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Democracy and Corona (Covid-19): Discussion on Current Trends

Dr. Al Masud Hasanuzzaman*

Abstract: In several newly independent states the practice of liberal democracy met with numerous quandaries causing its complete decay. However, following the end of cold war democratic wave swelled in different parts of the world and good-governance and democracy turned out to be congruent. Subsequently, discrepancy stemmed between procedural and functional facets of democracy generating divergent types of autocratization and constraining democratic space amid absence of accountability in a number of countries. Within this setting at the end of 2019 took place Covid-19 that steadily submerged the entire world rendering its multifarious distressing outcome. The pandemic at the same time influenced the sphere of democratic modes of governance. The structures correlated with democracy hence are adversely affected along with their corresponding roles in the political order. The present article poses an overview of such issues triggered by the on-going pandemic.

Keywords: Democracy, Governance, Pandemic, Autocratization.

Introduction

The world witnessed the ascendancy of western type of liberal democracy and subsequently its imitation in the newly independent states after the second world war. However, the practice of democracy in many cases, met with numerous predicaments resulting into its overall erosion. After the end of the cold war, democratic revivalism took place in different parts of the globe. Such trend was regarded by some western scholars as ‘third wave of democracy’ and within new international world order good-governance and democracy became compatible. In this new context, the inevitability of democracy was explained as the ‘end of history’. Later an imbalance followed between procedural and practical aspects of democracy producing different forms of illiberal authoritarian trends and limiting democratic space amid absence of responsibility in several states. Such trend was observed even in the western developed countries where a negative attitude had been visible among the people on the performance of their central political leaders and state of politics. Fielders (2012: 1) notes that although twenty first century confirms the triumph of democracy the negative trends create an unprecedented predicament all over the world. ‘Citizens around the world appear to have become distrustful of politicians, skeptical about democratic institutions, and disillusioned about the capacity of democratic politics to resolve pressing social concerns.’ Within this milieu at the end of 2019 took place covid-19 or corona pandemic that gradually engulfed the whole earth rendering its multidimensional devastating consequences. These include the crises in health, economy, society, politics, education, mobility, religious practices, psychology, familial relations, behavioral patterns,

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intra and international ties and the like. The pandemic affected the realms of democratic ways and governance as well. The structures and building blocks associated with democratic order are thus affected negatively along with their role-playing in the political system. In the meantime, scholars and pundits, the world over are making intensive discussion, and evaluation regarding the multifarious consequences of the pandemic. The present paper specifically highlights the issues and factors in the realm of democracy and related processes caused by the pandemic.

It is discerned that Covid-19 is spreading at the time when the process of democratic erosion and decay have already taken place. As such there is an apprehension that corona pandemic may turn into a pandemic of democracy itself. The predicaments caused by corona may be short as well as long term leaving its devastating outcomes.

While assessing the global state of democracy in 2020 (Working paper, University of Sheffield, 2020) the democracy related research organizations in their reports find a downward tendency in practicing of democracy. The Institute for Democracy and Electoral Assistance (IDEA) says democracy is ill and its promise needs revival. Similarly the Variety of Democracy (VDEM), Center for Future of Democracy, Pew Research Center, and Freedom House separately find that autocracy accelerates in the world, there is erosion of democratic institutions, commitments to democratic ideals erode and democracy and pluralism are under assault.

It is to be noted here that the weaknesses in the democratic structures in different countries are not caused by Covid-19. However, this pandemic strengthens and intensifies the already existing crises of democracy. As such the previous trend of authoritarian practices, lack of proper oversight of the executive, intolerance, political polarization, problem of penetration, low political trust, minimal respect for the democratic values, and the like have been deepened by the pandemic-created environment.

Long before during the 14th century the black death negatively impacted inter group relations and mutual-cooperative activism. Equally, the Spanish flu of 1918 destroyed social trust and created long term social disruption. Those pandemics also led to erosion of international cooperation and aggravated conflicts. Until now the present Covid-19 also does not project global concerted action to deal with the crisis. Instead there has been rise of animosity between the global powers. Examples are on-going Sino-US conflict, US decision to leave the WHO and recent India-PRC border war.

In the following paragraphs the effects of Covid-19 on democracy and governance affairs are discussed with illustrations.

Extension of executive authority

With the spread of the pandemic in most of the countries there is a great expansion of executive authoritarian practices. Such trend is against keeping democratic institutional balance. The decisions the executive made in most cases include total or partial lockdown,

ban on physical mobility of the citizens, closure of offices, curfew, and declaration of emergency in the context of deteriorating scenario. Needless to mention that during emergency executive powers expand and leading to loss of human rights. Until now emergency has been declared in more than 50 countries and the illiberal rulers have extended their authoritative powers. As for example the prime minister of Hungary Victor Orban has imposed his authoritarian rule all over the country through promulgation of a decree. The Pilipino parliament has given unlimited powers to President Rodrigo Duterte. The government of Cambodia exercises emergency powers in a similar manner and Russian president Vladimir Putin will remain in office till 2036. V-DEM report says that there is decline of democracy in 48 countries due to Covid-19 with visible public resilience.

Decline of Democratic rights

Constitutions of all democratic countries uphold human rights. Corona has intervened such sphere and limits the right of freedom, right to speech, right to assemble, right to protest, right to work. Education, health, leisure etc. Concerned institutions and oversight agencies also are not seen active. The parliamentary structures, judicial bodies, NGOs, and civil society organizations' activities remain mostly unnoticed to demand responsibility of the governmental performances.

Constitutional government

The essence of constitutional government is controlled government. Democracy never thrusts absolute power to any state authority that leads to principles of separation of powers, checks and balance, and inter-organ oversight and power relationship. In presidential as well as parliamentary systems the legislative committees perform important oversight functions including ensuring transparency, accountability, and participatory process. War and grave natural crises always empower the executive for quick decision-making and covid-19 is no exception. As such the parliamentary sessions are made short. In Australia, Austria, and Belgium the number of attending MPs decreased, Canadian parliament remained closed for 5 weeks, and quorum was fixed to 20 out of 338 MPs. US and British legislatures are considering the issues of proxy and remote voting.

Third wave of autocratization

Autocratic trends stem from the authoritarian practices of the elected governments as the V-DEM reports. As many as 92 countries and the G20 nations including USA, Brazil, India, Turkey are under such inclinations leaving limited democratic space for the stakeholders. A sort of self-imposed censorship is noticed amid state surveillance. Nobel Laureate Amartya Sen remarked that even in Indian democratic process there are hesitations to express views and unobstructed opinions.

Recently there are debates whether democratic governance or autocratic system perform better in addressing the problems created by the pandemic. One view maintains that in

those societies where exists the culture of obedience, common endorsement for stringent measures including strict lockdown or curfew is more likely. As such in China it has been easier for the central leadership to implement rigorous measures through collectivist culture despite absence of transparency. Gorodnichenko and Roland (2015) earlier mentioned that collectivism underscores group allegiance, compliance and subservience towards superior that makes collective action simpler. On the other hand, in individualistic societies individual interests predominate over collective welfare.

Political participation

One negative consequence of Covid-19 is the absence of widespread participation of the citizens. In democracy there are different modes of political participation and of them the most significant is election. Meanwhile several countries have postponed their national, regional, and local polls. The Election Commission of India postponed the Rajya Sabha election in March 2020. Similarly, Pakistan and Indonesia suspended their by-election and local government elections, respectively. In 12 states in the USA the primary elections and in the UK local polls were postponed. Such absence of democratic elections leads to crisis of legitimacy of the incumbents in different tiers of government.

Governance

Democracy and governance are closely intertwined and go simultaneously. The major pillars of governance namely, accountability, transparency, predictability, regulatory quality, participatory process, and control of corruption are affected undesirably by the current pandemic. There are several instances of mal-governance during this pandemic including theft and corrupt practices like stealing relief goods in Bangladesh, irregularity in PPE in Slovenia, and theft of 140 crore dollars in the USA in distributing government's cash assistance for the affected. During corona, there are escalation of clientelist ties, opportunism, smuggling, price-syndicate, health section irregularity in different countries.

Political Process

Political process in democratic countries is visible through partyocracy involving both ruling and opposition parties. During corona pandemic the political activism of most political parties and their organizational actions are constrained. Usual public meetings, party conventions and the like are not seen as before. In Zambia opposition demonstration has been banned. In Bolivia, Russia, Romania, and Bosnia criticism of government is suppressed and the independence of the media is compromised. Israeli prime minister endeavored to control the Knesset by quelling the opposition. In Venezuela, the opposition are under harassment by authoritarian directives.

Bureaucratization

In order to cope with the pandemic bureaucratic decision-making and bureaucratization of

policy implementation have been observed in different countries including Bangladesh. In Iran, Peru, South Africa, and Israel military steps are taken. In Pakistan, the top concerned positions are controlled by the military leaders keeping the prime minister Imran Khan in dark. Corona has thus influenced the civil-military relations. In India, the law enforcing agencies have done excesses on the public to strictly enforce the directives. In South Korea and Israel, smart phone location data are imposed. The government of Egypt forced one journalist to leave the country. Authorities of Thailand and Jordan have obtained the power to suspend the freedom from suppression. There are also instances of social media monitoring in some countries.

Socio-political cohesion

Covid-19 has not affected uniformly although rich, poor and all sections of society are infected by the virus. The pandemic has created distance between the rich and poor, rural and urban places, citizens and migrants and above all social cohesion. Social distancing damaged social solidarity and created political polarization among the competitive forces and groups in India, Brazil, Venezuela, Bolivia, Poland and the USA through prejudiced behavior and denunciation.

Role of Extremists

On-line attempts of the extremists are detected during the pandemic. These groups remain alert by using virtual platforms. Bodies like HijbutTahrit, Ansar Al-Islam, Al-Queda are doing on-line propaganda through different apps and virtual training for the terrorists are also known. According the recent reports covid-19 situation aggravated violent extremism in the horn of Africa, Lake Chad basin, and Sahel region. Boko Haram meanwhile has intensified its strike in Lake Chad basin.

Some Positive Trends

During the pandemic inspiring initiatives and human welfare performances of the non-state actors have been observed. Such welfare programs are accomplished by means of informal governance. Besides non-state actors, various civic groups, local representatives, welfare associations, and bodies like Biddanondo in Bangladesh have been seen engaged in distributing reliefs, cash support and food to the affected sections and specially the poor. These endeavors contribute to create social capital and benevolence.

Conclusion

As mentioned earlier democracy is declining but fact remains that only a democratic system cannot ensure its effectivity against the on-going covid-19 pandemic. Aurel Croissant remarks that what is important is political will and the existence of a responsible authority to properly implement the decisions taken in a democratic manner. Also important is information openness, transparent crisis management and public overseeing. Democracy

and good governance demand adaptability, innovative approach, awareness, and pragmatism for accurately dealing with the crisis of all sorts including the current covid-19.

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The Making of the Centralization Process in the Early Years of Pakistan: An Appraisal

Mohammad Waheeduzzaman Manik*

Abstract: Given the pluralistic nature of Pakistan society, a genuine federal form of government would have nurtured and cemented the national integration between people of diverse regions and cultures of Pakistan. Instead of recognizing geographic, ethnic and linguistic diversities of various distinct cultural regions, the Central Government had made the determination to impose “uniformity” through the use of various nefarious policies and devious instruments of centralization. The provincial Governments were dwarfed and clobbered by the Central Government of Pakistan. The subsequent regimes had essentially continued to employ the instruments of centralization. The purpose of this article is to assess the nature, the extent and the process of centralization and the pattern of interaction between the Center and Provinces. The failure of national integration in Pakistan was an epic failure of the centralizing features of the governance structures of the new nation of Pakistan. The relevance of such a reappraisal is more poignant in an era when the history of the making of Bangladesh’s long struggle for freedom and independence from the ignominious colonial domination of Pakistan is being systematically distorted and marginalized.

Keywords: Centralization Process, National Integration, authoritarian modes of governance and Colonial Legacy.

Introduction

Given the fact that the weaker provincial governments were tightly controlled, monitored, and maneuvered by the stronger Central Government of Pakistan, it is quite relevant to appraise the nature of the structural relationship that had existed between the levels of Governments in the formative years of Pakistan. The poignancy of such a reappraisal is more evident in an era when the history of the making of Bangladesh’s long struggle for freedom and independence from the ignominious colonial domination of Pakistan is being systematically distorted and marginalized. The recapitulation of Pakistan’s free-hand experimentation of unlimited centralizing features will also demonstrate to the younger generations of both Bangladesh and Pakistan that the political history of the formative years of Pakistan had been replete with anti-democratic and authoritarian modes of governance.

The main purpose of this paper is to assess the nature, the extent and the process of centralization and the pattern of interaction between the Center and Provinces in Pakistan. Although the relationship between the stronger Central Government of Pakistan and the weaker regional governments during the period from 1947 through early 1956 is the main focus of this article, some generalizations will be made on the pattern of interaction between the central and provincial governments beyond early 1956. However, the salient features

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of the 1956 and 1962 Constitutions of Pakistan have not been brought within the parameters of this article. In other words, no attempt has been made to appraise the centralizing features of the abrogated 1956 Constitution and the debunked the tailor-made 1962 Constitution.

Pakistan: A Test Case of a Centralized form of Government

The emergence of Pakistan as an independent nation-state on August 14, 1947 was one of most spectacular events of the twentieth century. Pakistan was a divided nation-state both geographically and culturally, and this new nation had remained divided into two wings— East Pakistan and West Pakistan—separated from each other by at least one thousand miles of hostile Indian territory. Doubtless, Islam was the common denominator of both wings of this new nation of Pakistan. Yet, the social and cultural differences between East Pakistan and West Pakistan were fundamental in nature.

Ethnically and linguistically, there were profound dissimilarities than similarities between the people of two wings. Even the dietary, demography and topography of East Pakistan were at sharp variance with that of West Pakistan. Apart from profound differences between East and West Pakistan, there were linguistic, cultural and regional differences within the provinces and the various territories that constituted the Western part of Pakistan. For example, before the amalgamation of all of the provinces of the Western wing of Pakistan, princely states, tribal areas and federal territories into a single province of “West Pakistan” through the enactment of the so-called “One-Unit scheme” in 1955, West Punjab, Sind, and the North West Frontier Province were the original provinces. There were also princely states of Bahawalpur, Khairpur, and Baluchistan. Some tribal areas in North-West Frontier Province and Baluchistan were reserved to the Central Government of Pakistan. Karachi, the Capital of Pakistan, was also kept under the jurisdiction of the Central Government.

In his seminal work titled *Pakistan: A Political Study*, Keith Callard had observed: “Before West Pakistan was consolidated into a single political and administrative entity [in 1955], Pakistan consisted of a complex array of units of government. In the east, East Bengal formed a single province. The position in the west was more complicated; there were three Governors’ provinces, (West) Punjab, Sind and the North-West Frontier Province (NWFP), as well as (British) Beluchistan, the Baluchistan States (Khalat, Las Bela, Makran and Kharan which were grouped together as the Baluchistan States Union), the North-West Frontier States (Dir, Amb, Swat and Chitral), the frontier tribal areas, the federal capital area of Karachi and the princely states of Khairpur and Bhawalpur.. ----- Pakistan also laid claim to

the states of Junagadh and Kashmir, but of these only a sparsely populated portions of Kashmir was under actual Pakistan control” (Callard, 1957, p. 155),

Although the western wing of Pakistan was geographically compact and contiguous, there were distinct cultural, ethnic and linguistic variations within those areas that constituted West Pakistan. For instance, each of those four territories had its own native language: Punjabi in West Punjab, Pushto in NWFP, Sindhi in Sindh, and Beluchi in Beluchistan. In his book, *Constitutional Development in Pakistan* G.W. Choudhury had observed that soon after the emergence of Pakistan, the “provincial regional feelings began to manifest themselves. East Pakistanis felt that they did not have a fair and adequate share in the central government and administration. They felt that they had been neglected and were dominated by the West. This gave birth to the feelings of regionalism in East Pakistan, while provincialism was making equal headway in West Pakistan. The consequence has been that in Pakistan politics, issues have often been judged not on national considerations but on the basis of provincial interests. National unity and national feelings have been considerably damaged and there lies the root cause of the difficulty in a basis for representation in the legislature for the future constitution. Each unit feared the domination of the other, and consequently the framers of the constitution had to evolve the formula of a government based on regional parity” (Choudhury, 1969, p. 78).

Roots of Centralization Process in Pakistan

Given the pluralistic nature of Pakistan society, a genuine federal form of government would have cemented the national integration between people of diverse regions and cultures of Pakistan. Instead of recognizing geographic, ethnic and linguistic diversities of various distinct cultural regions, the Central Government of Pakistan elected to impose “uniformity” through the use of various policies and instruments of centralization. In other words, the Provincial Governments were dwarfed by the Central Government. For instance, the unlimited powers of the Office of the Governor General of Pakistan, Emergency Powers, Offices of the Provincial Governor, Public and Representative Offices Disqualification Act (PRODA), and Section 92A and Governor’s rule of the Indian Independence Act (section 92A was incorporated as Article 193 in the 1956 Constitution of Pakistan) were the salient instruments of centralization process in the early years of Pakistan.

Pursuant to Section 8 of the Indian Independence Act, 1947, the Government of India Act, 1935, with necessary and proper adaptations, was to be employed as the Interim Constitution of Pakistan. Although 1935 Act of India had a semblance of a Federal system, the Governor General of British-India had retained methods and

procedures for controlling and monitoring the governments of Provinces. However, most of the Indian provinces including Bengal from 1937 till independence in August 1947 had gained some degree of self-governance. Therefore, it was reasonably expected that Pakistan would have genuine Federal Governmental structure in which the constituent units and provinces would be granted provincial autonomy. Yet, after Pakistan emerged as an independent nation-state, the provinces had lost out to the Central Government whatever rudimentary form of self-rule they had enjoyed under the British from 1937 through August 14, 1947.

Of all the salient provisions of the 1935 Act of India, the 7th Schedule distributed three types of subjects to various levels of Government: a. The Federal List (59 items); b. The Provincial List (55 items); and c. the Concurrent List (36 items). The Provincial Governments that were formed after the passage of 1935 Act of India had more flexibility in dealing with the matters specifically enumerated for the provinces. The provinces also had authority to have jurisdiction over concurrent powers provided the provincial actions were not in conflict with the Central Government. In case of any conflict between the Center and Province over the Concurrent subjects, the Central authority would take precedence over the province. Could the Central Government legislate on the subjects listed under the Provincial List? The answer is in the affirmative. According to Section 102 of the 1935 India Act, the Center could act upon or legislate on the items enumerated under the provincial list through a “Proclamation of Emergency by the Governor General.”

In his book, *Pakistan: Its People, Its Society and Its Culture*, Donald N. Wilbur pointed out: “The federal government for which the 1935 Act provided was never brought into existence during British rule, but the provisions for it became the basis for the Federal government of Pakistan. Although the provinces elected their legislatures and were responsible for such functions as health, education, police, land revenue, and local government, the 1935 act gave a variety of controls over the provinces to the federal government, and similar controls—particularly emergency controls—appear to have become an established feature of Pakistan’s system” (Wilbur, 1964, pp. 235-236).

After independence, at the behest of M.A. Jinnah, first Governor General of Pakistan, and later by his successors, the scope of the 7th Schedule and Section 102 of 1935 Act of India was enlarged. First, many Enumerated Provincial functions were added to the Central List. Second, the Central Government took away some of traditional Provincial sources of Revenues (Sales tax, Income Tax and Customs Duties). In his quest for authoritarian and centralized modes of Governance, Mohammad Ali

Jinnah had tailored the 1935 Act of India for the purpose of concentrating powers in the Central Government of Pakistan. Instead of modifying or adapting to the unique needs and priorities of the constituent units or provinces of the new nation, centralizing features of the 1935 Act of India were replenished in the subsequent years by the ruling elite of Pakistan.

Incorporation of Infamous Section 92A and the Governor's Rule

Based on even a fortuitous review of writings on the early years of Pakistan by celebrated writes (Callard, Wilbur, and Sayed, for examples), it is entirely possible to observe that there is no doubt that the Governor General in British-India under the 1935 Act of India had enormous controlling powers over the Provincial Governments. Yet, at the behest of M.A. Jinnah, the powers and authorities of the Governor General vis-à-vis Provincial Governments were enormously expanded by the Constituent Assembly of Pakistan through the passage of Section 92A, and in fact, this provision had conferred unlimited powers upon the Office of the Governor General of Pakistan.

The expansive scope of Pakistan's Governor General's powers over provincial authorities could be gauged from the following provisions of Section 92A (reference: The Pakistan Provisional Constitution Order (Third Amendment), 1948 under Section 92A): "If any time the Governor General is satisfied that a grave emergency exists whereby the peace or security of Pakistan or any part thereof is threatened, or that a situation has arisen in which the Government of a province cannot be carried on in accordance with the provisions of this Act, he may by proclamation direct the Governor of a province to assume on behalf of the Governor General all or any of the powers vested in or exercisable by any provincial body or authority; any such proclamation may contain such incidental and consequential provisions as may appear to the Governor-General to be necessary or desirable for giving effect to the objects of the proclamation including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any provincial body or authority. Provided that nothing in this sub-section shall authorise the Governor-General to direct the suspension of any of the powers vested in or exercisable by a High Court, or to suspend either in whole or in part the operation of any provisions of this Act relating to High Courts".

In his book titled *The Civil Service of Pakistan: Bureaucracy in a New Nation* Henry Frank Goodnow pointed out that the Governor General of Pakistan had substantial control over the Provincial Governments: "Undoubtedly the most important element of the Governor General's power was his ability to control—or

at least suppress – the governments of the provinces by appointing and dismissing provincial governors. These governors could appoint and dismiss the provincial ministers and summon or prorogue a provincial assembly. When the assembly was not in session, the Governor could promulgate ordinances. Such ordinances, however, expired six weeks after the legislature reconvened. Although a provincial governor was required to appoint a chief minister who had the support of the provincial assembly, he [the Governor] could dispense with both the assembly and its cabinet if he had the cooperation of the Governor General. The Governor-General, the governor of the province, and the [Central] civil servants then ruled the province as they saw fit, subject only to the moderating influence of the courts if they went beyond their authorized powers. This state of affairs was referred to as Governor's Rule" (Goodnow, 1964, p. 60).

In his seminal book, *Pakistan: A Political Study*, Keith Callard pointed out that the British Government had used "greater degree of centralization" in India during the second World War and the years following the war. As noted by Keith Callard: the "Provincial leaders hoped that this trend (the centralization process) would be reversed after independence (in August, 1947), but in fact the degree of central control was increased. Its (section 92A) most spectacular application was in the political sphere. Powers existed under Section 93 of the Government of India Act (1935) for a provincial Governor, on behalf of the centre, to take over the administration of a province if the normal constitutional machinery had broken down. This power, with its undemocratic implications, was removed by the Pakistan Provisional Constitution Order (1947). However, Mr. Jinnah, acting under the extraordinary powers of the Independent Act, inserted a new section (92A) into the Act. This section (section 92A) Similar gave to the Governor-General in case of emergency, power to direct the Governor of a Province to assume on behalf of the Governor-General all or any of the powers vested in or exercisable by any provincial body or authority (excluding the High Court)" (Callard, 1957, pp. 159-160).

M. A. Jannah's quest for unlimited centralizing powers can also be gauged from the following observations of both Callard and Sayeed. Keith Callard underscored that the section 93 of 1935 Act was widely used by the Governor General of British India during the war years. However, the section 93 "was clearly an exceptional measure designed to deal with cases where a provincial ministry was unwilling to accept the implications of British rule. Section 92A, on the other hand, became a normal part of the working of federal political relations between the centre and the provinces" (Callard, 1957, p. 160). In his seminal book, *Pakistan: The Formative Phase, 1857-1948*, Khalid Bin Sayeed observed: "On 16 July 1948, by the Pakistan Provisional

Constitution (Third Amendment) Order, 1948, the Quaid-I-Azam inserted Section 92A in the Government of India Act, 1935. By this Governor General could direct the Governor of a Province to suspend the normal constitutional machinery in that Province on the plea that a grave emergency existed which meant the Government of that Province could not be carried on in accordance with the provisions of that act. All these instruments of Central control had been there in the armoury of the British Government of India. Pakistan, as a successor Government, was carrying on these traditions. Pakistan's neighbour, India was also working on the same model. Thus, Pakistan was not unique in possessing and exercising such powers. What was extraordinary was the location of these powers. In other countries, these powers were exercised by the Central cabinet which responsible to Parliament. But in Pakistan, neither were the circumstances normal nor could its Governor-General (Jinnah) be described as a constitutional figurehead. He was not only the successor of the powerful Viceroy but also the Quaid-I-Azam of Pakistan. The author [Khalid Bin Sayeed] has been told that the Cabinet by a resolution had authorized him to exercise all these powers on its behalf. He could overrule the Cabinet. He had, again by a Cabinet resolution, direct access to all the Secretaries and all the files" (Sayeed, 1968, pp. 258-259).

The Central Government of Pakistan from the days of M.A. Jinnah had ruthlessly used the powers of Governor General's office for dislodging or controlling the provincial governments. It seems that the first Governor General was intolerant to any form of criticisms of his policies and ploys. All forms of disagreement or dissenting views from the provinces or other Federal jurisdictions were thwarted with iron fist. From the beginning of independence, all strategies, tactics, laws, rules, and procedures were employed the Central Government for controlling and clobbering the provincial ministries. For instance, M.A. Jinnah had dismantled the pro-Congress Ministry of Dr. Khan Sahib in NWFP on August 22, 1947 for quickly installing a Muslim League Government even though the dismissed Chief Minister was enjoying majority support both in inside and outside the Provincial Assembly. False and frivolous charges of "conspiracy" against Pakistan were brought against the Chief Minister even though the British Governor of that province had clearly vouched that Dr. Khan Shahib was not at all disloyal to Pakistan. Above all, Abdul Gaffar Khan, the dismissed Chief Minister's younger brother, was arrested in June 1948 for allegedly instigating masses and "conspiring" against the Government of Pakistan, and he was imprisoned for six years. Yet both Dr. Khan Sahib and his younger brother Khan Abdul Gaffar Khan, on a matter of principle, were not willing to be on their knees in front of Quaid-I-Azam or his successors.

Mohammad Ayub Khuhro, the Chief Minister of Sind, was also summarily dismissed on April 26, 1948 on the charges of corruption, favoritism, nepotism, embezzlement and misconduct. There is no doubt that some of those charges against the Chief Minister of Sind had some merits. Yet, the main reason for Ayub Khuhro's immediate removal from the office was his "opposition" to M.A. Jinnah's plan for separating the city of Karachi from the province of Sind.

Ayub Khuhro's dismissal was followed by more dismissals of Ministries in Sind between 1948-'54. There is no doubt that Ayub Khuhro's disgraceful removal from the coveted political position was a setback and a humiliating experience for him. Yet he had proved in later years, beyond any reasonable doubt, that he had mastered the art of surviving and thriving in those early years of Pakistan's politics of conspiracy and conflict.

Although Khan of Mamdot, first Chief Minister of West Punjab, was not fired by M.A. Jinnah, his administration was sternly reprimanded by the Governor General. Khan of Mamdot was accused of inefficiency in the administration of refugee problems. However, Khan of Mamdot's duly elected Ministry of West Punjab was most ignominiously dismissed later in early 1949 on flimsy ground at the behest of Liaquat Ali Khan, the powerful Prime Minister of Pakistan. The real reason of Khan of Mamdot's unfair dismissal in January 1949 was that the Chief Minister's blunt opinions on refugee issues were at sharp variance with that of the Prime Minister of Pakistan. As noted by Keith Callard that Section 92A was invoked in West Punjab by the Central Government. On the advice of the then Governor General of Pakistan (Khwaja Nazimuddin), Sir Francis Mudie, (British) Governor of West Punjab had dismissed the Ministry of Khan of Mamdot, the Provincial Assembly was dissolved, the Governor's rule was imposed in January 1949 and continued till April 1951 (Callard, 1957, p. 160). Donald Wilbur also confirmed about the belligerent imposition of Section 92A in West Punjab: "In January 1949, acting on instructions from the Governor General, Mudie dissolved the provincial legislature and established governor's rule—which was to continue until the provincial elections [in West Punjab] in March 1951" (Wilbur, 1964, p. 227).

There had been no dearth of instances of the arbitrary and capricious impositions of 'Governor's Rule' in different provinces in the early years of Pakistan. In fact, through the execution of the section 92A, the Governor's Rule was imposed on the following provinces: Punjab from January 1949 through April 1951; Sind from December 1951 through May 1953; and East Bengal from May 29, 1954 through June 6, 1955.

Although the Central Government had frequently employed a variety of instruments of control for browbeating or controlling the provincial governments, the rampant of execution of Section 92A on three specific occasions in the early years of Pakistan had far reaching impact on the pattern of Center-Province interaction. As aptly observed by Keith Callard, “Section 92A was used for political purposes on three occasions, but its influence was constantly at work. No provincial politician could fail to be aware that the centre possessed and was willing to use power to govern without provincial legislative or ministerial assistance. In most federal systems, provincial governments are in law or by political convention irremovable by the national authorities. But in Pakistan the possibility of the indefinite suspension of parliamentary government constantly influenced the attitudes of both central and provincial cabinets” (Callard, 1957, pp. 161-162).

The Making of the Infamous “One Unit Proposal” and Undemocratic “Parity Principle”

The ruling elite of Pakistan had started a clamor for “amalgamating” all provinces and federal jurisdictions of western part of Pakistan into one province of “West Pakistan. The demand for instituting one-unit formula for West Pakistan was deliberately designed to clobber the dominance of the majority rule in Pakistan. In other words, the proposal of both the “one unit plan” and “parity principle” were aimed at dismantling or neutralizing the “numerical majority” of the then East Bengal (East Pakistan) once and for all in the Central Legislature (initially it was called the Constituent Assembly of Pakistan and later under the 1956 Constitution, this body was known as the National Assembly of Pakistan).

With the exception of West Punjab, the so-called “one unit” proposal was vehemently opposed by Sind, North-West Frontier Province and Baluchistan. Specifically, the one-unit plan for West Pakistan had scathing criticism from Abdus Sattar Pirzada, the popular Chief Minister of Sind. The Sind Legislative Assembly had also formally rejected the proposal for unification of all of the provinces of West Pakistani into One Unit. In retaliation, Abdus Sattar Pirzada was dismissed by the Governor General, and he was replaced by Ayub Khuhro as the new Chief Minister of Sind. (As mentioned earlier, the same Mohammad Ayub Khuhro who was disgracefully dismissed as the Chief Minister of Sind in April , 1948 by M.A, Jinnah on the charges of blatant corruption and misconduct).

As the newly installed Chief Minister, Ayub Khuro had willingly employed all forms nefarious tactics and vile threats against the legislators for the passage of One Unit scheme by the Sind Legislative Assembly. Henry Frank Goodnow summarized

the threatening context and intense situation within which the 'one unit plan' was passed in the belligerent Sind Legislative Assembly: "Certainly in Sind Province the situation was clear. The Governor dismissed Pirzada Abdus Sattar's ministry on the grounds of 'mal-administration,' arrested G.M. Syed who was the leader of the opposition in the Sind Legislative Assembly, and appointed the infamous Khuhro to be the new Chief Minister. The only reasonable explanation for these steps was that Sattar and Syed vigorously opposed to 'One Unit' while Khuhro agreed to support it. Under Sattar's leadership, 74 of the 110 members of the Sind Assembly had signed a statement opposing the (One Unit) plan. Under Khuhro's threats and pressures the docile [Sind] Assembly was persuaded to support 'One Unit' by a vote of 100 to 4 (on December 12, 1954. Certainly Khuhro, who was supposed to rectify Sattar's 'mal-administration,' had peculiar qualifications for that assignment" (Goodnow, 1964, p. 65).

The dirty tricks, threats and blackmailing that were rampantly employed by Khuhro, the Chief Minister, were characterized by many politicians as "Khuhroism". Khalid Bin Sayeed quoted from the [second] Constituent Assembly debate (of September 10, 1955) for explaining the implications of 'Khuhroism': "It is very interesting to know what Khuhroism means! that members of Legislative Assemblies shall be arrested; their relatives will be put under detention; officers will be transferred who will not carry out the behest's against inconvenient persons; elections shall be interfered with and members of legislatures shall be terrorized" (Sayeed, 1967, p. 78). When the Second Constituent Assembly met in July 1955, there was an extended debate on the "One Unit" plan. Although H. S. Suhrawardy was one of the supporters of integration of West Pakistan provinces, he had criticized Ayub Khuhro's ruthless methods of forcing and intimidating many members of the Sind Legislative Assembly to enlist or accrue support for One Unit plan. Keith Callard had observed: "Much of the (second Constituent) Assembly was devoted less to discussing the merits of the (One unit) scheme than the demerits of the method by which it had been brought into operation. Mr. Suhrawardy made a speech, covering twenty-six pages of the official Debates, on the subject of 'Khuhroism.' His (Suhrawardy's) central point was a personal accusation against the Chief Minister of Sind (Khuhro). 'You (Khuhro) struck terror—and I say this with confidence--- that you struck terror into the hearts of the Members of (the) Sind Assembly when they came to vote (on one unit scheme'" (Callard, 1957, p.191).

Donald Wilbur succinctly summarized Khuro's tactics of survival throughout his political career: "His (Khuhro's) career in the first years of independence was marked by venality. When Jinnah ordered his dismissal as premier of Sind in 1948 (on April

26), the charge sheet contained sixty-two specific allegations of mal-administration, misconduct, and corruption. Khuhro was sentenced to two years' imprisonment, only to be acquitted on appeal to the chief court of the province. Premier (of Sind) again by early 1951, Khuhro was forced to resign later the same year (1951) in the face of further allegations of corruption and mal-administration. In 1953, on the recommendation of a special tribunal the Governor General (Ghulam Mohammad) disqualified Khuhro from holding any public or representative office for six years, but the act under which his disqualification had been ordered was repealed the next year (1954), and Khuhro resumed his post of the Chief Minister of Sind (Ghulam Mohammad ousted Pirzada Abdus Sattar for his staunch opposition to One Unit Scheme) having meanwhile gained the endorsement of the central authorities by espousing a single province of West Pakistan. In passing, we might note the docile nature of the Sind legislature as illustrated by its voting record on this issue (of One Unit scheme): under Pirzada Abdus Sattar's premiership, 74 members supported his opposition to the (One Unit) plan; under Khuhro the members quickly reversed themselves and endorsed the 'one unit' resolution by 100 to 4. In October, 1958 Khuhro was again arrested on charges of corruption. And again disqualified from holding public office" (Wilbur, 1964, p. 225).

Although the Central Government of Pakistan was able to enlist support of Dr. Khan Sahib in favor of 'One Unit' scheme (in fact, he was promised to be the first Chief Minister of West Pakistan), the NWFP Legislative Assembly was reluctant to lend any kind of attestation or endorsement to the passage of the one unit plan. Specifically, Khan Abdul Gaffar Khan had opposed such undemocratic scheme of unifying the various autonomous regions of western part of Pakistan. Yet, the NWFP Assembly had to succumb to the various types of pressures of the Central Government. As noted by Donald Wilbur, "under pressure from the central government, Sardar Abdur Rashid, the premier and a former police official, agreed in behalf of the North-West Frontier to endorse the integrated province of West Pakistan with the condition that, until 1965, not more than 40 per cent of the members of the new provincial legislature could come from the Punjab. Rashid was later dismissed from his post when he reportedly developed misgivings about the execution of the 'one unit' plan, which of course had in 1955 ended the separate existence of the North-West Frontier province" (Wilbur, 1964, pp. 224-225).

Being essentially goaded and intimidated by the authoritarian Governor General of Pakistan, the provincial legislative assemblies of West Pakistan eventually agreed to endorse the "one unit" plan. The leaders of various provinces of the then western part of Pakistan were told by the Punjabi dominated central ruling elite that the

implementation of One Unit scheme was the only viable option to dismantle the numerical majority of East Pakistan in the Central Legislature of Pakistan. Khalid Bin Sayeed had observed: “The Governor-General (Ghulam Mohammad) tried to pressure some of the influential members from the smaller provinces of West Pakistan into lending their support to the zonal sub-federation plan. It was reported (that) he (Ghulam Mohammad) threatened that if they did not support the zonal sub-federation plan, PRODA (Public and Representative Offices Disqualification Act) proceedings would be started against them” (Sayeed, 1967, pp. 73-74).

Given the fact that Ghulam Mohammad had already dismantled the First Constituent Assembly of Pakistan in October, 1954, there was no Constituent Assembly in existence at that time. Ghulam Mohammad, the Governor General, tried to take the fast lane in the process of implementing the one-unit scheme for establishing ‘one unified’ West Pakistan. As noted by Keith Callard in 1957: “In this fashion the approval of the people’s representatives (Provincial Assemblies of West Pakistan) having been recorded with near unanimity, the government (of Pakistan) was in a position to proceed (with the creation of one unified province of West Pakistan. In December (1954), the Governor General (had) issued an order establishing a Council for the Administration of West Pakistan, which was to make recommendations concerning the administration of the new province (of West Pakistan). It began to meet on the day after its establishment and presented its report in February 1955. In March (1955), the Emergency Powers Ordinance sought to amend the Government of India Act (of 1935) to the effect that: ‘--- The Governor General (of Pakistan) may by order make as appears to be necessary or expedient--- (a) for constituting the province of West Pakistan’. Under cover of this ordinance, an order (G.G.O, 4/1955) was issued on the same day. Its title was the West Pakistan (Establishment) Order, and it authorized the Council for the Administration of West Pakistan ‘to take such steps as it may deem necessary or expedient for the purpose of enabling the Province of West Pakistan to be constituted on the appointed day....’ a week later Mr. Gurmani was named as Governor-designate of the new province and Dr. Khan Sahib as prospective Chief Minister. ...At this stage, the Federal Court (of Pakistan) intervened to inform the Governor-General (Ghulam Mohammad) that his powers did not include the amalgamation of (the) provinces. The enactment of the (One Unit) scheme had therefore to await the session of the second Constituent Assembly” of Pakistan (Callard, 1957, pp. 188-189).

In compliance with and pursuant to an Order of the Governor General, the Second Constituent Assembly of Pakistan (CAP) was expeditiously elected by various provincial assemblies in June 1955. This second CAP consisted of 80 members

evenly divided between “two wings” of Pakistan (40 from eastern part of Pakistan and 40 from western part of Pakistan). The allocation of “equal” number of seats to “East” and “West” Pakistan was nothing but the backdoor implementation of the so-called scheme of “one-unit” and undemocratic “parity” principle even before the second CAP was formed. As noted by Donald Wilbur: “The (Second Constituent) assembly met for the first time on July 8, 1955. It (the Second Constituent Assembly) subsequently validated most of the legislation about which there had been so much controversy and on September 30 (1955) passed ‘one unit’ bill establishing the province of West Pakistan. Then in quick succession a new Constitution was presented to the assembly (on January 9, 1956), adopted (on February 29, 1956), and put into effect (on March 23, 1956)” (Wilbur, 1964, p. 241).

The concept of one-unit was against the basic principles of a representative democracy in which representation is based on the number of population because ‘representatives’ are supposed to represent the ‘people’, not the mountains, not the barren meadows, not the acres of land, not the rivers, not the deserts etc. Yet, H.S. Suhwardy, the so-called champion and the defender people’s democracy had taken the shameful responsibility upon himself to convince the then East Pakistani members of the Second Constituent Assembly of Pakistan to support the one-unit plan. Much to the chagrin of Maulana Bhashani, the President of the then East Pakistan Awami League, H.S. Suhwardy was successful in the passage of the so-called ‘one unit’ plan with the support of the East Pakistani members of the second CAP.

However, some members of the Second CAP from the then East Pakistan had openly criticized the one-unit proposal. For example, Fazlur Rahman and Mahmud Ali had vocally opposed the one-unit plan in the CAP.

Impact of the Centralization Process on National Integration in Pakistan

The imposition of a centralized form of government had serious negative impacts and harmful consequences on the prospect of true national integration of Pakistan even before the untimely demise of M.A. Jinnah, the founding father of Pakistan. Although the centralized governmental structure was intensely resented by the non-Punjabi population of Western Pakistan, the Bengalis in particular, started protesting the discriminatory policies of the Central Government of Pakistan. The progressive Bengali leaders and the student community of the University of Dhaka (in some instances even some Muslim Leaguers) had started protesting various blatantly unfair policies and programs of the ruling elite of Pakistan Government.

Some of the Bengali CAP members had started ventilating their grievances even in the Constituent Assembly of Pakistan (CAP). For example, in support of a resolution for holding the CAP session in Dhaka at least once a year, Shaista Suhrawardy Ikramullah (there were some other members from East Bengal who also supported this proposal) pointed out in the Constituent Assembly on February 24, 1948 that a “feeling is growing among the East Pakistanis that Eastern Pakistan is being neglected and treated nearly as a ‘colony’ of West Pakistan” (CAP Debates, February 24, 1948, Vol. II. No. 1, pp. 6-7, cited in Quddus, 1981, p. 29; also cited in Sayeed, 1968, p. 275).

Liaquat Ali Khan had made it clear quite early that a centralized government was the most suitable form of Government for Pakistan. He even refused to recognize the fundamental differences between the federal and centralized (unitary) forms of Government. The typical anti-federalism and anti-Bengali attitude of M.A. Jinnah was manifested in Prime Minister Nawabzada Liaquat Ali Khan’s arrogant and insensitive response to a Bengali leader’s question on the issue of provincial autonomy for East Bengal (at the Constituent Assembly of Pakistan on March 2, 1948): “Today in Pakistan there is no difference between the Central Government and Provincial Government. The Central Government is composed of the provinces. We must kill this provincialism for all times” (The CAP Debates, March 2, 1948, p. 140-141, cited in Quddus, 1981, p. 29).

The negative impact of the centralizing principles and features were so glaring even in the early years of Pakistan that the die-hard defenders of the Muslim League domination in the then East Bengal political scene started raising doubts about the efficacy and relevance of the over-centralized mode of governance. For example, in a speech at the East Bengal Legislative Assembly (EBLA) on March 18, 1949, Nurul Amin, the Chief Minister of the then East Bengal Government, expressed his deep sense of frustrations over the question of blatant interference of the Central Government in the affairs of the Provincial government: “I should mention another point, that is, the anxiety on the part of the Central Government to encroach on every field of provincial activities..... After the achievement of freedom there has been (a) race for centralisation of power.... I consider this to be the most unsound and shortsighted policy. The province must be allowed to enjoy the full autonomous position, must be as free from the Central Government as it is thought practical. But particularly this province of East Bengal which is far flung from the capital of the Central Government must enjoy fullest autonomy” (East Bengal Legislative Assembly, Proceedings, Vol. 3, March 18, 1949, p. 265, cited in Quddus, 1981, p. 29).

The issue of “strong centre” versus “provincial autonomy” had dominated the debates in the Constituent Assembly of Pakistan in early 1950s. For example, A.K. Brohi, one of the widely acclaimed constitutional lawyers of the formative years of Pakistan, had emerged as the ardent defender of the centralized-unitary form of government in Pakistan, and he started propagating that a “strong central government” was the best way to “adequately deal with the problems which” were “peculiar to Pakistan”. Nothing could be farther from the truth.

An example of the absurd arguments and inconsistent rationales in favor of a centralized mode governance in Pakistan that A.K. Brohi had provided in the Constituent Assembly of Pakistan on October 23, 1953 can be gleaned from the following excerpts of his speech: “If there had been geographical contiguity between East Pakistan and West Pakistan then the principles of decentralization of powers may have been the basis of our Constitution and may have been advocated. But in order to surmount this natural difficulty in the way of unity of the peoples of Pakistan, the difficulty which exists in the shape of hostile distances that supports the two wings had no alternative but to provide for a strong Central Government” (CAP Debates, October 23, 1953 cited in Rashiduzzaman, 1967, p. 95).

There is no doubt that A.K. Brohi’s belligerent speech in favor of a Punjabi-dominated and Karachi anchored Central Government of Pakistan had infuriated some of the Bengali-speaking members of the then central legislature of Pakistan but the most pungent response came from Sher-e-Bangla A.K. Fazlul Huq, the 80-year old parliamentarian of Pakistan. In his widely acclaimed book titled Pakistan: A Study of Government & Politics, M. Rashiduzzaman had captured the context and contents of that historic reply of A.K. Fazlul Huq, the doyen of Bengal politics, in the following succinct manner: “On the 24th October, 1953, Mr. A.K. Fazlul Huq gave a taunting reply to those who advocated (for a) strong Centre. He explained to the people that East Pakistan, in view of her geographical separation, needs more autonomy. It was impossible for East Pakistan to be governed by the directives from the Central Government (of Pakistan). West Pakistan derived all the advantages because the Central Government (of Pakistan) was located within her territory. Giving his criticism to the Basic Principles’ Committee Report’, Mr. (A.K. Fazlul Huq said: ‘I make only one suggestion: Let us feel in actual practice that we are autonomous; we have our own government; we make own laws’. He (A.K. Fazlul Huq) went to the extent of saying: ‘You cannot have the same Constitution for all the different Units of Pakistan. It must be different from Unit to Unit. Leave East Pakistan (alone) to work out its own destiny’ ” (Rashiduzzaman, 1967, pp. 95-96).

There is little wonder why in his speech in 1956 at the Second Constituent Assembly

of Pakistan, Abul Mansur Ahmad had underscored the dissimilarities between East Pakistan and West Pakistan: “Pakistan is a unique country having two wings which are separated by a distance of more than a thousand miles. ----- These two wings differ in all matters, excepting two things, namely, that they have a common religion, barring a section of the people in East Pakistan, and that we achieved our independence by a common struggle. These are the only two points which are common to both the wings of Pakistan. With the exceptions of these two things, all other factors, viz., the language, the tradition, the culture, the costume, the custom, the dietary, the calendar, the standard time, practically everything, is different. There is, in fact, nothing common in the two wings, particularly in respect of those which are the sine qua non to form a nation (CAP Debates, Official Report, Vol. 1, January 16, 1956, p. 1816 cited in Callard, Keith 1957, pp. 157-‘158. Also cited in Islam, 1989; p. 16).

This line of generalizations about the regressive nature and effect of the centralization process in the early years of Pakistan can be bolstered and substantiated from the gleanings of credible studies on Pakistan. For example, in her book, *Pakistan: Failure in National Integration*, Rounaq Jahan had observed: “the administrative-political policies pursued during the first decade (of Pakistan) were characterized by extreme centralization. They led to the establishment of an administrative-political system which has been termed (as) ‘vice-regal’. The Act of 1935, under which Pakistan was administered until 1956, (had) provided for a strong central government; and the constitution of 1956 perpetuated the essentially strong position of the center vis-à-vis the provinces. The office of the (provincial) governor of each wing was often used as an instrument of centralization. Though under a parliamentary system of government the governor (of a province) is supposed to be a figurehead, in Pakistan during the 1947-58 period the governor (like the governor-general at the center) was generally the effective head of the province; and being the center’s appointee, he (governor) always protected the center’s interests in the province. Furthermore, the governors were often powerful men who had close party contacts” (Jahan, 1972, p. 28).

Raunaq Jahan’s study also underscored other instruments of centralization in Pakistan: “Another often used instrument of centralization was governor’s rule. (The) Article 92A of the Government of India Act of 1935 (article 193 in the 1956 Constitution) enabled the central government to dismiss the provincial government and impose direct central rule on the provinces. The article (Section 92A) was used to thwart any challenge to the position of the ‘national’ political elite. Its more blatant imposition was in East Pakistan in 1954, when the newly elected

United Front (Government) was forced out from office. The center could also control individual provincial politicians through the Public and Representative Offices (disqualification) Act (PRODA). ----- But the most effective instrument of centralization was the central services, especially the Civil Service of Pakistan (CSP), which manned most of the key decision-making posts in both the center and the provinces. And even when the CSP worked in the provinces, its ultimate coordination lay with the center. As was the case in pre-independence India, the central services were the single stable bond between the center and the provinces” (Jahan, 1972, pp. 28-29).

It is apparent from the preceding that the Central Government of Pakistan was not sincere and willing to redress the genuine grievances of Bengali-speaking people East Pakistan. Instead of redressing the pressing problems and genuine grievances of East Bengal, Pakistan’s ruling elite kept on sermonizing Bangalees to become more of Pakistanis. The Central Government of Pakistan imposed Urdu as the only State language of Pakistan in the formative years without any regard to the fact that “Bengali” was spoken and written by an overwhelming majority of the total population of Pakistan. The hidden anti-Bengali agenda of the Punjabi and Mohajir dominated political elite of Pakistan became clear when Dhirendranath Datta’s request for allowing “Bengali” to be used as one of the official languages of debates in the Constituent Assembly of Pakistan (CAP) was characterized as anti-state activity on the CAP floor on February 25, 1948. In fact, the imposition of Urdu as the “only” State language of the new nation of Pakistan had signaled the death knell of Pakistan in the minds of Bengali-speaking of the then East Bengal.

Concluding Remarks

Although the Indian Act of 1935 had provided for some kind of semblance of the federal principles and features, the governmental systems that existed in British-India between 1937 and 1947 can’t be characterized as fully developed “federal systems”. The 1935 Act (as amended in 1947 and 1948) provided for “federal system” and a British type of Parliamentary system both at the Center and Provinces in Pakistan. Yet, no federal system had emerged after Pakistan came into being on August 14, 1947. The crux of the problem is that both M.A. Jinnah and the authoritarian rulers who succeeded him in the formative years of Pakistan had conveniently substituted the word ‘federal’ for ‘unitary’ system of government.

After independence, M.A. Jinnah had preferred the word “federal” governmental structure even though the centralization process was taking its roots in Pakistan. The unequal relationship between the Central level government and Provincial

Governments had rendered the professed claim of the “federal system” to be a mockery. In fact, the centralizing features of 1935 Act were replenished after independence was achieved.

For instance, the Governor of a Province used to be appointed by the Governor General of Pakistan. A Governor of a province could be disciplined and removed from the office by the Governor General of Pakistan. The Governor of a province was expected to act as an agent of the Central Government. In fact, provincial Governors did or could hold office only at the pleasure of the Governor General. In fact, the authoritarian ruling elite of Pakistan governed the country (from 1947 till the adoption of 1956 Constitution) through the use of a centralized system of government. Of all the provinces of Pakistan, East Pakistan took the worst brunt of the centralization process. Of all the Governors of East Bengal in the early years of Pakistan were recruited from outside East Bengal. All of those non-Bengali Governors used to administer the province like colonial Governors. In fact, A.K Fazlul Huq was the first Bangalee who held the office of Governor of East Pakistan.

Various instruments such as the Emergency Powers, section 92(A) and Governor’s Rule, and PRODA were frequently employed by the Central Government of Pakistan to control or thwart the provincial governments. The Central Civil Service of Pakistan was also routinely used by the Central Government as one of most effective instruments for browbeating or controlling the provincial administration. The strong Central Government of Pakistan dictated the terms of reference of the subservient Provincial Governments. The very idea of integrating various ethnically diverse regions of Western part of Pakistan through the imposition of “One Unit Scheme” was at variance with the fundamental purposes and principles of true federalism. The imposition of the so-called “one Unit” plan on the various regions of Western part of Pakistan was clear violation of basic tenets of democracy. The tactics of blackmails and threats which were employed by the ruling elite of Pakistan for the passage of the “One Unit Scheme” by the Provincial Assemblies of western Pakistan were not acceptable democratic norms.

The adoption of “one-unit scheme” was designed to achieve “parity” in representation between East and West Pakistan in the national legislature of Pakistan. In other words, the implementation of one-unit plan paved the way for imposing ‘parity formula’ on the then East Pakistan. Based on the so-called “parity formula,” East Pakistan was denied the numerical superiority in the national legislature. If democracy means a government of the people and for the people, the representation should have been invariably based on the number of “population.” The representatives in a true democratic form of government represent “people,”

not the mountains, not the meadows and trees. Therefore, the concept of “parity principle” was against the rudimentary principles of democracy.

The 1956 Constitution provided for a ‘federal’ type of government. However, it has been widely emphasized by a host of credible scholars that all of the ‘centralizing’ features, instruments and practices of the preceding years were being carefully cropped and incorporated into the 1956 Constitution of the Islamic Republic of Pakistan. For example, both the infamous provisions of Emergency Powers and section 92(A) were retained in the new Constitution of 1956. The tailor-made 1962 Constitution of Ayub Khan, the self-declared President of Pakistan, had unilaterally introduced one of the most centralized forms of government that had virtually rendered the provincial governments into administrative districts or divisions of the Central Government.

Given the profound cultural, ethnic and linguistic variations between East and West Pakistan and the cultural differences even “within” the various regions of West Pakistan, the “federal” form of Government would have been the only way to keep these diverse cultures and regions together under the umbrella of one Pakistan. The Punjabi-Mohajir dominated West Pakistani ruling elite and their die-hard East Pakistani collaborators had a façade of a “federal system.” The truth of the matter is that a “centralized” form of government was installed from day one of independent Pakistan. The fusion of centralization with authoritarian mode of administration was like mixing gasoline with fire.

In sum, both the 1956 and 1962 Constitutions had professed to have instituted a federal governmental structure in Pakistan. Yet, in reality, like the formative years from 1947 to early 1956, Pakistan had continued to be governed under a centralized and rigid unitary system of government during the period from 1956 through 1971. The facades of federalism in Pakistan did not depict the true nature of unequal relationship between the strong Center and the weaker provinces of Pakistan. Doubtless, Pakistan essentially had remained a test case of a unitary (centralized) system of Government from the early years of its existence.

There is no denying the fact that the distinct gap between the people of West and East wings could be bridged through the adoption of genuine federating features and principles in the governance structures of Pakistan. The ruling elite of Pakistan miserably failed to narrow the gap between two wings in the early as well as later years. In fact, the imposition of centralizing features as a preferred mode of governance widened the gap between the constituent parts of Pakistan especially between Western and Eastern wings. The emergence of Bangladesh on December

16, 1971 from the womb of Pakistan can be traced back to the glaring failures of the Punjabi-Mohajir dominated ruling elite of the Central Government of the then Pakistan to redress the genuine grievances of the people of East Bengal. Thus the failure of national integration in Pakistan can be characterized as the blatant and epic failures of the centralized form of governance and authoritarian modes of administration in Pakistan.

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Human Rights and Development: Challenges and Opportunities in Bangladesh

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Abstract: Human rights and development are inter-related and inter-dependent issues in the process of governance. The objectives of both of these initiatives are to establish public welfare, improve the standard of living, and ensure justice at all spheres of life. It is impossible to enjoy development without rights or human security and vice versa. People will be unable to enjoy the benefits of these goals if government fails to create healthy environment for public participation, people's empowerment, free expression of public opinion and finally to overcome poverty, inequality, corruption and some other factors which weaken the pillars of good governance. Development by itself cannot bring qualitative and positive change and does not sustain if human rights are violated. Bangladesh government took many steps for the overall development of the country but there are a number of challenges prevailing in Bangladesh. Nevertheless Bangladesh is proceeding towards achieving SDG goals and it is already recognized as a developing country. In this article an attempt has been made to focus on the overall human rights situation and its impact on development process. In this regard the challenges and opportunities for the government have also been analyzed. This article is basically a conceptual analysis based on published data and secondary sources.

Keywords: Human Rights, Development, Challenges, Opportunities and Bangladesh

Introduction

Human rights and development are the two major issues in the process of governance of any country. In this process for providing a better and improved life for the citizens government takes many development programs. To achieve these development goals human rights based approach is viewed and practiced by many countries. The United Nations Development Program (UNDP) plays a central role within UNO for realizing the human rights based approach to development. Thereby all countries take initiatives and emphasize on human right based approach to development. Because without enjoying rights development will be meaningless. If all classes of people are not able to get their fundamental rights and freedoms equally and properly from the state then the development process of that state will result in being uneven and unjust. Sustainable development is only possible when principles of fundamental human rights such as non-discrimination, participation and the rule of law are respected. These are also essential to ensure human rights and to protect and promote human rights.

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Bangladesh has already met several targets of the MDGs like reducing poverty alleviation, ensuring food security, primary school enrolment, gender parity in primary and secondary level education etc. Now this country is on track to achieve SDGs. Through the endeavor of achieving these goals government wants to accelerate the overall development of the country. But on the way of development it has to face many challenges like poverty, insecurity in life, corruption, lack of rule of law, accountability and transparency, politicization of institutions, moreover poor governance system. All of these gradually degraded human rights situations in Bangladesh. Besides Bangladesh is suffering from the effects of climate change and natural disasters. So it is necessary to emphasize human rights issues in the development planning to ensure that development can bring positive changes, advantages and good effects to the people.

Objectives of the Study

This study has been conducted with the following objectives:

- To develop an understanding of development in the context of human rights;
- To analyze some human rights issues which are guaranteed by the constitution and explore their implementation in Bangladesh;
- To diagnose the current development status and identify the major challenges on the path of development in Bangladesh.

Methodology

This study is descriptive as well as suggestive in nature. Only secondary sources of information or data are used in the study. Secondary data are collected from books, newspapers, and different journals, periodicals, articles from national and international levels. Internet sources have also been used for research. An attempt has also been made to include the latest information whenever available.

Perspectives from Relevant Literature

There is a huge survey of literature, which investigated theoretical and empirical aspects of human rights and development. It is important to review these studies to understand different perspectives on the concept and various aspects of these two issues in the cotemporary global context.

Alexandra Timmer (2013) in his paper tried to understand the concept of human rights, democracy and rule of law. This review emphasizes that human rights, democracy and rule of law are all contested concepts, meaning that they are continually subject to questioning and revision. The review first outlines the major debates regarding the conceptualization of these ideals one by one. It also outlines key challenges in regard to the implementation of these ideals. Though the chief focus of this literature review is on conceptual questions, it is recognized that questions regarding the implementation and promotion of human rights, democracy and rule of law are closely related.

Making Sense of Human Rights is an outstanding book on human rights by James Nickel (2007). This classic work is a major contribution to the philosophical study of human rights. Here he explains and defends the conception of human rights found in the Universal Declaration of Human Rights (1948) and subsequent human rights treaties. Combining philosophical, legal, and political approaches, Nickel addresses questions about what human rights are, what their content should be, and whether and how they can be justified. After outlining the contemporary conception of human rights, and developing and applying an original framework for the justification of particular right, Nickel goes on to defend contemporary lists of human rights, covering fundamental freedoms, due process rights, social rights, and minority rights. The book also considers the issue of cultural relativism and the prospects for worldwide acceptance of human rights.

James Griffin's (2009) book is a singular contribution to the philosophy of human rights. *On Human Rights* traces the idea of a natural right from its origin in the late middle ages, when the rights were seen as deriving from natural laws, through the seventeenth and eighteenth centuries. Griffin shows how the language of human rights has become debased. He takes on the task of showing the way towards a determinate concept of human rights, based on their relation to the human status that we will share. He works from certain paradigm cases, such as freedom of expression and freedom of worship, to more disputed cases such as welfare rights- for instance the idea of a human right to health. Griffin emphasizes the practical as well as theoretical urgency of this goal. He states that as the United Nations recognized in 1948 with its Universal Declaration, the idea of human rights has considerable power to improve the lot of humanity around the world.

Jack Donnelly's (1994) *Universal Human Rights in Theory and Practices* is a fundamental text on human rights. By establishing a basic understanding of what "human rights" means, Donnelly leads up to his main premise that human rights are equal, inalienable, and universal, even with cross-cultural considerations. He ultimately argues that human rights are not culturally relative because culture is not the cause or a factor in the development of human rights and it is not necessarily for or against any particular human rights. Using a variety of examples from different countries, cultures, and points in history, Donnelly proceeds to provide examples that support his argument of universal rights versus cultural relativism.

Amartya Sen (1999) is an important author, economist and philosopher in human rights and his book *Development as Freedom* is a perfect example of his expertise and deep understanding of human development and the importance of human rights. Sen argues that human freedom should be both the means and the end of development, rather than a casualty of it, as is often the case. He advocates for an integrated approach to development that involves multiple institutions and creates freedoms such as economic opportunities, political freedom, social support, transparency from authorities and security for society. Sen argues that freedom must be central to development in order to create sustainable and effective change. He also addresses concerns and critiques surrounding the universal

human rights discussion, including arguments about legality of human rights, duties involved in fulfilling rights, and questions about cultural relativism. *Development as Freedom* is an important theoretical text for anyone studying or working on human rights and development.

In *Indivisible Human Rights*, Daniel J. Whelan (2010) offers a carefully crafted account of the rhetoric of indivisibility. He traces the political and historical development of the concept, which originated in the contentious debates surrounding the translation of the Universal Declaration of Human Rights into treaty law as two separate Covenants on Human Rights. In the 1960s and 1970s, Whelan demonstrated that postcolonial states employed revisionist rhetoric of indivisibility to elevate economic and social rights over civil and political rights, eventually resulting in the declaration of a right to development. By the 1990s, the rhetoric of indivisibility had shifted to emphasize restoration of the fundamental unity of human rights and reaffirm the obligation of states to uphold both major human rights categories--thus opening the door to charges of violations resulting from underdevelopment and poverty.

The Companion to Development Studies edited by Vandana Desai (2014), with over 115 concise and authoritative chapters covers a wide range of disciplines. The book is divided into ten sections covering the nature of development, the theories and strategies of development, rural development, urbanization, gender, globalization, health and education, the political economy of violence and insecurity, environment and development, governance and development.

A Global History of the Developing World by White (2013) takes a broad look at the historical foundation of the problems facing developing world society. The book offers a detailed analysis of the colonial and national periods, scholarly and popular debates over the causes of inequality and discussion of the widespread effort to alleviate poverty and conflict. The book has accessibly presented case studies and maps, and it offers an introduction for understanding the developing world in a historical context.

Theories and Practices of Development Perspectives by Willis (2011) is a book on global economic crisis. The author analyses the implications of global environmental change and how these have led academics and policy-makers to consider how 'development' in all parts of the world should be achieved. *Theories and Practices of Development* provide a clear and user-friendly introduction to the complex debates around the question how development has been understood and achieved. The second edition reflects global political and economic shifts, as well as new approaches to development. The rise of China and India is given particular attention in the context of global economic crisis and its implications for development. There are discussions on faith-based development, disability and sexuality, as well as greater engagement with development theories as they are put into practice in the Global North.

The book on *Human Rights Approach to Development Programming* by Urban (2003)

describes a method for programming from a human rights perspective. It goes beyond general recommendations to attempt to provide a framework and procedures for putting a human rights approach to programming into practice. It addresses basic human rights concepts and principles as well as explores the crucial role of communication in achieving human rights. The differences between traditional (“basic needs”) approaches to development and the human rights approach are identified. The book introduces some theoretical constructs, or tools, that can be used to make an HRAP operational design. The focus is narrowed to communities, since human development is the aim of the human rights approach and all people live in communities. A step-by-step approach to applying an HRAP for developing community is presented. The importance of capacity is elaborated which also includes several concrete examples from child rights to facilitate understanding of the method. Case studies of three countries (Tanzania, Mozambique, and Zimbabwe) where HRAP and CCD have been applied by UNICEF are explained. The study concludes with two important annexes. Annex I suggest ways to monitor how well national-level duty-bearers are meeting their obligations regarding the fulfillment of human rights and how well outside agencies are performing in reducing the “capacity gaps” of duty-bearers to meet these obligations. Annex II examines how a human rights approach to programming can be applied in situations of conflict and complex emergencies.

Most of the research on Human Rights and Development are conducted in different countries with cultural varieties. Research in this field in Bangladesh is limited. This paper will meet the research gap. It will give emphasis not only on human rights and human development but also on inclusive development and development viewed as freedom of choice.

Human rights and Development: Conceptual Congruence

Human rights are standards that allow all people to live with **dignity, freedom, equality, justice, and peace**. Every person has these rights simply because they are human beings. These are guaranteed to everyone without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Human rights are essential for the full development of individuals and communities. Human rights reflect the minimum standards necessary for people to live with dignity. These basic rights give people the freedom to choose how they live, express themselves, and what kind of government they want to support, among many other things. Human rights also guarantee people the means necessary to satisfy their basic needs, such as food, housing, and education, so they can take full advantage of all opportunities. Finally, by guaranteeing life, liberty, equality, and security, human rights protect people against abuse by those who are more powerful.

Under human rights treaties, governments have the primary responsibility for protecting and promoting human rights. However, governments are not solely responsible for ensuring human rights. Businesses, civil society, and individuals are also responsible

for promoting and respecting human rights. When a government ratifies a human rights treaty, it assumes a legal obligation to respect, protect, and fulfill the rights contained in the treaty. Governments are obligated to make sure that human rights are protected by both preventing human rights violations against people within their territories and providing effective remedies for those whose rights are violated. Governments signing the treaty must do the following:

Respect	Protect	Fulfill
<p>Governments must not deprive people of a right or interfere with persons exercising their rights.</p> <p>For example, governments can:</p> <ul style="list-style-type: none"> • Create constitutional guarantees of human rights. • Provide ways for people who have suffered human rights violations by the government to seek legal remedies from domestic and international courts. • Sign international human rights treaties. 	<p>Governments must prevent private actors from violating the human rights of others.</p> <p>For example, governments can:</p> <ul style="list-style-type: none"> • Prosecute perpetrators of human rights abuses, such as crimes of domestic violence. • Educate people about human rights and the importance of respecting the human rights of others. • Cooperate with the international community in preventing and prosecuting crimes against humanity and other violations. 	<p>Governments must prevent private actors from violating the human rights of others.</p> <p>For example, governments can:</p> <ul style="list-style-type: none"> • Provide free, high-quality public education. • Create a public defender system so that everyone has access to a lawyer. • Ensure everyone access to food by funding public assistance programs. • Fund a public education campaign on the right to vote.

Source: http://www.theadvocatesforhumanrights.org/human_rights_basics

Development is a broad concept that entails social, economic, political and human development. Human development constitutes the foundation on which the first three concepts are based. Here it is important to mention that the concept of development is not only confined in economic development rather it is re-conceptualized with emphasis on the quality of life. The new conception of development sees human rights and development as conceptually overlapping. There is, for example, a human right to an adequate standard of living. If development is defined in terms of the standard of living, then human rights and development are positively correlated by definition. The new conceptualization has practical implications. The UN Development program, for example, has recently included the protection of human rights in its policies. In this perspective it may be said that development is a concept of complete human welfare which would mean providing scope for a meaningful human life (Freeman, 2011:341). If any state fails to ensure fundamental rights such as food, shelter, clothing, health, education along with other relevant

opportunities for the people, that state cannot be considered to have ensured development for the people of that country. Development means a mechanism of ensuring opportunities for all classes of people, especially the least advantaged people of the society. Through this process of development the society ensures growth in wealth acquisition and mental enrichment and the betterment of the quality of living conditions of all the people. This definition of development generated the following development objectives.

- (a) To increase the availability and distribution of basic goods needed for human life-sustenance. Such basic goods include food, shelter, health and security.
- (b) To improve the level of living regarding social aspects such as household and income, education, and human cultural values, for the enhancement of individual and national material well-being and self-esteem.
- (c) To expand the range of available individual and national economic and social choices by freeing them from servitude by forces of ignorance and human misery on the one hand, and dependence from other people and national states on the other ([http://uir.unisa.ac.za/...](http://uir.unisa.ac.za/)).

From Gran's (1983) work, human development is found to be basically as a process of giving the people power to control their future, while people's participation constitutes the basis for the whole phenomenon. Gran defines development as a social and practical process which aims at the liberation of human potential so that people acquire the maximum socially feasible and practical control over all the available resources required for the realization of basic human needs and security. In other words, development is about liberation of human potential towards people's absolute control over resources to meet their human basic needs. Development is therefore for the people and by the people. From a people-centered development perspective, development means:

a process by which the members of a society increase their personal and institutional capacities to mobilize and manage resources to produce sustainable and justly distributed improvements in their quality of life consistent with their own aspirations (Korten 1990:57).

According to Korten People-centered development means that "the human person" is the central subject, participant and beneficiary of development. Human rights-based approach means that development should be carried out in a manner "in which all human rights and fundamental freedoms can be fully realized" Similarly participation means "active, free and meaningful participation" of all individuals and peoples.

It may seem that development is concerned with the standard of living and quality of life, while human rights are derived from notions of civil liberties and individual freedom. However, if we look carefully, we find that development can be defined as expansion of people's capabilities and opportunities, and an increase in their freedom of choice to lead their lives. Similarly, human rights are also not merely limited to civil liberties. Economic rights and right to development can be brought under this ambit. Most importantly development

is no more, and should not be seen, as an ‘instrument of solidarity’. While there is gap in understanding and practicing regarding the interrelatedness of the two concepts, both human rights and development are “parallel streams”. They are not only addressing similar issues but also benefit each other as both concepts target human beings. All humans have human rights and development is at the forefront of those rights (Sulaiman, 2015).

Human Rights in the Constitution of Bangladesh

The constitution of Bangladesh contains provisions regarding human rights in different forms. The inclusion of human rights in the constitution of a country obviously bears special significance. Such constitutional inclusion provides human rights with a higher degree of protection.

In the constitution of Bangladesh some rights have been kept in an unfettered form in the sense that parliament cannot, except as provided in the Constitution, impose any restriction over them. They are the following:

1. Equality before law (Art. 27)
2. Discrimination on grounds of religion etc. (Art. 28)
3. Equality of opportunity in public employment (Art. 29)
4. Prohibition of foreign titles etc. (Art. 30)
5. Safeguards as to arrest and detention (Art. 33)
6. Prohibition of forced labor (Art. 34)
7. Protection in respect of trial and punishment (Art. 35)
8. Enforcement of fundamental rights (Art. 44).

There are some rights on which reasonable restrictions can be imposed.

They are the following:

1. Freedom of movement (Art. 36)
2. Freedom of Assembly (Art. 37)
3. Freedom of Association (Art. 38)
4. Freedom of thought and conscience and of speech (Art. 39)
5. Freedom of religion (Art. 40)
6. Protection of home and correspondence (Art. 43)

The fundamental rights, which every citizen is entitled to enjoy, are enshrined in part III of the constitution of Bangladesh. Besides the constitution and the regular mechanism of ensuring human rights, Bangladesh has introduced a number of laws, Acts and legal policies in relation to promotion and protection of human rights of the people. Some significant laws to ensure human rights are mentioned here as follows.

- The Child Marriage Restraint Act, 2017
- National Women Policy, 2011
- National Children Policy, 2011

- National Human Rights Commission Act, 2009
- Anti-Corruption Commission Act, 2004
- Legal Aid Act, 2000
- Anti-Terrorism Ordinance, 2008
- The Women and Children Repression Prevention Act (Amendment in 2003)
- The Dowry Prohibition Act of 1980
- The Acid Crimes Prevention Act, 2002

As development is a necessary component for the wellbeing of the people of a country and human rights are essential to ensure a secured and peaceful life of the citizens, protection of individual rights would be the first concern of all developmental activities of the country. Bangladesh is a party to a number of major international human rights and humanitarian law treaties, with important reservations to some of them. According to the signed international human rights treaties, acts, laws and agreements the government of Bangladesh has passed related laws, prepared and compiled different acts, rules, status, etc., revised, amended and adapted important clauses and set principles at different times. Through these attempts the rights of the people of different sections like the child, women, workers, minorities etc. who live in risky and unsafe conditions have been secured to some extent. Besides this, in preventing violations of rights, to eliminate social discrimination and minimize troubles and disagreements of the society mentioned acts and laws are very significant. In improving the socio-economic conditions of the people these steps are undertaking a major part and also assisting in achieving the goals of development targeted by the government.

Protection of Individual Rights

Protection of individual rights is one of the core issues of both development and human rights. Where there is no protection of individual rights there is neither human rights nor development. The Bangladesh constitution preserves 18 fundamental rights from Article 27 to 44 to protect and promote human rights and the rule of law.

To protect and promote human rights, Bangladesh government took several initiatives such as National Human Rights Commission Act, 2009 and The Right to Information Act 2009 with a view to establish a national human rights commission (NHRC) and information service center (ISC). These Acts not only enhance the power of citizens to protect their rights and to participate and attain government programs for getting their rights, but also enhance the power of various mechanisms (such as the National Human Rights Commission, Anti-Corruption Commission, NBR, CAG, And Parliamentary Committees). These efforts are taken to ensure accountability of government officials for their misuse of power or illegitimate exercise of power or any form of corruption. In addition, the government took a noble initiative in 2010 by amending the International War Crimes (Tribunal) Act 1973 with a view to trialing war criminals of 1971 to protect and promote human rights in Bangladesh.

In order to promote and protect human rights and foster human rights as envisaged in the

Bangladesh constitution and international instruments the NHRC follows the comprehensive mandate outlined in the National Human Rights Commission Act, 2009. As a statutory independent institution the Commission performs many functions such as investigation and inquiry, recommendation, legal aid and human rights advocacy, research and training on human rights laws, norms and practices; promoting, monitoring and comparing the national standard and implementation of international human rights treaties; co-operating with government agencies, civil society organizations, UN human rights bodies and national human rights institutions etc. But the reality is beyond expectation. Over ten years have been passed, but the performance of NHRC has not reached satisfactory level of the people. No visible role is found in protecting civil and political rights, no step has been taken to revise various shortcomings such as inadequate definition of human rights, lack of transparency in the election process of members, lack of complete freedom in financial matters, and limited mandate in matters of investigating allegations of rights violations against law enforcement agencies and security officials. Especially in 2018, NHRC's role and initiatives in ending extrajudicial killing, anti-drug drive, and to ensure justice against the attacks on students, teachers, and journalists during the quota reform and road safety movements were not as per people's expectations. The biggest challenge for the NHRC lies in exercising its rights to investigate allegations regarding violation of rights against security or law enforcement agencies. It is criticized for not investigating rights violations when the state and law enforcement agencies are involved. In 2015, Mizanur Rahman, the chairman of the National Human Rights Commission mentioned that more than 50% of allegations of human rights violations are against law enforcement agencies. The Commission was also highly criticized for not providing effective opinions on the draft law and policy to ensure compliance with international human rights standards. As a national human rights institution, it is the responsibility of the Commission to inform the government about the human rights situation in the country and to play an effective role in ensuring that citizens enjoy the right to express themselves and that they are not threatened or harassed when they do so. Unfortunately, the Commission has not done anything significant in this regard. In some cases, the Commission sent recommendations to the relevant government authority but the latter did not take steps to follow those recommendations.

People of Bangladesh do not expect that the Commission will be able to work on each and every human rights issue. However, they do expect that it will play a very strong role in addressing issues that deal with protecting human rights in society and ensuring the government's accountability to convey a greater message about the basic principles of human rights. So to ensure human rights in all stages of people's lives this institution needs to be built up as an effective actor for protecting people's basic rights. It needs to be more operative to take immediate and effective steps for ensuring an environment where NHRC can play its due role of promoting and protecting human rights of the citizens of Bangladesh independently. It has to stand up for the rights of the powerless against powerful interests

and act fairly in treating issues within their purview. Moreover it should be accessible to all classes of people especially the disadvantaged groups in society. Most of all it has to ensure the integrity and quality of the members. To be open and accessible, NHRC needs to ensure that members and staff represent the interests of the people with social, ethnic and linguistic diversities. Gender representation should be based on equality and establishing gender equity is a vital and important issue. At the same time, selection should always be on the basis of merit instead of political connections. The key responsibility of the improvement of human rights situation which is an essential indicator of development is vested on this institution. Therefore performance of appropriate role by this institution will determine the directions of development in Bangladesh.

Rule of Law

The rule of law is a basic feature of the constitution of Bangladesh. Article 27 guarantees that all citizens are equal before law and are entitled to equal protection of law. Article 31 guarantees that to enjoy the protection of law, and to be treated in accordance with law, is the inalienable right of every citizen, Article 7 and 26 impose limitations on the legislature that no law which is inconsistent with any provision of the constitution can be passed. Right to be governed by representative bodies answerable to the people has been ensured under articles 7(1), 11, 55, 56, 57 and 65(2) of the constitution. All these provisions of the constitution are effective for ensuring rule of law in Bangladesh.

Principle of Equality and Non-discrimination

The right to equality and the principle of non-discrimination are recognized by the constitution of Bangladesh. While article 27 of the constitution states that the people of Bangladesh are equal in the eyes of law, article 28 forbids any discrimination on the basis of race, caste, religion, sex or place of birth. The constitution of Bangladesh permits reservation for backward section of the citizens so as to ensure their adequate representation in the public service.

Freedom of Expression

Constitutionally protected freedom of expression is one of the fundamental rights in Bangladesh. Article 39 of the Constitution of the People's Republic of Bangladesh ensures this right 'subject to reasonable restriction imposed by law'. Freedom of expression reinforces most of other rights and allows them to embellish. The right to speak freely on important issues, access to information are important to make the government accountable, together with making citizens more participative towards the development process of any society. From the above discussion it is clear that the constitution of Bangladesh incorporates many rights which give sufficient space to the people to enjoy human rights.

Actual Scenario About Enjoyment of Rights

Although most of the human rights are preserved and enforced by Bangladesh constitution, facts on the ground tell a different story altogether. In practice abuse of power and violation of human rights are happening regularly and these are rising in all spheres. Some examples are mentioned below.

1. The rights of health, education, housing, employment and other social, economic and cultural rights are considered as human rights and in Bangladesh most of the poor citizens are deprived of these rights.
2. The most significant problems of human rights are extra-judicial killings, arbitrary or unlawful detentions, and forced disappearances by government security forces.
3. Violations of women's rights occur by domestic violence, demand for dowry, throwing acid, trafficking, and many other forms of discrimination and devaluation like sexual harassment, rape, early and forced marriage etc.
4. There are evidences that freedom of thought, consciences, speech, expression, press and media are also suppressed by the government in Bangladesh. Freedom of press is also under threat due to section 57 of ICT law. Many journalists and editors have been arrested for online articles alleging corruption, maladministration, or criticizing particular individuals. Besides on many occasions journalists were attacked by local political leaders of the ruling party, members of the law enforcing agencies, and government officials as well.

According to Human Rights Watch(2018) between 2013 and April 2018, the police submitted 1,271 charge sheets against journalists and citizens, most of which were under Section 57 and multiple were accused for these cases.

5. Rights of minorities and religious people are also violated. There are many incidences of destroying houses, temples and churches, robbery, forced hijack of ornaments, resources and money, including physical torture, harassment, injuries and killings of Hindu, Christian, Buddhist and Ethnic minority groups. These attacks and violence against minorities occur from time to time in Bangladesh mostly by groups who are patronized by the powerful influential persons in political parties.
6. The government of Bangladesh continued to use the Special Power Act of 1974 and section 54 of the criminal code which allow arbitrary arrest and preventive detention, to harass political opponents and other citizens by detaining them without formal charges.

The following table shows that the civil, political, social and other rights of the people of the country are violated in many ways.

Human Rights Violation in Bangladesh (January 2015- May 2020)

Categories of Human Rights Violation	Number of Violence (Year and category)					
	2015	2016	2017	2018	2019	2020
i) Violation against women	90	271	256	142	456	329
ii) Violation against domestic workers	360	261	361	435	755	270
iii) Journalist harassment	138	69	45	104	121	127
iv) Enforced disappearance	55	90	60	97	68	77
v) Extra-Judicial Killing, Death in Custody	192	178	155	466	391	265
vi) Rape of women and children	846	724	818	707	880	535
vii) Incidents of arson, Vandalism on Minority Community	317	391	278	275	290	295
viii) Killing along the border	131	87	92	51	56	76
ix) Political Violence	4077	9053	4712	7051	350	240

Prepared by Authors: Collected from different Human Rights Reports like: Ain O Salish Kendra, Amnesty International Report, Bangladesh, Odhikar, Human Rights Watch, Daily Star Reports and others, <https://www.thedailystar.net/frontpage/rights-situation-remains-alarming-1513159>, <http://www.askbd.org/ask/2020/06/08/violence-against-women-rape-jan-may-2020/>, http://odhikar.org/wp-content/uploads/2017/01/AHRR-2016_Eng.pdf, <http://odhikar.org/category/reports/annual/> retrieved on 15.07.2020

If the overall human rights situation has been observed in the country, it becomes clear that abasement, exploitation and maltreatment are very common scenario which are detrimental to enjoying human rights. In addition to all these, there are violations of constitutional provisions of Bangladesh as well. The provisions of various human rights related laws, conventions, treaties and declarations ratified by the Bangladesh government are violated on many issues.

Development Philosophy of Bangladesh

Following its independence in 1971 Bangladesh was among the poorest nations in the world and on the verge of becoming a failed state. Almost fifty years later, Bangladesh enjoys impressive economic growth and it is recognized as a developing country. Economically and socially the country has achieved progress and has crossed the boundary of least developing countries (LDCs). By 2021, Bangladesh will become a developing country and in the same year it will celebrate 50 years of independence.

Bangladesh has made a remarkable success in achieving Millennium Development Goals (MDGs). It met most of the targets of the goals like universal primary education, gender equality and women empowerment, child mortality, maternal health, HIV/Aids, malaria and other diseases and environmental sustainability. Bangladesh received the UN award for its remarkable achievements in attaining the Millennium Development Goals (MDGs) particularly in reducing child mortality (<http://southasiajournal, 2011>) At present, the main objective of the country is to achieve the targets of the Sustainable Development Goals (SDGs) set by the UN by 2030. The SDGs mean a ‘universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity’.

As such, the country needs wider focus on eradicating poverty and hunger, reducing inequalities and taking climate action properly in achieving SDGs. The major point is that Bangladesh needs to address four areas - no poverty (Goal-1), zero hunger (Goal-2), reduced inequalities (Goal-10) and climate action (Goal-3) - properly to get success in implementing SDGs like it got in the MDGs (Khan: 2018). These four SDG goals are, in fact, very important for Bangladesh. If these goals are attained, it will help the country to reach some other goals of the global agenda. The country incorporated priorities of SDGs at all its development policies. It adopted an inclusive approach to development so that the poorest and the most vulnerable section of the country can be integrated into its national development efforts.

Besides Bangladesh has gained some progress in the following important sectors-

- Old Age Allowance Program
- Allowance Program for Widow and Destitute Woman
- Honorarium Program for Freedom Fighters
- Training and Self Employment Program for Insolvent Freedom Fighters and Their Wards
- Fund for Rehabilitation of the Acid Burned
- Cash and Kind Transfer Program for Education
- Primary Education Stipend Project
- Female Secondary School Stipend Program in Bangladesh
- Other programs in respect of education, Programs relating to Food Security and Employment
- Vulnerable Group Development Program
- Food for Work Program
- Fund for Housing the Homeless
- *Abashan* (Poverty Alleviation and Rehabilitation) Project
- Fund for mitigating risks due to natural disasters which influence in reducing poverty level as well as enhancing the scope of practicing human rights.

For the improvement of socio-economic conditions of the citizens these initiatives of the government will play a vital role to promote the social and economic rights of the people.

Because through these social safety net programs, the vulnerable and disadvantaged people of the society can get opportunity to entertain their rights. These avenues also create various chances to enjoy equal access to goods and services, expand opportunities for participation in facilities offered by the state. Finally if these development policies of the government function properly then human rights and development both can be ensured and achieved.

Challenges of Development in Bangladesh

Challenges and opportunities always go together. In line with opportunities, there are various challenges also coming into the journey. There are so many factors which can be identified not only as the challenges for development but also the obstacles to implement the human rights laws and policies of the government. These are widespread corruption, abuse and excessive use of power by law enforcement agencies, privatization without any employment discrimination to get equal treatment of people from society and state generation scheme, lack of proper distribution of wealth, poor infrastructure and information technology, resource constraints and the existence of poverty pockets, prevalence of unemployment and underemployment among the youth, reducing the dropout rate and enhancing the quality of education at the primary level, universal access to reproductive health deteriorated human rights situation, overpopulation etc. Widespread corruption, poor governance, abuse and excessive use of power by law enforcement agencies, election engineering are another problem of human development and the economic growth also. Bangladesh is suffering from the effects of climate change that also hampers development activities of the government frequently and minimizes the opportunities of enjoying rights. All these challenges hamper different types of rights of the people in many ways. For instance, absence of morality and corruption in different sectors especially in public service delivery systems make obstacle and create discrimination to get equal treatment of people from society and state. The most important requirement toward establishing human rights in the country is to reduce inequality. Development also will not be sustainable and meaningful until a proper system of resources distribution and a healthy rate of economic growth are ensured. But in reality, presence of inequality becomes clear when income and condition of living are compared between households in urban and rural areas. Income generating sources should be equal in both urban and rural area. (Saha: 2018) It is necessary to eliminate the impediments of development in establishing human rights. As a human being people would not be able to possess dignified life if the advantages of development don't touch their daily life smoothly and properly. On the other words it can be said that in ensuring human rights true and balanced development is essential

Absence of participation in decision making

Participation enables the advancement of all human rights. It also plays a crucial role in the promotion of democracy, the rule of law, social inclusion and economic development. It is essential for reducing inequalities and social conflict. It is also important for empowering individuals and groups, and is one of the core elements of human rights-based approaches

aimed at eliminating marginalization and discrimination. In Bangladesh although quotas in different sectors have increased for women but their representation in the decision-making process has not yet been ensured. They still face several social, cultural and religious challenges which hinder their participation and they are still neglected by their male counterparts. These are also the major obstacles for them to participate in local-level political institutions. Especially in the election process women's participation is decreasing gradually that is very alerting and as well as surprising for democracy. In case of minorities participation there are no clear laws and regulations in Bangladesh for ensuring participation of the minorities in the Parliament. Another important issue in this case is that the youth of our country get very little opportunity to participate in the decision-making process. In our country, the role of the opposition party in the Parliament is very insignificant that's why there are very few debates carried out before the implementation of any law or policy. As a democratic state there should be an important participation of civil society and media in decision making process, but sometime they play bias role for their own interests. For this reason people of Bangladesh always do not feel sense of belonging to the policies and political system. Lack of broad inclusion of citizens in the policy making arrangement is one of the main ground to raise the voice against legitimacy of government. Income inequality between the rich and poor is increasing significantly in Bangladesh and this also exclude a large scale of people from the governance, and narrow down the possibilities and opportunities to get equal treatment from the state and the developmental programs for all classes of people. The scholars and economist like Dr. Mohammad Younus opined on several occasions that in Bangladesh 90% of its GDP controlled by merely 8%-10% of its people. Thus, it creates social imbalance and hardship, in Bangladesh, a clear social deviation was found. For example, the country's 160 million people are divided into two segments. One is a small number of extremely powerful people, no more than one million and another is extremely powerless people comprises 159 million (Husain: 2017). So to consolidate democracy and to provide rights for all citizens equally impartial, non-partisan and equitable participation is essential and should have guaranteed

Meeting the Challenges: Some Suggestions

Bangladesh has been faced with a plethora of challenges on the path of development and promoting human rights. On the basis of the findings of this research, the following policy and institutional measures have been suggested to overcome these massive challenges in Bangladesh.

1. To protect and promote human rights and the rule of law, government should be accountable and responsible for upholding the spirit of the rule of law and human rights.
2. Law enforcing agencies should be transparent and accountable to the law and the people. The judiciary must be free from all sorts of intervention of the executive and the legislature.
3. Human Right Commission, Anti-Corruption Commission and Election

- Commission of Bangladesh should be more independent with financial capacity.
4. People's participation, including Civil Society and Human Rights defender organizations and NGOs connected with the governance process should be ensured and encouraged by the government by providing them with adequate independence.
 5. To make the parliament effective and to let the law-making body do its due business in cooperation between government and opposition;
 6. To reform the law enforcing agencies and police force to rid them out of corruption and to free them from political influence so that they could truly maintain the rule of law;
 7. To forge national unity and politics of consensus built around the basic values of the constitution, namely democracy, respect for each other's human rights, tolerance, communal harmony etc.
 8. Accountability and transparency should be established at all levels of both administration and elected officials by applying the institutional mechanism.
 9. The rule of law should be established within the society for the protection of fundamental human rights and ensuring social justice and equity.
 10. Corruption has to be minimized at the tolerable level within the society. To that end, the Anti-Corruption Commission and other law enforcing agencies should be strengthened with adequate personnel and finance and should be allowed to discharge their assigned duties freely and fairly.

Conclusion

Above discussion clearly shows that the constitution of Bangladesh provides human rights for the citizens. The government has given utmost priority to ensure human rights and dignity of the people. Moreover, Bangladesh is a signatory to most of the international treaties, declarations and ratified covenants to ensure the 'right to development' as a means of promotion of human rights. Besides the government has taken many attempts to promote economic stability and growth. The essentiality of social security has been inserted in the Constitution of Bangladesh. But in recent years, the human rights situation in Bangladesh has deteriorated to an alarming stage. Arbitrary arrests, detentions and torture, without clear legal authority and due process of law seem to have become a normal practice of governance. Repressions of women have increased at horrifying level. Despite having sufficient laws, the evil continues to rise. Rape is mostly targeted to working women, students and most unfortunately to children. In this perspective it can be said that without achieving human rights only development activities do not give any meaningful privilege and do not create equal opportunities for improving the living standards of the people.

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Community based Organizations (CBOs) in the Climate Change Governance in Bangladesh: Policy initiatives and challenges

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Abstract: Bangladesh is one of the most climate change vulnerable countries in the world. Effective governance of climate change issues is crucial for the recently graduated lower-middle income country for her development juncture. Community based Organizations (CBOs) is assumed as an important tool for effective climate change governance to promote participation from communities, and accelerate innovative solution from the root. Climate change governance is understood as a process of multitier governance where the role of the CBOs is important along with other stake holders. This paper seeks the role of CBOs in climate change governance in Bangladesh both from policy and institutions level. It is noticed that CBOs in Bangladesh get less importance in mainstream policy framework at local, regional, and national level. It is also observed that most Community Organizations working on climate vulnerabilities and adaptation are either NGO facilitated or NGO funded organizations. In fact, government expects role of the CBOs only as secondary agencies, and high priority is given to the NGOs. The government financing plan is centered on the NGOs by disbursing climate funds through the Palli Karma Sahayak Foundation (PKSF). Corruption is one of the challenges of these funding because of prevailing administrative and political culture. Because of the structure of the nation's climate governance, CBOs seen little prospect to effectively contribute in climate change governance.

Keywords: Climate Change Governance, Community based Organizations (CBOs), NGOs, Corruption and Governance challenges

Introduction

Often referred to as *ground zero* for climate change, (Inman, 2009) Bangladesh is one of the most vulnerable countries to the adverse effects of climate change. Geographical characteristics makes the country prone to extreme weather risks such as cyclones, floods, and storm surges. Identified as *Poster Child of Vulnerability*, the country encounters sea level rise, biodiversity degradation, saltwater intrusion, desertification, social exclusion, unstable political conditions, and weak governance systems together. (Rahman, 2018) The country recently graduated as lower middle-income country, and this juncture of development will be significantly influenced by the way the country able to fight climate change in future. Community based Organizations (CBOs) are regarded as important component of climate governance on the lowest tier. For an effective managerial strategy for climate adaptation, participation of CBOs can ensure accountability and transparency mechanism, and it can also act as a response instrument for climate causes. In case of Bangladesh, CBOs can play important role to engage people, and tailor innovative adaptation

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formula from the bottom to effectively cope with adverse climate situation. Therefore, CBOs involvement in climate governance is important in perspective of Bangladesh. The country has signed most of the international protocols linked to climate governance, and undertaken various policies concentrating on effective climate governance. For the nation of sixteen million, effective climate governance strategy is crucial for her development goals, and for the survival of her own people. Therefore, it is important to analyze the advancement and loopholes of the climate governance of the country to assess the magnitude of the problems, and evaluate the role of the CBOs in this regard. This paper tries to diagnosis the policy and actions taken by the country to face the projected climate change challenges engaging CBOs from root level, and tries to bring those issues in broader governance framework. In doing so, the study follows content analysis as a methodical approach, and different books, articles, research papers, paper clippings, research seminar, document papers, concept notes and related websites concerning the issues are reviewed for the purpose.

Conceptual Discussion: Climate change Governance and CBOs role

Increased Public and political interest in climate change have been noticed in recent years. (Fröhlich & Knieling, 2013, p. 10). Environment degradation has become a global concern for the sustainability of human civilization, and the world is looking for a sustainable solution for future generation. Nevertheless, a paradigm shift has been noticed in the way of governing procedure from centralized government system to more participatory governance arrangement. In this perspective, climate change governance is considered as the management of climate issues within a participatory mechanism where both global and local actors' role are guaranteed. It is described as a *wide variety of coordinating methods contributing to the adaptation and mitigation of climate change* (Knieling & Filho, 2013, p. 1). The process works in a complex polycentric structure that spreads from the global to national and sub-national levels. (Gregorioa & others, 2019) The process includes a wide range of steering mechanisms ranging from informal cooperation between different institutions and actors to hierarchical forms of regulation. (Knieling & Filho, 2013, p. 1). Therefore, climate governance suggests comprising more actors from global and local level, and involving people from community level. Environmental governance is being characterized by the transition from government to governance where government regulatory structure is not the solo actor. (de Loë & Others, 2009). In this fraework, it is suggested to emphasize to non-state actors due to the limited capacity of government agencies (de Loë & Others, 2009). It is true for climate governance as well. Due to the complexity of climate variables and its global characteristics, it is assumed that more actors need to be involved for effective management of climate institutions. Effective climate change governance depends on collaboration between governments and other non-governmental organizations. For the reason, the necessity of engaging different sectors of society in the climate change debate has become evident in recent time. (Knieling & Filho, 2013, p. 2) Multitier governance is thought to be effective formula to fight against the climate vulnerabilities. A key characteristic of climate change is its multiplicity of different

perspectives and interests. (Fröhlich & Knieling, 2013, p. 11). Multi-level governance is steered not only by public sector, but also by private and other level, and covers multiple geographic scale, levels and sectors. (Keskitalo, 2010, p. 4). Multitier governance of climate change combines different actors to effective participation in adaptation procedure. The process focuses on local institution and community participation. It includes decentralized adaptive governance for local initiatives to foster networks to enhance collective actions. (Underdal, 2010)

In Fighting climate change Collaborative institutional arrangements are important that incorporate local governments, community organizations and the private sector. (Diaz & Hurlbert, 2013, p. 176). Community based organizations (CBOs) are the organized efforts from community with the goal to preserve common interests. Chechetto-Salles and Geyer described CBOs as a non-profit organizations that provides social services at the local level, and heavily depended on voluntary contributions for labor, material and financial support. (Chechetto-Salles & Geyer, 2006) Community based organizations (CBOs) can play an effective role in this regard to recognize the problem from local level by their firsthand experience, and can adapt to new situation. CBOs have good track records in anti-corruption activities (Sakib, 2020) worldwide and considered as an important part for effective governance. Community based adaptation is one of the methods that is applied for effective governance technique. There are some multiple benefits of community based approaches: *increase community acceptance and implementation of planning objectives; add to the Climate Adaptive Planning knowledge base by including local knowledge; provide experience for community residents and groups with long-range planning, and; increase the democratic legitimacy of the planning objectives.* (Rosenthal & Brechwald, pp. 221-222) However, public involvement encounters some barriers both in individual and social level. Bulkeley & Newell identified lack of action by governments, business and industry; “free rider effect”; pressure of social norms and expectations; lack of enabling initiatives as social barriers to involve community in climate change process. (Bulkeley & Newell, 2010, p. 72) In a study of New York City, it is suggested that community-based adaptation planning process may help address the social justice dimension of the impacts of extreme events and climate change while increasing the effectiveness of adaptive programs and policies. (Rosenthal & Brechwald, p. 205) In a study of 720 farming households in six districts of Nepal shows that CBOs play important role in reducing the negative impacts of climate change by enhancing agricultural adaptation and it was found that 62 percent households were connected to CBOs. (Khanal, Wilson, Hoang, & Lee, 2019) In a study of Rwanda also confirms that CBOs have a positive role to increase farmers awareness and enhance capacity regarding to climate change and crops productivity. (Aboniyó & Mourad, 2017) Therefore, evidences around the globe shows positive impact of CBOs engagement in climate change governance, and this can be recognized as a research gap in regard of Bangladesh where limited academic researches has been executed on the role of CBOs to fight climate change from policy, implementation challenges and governance perspectives.

CBOs in the policy initiatives of Climate governance in Bangladesh

Bangladesh is one of the environment vulnerable countries in the world. The country has a good advancement in regulating laws and intuitional arrangement over the years for environmental perspectives. The Fifteen amendment of the constitution includes a major step in this regard where environment protection become a state responsibility: “*The State shall endeavor to protect and improve the environment and to preserve and safeguard the natural resources, bio-diversity, wetlands, forests and wild life for the present and future citizens.*” (constitution of Bangladesh, 2011) Climate change challenges, however, added to environmental governance discourse as a recent phenomenon for the intensity of the issues. For that reason, the issue was not included in various important policies adopted before the millennium, and CBOs also did not get attention for the reason. The national policy of Environment, 1992 did not include climate change in the policy obviously. The new updated national environment policy of 2018, however, included Climate change as a major part of focus of the policy. It highlights the future policy guidelines to follow in environment management of the country. According to the umbrella policy, all development planning at adaptation and implementation level should include climate change adaptation and mitigation to cope with the adverse consequences of climate change. (Bangladesh, 2018) The policy also emphasis on the roles of government and non-government organizations to establish Climate Change Knowledge Network to exchange communications and experiences for effective steps for fighting climate change, however, any role of CBOs is not mentioned in the policy. (Bangladesh, 2018) It can be argued that the umbrella national policy can be major instrument to enforce governance guideline in the coming days for climate change governance and other related environmental issues, however, multitier adaptation strategy is completely absent in this important document. Nevertheless, environments issues seen to get less importance in policy and implementation process in the country due to more focusing on development endeavor, and it is also evident that the national policy gain little focus in government apparatus and mainstreaming of the national policy was not observed at all.

It is witnessed that Bangladesh is responsive to most of climate related issues at policy level. The country is the signatory of most international climate change protocols and has undertaken some important policy steps and initiatives to cope with projected adverse situation due to climate change. ‘National Action Plan on Adaptation’ (NAPA) of 2005 and the ‘Bangladesh Climate Change Strategy and Action Plan’ (BCCSAP) of 2009 have been adopted by the government. ‘National Action Plan on Adaptation’ (NAPA) of 2005 was first of its kind to recognize climate change in development strive of the nation and it also marks CBOs in climate Change issues. It suggested 15 adaptation measures to address adverse effects of climate change of which community participation in coastal afforestation, and information access to community for emergency preparedness measures for climatic disasters are included (Bangladesh, 2005, p. xvi). For coastal afforestation, the plan propose Community based organizations as Secondary implementing agencies

along with NGOs (Bangladesh, 2005, p. 27) For Capacity building for integrating Climate Change in planning, designing of infrastructure, conflict management and land-water zoning for water management institutions, It also suggest CBOs as Secondary implementing agencies. (Bangladesh, 2005, p. 30). Therefore, the action plan has included the CBOs participation in climate governance procedures, however, those got limited attention from top body of policy design while implementation of government projects. Bangladesh Climate Change Strategy and Action Plan (BCCSAP) can be described as a government success and it is a timely response to the climate change issues following the Bali Road Map and other international climate commitment of government. It is designed as an integral part of implementing other policies, plan and strategies; and it recognizes the vision, strategy and action plan of the government facing the climate change in upcoming days. It has six pillars that prioritize the need and action plans for the government. The Government recognized the role of community organizations in fighting climate vulnerabilities by involving communities in planning, construction, and management of programs in this plan. BCCSAP emphasis on community based program in comprehensive disaster management programs and gave high priority to support people and community at local level to strengthen their resilience and adaptation to climate change. (Bangladesh, 2009, p. 18). In short, it can be said that Bangladesh government has taken an integrated governance response policy involving government agencies, civil societies, donor agencies, NGOs and CBOs and the policy is linked with global climate governance. However, the policy does not elaborately categorize the specific role of each non-state actors, and also the CBOs role is not clearly illustrated. The government has created two funds to face the climate related consequences: Bangladesh Climate Change Trust Fund (BCCTF) of \$200 million and the Bangladesh Climate Change Resilience Fund (BCCRF) of \$114 million. The BCCRF entitled the Palli Karma-Sahayak Foundation (PKSF) as responsible institution for Community Climate Change Project (CCCP) allocated \$13 million of its climate-resilience funding to NGOs for community-driven adaptation to climate change. (World Bank, 2017) Therefore, it is apparent that CCCP projects is designed on NGO centric model to engage community to climate change projects that is obviously top down structured. Nevertheless, it can be argued that the prospect of government integrated policies to engage CBOs from the bottom is thin. Though the country has successfully installed different measures and institutions to combat climate change, a growing concern of climate vulnerabilities, environmental degradation, corruption, exclusion from local level and management issues can be identified in ongoing political arena.

CBOs in Climate change Governance in Bangladesh

Community based Organizations (CBOs) are regarded as important element of climate governance on the lowest tier and sought to be active in climate related matters to achieve resilience. Union Disaster Management Committee (UDMC) is thought to be one of effective body to response to climate risks. It is one of the public disaster management observing bodies where role of CBO is supposed to be apparent but reality tells otherwise.

It supposed to be 36 members (maximum) committee with a full dominance of Union Parishad (UP) chairman who is given the authority to nominate most of the members. It is highly centralized body dominated by the chairman and other UP members. Though, representatives of the Peasant and Fishermen Society are proposed in the committee, the option is open to nominate member in case of unavailability of member from such community. In a highly client patronage system in rural Bangladesh, it is apparent that this structure will give little space to operate from a community initiative. Moreover, the system of UDMC does not work effectively according to the implementation policies. In a research report, it is found that the UDMC of some studied areas have no activities for Disaster Management during normal/risk reduction period and they are not fully aware of their roles and responsibilities. (Ahmed & Others, 2016) It is also found that those UDMC did not hold any meeting during the warning and recovery periods, and the number of the meetings held during disaster period is less than what is prescribed by the Standing Order on Disaster (SOD). (Ahmed & Others, 2016) Nevertheless, in a study on the Role of community based local institutions for climate change adaptation in the Teesta riverine area in Rangpur District found positive result of community involvement. (Karim & Thiel, 2017) The study focused on local community level Village Disaster Management Committee (VDMC), a village level disaster management body which is an recent initiative in the disaster prone villages consists of a total 30 members. The research found that the community involvement has adaptive positive outcomes in terms of migration, food storing and adopting new tolerant crop varieties and *Rangpur Dinajpur Rural Services* (RDRS) plays a significant role to facilitate the adaptation measures. The research, nevertheless, identified lack of coordination among local government, NGOs and civil partners in working together in the process. (Karim & Thiel, 2017)

Besides the initiatives under local government, most of the community involvement in Bangladesh is seen as NGO initiative. Bangladesh government took an NGO centric policy for adaptive governance of climate change and community involvement in the process. It obvious for that most notable CBOs working for climate vulnerabilities are NGO facilitated. For example, Pani Committee's (Water Committee) advocacy campaign in the southwest region and women producers in the northwest region are supported under different programs of *CARE, Bangladesh*. (Asia Foundation, 2012) In another case, *Caritas Bangladesh* and its local partner, *Sushilon*, extended help to the local communities for cleaning ponds in southwestern Bangladesh for sources of drinking water for the local people. (Alam, 2018) "*Action Aid Bangladesh*" facilitate community peoples in building multi-hazard resilient houses to make them self-protective from climatic hazards in the vulnerable ecological zone in the Jamuna river basin. (Ahmed C., 2017) Bangladesh Climate Change Strategy and Action Plan' (BCCSAP) of 2009 illustrated a success story of a community organization of a charland village in Mighty Padma river called 'Sona MollarDangi' where people raised their households up to the level of 1998 flood with the help of a local UK funded NGO Faridpur Development Agency(FDA). 'Sona MollarDangi' is a small island village with 26 hose holds(approximately 250 people)

which was first inhabited by a village elder Sona Molla and the village is named after him. In 1998, the village went under water for weeks and it was thought that next flood will not occur within 10 years. However, due to climate change, floods show unusual frequency. In 2004 and 2007, the village again went under water by devastating flood. Sona Molla felt the need of community response to face the problem. UK funded local NGO Faridpur Development Agency (FDA) came to help the village community effort and the villagers able to raise their all 26 households by 1.5 feet that is the water level of 1998 flood. (Bangladesh, 2009). In this case it can be observed that NGO facilitated community effort is recognized in a top policy of the nation and CBOs are seen as a joint action between NGOs and people.

In NAPA, CBOs are considered as secondary implementing agencies along with NGOs. In fact, most of the CBOs in Bangladesh are either NGO funded or NGO facilitated. However, it is difficult to estimate the numbers of CBOs working for climate vulnerabilities. Nevertheless, those CBOs lacks access to participation in mainstream policy framework in local, regional, and national level and those organizations operate in a top down administrative structure. Though, Community-based approaches are advocated by the government of Bangladesh, the approach is prominent in policy papers, not in reality. The Community initiatives that did not emerged from Government or NGO formulas find difficulties to sustain the organizations. ‘AsharAlo ‘ emerged as a CBO in the south-western part of the country, now turns to an NGO. The community organization started in 1994 with the leadership of Abu Abdulah Al-Azad along with some young enthusiastic social workers and entrepreneurs in Satkhira to address the recurrent occurrence of natural disasters and poor socio-economic conditions of the area. It turned to more organized non-political and non-profitable organizational structure in its actions in 2001 and 2006 through the registration with Social Welfare Department and NGO Affairs Bureau respectively of the People’s Republic of Bangladesh. Though, community organization is cumulative effort, it requires an organization structure, and government support and recognition. In case of AsharAlo, funding and government recognition was a big challenge for the organization. Moreover, in government policy and action plan, CBOs are seen only as secondary tier agencies. In a volatile political landscape of clientism, it is difficult to survive as community organization and the organization find it profitable to become NGO to go for foreign funds. Bangladesh can be depicted as a land of NGOs as lots of NGOs are working in different sectors. (Ahasan& Gardner, 2016) It is argued that the rise of NGOs in Bangladesh happened at the cost of the decline of state responsibilities. NGOs in Bangladesh are depicted as Shadow State that substitute the tasks of public institutions. (Karim L., 2011, p. xviii) Jeffrey Wood argued that the franchising out of state responsibilities by the NGOs caused citizens to depend on NGOs and intermediate Donor agencies rather than on the state. (Wood, 1994) Sarah White see a decline in state legitimacy by the rise of NGOs that NGOs role in Bangladesh is understand as a role of

civil society. (White, 1999) In fact, an NGO culture prevails in the country where it is usual to seek foreign funds and then operate accordingly to fulfill the targeted goals set by the development partners. In a centralized system of government with partnership of NGOs give little access to independent community organizations. Moreover, the community organizations have fragile organization capabilities due to its nature.

CBO's engagement, Corruption and Governance Challenges in Bangladesh

The country has adopted new policies and fund for the upcoming challenges of climate change. It can be said that, there is a significant development in policy level and fund raising for climate projects in the last decade by the government. However, climate change governance is facing some challenges in terms of procedures and objectives. It is difficult to estimate which project will be prioritized on the merit of the urgency as the climate change impacts slowly. Moreover, the government seems not interested to mainstream the climate policy in all development planning. However, corruption is the major challenge of the nation for effective climate governance to achieve resilience society. Corruption is recognized as one of the good governance barriers for adaptive measures to fight climate change in Bangladesh. (Bhuiyan, 2015) Moreover, it is alleged that the climate fund project faced huge corruption and irregularities and did not achieve any climate goal due to prevalence of fraud project (Samakal, 2015) It is reported that political influence plays a role over the allocation of climate resources (TIB, 2014) A study in the southwest coastal area of Bangladesh investigates the impacts of bribery and extortion on livelihoods and adaptive capacities of local communities and showed that corruption significantly reduces the ability to respond to climatic stressors. (Rahman, 2018) It is thought that CBOs can work as effective body from the root and generate transparency and accountability that can check corruption. However, most government funded project are designed to implement thorough NGOs sanctions and CBOs did not get any preference. In a TIB report, it is noticed that only one fund(PPCR) has recognized CBOs as a partner. (TIB, 2013).In fact, NGOs have been getting priority for climate fund in the country and these sanctions are made in an ineffective manner and based on highly political calculation. For example, in a report it is alleged that half of 63 NGOs that got government fund in 2013 have no experience to this kind of activities and 10 of them are managed by ruling party people. (Mahmud I., 2010) In another report it is shown that there are lots of irregularities in Climate fund of the country. (Mahmud I., 2013) CBO is sought to be active in climate related matters, however, little success is attained. Union disaster management committee is modified as CBO to fight disaster and climate variability; however, the practice did not get prominence from prime decision-making body. It is thought that involvement of CBOs can be an effective way to fight corruption in climate related projects. However, in NGO targeted formula of implementing climate project in patron-client environment in Bangladesh society, limited success can only be expected if collective actions of community are not encompassed.

Conclusion

For Bangladesh, coping with projected climate situation is crucial for her own existence in future. In the fight against the adverse effect of climate change, engaging community is an important instrument for effective governance and CBOs role is considered an essential tool in this regard. This paper systematically examines the policy and institutional framework of climate governance of the country in regard with CBOs role in the process. Nonetheless, the country has successfully adopted different policies and plans concerning climate change governance to involve community participation. However, it is observed that most Community Organizations working on climate vulnerabilities and adaptation are either NGO funded or facilitated. In fact, government considers CBOs only as secondary agencies of the procedure, and NGOs got top priority in policies and implementation mechanism. Therefore, in the NGO friendly make up of whole setup, CBOs will have little space to engage community involvement from the root. Moreover, Corruption and prevailing socio-political culture drives against the meaningful involvement of communities from the root through the assistance of NGOs. In this perspective, this paper argues that CBOs has little prospect to engage in governance process of climate change in existing policy and institutional framework. Therefore, inclusive governance strategy engaging CBOs to facilitate community participation is suggested through creating space in the framework of climate policies and institutions.

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Strengthening Democracy in Bangladesh: Reality or Myth

Md. Ikhtiar Uddin Bhuiyan*

Abstract: It is apparent that, Bangladesh is striving hard towards attaining democratic governance. The increasing effectiveness of the civil society organizations remain as complementary force towards realizing the people's aspiration for democratic governance into reality. Moreover, people's participation in the democratic process is exerting growing influence over public policy on a variety of issues. Even, as one of the lower middle income countries, Bangladesh keeps up its persistent efforts to consolidate democracy. However, despite many high profile successes in recent past an embedded political culture prone to confrontation, widespread perceptions of corruption, disturbed judicial system, ineffective parliament, lack of national consensus, less accountable public service delivery, and few well-established protections for the basic rights of citizens remain problematic. The government is struggling harder to overcome the colonial legacy of a highly centralized and pervasive bureaucracy, but law and order still leftovers as a growing problem. The paper emphasizes on analyzing the current state of democracy in Bangladesh. Furthermore, the study figures out challenges and impediments of consolidating democracy in Bangladesh. Suggestions are made at the end for consolidating democracy in Bangladesh.

Keywords: Democracy, Authoritarianism, Democratic Governance, Polyarchy, Political Parties.

Introduction

Democracy has been started as the popular form of government since 1974 and it underscored by S.P. Huntington's seminal study "The Third Wave: Democratization in the Late Twentieth Century" (Huntington, 1991). Democracy has been expanded rapidly up to 2006 (Diamond, 2006). He also states that in the beginning of the third wave of global democratization, most of the democratic countries were western and rich countries but in the decade of 1980's democracy was expanded in other parts of the world. The most notable thing is the numbers of these new democracies were quite illiberal which is called competitive authoritarian regime (Levitsky & Way. 2010). The levels of freedom was increasing up to 2005 but around 2006 the expansion of freedom and democracy in the world came to a prolonged halt. Huntington shows that out of 49 sub Saharan African countries, 29 counties declined its freedom. Moreover 20 states in this region observe a decline in political rights and civil liberties. The freedom house which published a report on political rights and civil liberties shows that in the year of 2006 to 2013, most of the countries curtailed political rights and freedom of speech. Steven Levitsky and Lucan Way find it as a gloomy picture of democracy (Levitsky & Way., 2015). They explained that the democracy in the world has remained steady over the last decades and it has revamped largely relative to the 1990s. They compared the scores of four influential world democracy

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indices and proved that the world is more democratic today than it was in 2000. Levitsky states that authoritarian breakdown has not brought democratization. Whenever dictatorships fell and opposition groups ascended to power most observers considered it as democratization and subsequent regimes were labeled new democracies. How to define and measure democracy? Actually it is one of the major and probably inescapable ironies of scholarly research that significant disagreement over how to define and measure democracy.

Although it has no one right and consensual answer but most of the scholars have agreed that it can be a way to segregate regimes categorically. Larry Diamond states that democracy has many continuous variables through which, someone can measure whether the government is democratic or not. These variables are- freedom of multiple parties, candidates to campaign and contest, Opposition access to mass media, campaign finance, fairness and neutrality of electoral administration, civil liberties, rule of law, control of corruption, vigor of civil societies and so on. However Robert Dahl points out in polyarchy. He argued that a regime can be considered as a democracy while the following institutional guarantees are extended to all citizens: freedom to form and join organization, freedom of expression, right to vote. Larry Diamond stated that sometimes it is difficult to classify regimes that fall into the gray zone. He also stated that no system of multiparty competition is perfectly fair and open. Some multiparty electoral systems clearly do not meet the test of democracy.

Most approaching to divide regimes depends on continuous measurement of key variables such as political rights and civil liberties. In this case Larry Diamond prefers Freedom House coding decisions. Another question was why democracy breakdown? Larry Diamond stated that the quality or stability of democracy is declining in swing states (emerging market countries) due to the lack of improvement in democracy and freedom. Since 2000 democracy has broken down not only for blatant military or executive coups but also through subtle and incremental degradation of democratic rights and procedures that finally push a democratic system over the threshold into competitive authoritarianism. Basically, strangulation of political rights, civil liberties and the rule of law are the causes of breaking down democracy. Larry stated that most of the scholars do not consider Russia as a democratic state rather they consider it as an electoral democracy. In the parliamentary election held in 2000 in Russia, fell below the minimum conditions of electoral democracy and same process is continuing in Turkey.

Why have freedom and democracy been regressing in many countries? Larry Diamond in his article "Facing up to the democratic recession" states that the most important and pervasive answer is due to bad governance, democracy is regressing. The major problem for democracy in Africa is controlling corruption and abuse of power. Resurgence of new patrimonial system is another reason for democratic recession. Not only in Africa but also every region in the world is facing resurgence trend which is called neo patrimonial system by Francis Fukuyama. In this system patrons use state resources in order to get

loyalty of clients. It undermines the political institutions and rule of law. In this system, only those with connections have the real power. In the process they demonize, intimidate and victimize opponents who get in their way. Civil liberty, freedom of media and freedom of speech is shrined.

For developing nations like Bangladesh, in many instances, people do not see democracy as delivering material benefits, but often the contrary is true. The challenge for emerging democracies for developing countries like Bangladesh is how to internalize them and shape them to reflect regional realities while respecting universal values. In this fashion people can take ownership of them so that they are not seen simply as being imposed. There is a crucial issue of state-civil relations in many nascent democracies. Bangladesh started its journey through parliamentary form of government. Despite of some impediments still now Bangladesh has great opportunity to establish human rights and fundamental rights through democratic process. The above problems can be solved through improving norms and values and practicing democratic culture. Tolerance and coherence can improve the quality of democracy. Political institutions can play pivotal role in establishing democracy. The success of democracy depends on strong political party, sound education system, freedom of speech and media as well as establishing participatory society with the spirit of inclusiveness. Overdeveloped bureaucracy Party centered politics, Corruption and terrorism should be abolished to restore and consolidate democracy. The study attempts to find out the challenges to consolidate democracy in Bangladesh and suggests some doable recommendations to resolve the challenges towards strengthening democracy.

Methodology

The paper attempts to answer the research questions through qualitative analytical approach by reviewing sources such as international organization's reports and index as well as government reports. The study also uses secondary data, specifically books, journals, research reports, newspaper, and various websites on the internet. This paper uses Robert A. Dahl and Diamond's characteristics of democracy and then compare with the present features of Bangladesh democracy.

Conceptual framework of Democracy

The term democracy is derived from the Greek words, demos and Kratos, the former meaning the people and the later meaning power. Democracy thus means power of the people. It is now regarded as a form of government in which the people rule themselves either directly or indirectly through their representatives. Scholars have different view to define democracy. Some requirements for a democracy among a large number of people (Dahl, 1971)

- Freedom to form and join organizations
- Freedom of expression

- Right to vote
- Right of political leaders to compete for support
- Right of political leaders to compete for votes
- Alternative sources of information
- Eligibility for public office
- Free and fair elections and
- Institutions for making government policies depend on votes and other expression of preference.

Samuel P. Huntington states a system will be democratic when collective decision makers will be selected through free, fair and credible elections. A country will be democratic if it can fulfill these criteria. Joseph Schumpeter measures democracy through minimalist standard such as government will be formed through getting peoples vote. A system cannot be democratic, unless it ensures the following attributes (Diamond, 2008):

- Substantial individual freedom of belief, opinion, discussion, speech, publication, broadcast, assembly, demonstration, petition, and the internet.
- Freedom of ethnic, religious, racial, and other minority groups (as well as historically excluded majorities) to practice their religion and culture and to participate equally in political and social life.
- The right of all adult citizens to vote and to run for office (if they meet certain minimum age and competency requirements).
- Genuine openness and competition in the electoral arena, enabling any group that adheres to constitutional principles to form a party and contest for office.
- Legal equality of all citizens under a rule of law, in which the laws are clear, publicly known, universal, stable and nonradioactive.
- An independent judiciary to neutrality and consistently apply the law and protect individual and group rights
- Thus, due process of law and freedom of individuals from torture, terror, and unjustified detention, exile, or interference in their personal lives- by the state or non-state actors.
- Institutional checks on the power of elected officials, by an independent legislature, court system, and other autonomous agencies.
- Real pluralism in sources of information and forms of organization independent of the state; and thus, a vibrant civil society.
- Control over the military and state security apparatus by civilians who are ultimately accountable to the people through elections.

Democracy's guiding principle is that of citizenship. This involves both the right to be

treated by fellow human beings as equal with respect to the making of collective choices and the obligation of those implementing such choices to be equally accountable and accessible to all members of the polity (C.Schmitter, 1986). Democracy is a form of government where people have access to share their views, opinion as well as to contest in election. This election will be free, fair and credible. All government institutions will act as freely, without any interference of government. Political party will control military and it will be under the government. The military force will protect external threat of a country. All citizens will be equal according to law.

Electoral Authoritarianism and Democracy

Democratic system turns into electoral authoritarian when government creates an uneven playing field between government and opposition. Lijphart (2011) shows five categories of world regime and another ambiguous regime:

- Liberal democracy
- Electoral democracy
- Ambiguous regime
- Competitive authoritarianism
- Electoral authoritarianism
- Politically closed authoritarianism.

Jason Brownlee(2007) found authoritarian system reflects some features of democracy such as elections and parliaments. In authoritarian regime elections held regularly but it is not free, fair and credible. He mentions some factors for promoting authoritarianism that is electoral fraud, police repression, gerrymandering and clientalism. Larry Diamond called it hybrid regime. When multi-party elections held with some degrees of competition then it will be electoral authoritarianism. Autocrats use the election as the latest fashion and in the guise of election they continue their rule. This system doesn't meet the test of democracy.

Svolic(2009) shows why dictators would tolerate or benefit from a regime party. He argues that regime parties strengthen autocratic control via the hierarchical assignment of service and benefits, political control over appointments, and selective recruitment and repressions. Authoritarian become durable due to unrestrained or arbitrary use of power by capricious individual and rulers manage elite conflict (Brownly.2007).

Megaloni (2006) identifies some characteristics of authoritarian government and these are:

Authoritarian rulers use their relation to justify their rule, hegemonic party, election fraud, Elite cooperation with electoral party

Svolik (2012) suggest a country will be autocratic when it will not fulfill these two criteria; such as: 1. free and competitive legislative elections 2. an executive that is elected either directly in free and competitive presidential elections or indirectly by a legislature in parliamentary system.

Major features of existing democracy in Bangladesh

From the very beginning, Bangladesh is following parliamentary form of democracy. Though, the level of democracy was not up to the mark. After the assassination of the Father of the nation Bangabandhu Sheikh Mujibur Rahman, democracy got a gloomy picture. Bangladesh experienced almost 16 years of military rule. In 1991, democratic government came into power but the level of democracy was questionable. Last two parliamentary elections produced a parliament with no opposition party (Riaz, 2015). He also mentioned that despite conducting several free and fair elections between 1991 and 2013 and being ruled by elected civilian regimes, Bangladesh has witnessed serious shortcomings in governance. First of all, the paper analyses major characteristics of existing political system and previous features of government and then explain whether it fulfill the characteristics of democracy or not.

Absence of free and fair election

Bangladesh got independence in 1971 from Pakistan and its first election was held in 1973. The first parliament was durable only two years and six months. Bangladesh Awami League won the election and got 293 seats out of 300 seats. It was a great victory after election. Awami League was leading the liberation war and that was the major factor for landslide victory. It was the starting of electoral parliamentary form of democracy in Bangladesh. In 1975 the former prime minister has changed the constitution and introduces one party system and presidential form of government. It includes running prime minister will continue his tenure for next five years. This was the starting of authoritarian government. Jahan (1980) shows the major criteria of fourth amendment of Bangladesh is the control of civil liberty, presidential form of government, introduced one party system and controlled the judiciary department.

In 1975 the ruling party leader was assassinated in his house and military took the power. They declare after restoration of political stability they will restore the democracy. Jahan (1980) suggest after military intervention military leader take two steps: one is civilization process and another is party formation. The military leader took the same process in Bangladesh. The second parliamentary election was held in 1979. The military leader forms Bangladesh Nationalist Party and participates in national election. This party won the election. They won 207 seats out of 300 seats. Voter turnout was 50.94 %.(Mohabbat, 1979). Voter turnout and contesting parties in different elections of Bangladesh is shown in the table:

National Parliamentary Election	Contesting party	Voter Turnout	Winning party
1st election March 7, 1973	14	54.91	Awami League 293 Seats
2ND election February 18, 1979	29	50.94	BNP-207 Seats
3rd election March 7, 1986	28	61.07	Jatiya Party-153 Seats
4th election March 3, 1988	8	57.90	Jatiya Party-251 Seats
5th election February 27, 1991	75	55.45	BNP-140 Awami league-88
6th election February 15, 1996	43	20.97	BNP-278
7th election June 12, 1996	81	74.96	Awami league-146 BNP-116
8th election October 1, 2001	54	75.59	BNP-195
9th election December 29, 2008	38	87.13	Awami League-230
10th election January 05, 2014	12	40.04	Awami League-234
11th election December 30, 2018	22	80.00	Awami League- 288

Source: Elections in Asia and the Pacific: A Data Handbook Vol-1, Oxford University Press and Retrieved from the Daily Star, December 18, 2018.

The Journey in Pictures and Facts: Road to the 11th Parliamentary Election The first parliamentary election was very participatory. The above data shows that most of the time incumbent party won the election and their influence in election. From 1975 to 1990, it was presidential form of government and again came back in parliamentary form of government in 1991. In 1988 election, most of the opposition party boycotted the election and some parties like Awami League and Bangladesh Nationalist Party called strike all over the country to cancel the result and demand for new election under non-partisan government. Due to the pressure of major opposition party ruling party leader Hossain Mohammad Ershad dissolved the parliament and hand over the power to caretaker government. For first time care taker government formed for free fair and credible national election. BNP won the election and after their tenure they arrange an election under incumbent government

and it was very partial election. The turnout was only 20.97. On the eve of political turmoil government amended the constitution and set a rule of caretaker government system. Previous parliament was dissolved and again held national parliamentary election under caretaker government.

10th parliamentary election was the most violent election in the history of Bangladesh. It was marred by street fighting, low turnout and a boycott by the opposition which made the result questionable. At least 18 people were died by political clash before Election Day. The ruling party won 232 seats out of 300 seats. Dhaka's Daily Star newspaper described the polls as the deadliest in the country's history, and said in an editorial that the Awami league won a predictable and hollow victory, which gives it neither a mandate nor an ethical standing to govern successfully (Independent,2014). Out of 300 seats 154 constituencies were uncontested and the ruling party won 127 uncounted seats. Ruling party just needs 73 more seats to form a government. There are allegations that returning officers in different districts forced many candidates to withdraw their nomination paper (The Guradian, 2013). BBC News (2018) shows the 11th parliamentary election was farcical election and claimed for vote rigging and BBC reporter find filled ballot boxes at a polling center before polls open. A spokesman of opposition party of Bangladesh Nationalist party claimed there were irregularities in 221 of the 300 seats being contested. Only ruling party agents were present in polling center (BBC News, 2018)

Freedom of choice

According to Bangladesh Constitution freedom of thought and conscience is guaranteed [article 39(1)]. Subject to any reasonable restrictions imposed by law in the interests of the security of the state, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence-(a) the right of every citizen of freedom of speech and expression; and freedom of the press, are guaranteed [(article 39(2)]. Freedom House in their report on Bangladesh shows internet service in Bangladesh is partly free and press is not free (Freedom house, 2019). Freedom house and sixteen human rights organizations jointly released a paper and urge the government to make inquiry commission to investigate the murder of writers, bloggers, publishers, academicians and human rights activists in Bangladesh since February 2015. They also argued that some other prominent writers and bloggers are facing threat for their lives and livelihoods. Many of them are hiding themselves or censoring their speech. They mention that Islamic activist groups have killed them due to their views, expressions and writings of open society (Freedom House, 2016).

Although in the constitution of Bangladesh in article 41 ensures the freedom of speech and conscience and freedom of religion. In constitution it is stated that subject to law, public order and morality-(a) every citizen has the right to profess, practice or propagate any religion, (b) every religious community or denomination has the right to establish,

maintain and manage its religious institutions. (2) No person attending any educational institution shall be required to receive religious ceremony or worship, if that instruction, ceremony or worship relates to a religion other than his own. Though, the state religion of Bangladesh is Islam but it allows the practice of other religions with peace and harmony. Daniel Calingaert, executive vice president states “the government of Bangladesh should ensure that activists and Journalists are free to express their views without fear of violence and bring to justice those responsible for the attacks (Freedom house, 2015). Government introduced Information communication and technology Act 2006 amended in 2013 to regulate the speech. According to Freedom House report-2018, in compare to other countries Bangladesh freedom rating is-

Country	Freedom status	PR	Civil liberty	Freedom rating
Abkhazia	Partly free	4	5	4.5
Afghanistan	Not free	5	6	5.5
Albania	Partly free	3	3	3.0
Australia	Free	1	1	1.0
Austria	Free	1	1	1.0
Argentina	Free	2	2	2.0
Armenia	Partly free	5	4	4.5
Belgium	Free	1	1	1.0
Bangladesh	Partly free	4	4	4.0

Source: Freedom House (2018)

Controlled media

Media is called the fourth organ of the government. It can act as the watchdog of government functions. Media can investigate and oversight the irregularities of government functions. The role of media in democratic governance has been recognized since the late 17th century and remains a fundamental principle of modern day democratic theory and practice. It plays a pivotal role in shaping a sound democracy. A truly democratic society requires citizen participation. If they do their jobs well the media keep citizens engaged in the business of governance and prompt them to take action. As a tool for information dissemination the media aid the public in making informed choices such as whom to vote for and which policy should be endorsed and which opposed.

In Bangladesh media’s role is very controversial. In 1975 under the fourth amendment of constitution, government curtailed the liberty of media and stopped all media except four newspapers. When Awami league government came back in power they established the freedom of media and press but after 2013 freedom of press is declining. Freedom House (2016, 2017) shows that in Bangladesh the trend of freedom of speech is declining.

Freedom in different sector	2016	2017
Press freedom	64/100	62/100
Legal environment	18/30	19/30
Political environment	27/30	27/30
Economic environment	16/30	16/30

The media can promote democracy by educating voters, protecting human rights, promoting tolerance among various social groups and ensuring that governments are transparent and accountable. But in due to some restrictions provided by the government media cannot play the proper role to make transparent the government functions. Government introduced the digital security act in 2018. Most of the media takes it as a serious concern for freedom of press and media. According to article 43 of digital security act, police can arrest anyone if they believe he or she has been committed an offence. Amnesty International's South Asia Campaigners, Saad Hammadi states "this law imposes dangerous restrictions on freedom of expression. Instead of learning from the lessons of the past, it seeks to repeat them. Given how the authorities have arbitrarily arrested hundreds of people in the past six years under the Information and Communication Technology Act, there are serious concerns that the new act will be used against people who speaks out. (Amnesty international, 2018)

Each year 'Reporters Without Borders' published world press freedom index and it is showing that press freedom in Bangladesh is problematic. The index ranges from 0-110, where 0 indicates the top rating (e.g. no hindrances in freedom of press) and 110 is the worst rating. Countries having scores above 20, indicates the problem of press freedom. The rating scores is showing that average score of Bangladesh is above 40 and it is implying that freedom of presses in problematic here.

Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011-12	2013
Rank	118	143	151	151	137	134	136	121	126	129	144
Score	43.75	46.50	62.50	61.25	48.00	53.71	42.70	37.33	42.50	57.00	42.01

Source: Reporters Without Borders, World Press Freedom Index, Various years, <http://rsf.org/en/world-press-freedom-index-20112012>

Censorship of internet-based content has become increasingly common in Bangladesh, with periodic blocking of YouTube, Facebook, other social-media and messaging applications, and high-profile Bengali blogs in recent years. Before 2015 the freedom of press status was partly free but due to chaotic situation in November 2015, the government temporarily blocked the social-media platforms Facebook, Viber, and WhatsApp, allegedly to maintain public order at the time of the controversial sentencing of opposition leaders for war crimes murders of bloggers and online activists. Even during the national parliamentary election of 2018, government stopped the internet connection for three days.

Civil liberties

It comprises of freedom of expression, freedom of choice and freedom of action. In the case of Bangladesh, freedom house scores in civil liberties shows that the average score is 4 out of 10, where 10 indicates no obstacles in civil liberties. Even in the case of political rights the average score of Bangladesh is 3 out of 10. It implies that the political rights is not ensuring here.

Year	Political rights	Civil liberties
1991	2	3
1992	2	3
1993	2	4
1994	2	4
1995	3	4
1996	2	4
1997	2	4
1998	2	4
1999	3	4
2000	3	4
2001	3	4
2002	4	4
2003	4	4
2004	4	4
2005	4	4
2006	4	4
2007	5	4
2008	4	4
2009	3	4
2010	3	4
2011	3	4
2012	3	4
2013	3	4

Source: Freedom House, Freedom in the World, Various Years adopted from Riaz. A. 2015. The Nature and Quality of Democracy in Bangladesh (1991-2013): An Assessment.

Absence of strong civil society

In absence of strong political party, civil society can play the role of opposition party. A strong civil society may oversight the functions of government. For an example, Center for Policy Dialogue (CPD), SUJON (Citizen for good governance/ Sushashoner Jonno Nagorik

and Transparency International of Bangladesh (TIB) are playing pivotal role to make the government transparent. On October 25, Transparency International of Bangladesh has published a report on the participation of Member of Parliament in question-answer session and discussion on important notice and mentioned only six percent of 388 working hours were spent on policy formulation and passage of the 30 laws. It also condemned the role of opposition party for their failure of playing proper role as opposition party. They also argue that the opposition party in parliament is working as B team of government. The parliament criticizes the report of TIB and member of parliaments urge to suspend the registration of TIB as a NGO. (The Daily Star, 2015).

Rule of law Scenario

According to the constitution of Bangladesh the state shall endeavor to ensure equality of opportunity to all citizens. The state shall adopt effective measures to remove social and economic inequality between man and woman and to ensure the equitable distribution of wealth among citizens, and of opportunities in order to attain a uniform level of economic development throughout the republic (article -19). Judiciary is responsible for establishing justice but they can't play their rule due to the interference of executive branch. In the case of Bangladesh, excessive powers have been vested in the hands of executive branch (Rahman, 2008).

Confrontational politics

Political conflict is very common feature in Bangladesh politics. Even, internal party conflict also affects the democracy in Bangladesh. Jahan (2014) shows leadership selection, candidate nomination, policy setting, social diversity of leadership, transparency and accountability of party towards election funding and intra party violence is the trigger of political conflict. Basically, political confrontation has been started since the killing of Bangabandhu Sheikh Mujibur Rahman in 1975 and till now it is obstructing the peaceful political movement.

Absence of strong opposition in parliament

Hasanuzzaman (1998) explained that the most important characteristics of democratic system are the existence of opposition both as alternative government and as critic of the party in power. He also argues that opposition assumes an important role in parliamentary democracy along with its formal functions inside the legislature to constantly monitor the Treasury. The absence of ineffectiveness of an opposition thus allows the executive power to become authoritarian. In first parliament ruling party won 293 seats and opposition party was very inactive from the very beginning. In fourth election, ninth election, 10th election and 11th election ruling party got two third majorities in parliament. Even in 10th parliament and 11th parliament some party leaders of different parties compete in election with the same symbol of ruling party. At the same time the opposition party participates in cabinet system and plays the role as opposition party. It is very contradictory with the principle of democracy.

Ineffective parliament

Parliament is the most important organ of the state. In a parliamentary form of government, cabinet body is responsible to the legislature. Cabinet body is found uncontrolled when the legislature become ineffective. Parliaments in post-independence countries that struggle to assert supremacy over the executive are constrained by power, resources and a lack of independence. This weakness is further intensified due to lack of democratic culture and values.; a consensual politics between the treasury and opposition benches and proper use of the existing accountability mechanism- both horizontal and vertical under the constitutional and legal system (Jahan, R 2015). Bangladesh is no more exceptional. In Bangladesh, as ruling party won the two third majorities in parliament such as; first parliament, fourth parliament, ninth, tenth and eleventh parliament, ruling party controlled the legislature. Opposition party was very weak in nature.

All of the members of parliament have equal right to participate in the legislative and oversight duties of parliament (Lindley, 1991). Article 76 of the constitution of Bangladesh discusses the provision of parliamentary committee system. Bangladesh held its first parliamentary election in 1973 and framed its ROP in 1974 (Ahmed, 1998). According to the article 76 of Bangladesh constitution, parliaments can form the following standing committees:

- A public accounts committee
- Committee of privileges
- Such other standing committees as the rules of procedure of parliament.

Standing committees at Bangladesh parliament are following:

Name of committees	First	Second	Third	Fourth	Fifth	Seventh	Eights	Ninth	Tenth
Ministerial committees	-	36	-	35	35	35	35	39	39
Finance and audit committees	3	3	-	3	3	3	3	3	3
Other standing committees	8	8	4	8	8	8	8	8	8
Special or select committees	3	4	2	2	7	2	-	3	-
Total	14	51	6	48	53	48	48	53	50

Source: Adopted from Nizam Ahmed (2002) and the Bangladesh Parliament Secretariat. Retrieved from Obaidullah (2019).

The data shows that Bangladesh has the familiarity in committee system since the beginning of first parliament. Though, each parliament; some committees are absent. Moreover, the

number of committee was insufficient to deal with the pressure of oversight functions. Ahmed (2001) shows that parliamentary committee system in Bangladesh failed to perform as a watchdog properly; though, committee system works as a training ground for the parliamentary members to make them familiar and efficient in parliamentary procedure. The data also shows that the present parliamentary committees comparatively vibrant and active than the past.

Loyal election commission

The super intence, direction and control of the preparation of the elections to the office or president and to parliament and the conduct of such elections shall vest in the election commission (Bangladesh Constitution, 1972). The major task of election commission is a) hold elections to the office of president; b) hold elections to the member of parliaments; c) delimit the constituencies for the purpose of elections to parliament (article-119). During the national parliamentary election in 1988 and 2014, major opposition party boycotted the election on the demand of restructuring election commission.

Impediments for consolidating democracy in Bangladesh

From the very beginning, Bangladesh is struggling for consolidating democracy. Democracy thwarted by different factors such as low political culture, confrontation of politics and military intervention in different times. Obaidullah (2019) discusses that the most fundamental challenge was successfully holding free, fair and participatory election under nonpartisan election commission. He also finds some impediments for establishing democracy such as:

- Lack of continuity in constitutional rule
- Lack of enforcement of the rule of law
- Absence of good governance
- Lack of resources to make parliament independent from the executive
- Unwillingness of the chief executive to be accountable to the legislature
- Weak political opposition
- Article 70, which includes that ruling party member, cannot cast their vote against their own party.
- Lack of assertion from parliament to hold the powerful executive to account
- Overdeveloped bureaucracy
- Party centered politics
- Problems in local government (Obaidullah, 2008)

Bangladesh started its journey through parliamentary form of government. Despite of some impediments still now Bangladesh has great opportunity to establish human rights and fundamental rights through democratic process. The above problems can be solved through improving norms and values and practicing democratic culture. Tolerance and coherence can improve the quality of democracy. Political institutions can play pivotal role in

establishing democracy. The success of democracy depends on strong political party, sound education system, freedom of speech and media as well as establishing good governance Political morality and norms and values of mass people. Overdeveloped bureaucracy, Party centered politics, Corruption and terrorism should be abolished to restore democracy.

Conclusion

Bangladesh keeps its consistent efforts to meet the criteria of democracy. Though, due to lack of institutionalization of political organization, it experienced more than 15 years of military rule. Moreover, national parliamentary elections are holding after a certain period and sometimes election becomes participatory but major opposition parties denied the result of election. In the parliamentary election in 2018 incumbent party use the state machinery to subjugate the opposition virtually ensures the rolling parties electoral victory (The Daily Star, 2018). Most of the international election observers do not recognize the election of 2018. Even prior to the Election Day government completely shut down the internet connection to control the media and earlier in the day, BTRC had blocked 3G and 4G services for the second time ahead of the polls. Considering the entire issue one can conclude that Bangladesh government need to take a lot of steps to ensure the fundamental rights, civil rights as well as good governance. Developing countries like Bangladesh should direct sincere efforts towards accelerating the following stakes to give democratic governance in institutional shape for protection of the development already achieved as well as to brand the development viable:

- 1) All men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests. Such broad participation is built on freedom of association and speech, as well as capabilities to participate constructively;
- 2) Legal frameworks should be fair and enforced impartially, particularly laws on human rights;
- 3) Transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them;
- 4) Institutions and processes try to serve all stakeholders. Consensus orientation-good governance mediates differing interests to reach a broad consensus on what is in the best interest of the group, and where possible, on policies and procedures;
- 5) All men and women have opportunities to improve or maintain their well-being;
- 6) Processes and institutions produce results that meet needs while making the best use of resources;
- 7) Decision makers in government, the private sector and civil society organizations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organization and whether the decision is internal or external to an organization; and

- 8) Leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.

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Political Parties and Democratic Consolidation in Bangladesh

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Abstract: A stable political system and the democratic government may not be possible in the absence of political party. Political party is one of the key factors of democratization process. In Bangladesh, parties have both positive and negative roles in democratic consolidation. In fact, political parties have the image of the paradoxical role in Bangladesh. The main objective of the article is to analyze the role of political parties in democratic consolidation in Bangladesh. The study is based on secondary data, i.e. books, journals, newspapers and magazines etc. This study found that the major political parties of Bangladesh partly failed to reach an agreement of arranging credible election, transferring power and institutionalizing democratic institution. Moreover, these parties also failed to institutionalize democracy within the party.

Keywords: Political Party, Democratic Consolidation, Bangladesh Institutionalizing.

Introduction

Modern democratic system mostly depends on the activities of political parties. Political parties are considered one of the central components to the proper functioning of representative democracy (Jahan, 2014). Moreover, strong Political Parties are essential for sustaining democracy. 'The political parties created democracy and modern democracy is unthinkable save in terms of the political parties' (Schattschneider, 1942: 1). To a certain extent, it is impossible to run a democratic government without the help of political parties as they have quite a lot of important functions to the government. In addition, a strong political party can make positive contributions to the nationalist and democratic movements. On the other hand, a weak political party fails to strengthen democratic practices within party, constrains consolidation of democracy (Jahan, 2014a). In Bangladesh, political parties played a significant role in the liberation war as well as in many other democratic movements. Nevertheless, political parties in Bangladesh have miserably failed to establish democratic practices within the party system. That has negative impact on democratization process in the long run. the role of political parties in democratic consolidation. The qualitative method is used to explain the role of the political party in democratic consolidation.

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Conceptual Framework of Democratic Consolidation

Democracy has its roots in ancient Greece. The word comes from Greek demos (the people) and Kratos (rule). Most of the scholars agree on lexical meaning of democracy “the rule of the people”. Influential for modern politics (with regard to a frequent referencing) is the “Gettysburg Address” of the U.S. president Abraham Lincoln, who coined democracy as a “government of the people, by the people and for the people”. But there is some complexity on the practical meaning of ‘rule’ and lack of consensus on the practical meaning of democracy. Therefore, the debate about democracy has been going on for centuries and the debate is constantly developing new understandings, which can be placed into a continuum that ranges from maximalist to minimalist approaches.

The minimalist democratic scholars such as Adam Przeworski, Joseph Schumpeter, Karl Popper, William Riker, and Russel Hardin focus on the electoral system and they didn’t set any condition for democratic outcomes. According to Przeworski (1999), democracy is “a system in which parties lose elections”. He argues that the essential value of democracy is in the peaceful transfer of power through regular elections. Schumpeter (1950) defines democracy as a method of transferring decision making power to individuals who have gained power through a competitive struggle. Huntington like Schumpeter also emphasizes on competitive elections for effective power as the essence of democracy. Popper (1963) argues that democracies are a system wherein one administration can be replaced by another without bloodshed, which to him indicates elections.

On the other hand, maximalist theorists of democracy argue that without effective guarantees of civil liberties, elections do not constitute democracy, and that a “procedural minimum” for defining democracy must include not only elections but reasonably broad guarantees of basic civil rights such as freedom of speech, association and assembly. Therefore, maximalist scholars of democracy have identified further characteristics to meaningfully constitute a democracy. Among them, Robert Dahl (1971) mentions three essential conditions for well-functioning multiparty democracy such as a) extensive competition by political candidates and their groups or parties; b) political participation that provides the choice for the electorate to select candidates in free and fair elections; and, c) civil and political liberties that enable citizens to express themselves without fear of punishment. Larry Diamond (1995:11) defines that democracy is “not only a civilian, constitutional, multiparty regime, with regular, free and fair elections and universal suffrage, but organizational and informational pluralism; extensive civil liberties (freedom of expression, freedom of the press, freedom to form and join organizations); effective power for elected officials; and functional autonomy for legislative, executive and judicial organs of government”.

Despite the differences in how democracy is defined, there are two basic assumptions of democracy, namely, that all people are equal (equality) and that all people are free (liberty). In addition, certain minimum conditions must be met in order for a system to be labeled

democratic i.e. respect for human rights and the rule of law; collective deliberation, choice and participation; representative and accountable government. Democracy emphasizes that values should not be forced upon any people, and stipulates liberty, the separation of power, majority rule, and the sovereignty of the people. Democracy gives primacy to the political and moral values of equality, reciprocity, and respect for the views of others.

Nowadays democracy is treated as the most acceptable way of governance. Regarding democratic values, Peters (1981: 38) says, ‘‘Democracy is a way of life in which high value is placed on the development of reason and principles such as freedom, truth-telling, impartiality, and respect for persons, which the use of reason in social life presupposes’’.

There is no single definition of political parties. A political party can be defined as an organized and presumably durable association, either of individuals or of distinguishable groups of individuals, which endeavours to place its members in governmental offices for the purpose of bringing about the adoption of favoured political policies or programmes. MacIver defines the political party as an ‘‘association in support of some principle or policy which by constitutional means it endeavours to make the determinant of government’’ (MacIver, 2013: 396). Huckshorn (1984) says that a political party is an autonomous group of citizens having the purpose of making nominations and contesting elections in the hope of gaining control over governmental power through the capture of public offices and the organization of government. Downs (1957) says party is ‘‘a team seeking to control the governing apparatus by gaining office in a duly constituted election’’. Schlesinger (1991) defines that a political party as a group organized to gain control of the government in the name of the group by winning election to public office. Aldrich (1995) says that political parties can be seen as coalitions of elites to capture and use political office, but it is more than that. It is an institutionalized coalition, one that has adopted rules, norms and procedures. Leacock says ‘‘By a political party we mean, more or less organized group of citizens who act together as a political unit. They share or profess to share the same options on public questions and by exercising their voting power towards a common end, seek to obtain control of the government (Leacock, 1921: 311).’’ According to Gilchrist (1921:327) ‘‘A political party may be defined as an organized group of citizens who profess to share the same political views and who, by acting as a political unit try to control the government.’’ Andrew Heywood (2002:222) says, ‘‘a political party is a group of people that is organised for the purpose of winning government power, by electoral or other means’’. Parties are often confused with interest groups or social movements. Political parties may seek political power through elections or revolutions.

According to article 152 of the Constitution of Bangladesh, political party ‘‘includes a group or combination of persons who operate within or outside Parliament under a distinctive name and who hold themselves out for the purpose of propagating a political opinion or engaging in any other political activity’’. Additionally, according to political parties’ ordinance 1978, ‘‘political party’’ includes a group or combination of persons

who operate under a distinctive name and who hold themselves out for the purpose of propagating any political opinion or engaging in any other political activity”.

Political parties have essential functions including aggregating citizen’s interests, forming a government, developing and promoting policy position and programmes, and grooming and selecting political leadership (Carothers, 2006). The major role of political parties are interest aggregation and articulation, political recruitment and socialization, representation and mobilization, facilitating accountability of government, connecting citizens with the government, parties can create political legitimacy for regimes, conciliate and manage conflict among competing groups, facilitating national integration, and promoting political stability. In recent years, academics and practitioners of democracy-building projects have heightened the role of political parties in promoting and consolidating democracy (Jahan 2014).

Scholars have different views of democratic consolidation. Schmitter defines the minimalist conception of a consolidated democratic regime as “the process of transforming the accidental arrangements, prudential norms, and contingent solution that has emerged during the transition into relations of cooperation and competition that is reliably known, regularly practised, and voluntarily accepted by those persons or collectives that participate in democratic governance”(Schmitter, 1992:424).

Linz (1990:158) considered consolidated democracy as one in which “none of the major political actors, parties, or organized interests, forces, or institutions consider (s) that there is an alternative to the democratic process to gain power and that no political institutions or groups have a claim to veto the action of democratically elected decision makers. To put it simply democracy must be seen as ‘the only game in town’.” Democratic consolidation is about regime maintenance and about the key political institutions as the only legitimate framework for political contestation and adherence to the democratic rules of the game (Akubu and Yakubu, 2014).

The Building of a consolidated democracy involves in part an affirmation and strengthening of certain institutions, such as the electoral system, revitalized or newly created parties, judicial independence and respect for human rights, which were created or recreated during the course of the first transition (Valenzuela, 1990:4).

According to Diamond, democratic consolidation means the quality, depth, and authenticity of democracy in its various dimensions: “political competition becomes fairer, freer, more vigorous and executive; participation and representation broader, more autonomous, and inclusive; civil liberties more comprehensively and rigorously protected; accountability more systematic and transparent” (Diamond, 1995:171). Democracy can be consolidated when it can avoid democratic breakdown and erosion by ‘eliminating, neutralizing, or converting disloyal players’(Schedler, 1998).

On the other hand, Diamond (1996:7) argues, “Democratic consolidation is obstructed

by or destroyed causally by the effects of institutional shallowness and Decay. If they are to become consolidated, therefore, electoral democracies must become deeper and more liberal. This will require greater executive (and military) accountability to both the law and the scrutiny of other branches of government, as well as the public, the reduction of barriers to political participation and mobilization by marginalized groups; and more effective protection for the political and civil right of all citizens.”

However, an influential and widely used definition suggests that consolidated democracy refers to ‘a political regime in which democracy as a complex system of institutions, rules and patterned incentives and disincentives has become, in a phrase “the only game in town”, behaviorally, attitudinally and constitutionally’ (Linz and Stepan,1997:20). ‘Behaviorally’ means that no significant actor’s attempt to use non-democratic means to obtain their goal; ‘attitudinally’ implies that democratic procedures and institutions are considered by the vast majority to be the preferred way of organizing politics, and ‘constitutionally’ signifies that actors – governmental as well as non-governmental, are subject to the laws and institutions of the democratic process (Linz and Stepan, 1997:6).

Political Party and Democratic Consolidation

Political parties are the gatekeepers and the political barometer for measuring the degree and effectiveness of the practice of democracy. Political parties, the heart of democracy, are one of the key factors of a stable political system in a country.

Philippe Schmitter says that three generic types of intermediaries - the political parties, the interest associations and the social movements, play a significant role in the consolidation of new democracies. But political parties remain dominant in structuring the electoral process, governing and perhaps even in the ‘symbolic integration’ of citizens into the democratic process (Schmitter, 2001). Thomas Carothers argues that efficacious democratic parties do not necessarily emerge out of repeated election unless there are other factors present such a mobilize mass public, civic organization, funds and access to state resources (Carothers, 2006). Larry Diamond, Juan Linz and Seymour Martin Lipset (1989) argue that consolidation of democracy depends on at least one party developing their overall institutional strength (coherence, complexity, autonomy and adaptability). Larry Diamond and Marc Plattner emphasize on minority rights and representation (Diamond and Plattner, 1994). On the other hand, Donald Horowitz (2007) emphasizes the importance of well-designed federalism.

In Crotty’s view, “Democratic government is unlikely and may not be possible in the absence of competitive political parties... Orderly government, much less a democratic polity, cannot exist without some form of stabilized party representation” (Crotty, 1993), and more recently Seymour Martin Lipset speaks of “(t)he indispensability of political parties” (Lipset, 2000). An interest in the role of political parties is of course not only due to the transition to multi-party democracies but reflects a change in approach in political

science more generally. Under various headings, political scientists have taken a renewed interest in the study of formal political institutions, including political parties (Peters, 1999). Certainly, there is a widespread assumption that parties play or can play a crucial role in democratic consolidation.

Without Political Parties, democracy will never be established and at the same time, Political Parties should have the capacity to represent citizens and the ability to govern for the public good (Norris, 2005). Political Parties perform many functions like ensuring a free, fair and credible election, facilitating the parliamentary government, formulating public policies, promoting public opinion, providing political stability etc. (Pakbir, 2018). Generally, a Political Party seeks to influence government policy and for the purpose of winning government power, by nominating their candidates in electoral and other means. Among the stakeholders, political parties are required to perform an important part as they deploy the candidates for the people to vote and also make sure the government carries out their duties as expected to uphold people's rights.

Role of Political Parties in consolidating democracy in Bangladesh

In Bangladesh, political parties have the image of paradoxical roles. Political parties have a positive image for their contribution to the nationalist movement, and in restoring democracy in the 1990s. On the other hand, the parties failed to strengthen democratic practices within their own parties as well as in the state mechanism. Role of political parties in Bangladesh is puzzling and run counter to the theories of political development. Jahan (2014) explains these paradoxical roles of political parties in Bangladesh which are discussed below.

First, based on empirical evidence of western liberal democracies, theories of party development say that a two-party system would result into political stability. But in Bangladesh, two-party system has created political confrontation and instability.

Second, it is supposed that regular free and fair elections and the rotation of power between parties would institutionalize electoral democracy over time. But in Bangladesh, the two main parties, Awami League and Bangladesh Nationalist Party (BNP), could never reach into an agreement on basic rules of organizing credible elections acceptable to both sides.

Third, according to institutionalist theorists, spread of party organization and partisan identity contribute to greater institutionalization of parties. In Bangladesh, the parties exhibit significant organizational weaknesses and factional contestations and conflicts to grab public resources. This has contributed to a high level of intra-party violence.

Finally, the theory of political development suggests that organization of regular election and transfer of power between parties through election will eliminate the need for agitational politics to overthrow regimes. In Bangladesh, agitational politics demanding the overthrow of an elected government has become an integral part of the opposition

party's election campaign. In light of the functions of political parties, the roles of political parties in promoting and consolidating democracy are discussed as follows:

Movements by Political Parties are the key instruments for establishing/promoting democracy. In 1986, 1988, 1996, and 2008 political parties led by AL and BNP, successfully formed a vibrant movement for conducting credible elections for establishing a democratic government. Other programmes like the indefinite boycott of Parliament by the opposition, strikes, street demonstrations, marches have continued until the acting party government had resigned and formulated the Non-party Caretaker Government (NPCG) system to arrange the general election. For instance, during 11th parliamentary election, the BNP-led alliance began street movement demanding for the restoration of the NPCG system and refused to participate in any election under the incumbent AL-led government.

In 1966, the AL placed the six-point demand which raised the voice of the people of East Pakistan. The first point this six-point programme focused on establishing the people's rights by formulating a parliamentary form of government through direct election. It was a clear reflection of AL's and its leader Bangabandhu Sheikh Mujibur Rahman's commitment to establishing democracy. Actually, the six-point programme was the main charter behind the emergence of Bangladesh as an independent democratic state. So, the political party (AL) played a significant role in promoting democracy. After independence of Bangladesh in 1971, AL introduced the parliamentary democracy in Bangladesh through an election in 1973 with the participation of fourteen political parties. Representation of multi-party in the election process is one of the indicators which demonstrate the presence of democracy in a country. Among the eleven parliamentary elections, four elections (1973, 1996 (February), 2014, 2018) were held under the political government led by a political party and three elections (1979, 1986, 1988) were held under military and quasi-military government that also led by a political party.

However, BNP, one of the major political parties, did not participate in parliamentary election in 1986 for the election was held under the military ruler. This is the first time BNP demanded the end of the military rule though 27 political parties participated in this election. Furthermore, the fourth parliamentary election held in 1988 under Ershad's quasi-military rule was boycotted by all major parties several major political parties except just seven miniscule parties. The reason for boycotting election was the absence of a congenial environment necessary for holding a free and fair election. In fact, it was almost certain that the military and quasi-military governments would have never created an impartial environment to arrange a free and fair parliamentary election. In addition, the

¹ Bangladesh Awami League, the Bangladesh Nationalist Party, the Communist Party of Bangladesh, Jamaat-e-Islami Bangladesh, the Bangladesh Krishak Sramik Awami League, the National Awami Party (Muzaffar) and the Workers Party of Bangladesh.

Sixth parliamentary election was also boycotted by all the parties worthy of its name because the AL-led opposition political parties were pressing hard to achieve their demand for election under an NPCG. On the other hand, BNP did not participate in the 10th parliamentary election because the election was arranged by a party government. However, BNP has demanded an NPCG for holding a free, fair, and credible election. After analyzing the trend of participation of political parties in the national elections, it can be said that no political party believe that free, fair and credible elections can never be held keeping a party-government in power.

Table 1: Elections boycotted by Major Political Parties

Election	Number of Party participated in the Election	Boycotted by Major parties
3rd Parliamentary Election (1986)	28	BNP
4th Parliamentary Election (1988)	8	AL, BNP, BJI, CPB and other major parties
6th Parliamentary Election (1996)	41	Almost all major parties
10th Parliamentary Election (2014)	12	BNP led 20 Party Alliance, Left Alliance

Source: Prepared by the researcher

For ensuring transparency, the ruling party enacted the ‘The Right to Information Act 2009’, ‘Whistleblower Protection Act 2011’, and ‘The Money Laundering Prevention Act’, etc. Moreover, UNCAC implementation plan was adopted by the ruling party. In contrast, BNP amended their party constitution by deleting the Section 7 that stated people who are convicted under the President’s Order No. 8, bankrupt, mentally disturbed, and infamous for graft and crimes are not eligible to become a member of the party because it was a threat to Khaleda Zia’s political career (Chowdhury, 2018) once she was convicted by the court of law notwithstanding BNP’s suggestion that Khadedda was the victim of Sheikh Hasina and Awami League’s political vengeance.

Political Parties are supposed to submit their financial audit report (audited by a registered CA firm) to the EC by July 31 of every fiscal year (TIB, 2014). However, a report of Transparency International Bangladesh showed that the income and expenditure records are not properly maintained by the Political Parties (TIB, 2009). Actually, parties did not audit their accounts externally though most of the Parties submitted electoral accounting reports to the EC after the 2008 election. In this regard, Election Commission launched

investigations and took action only in a few cases.

Furthermore, every candidate of election should submit income, assets and liabilities, voluntary contribution and its sources, received from any Political Party, organisation or association, and a copy of the income-tax to the Returning Officer 896. Article 44(CCC) of the Representation of the Peoples Order (amendment) 2009 also states that expenditure of election and its sources has to submit to the Election Commission within ninety days of the election. However, the Election Commission has not taken effective measure in ensuring the accountability and financial oversight of individual candidates and the political parties. In addition, Political Parties are not willing to follow and practice democratic norms and particularly financial discipline. As of August 2012, the Election Commission received 21 out of 38 audit reports from the registered Political Parties in due time. The Election Commission has so far not penalized any Political Party or candidate for breaching the regulations (Global Integrity Report, 2010).

The system of public funding for Political Parties is absence. The Representation of the People Order (RPO) 2009 stated that the Political Parties can receive donations through cheques from any person, company, group of companies or non-government organization but receiving a grant, fund, donation or gift from any foreign individual or organization is prohibited. Election Commission has limited the amount of donations in a year. For instance, Political Parties in a year can receive not more than Tk 0.5 million (equivalent to US\$ 7,143) or services and Tk 2.5 million (US\$ 35,714) or services from individual and company respectively. However, no punitive measure is mentioned if the above provisions are violated (TIB, 2009). According to The Political Parties Ordinance 1978, all funds of a Political Party must be maintained and operated through a scheduled bank. Studies reveal that Political Parties did not receive donations through the party's bank accounts, as required by law. Instead, the parties receive the donations through the accounts of the Party leader(s). Besides, EC has no mechanism to monitor the financial flow of the Parties. In fact, voluntary donations from wealthy individuals and businesses organizations for parties are a common practice in Bangladesh. The parties seldom submit any financial report to the EC.

None of the parties has met the RPO guideline of having 33 percent of women in all its committees (Jahan, 2018). The AL has a better record than others. In the top decision-making bodies of the parties, the AL has 25 percent women's representation. AL also has a better record in nominating and getting women elected as MPs from the general seats. However, nearly half of these directly elected MPs are 'proxy' women, inheriting seats from their fathers or husbands. Representation of women in the sub-national level committees is low in all the parties. The representation of religious minorities in the top decision-making bodies of parties is poor in all the parties (Jahan, 2018). Businessmen dominate the top decision-making bodies, particularly in the AL, BNP and the JP.

Role of Political Party in impeding democracy in Bangladesh

In early 1975, AL moved towards a one party system which effectively destroyed the values of democracy. The party was named *Bangladesh Krishak Shramik Awami League* (BAKSAL). All political parties, including the AL, were dissolved and their members were asked to join the BAKSAL. It is widely recognised that a democratic country should have the following characteristics: ‘---the opportunity to organise and participate fully in the political, economic, and cultural life of society. --- Citizens in a democracy have not only rights but also the responsibility to participate in political systems that, in turn, protect their rights and freedoms’ (Kleain, 2011). So, One Party System not only abolishes the country’s political system but also breaches citizen’s right.

Bangladesh has long been ruled by military dictators, namely, General Ziaur Rahman (1975-1981), Hussein Muhammad Ershad Ershad (1982-1990). Although both military dictators founded the political party by using state machinery, most notably the intelligence agencies for increasing the political support to legitimize their activities (Jahan, 2018), in reality, the formation process of the political party followed the top down approach rather than a bottom-up approach where people’s demand was not reflected. According to Jahan (2018), ‘Break away groups from existing parties as well as some retired civil-military bureaucrats and technocrats joined their parties’. Nevertheless, army-backed political parties conducted three parliamentary elections (in 1979, 1986, and 1988) with the participation of various political parties. These elections were widely perceived as manipulated and rigged (Jahan, 2018). Again, the political opposition had to function within strict limits which was a clear violation of democratic values. Though the participation of political parties in the national election was designed to make a transition toward democracy, the elections were widely perceived as being engineered by the ruling regime where the opposition parties operated under strict control and elections were held when the country was under Martial Law (Jahan, 2018). The sixth parliamentary election in 1996 under BNP, and 10th Parliamentary election in 2014 and 11th Parliamentary election in 2018 under AL government were widely manipulated and rigged. In fact, democratic values will never be upheld if the parliamentary election were conducted under the military regime or party government.

It has already been mentioned that major political parties had boycotted the parliamentary elections in 1986 (BNP), 1988 (AL, BNP), 1996 (AL), and 2014 (BNP) respectively as these boycotting parties were demanding an election-time NPCG. Surprisingly, political parties, especially AL and BNP, had changed their positions for capturing the state power. For instance, BNP boycotted the 1986 and 1988 and the 2014 elections to force their demand for an NPCG but the BNP herself did not want to arrange an election under NPCG while they were in power in 1996. Moreover, in 2006, the then BNP government allegedly attempted to manipulate the NPCG system by appointing “partisan” person as chief election commissioner. Accordingly, in 1996 AL started a campaign to institutionalize an NPCG

system to organize future parliamentary elections. The AL succeeded in forcing the BNP to accept the NPCG system which was institutionalized through the 13th amendment of the constitution in the parliament formed through the sixth parliament election which was boycotted by almost all parties led by the AL. However, the NPCG system under which three elections were organized in 1996, 2001 and 2008, was abolished in June 2011 by the 15th amendment of the constitution by the AL government. The amendment followed a Supreme Court judgment which declared the NPCG system as unconstitutional.

In Bangladesh, there is no law to regulate the internal democratic decision making of Political Parties in Bangladesh (TIB, 2014). However, ensuring intra-party democracy is a major concern for establishing a democratic form of government. RPO mentioned preconditions to registered political parties for ensuring intra-party democracy. According to RPO (Section 90B), a Political Party, desiring to be registered with the Commission, should have specific provisions in its constitution such as: to elect the members of the committees at all levels including members of the central committee; “to fix the goal of reserving at least 33% of all committee positions for women including the central committee and successively achieving this goal by the year 2020; to prohibit formation of any organization or body as its affiliated or associated body consisting of the teachers or students of any educational institution or the employees or labourers of any financial, commercial or industrial institution or establishment or the members of any other profession; to finalize nomination of candidate by central parliamentary board of the party in consideration of panels prepared by members of the Ward, Union, Thana, Upazila or District committee, as the case may be, of concerned constituency” (GoB, 2009). Furthermore, Jahan (2018) identified six criteria to assess the intra-party democracy of political parties. The six criteria are: leadership selection, candidate nomination, policy-setting, representation of social diversity, campaign and party funding and party induced violence.

The constitution stipulates that the leadership positions should be elected in the council meetings of all major political parties such as the AL, BNP, JI, and JP. According to the AL party constitution (Bangladesh Awami League, 2019), the council shall consist of a fixed number of councilors, elected by the District units of Awami League and different Metropolitan City units of Awami League at an interval of three years. Though the Awami League had made Hasina its president in the 1981 National Council and since then she has been heading the party (BDnews24, 2019). AL is followed her leadership around 40 years. In case of the BNP, the election of its chief is supposed to be done through National Council (BNP, 2019). In reality, since 1983 Begum Khaleda Zia has remained the head of the BNP (Khan, 2017). JP was established in 1986. From then Hussein Muhammad Ershad remained its president for more than 30 years till his death in his 90s. According to JI, Ammer-e-Jamaat is supposed to be elected in the National Council and he will be elected with the secret ballots of the members in the national council. The duration of the National Council will be for three years (BJI, 2017). Actually, two persons had held the

position of president/Ameer of the JI for long time. From 1969 to 2000 and from 2000 to 2016, Ghulam Azam and Nizamee held the position of president/Ameer of the Jamaat respectively (Khan, 2017).

It is observed that major political parties did not practice intra-party democracy (Khan, 2017; Jahan, 2018). Furthermore, Councilors delegate their power to their respective party chiefs to select members of all other bodies. In addition, there has been no challenge to Hasina, Khaleda and Ershad for leadership positions in their respective parties. They have always been elected unopposed and given the authority by party councils to select other office bearers. However, in all the parties, there have been changes in the position of the party's general secretary. There were rival candidates and factions supporting different candidates for the party's number two position. But the fate of these candidates was not decided by votes in party councils. Rather, candidates preferred by the party president/ chairman are finally selected.

According to AL party constitution (Bangladesh Awami League, 2019), councilors of the District units of Awami League and different Metropolitan City units of Awami League are supposed to be elected but if any District or Metropolitan City Awami League for any reason fails to hold an election within the fixed dates, fixed by the Bangladesh Awami League Executive Committee, Central Executive Committee then nominates a specified number of councilors. All power goes to the executive committee. In that case, there is no scope to establish an intra-party democracy. In reality, the direct or indirect election system is totally absent in the formation of the local level committee which is formed by the decision of the central level committee.

According to the party constitution of BNP, local level committees (union/ward executive committee, municipality executive committee, Upazila executive committee etc.) will be formed through the election. The tenure of these local committees will be two years. In addition, local level committee of JI (BJI, 2007) is stipulated to be formed through election as AL and BNP. Like AL, BNP and JI did not conduct an election for the formation of the local level committee.

Of the four major political parties (AL, BNP, JI, JP), the AL and the JI made some efforts to follow the Representation of the People's Order (RPO) guidelines during the 2008 parliamentary elections to get the grassroots committees of the parties to prepare a panel of nominees for each constituency (Jahan, 2018). In the AL in most cases, the recommended nominees of grassroots committees prevailed. However, in some cases, the AL ignored the panel nominated by the grassroots committees. The BNP, on the other hand, made no effort to get nominations from grassroots committees. Instead, seven special teams were formed under the leadership of the National Standing Committee (NSC) of the party to collect information from the grassroots and prepare a list of potential candidates before the 2008 parliamentary elections.

Conclusion

In Bangladesh, both the ruling as well as opposition political parties played a crucial role in arranging election which is crucial for democratic system of government. In some cases, at the election time, political parties were united for making their movement stronger against the ruling party. Boycotting the elections by political parties can be considered another indicator of establishing democracy. The BNP in 1986, most parties in 1988, and almost all parties in February 1996 and in 2014 boycotted parliamentary elections. In fact, the democratic form of government always expects the participation of all parties. It is already well established that agitation programs such as strikes, street demonstration, marches, press conference, seminar, of political parties are common to ensure a free, fair and credible election. The absolute power of the political parties destroys the democratic values which were evident in the process of formation of BAKSAL. The military governments formed the political parties and ruled the state by using their absolute power. History shows that elections conducted by military and/or quasi-Military governments was manipulated and violated the value of democracy as well. Unfortunately, till now, political parties could not earn the people's trust in conducting free, fair, and credible elections.

It is almost common to all political parties in Bangladesh that they sacrificed themselves for ensuring democracy and capturing state power. They, however, remain completely silent about established democracy within their respective parties. Almost all political parties' local level committees are formed unanimously by the decision of the central committee. Furthermore, there is no competitive process to elect a party leader. For this reason, the leader of major political parties can hold the position for more than 30 years. It can be mentioned that all political parties are committed to eliminate corruption, but the reflection of commitment is mostly found in passing the laws and harassing the opposition party members. Furthermore, political parties seldom do audit their financial transactions internally and externally (professional audit company). The sources of fund of political parties are not monitored by the Election Commission. Actually, there is no monitoring mechanism. In addition, the representation of social diversity is partially observed at the national level committee of political parties. Though theoretically political parties are the gatekeepers for the effectiveness of the practice of democracy, in Bangladesh political parties have mostly failed to consolidate democratic practice within the party and state system as well.

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Electoral Management in South-Asia: An Appraisal

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Abstract: This is a study on electoral management of South Asian countries, mainly emphasis on Bangladesh, India, Pakistan, Nepal and Sri Lanka. The main question of the study is “how does Electoral Management Body (EMB) of South Asian countries perform, despite having a same colonial legacy?” The present study focuses on performances of the EMB of South Asian countries and this article reveals that the defectiveness in the functioning of the Election Commission in most of the South Asian countries. Like many aspects of politics, electoral politics of South Asian countries is more or less the same. It is broadly observed that free and fair elections are indeed rare in South Asian countries.

Keywords: post-colonial politics, democracy, election, electoral management, Bangladesh, India, Pakistan, Nepal and Sri Lanka.

Introduction

Democracy is inconceivable without free and fair election. Free and fair election can be ensured by the truly mature institutional mechanism. But such institutional mechanism of election did not evolve. On that account a workable democratic system could not be achieved. The colonial ruler in order to prolong their rule in colonies introduced their own pattern of electoral mechanism. In the post-colonial states the political elite thereof maintained the same pattern to ensure continuity of their grip of power. Some post-colonial states are democratic, yet claims of irregularities are common during elections. Some leaders of these illiberal democracies are accused of trying to violate the basic principle of democracy by rigging elections (Rahaman, 2014). Some incumbent political parties will not hesitate to manipulate the election results in order to extend their term in office. Therefore, major opposition party participating in an election refuses announced results and they resort to extra-legal mechanism to dispute electoral outcomes. Such mechanism turns in to violence, which hampered political stability and the process of democratization in the post-colonial states.

The modern nation states have adopted or adapted a variety of electoral systems. Each system has some advantages or disadvantages. As modern state shortly after the independence most of the post-colonial states adopted or adapted the ‘Anglo-American Electoral System’ (Rahman,2014:7). This system is popularly known as ‘simple majority system’. According to that system, the winning candidate is the one who gains more vote than any other candidate. However, this ‘Anglo-American Electoral System’ has failed

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failed in the most of post-colonial states. Because, the effects of a particular type of electoral system depend on the socio-political context of a country in which it is practiced. The socio-political context of post-colonial states and the west are not the same (Akther, 2001). That is why; some people propose to change from the 'simple majority system' to 'proportional representation' in post-colonial states (Ali, 1996: 205). It is time to critically review the 'simple majority system' of election. Because, this system of election has failed in many way to fill up popular will in parliament in the post-colonial democracies, like South Asian countries.

Conceptual Clarification of Electoral Management

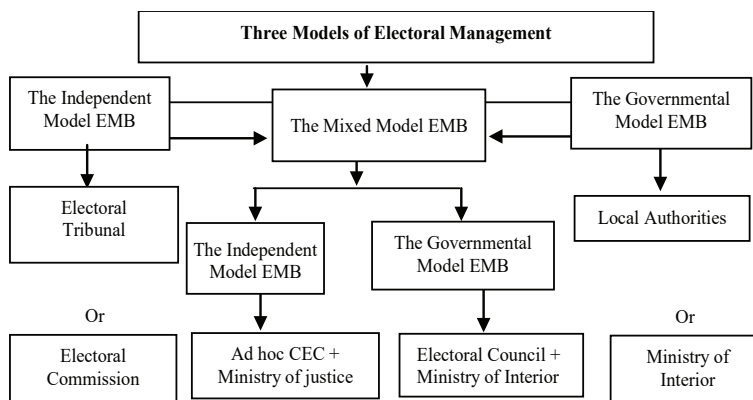
Elections are complex and specialized processes (Rahaman, 2014). This process is managed by a body or bodies with specific electoral management responsibilities. So, specialized skills are necessary for electoral management bodies. Thus electoral management means bringing together the knowledge and expertise relating to electoral activities of EMB, their roles and functions, their organization, financing and management of election administration. It also focuses on the institutional structure of EMB, their administrative infrastructure and their external environment. Electoral management refers to three types of models such as: The Independent Model of Electoral Management, the Government Model of Electoral Management and the Mixed Model of Electoral Management. The Independent Model of Electoral Management exists in those countries where elections are conducted and managed by an EMB which is institutionally independent and autonomous from the executive branch of government, and which has managed its own budget. An Independent Model EMB is not accountable to a government ministry or department. It may be accountable to the legislature, the judiciary, or the head of the state (President). The Governmental Model of Electoral Management exists in those countries where elections are conducted by the executive branch of the government through a ministry, such as the Ministry of the Interior or through local authorities. This EMB operates under the executive branch at national level and is answerable to a Cabinet Minister. The Mixed Model of Electoral Management has dual structures, one is supervisory component EMB that is independent of the executive branch of government (as Independent Model) and the other is an implementation component EMB that is located within a department of state or local government (as Governmental Model of EMB).

The EMBs is not always clearly defined in legislation or correctly interpreted by the constitution. To facilitate the relevance and applicability, each of the three models is flexible enough to focus on what is relevant in a particular country and in a particular electoral management context. Some countries follow Independent Model, some Mixed Model and some Governmental Model of electoral management. Bangladesh and India constitutionally follows the Independent Model of EMB. From the way they are functioning it seems that they follow the Mixed Model. Three models are given in the figure 1 below:

The EMB is responsible for administering elections. It must honestly and impartially implement the procedures specified in the legal framework. This involves dealing

with technical issues and making decisions. In some cases, it must also draft electoral regulations, and it usually develops procedures for voter and candidate registration, voting, and votes counting. To fulfill its primary role of holding free, fair and creditable elections, an EMB must carry out the following tasks. Such as: (1) administer the process in accordance with the law (2) maintain a professional, neutral and transparent administration (3) adopt procedures to protect the integrity of its operations (4) identify and assess integrity risks (5) take corrective action where necessary (6) promote voter awareness of electoral integrity issues. The relationship between component EMBs is not always clearly defined in legislation or correctly interpreted by the stakeholders. The electoral management should be certain that it can ensure legitimacy of the processes for which electoral management is responsible.

Figure 1



Source: This figure has been modified from “Electoral Management Design, An Overview of the International IDEA Handbook,” (2006), IDEA, Stockholm, p. 5.

Legacy of Election in South Asian Countries

The concept of democracy was not totally unknown in ancient India. However, the ancient Indian democracy was different in form and nature as it was direct, but modern democracy is indirect or representative in character. In this respect, some historians believe that “it was India sub-continent which gave mankind the earliest concept of democracy and the necessary institutions for its appropriate expression” (Ali, 1996: 27). Even, the root of democracy was invented first in the ancient India and great republican states also flourished here long before the Greek democracy. Indian indigenous democracy was a “growth from within the realities of collective life. It became imperative and there was no escape from it for any people anywhere. Democracy thus developed like a force of nature itself, compulsive and inescapable. Its onward march even today grips every people in every part of the world”(Ali, 1996: 27). In lieu of flourishing and exercising this indigenous democracy, the British first introduced and developed “western type of democracy” like modern representative democracy in British-India. It is needless to say

that under the changed circumstances, new socio-economic and political realm needs nothing to be imported and borrowed from abroad. The political systems and political institutions evolve out of history, tradition and culture of the society in question and this has to be practiced for its advancement. This is what explains way the western type of democracy and political institutions have failed in their course of functioning. Rather it is a continuity of the same tradition during Pakistani internal colonial rule (Muniruzzaman, 1971:29). The pattern of Pakistani internal colonial rule that became firmly established in Pakistan influenced the course of the political development of independent Bangladesh.

Electoral Management in South Asia

India Perspective

India is the largest democratic country in the world. Shortly after the independence, India adopted a democratic parliamentary form of government (Rahaman, Hasibur, 2014). Democratic system of government is sustained and strengthened through election. As such, since the very beginning of independence, more or less free and fair elections have been held at regular intervals as per the principles of the constitution. Election is properly viewed by the electoral management process (Rahaman, Hasibur, 2014). The EC is belonging to the top of this process. Therefore, a centralized election commission was established in accordance with the constitution on 25th January 1950 to regulate both central and provincial election (Rahaman, Hasibur, 2014). One of the main problems faced by the constitution makers when they were to decide whether to “have a centralized election commission as in UK or to allow the states to have their own separated election commissions as in the USA” (Ali, Rehana, 2001: 20). Finally, they decided in favor of the centralized election commission for the sake of uniformity of the election process and practices.

In India the Election Commission is an independent electoral management body. The EC also functions as a quasi-judicial body in solving the matters of electoral disputes. The EC was established in accordance with the Constitution of 1950 with its separate Secretariat at New Delhi. According to Article 324(2) of the Constitution, the EC shall consist of the CEC and such number of EC if any, as the President may from time to time fix-- (Rahaman, Hasibur, 2014). Originally the commission was consisted of only one CEC. However, in 1993 the President passed an ordinance and converted the election commission in to a multi-member election commission. It currently consists of CEC and two other ECs. They have tenure of six years, or up to the age of 65 years, whichever is earlier. All three Commissioners including CEC have equal right and power so that decisions can be taken by majority vote. After the retirement of CEC, a Commissioner holds in the office of CEC for the consistency of electoral process. The CEC can be removed from office only through impeachment by the parliament in like manner and on the like grounds as a Judge of the Supreme Court and other Commissioners can be removed by the President on the recommendation of the CEC. The EC of India has a wide-range of power. For example, Article 324(1) of the Constitution of India vests residuary power (whenever law is silent

on any electoral aspect then the decision of EC is final) to the EC to deal with any situation. The constitution makers of India were very much enthusiastic about free-fair election. Therefore, they intended to establish a competent, effective, impartial and independent EC with such powers. This clause also vests power to the EC with the 'superintendence, direction and control' of the preparation of the electoral rolls in conducting the elections to Parliament and Legislature of every State and to the offices of President and Vice-President of India. Therefore, the Supreme Court of India said that the Article 324 is "a reservoir of powers" for the EC (Ali, 2001: 44). The EC also exercises the supplementary powers by the RPO Acts, 1950 & 1951 and the Rules and Order made there under (Ali, 1996). According to the RPO Act 1950, it is the duty of EC to prepare the voter list for the conduct of election and thus, the electoral rolls for every constituency is prepared under the superintendence, direction and control of the EC. Therefore, during the elections, both central and state government machinery including para-military forces and the police is deemed to be on deputation to the EC. The RPO Act 1951 deals with all aspects of elections and post-election disputes. In solving such disputes, the constitution of India vests power in a Judicial Tribunal with Article 136. Besides, the Supreme Court of India has held that where the enacted laws are silent or make insufficient provision to deal with a given situation in the conduct of elections, the EC has the residuary powers under the Constitution to act in an appropriate manner. In the backdrop of such power of Election Commission, the principal functions are given below: demarcation of constituencies, preparation of electoral rolls, recognition of political parties and allotment of symbols, scrutiny of nomination papers, conduct of polls and scrutiny of election expenses of candidates.

The Constitution of India has vested power in the ECI for superintendence, direction and control of the entire process for conduct of elections to both House of Parliament and both Houses of the State Legislature and to the offices of President and Vice-President of India. The Election Commission of India is currently consisting of CEC and two others Election Commissioners. According to Section 13A of the Representation of the People Act 1950, Section 20 of the Representation of the People Act, 1951, the Chief Electoral Officer (CEO) of a State Territory is authorized to supervise the election related work in the State Territory subject to the overall superintendence, direction and control of the EC (Rahaman, Hasibur, 2014:18). The ECI nominates or designates an Officer of the government of the state territory as the CEO in consultation with that state government administration. The State Election Commissions constituted under the Constitution Amendments Act, 1992 is vested with the powers of conducting of elections to the Corporations, Municipalities, Zilla Parishads, District Panchayats, Panchayat Samitis, Gram Panchayats and other local bodies. As per Section 13AA of the Representation of the People Act 1950, subject to the superintendence, direction and control of the Chief Electoral Officer, the District Election Officer supervises the election work of a district. The ECI nominates or designates an Officer of the State Government as the District Election Officer (DEO) in consultation with the State Government. The district and constituencies level of EC comprising

District Election Officer (DEO), Electoral Registration Officers and Assistant Electoral Registration Officers, who are assisted by a large number of junior functionaries. The institutional set up of the EC of India is given below.

The Institutional Setup of ECI

(Central Level)	1	Chief Election commissioners(CEC)
(State Level)	2	Other Election Commissioners (EC)
(District and Constituency Level)	3	Chief Electoral Officer (CEO)
	4	District Election Officer (DEO)
	5	Electoral Registration Officers
	6	Assistant Electoral Registration Officers
	7	Junior Functionaries

Article 326 of the Constitution lay down that elections to the House of People and to the Legislative Assemblies of states are to be held on the basis of adult suffrage. All citizens of India who are citizen of India and not less than 18 years of age as on 1st January of the year for which the electoral roll is prepared and entitled to be registered as a voter in the constituency where he or she ordinarily resides(Ali, 2001: 44). The citizen will be disqualified to be a voter if he or she is disqualified under any law made by the appropriate legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice. However, the non-resident Indian citizens who are employed under Government of India in a post outside India are eligible to be registered as voters in terms of Section 20 (8) (d) read with Section 20 (3) of the RP Act, 1950. As per Article 326 of the constitution and Section 19 of the RPO Act 1950 indicates the minimum age of a voter is 18 years but before the 61st Amendment Act, 1988 of the constitution the minimum age of a voter was 21 years. The stages of preparation of electoral rolls of ECI are given in the box below:

Stages	Preparations of Electoral Rolls of ECI (Ali, 1996:92-96).
Stage-1	Preparation and publication of draft electoral roll by the Electoral Registration Officers' (ERO).
Stage-2	Claims and objections to inclusion of any name as elector.
Stage-3	Inquiry and decision to disposal of claims and objections to inclusion.
Stage-4	Appeals from decision of Electoral Registration Officer (RO).
Stage-5	Preparation of supplements to include and delete of names before finalization.
Stage-6	Publication of final electoral roll and it should be come into force as early as possible.
Stage-7	Correction of entries and inclusion of names in the final electoral roll.
Stage-8	No change in electoral role after the last date for making nomination.

Under Article 327 of the Constitution, a delimitation commission has been setup for demarcating the boundaries of the parliamentary constituencies according to the delimitation act. The parliament of India is empowered to enact legislation from time to time to provide for the delimitation of constituencies for elections to parliament and to the

State Legislatures (Ali, 1996:267). The CEC has also functions as an ex-officio member of the delimitation commission (Ali, 1996) as and when such commission is setup under the law. In India, such delimitation commissions have been setup 4 times-in 1952 under the Delimitation Commission Act, 1952, in 1963 under Delimitation Commission Act, 1962, in 1973 under Delimitation Act, 1972 and in 2002 under Delimitation Act, 2002. The present delimitation of constituencies has been done on the basis of 2001 census. The allocation seats in Lok Sabha depend on figure of population so that every state gets equal representation.

According to the Article 29A (1) and (2) of the Representation of Peoples Act 1951, registration of political parties with EC is mandatory. It is not necessary for every association and body of individual citizens to get registered by the EC. Only those associations or bodies calling themselves political parties have to submit application to the EC for registration within thirty days following the date of its formation. To ensure democracy inside the political parties there should be a specific provision in the constitution of the party regarding organizational elections at different levels and the periodicity of such elections and terms of office of the office-bearers of the party. It is also apparent that the Section 29A of RP Act 1951 “makes it mandatory for the political parties to provide in their party constitution they poses true faith to the principles of secularism, socialism and democracy to the constitution of India, to gain registration by the Election Commission” (Ali, 1996:178). What are the benefits registered parties will get from the EC? According to the Election Symbols (Reservation and Allotment) Order, 1968, registered political parties, in course of time, can get recognition as ‘State Party’ or ‘National Party’ subject to the fulfillment of the conditions prescribed by the Election Commission in such order, as amended from time to time.

There was no provision in Indian election law to enable the Chief Election Commissioner (CEC) to appoint DEC or other officers. In absence of such provision, CEC has to pass the orders for appointing DEC being notified by the Secretary to the Commission to do the routine matters. But at the constituency levels, the DEO, ERO and RO are assisted by a large number of junior functionaries in performing election works. They all perform their functions relating to elections in addition to their other responsibilities. During election, however, they are available to the EC, more or less, on a full time basis. The gigantic task force for conducting a countrywide general election consists of nearly five million polling personnel and civil police forces. This huge election machinery is deemed to be on deputation to the commission and is subject to its control, superintendence and discipline during the election period, extending over a period of one and half to two months.

The ECI at State Level: According to Section 13A of the Representation of the People Act 1950, read with Section 20 of the Representation of the People Act, 1951, the Chief Electoral Officer (CEO) of a state territory is authorized to supervise the election related work in the state territory subject to the overall superintendence, direction and control of the EC³⁶. The ECI nominates or designates an Officer of the government of the state

territory as the CEO in consultation with that state government administration. The State Election Commissions constituted under the Constitution Amendments Act, 1992 for each State are vested with the powers of conduct of elections to the Corporations, Municipalities, Zilla Parishads, District Panchayats, Panchayat Samitis, Gram Panchayats and other local bodies.

The ECI at District Level: As per Section 13AA of the Representation of the People Act 1950, subject to the superintendence, direction and control of the Chief Electoral Officer, the District Election Officer supervises the election work of a district. The ECI nominates or designates an Officer of the State Government as the District Election Officer (DEO) in consultation with the State Government. The district and constituencies level of Election Commission comprising District Election Officer (DEO), Electoral Registration Officers and Assistant Electoral Registration Officers, who are assisted by a large number of junior functionaries.

The ECI Secretariat: The Commission has a separate Secretariat at New Delhi consisting of two or three Deputy Election Commissioners in the Secretariat assist the Commission. They are appointed from the national civil service of the country and are selected and appointed by the Commission. Directors, Principal Secretaries, and Secretaries, Under Secretaries and Deputy Directors support the Deputy Election Commissioners in doing the work. There is functional and territorial distribution of work in the Commission. The work is organized in Divisions, Branches and Sections; each of the last mentioned units is in charge of a Section Officer. The main functional divisions are planning, judicial, administration, information systems, media and secretariat co-ordination (Ali, Rehana, 2001:27). The administrative setup of Election Commission Secretariat of India is given below.

The Administrative setup of EC Secretariat of India

The Administrative setup of ECI Secretariat	1	Deputy Election Commissioners
	2	Directors
	3	Principal Secretaries
	4	Secretaries
	5	Under Secretaries
	6	Deputy Directors (to assist the Deputy Election Commissioners)

Nepal Perspective

In Nepal the position of EC was created after the 1950 revolution, and was legally established in 1951. However the functions of EC were changed by law over time. The EC of Nepal is considered to be a powerful EMB. It is constitutionally an independent body which is solely responsible for the conduct of elections. Article 129(1) of Interim Constitution and the Election Commission Act 2063 (2007) have clearly defined the EC's role and responsibilities. The EC consists of CEC and other four Election Commissioners

to run the administration of the Commission. If apart from the CEC other election commissioners are appointed, the CEC shall act as a Chairman of the Commission. The members serve for 6 year terms as appointed by His Majesty the King and recommended by the Constitutional Council. The interim constitution further amended the body's composition in 2006. Under this Constitution the CEC and other Election Commissioners were appointed by the Prime Minister.

The Election Commission has its own secretariat over which it has full executive authority and the process of establishing offices in every district of the country is going on for supervision and monitoring purposes. The secretary implements the decisions of the Election Commission. The EC has full executive authority to issue orders to supervise, direct and control over the conduct of elections to Parliament and local bodies at the village, town and district levels. It has power to direct the government to provide personnel and other necessities to the Commission in "pursuit of its duty to conduct, supervise, direct and control elections in accordance with the constitution and existing laws. It would be the duty of the government, government institutions, corporations, semi-government and non-government institutions, political parties and their officials, candidates and representatives and persons involved in the election process to obey these orders"(Mendis, 2008: 242). It is important to note here that the EC can request for the support of any government agency but much of the administrative support of elections is coordinated through the Ministry of Home Affairs and its district officials such as the Chief District Officers (CDOs). During election these officials are placed under the 'jurisdiction' of the Election Commission (Rahaman, 2014: 22).

The EC has power to prepare a code of conduct for government and semi-government officers and employees, political parties, candidates and persons involved in the election. The code of conduct prepared by EC is strict and these are enforced rigorously by the EC. According to the Election Code of Conduct, 1996, violation of code of conduct is an offence, and those who violate are liable to punishment. The Election Commission of Nepal has a special power to control governmental influence on election. The EC may impose restrictions on the government "against proclaiming new policies and programs, mobilizing human and materials resources, and using government owned media for election campaigns" (Mendis, 2008: 218).

The act relating to electoral rolls is Electoral Roll Act, 2063(2006). Preparation, procedure, correction, final printing and reservation of electoral rolls, is envisioned in this Act. The process of the roll is traditional method of enumerating voters visiting door to door. The Election Commission of Nepal prepares and updates the electoral rolls every year. The Constitution of Nepal provides that Nepali citizens of the age of 18 years and above are entitled to be registered as voters. It is the responsibility of the Election Commission to register the names of the voters from every household in the constituency where he or she ordinarily resides. Under the Electoral Act, 1991 mentally disordered persons and those who are sentenced to imprisonment and have not completed one year after release are

prohibited from being registered as voters. Registration of voters is done every year by Chief District Officer (CDOs). Enumeration of voter's names and updating of the electoral rolls is conducted every year commencing the month of April. One month is allocated for enumeration and updating. The entire process is completed by mid-August.

The Election Commission of Nepal has to depend on government to recruit government officials as returning, presiding and polling officers. The EC appoints a returning officer for each constituency. For the election of House of Representatives, the judges of law courts or officials of the judicial service are appointed as returning officers. In local bodies' election, the CDOs are appointed as returning officers for their respective districts. The returning officers appoint his or her subordinate staff such as presiding and polling officers.

Sri Lanka Perspective

Sri Lanka has a background of elections over seventy years under various forms of government. Election was held in 1972 under first Republican Constitution. President as head of the state was nominated by the Prime Minister under parliamentary system. Sri Lanka adopted Executive Presidency and a parliamentary legislative in 1978. Prior to the 17th Amendment to the Constitution made in 2001, unlike other regional countries Sri Lanka had a government controlled Electoral Management Body known as Department of Election headed by a Commissioner of Election and a Deputy Commissioner of Election and supported by secretariat. Under Article 103 of the Sri Lankan Constitution, the Commissioner was appointed by the President. Now the overall authority for the conduct of the elections is vested in the Commissioner General of Elections under the Parliamentary Elections Act as amended, and is vested in the Election Commission in terms of the 17th Amendment to the Constitution. This amendment introduced a set of new provisions to the Constitution described as Chapter XIV A. Article 103 (1) of this Chapter provides that there shall be an Election Commission consisting of five members appointed by the President on the recommendation of the Constitutional Council. This constitutional Council has exclusive power to make appointments to centrally important institutions such as the higher judiciary, and the police and Election Commission, taking the power away from the executive president. The President is also empowered to nominate one such member as the Chairman of the Commission, also on the recommendation of the Constitutional Council. The Commissioner General of Elections continues to exercise the powers and functions vested in the Election Commission. In Sri Lanka, presidential election and referendum are conducted on the basis of direct vote. For this purpose of the system entire country is considered to be a single electorate. The conduct of the election in respect of each electoral district is entrusted to a person designated as the "Returning Officer" who, in turn appoints a Presiding Officer to be in charge of each polling station within his electoral district. The Returning Officers of the respective electoral areas manage the conduct of poll with the assistance of Assistant Returning Officers.

Pakistan Perspective

The Election Commission of Pakistan is an independent and autonomous constitutional

body. The Election is charged with the function of conducting transparent, free, fair and impartial elections to the National and Provincial Assemblies. Article 218 of the Constitution of Pakistan provides: “for the purpose of election to both houses of Mijlis-e-Shoora (Parliament), Provincial Assemblies and for election of such other public offices as may be specified by law or until such law is made by the Majlis-e-Shoora (Parliament) by Order of the President, a permanent Election Commission shall be constituted in accordance with this Article.”(The Constitution of Pakistan, Article 18) Under the existing laws the conduct of Local Government Elections is also the responsibility of the CEC. According to the Election Commission Order, 2002, the EC consists of the CEC and four Members each drawn from the sitting judges of the High Courts of their respective Provinces. The CEC is appointed by the president under Article 213 of the Constitution. The other ECs are appointed by the president in consultation with the chief justice of the relevant High Court and CEC. As per the Articles 52 of the Constitution, “the CEC was, up to the time of the changes announced in the constitutional package of 2002, appointed for a term of three years, that being liable for extension by a resolution of the national assembly for a period not exceeding one year. The package of July 2002 however has made the term of office of the CEC a five year one” (Mendis, 2008: 242).

The EC of Pakistan is financially independent. The budget is provided by the federal government. The EC also enjoys administrative autonomy and works independently of all government control. The EC performs its functions without interference of the executive. The election schedule for the conduct of general elections as well as for the by-elections is decided by the EC or, as the case may be, by the CEC. The Constitution of Pakistan and the laws lay down certain powers and functions which are to be exercised solely by the CEC. These powers and functions of the CEC vis-à-vis the EC make the CEC an institution. The CEC is charged with the duties of: preparing and updating of electoral rolls of eligible voters annually throughout the country; delimitation of constituencies for the election of members of the national assembly and provincial assemblies (Mendis, 2008: 242) The preparation of polling schemes, the appointment of polling personnel, assignments of voters and arrangements for the maintenance of law and order are under the control; supervision and directions of the EC for elections of the national assembly and provincial assemblies and also holding of elections to vacant seats as and when necessary and appointing Election Tribunals. The Election Tribunals provide the final adjudication in all election disputes. The Election Tribunal’s role in Pakistan is more important in its impact in the overall elections situation.

Bangladesh Perspective

Bangladesh as a 3rd World country has been affected by such a juncture where political forces and political dynamics have proved to be incompetent and dysfunctional. As such political terrains were filled with various kinds of unelected regimes, including military, one-party, and personalized dictatorships. In this situation, Bangladesh has failed to build viable political institutions after 40 years of her independence. In absence of viable political

institutions democracy did not become institutionalized. Right or wrong allegations are raised against the Bangladesh government and Bangladesh Electoral Management Body (BEMB) for rigging election and abusing power to influence election results. Usually, the incumbent party embarks on this kind of illegal act. Political parties can unlawfully make the results be in their favor in order to retain power. For example, the Awami League (AL) held a factious election in 1973 with horrific party assertion over electoral process. From 1975-90 Bangladesh was ruled by military or civil-military government. In the period of military and civil-military governments, most of the elections were held for legitimizing or demilitarizing power. Even in the democratic regime the party in power rigged elections followed by violence which has far reaching negative political consequences.

The EC of Pakistan established in Islamabad in 1956 with a regional office in Bangladesh. After independence, the regional office of EC shifted to Agargaon with a larger set up on the basis of 1972's Constitution. The Bangladesh Constitution gives the provision for setting up an Independent Election Commission to conduct elections in the country. As Article 118 of Bangladesh Constitution established an Independent Electoral Management Body that operates the legal functions of election law. Article 118 (1) mentioned that "there shall be an Election Commission for Bangladesh consisting of the Chief Election Commissioner (CEC) and more than four Election Commissioners. The appointment of the CEC and other Election Commissioners (if any) shall, subject to the provisions of any law made in that behalf, be made by the President"(Rahaman, Khatun & Bilkis, 2013: 95). When the EC consists of more than one person, the CEC is to act as its chairman. The term of office of an Election Commissioner shall be five years from the date on which he enters upon his office. Article 118 (3) of the constitution clearly states "a person who has held office as CEC shall not be eligible for appointment in service of the Republic and any other Commissioner shall, on ceasing to hold office as such, be eligible for appointment as CEC but shall not be otherwise eligible for appointment in the service of the Republic" (Rahaman, Khatun & Bilkis, 2013: 95).

Since 1972, the EC conducted a number of elections. However, the BEC has rarely been considered as a credible institution. Right or wrong allegation against BEC is having some irregularities in the way of holding elections and partial attitude to the political parties. Therefore, only three CEC completed their tenure. Someone argues that despite a good number of laws and rules, the EC still lacks legal provisions in respect of enabling law for its establishment and structure like other constitutional bodies(Akram & Das, 2008). Behind such lacking of Election Commission, they mention that the EC does not have authority to control over the political parties, financial independence and proper mechanism of processing electoral disputes(Hussain, 2008). The making of electoral laws time-befitting and consonant with the demand of various quarters, the Election Commission would talk to political parties before making any amendment to the existing laws. Electoral laws cannot be applicable without the help of political parties. As in modern representative democracy, political parties considered to the heart of the political process.

In Bangladesh, the EC is the guardian to conduct the election. However, EC is responsible for it. Therefore, electoral law and procedures are vested in the Constitution and Representation of People Order (RPO), 1972. Here should be mentioned that the rule making power now is vested in the EC by recent amendment (Hussain, 2008). As per the Constitution and RPO, 1972, the power, functions and duties of EC is described with the article 118(4) and 126 of the Constitution and in the article 4 of the RPO, 1972 in different nature. The RPO, 1972 is the basic law under which the election rules were made by the government. It also provides a logical and apparently complete basis for the conduct of parliamentary elections but has a few unusual features that have created difficulties with respect to public perception about the neutrality of the EC. Article 118 (4) of the Constitution provides that “the EC shall be independent in exercising of its functions and subject only to this constitution and any other law”. Article 126 of the Constitution and Articles 4 and 5 of the RPO, 1972 also provide that “it shall be the duty of all executive authorities to assist the EC in the discharge of its functions.” The EC has a power to require any persons or authority to perform such functions in the election. In the interest of holding free and fair election, it would not appear that the incumbent government has the power to discharge and replace member of the EC, since EC members are appointed to five-year terms can only be removed through impeachment (Edgeworth & Finn, 2000). However, the incumbent government can make requests that the President appoint additional members or request the resignation of chairman or other members under other constitutional provisions (Edgeworth & Finn, 2000). Except constitutional provisions, the second important law regarding the functions of EC is the RPO, 1972. The RPO has been amended in 1972, 1976, 1982, 1991, 1996 and 2001. Currently three amendments to this order were made namely, RP (Amendment) Act, 2008, RP (Second Amendment) Act 2008 and RP (Amendment) Act, 2009. Under these ordinances, Political Parties Registration Rules, 2008, the Code of Election Rules 2008, the Code of Conduct for Parliament Elections 2008, and the Electoral Roles Rule 2008 were made. Another currently active laws relating to election are the Reserve Women Election Law 2004 for parliament election and Election Commission Secretariat Act 2009. Under these Rules, Acts and Amendments, the main functions of the EC are delimitation of constituencies, preparation of electoral rolls, recognition of political parties and allotment of symbols, scrutiny of nomination papers, conduct of polls and scrutiny of election expenses of candidates and dissolve the electoral disputes.

As per the Constitution, the responsibility for the preparation of the electoral roles is on the EC. Electoral rolls means the final electoral rolls prepared under the existing Electoral Rolls Act 2008. According to the act, the EC appoints required numbers of AROs, and one supervisor for every five enumerators and one enumerator for every 300-400 voters. The Election Commission has to also appoints a Registration Officer (RO) for each constituency for the purposes of ‘preparation, correction, amendment and revision’ of the electoral roll. According to the Article 121 and 122(2b) of the Constitution indicates electoral rolls also means there is a single voter list for every constituency and minimum age of a voter is 18

years, of sound mind and deemed by law to be resident of the constituency respectively. The stage of preparation of electoral rolls of BEC is given below:

The Stage of Preparation of Electoral Rolls	
Stage-1	<ul style="list-style-type: none"> • Functions of preparation of area-based primary estimation of voters • Recruitment of required numbers of assistant registration officers (AROs) • Publishing advertisements for the recruitments of area based data entry operators
Stage-2	Re-scrutinizing the forms to collect the voter's information.
Stage-3	Data collection and identity scrutiny at registration centers.
Stage-4	Registering the Physically Challenged, Jail Inmates, Missed-out Voters and Ailing People following the process described in Third Phase.
Stage-5	Data processing, scrutinizing and improving at Upazila Server.
Stage-6	<ul style="list-style-type: none"> • Finalizing draft voters list • Exhibiting the draft voters' list, accepting objections on draft voters' list • Hearing on the objections and ordering of corrections by revising authority • Correcting the errors in draft voters' list in accordance to such orders • Preparing and authenticating the final voters' list by registration officer

Source: BEC Website

The delimitation of constituencies is prime function of Election Commission (EC) and it is executed in accordance with the Delimitation of Constituencies Ordinance 1976. This Ordinance has been made to provide for delimitation of constituencies for election to parliament. In this Ordinance, delimitation of constituencies means “the constituencies shall be so delimited having regard to administrative convenience, that each constituency is a compact area and in doing so due regard shall be had as far as practicable to the distribution of population as given in the latest census report”(Rahaman, Khatun & Bilkis, 2013: 99). According to Article 6(1) of this Ordinance, the Commission shall, for the purpose of elections to the seats in parliament, divide the country in to as many as single territorial constituencies as number of members to be elected under Article 65(2) of the Constitution (Rahaman, Khatun & Bilkis, 2013). After the delimiting of constituencies, the new constituencies are to the gazette specifying area. The objections about the new constituencies are heard but the verdict of EC is final. For the first time in the electoral history of Bangladesh the constituencies delimited in 1973 have remained subject to minor adjustment (Mendis, 2008: 164). Subsequently, the constituencies are delimited in 1979, 1984, 1991 and 1995. The last major delimitation of the constituencies was held in 2008 in the ahead of the ninth parliamentary election.

Delimitation of Constituencies

Year	Conducted Method
1973	Complete by visiting Constituency
1989	Partial by visiting Constituency
1984	Complete by visiting Constituency
1991	Partial by selected Constituency
1995	In certificate only by BEC
2008	300 Constituencies (by use of GPS system)

(Source: Bangladesh Election Commission Secretariat)

There have been almost no obligations on party forming in Bangladesh. The Constitution of Bangladesh allows the citizens for freedom of speech except those in government service. But the registration of political parties with EC is obvious in democratic process. As such, three amendments namely, Representation of the People (Amendment) Ordinance 2008, Representation of the People (Second Amendment), Ordinance 2008 and Representation of the People (Amendment) Act 2009 to the RPO 1972 were made recently. In 2008, an ordinance was passed involving registration of political parties with the EC. According to this Ordinance, conditions relating to registration have been laid down. But registration of political parties in Bangladesh is voluntary. It may be mentioned here that political parties willing to take part in the Parliamentary elections must be registered with the BEC. In same way Representation of People (Amendment) Act 2009 states that “if any political party desires to be registered, it shall fulfill one of the conditions” (Hasanuzzaman, 2009:30) that laid down in Article 90(B). However, this call for voluntary registration of political parties did not make any impact among the political parties of Bangladesh.

The EC of Bangladesh appoints the Returning Officer (RO) for each of the parliamentary constituencies. In addition, the EC also appoints Assistant Returning Officer (ARO) for each constituency to assist the RO in the performance of his functions in connection with the conduct of elections. However, the EC has the power to withdraw any officer for the sake of neutral election. The RO prepares the list of polling stations and appoints the PO, APO and Polling Officers. The PO with the assistance of APO and Polling Officers conduct the poll at a polling station. The main responsibility of PO are, to setup polling stations and enable the security forces and those monitoring the election to keep law and order and ensure that voting during the election is fair. The free and fair election mainly depends on field level officers like PO, APO and Polling Officers as they are actively involved in the electoral process.

The EC’s Secretariat: An EC’s Secretariat has been established under the provision of 118(4) of the Constitution. Therefore, EC has its own full-fledged Secretariat headed by a Secretary to the EC to render all assistance to execute the decisions and orders of the commission. There are ten regional offices at Dhaka, Cittagong, Khulna, Rajshahi, Barishal,

Sylhet, Comilla, Mymensingh, Rangpur and Faridpur headed by Chief Election Officer (CEO). The main function of this office is, to communicate between the Secretariat and the subordinate field level offices. The secretariat is situated in Dhaka with having field offices in regional level, district level and Upazila level. The secretariat performs all the duties relating to election management. To assist the EC in conducting election, the functions of EC secretariat are:(Rahaman, Khatun & Bilkis, 2013) (a) preparation of electoral rolls for use in all national and local bodies' elections (b) delimitation of territorial constituencies for the purposes of election to Parliament (c) conduct of referendum and elections (including bye-election/re-election) to the office of President, Parliament, Pourashavas, City Corporations, Union Parishads and three Hill Districts Councils etc. (d) reservation and allocation of symbols to political parties/candidates, when required (e) supervision of polling arrangements throughout the country on the eve of each election and appointment of polling personnel, namely ROs, AROs, POs, APOs and Polling Officers (f) printing and supply of ballot papers to all polling stations located all over the country (g) procurement of election materials including ingredients for the manufacture of indelible ink and their distribution amongst the polling stations (h) procurement, supply, storage and maintenance of ballot boxes throughout the country (i) setting up of elaborate machinery throughout the country for collection and dissemination of result of elections (j) consolidation of all election results and their formal publication in the official gazette, as required by law (k) constitution of Tribunal for the disposal of election petitions and performance of such other functions in this regard as may be prescribed by any other law (l) framing and publicity pertaining to the elections and their implementation (m) collection and compilation of election data for research, reference and records (n) preparation and publication of comprehensive reports of all types of elections (o) regulation and control of officers and staff of the Election Commission Secretariat and its field offices.

There are 64 District Election Offices in the 64 District Headquarters headed by Sr. District Election Officer (SDEO)/District Election Officer (DEO). The SDEO/DEO has to carry out all work relating to registration of voters, printing of voters list, management of national and local level elections, training of polling personnel and all logistical arrangements for elections as directed by the ten regional election offices from time to time.

There are 508 Upazila election offices in the country. It is lowest level of election offices headed by Upazila Election Officer (UEO) in all Upazila. The main functions of the Upazilla Election Officer are “to assist regional and district offices in the discharge of functions relating to elections” (Rahaman, Khatun & Bilkis, 2013: 103).

Electoral Enquiry Committee (EEC): The Committee shall consist on the basis of complaints received from the contesting parties and candidates in the election about any matter or situation or any pre-poll irregularities by the EC's initiative. After conducting an inquiry, the Committee shall inform about the inquiry report to the EC within three days of the inquiry and may make a recommendation which may include “(a) proposals for any order, directive or instruction to be made by the Commission to any person responsible for

any act to stop such act forthwith; or (b) in the case of any omission, to perform any specific act, including, if necessary, the appropriate correction of any false information”(Rahaman, Khatun & Bilkis, 2013: 103). According to clause (6a) of the RPO (Amendment) Act, 2009, after justifying this recommendation received from Inquiry Committee, under clause (6), “the EC may give necessary order and instruction to the concern person or registered political party to implement the recommendation”(Rahaman, Khatun & Bilkis, 2013: 103).

The Election Tribunals: The Election Tribunals have been setup for the disposal of election petitions and performance of other functions in this regard as may be prescribed by any other law. It has been setup in the Divisional Headquarters’ headed by Judges of the level of a district Judge. The main function of this tribunal is to solve the electoral dispute which was occurred in the election.

Electoral Training Institute (ETI): The ETI has been established in 1995 under the project funded by UNDP, Asia Foundation and Government of Bangladesh (GOB) at the aimed of creating an efficient election management system as well as for making the election free, fair and impartial through efficient group of election personnel. The main objective of this institution to give training to stakeholders such as different stratum of election personnel, Returning Officer (RO), Asstt. Returning Officer (ARO), Presiding Officer, Asstt. Presiding Officer, Polling Officer, Election Agents, Poling Agents, Voter Registration Officer, Member of Electoral Enquiry Committee, Law Enforcing Agencies, Magistrate in charge of election duties, Officers and staff of Headquarter, Regional, District, Upazila and so on. The training program mainly deals with the matters of “preparation of voter list, election materials, election management, voting system, election rules, laws, acts, code of conduct rule, electoral law and order, office management, financial management” (Rahaman, Khatun & Bilkis, 2013:104). The ETI is operated under the supervision of Secretary of BEC. There is 13 officers’ level of DG to Assistant Programmer and another 40 subordinating staff at ETI.

Conclusion

A kind of defectiveness has been observed in the functioning of the Election Commission in most of the South Asian countries. Like many aspects of politics, electoral politics of South Asian countries is more or less the same. It is broadly observed that free and fair elections are indeed rare in South Asian countries. For holding free and fair election, the prerequisites are to have democratic competition in political parties, neutrality of media in election campaigning, non-partisan administration in electoral process and politically educated. The Election Commission of India has only long tradition for holding regular elections. Since its inception, free and fair elections have been held at regular intervals according to the principles of the Constitution. Conducting election periodically does not wholly indicate that it has an effective democracy. Other necessary factors are the way elections are held, the quality of the people elected, their performances that make democracy effective.

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Causes of Rohingya Refugee Crisis and its Impact on Bangladesh

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Abstract: The Rohingya crisis is a human right crisis with serious humanitarian consequences. The Rohingyas are an ethnic Muslim minority group living primarily in Myanmar's western Rakhine state; they practice a Sufi-inflected variation of Sunni Islam. With large-scale violence against them in 2012, 2015, and 2017 by other groups in Rakhine State as well as by the government (UNHCR, 2016). The government in Bangladesh provides shelter to the Rohingya refugees mostly considering the humanitarian ground and people's perception. However, this is not thought to be a permanent solution to this crisis for both the Rohingyas and Bangladesh itself (UNHCR, 2019). Bangladesh has become the prime victim of this crisis. The crisis can only be overcome through international involvement. This study tries to investigate the causes of Rohingya crisis and its impact on Bangladesh employed a triangulation research method. Finally makes some recommendations for overcoming the crisis and establishing lasting peace in the region.

Keywords: Rohingya, Refugee Crisis, Human Right, Ethnic Minority, Bangladesh-Myanmar relation.

Introduction

The Rohingyas people are a stateless Indo- Aryan ethnic group who follow Islam and reside in Rakhine State, Myanmar (previously known as Burma). An estimated 1 million Rohingyas were living in Myanmar before the 2016- 17 crises. The United Nations refers the Rohingyas as one of the most persecuted and forgotten minorities in the world (UNHCR, 2018). The Rohingyas claim they are indigenous to western Myanmar with a heritage of over a millennium and influence from the Arab, Mughals, and Portuguese. The position of the Myanmar government is that Rohingyas are not a national indigenous race, but are illegal immigrants from neighboring Bangladesh (Noorat el, 2017). Myanmar was decolonized and emerged as an independent nation in 1948. Along with other ethnic minorities, the Rohingyas mostly inhabited in Rakhine (western Myanmar close to Bangladesh) continued to be enjoying citizenship since Myanmar's independence up to 1960s before the military took over. Since then the successive governments in the country refused to consider the Rohingyas who happen to be Muslims as the citizens of Myanmar. The governments continued to arbitrarily brand them as outsiders and specifically as illegal Bengali immigrants which pushed them to be a major stateless community in the contemporary world (Parashar & Alam, 2018). Since the 1970s, crackdowns on the Rohingyas by

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Myanmar's military took place and they were forced to leave Myanmar and take shelter in neighboring countries. The Rohingyas speak their language which resonates with Bengali and Bangladesh particularly its southern part-Cox's Bazar is close to Myanmar. The Rohingyas naturally chose to approach Bangladesh. Bangladesh hosts the maximum number of Rohingya refugees in the world. The Rohingya influx to Bangladesh is not a new phenomenon. Being persecuted by the state authority of Myanmar at different times, the Rohingyas escaped and fled to Bangladesh at different periods. Over the years, they have been living in refugee camps located in Chittagong and Cox's Bazar. However, the recent persecution upon them started in late August 2017 which the United Nations described as a "textbook example of ethnic cleansing" received huge media coverage and created enormous concern throughout the world (Albert, 2018). Most Rohingyas have sought to be a refugee in nearby Bangladesh, which has limited resources and land to host refugees. More than 140,000 people are refugees in the country, many unregistered, according to estimates from the UN high commissioner for refugees. The government in Bangladesh provides shelter to the Rohingya refugees mostly considering the humanitarian ground. However, this is not thought to be a permanent solution to this crisis for both the Rohingyas and Bangladesh itself (UNHCR, 2019). As a geographically small and economically poor country, Bangladesh is overburdened with this terrible humanitarian crisis. Bangladesh has become the prime victim of this crisis. It becomes a security concern for Bangladesh. The religions and political leaders in Bangladesh continue to exert enormous influence on politics, society, and culture of the country. Since people pay attention to significance to religions, political leaders and local people exploring the perspectives of the religions and political leaders and local people about the Rohingya crisis turned out to be a national issue for Bangladesh is deemed significant (Idris, 2017).

Methodology

This study is qualitative research, employed a triangulation method. Triangulation also known as mixed-method research is the act of combining several research methods to study one subject. triangulation is very useful in qualitative research to develop a comprehensive understanding of phenomena. The triangulation of methods employed in this research is comprised of content analysis, in-depth interviews, and a robust internet search to carry out this research. Apart from content analysis, the researchers conducted several in-depth interviews to achieve comprehensive insights into the subject, interviews were done with the different religious leaders- Islamic, Hindu, Buddhists, and Christian and political leaders in Bangladesh, specifically in Sylhet. Beyond document analysis and interviews, we also used a rigorous internet search for the pursuit of this study.

Who are the Rohingyas?

The Rohingyas are an ethnic Muslim minority group living primarily in Myanmar's western Rakhine state; they practice a Sufi-inflected variation of Sunni Islam. The estimated one million Rohingyas in Myanmar account for nearly a third of Rakhine's population. The Rohingyas differ from Myanmar's dominant Buddhist groups ethnically, linguistically,

and religiously (Albert, 2017). More specifically say that Rohingya is an ethno-religious term meaning Muslim people whose ancestral home is at Arakan or Rakhine in Myanmar. According to the 1982 citizenship laws, there are three categories of citizenship in Myanmar (Burma Citizenship Law, 1982).

- a. Citizen: people who lived in Burma before 1823.
- b. Associate citizen: people who required citizenship through the 1948 Union Citizenship Act.
- c. Naturalized citizens: people who lived in Burma before 4 January 1948 and applied for citizenship after 1982.

In the 1950s, the Rohingyas were recognized as a separate ethnic group and a part of the complex pattern of ethnicities in Burma. Comparatively, they were well integrated into the Burmese political and social system. However, the Rohingyas were steadily losing their existing rights and under the 1982 legislation, the Rohingyas were denied full citizenship due to ethnic classifications used in 1948 (Blakemore, 2019).

The Emergence of the Rohingya Crisis

The Rohingya Muslims are mainly the people of the Northern part of Rakhine state. Before 1784 Arakan was an independent kingdom. The Arakanese had their first contact with Islam in the 9th century. The Rohingya Muslims were mixing with Muslims from Afghanistan, Persian, and Turkey (Medecins Sans Frontiers, 2002). Although the arrival of Muslims in Arakan started in the 9th century, the first Muslim kingdom was established in 1430. There was a glorious history of Muslims in Arakan from 1430 to 1638. Particularly the reign of 11 Muslim kings from 1430 to 1531 was the most important for Arakan Muslims. The 11 kings were respectively Solaiman Shah (1430-1434), Ali Khan (1434-1494), Kalima Shah (1482), Mathi Shah (1492), Mohammad Shah (1492-1493), Nuri Shah (1493-1494), Sheikh Modullah Shah (1494-1501), Shah (1501-1523), Illias Shah (1523-1525), Jalal Shah (1525), Ali Shah (1525-1531). Since 1638, the decline of Muslim domination in Arakan began. The Arakanese Muslims of that time were the Rohingya Muslims of today's Myanmar (William & Keith, 2013).

In 1784 the guerrilla war was triggered by the Burmese army against the Rohingya Muslims. An unsuccessful attempt was taken by the Rohingya Muslims in 1796 to overthrow Burmese rule which resulted in the exodus of around two-third Muslim Arakanese population into the Chittagong area or today's Cox's Bazar in Bangladesh. It was the beginning of an influx of the Rohingya refugees into Bangladesh (Albert, 2020). During the Second World War, the British promised to establish Rohingya autonomy in the northern part of the state. As a result, the Rohingya Muslims supported the British government and Buddhist Rakhine supported the opponent's power- the Japanese. But the promise was not kept by British and Burma became independent in 1948. Some of the Muslim Rohingyas continued arms rebellion and demanded an independent Muslim state within Burma. They failed and a military coup was held in 1962 under General Ne

Win's party claims that the Rohingyas are an illegal immigrants and settled in Burma during British rule (UNHCR, 2018). In 1974, the Emergency Immigration Act stripped the Rohingyas of their nationality, rendering them foreigners in their land. The violence impoverishment and religious intolerance all are the reasons behind the exodus of Rohingya Muslims from Rakhine to Bangladesh from 1978 to 1992 (Medecins Sans Frontiers, 2002). The report of IOM shows that in 2014 and 2015, Rohingya's migration in different countries has increased in a significant number. Violence broke out again in northern Rakhine state on 25 August 2014, when militants attacked government forces. In response, security forces supported by Buddhist militia launched a Clearance Operation that killed at least 1000 Rohingya people and forced more than 300000 to flee their house (Medecins Sans Frontiers, 2002).

Ashim Kumar Chakrabarty¹ said that "the Rohingya genocide is a tragedy affecting. The villages of Rakhine state have been burned down and LIP to 1000 people killed as hundreds of thousands flee across the border into Bangladesh".

Mawlana Md. Motiur Rahman,² mainly identified two reasons for Rohingya exodus to Bangladesh and for giving shelter in Bangladesh. One of the two reasons is that the major parts of Rohingya are Muslims and Bangladesh is a Muslim populated country. Another reason is mainly that Myanmar is graphically contiguous and neighboring Bangladesh.

Are the Rohingya's residents of Myanmar?

Until 1784, the histories of Arakan (now called Rakhine) and Burma were completely different. In 1826, the British conquered Arakan (having been part of the Burmese kingdom for a total of forty years out of the previous 500). It is thus useful to set out some of the historical records about the ethnic make-up of Arakan both before and during the period of British colonial rule. Burmese officials argue that the Rohingyas are not Burmese. To address the charge of the extremists that Rohingyas only arrived in Arakan during the British period, it is useful to examine the census record of the British colonial era. The British census of 1911 identified the Buddhists of Arakan (that is the Rakhine) as having a population of 210,000 and the Muslims as numbering 155,000. Some 30,000 Rohingyas returned very soon after the British conquest, which indicates that both the Rakhine and Rohingya communities grew at similar rates in the first eighty years of British rule. The period between 1948 and 1961, a small number of Rohingyas were serving as members of parliament and even after the military coup, several Rohingyas remained in parliament as supporters of the Burma Socialist Program Party. In 1959, a Rohingya student association was one of the approved groups at Rangoon University (Ibrahim, 2016).

¹ Thakur of Durgabari mandir, Sylhet. interviewed on 10 December 2019.

² Khatib of SUST central mosque, interviewed on 2 December 2019.

Major causes responsible for the Rohingya crisis

All of the respondents mentioned some basic reasons which are responsible for this ongoing Rohingya crisis. The Muslim leaders identified the core cause of this crisis is religious. The majority of the Rohingya people are Muslim. All of the Muslim religious leaders claimed that Rohingyas are attacked because they are Muslim. Though some non-Muslim are also affected the main target of this ethnic cleansing is the Muslim community who are living in Rakhine state.

In Myanmar, since the return to relative democracy in 2011, extremist Buddhist organizations were in the heart of inter-communal violence. Both the major political parties, National League for Democracy (NLD) and Union Solidarity and Development Party (USDP) are dependent on these organizations for much of their electoral supports which giving them substantial influence over the political process. Equally, there are emerging evidence that old military regime funded and supported one of the major groups of extremists to foster instability. Instead, the existence of inter-communal violence opens the possibility of returning to the military rule, of course, to protect the nation from violence. Despite the changes since 2008, the military remains very powerful and many former generals sit in parliament as part of the USDP. They retain control of the economic resources of the country (Ibrahim, 2016). Two extremist Buddhist organizations are promoting violence in Myanmar, these are:

- a) 969 Movement: It is a loose organization of extremist Buddhist monks, which grew, out of the 1988 popular revolt and is now responsible for much of the anti-Muslim violence in Myanmar.
- b) MaBaTha (The Patriotic Association of Myanmar): An important extremist Buddhist organization which was formed officially in 2014 with the active support of the military. It is very influential in Myanmar's religious education and active in demanding laws to limit the rights of Muslims. This organization along with the 969 Movement implicated anti-Muslim violence (Ibrahim, 2016). After the overall analysis, three major causes we found that promoted ethnic cleansing and anti-Muslim violence in Myanmar. These are: Firstly, Buddhist religious extremism Secondly, international politics Thirdly, limited democracy, and dominance of the military in Myanmar.

Principle of Buddhism vs. anti-Muslim violence in Myanmar

MaBaTha (The Patriotic Association of Myanmar) as the organization for the protection of race and religion led by Buddhist monks was responsible for most anti-Muslim violence in Myanmar. Where the principle of Buddhism is non-violence, MaBaTha promoted anti-Muslim violence in the country. Buddhism stands for truth and peace. Therefore, if the

Buddhist cultures vanish, truth and peace would vanish steadily as well. This country was founded with the Buddhist ideology (Wade, 2017). Ven Sanghananda³ and Bishop Bejoy Nicephorus D’Cruze⁴ said that “Buddhist is based on the principle of non-violence. So Myanmar’s Buddhist leaders are deviated from the fundamental principles of their religion and get involved themselves with violent activities”. Other causes behind raising this Rohingya crisis are:

a) Burmese nationalism; b) Geographical location of Myanmar; c) International politics; d) Economic interests of Myanmar’s government; e) Trade interest of superpower neighboring countries as the interest of China, Russia, and India; f) Politically wrong decisions of the ancestors of the Rohingyas; g) Limited democracy h) Military dominance in Myanmar.

Ven. Sanghananda said that “in the Buddhist religion, there is no place for religious extremism. Gautama Buddha was a non-violent principle”.⁵

The Impact of Rohingya Refugee Crisis in Bangladesh

Bangladesh is the prime victim of the Rohingya crisis. All the respondents think that the Rohingya refugee crisis is now a global issue which is a matter of concern for most of its neighboring countries. But the prime victim of this crisis is Bangladesh. Because of the maximum number of Rohingyas are taking shelter in Bangladesh. If the Rohingya refugees never returned to Myanmar, it will be a matter of long term crisis for Bangladesh. All of the religious leaders have mainly predicted three major negative impacts of the Rohingya influx in Bangladesh.

a. Security threat through the expansion of militancy b. Environment degradation c. Expansion of HIV and AIDS

Bangladesh provides shelter to hundreds of thousands of Rohingya refugees and an enormous population has created a vulnerable situation in the Bangladesh-Myanmar border area. The Rohingya camps in Cox’s Bazar district might turn to be a fertile ground for recruitment by Islamist militants. With little love for Myanmar and alienated from Bangladesh, the stateless Rohingyas seem to be vulnerable and desperate and are likely to become militants to uphold their interests. The movement of the Rohingya Solidarity Organization (RSO) and the Arakan Rohingya Islamic Front (ARIF) is well known. They are fighting for autonomy or independence for Rohingyas. When established, the activities of both organizations were confined to Arakan, but following a series of pushes and the disappointment of not finding shelter in Bangladesh, they have expanded their operations well beyond the Southeastern region of Bangladesh. The illegal small arms trade, a flourishing business along the border, is also a security concern for Bangladesh.

³ Principal of Sylhet Buddha Bihar. Interviewed 2 December 2019.

⁴ Chairman of Sylhet Presbyterian Church, NoyaSharak, Sylhet. Interviewed 15 December 2019

⁵ Principal of Sylhet Buddha Bihar. Op.Cit.

Bangladesh's Border Guard has only one border observation post (BOP) to keep a vigil on the 129 km border. Pushed back refugees live in the border jungle and get involved in smuggling. Although Bangladesh law enforces seizures of huge firearms and explosives in their operations, smugglers can be able to escape arrest using advance information supplied by refugees within the camps (Rahman, 2010). Moreover, anti-social activities are reported to have been increased among the unregistered Rohingyas in the camps. The social vices in the Rohingya refugee community, commercial sexual exploitation, fake marriages, the fake proposal of work, and the prevalence of sexually transmitted infection (STI) have threatened the local social life and damaged the stability of the Bangladesh-Myanmar border region (Rahman, 2010). So it is clear that if the Rohingya crisis is not resolved as soon as possible, it will be a major security threat for Bangladesh in the future and its negative impact will fall on the environment, society, and economy of Bangladesh.

The Rohingyas offer services at a much lower rate than the local population and such practices are upsetting the job market in the region. About 90% of the lower-skilled laborers and staff employed in local hotels, motels, ports, and small businesses are all of Rohingya origin. They also work as rickshaw pullers and day laborers. As a result, Bangladeshi workers are losing out on their jobs. The Rohingya refugees are adding extra pressure on the existing crisis of the land and forests in the Cox's Bazar region. Bangladesh has lost a considerable area of reserve forest for providing land to the refugees for the construction of their shelter. Moreover, the refugees and undocumented Myanmar nationals are regularly cutting off valuable trees and destroying woods in the reserve forests in the Bandarban and Cox's Bazar areas causing serious harm to Bangladesh's environment, ecology, and bio-diversity (Islam, 2012).

Role of the UN and OIC in Resolving Rohingya Crisis

All of the respondents gave the same opinion that UN (Union Nation) organization failed to resolve the Rohingya crisis. Azeem Ibrahim in his book argues, the UN has been warned repeatedly how bad the situation is, and it has continued to publish highly critical reports. But as ever its impact is limited, in part by the enduring politics of Security Council, in this case it is most likely that China and Russia would back the Myanmar military and also by the fact it has multiple roles in Myanmar (Ibrahim, 2016). All the Muslim leaders agreed that OIC (Organization of Islamic Cooperation) has also failed to protect the rights of oppressed Muslims in different countries of the world. Rohingya crisis is not a new crisis. So in reality we find the bitter truth that UN organizations are not sincere enough to overcome this type of crisis. All interviewees have agreed that UN organization fails to ensure the security and right of the Rohingya minority. On the other side, OIC takes initiatives to protect Rohingya Muslim and encourage Gambia to create a complaint against Myanmar in International Court of Justice (ICJ).

The Gambia accuses Myanmar of genocide at top UN court

The small West African nation of the Gambia has filed a lawsuit at the UN's top court formally accusing Myanmar of genocide against Rohingya Muslims. The UN's Independent International Fact-Finding Mission on Myanmar said in August 2018 that the army's tactics were "grossly disproportionate to actual security threats" and that "military necessity would never justify killing indiscriminately, gang-raping women, assaulting children and burning entire villages" (BBC NEWS, 2019).

Myanmar rejected the report. It has consistently said its operations targeted militant or insurgent threats. In 2018, prosecutors at International Criminal Court (ICC) which would normally investigate allegations of war crimes as opposed to the ICJ- opened a preliminary inquiry into Myanmar's alleged crimes against its Rohingya Muslim minority. But the fact that Myanmar has not signed up to the ICC complicates the legal case there and no charges have yet been filed. The Gambia filed a lawsuit to the ICJ- sometimes known as the world court- at the Hague on 11 November 2019. The country, which is majority Muslim, also has the support of the 57 member Organization of Islamic Cooperation (OIC) and a team of international lawyers (Human Rights Watch, 2019). Both it and Myanmar are signatories to the 1948 Genocide convention, committing, preventing, and pushing the crime of genocide. In its filing, the Gambia asked the court to implement an injunction to make sure Myanmar immediately stops atrocities and genocide against its Rohingya people.

Abubakar M Tambadou, the Gambia's attorney Spearheaded the effort. He previously worked at the International Criminal Tribunal for Rwanda investigating the 1994 genocide there. Tambadou told BBC that he was motivated to act after hearing stories of brutal killings, rape, and torture from survivors on a visit to a Rohingya refugee camp in Bangladesh (BBC NEWS, 2019).

Badar Uddin Ahmed Kamran⁶ said that "since the Gambia is an African Muslim country, it files a lawsuit for Rohingya from its consciousness, while the case may take many years to reach a final ruling".

On 23 January 2020, the International Court of Justice (ICJ) in the Gambia v. Myanmar delivered its order upholding The Gambia's request for provisional measures. On the same day, the ICJ fixed 23 July 2020 and 25 January 2021 as the respective time-limits for the filing of the Memorial by The Gambia and the Counter-Memorial by Myanmar. The procedural law of the ICJ, however, will allow the parties to pursue incidental proceedings side by side in different stages of the case until the final judgment. And, the result of some of the incidental proceedings may definitively determine the outcome of the case (Ahmed, 2020).

⁶ Former mayor, Sylhet City Corporation. interviewed on 6 December 2019.

Conclusion

Bangladesh's government has been praised by people and countries all over the world for giving shelter to Rohingya refugees in Bangladesh. Prime Minister Sheikh Hasina achieved the title of 'Mother of Humanity' for this intelligence. All the religious leaders interviewed also praised the Bangladesh government for her decision to shelter the Rohingya refugees in Bangladesh. But it would not be the permanent solution to this crisis. At present, the Rohingya refugee crisis is one of the national crises of Bangladesh. So the government should seek ways to overcome this crisis based on the opinion of the people of Bangladesh. The government should take decisions based on how the country's intellectuals, civil society, religious leaders, and above all the masses are thinking about the issues to overcome this crisis.

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Citizen Participation and the Quest for Accountability and Transparency in Urban Local Government in Bangladesh: A Study on Rangpur City Corporation

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Abstract: Citizen participation is fundamental to promote accountability and transparency in urban local government of Bangladesh. For the last half-century, citizen participation has been considered as a key tool to empower the citizens in which citizens can actively participate and provide input in decision making process that spearheads the accountability and transparency in urban local government of Bangladesh. However, the level and access to citizens in urban local government functioning process is limited for many reasons in developing countries compared to developed countries. This study has explored the mechanisms of urban local government of Bangladesh to ensure the accountability and transparency in decision-making process as a case of Rangpur City Corporation (RpCC). This research is conducted by qualitative research approach where data and information has been collected from primary sources. In addition, some secondary data has been used to furnish the research. Research report shows that the level and access to citizen in the functioning of RpCC is very minimal. It is also found that RpCC has been taken a limited initiative to ensure accountability and transparency in their activities. While RpCC has hung out the citizen charter in front of office building as a part of transparency mechanism but people's awareness about citizen charter is very low. Moreover, it is found that employees of RpCC are engulfed in corruption from top to bottom. It recommends that inclusion of the people in RpCC activities is the only way out to solve the problem.

Keywords: Citizen Participation, Accountability, Transparency, Local Government and Bangladesh

Introduction

Nowadays citizen participation in local government decision-making process, especially service delivery organizations, has gained momentum to donor agency and policy makers of developing countries that enhance the accountability and transparency of authorities. Citizen participation in the local government decision-making process is considered as citizen power (Arnstein, 1969; Berner, Amos and Morse, 2011). Citizen participation in local government spearheads the democratic process by ensuring the transparency and accountability of local government authorities, and that translates it self into local development. It enables citizens to explore their hidden power and engages in their own areas of development jargon. Citizen participation covers all positive elements that could enhance citizen humane development and create a bridge between the society and the government. Wang (2001) stated three impacts of citizen participation of which citizen participation leads to satisfy the needs of the public because participation allows government

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to understand what the public needs are. And citizen participation builds mutual consensus between government and citizens on service priorities and good performance. Lastly ‘participation improves public trust of governmental decision making’ (Wang, 2001, p. 324). Participatory theorists argue that ‘meaningful citizen participation facilitates social stability by developing a sense of community, increasing collective decision making, and promoting acceptance and respect of the governance process’ (Pateman, 1970 Cited in Callahan, 2007, p. 1180). Citizen participation ensures the transparency in the activities of local government and establishes the accountability of local functionaries and also check to the rise of authoritarian leader in local government.

Like many other developing countries, citizen participation at local government institutions in Bangladesh is minimal because of the parochial political culture and inequality in socio-economic status of the citizens that has developed a patron-client relationship in social and political system in Bangladesh (Wahed Uzzaman and Alam, 2015; Haq, 2014). Experts on community development pointed out that elected representatives and government officials are not accountable for their activities to the local people in Bangladesh. Elected representatives maintained good relations with the government officials to share funds illegally among themselves (Waheduzzaman and As-Saber, 2015). Devas and Grant (2003) stated that decision-making in Kenyan local authorities (LAs) remains non-transparent, with most decisions still being made behind closed doors and a lack of publicly available information on budgets and accounts. Scholarly report shows that in some cases, elected representatives of Bangladesh are not interested to involve citizens in local government activities. They think that they are elected by the people, and that, their decision means peoples decision. Chowdhury and Aktaruzzaman (2016) in their research stated that the ‘elected representative believes that engaging citizens would constitute a threat to them, and hence they are not interested in ensuring citizen participation or providing data on participation (p. 125)’. However, sometimes citizens themselves are not interested to participate in local government activities for poor socio-economic status like less civic skills and less education. In Bangladesh, almost 30 percent of the people are illiterate and, in some regions, this trend is higher (BBS Report, 2017).

In urban local government, municipalities and city corporations have different committees’ comprise by elected representative along with eminent citizens and civil society members. In Bangladesh, government has made different policies and regulations for guaranteeing and securing citizen participation in local government decision making process, though this engagement is somehow passive(Waheduzzaman and As-Saber, 2015). To run the city corporation, government has enacted a law namely Local Government (City Corporation) Act, 2009 (Amended in 2011), which is applicable for all city corporation, that clearly defines the scope of functions of city corporation in Bangladesh, and how and what ways city corporation will ensure accountability and transparency to the concerned masses.

Other development organizations who work for local development and democratic governance like World Bank, USAID also exert their influence on the local government bodies to ensure the active participation of ordinary people by enabling them to feel that they are active partners in development process. Although government and donor agencies have taken some initiatives to ensure accountability and transparency of local government bodies by engaging citizen participation, but in reality local government organizations of Bangladesh has not properly maintained the process of accountability and transparency mechanism in their activities.

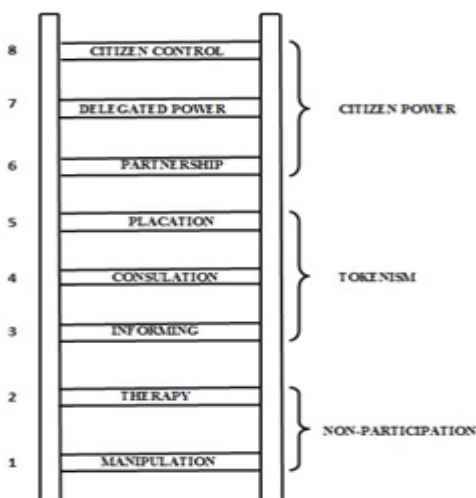
Some research works (Chowdhury and Aktaruzzaman, 2016; Haq, 2014) have been conducted on citizen participation in urban local government of Bangladesh and the result shows that urban local government of Bangladesh has not taken necessary steps to ensure accountability and transparency in their activities. Due to lack of finance and inadequate logistical support, almost all urban local government bodies in Bangladesh have not engaged the citizenry in the decision-making process. Scholar Panday (2017) gave similar opinion that urban local governments in Bangladesh are not autonomous to resource mobilization. Annual Budget of a city corporation partly comes from the central government which are very limited and the rest of them come from the city corporations own internal revenue collection. In this backdrop, the researcher has chosen Rangpur City Corporation (RpCC) as a case of research where he tried to explore the nature of mechanisms that is adopted by urban local government bodies of Bangladesh, particularly RpCC, to ensure accountability and transparency. The study also focuses on the challenges of citizen participation in RpCC like political will of the authorities, level of logistic supports and citizen aspirations. Specifically, the objectives of the study are to explore the mechanisms that are existed and practiced of RpCC to ensure accountability and transparency, to investigate the nexus between citizen participation and accountability and transparency of RpCC, and to find out the persistent problem to engage citizenry in RpCC.

Citizen Participation: Conceptual Framework

Over the past half-century, it is regarded that citizen participation in local government decision-making process is fundamental that empowers the underprivileged and creates a bridge between the citizens and state (Berner, et al., 2011). Firstly, the US had used this term, citizen participation, as a concept in local government budget making process in 1960s where citizens provided their opinion in municipal budgetary mechanism. Nowadays, the concept, citizen participation, has been widely used in local government decision-making process in western societies. Citizen participation refers to the engagement of citizens in policy making, policy implementation and policy evaluation for effective, legitimate and participatory development. Arnstein (1969) opined that ‘citizen participation as a categorical term for citizen power. It is the redistribution of power that enables the have-nots citizens, presently excluded from the political and economic processes, to be deliberately included in the future’ (p. 216). She posited that citizen participation empowers

and uplifts the disadvantaged people in the society. She came up with a ladder of citizen participation (Figure 1) that ‘describes the degree of citizen empowerment corresponding with varying levels of involvement’ in government activities (Berner, et al., 2011).

Figure-1: Ladder of Citizen Participation



Source: Arnstein, (1969)

Citizen participation has different methods that show its effectiveness and usefulness (Rosener, 1978; Cited in Kathlene and Martin, 1991). Rosener (1978) argues that ‘in the first place, policy makers need to explicitly define their expectations about citizen participation and then match these goals with the appropriate participation method’ (Rosener, 1978 Cited in Kathlene and Martin, 1991, p. 46). Citizen participation also manifests in democratic governance that leads to local development. It is also assumed that citizen participation is a ‘basic building block for contemporary democratic society and sustainable communities’ (Cuthill and Fien, 2005 Cited Aulich, 2009) as such, it covers all aspects of engagement of the people in policy making process that enhance transparency, accountability, responsiveness and legitimacy in policy process.

The nature of relations between citizen participation and accountability, transparency are important for democratic governance as well as local development in developing countries. It is argued that effective citizen participation makes governance more transparent, more accountable and more legitimate (JICA, 1995). In developing countries like Bangladesh, local government officials, elected and recruited, are mostly corrupted and self-centered. To establish professionalism and accountability in elected representative and government officials, citizen participation is more effective because it bounds elected representative and government officials to engage the citizen in decision-making process and open up the information for all. For example, in a paper on ‘Gaps in Pursuing Participatory Good Governance: Bangladesh Context’, Waheduzzama and Mphande (2012) demonstrated

that community participation is an integral part for effective and accountable local governance in Bangladesh. They described the four models of community participation in local governance that existed and practiced in developed and developing countries like authoritarian, bureaucratic, political and democratic models. They found that the level of accountability, transparency, predictability and responsiveness of selected case study are minimal and not spontaneous. They also found that elected representatives and bureaucrats are not supportive to include the community people in decision-making process in the local institutions.

Although citizen participation in local government policy making process of Bangladesh has encouraged by adopting and making different policies and regulations, the process of citizen participation in local government activities is different regarding the types of local government. For example, rural local government has special arrangement for citizens to participate in decision making. But urban local government this process is somehow latent (Waheduzzaman and As-Saber, 2015). In local government, citizen can participate in different ways like decision-making process, project implementation or evaluation level, and project monitoring time. Municipalities and city corporation, urban local government bodies of Bangladesh, can involve citizens in decision-making process in informal ways like open space meeting, open budget meeting and citizen survey along with formal procedures.

What are the most important factors to inclusion of citizenry in local government decision-making processes are the initiatives of local government officials and active citizens. Berner et al., (2011) in her research found that participatory budgeting in local government is a complex process, and that only a handful people have time, resources and know-how to review it. Gaventa and Valderrama (1999) stated some factors that are obstacles to citizen participation in local government. One of the most important factors is power relation; they found that central government, local elites, NGOs and CBOs are often prone to co-opt citizens in local government decision-making process. They also found some other factors like weak participatory skills, lack of political will and insufficient financial resources at the local level that create obstacles to effective citizen participation in local government. Similarly, Kathlene and Martin (1991) discussed about the impediments for effective citizen participation in decision-making. They focused on three factors that inhibit effective citizen participation. Their diagram as follows:

Table-1: Obstacles for Effective Citizen Participation

Citizen Limitations	Policy Maker Limitations	Design Limitations
<ul style="list-style-type: none"> • Cost/ benefit payoff to individual • Access to official and technical information • Access to critical points in the decision process 	<ul style="list-style-type: none"> • Lack of citizen participation goal congruence among political actors • ‘legitimate’ role of the political actors versus citizens • How public opinion is valued 	<ul style="list-style-type: none"> • Who participates • How many participates • How citizen participation is integrated in the policy making process

Source: Kathlene and Martin (1991, p. 48)

It is apparently clear that developing countries have been affected by lack of effective citizen participation than developed countries because actors and factors in developing countries that are also main instruments to engage citizens in decision-making process are weak. However, some researchers have stated that structural gap and low political culture are the main barriers to effective citizen participation in developing countries like Bangladesh (Haq, 2014, Waheduzzaman and Mphande, 2012).

Methodology of the Study

This research work is mainly employed the qualitative research approach. Necessary data and information for the study has been collected from primary sources along with secondary data. For primary data, key informants interview method was used along with two other methods, in-depth individual interview and focus group discussion. An unstructured and open-ended questionnaire was administered to the interviewees by the researcher through face to face interview. For secondary data, documentary analysis was extensively done during the study. In addition, different government and international reports that are related to this research have been reviewed to enrich the research findings.

Purposive sampling method was used to achieve a deeper understanding of the research topic. Specifically, respondents of key informants interview and in-depth interviews are selected purposively who have gained a critical knowledge based on the citizen participation in urban local government, and also who have work experiences with the citizen engagement in urban local government. In order to collect the intensive data and information about the topic, focus group discussion method was used in this research. The main objective of the focus group discussion is to explore rather than description of the problem. In total, 60 respondents were selected from three categories (Table 2).

Table-2: Number of respondents according to data collection methods

Methods of Data Collection	Number of Respondents	Background of the Respondents
Key Informants Interview	6	Coordinator of International NGOs, Experts who have specialized knowledge about citizen participation
In-depth Individual Interview	18	Present and former Mayor and CEO, Councilor
Focus Group Discussion	36	Community leaders, Youths leaders, Religious leaders
Total	60	

Urban Local Government System in Bangladesh and Rangpur City Corporation

Local government in Bangladesh has evolved in the colonial era and first envisioned in 1885 by enacting 'Bengal Local Government Act of 1885' of British Raj which was three tiers local government--union, upazilla and district (Rahman and Ahmed, 2015). From the colonial period, local government structure has changed from time to time to fulfill the agenda of the central government rather than to satisfy the needs of the local people. Since the independence of Bangladesh, a number of measures have been taken to improve the capacity and service delivery of local government institutions. Successive government also tries to retain these processes of modification but 'local governments continue to be plagued with a variety of perceived weaknesses in their role, capacity and authority to deliver services and governance' (Rahman and Ahmed, 2015, p. 3).

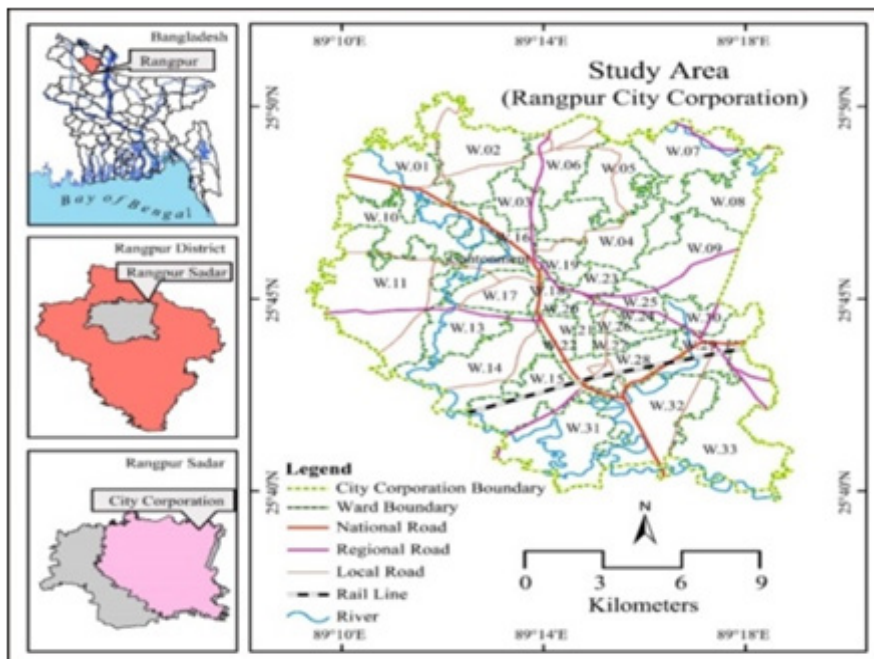
Presently, two types of local government are functioning in Bangladesh under the ministry of Local Government, Rural Development and Cooperatives, namely urban local government and rural local government. Urban local government in Bangladesh has been functioning in wider aspects at the local level in urban areas of Bangladesh. Khan (1997) posited that Bangladesh has been practicing four types of urban local governance system i.e., municipal government, special development bodies, special purpose authorities and special government bodies. City corporations (municipal corporations) and Pourashava (municipalities) are the two bodies of municipal government. In 1688, East India Company established the municipal corporation in Madras, and that was a first Municipal Corporation in Indian sub-continent (Awan and Uzma, 2014). After the independence of Bangladesh, the government of Bangladesh for the first time set up Dhaka Municipal Corporation in 1974, under the Act of 1974.

Rangpur City Corporation (RpCC) was established in 28 June, 2012, as an eleventh City Corporation and also the largest city corporation in Bangladesh in terms of size (Taher and Asad, 2017). The total population of RpCC is around 7,96,556. And the literacy rate of Rangpur city is 65 percent, which is less as compared to the national average. Now its area is 205.76 square kilometer and divided into 33 wards (Map 1). According to the Local Government (City Corporation) Act, 2009, (Amended in 2011) RpCC is comprised of one (1) Mayor and thirty three (33) male ward councilors and eleven (11) women councilors for the reserved seats. Since its establishment as a full fledged City Corporation of Bangladesh, two elections have been held on five-year terms. The first and second election was held in 2012 and 2017 respectively. First RpCC election was free, fair and credible. According to DW's¹ observation report, Rangpur City Corporation election was peaceful through huge presence of voters. Their report also showed that approximately 75% voter cast their vote (Democracy Watch Report, 2012). Other election monitoring agency also gave positive report about voter turnout. They reported that the first election was marked by enthusiastic participation of voters. Second Mayor of RpCC was elected

¹ Democracy Watch (DW) is a non-governmental election monitoring agency in Bangladesh.

on the party-based system, in which the candidates are nominated by the political parties, and use their respective party's symbol to contest the election.

Map-1: Map of the Research Area



Source: Banglapedia: National Encyclopedia of Bangladesh (2012)

RpCC is regulated by Local Government (City Corporation) Act, 2009 (Amended in 2011). To take the decision, this city corporation formed different committees by elected officials along with civil society members. City corporation has some wings that provide the services of the citizens. By analyzing city corporation act 2009, it is evident that the scope of citizen participation in decision-making process is very limited because city corporation act clearly defined that corporation meeting should be held in private except specialized committee meeting. Though city corporations have some restrictions to engage citizenry, they can take opinion of the citizens by arranging different meetings such as open budget meeting, monthly ward meeting, citizen survey, and town meeting. Previous studies like Chowdhury and Aktaruzzaman (2016) have found that municipalities have arranged some ward meeting in small scale and allowed people to tell their problems, but the demand of the citizens are too much. They also pointed out that local representative believes more people mean more trouble. Similarly, Waheduzzaman and Mphande (2012) in their research revealed that ‘local elected representative believe that they are a kind of proper stewards to ensure peoples participation in local development programs and they are adequately representing the local people (p. 50)’.

Key Findings and Analysis

Accountability and transparency are two elements of democratic governances that are necessary for every institution because these elements enhance the democratic process and establish the fairness by engaging citizen. If citizens are involved in decision making process of an institution, corruption will be decreased and public trust will be increased that means citizen participation will bridge the gap between rulers and the ruled. Every country has specific laws and provision to ensure accountability and transparency of their public institutions. Theoretically there exist two mechanisms to ensure accountability: downward accountability and upward accountability. Upward accountability refers to the elected representative and public officials will be accountable to their appointed bosses/ central government for their activities.

Downward accountability states that elected representative and public officials will be liable to beneficiaries/ local populace for their performance. It can be done legally or informally. Noor, (2015) in her research, mentioned three approaches: information disclosure, participation mechanism, and complaints procedures that helps to ensure accountability in any institution. Pandeya (2015) in his research on 'citizen participation in local government decision-making process in Nepal' posited that in Nepal, institutional and policy frameworks and participation mechanism to citizen participation in local government is favorable. He also found the following impact of citizen participation:

'citizen participation in local government showed positive impacts on achieving development gains, improving local planning systems, strengthening local accountability, and empowering citizens, because participation imparted more awareness, knowledge, and skills among citizens and encouraged local government officials to be more transparent, legitimate, and inclusive' (p. 92).

Although Bangladesh constitution has guaranteed the accessibility of citizen in decision-making process but this accessibility only ensured the formal participation of citizen. For example, in NSAPR² II, Government of Bangladesh has promised 'effective systems of citizen participation as well as accountability that will ensure that public servants are responsible to elected officials, and elected officials are in turn responsible to their constituency' (NSAPR II, p.72). Other policies like the perspective plan, 7th five-year plan is also given priority to ensure citizen participation in local government for promoting and upgrading of local populace livelihood status. In response to this state affair, a good number of projects have been taken to address the issue of citizen participation and strengthening urban local government and such projects are in progress and such have been completed. In RpCC, WB and JICA have been working to promote capacity development and enhancing

² NSAPR II refers the National Strategy for Accelerated Poverty Reduction II FY 2009 – 11, Prepared in the light of Election Manifesto of the Bangladesh Awami League 2008.

the people's power by participatory decision-making tools. In Bangladesh, Local Government (City Corporation) Act 2009, (Amended 2011) has stated some provisions that helps City Corporation to establish accountability. Section 44 of Local Government (City Corporation) Act 2009, (Amended 2011) explains that the corporation shall publish 'citizen charter' with description of the services to citizens, conditions for the services and the timeline of the services. And section 110 (1) states that any citizen shall have the right to information regarding the corporation in the specified system. Hence, the authorities have been given the power to classify any records for corporation interest.

Implementing citizen charter by RpCC to establish accountability and transparency

In order to ensure accountability and transparency to populace, RpCC has hanged on a citizen charter beside the reception desk. Through citizen charter, RpCC has published that what facilities/ services will get people from the RpCC and how many days it will take to implement these facilities. Elected representatives and government officials also claimed that they always tried to fulfill the basic services of populace with limited resources. But, in reality citizens don't get their desired services from the RpCC for various reasons like lack of awareness of concerned people, elitist attitudes of government officials and inadequate resources to implement the citizen charter. From key informant interviews and FGD, researcher has got mixed answer. What procedure have you been followed to ensure accountability and transparency in RpCC activities? In addressing this question, one of the key informant interviewee, who also public official of RpCC, posed his views in this way.

In front of the office building, we hang on the citizen charter where the public will get all information regarding services of the RpCC. And we also update it once in a year. There is also a complaint box where everybody can complain for harassment or extra charges. We have made annual performance report of RpCC and have circulated it in concerned authorities. However, we are not able to publish all report on our website.

Although RpCC authorities hang on citizen charter to ensure transparency, ordinary people's views are different. Citizen views are that citizen charter is in every place but in reality, they pay extra money for getting any services and this (payment of money) have not been written in citizen charter. They also accused that sometimes we lobby for getting services because RpCC authorities does not provide the services properly that have written in the citizen charter. They also commented that people's awareness about citizen charter is very low.

From observations and documentary review, it is uncovered that RpCC does not handle its services properly. For instance, the researcher did not find any report especially resolution of monthly meeting and annual performance report on their website. But Local Government (City Corporation) Act 2009, (Amended in 2011) has clearly defined that city corporation should publish its documents on their respective website so that people will know the activities of the city corporation. It also found that employees of RpCC are

engulfed in corruption from top to bottom. One of the interviewee made a comment the following way.

You will not get any services without paying extra charges. From top to bottom, all employees are corrupt. When top of the authority engage in corruption how can you think that others are not involved in corruption? In engineering section, they did not disburse money to the contractor without asking for extra charges.

This report is true because present mayor has cancelled the jobs of almost 200 employees, who were recruited by the former mayor (Dhaka Tribune, 19 May, 2018). Media report shows that former mayor had recruited some employees by taking money without recourse to any rules and regulations and without approval from the ministry of Local Government. It also shows that the current mayor has pledged--a corruption free RpCC administration in delivering services and ensuring transparency when he took over his responsibilities. Other research report also shows the same view. For example, Majumder (2015) stated that ordinary people of Bangladesh believed that the local government authority are engulfed in corruption and have failed to use funds properly that are allocated to them from the center. Even people have to bribe officials of the local government to get some services and facilities extended to them. (Majumder, 2015). He suggested that inclusion of the people in local government activities is the only way out to solve the problem.

Accountability and transparency by engaging citizens in different committee's in RpCC City corporations have some formal committees like 'standing committee' and 'corporation council' along with some specialized committees. These committees have enough opportunity to accommodate citizens when they took plan for city development if those meetings are not declared by majority member as private. It is considered that participation increases the transparency and accountability of an institution. Devas and Grant (2003) in their research stated that the nexus among decentralization, citizen participation and local government accountability in African countries in Kenya and Uganda. They found that decentralization process is not only the mechanism that can ensure the participation of citizen in local government rather accountability mechanism is most crucial for effective citizen participation in local government. The extent of citizen participation in Uganda is also shrinking and decision-making process in local government is not transparent. In Uganda, corruption in local government remains rampant. In their research, they suggested the need for good practices like committed and dynamic local leadership, external pressures from civil society organization, the media (community radio) that could ensure accountability in decision making process in Kenya and Uganda.

The field study and relevant document study shows that RpCC has arranged corporation council meeting once in a month and this committee is the supreme authority to approve and implement the budget in different sectors. RpCC has also formed different standing committee like standing committee of education, health and family planning; standing committee of water and electricity and so on but these committees are not properly functioning for non-cooperation of city council and lack of interest of committee

members. From in-depth individual interviews and documentary analysis, it finds that RpCC authority has not invited any specialist citizens that people will provide opinion on city development. When asked respondent on how they ensure accountability and transparency in their activities? One interviewee who is also councilor of RpCC states.

We are not bound to invite citizens in RpCC activities. We are elected by masses. Our decisions means peoples decisions. And we, councilor, knows everything about peoples demand. Local people do not understand the corporations' decision-making process and we feel our decision will be good decisions and that would overwhelm all stakeholders.

The above opinion proclaimed that elected representatives are not interested to engage citizens in RpCC activities and the involvement of the specialized persons in RpCC activities are not in a satisfactory level.

The field study and RpCC's document also shows that RpCC has formed two specialized committees i.e. the civil society co-ordination committee (CSCC) and city development co-ordination committee (CDCC) to engage the citizens for city development. Various development organizations like the World Bank, JICA are now implementing their program in RpCC and they have some provisions under which RpCC will be compelled to engage the citizens to oversee the projects. Basically, these two committees are allowed to engage ordinary citizens in RpCC activities. One civil society member said that:

We are the members of CDCC but we did not get any invitation from the former mayor. It was a condition of Donor Agency that RpCC authority should form CDCC and CSCC. That's why they formed it. We hope that the present mayor will make CDCC effective and take our opinion for city development.

From the above interview, it is revealed that RpCC has included civil society members in two committees but it is limited to black and white, not in practice. By participating a CSCC meeting, researcher found that Mayor of RpCC has not taken any opinion from the participants and he assure that he will hear of all public matters in the next meetings. A study by Haq (2014) revealed that the standing committee of City Corporation was formed by persons who were handpicked by the office holders of City Corporation and there is no scope for ordinary people especially poor and the disadvantaged.

Organizing public meetings by RpCC to ensure accountability and transparency

To ensure accountability and transparency of local government officials in the western world, elected representatives or government officials, public meeting/ town meeting is one of the most important mechanisms where every ordinary citizen can attend the decision-making process of local government bodies. Although there is a nuance difference between public meeting and town meeting, but these methods are widely used in local government decision making process of all European countries and US as well. It is a meeting set out by local government authorities to collect the opinion of citizenry for specific issues like how to settle the homeless people, how to improve service delivery and how to make a good housing zone. It is also considered that public meeting is one of the meaningful tools

to engage citizens in the process of an organization where ordinary citizen can provide inputs of the public matters. In public meeting, citizens with different viewpoints work together to complete a specific tasks that give them a sense of common purpose. It is highly transparent process where everybody can hear what everybody else said. A study by Gustafson(2019) stated that.

In town meetings, it has often been claimed; residents learn to work together on practical matters that affect common goods, such as roads, parks, and public schools. These schools of democratic citizenship foster the cognitive and expressive skills required for coalition building and problem solving. They give participants a sense that they can have an impact on the public domain and contribute to the experience of communal life (p. 1).

Similarly, Cohen and Arato (1992), in their research pointed out that European countries like Italy, Austria, Norway, and Britain, frequently engages citizen in national issues. He demonstrated that..

...in recent years, citizens of Italy, Austria, and Sweden have voted to ban nuclear power in their countries; the people of Ireland voted to permit abortion in certain instances; those of Norway voted not to belong to the European Union; and the Australians voted to maintain their connection to the British monarchy; the French voted to cut the term of office of their president to five years, and in the near future, a national referendum will be tabled before the people of Great Britain decide whether to replace the pound with the Euro (Cohen and Arato, 1992, p. 87 cited in Mapuva, 2015, p. 411).

Although arrangement of a public meeting, for taking opinion of ordinary citizen, in local government activities in western worlds are common phenomenon, but in South Asia particularly in Bangladesh this practice is new and quite debatable because local government of Bangladesh has been continuing their activities despite of the budget constraints and lack of efficient leadership with plethora of regulations and policy. Recently rural local government bodies in Bangladesh especially union council, in small scale, has been arranging participatory budget making program with the citizenry on the union council premises in every fiscal year. Though international donor agencies have been pressurized the local government bodies, rural and urban, to arrange the public meeting program with the citizenry, but urban local government bodies like city corporation and municipalities have not organized yet on the pretext that there is not proper guidelines on public meeting from central government. After reviewing present City Corporation act of Bangladesh, it is found that there is no clear direction to arrange public meeting by city corporation authority. From field study and documentary analysis, researcher found that RpCC has not scheduled any public meeting until its formation. Local civil society organizations and donor agency have always pressurized the RpCC authority that they have to take views of the citizenry for local issues like how to improve service delivery and how to make ward budget in ward level by arranging public meeting. One in-depth interviewee who is the president of local journalist association proclaimed his opinion in this way.

Before election, present mayor promised that he would arrange public meeting twice in a fiscal year for making RpCC as a best service provider. But, after came in power, he didn't take any opinion from local civil society members. So, arranging public meeting by RpCC is like live in fools of paradise. They get fear to arrange the public meeting as it could open up their real character.

Above comment revealed that RpCC authority has not interested to accommodate citizens in the decision making process though public meeting is one of the best way to engage citizens. The only mechanism that is used to ensure accountability of local government authorities is the provision of public meeting but this mechanism is totally absent in RpCC.

Conclusion and Policy Recommendations

This paper discusses the issues of how citizen participation ensure the accountability and transparency of local government authorities of Bangladesh in the case of RpCC and what are the present apparatus of RpCC to accommodate citizens in their activities. After rigorous reviewing the regulations and RpCC documents, it is evident that the mechanisms of RpCC to ensure accountability and transparency are so weak and limited. There remains limited space to accommodate citizens in RpCC activities structurally, and also found that authorities of RpCC are reluctant to engage citizenry because they are directed by invisible actors and factors like local political elites, musclemen and local leader of ruling parties. It is also found that RpCC authorities are not committed to provide space of the citizenry of which local citizen's spontaneously participate and gives input in the decision making process of RpCC. Introduction and implementation of specific policies/ regulations of citizen participation, formally and informally, in urban local government activities, no doubt, could expedite the accountability and transparency of urban local government authorities. By engaging in decision making process of ordinary citizen, RpCC authority can build the trust and foster the sustainable development. It is also imperative that government and civil society organizations should encourage the citizens by rigorous campaigning that their meaningful participation are necessary and important for democratic enhancement, and to promote the accountability and transparency of the institution.

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