and had said that the primary role of the army would be to defend the frontiers of the country. So they would stay in barracks without any sort of political role. General Ershad was adamant with the demand of constitutional role of army in the political process of Bangladesh in support of the repatriates group of the army.

In a certain stage, President Sattar had 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 of staff was extended from three to four years and allowances of the members of the armed forces were substantially augmented. Finally, President Sattar was to set up the National Security Council (NSC) comprising President, Vice-President, Prime Minister and three services chiefs as member of the council.

(V) The group of Non-Government Organizations (NGOs) led by The Association of Development Agencies in Bangladesh (ADAB) came into being in 1974. It upholds the interest of all NGOs and maintains government-NGO relationship. The non-government organizations had to move many ministries and other government offices for necessary clearances of development works to be initiated with the participation of people in urban and rural areas. As a result, a lot of time and labors was wasted in this way. ADAB in its executive meeting took a resolution demanding the creation of one-stop service for NGOs for clearance of development works and simplify regulations. Accordingly this demand of one-stop service, countersigned by donors, was placed before the government. The ADAB moved different ministries several times and met the President. Thus they created pressure on the process of government. In 1990, Bangladesh government introduced NGO Affairs Bureau as a one-stop service for NGO officials.

The ADAB as representative of all NGOs demanded the government to provide soft-term loan to the rural poor through the NGOs. All donors seconded this demand of ADAB highlighting the interest of the rural poor who did not have the capacity to receive loans from the existing financial network. Against the lobbying and pressure from different donor agencies government created Palli Karma Shahak Foundation (PKSF) in 1990 with a view to providing loan to the rural poor on 2% interest. In order to release some development activities of government to NGO's sector the ADAB took the resolution demanding establishment of GO-NGO consultative Council. This demand was strongly lobbied by NGO Advisory Council and Asian Development Bank. The delegation from ADAB met the Prime Minister and requested her to introduce GO-NGO joint body, which could work



together. **In consequence**, The government in a circular introduced 23-member Government-NGO Consultative Council in 1996. About 8 officials were from the government and rest 14 personnel included from NGO sector in the newly formed GNCC.<sup>2</sup> In addition, Grameen Bank headed by Dr. Md. Yunus, BRAC headed by Fazlehasan Abed, Proshika headed by Dr. Kazi Farook, ASA headed by Shafiqul haque Chowdhury were very dominant in Bangladesh politics. BRAC solely conducts about 35000 non-government primary schools all over Bangladesh. Besides, BRAC University, BRAC Bank, its multi storied building at Mohakhali, Arong etc represent its strength.

(VI) The number of trade unions has been increased in Bangladesh from 2539 in 1986 to 5915 in 1999. They are vocal and organized pressure groups in the socio-economic political process in Bangladesh. In order to realize the economic interests and welfare of workers, trade unions engage in lobbying and pressurizing the management of the industrial unit and the government. The government determines the workers' wage timing and conditions of employment in the work place. In light of the 'Industrial Relations Ordinance' 1969, Bangladesh government first declared the Labor Policy in 1972 recommending the reduction of activities of the trade unions to the status of welfare organizations. Strikes in the nationalized industries and lockouts were declared illegal. Election for determination of Collective Bargaining Agents (CBA) and registration of new trade unions were also prohibited. But it had to withdraw. The Industrial Workers Wage Commission (IWWC) determined the workers' wages, bonus, leave, gratuity and night shift allowances etc.

With some improving the situation during seventies, the government of Bangladesh again announced labor policy in 1980 including the measures of effective utilization of resources, manpower, machinery and materials. It has become evident from the case of K.Rahman & Co., Sramik/Karmachari Union (Regd. No. Chatta-976) that trade Union exerts heavy pressure on the management for satisfying their demands. The Sramik Karmachari Union led by CBA representing the permanent staff and workers employed in Messers K. Rahman and Company at Chittagong having registered office at 9/A Dhanmondi Dhaka -1205 submitted 12 points charter of demands on 30 July 1986 and requested the management for a dialogue.

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<sup>2</sup> NGO Affairs Bureau.

In the dialogue, the parties failed to reach at a settlement and union referred the disputes to the conciliator. Under the good office of the conciliator, the parties arrived at the settlement, which satisfied the maximum demand of the union. Their burning demands for which trade union articulate its members' interest and exert strains and stresses on the authority, may be characterized as increasing the basic wage, house rent, medical allowance, conveyance allowance, washing allowance, gratuity, heavy duty allowance, night duty allowance, canteen subsidy, festival bonus minimum subsistence for living as human being.

The inequality of remuneration and wages exist between different categories of labors organized and unorganized sector of economy. Inequality also prevails between the skilled and unskilled workers within the same enterprise. The industrial disputes lead to the agreement between the management and the union under prevailing constraints at the plant level. In this regard, trade unions are often considered as challenge to the power and authority of employers. The employers also take a variety of measures as termination of active members at the plant, floating of rival unions, divide and rules, maintaining the black list of the disturbing elements. The activities of the trade unions seemed to be indispensable focusing the real wages. It is essential not only for the subsistence of the workers as human being but also for the healthy growth of production in the socio-economic process of Bangladesh.

(VII) The number of tribesmen in Bangladesh is about 1 million. Among them 50% people are Bangalee hill people and living with them. Actually .5 million people belong to tribes and 61% of them live in the Chittagong Hill Tracts (CHT). The tribesmen are conservative in nature. Manobendra Narayan Larma MP pointed out in the parliament in 1972 that 'as citizens of Bangladesh we are Bangalees, but as a race we have our own identity. We want to retain with our culture, which is threatened with extinction. We want to live with our separate identity.' In continuation with this view, two tribal's delegation led by Charu Bikas Chakma and Manobendra Larma met the then Prime Minister sheikh Mojibur Rahman and submitted memorandum demanding the autonomy and withdraw the non-tribal settlers from the CHT. For bargaining and lobbying with the political elite, the Parbattaya Chattragram Jana Sanghati Samity (PCJSS) was formed under the leadership of Manobendra Larma as well as the military wing of tribal group named Shanti Bahini (SB).

But political elite strongly rejected the issue of autonomy. The Shanti Bahini attacked on armed police camp of Khagrachari in mid 1976. Through this attack the pressure on the political process of Bangladesh was increasingly diversified. The government of Bangladesh from the beginning of the issue till 1997 more or less wanted to control them through military measures. The government, of course, during the period have taken some measures in different ways. For example, stopping Bangalee settlement in CHT in 1973, President Zia constituted Chittagong Hill Tracts Development Board (CHTDB) to accelerate the development works in CHT and accommodated Queen Mother Binita Roy and Awang Shue Pru Chowdhury as advisers to President in 1976. He also opened a political channel of dialogue with the insurgents.

The government of President Ershad held several sessions of dialogue with the insurgents of tribal group and passed the Chittagong Hill Districts Local Government Councils Act 1989. Consequently, three hill districts- Bandarban, Khagrachhari and Rangamati local government council came into being. In order to accommodate tribesmen in the political process of Bangladesh, Khaleda Zia government announced 5 percent of tribal quota of the total position in the recruitment and promotion to the services. She also made a high-powered official committee comprising nine Members of the Parliament (MP) headed by Oli Ahmed, cabinet minister to hold dialogue with PCJSS and SB in 1992. The committee, of course, after several sitting with India and PCJSS and SB in different capacities enabled to establish periodical cease-fire between the government forces and the JSS/SB in 1992 and it was extended upto 1994.

AL government, as her earlier commitment, formed the National Committee on Chittagong Hill Tracts (NCCHT) affairs headed by Abul Hasnat Abdullah (MP), chief whip in the Parliament. The national committee held several meetings in different capacities with PCJSS and SB's leader Jotirindra Bodipriya Larma alias Santu Larma. According to negotiation about 14 thousand tribal refugee returned home from the Indian Province of Tripura in two phases and the Peace Agreement was signed on December 1997 between the NCCHT convenor Abul Hasnat Abdullah on behalf of Bangladesh government and the PCJSS/SB's chief Santu Larma at Dhaka. The Peace Agreement instituted 'Regional Council' for CHT, CHT Ministry and provided the general amnesty to Shanti Bahini.



The Agreement mainly states that if the regional council finds any rule of the CHT Regulation 1900 and other related laws, rules and ordinances contradictory to the Hill District Local Government Council Acts 1989 then the government shall remove that inconsistency by law according to recommendation of and in consultation with the regional council. The opposition leader in the Parliament Begum Khaleda Zia termed this treaty as 'anti-people agreement' which compromised the state sovereignty and unitary character of the state. She announced the "Long March" program from Dhaka to CHT region.

Obviously, the rise of pressure groups in "the politics of scarcity" in Bangladesh and response of government were given rise to a bargaining political culture and strong lobbying in political process of Bangladesh. It is evident that pressure groups are dominant in Bangladesh politics and government's decision often tilted in favor of them. Government's decisions and policies are being shaped in the face of pressure. Due to unavoidable strains and constraints exerted by different pressure groups on the political process the implementation of formal policies of the government are being frustrated. However, in the long run, the government should stand by its commitment to people. In the short run, pressure groups demands and their bargaining political culture should be carefully accommodated to the governmental process response to the public interest.

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**Appendix 1**

The political power in Bangladesh is traditionally centralized to its executive. So from the very beginning interest groups move towards the head of the executive and exert pressure upon government. Apparent Effect of Group Pressures on different aspects of different decisions/policies of government in Bangladesh, have been disseminated as follows:

**Apparent Effect of Group Pressures**

<b>Demands Prompting Pressure (1)</b>	<b>Pressures exerted by (2)</b>	<b>Pressure points (3)</b>	<b>Position (4)</b>	<b>Action as taken (5)</b>
1. Resist the policy of the First Five-Year Plan (1973-78) as it was not made prior consultation.	Ministries' employees except Planning Commission through non-cooperation (PC)	Executive PM Sheikh Mujib	Opposed	
2. Resist the proposed Unified Civil Service & Senior Policy and Management, recommended by the Administrative and Services Reorganization Committee (ASRC) led by MAC in 1974.	CSP Association	Executive Sheikh Mujib	Favoured	shelved the report & barred it from public circulation in 1974.
3. Resist the ten-grade pay scales as the pay of senior officers not upto standard recommended by the National Pay Commission (NPC-1) in 1974	CSP & EPCS Officers	Executive Sheikh Mujib	Partially Favoured	Some recommendations implemented but senior officers' pay grade was not implemented.
4. Resist 52 scales of pay, Senior Policy Pool (SSP) recommended by the Pay and Services Commission (P&SC) in 1977	Senior Civil servants, Economists vehemently protested	Executive President Zia	Partially Favoured	Review Committee was formed and Shafiul Azam & Momen Khan (CSPs) were coopted. Report was not made public. But in modified form 20 scales of pay approved & SSP was introduced in 1979.

Demands Prompting Pressure (1)	Pressures exerted by (2)	Pressure points (3)	Position (4)	Action as taken (5)
5. Incorporate the political role of army in January 1982	Army led by Chief of army Maj.gen. Ershad in press conference	Executive president Sattar	Favoured (first opposed & later agreed)	Set up National Security Council (NSC) comprises with President, PM and 3 services chiefs as members.
6. Resist decentralization of Judiciary moved by Martial Law Proclamation Order No. 11 1982	Lawyers led by Bangladesh supreme Court Bar Association, lastly boycotting the Chief Justice Court.	Executive CMLA Maj. gen. Ershad.	Opposed	
7. Resist Drugs (Control) Ordinance, 1982 as it identified only 200 drugs for basic health care & 4200 products prohibited in different categories (refer to the Health for all by the year 2000).	Doctors, Bangladesh Aushad Shilpa Samity & Multinationals	Executive CMLA Maj. Gen. Ershad	Opposed in Martial law	Ershad appointed a review committee comprised with six military doctors. Committee's report was not made public but some changes were brought increasing the list of drugs in late 1982.
8. Set up Review Committee to go through the drugs policy in Bangladesh, 1982	Jane Coon, the US ambassador <sup>1</sup> on be half of multinational Companies	Executive CMLA Maj.Gen. Ershad	First opposed but later agreed	
9. Repeal Mazid Khan's Education Policy in 1983 as it was formulated to limit the higher education.	DU students through a unified movement vehemently protested.	Executive CMLA Maj. gen. Ershad	Favoured	Education Policy was not implemented.
10. Resist the denationalization process of Bengali owned Jute & Textile Mills in 1983	Workers protested everywhere	Executive CMLA Maj. gen. Ershad	Opposed strictly in Martial law	

<sup>1</sup> Jane Coon, the American Ambassador, called on CMLA Maj.gen. H. M. Ershad and did not leave until he had agreed to set up a review committee on the newly introduced drugs policy in Bangladesh. Mr. Coon persistently strained that unless changes were made, there would be massive retrenchment and plant closures.



11. Increase the number of drugs, in the 1986 second drug policy <sup>2</sup> , particularly the products which were widely available elsewhere in the world but not obtainable in Bangladesh.	Urban elite, Doctors and the drug industry made appeal in newspapers.	Executive President Ershad	Partially Favoured	Some number of drugs were added to the legitimate list.
12. Article 100 of the constitution, amended by the Eighth amendment act decentralization of the Judiciary in June 1988, was against the unitary form of government & unconstitutional. So it should be cancelled.	The Lawyers in the Court challenged the constitutionality of this Act.	Executive & Judiciary	The decree came in favour of the lawyers.	The Supreme Court finally declared this Act ultravires to the constitution and invalid as the amendment altered the basic structure of the constitution <sup>3</sup> .
14. Avoid the Senior Service Pool (SSP) policy recommended by the committee for Examination of Irregularities (CEI) in September 1982.	CSP & EPCS Officers did not show any interest and protested	Executive CMLA Maj.gen. Ershad	Favoured	Recommendations of the CEI were, therefore, shelved.
14 (a). Face disastrous consequences on the failure of Fertilizer Development Improvement Project II (FDI-II) which would have effect on future aid level to Bangladesh.	US Ambassador wrote a letter to President Ershad reiterating the disastrous consequences of FDI-II on 30 November 1987	Executive President Ershad	Favoured	after four years of conflict between the BADC employees and the government over the issue of privatization of fertilizer distribution had been fully achieved.
15. Repeal the SSP & the promotion test to be conducted by the PSC, at the level of Deputy Secretary recommended by the Cabinet Committee in 1987.	CSP & EPCS vehemently protested against the mechanism of SSP and met President.	Executive President Ershad	Favoured	Repeal the SSP through the report of the newly formed Council Committee on 2 <sup>nd</sup> June 1989.

<sup>2</sup> The outright opposition to the policy was demonstrated in 1986 when the Bangladesh Jatiya Sangsad transformed the Drugs (Control) Ordinance, 1982 into law. Zafarullah Chowdhury of GK had become closely identified with the drug policy.

<sup>3</sup> The Journal Of Bangladesh Legal Decisions (BLD) Special Issue 1989.

16. Non-cooperation to the reduction of the number of ministries from 35 to 22, & the number of existing missions abroad recommended by the administrative Reorganization Committee (ARC) in 1993.	CSP & EPCS officers did not pay any attention to the report	Prime Minister Khaleda Zia & Executive	Favoured	Report was therefore shelved.
17. Incorporate BCS(admin.) cadre as the government issued order upgrading some posts of other nine cadre services on 8 January 1994.	The BCS (admin) cadre association vehemently demanded to be included.	Prime Minister Khaleda Zia	Favoured	BCS (admin) cadre was included with upgradation on 2 November 1995.
18. Resist the implementation of the report of UNDP as it suggested for open competition for secretariat posts from all cadres in 1993.	BCS (admin.) cadre association protested.	Prime Minister Khaleda Zia & Executive	Favoured	UNDP sector study report was, therefore, shelved.
19. Resist the Senior Management Pool (SMP) as recommended by the Public Administration Reforms Commission (PARC) in May 2000.	BCS (admin) cadre association & senior civil servants protested and met Prime Minister with Memorandum	Prime Minister Sheikh Hasina	Favoured	SMP is not implemented.
20. Introduce Senior Management Pool (SMP) for the secretariat posts.	Prokrichi & BCS coordination committee moved for SMP for a long time	Executive Prime Minister Sk.Hasina	opposed	
21. Remove the pay discrimination of the members of different cadre services as recommended by the PARC	Prokrichi & BCS Coordination Committee moved and met Prime Minister with memorandum	Parliamentary standing committee for Estab. & Prime Minister Sk.Hasina	Favoured	action under process

22. Appeal to the government for exemption of donation amount of Tk.10 lakh to Sports Federation in the early 1997.	MCCI <sup>4</sup> made a representation to the minister for finance with lobbying	Executive	Partially favoured	donations up to 5 lakh remained exempted. <sup>5</sup>
23. Withdraw the Advance Income Tax (AIT) levied on capital machinery imported by 100 percent export oriented industries in 1998.	MCCI made a representation for withdrawal of AIT & raised it at the meeting of the task force on exports.	Executive Minister of commerce	Favoured	According to the recommendations of Task Force on Exports, AIT was withdrawn.
24. Amend the rules regarding Income Tax Assessment Certificates (ITAC) for the Membership of Trade Organizations in 1998	MCCI suggested that instead of ITAC, Tax-Payers Identification Number (TIN) should be adequate.	Executive Minister of commerce	Favoured	The Ministry of Commerce accepted the Chamber's proposal and amended the rules accordingly.
25. Continue Pre-shipment Inspection (PSI) <sup>6</sup> system at the port as government was considering dropping the scheme in 1997	MCCI, in a press conference demanded for continuation of PSI for business interest.	Executive Minister for commerce & industry	Favoured	PSI continued
26. Tariff values should not be changed in between two fiscal years.	MCCI demanded in a press Conference the stability of tariffs.	Executive	Favoured	Tariff values unchanged.
27. Repeal Port Congestion Surcharge (PCS) @ 150 US dollar per 20 ft. container at the Ctg. port from 15 <sup>th</sup> August	The Chamber protested against the PCS for the	Executive Minister for finance	Opposed	

<sup>4</sup> Metropolitan Chamber of Commerce & Industry (MCCI) is the oldest, richest, best organized and most influential elite business association in Bangladesh.

<sup>5</sup> MCCI, Annual Report, 1997

<sup>6</sup> MCCI, Annual Report 1997, p.7



1997.	interest of the garments industry			
28. Reduction of Bank Rate in 1999	The chamber suggested on the reduction of bank rate	Executive Minister for Finance	Favoured	The government subsequently reduced the Bank rate by 1 percent <sup>7</sup> .
29. Reduce donation of Tk. 60 lakh to the Prime Minister Gold Cup Hockey competition held in March 2001	Bangladesh Insurance Association (BIA) strongly lobbied with government for reduction	Executive Minister of Sports, commerce & industry	Partially favoured	BIA somehow paid 38 lakh donation for PM gold cup hockey competition. <sup>8</sup>
30. Create one-stop service for NGOs and simplify regulations	ADAB, donors led by WB through lobbying	Executive	Favoured	Creation of NGO Affairs Bureau in 1990
31. Provide soft-term loan to the rural poor through the NGOs	ADAB, donors led by WB	Executive	Favoured	Creation of PKSF in 1990 and provided loan to the rural poor on 2% interest.
32. Establish GO-NGO consultative council.	NGO Advisory Committee led by WB & ADB	Executive	Favoured	Creation of Government-NGO Consultative Council (GNCC) in 1996
33. Establish National Commission on Reforming government in 1996. <sup>9</sup>	WB	Executive	Partially favoured	Creation of Public Administration Reforms Committee (PARC) in 1996.

<sup>7</sup> MCCI, Annual Report 1999.

<sup>8</sup> The Daily News Paper JUGANTAR, 15 April 2001.

<sup>9</sup> World Bank, *Government that Works: Reforming the Public Sector in Bangladesh* (Dhaka: University Press Limited, 1996), pp. 37-41; World Bank proposed the government of Bangladesh to reform its public sector in alignment with the said proposals to be implemented within two years.

34. Establish residence for female workers at Dhaka on the basis of GO-NGO joint partnership	BRAC's Executives led by ADAB	Executive	Favoured	Government grants Tk.10 core & BRAC will provide Tk.4.14 crore only. Six hostels will be made at Dhaka, where 2000 female workers to be accommodated <sup>10</sup>
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<sup>10</sup> The Daily Jugantar 15 July 2001.

**Appendix 2**

A list of the 8th Parliament Members<sup>1</sup> along with the name of constituency, date of birth, party affiliation, educational qualifications and professions is given below:

Sl No.	Constituency	Name of MPs	Date of Birth	Party Affiliation	Educational Qualifications	Occupation
1	Panchagar-1	Barrister Mohammad Jamiruddin Sirker	1/12/31	BNP	Bar-at-law	Lawyer & Politician
2	Panchagar-2	Md. Mozahar Hossain	5/9/45	BNP	B.Sc.	Agriculture
3	Thakurgaon-1	Mirza Kakrul Islam Alamgir		BNP		
4	Thakurgaon-2	Alhaj Md. Dabirul Islam	29/9/48	AL	B.A	Businessman & Agriculture
5	Thakurgaon-3	Hafizuddin Ahmed	3/2/46	IJOF	B.A	Businessman
6	Dinajpur -1	Md. Abdullah Al-Kafi	28/2/45	Jamaat	BA(Hons) M.A	Teacher
7	Dinajpur -2	Lt. Gen. (Rtd.) Mahbubur Rahman	24/12/39	BNP		
8	Dinajpur -3	Khurshid Jahan Haq	11/4/39	BNP	B.A.	
9	Dinajpur -4	Md. Aktaruzzaman (Miah)	12/2/57	BNP	B.A(Hons)	Businessman
10	Dinajpur -5	Advocate Md. Mostafizur Rahman	29/11/53	AL	M.A. LL.B	Lawyer
11	Dinajpur -6	Md. Azizur Rahman Chowdhury	1/2/52	Jammat	Kamil	Teacher
12	Nilphamari-1	Dr. Hamida Banu Shova	19/7/54	AL		
13	Nilphamari-2	Asaduzzaman Noor	31/10/46	AL		
14	Nilphamari-3	Md. Mizanur Rahman Chowdhury	26/4/47	Jamaat	B.A.	Agriculture
15	Nilphamari-4	Md. Amjad Hussain Sarkar	1/2/58	BNP	M.Com	NGO service & Business
16	Lalmonirhat-1	Md. Motahar Hussain	19/12/48	AL	B.Sc.	Businessman
17	Lalmonirhat-2	Md. Mojibur Rahman	13/10/41	IJOF	B.A.B.Ed.	Agriculture & small business
18	Lalmonirhat-3	Asadul Habib (Dulu)	5/8/58	BNP	BA(Hons)MA	Teacher
19	Rangpur-1	Md. Mashiur Rahman Ranga	22/7/58	IJOF	B.Com.	Businessman
20	Rangpur-2	Mohammad Ali Sarkar	11/12/52	IJOF	B.A.	Businessman & Agriculture
21	Rangpur-3	Golam Mohammad Kader	24/2/48	IJOF	B.Sc. (Engineer)	X Govt. Service
22	Rangpur-4	Alhaj Md. Karimuddin Bharsha	6/9/37	IJOF	X	Businessman
23	Rangpur-5	Shah Md. Solaiman Alam	2/7/57	IJOF	B.A.	Agriculture
24	Rangpur-6	Md. Noor Mohammad Mandal	6/6/52	IJOF	H.S.C.	Agriculture & Businessman
25	Kurigram-1	A.K.M.Mustafizur Rahman	3/1/61	IJOF	B.A.	Businessman
26	Kurigram-2	Alhaj Md. Tajul Islam Chowdhury	31/10/44	IJOF	M.Com.LL.B	Lawyer
27	Kurigram-3	Md. Matiur Rahman	1/3/47	IJOF		
28	Kurigram-4	Md. Golam Habib (Dulal)	3/8/43	IJOF	M.Sc.	X Govt. Service
29	Gaibandha-1	Moulana A. Aziz	1/3/57	Jamaat	M.A.(Double)	
30	Gaibandha-2	Md. Lutfur Rahman	1/2/30	AL	B.A.	Agriculture & Businessman
31	Gaibandha-3	Dr. TIM Fazle Rabbi	1/10/34	IJOF		

<sup>1</sup> Source: Compilation from the Bio-data signed by Members of the Parliament (MP), and preserved in the Parliament Library, Research section (LIC).



Sl No.	Constituency	Name of MPs	Date of Birth	Party Affiliation	Educational Qualifications	Occupation
		Chowdhury				
32	Gaibandha-4	Md. Abdul Mutalib Akand	9/6/51	BNP	M.Com.	Businessman & social welfare
33	Gaibandha-5	Begum Roushan Ershad	19/07/43	IJOF	B.A.	Gardening, Reading
34	Joypurhat-1	Abdul Alim	1/11/30	BNP	M.A.LL.B	Lawyer
35	Joypurhat-2	Abu Yusuf Md. Khalilur Rahman	1/12/44	BNP	M.A.LL.B	Lawyer
36	Bogra-1	Kazi Rafiqul Islam	12/1/56	BNP	Diploma Engineer	
37	Bogra-2	Md. Rezaul Bari Dena	29/7/51	BNP		
38	Bogra-3	Md. Abdul Momin Talukder	29/6/52	BNP		
39	Bogra-4	Dr. Ziaul Haq Mollah	16/3/66	BNP	MBBS	Doctor
40	Bogra-5	Golam Mohammad siraj	16/3/64	BNP	B.Com.	Businessman
41	Bogra-6	Begum Khaleda Zia	15/8/45	BNP		
42	Bogra-7	Md. Helaluzzaman Talukder	2/12/53	BNP	H.S.C	Agriculture
43	Chapai-Nawabgonj-1	Prof. Md. Shahjahan Miah	1/6/47	BNP	M.A.(Eco.)	Teacher
44	Chapai-Nawabgonj-2	Syed Monzoor Hussain	16/11/43	BNP	B.A.	Politics
45	Chapai-Nawabgonj-3	Md. Harunur Rashid (Harun)	1/1/62	BNP	M.S.S	x
46	Naogaon-1	Dr. Md. Salek Chowdhury	4/10/47	BNP	MBBS	Doctor & Agriculture
47	Naogaon-2	Md. Shamsuzzoha Khan	31/12/57	BNP	H.S.C	Business & Politics
48	Naogaon-3	Md. Akhter Hamid Siddique	16/1/47	BNP	I.L.B	Business & Journalist
49	Naogaon-4	Shamsul Alam Pramanik	15/3/54	BNP	BA(Hon's) Eco	Businessman
50	Naogaon-5	Md. Abdul Jalil	21/1/41	AL	B.A(Hon's) MA	
51	Naogaon-6	Alamgir Kabir	1/1/48	BNP	B.A.	Business & Journalist
52	Rajshahi-1	Barrister Md. Aminul Haq	1/11/43	BNP	M.A.I.L.B, Bar-at-Law	Lawyer
53	Rajshahi-2	Md. Mizanur Rahman Minu		BNP		
54	Rajshahi-3	Md. Abu Hena	1/1/42	BNP	M.A.(History)	X Govt.service
55	Rajshahi-4	Advocate Md. Nadim Mostafa	15/12/64	BNP	B.Com. LL.B	Lawyer
56	Rajshahi-5	Md. Kabir Hussain	16/4/41	BNP	B.A(Hon's) M.A	Businessman
57	Natore-1	Md. Fazlur Rahman (Patal)	20/4/49	BNP	B.A.(Hon's) M.A.	Businessman
58	Natore-2	Advocate Ruhul Quddus Talukder (Dulu)	7/9/62	BNP	B.A.,LL.B.	Politics
59	Natore-3	Alhaj Prof. Kazi Golam Morshed	5/2/52	BNP	M.A. Pol.Sc.	Teacher & Journalist
60	Natore-4	Md. Mozammel Haq	25/11/55	BNP	I.L.B(Hon's) MSS	Businessman & Politics
61	Sirajgonj-1	Mohammad Nasim	2/4/48	AL	M.A.	Businessman
62	Sirajgonj-2	Iqbal Hassan Mahmood	10/5/50	BNP	B.A.(Hon's)	
63	Sirajgonj-3	Md. Abdul Mannan Talukder	2/3/36	BNP	H.S.C	Businessman
64	Sirajgonj-4	M.Akbar /ali	2/2/39	BNP	M.A. I.L.B	Business & Industry
65	Sirajgonj-5	Md. Mozammel haq	1/1/5-35	BNP	M.A. LL.B	
66	Sirajgonj-6	Major (Rtd.) Manzur Kader	20/7/57	BNP	M.A. (Pol.Sc.)	Journalist
67	Sirajgonj-7	Prof. M.A. Matin	13/11/37	BNP	MBBS, FRCP	Doctor
68	Pubna-1	Matiur Rahman Nizami	31/3/43	Jamaat	Kamil & B.A	
69	Pubna-2	A.K.M.Selim Reza Habib	20/3/059	BNP	M.A.LLB	Businessman
70	Pubna-3	K.M.Anwarul Islam	25/1/45	BNP	B.A.	Agriculture
71	Pubna-4	Md. Shamsur Rahman Sharif	12/3/41	AL	B.A.	Businessman

SI No.	Constituency	Name of MPs	Date of Birth	Party Affiliation	Educational Qualifications	Occupation & Agriculture
72	Pubna-5	Abdul Sobhan	27/9/29	Jamaat	Kamil (Tital)	
73	Meherpur-1	Masud arun		BNP		
74	Meherpur-2	Md. abdul Gani	10/1/48	BNP	M.A.	Politics & Businessman
75	Kushtia-1	Md. Ahsanul Huq Mollah	4/4/32	BNP	S.S.C.	Agriculture
76	Kushtia-2	Prof. Shadiul Islam	8/8/51	BNP	B.Sc(Hon's) M.Sc.	Businessman
77	Kushtia-3	Md. Alhaj Sohrabuddin	1/1/53	BNP	M.S.S.	Politics & Teacher
78	Kushtia-4	Syed Mehedi Ahmed Rumi	15/2/53	BNP	H.S.C	Business & Politics
79	Chuadanga-1	Md. Shahidul Islam Biswas	3/6/47	BNP	B.Sc.	Fish Khamar Business
80	Chuadanga-2	Hazi Md. Mozammel Huq	1/1/31	BNP	S.S.C	Business
81	Jhenidah-1	Md. Abdul Hai	1/5/52	BNP	B.A.	Business
82	Jhenidah-2	Md. Moshir Rahman	30/1/058	BNP	B.A.	Business
83	Jhenidah-3	Md. Shahidul Islam	29/10/50	BNP	B.P.Ed.	Teacher
84	Jhenidah-4	Md. Shahiduzzaman (Beltu)	1/10/48	BNP	B.Sc.	Business
85	Jessore-1	Alhaj Md. Ali Kador	12/4/38	BNP	S.S.C.	Business
86	Jessore-2	Abu Sayeed Shahadat Hossain	1/1/61	Jamaat	Kamil	Teacher
87	Jessore-3	Tariqul Islam		BNP		
88	Jessore-4	M.M.Aminuddin	15/1/46	4party Alliance	B.P.Ed.	Agriculture & Teacher
89	Jessore-5	Mufti Mohammad Wakkas	15/1/52	4Party Alliance	Kamil	Teaching
90	Jessore-6	ASHK sadek	30/4/34	AL	M.A.(Econo)	X govt.service
91	Magura-1	Prof. Dr. Md. Sirajul Akbar	13/3/44	AL	F.R.C.P	Child Specialist
92	Magura-2	Kazi Salimul Haq Islam	18/8/51	IOJ	M.B.A.	Business
93	Narail-1	Direndra Nath Shaha	2/11/32	BNP	H.S.C.	Business & agriculture
94	Narail-2	Mohammad Shahidul islam	15/3/60	IOJ	Mufti	Politics & Social welfare
95	Bagerhat-1	Sheikh Helaluddin	1/1/61	AL	H.S.C	Business
96	Bagerhat-2	MAH Salim	13/3/55	BNP	H.S.C	Business
97	Bagerhat-3	Talukder A. Khaleque	1/6/52	AL	B.A	Business
98	Bagerhat-4	Mufti Moulana Abdus Sattar	15/6/29	Jamaat	Kamil (Fhikah)	Business & Teacher
99	Khulna-1	Panchanan Biswas	24/10/43	AL	B.A	Agriculture & Businessman
100	Khulna-2	Md. Ali Asgar (Loby)	18/10/46	BNP	B.A.	Business
101	Khulna-3	Md. ashraf Hossain	16/7/41	BNP	B.A.	Trade Union
102	Khulna-4	M. Nurul islam	2/7/34	BNP	H.S.C.	Business
103	Khulna-5	Mia Golam Sarwar	8/1/59	Jamaat	M.Com (Accoun)	Business & Teacher
104	Khulna-6	Shah Md. Ruhul Quddus	1/11/44	Jamaat	M.A. in English	Business & Teacher
105	Satkhira-1	Md. Habibul Islam Habib	6/1/65	BNP	M.Sc.	
106	Satkhira-2	Moulana Abdul Khaleque Manadal	1/8/44	Jamaat	Kamil/M.A.	Teacher
107	Satkhira-3	AM Riasat Biswas	5/3/37	Jamaat	Fazil & B.A	Agriculture & Teacher
108	Satkhira-4	Kazi Alauddin	10/1/53	4Party Alliance	B.A.	Politics & Businessman
109	Satkhira-5	Gazi Nazrul islam	21/10/51	Jamaat	B.A	Teacher



Sl No.	Constituency	Name of MPs	Date of Birth	Party Affiliation	Educational Qualifications	Occupation
110	Barguna-1	Md. Delwar Hossain	15/1/55	IND	B.A.	Business
111	Barguna-2	Md. Alhaj Nurul Islam Moni	23/3/55	BNP	M.Sc. in Botany	
112	Barguna-3	M. Matitir Rahman Talukder	5/4/27	BNP	B.A.	Agriculture
113	Patuakhali-1	Alhaj Altaf Hossain Chowdhury	13/6/45	BNP	N.D.U. Washington	Business
114	Patuakhali-2	Md. Shahidul Alam Talukder	1/1/51	BNP	H.S.C	Business
115	Patuakhali-3	AKM Jahangir Hossain	18/1/54	AL	B.Sc.(Hon's)	buysiness
116	Patuakhali-4	Alhaj Md. Mahbubur Rahman	1/1/54	AL	M.A.	
117	Bhola-1	Mosharraf Hossain		AL		
118	Bhola-2	Md. Hafiz Ibrahim	1/1/54	BNP	B.Sc. I.B.A	Industry & Business
119	Bhola-3	Hafizuddin Ahmed, Bir Bikram	29/10/44	BNP	B.A. (Hon's) M.A. in Pol.Sc.	Business
120	Bhola-4	Md. Nazimuddin Alam	2/8/62	BNP	B.Com. (Hon's) M.Com	
121	Barisal-1	Zahiuddin Swapan	29/1/60	BNP	B.S.S (Hon's) M.S.S	Business
122	Barisal-2	Syed Moazzem Hossain Aalal	31/12/55	BNP	M.S.S, LL.B.	Lawyer
123	Barisal-3	Alhaj Mosarraf Hossain Monju	1/8/46	BNP	B.A	Businessman
124	Barisal-4	Shah Mohammad Abul Hossain		BNP		
125	Barisal-5	Advocate Md. Mojibur Rahman Sarwar	1/10/57	BNP	M.A.,LL.B	
126	Barisal-6	Abul Hossain Khan	10/4/53	BNP	B.A.(Hon's) History	Business
127	Jhalakathi-1	Mohammad Shajahan Omar, Biruttam	1948	BNP	M.A.,LL.B	Economics
128	Jhalakathi-2	Mst Ishrat Sultana (Elen Bhutto)	12/10/66	BNP	B.A.	M.P
129	Pirojpur-1	Moulana Delwar Hossain Sayeedi	1/2/40	Jamaat	Higher Educated	Writer
130	Pirojpur-2	Anwar Hossain Monju	1/1/44	JP(M)	M.Sc.	M.P
131	Pirojpur-3	Dr. Md. Rustam Ali Farazi	21/3/52	BNP	M.B.B.S (DU)	Doctor & Politics
132	Barisal+Pirojpur	Syed Shaahidul Hoq Jamal	2/1/39	BNP	H.S.C	Business
133	Tangail-1	Dr. Md. Abdur Razzak	1/2/50	AL		
134	Tangail-2	Md. Abdus Salam Pintu	24/1/51	BNP		
135	Tangail-3	Md. Lutfur Rahman Khan (Azad)	1/1/57	BNP	H.S.C	Businessman
136	Tangail-4	Shajahan Siraj	1/3/43	BNP		
137	Tangail-5	Maj.Gen.(Rtd.)Mahmudul Hasan		BNP	B.Sc.Engineer	Rtd. Military Officer
138	Tangail-6	Advocate Gautom Chakraborty	21/10/55	BNP	LL.B.	Lawyer
138	Tangail-7	Md. Ekabbar Hossain	12/7/56	AL	M.S.S.	Businessman
140	Tangail-8	Bangabir Kader Siddiqui, Biruttam	14/6/47	KSJL	H.S.C	Politics & Writer
141	Jamalpur-1	M. Rashiduzzaman Millat	14/1/61	BNP	Aeronautical Engineer	Business
142	Jamalpur-2	Md. Sultan Mahmud Babu	7/2/55	BNP	B.Sc(Hon's)	
143	Jamalpur-3	Mirza azam	13/9/62	AL	B.A	Businessman
144	Jamalpur-4	Anwarul Kabir Talukder		BNP		
145	Jamalpur-5	Md. Rezaul Karim Hira	1/12/42	AL	H.S.C	Politics & Businessman
146	Sherpur-1	Md. Atiur Rahman Hira	1/12/57	AL	B.A.	Businessman
147	Sherpur-2	Md. Alhaj Zahed Ali Chowdhury	12/2/48	BNP	B.Sc.	Business



Sl No.	Constituency	Name of MPs	Date of Birth	Party Affiliation	Educational Qualifications	Occupation
148	Sherpur-3	Mahmudul Hoque (Rubel)		BNP	M.B.B.S (5 <sup>th</sup> year)	Business
149	Mymensingh-1	Advocate promod Mankin	18/4/39	BNP	LL.B. (DU), B.Ed.	Teacher
150	Mymensingh-2	Shah Shahid Sarwar	9/1/59	BNP	B.A	Business
151	Mymensingh-3	Mujibur Rahman Fakir	1/1/47	BNP	M.B.B.S.	Doctor
152	Mymensingh-4	Md. Delwar Hossain Khan Dulu	10/4/57	BNP		
153	Mymensingh-5	A.K.M. Mosharraf Hossain	10/1/39	BNP	C.A.	C.A.
154	Mymensingh-6	Eng. Shamsuddin Ahamed	24/12/40	IND	B.Sc.Engineer, Civil	Politics & Service
155	Mymensingh-7	Abdul Matin Sarker	16/8/53	AL	B.Com.	Fish Khamar Business
156	Mymensingh-8	Shah Nurul Kabir (Shaheen)	1/2/61	BNP		
157	Mymensingh-9	Khurram Khan Chowdhury	4/8/47	BNP		
158	Mymensingh-10	Alhaj Altaf Hossain Golandaj	1/1/50	BNP	B.A.	Jothdary
159	Mymensingh-11	Prof. Dr. M. Amanullah	16/3/39	AL	M.B.B.S, F.R.C.P.	Doctor
160	Mymensing + Netrokona	Alhaj Dr. Mohammad Ali	1/7/43	AL	M.B.B.S.	Doctor
161	Netrokona-1	Md. Abdul Karim Abbasi	15/12/38	BNP	M.A.	Politics & Advocacy
162	Netrokona-2	Abdul Momin	1/7/30	AL		
163	Netrokona-3	Md. Nurul Amin Talukder	27/2/46	BNP	M.A. (First Year)	Business
164	Netrokona-4	Md. Lutfuzzaman Babar		BNP	H. S.C	Industrialist
165	Kishoregonj-1	Dr. Alauddin Ahamed	1/10/47	AL		
166	Kishoregonj-2	Alhaj Prof. Dr. M.A. Mannan	2/12/32	AL	M.B.B.S.,F.C.P.S.	X govt. service, Doctor
167	Kishoregonj-3	Syed ashrafal Islam		AL		
168	Kishoregonj-4	Dr. M. Osman Farruk		BNP		
169	Kishoregonj-5	Advocate Md. Abdul Hamid	1/1/42	AL	LL.B.	Lawyer
170	Kishoregonj-6	Md. Mojibur rahman manju	7/7/51	BNP	IX	Business
171	Kishoregonj-6	Md. Zillur rahman	28/3/29	AL	M.A.,LL.B.	Lawyer
172	Manikgonj-1	Khandker Delwar Hossain	1/2/33	BNP	M.A.,LL.B	
173	Manikgonj-2	Haroon-ur-Rashid Khan Monno	6/3/49	BNP	B.Com.,C.A	Business
174	Manikgonj-3	Shamsuddin Ahmed	2/1/37	IND		
175	Manikgonj-4	Shamsul Islam Khan	1/1/30	BNP		Industrialist
176	Munshigonj-1	Mahi B. Chowdhury	13/3/70	BNP		
177	Munshigonj-2	Mizanur Rahman Sinha	26/9/40	BNP	B.Com.	Businessman
178	Munshigonj-3	M. Shamsul Islam	1/1/32	BNP	B.Com, LL.B.	Lawyer
179	Munshigonj-4	Abdul Hye	5/1/49	BNP	B.A.	Businessman
180	Dhaka-1	Barrister Nazmul Huda	6/1/43	BNP	M.A Bar-at-Law	Barrister
181	Dhaka-2	Abdul Mannan	1/1/42	BNP	F.C.M.	
182	Dhaka-3	Amanullah Aman	25/1/62	BNP	M.S.S.	Businessman
183	Dhaka-4	Alhaj Salauddin ahmed	1/5/54	BNP	H.S.C	Business
184	Dhaka-5	Major (Rtd.)Kamrul Islam	1/3/52	BNP	H.S.C.	
185	Dhaka-6	Mirza Abbas	7/2/51	BNP	B.Com.	Businessman
186	Dhaka-7	Sadek Hossain Khoka	1/10/50	BNP	M.A.	Businessman
187	Dhaka-8	Nasiruddin Ahmed Pintu	1/9/67	BNP	M.Com.	Business
188	Dhaka-9	Khandaker Mahbubuddin Ahmed	7/12/25	BNP		
189	Dhaka-10	Major (Rtd.) Abdul Mannan	2/7/42	BNP	B.Sc. Pak Military	
190	Dhaka-11	SA. Khaleque	1/1/37	BNP	Educated	Businessman
191	Dhaka-12	Dr. Dewan Md. Salauddin	1/10/62	BNP	M.B.B.S	Doctor
192	Dhaka-13	Barrister Ziaur rahman Khan	25/9/45	BNP	Barrister	Lawyer
193	Gazipur-1	Alhaj Advocate Md. Rahmat Ali	16/9/45	AL	M.A.LL.B	Lawyer
194	Gazipur-2	Md. Ahsanullah	9/11/50	AL	B.A.	Agriculture & Teacher

Sl No.	Constituency	Name of MPs	Date of Birth	Party Affiliation	Educational Qualifications	Occupation
195	Gazipur-3	Md. A K M Fazlul Haque	1/1/63	BNP	MS.S.(Economics)	Business
196	Gazipur-4	Tanjim Ahmed (Sohel Taj)	5/1/70	AL	B.B.A	Business
197	Narsingdi-1	Shamsuddin Ahmed Eshak	15/1/41	BNP	S.S.C	Business
198	Narsingdi-2	Dr. Abdul Moyeen Khan	Jan'47	BNP	Ph.D.	Researcher
199	Narsingdi-3	Abdul Mannan Bhuiyan	3/1/43	BNP	M.A. LL.B.	Businessman
200	Narsingdi-4	Sarder Shakawat Hossain Bakul	30/8/51	BNP	M.A. (Econo) LL.B	Lawyer
201	Narsingdi-5	Raziuddin Ahmed Raju	2/2/44	AL	B.A.	Businessman
202	Narayanganj-1	Abdul Matin Chowdhury	1/9/40	BNP	B.A.	
203	Narayanganj-2	Ataur Rahman Khan	16/3/50	BNP	B.A.	Businessman
204	Narayanganj-3	Prof. Md. Rezaul Karim	31/1/49	BNP	M.Com, M.A.	Businessman
205	Narayanganj-4	Md. Giasuddin	2/2/53	BNP	M.S.S.	
206	Narayanganj-5	Advocate Abul Kalam	11/3/51	BNP	M.A.LL.B.	Lawyer
207	Rajbari-1	Ali Newas Mahmud Khoium	25/5/57	BNP	M.S.S.Pol. Sc.	teacher
208	Rajbari-2	Md. Nasirul Hoque Sabu	1/2/52	BNP		
209	Faridpur-1	Kazi Sirajul Islam	16/9/40	AL	B.A.	Businessman
210	Faridpur-2	K.M.Obaidur Rahman	5/5/40	BNP	M.A.	Agriculture & Business
211	Faridpur-3	Chowdhury Kamal Ibne Yusuf	3/5/40	BNP	B.A(Hon's)	Business
212	Faridpur-4	Chowdhury Akmal Ibne Yusuf	25/7/47	BNP		
213	Faridpur-5	Kazi Zafrullah	1/3/49	AL	M.A.History	Industrialist
214	Gopalganj-1	Md. farique Khan	18/1/51	AL	M.A. (defence Studies)	Business
215	Gopalganj-2	Sheikh Fazlul Karim selim	2/2/49	AL	B.Sc. & Diploma	Journalist & businessman
216	Gopalganj-3	Sheikh Hasina	28/9/47	AL	B.A.	
217	Madaripur-1	Nur-E-Alam Chowdhury (Liton)	1/6/64	AL	B.Com.	Business
218	Madaripur-2	Shahjahan Khan	1/1/52	AL	B.A	Politics
219	Madaripur-3	Alhaj Syed Abul Hossain	1/8/51	AL	M.Com.,LL.B	Business
220	Shariatpur-1	K.M.Hemaytullah Auranga	20/10/55	IND	B.A(Hon's)	Business
221	Shariatpur-2	Col.(Rtd. Shawkat Ali	27/1/37	AL	B.Com, LL.B	Lawyer
222	Shariatpur-3	Abdur Razzak	1/8/42	AL	M.A.Pol.sc. LL.B	
223	Sunamgonj-1	Nasir Hossain	4/2/49	BNP	B.Sc.	
224	Sunamgonj-2	Sree Suranject Sen Gupta	5/5/45	AL	B.A.,LL.B.	Lawyer
225	Sunamgonj-3	Alhaj Abdus Samad Azad	15/1/26	AL	B.A	
226	Sunamgonj-4	Md.Fazlul Haq (Ashpia)	11/11/39	BNP	B.A.,LL.B	Lawyer
227	Sunamgonj-5	Kalimuddin Ahmed	1/3/58	BNP		
228	Sylhet-1	Md. Saifur Rahman		BNP		
229	Sylhet-2	M. Elias Ali	1/1/61	BNP	B.Com (Hon's) M.Com	
230	Sylhet-3	Alhaj Safi Ahmed Chowdhury	1/9/38	BNP	B.A. & B.B.A.	X Govt. Officer
231	Sylhet-4	Diider Hossain Selim	13/11/50	BNP		
232	Sylhet-5	Fariduddin Chowdhury	25/12/47	Jamaat	B.A.	Teacher & Business
233	Sylhet-6	Dr. Syed Moqbul Hossain (Lesu Mia)	20/9/44	IND	B.A.(Hon's) M.A,Ph.D.	Industrialist
234	Maulovibazar-1	Ebadur Rahman Chowdhury	18/2/47	BNP	LL.B	
235	Maulovibazar-2	M.M.Shahein	1/7/60	IND	Graduate	
236	Maulovibazar-3	M. Naser Rahman	29/8/62	BNP	B.Com(Hon's) (Accoun)	Industrialist
237	Maulovibazar-4	Alhaj Vice Principal M.A. Shaheed	1/1/48	AL	Higher Educated	Teacher
238	Habigani-1	Dewan Farid Gazi	1/3/24	AL	B.A.	
239	Habigani-2	Nazmul Hasan Jahed	1/4/32	AL	B.Sc (Hon's)	Industrialist



SI No.	Constituency	Name of MPs	Date of Birth	Party Affiliation	Educational Qualifications	Occupation
240	Habigani-3	Shah AMS Kibria	1/5/31	AL		
241	Habigani-4	Enamul Huq	28/3/38	AL	B.A.,LL.B	
242	B.Baria-1	Mohammad Sayedul Haque	4/3/42	AL	M.A.LL.B	Lawyer
243	B.Baria-2	Mufti Fazlul Hoq Amini	1/11/43	4 Party Alliance		
244	B.Baria-3	Advocate Harun-al-Rashid	25/1/40	BNP	M.A.Pol.Sc. LL.B	
245	B.Baria-4	Mushfikur Rahman	8/1/40	BNP		
246	B.Baria-5	Kazi Md. Anwar Hossain	17/5/55	4 Party Alliance	B.A	
247	B.Baria-6	Abdul khaleque	13/1/42	BNP		
248	Comilla-1	M.K.Anwar	1/1/33	BNP	B.Sc (Hon's) M.Sc (Stat)	
249	Comilla-2	Dr.Khandaker Mosharraf Hossain	1/10/46	BNP	M.S.(Geology) Ph.d.	X Teacher (DU)
250	Comilla-3	Kazi Shah moffazal Hossain kaikobad	20/2/56	BNP		
251	Comilla-4	Alhaj Eng.Manzurul Ahsan Munshi	1/1/50	BNP	B.Sc.Engineer, Elect.	Businessman
252	Comilla-5	Prof. Md.Yunus	4/7/44	BNP		
253	Comilla-6	Redwan Ahmed	2/2/52	BNP	LL.B (Hon's) LL.M	Businessman
254	Comilla-7	AKM Abu Taher	8/1/40	BNP	S.S.C	Industrialist
255	Comilla-8	Lt. Col. (Rtd.) Akbar Hossain	2/11/41	BNP	B.A.	Businessman
256	Comilla-9	Md. Monirul Huq Chowdhury	16/9/47	BNP	B.Sc (Hon's) App.Chem.	
257	Comilla-10	Col.(Rtd.) M.Anwarul Azim	31/12/46	BNP		
258	Comilla-11	Md. Abdul Gafur Bhuiyan	4/2/59	BNP		
259	Comilla-12	Dr. Syed Abdullah Md.Taher	1/1/58	Jamaat		
260	Chandpur-1	A N M Ahsanul Haq	1/1/57	BNP	M.B.A	Businessman
261	Chandpur-2	Md.Nurul Huda	5/4/49	BNP	B.A(Hon's) M.A (Econo)	
262	Chandpur-3	G.M.Fazlul Haque	10/5/47	BNP	B.Com	Businessman
263	Chandpur-4	S.A.Sultan	24/11/44	BNP		
264	Chandpur-5	M.A.Matin	23/3/43	BNP	B.A.	X Teacher
265	Chandpur-6	Md. Alamgir Haider Khan	31/12/54	BNP	B.A	Businessman
266	Feni-1	Major (Rtd.)sayeed Eskandar	13/1/53	BNP		
267	Feni-2	Prof. Zainul Abedin	1/3/45	BNP		
268	Feni-3	Md. Mosharrf Hossain	22/1/40	BNP	B.A	Businessman
269	Noakhali-1	Zainul Abedin Faruk	10/12/49	BNP	M.A.Social science)	Businessman
270	Noakhali-2	M.A.Hashem	30/8/43	BNP		
271	Noakhali-3	Advocate Mahbubur Rhaman	5/1/40	BNP		
272	Noakhali-4	Md. Shahjahan	1/1/54	BNP	B.A	Businessman
273	Noakhali-5	Barrister Moudud Ahmed	20/5/40	BNP	B.A (Hon's) M.A.Pol.Sc.	Lawyer
274	Noakhali-6	Mohammad Ali	18/5/59	IND		
275	Laksmipur-1	Zial Uaq Zia	11/3/53	BNP	H.S.C	Businessman
276	Laksmipur-2	Abul Khair Bhuiyan	1/1/60	BNP		
277	Laksmipur-3	Md. Shahiduddin Chowdhury Anny	2/2/68	BNP		
278	Laksmipur-4	ABM Asrafuddin	30/6/57	BNP		
279	Chittagong-1	Mohammad Ali Zinnah	20/8/39	BNP	Graduate in Marketing	Journalist
280	Chittagong-2	Eng. I.K. Siddiqui	15/4/39	BNP	B.Sc. Engineer	
281	Chittagong-3	Mustafa Kamal Pasha	10/11/47	BNP		
282	Chittagong-4	Rafiqul Anwar	12/1/55	AL	H.S.C.	Businessman
283	Chittagong-5	Alhaj Syed Wahidul Alam	30/9/48	BNP	M.A.	Businessman
284	Chittagong-6	ABM Fazle Karim	6/11/54	AL		



Sl No.	Constituency	Name of MPs	Date of Birth	Party Affiliation	Educational Qualifications	Occupation
		Chowdhury				
285	Chittagong-7	Salauddin Kader Chowdhury	13/9/49	BNP	B.A(Hon's) Pol. Sc.	Businessman
286	Chittagong-8	Amir Kashru Mahmud Chowdhury	20/2/50	BNP	B. A. & Higher Education.	Businessman
287	Chittagong-9	Abdullah Al Noman	1945	BNP	B.A.	
288	Chittagong-10	M.Morshed Khan	8/8/40	BNP	Post-Graduate Dip. Ind	Businessman & Industrialist
289	Chittagong-11	Gazi Md. Shahjahan	1/2/60	BNP	M.Com. in Management	Businessman
290	Chittagong-12	Sarwar Jamal Nizam	1/1/45	BNP	B.A.	Industrialist
291	Chittagong-13	Oli Ahmed, Bir Bikram	30/9/41	BNP	B.A	Businessman
292	Chittagong-14	Shajahan Chowdhury	6/4/55	Jamaat	B.Com. & diploma	
293	Chittagong-15	Jafrul Islam Chowdhury		BNP	B.Com	Businessman
294	Cox'sBazar-1	Salahuddin Ahmed	30/6/62	BNP	LL.M	Lawyer
295	Cox'sBazar-2	Alamgir md. Mahafuzullah Farid	1/10/57	BNP	B.A. (Hon's) M.A	Teacher
296	Cox'sBazar-3	Eng. Shahiduzzaman		BNP		
297	Cox'sBazar-4	Shajahan Chowdhury	19/6/50	BNP	B.A (Hon's) in Sociology	
298	Khagrachari	Wadud Bhuiyan		BNP		
299	Rangamati	Moni Swapan Dewan		BNP		
300	Bandarban	Bir Bahadur	10/1/60	AL	B.A (Hon's) M..A. in Pol.Sc.	

Source: Compilation from the Bio-data signed by Members of the Parliament (MP) submitted and preserved in the Parliament Library, Research section (LIC).

Comparisons of professions of Legislators Elected in 1954, 1970, 1973, 1979, 1991, 1996 and 2001 in the Jatiya Sangsad of Bangladesh.

Table -1

Occupation	1954		1970		1973		1979		1991		1996		2001	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Lawyers	116	55	79	29	75	26	78	23	56	19	47	15	24	12
Businessmen & Industrialists	11	4	72	27	67	24	91	28	160	53	152	48	118	58
Former army officers now businessmen	-	-	-	-	-	-	-	-	17	6	18	6	2	1
Land lords	56	19	12	5	50	18	40	12	12	4	22	7	1	
Retired Civil servants	-	-	7	3	2	1	-	-	6	2	6	2	5	2
Doctors	12	4	20	7	15	5	13	4	8	3	15	5	10	5
Teachers	16	5	25	9	28	10	20	6	28	9	12	4	21	10
Religious leaders	21	7	-	-	-	-	-	-	-	-	-	-	-	-
Journalists	11	4	-	-	-	-	Eng-5, Jn-4, CA-3, Tu-6		6	2	6	2	3	1
Politicians	-	-	14	5	35	12	-	-	6	2	8	3	7	3
House-wives	-	-	-	-	-	-	19	6	-	-	17	5	-	-
Others	7	2	5	2	11	4	40	121	1	1	30	9	14	7
total	250	100	268	100	283	100	327	100	300	101	318	100	205	99

Source: Talukder Maniruzzaman, "The Fall of Military Dictator: 1991 Elections and the Prospect of Civilian Rule in Bangladesh", Pacific Affairs, Vol.65 No.2 (Summer 1992), p. 215; Rounaq Jahan, Bangladesh Politics: Problems and Issues, (Dhaka: UPL, 1980), p. 99 and 148; \* For 1996 and 2001 Some confidential documents have been consulted in the JS library. Total percentage exceeds or declines 100 because of rounding.

What do the members of the parliament represent in Bangladesh? What sort of interest group or associational interest emerges in Bangladesh politics? Table 1 helps us answer to this question. If we closely look at the Table 1 find that the business and industrial groups are the dominant social forces among the members of the Jatiya Sangsad constituting 48 percent of the total in 1996 election. It gives us a comparison of occupations for the legislators elected in 1954, 1970, 1973, 1979, 1991, 1996 and 2001. In Table 1, the percentage of lawyers has continuously declined from 55 percent in 1954

to 29 percent in 1970. This declined trend of percentage of lawyers in the Jatiya Sangsad in independent Bangladesh continues from 26 percent in 1973, 23 percent in 1979, 19 percent in 1991 15 percent in 1996 and to only 12 percent in 2001. On the other hand, the percentage of businessmen and industrialists has increased from 4 percent in 1954 to 48 percent in 1996 and 58 percent in 2001.

Talukder Maniruzzaman shows that the Percentage of rising business group in legislature is 53 in 1991. This trend would be increased to 59 percent in 1991, if we include the number of former army officers now businessmen and industrialists. The same tendency also dominates in the election in 1996-<sup>2</sup>. Thus, the business group represents (48% + 6% former army officers now businessmen and industrialists emerged as legislators) 54 percent of legislators in the Jatiya Sangsad in 1996 and 58 percent in 2001.

### The General Elections of 1st October 2001

Table 2

Party	Number of Seats won	Total
Bangladesh Nationalist Party	195	195
Bangladesh Awami League	58	58
Jamate-Islami	17	17
Jatiya Party (Ershad)	14	14
Jatiya Party (Naziur)	4	4
Jatiya Party (Monju)	1	1
Islami Oikkeyo Jute	3	3
Krishak Sramik Janata League	1	1
Independents	7	7
Total	300	300

source: Bangladesh Election Commission, 2001

<sup>2</sup> Life Sketches of the Members of Jatiya Sangsad, published by Jatiya Sangsad, March 1981, (Introductory chapter); For the source of data for 1996 legislators see Aminur Rashid, Pramyannya Sangsad (Documentary Sangsad), unpublished, 1997.



Comparison of Education for Legislators of 1973, 1991, 1996 and 2001

Table 3

Level of Education	Legislators 1973		Legislators 1991		Legislators 1996		Legislators 2001	
	No.	%	No.	%	No.	%	No.	%
Post-graduate	78	28	114	38	128	40	92	38
Graduate	128	45	139	46	144	45	122	50
Below Graduate	75	27	47	16	46	15	30	12
total	281	100	300	100	318	100	244	100

Source: Data for 1973 and 1991 see Talukder Maniruzzaman, "Bangladesh: The Fall of the Military Dictator", Pacific Affairs, Vol. 65, No.2 (Summer 1992), p, 220; Data for 1996 see Aminur Rashid, Pramannya Sangsad (Documentary Sangsad), unpublished, 1997. For 2001 see Submitted bio-data of MPs available in the JS library (LIC confidential).

Table 3 shows, while 28 percent of legislators of 1973 had post-graduate education the figure is larger 38 percent of legislators of 1991. But the figure is the largest 40 percent of legislators have post graduation education of 1996 in all the previous elections. Table 3 further delineates that while 73 percent of legislators had graduate and post-graduate education in 1973, that figure is 84 percent in 1991 and it increases to 85 percent in 1996. But the number of MPs obtaining graduate and post-graduate degrees is 214 or 88 percent in 2001.

Table 4:

Comparison of Age for Legislators elected in 1973, 1991, 1996 and 2001

Age	1973		1991		1996		2001	
	No.	%	No.	%	No.	%	No.	%
56 and above	13	5	62	21	92	21	138	48
46 – 55	61	21	101	34	144	45	91	32
36 – 45	112	40	113	38	68	21	53	19
31 – 35	63	23	20	7	14	4	04	1
25 – 30	31	11	4	1	-	-	-	-
Total	280	100	300	100	318	100	286	100

Source. Talukder Maniruzzaman, "Bangladesh: The Fall of Military Dictator", Pacific Affairs, Vol. 65. No.2 (Summer 1992), P. 221; Data for legislators elected in 1996 see Aminur Rashid, Pramannya Sangsad (Documentary Sangsad), Upublished, 1997. For 2001 see the submitted bio-data of MPs to the JS library (LIC confidential).

Table 4 shows the age of members of the Jatiya Sangsad elected in 1973, 1991, 1996 and 2001. The vast majority of the legislators in the Jatiya Sangsad of 1973 belonged to the age group 45 and below. This generation that launched successive movements against the central government of Pakistan in the late 1960s fought and won the independence of Bangladesh in 1971. They thought that permanent political power belonged to them or the supreme leader, Sheikh Mujibur Rahman. They were thus arrogant regarding their opponents and did not care much for developing political institutions.<sup>3</sup>

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<sup>3</sup> U.A.B. Razia Akter Banu, "The Fall of Sheikh Mujib Regime – An analysis," *The Indian Political Science Review*, vol. 15, no. 1 (January 1981), p. 6.s

**Appendix-3**

**A List of Pressure Groups in Bangladesh Politics**

1. The Group of Army
2. The Business Group
3. The Civil Servants Group
4. The Lawyers Group
5. The Trade Union
6. The NGO Group
7. The Tribal Group
8. The Ulema Group
9. The Minority Group
10. The Peasants Group
11. The Refugee Group
12. The Women Group
13. The Physician Group
14. The Engineers Group
15. The Teachers Group
16. The Agriculturist Group
17. The Students Group
18. The Regional Associations
19. The group of Freedom Fighters
20. The group of fishermen
21. The group of journalists
22. The group of civil society



**Appendix- 4**

Professional group Representation in the Cabinet of different regimes in Bangladesh Politics is shown as follows.

Khaleda Zia Cabinet (20.03.1991 – 28.11.1995)

<b>Sl.no.</b>	<b>Name and Designation with Portfolio</b>	<b>Profession</b>
1.	Begum Khaleda Zia Prime Minister	Politician
2.	Mirza Golam Hafiz Minister Law, Justice and Parliamentary Affairs	Lawyers
3.	Maj. Gen. M. .Majedul Huq Minister Agriculture, Water Development and Flood Control	Army
4.	Mr. A. S.M Mustafizur Rahman Minister Foreign Affairs	Army
5.	Mr. Md Saifur Rahman Minister Finance and Planning	Chartered Accountant
6.	Barrister Abdus Salam Talukder Minister Local Government, Rural Development and Cooperative	Lawyers
7.	Mr. Oli Ahmed, Bir Bikram Minister Roads and Communication	Army
8.	Chowdhury Kamal Ibn Yusuf Minister Health and Family Planning	Business
9.	Mr. Md. Karamat Ali Minister Commerce and Postal	Civil Servant
10.	Mr. M.K.Anwar Minister Water Transport	Civil Servant
11.	Mr. Tarikul Islam Minister Social Welfare & Women Affairs	Business/Politics
12.	Mr. Md. Shamsul Islam Minister Food and T & T	Lawyers

13.	Barrister Nazmul Huda Minister Information	Lawyers
14.	Mr. Abdul Matin Chowdhury Minister Home affairs	
15.	Dr. Khandokar Mosarraf Hussain Minister Electricity, Energy and Mineral Resources	Professor
16.	Barrister Rafiqul Islam Miah Minister Manpower and Public Works	Lawyer
17.	Mr. Abdul Mannan Bhuiyan Minister Jute, Labour and Manpower	Business
18.	Barrister Jamiruddin Sirker Minister Education	Lawyers
19.	Mr. Abdullah al Noman Minister Environment and Forest	Business
20.	Mr. A.S.M. Hannan Shah Minister Jute Ministry	Army
21.	Mr. A.M.Jahir Uddin Khan Minister Planning and Industry	Industrialist
22.	Mr. Akbar Hussain Minister Environment & Forest	Army
23.	Mir Showkat Ali Minister Food Ministry	Army

#### Sheikh Hasina's Cabinet (1996-2001)

Sl.no.	Name and Designation with Portfolio	Profession
1	Sheikh Hasina Prime Minister	Politician
2	Abdus Samad Azad Minister Foreign Affairs	Politician
3	Md. Jillur Rahman Minister Local Government, Rural Development and Cooperative	Lawyer

4	Shah A M S Kibria Minister Ministry of Finance	Civil Servant
5	A S H K Sadeq Minister Education Ministry	Civil Servant
6	Syeda Sajeda Chowdhury Minister Environment & Forest	Politician
7	Amir Hussain (Amu) Minister Food Ministry	Business
8	Mr. Abdur Razzak Minister Water Resources	Politician
9	Mr. Tofail Ahmed Minister Ministry of industry	Politician
10	Md. Abdul Jalil Minister Ministry of Commerce	
11	Mohammad Nasim Minister Home Affairs	Business
12	Matia Chowdhury Minister Ministry of Agriculture	Politician
13	M. A, Mannan Ministry Labour and Manpower	Politician
14	Mr. Anwar Hussain Minister Roads & Communication	Business
15	Engineer Mosarrof Hussain Minister Science & Technology	Engineer
16	Sheikh Fazlul Karim Salim Minister Health and Family Planning	Journalist & Business
17	Kalpa Ranjan Chakma Minister Chittagong Hill Tracts Affairs	Business
18	Abdul Matin Kasru Minister Law, Justice and parliamentary Affairs	Lawyers



19	A.S.M Abdur Rab Minister Fisheries and Livestock	Politician
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List of Ministers in Khaleda Zia regime from 2001 to Present:

SL No.	Name and Designation	Profession
1.	Begum Khaleda Zia Prime Minister	Politician
2.	Mr. Md. Saifur Rahman Minister Ministry of Finance and Planning	Chartered Accountant
3.	Mr. Abdul Mannan Bhuiyan Minister Ministry of Local Government, Rural Development & Cooperative	Politician
4.	Mr. Abdul Matin Chowdhury Minister Ministry of Textile	Business
5.	Dr. Khandokar Mosharraf Hussain Minister Health and Family Welfare	Professor
6.	Barrister Maudud Ahmed Minister Law, Justice and Parliamentary Affairs	Lawyer
7.	Mr. Matiur Rahman Nizami Minister Ministry of Food	Politician
8.	Barrister Niazmul Huda Minister Ministry of Roads and Communication	Lawyer
9.	Mr. M. Shamsul Islam Minister Ministry of Land	Lawyer
10.	Chowdhury Kamal Ibne-Yusuf Minister Ministry of Relief and Disasters	Business
11.	Mr. M.K. Anwar Minister Ministry of Agriculture	Civil Servant
12.	Mr. Md. Tariqul Islam Minister Ministry of Information	

13.	Mr. Md. Shajahan Siraj Minister Ministry of Environment and forest	Politician
14.	Lieutenant Colonel Akbar Hussain (Retd.) Minister Ministry of Water Transport	Army
15.	Begum Kurshid Jahan Haq Minister Ministry of Women and Children Affairs	Politician
16.	Mr. Abdullah Al Noman Minister Ministry of Food	Business
17.	Dr. Abdul Moyeen Khan Minister Science and ICT Ministry	Teacher
18.	Mr. Mirza Abbas Minister Ministry of Housing and Public Works	Business
19.	Mr. Amir Kasru Mahmud Chudhury Minister Ministry of Commerce	Business
20.	Barrister Mr. Aminul Haq Minister Ministry of Postal and T&T	Lawyer
21.	Alhaj Altaf Hussain Chowdhury Minister Ministry of Home	Air Force
22.	Mr. Hafiz Uddin Ahmed, Bir Bikram Minister Ministry of Water Resources	Army
23.	Dr. M.Osman Faroque Minister Ministry of Education	Teacher
24.	Mr. Ali Hasan Md. Muzahid Minister Ministry of Social Welfare	
25.	Mr. M.Morshed Khan Minister Ministry of foreign affairs	Industrialist

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