

The Promise Of Democracy: Bangladesh

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i. Prolegomena:

There is this anonymous quote attributed to a Chinese student: "I don't know exactly what democracy is. But we need more of it". Today, in many ways, democracy is celebrated as the be all and end all, the end of history of sorts. And therefore, the mantra that whatever the ills of democracy, these can be cured only by more democracy.

But what is democracy? Woodrow Wilson saw democracy not so much as the fun of government as a set of principles. There is the cynical definition of democracy as the worst form of government **except for all the others**. Others will stress that democratic institutions are never done – they are, like the living tissue, always a-making. The most serious threat to democracy perhaps is the notion that it has already been achieved.

Is there a sure test of democracy? Aristotle would have liberty as the basis of a democratic state. Liberty includes as much as the right to do anything that does not interfere with the happiness of another as the right to think wrong. Thomas Mann defined democracy as that form of government and of society, which is inspired above every other, with the feeling and consciousness of the dignity of man.

Democracy is about inclusion and empowerment. It does not however, guarantee equality of conditions – it only guarantees equality of opportunity. It is not by the consolidation, or concentration of powers, but by their distribution, that good government is effected in a democracy. The excellence of democracy lies in its capacity to adapt to the state of those to be governed by it.

Democracy is not something you believe in or a place to hang your umbrella, it is something you do. You participate. If you stop doing it, democracy crumbles. Essential to democracy is free and informed discourse. The method of democracy is to bring conflicts out into the open where their special claims can be seen and appraised, where they can be discussed and judged. In a democracy, the individual enjoys not only the ultimate power but carries the ultimate responsibility. To Mahatma Gandhi, the notion of democracy rests on the weakest having the same opportunities as the strongest. The most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities

The discourse on democracy conventionally goes back to the city-states of ancient Greece. They practiced what is generally called direct democracy, a town house of sorts. The process involved the participation of all citizens and decisions were adopted by a majority. This celebrated form of democracy, however, had a limited franchise. In a polity made up of citizens and slaves, exclusion created a pronounced democratic deficit. And furthermore, citizens, usually meant male citizens. Therefore, although in the superstructure of this polity we see a prototype of democracy at work, clearly, that practice of democracy was shorn of many signature elements of democracy as it has evolved and as we know it. Ancient Athens was both a "democracy" and a slave society.

What was possible in terms of direct participation by a relatively small citizenry thriving on slave labour, clearly would not work in larger polities like the modern nation states. And therefore, the innovation of representative democracy. This involves elections, a central ritual of democracy, for choosing representatives who act on behalf of the electors. Both the election process as well as the decision making process of necessity remain overtly majoritarian. The ritual is repeated periodically so that electors can assess performance and ensure that their voice is properly heeded. Obviously, decisions by majority count, however large, can contribute to alienation and exclusion especially if the polity is characterized by a plurality of communities, values and perceptions. Read into a modern nation state, we find major fault lines lie across economic, ethnic, national, religious, linguistic lines. The divide is most accentuated in terms of majority and minority. Liberal democracy is about providing constitutional guarantees for the non-discriminatory protection of all segments of society, particularly the minorities. Democracy therefore involves rituals and process such as elections, debating on issues as well as institutions for governance.

This is democracy of the super structure. The more substantive would be the building of a democratic society. Ideally one must reinforce the other. It is this that defines the broad parameter of the promise of democracy for any nation. This paper is exploratory and approaches the issue in the context of Bangladesh.

The questions that are posed and answers for which are attempted include the following:

- What does democracy mean for the people of Bangladesh?
- What is their expectation from democracy?
- Is democracy perceived as the answer to their desire for good and efficient governance?
- What has been the aspiration for governance over the years?
- Can a construct of their aspirations, its thrust, scope and limitation be posited?
- Is there a disconnect between process, delivery and oversight in the democratic aspiration of the people?
- Can the miscarriages be identified?
- Is there a democracy fatigue? are there fault lines between aspiration and practice?

Beyond this, the paper endeavours to look at a construct of the state and governance, that touches the people's aspirations more - the translation of the promise.

Democracy: Evolution, Discourse and Practice

Democracy refers to the rule by the people as a whole rather than by any section, class or interest within it. The theory of democracy is complex; partly because of difficulties in understanding who the people are, and which acts of government are truly 'theirs' rather than those of some dominant group or interest. The first distinction to be made is that between direct and representative democracy: in the first all citizens participate in decision-making, say by voting and accepting a majority verdict. In the second case, the people choose representatives who are then answerable to them, but at the same time directly involved, and usually without further consultation, in the practice of government.

Ancient Athens is considered to be the "Cradle of Democracy" When the Athenians established their democracy 2500 years ago, they had already gone through rule by kings and nobles and then, with election from among the rich and influential. Athenians, through a series of accidents of history, developed what they regarded as democracy. The word they coined was, and now seems again, downright radical, once you look at the political concepts behind it. The Greek word *demokratia* is a marriage of *demos*, the people, and *kratein*, power or rule. The citizen was paramount and participated directly in all matters appertaining to the running of the State.

The Athenian Assembly was at the top, and was the final voice on all matters. It consisted of all voters who wanted to attend, and sat from dawn to dusk forty times per year. The Council of 500 was the Executive and Administrative body. It supervised and coordinated the running of government. It also set the agenda and wrote the bills for debate and passage in the Assembly. It consisted of 500 members selected by lot from voters 30 years old or older who put their names down for the one-year full-time term.

As soon as societies become large, with large-scale division of labour and complex patterns of distribution, direct democracy seems hardly feasible. The question of principal importance then seems to be, what makes a constitution democratic? It is to this question that the theory of Western constitutional democracy addresses itself, burdened also by ancillary questions inherited from the long history of European constitutional government, in which what first existed as a right of appeal of every subject to the sovereign, was gradually transformed into limited government with representational assemblies whose consent had to be sought for every legislative and executive decision. While regular elections and universal suffrage are now seen as essential features of a democratic constitution, they are only one part of a mode of government, which may yet be undemocratic in every other particular. In particular, every constitution requires a framework of offices and conventions, which will not be subject to easy emendation by popular choice. Hence power and privilege intrinsic to that framework (e.g. that vested in a civil service) will rarely be seen as a reflection of popular choice, however necessary it may be to making that choice effective. Moreover, a democratically elected government may proceed to enact during its term of office, policies which are manifestly in conflict with the wishes and the interests of the people. There is need therefore to consider democracy not merely as an end, a set of established mechanisms, but as also a process. There is need to keep the fault lines of democratic miscarriages in perspective. One such miscarriage is what Alexis de Tocqueville called democratic despotism¹.

In representative democracies various criteria have been laid down for determining when an election really does reflect the choice of an electorate. Furthermore, attempts have been made to impose democratic organization on all subject institutions within a democracy, in order to avoid the obvious

objection that the state represents only one among many concentrations of political power. The desire to extend democratic decision-making through every autonomous body has led to much heart-searching in recent politics, partly because it has seemed that, without that extension, democracy is seriously incomplete.

Apart from the distinction between direct and representative democracy, there are also substantive divergences in the understanding of democracy. Two conflicting criteria are employed in the assessment of any political decision: by whom was it taken? (which raises the problem of collective choice) and: whose interest does it serve? (which raises the problems of social welfare, and social choice). It is normal in the West to use the first criterion, and to call a state democratic if there is some way of attributing every major political decision to the people, either because they take it or because it depends upon their consent. But then, if democracy must be more than form, it must serve to promote a democratic society. Marxist literature holds that democracy can be manifest in three spheres - the political, the economic and the social - and that bourgeois democracy considers at best only the first of those. The other two are equally important, and require collective control of the means of production (economic democracy) and the abolition of social privilege (social democracy). They therefore dismiss 'capitalist democracy', which exists only in the political sphere, as a device that prevents the emergence of democracy at the economic and social level. Indeed, the argument takes off on a tangent that 'true democracy' can come about only when the conditions for it are prepared at those more basic levels - hence the need for a (provisional) directed democracy in the political sphere.

II. search for democratic roots and a bangladesh prototype

An overview of the history of Bengal/Bangladesh indicates the ascension of Gopala to the throne as an interesting starting point for our democratic discourse.

The death of Sasanka in the mid-seventh century AD was followed by a period of anarchy and lawlessness. For more than a century, roughly from 650 to 750 AD, the history of Gauda was marked by political chaos and confusion caused by the death of Harsavardhana (646 or 647 AD), the usurpation of his kingdom by his ministers, and the adventures of the Chinese envoy Wang-hiuen-tse were followed by the invasions of the powerful king of Tibet, Srong-tsan-Gampo. In the second half of the seventh century AD Bengal saw the emergence of two new lines of kings: the later Guptas in Gauda and Magadha (western Bengal and southern Bihar) and the Khadgas in Vanga and Samatata (southern and southeastern Bengal). Neither of these dynasties, however, appears to have succeeded in establishing a strong rule in Bengal.

In the first half of the 8th century AD Bengal was overwhelmed by repeated foreign invasions, the most notable of which was the invasion of Yasovarman of Kanauj (725-752 AD), soon eclipsed by Lalitaditya of Kashmir. The Kashmiri historian Kalhana refers to five Gauda kings defeated by Lalitaditya, indicating a state of political disintegration in Gauda, which became a field of struggle for the local chiefs. Successive foreign invasions destroyed the political equilibrium and hastened the process of disintegration.

The condition of Bengal towards the middle of the 8th century AD, before the rise of GOPALA, is found mentioned in one of the Pala records² as a state of matsyanyayam. This is reinforced by the Tibetan monk Taranatha: "... every Ksatriya, Grandee, Brahman and merchant was a king in his own house (or in the neighborhood) but there was no king ruling over the country."³ The Sanskrit term matsyanyayam has special significance. According to Kautilya's Arthashastra: "when the law of punishment is kept in abeyance, it gives rise to such disorder as is implied in the proverb of fishes, i.e., the larger fish swallow the weak". The contemporary Pala record uses this significant term to describe the prevailing political situation in Bengal. It was a situation of complete lawlessness arising out of the absence of a strong ruling power capable of enforcing law and order.

Gopala emerged at the helm of affairs in Bengal and succeeded in putting an end to the state of matsyanyayam.

The process of Gopala's rise to power has been a matter of controversy among historians. Some have argued that the people elected Gopala their king. Without going into the details of the controversy it may be said that Gopala came to occupy the throne at a time when there was chaos and confusion and he

must have had the support of a group of influential people or leaders and his success in putting an end to the state of matsyanyayam may have earned popular support for him.

Gopala clearly stands out as one who is invested before the fact or after the fact with popular support. I choose to begin the search for the promise of democracy in the context of the Bengali people from here. Gopala's ascension signified the end of matsyanyayam (big fish eating small fish). It was significant for what it had to offer in terms of governance and political institutions. Beginning with Gopala, the Palas⁴ brought to this polity stable government, sound administration, religious tolerance, an inclusive order where Brahmins were appointed to important offices of the state. It also facilitated the first recorded social engineering in this land because of its inclusive character, viz. the bringing together of two faiths together, and the emergence of syncretism (Tantric Buddhism). If this be our earliest democratic prototype, then "beyond matsyanyayam" possibly characterises the aspirations of the people, and the promise of democracy clearly falls within those parameters. One significant element of Bengal under the Palas was the non-discriminatory attitude of the state towards the various religions. This must have contributed in a major way to the evolution of a non-communal sense of nationhood down the line and the celebration of a non-sectarian inclusive national identity.

We see an interesting reflection of these aspirations throughout our subsequent history. Identical values and aspirations have been at work, indeed defining the trend of history, at important junctures of our political history.

For instance, the progression from the Partition to the emergence of Bangladesh provides interesting insights into the Bengali political mind, its core values and limitations. Across the continuum spanning the language movement, struggle for a constitutional government, demand for autonomy and finally, the creation of an independent Bangladesh, the driving force has been the people's will -- their aspiration for stable governance that guarantees their rights, a celebration of their common heritage and a non-communal identity.

The Proclamation of Independence (Mujibnagar, 10th April 1971) traces the context of Bangladesh's independence to the arbitrary postponement of the Assembly which was summoned to meet on 3 March "for the purpose of framing a constitution" and the declaration of an "unjust and treacherous war" by the Pakistan authorities. Declaration of independence was the legitimate right of self-determination of the people of Bangladesh.⁵ As the elected representatives confirmed the declaration of independence and constitute Bangladesh as a sovereign People's Republic, the objectives they set forth for the people in the newly independent state were: equality, human dignity and social justice, beyond the matsyanyayam of the Pakistan state. The accent of the democratic aspiration is on deliverables; and deliverables define the promise.

iii. Tracking History and Profiling People's Choice

The following sections provide an overview of major events and turning points in the history of Bangladesh and how these have impacted our democratic aspiration and shaped the promise of democracy in the context of Bangladesh.

In the last 100 years, the people of Bangladesh have experienced a more immediate interface with democracy and with the democratic. This has ranged from governance under the British Raj, struggle for self rule, self-determination and independence, constitutional government, constitutional miscarriages, restoration of democracy etc. Choices were made or caused to be made that affected the collective as a whole. Some events more than others stand out and provide a useful window on the shaping of collective perception, defining the parameters of collective choice and indeed, the architecture and the chemistry of the collective. These events include the partition of Bengal (1905) and its subsequent annulment, the second partition of Bengal (1947) as result of the Radcliffe Award, major events in the political history of Bangladesh under Pakistan (as East Pakistan) such as the Language Movement, the Tagore Centenary celebration, the six points charter demand, the mass upsurge of 1969, the elections of 1970-71 and the War of liberation.

At the turn of the last century, we find the political landscape among Bengali Muslims broadly falling into two camps - the inclusive and the exclusive. The first consisted of those that believed in, sought and promoted an inclusive harmonised identity for all Bengalees. The other considered that Muslims in Bengal constituted a distinct community. Elements that went into the creation of the second strain are

several. However, an overview of political forces at play and the role of the British would indicate that this division was less homegrown and more inspired by extraneous facilitation. The partition of Bengal in 1905 continues to the controversial with very strong position defining both sides of the spectrum. The arguments about the partition of 1947 are still alive although the birth of Bangladesh disproved the thesis that the Muslims in the subcontinent constitute a nation. What is essential is that the high point of achievement of Bengalees has invariably rested on the inclusive non-communal premise. Our achievements result from the celebration of our cultural, linguistic and non-sectarian, and therefore, secular heritage. The sectarian strains are perhaps more of distractions, if not aberrations. The homily to mother Bengal written in the momentous days of anti-Bangobhango agitation inspired the muktibahini in their war of liberation in 1971. The efforts of the British to keep the Muslims from joining in the Swadeshi movement in great measure prompted the nascence of a sectarian trend among a section of the Muslim elite in Bengal. The interface of several factors has created potent personae for these two near ideological premises. Since the turn of the century, there has always been a subtle tension between these strains of politics in Bangladesh. The inclusive ideology has been predominant and has defined major watersheds in our political life, except when there has been a distortion in the matrix of decision-making.

The most extensively profiled argument against this premise is obviously the option of Bengal for Pakistan. It must be borne in mind that the exercise of choice was not an exercise in self-determination. In the first place, the Assembly was not representative since it was elected on a limited franchise. Secondly, the elections were on separate electoral rolls for Hindus and Muslims. Thirdly, since the assembly was to vote on the basis of a notionally divided house along communal lines, there was little chance of a rational exercise of choice. Therefore, the Bose-Hashem initiative for an independent united Bengal fell through. The position that the process in which the partition was decided was flawed is borne out by the fact that within less than one year of the independence of Pakistan, there was a disconnect between the state and the Bengalees.

Partition of Bengal, 1905 (Bangobhango) and Beyond

The partition of Bengal, effected on 16 October during the viceroyalty of Lord Curzon (1899-1905), was a momentous event in the history of modern Bengal. Bengal, which included Bihar and Orissa since 1765, was admittedly much too large for efficient administration and required reorganisation and intelligent division.

A proposal for partitioning Bengal was first considered in 1903. Curzon's original scheme was based on grounds of administrative efficiency. It was probably during the vociferous protests and adverse reaction against the original plan, that the officials first envisaged the possible advantages of a divided Bengal. Originally, the division was made on geographical rather than on an avowedly communal basis. Political considerations in this respect seemed to have been an afterthought.

The official contention was that the Partition of Bengal was purely an administrative measure with three main objectives. Firstly, it wanted to relieve the government of Bengal of a part of the administrative burden and to ensure more efficient administration in the outlying districts. Secondly, the government desired to promote the development of backward Assam (ruled by a Chief Commissioner) by enlarging its jurisdiction so as to provide it with an outlet to the sea. Thirdly, the government felt the urgent necessity to unite the scattered sections of the Uriya-speaking population under a single administration. There were further proposals to separate Chittagong and the districts of Dhaka (then Dacca) and Mymensingh from Bengal and attach them to Assam. Similarly Chhota Nagpur was to be taken away from Bengal and incorporated with the Central Provinces.

The enlarged scheme received the assent of the governments of Assam and Bengal. The new province would consist of the state of Hill Tripura, the Divisions of Chittagong, Dhaka and Rajshahi (excluding Darjeeling) and the district of Malda amalgamated with Assam. Bengal was to surrender not only these large territories on the east but also to cede to the Central Provinces the five Hindi-speaking states. On the west it would gain Sambalpur and a minor tract of five Uriya-speaking states from the Central Provinces. Bengal would be left with an area of 141,580 sq. miles and a population of 54 million, of which 42 million would be Hindus and 9 million Muslims.

The new province was to be called 'Eastern Bengal and Assam' with its capital at Dhaka and subsidiary headquarters at Chittagong. It would cover an area of 106,540 sq. miles with a population of 31 million

comprising of 18 million Muslims and 12 million Hindus. Its administration would consist of Legislative Council, a Board of Revenue of two members, and the jurisdiction of the Calcutta High Court would be left undisturbed. The government pointed out that the new province would have a clearly demarcated western boundary and well defined characteristics. The most striking feature of the new province was that it would concentrate within its own bounds the hitherto ignored and neglected typical homogenous Muslim population of Bengal. Besides, the whole of the tea industry (except Darjeeling), and the greater portion of the jute growing area would be brought under a single administration. The government of India promulgated their final decision in a Resolution dated 19 July 1905 and the Partition of Bengal was effected on 16 October of the same year.

The publication of the original proposals towards the end of 1903 had aroused unprecedented opposition, especially among the influential educated middle-class Hindus.

The Indian and specially the Bengali press opposed the partition move from the very beginning. The British press, the Anglo-Indian press and even some administrators also opposed the intended measure. The partition evoked fierce protest in west Bengal, especially in Calcutta and gave a new fillip to Indian nationalism. Henceforth, the Indian National Congress was destined to become the main platform of the Indian nationalist movement. It exhibited unusual strength and vigour and shifted from a middle-class pressure group to a nation-wide mass organisation.

The leadership of the Indian National Congress viewed the partition as an attempt to 'divide and rule' and as a proof of the government's vindictive antipathy towards the outspoken Bhadrakol intellectuals. Defeat of the partition became the immediate target of Bengalee nationalism. Agitation against the partition manifested itself in the form of mass meetings, rural unrest and a Swadeshi movement to boycott the import of British manufactured goods. Swadeshi and Boycott were the twin weapons of this nationalism and Swaraj (self-government) its main objective. Swaraj was first mentioned in the presidential address of Dadabhai Naoroji as the Congress goal at its Calcutta session in 1906.

The people were urged to boycott British goods, observe mourning and sever all contact with official bodies. In a meeting held at Calcutta on 7 August 1905 a resolution to abstain from purchases of British products so long as 'Partition resolution is not withdrawn' was accepted with acclaim. This national spirit was popularised by the patriotic songs of Dwijendralal Roy, Rajanikanta Sen and Rabindranath Tagore.

The Swadeshi Movement as an economic movement would have been quite acceptable to the Muslims, but as the movement was used as a weapon against the partition (which the greater body of the Muslims supported) and as it often had a religious colouring added to it, it antagonised Muslim minds.

The anti-partition agitation was peaceful and constitutional at the initial stage, but when it appeared that it was not yielding the desired results the protest movement inevitably passed into the hands of more militant leaders. Two techniques of boycott and terrorism were to be applied to make their mission successful.

When the proposal for partition was first published in 1903 there was expression of Muslim opposition to the scheme. The Moslem Chronicle, the Central National Muhamedan Association, Chowdhury Kazemuddin Ahmad Siddiky and Delwar Hossain Ahmed condemned the proposed measure. Even Nawab Sal mullah termed the suggestion as 'beastly' at the initial stage. In the beginning the main criticism from the Muslim side was against any part of an enlightened and advanced province of Bengal passing under the rule of a chief commissioner. They felt that thereby, their educational, social and other interests would suffer, and there is no doubt that the Muslims also felt that the proposed measure would threaten Bengali solidarity. The anti-partition trend in the thought process of the Muslims did not continue for long. When the wider scheme of a self-contained separate province was made known to the educated section of the Muslims, they soon changed their views. They realised that the partition would be a boon to them and that their special difficulties would receive greater attention from the new administration.

Even then there was a group of educated liberal Muslims who came forward and tendered support to the anti-partition agitation and the Swadeshi Movement. Though their number was insignificant, yet their role added a new dimension in the thought process of the Muslims. This broad-minded group supported the Indian National Congress and opposed the partition. The most prominent among this section of the Muslims was Khwaja. At the Calcutta session of the Congress (1906), he moved a resolution denouncing the partition of Bengal.

A section of the Muslim press tried to promote harmonious relations between the Hindus and the Muslims. This included AK Fazlul Huq, who preached non-communal ideas through the weekly Balaka

(1901, Barisal) and monthly Bharat Suhrd (1901, Barisal). Only a small section of Muslim intellectuals however, could rise above their sectarian outlook and join with the Congress in the anti-partition agitation and constitutional politics.

The general trend of thoughts in the Muslim minds was in favour of partition. The All India Muslim League, founded in 1906, supported the partition. The traditional and reformist Muslim groups - the Faraizi, Wahabi and Taiyuni - supported the partition. Consequently, an orthodox trend was visible in the political attitude of the Muslims. The Bengali Muslim press in general lent support to the partition. The Islam Pracharak described Swadeshi as a Hindu movement and expressed grave concern saying that it would bring hardship to the common people.

The economic aspect of the movement was partly responsible for encouraging separatist forces within the Muslim society. The superiority of the Hindus in the sphere of trade and industry was a factor. The pattern of the land system in Bengal also played a major role to influence the Muslim mind. The absentee Hindu zamindars had made no attempt to improve the lot of the raiyats who were mostly Muslims. The agrarian disputes (between landlords and tenants) already in existence in the province also appeared to take a communal colour.

Though communalism had reached its peak in the new province by 1907, there is evidence of a sensible and sincere desire among some of the educated and upper class Muslims and Hindus to put an end to these religious antagonisms. A group of prominent members of both communities met the Viceroy Lord Minto on 15 March 1907 with suggestions to put an end to communal violence and promote religious harmony between the two communities.

The All-India Muslim League had in the meantime, come into being at Dhaka on 30 December 1906. Though several factors were responsible for the formation of such an organisation, the Partition of Bengal and the threat to it was, perhaps, the most important factor that hastened its birth. At its very first sitting at Dacca the Muslim League, in one of its resolutions, said: 'That this meeting in view of the clear interest of the Muhammadans of Eastern Bengal consider that Partition is sure to prove beneficial to the Muhammadan community which constitute the vast majority of the populations of the new province and that all such methods of agitation such as boycotting should be strongly condemned and discouraged'.

The Partition of Bengal was revoked and certain changes in the administration of India were announced in December 1911. The seat of the Government of India was shifted from Calcutta to Delhi, the site of past Muslim glory. By this, the British hoped to placate Bengal's Muslim community aggrieved at the loss of provincial power and privilege in eastern Bengal. Secondly, the five Bengali speaking Divisions (The Presidency, Burdwan, Dhaka, Rajshahi and Chittagong) were to be united and formed into a Presidency to be administered by a Governor-in-Council. The area of this province would be approximately 70,000 sq miles with a population of 42 million. Thirdly, a Lieutenant-Governor-in-Council with a Legislative Council was to govern the province comprising of Bihar, Chhota Nagpur and Orissa. Fourthly, Assam was to revert back to the rule of a Chief Commissioner.

Lord Carmichael, a man of liberal sympathies, was chosen as the first Governor of reunified Bengal. The Partition of Bengal and the agitation against it had far-reaching effects on Indian history and national life. The twin weapons of Swadeshi and Boycott adopted by the Bengalis became a creed with the Indian National Congress and were used more effectively in future conflicts. They formed the basis of Gandhi's Non-Cooperation, Satyagraha and Khadi movements. They also learned that organised political agitation and critical public opinion can force the government to accede to public demands.

The annulment of the partition had a negative effect on the Muslim elite. There was a feeling among the politically conscious Muslims that the Congress had supported a Hindu agitation against the creation of a Muslim majority province. This contributed to their leaning towards the Muslim League and to emphasise a separate communal identity and to safeguard their interest against the dominance of the Hindu majority in undivided India.

From a political angle the measure accentuated Hindu-Muslim differences in the region. One point of view is that by giving the Muslim's a separate territorial identity in 1905 and a communal electorate through the Morley-Minto Reforms of 1909⁶ the British Government in a subtle manner tried to neutralise the possibility of major Muslim participation in the Indian National Congress. The far-reaching significance of the Morley-Minto Reforms was the grant of separate electorate to the Muslim community, which directly led to the growth of separatist Muslim politics.

The Partition of Bengal of 1905 left a profound impact on the political history of India and indeed marks a turning point in the history of nationalism in India. It may be said that it was out of the travails

of Bengal that Indian nationalism was born. While an administrative need driven partition would not have created ripples, the subsequent partition on communal did. It was with the partition of Bengal that led Indians to realise that the Raj was separating brother from brother through a vivisection of the motherland. The groundswell of indignation is reflected in the prolific spate of creativity that to this day defines Bengali expressions of patriotism. By the same token, the agitation against the partition was one of the main factors that prompted the Muslim political elite to promote a separate communal identity and encouraged them to engage in separatist politics. The birth of the Muslim League in 1906 at Dacca (Dhaka) bears testimony to this. The annulment and the accompanying policy measures encouraging communal disunity indicate on the one hand the direction and tide of history, and on the other, the hand of the British in playing the separatist Muslim card to alienate Muslim support from the ongoing anti British movement.

Partition of Bengal, 1947

Although a trans-Bengal political unity was achieved by the Hussain Shahi rulers under the imperial banner of 'Shahi Bangala'; in the course of history, Bengal had undergone frequent changes in its territorial boundaries. But all these changes aroused little public curiosity until the partition of Bengal by Curzon in 1905. The public controversy around the partition resulted in its annulment in 1911 in order to keep the imperial control undiminished.

Within 36 years from the annulment of the first partition of Bengal, in the year 1947, the province came to be divided into two halves mainly on communal consideration. The Hindu-majority West Bengal became a part of the Indian Union, with the Muslim-majority East Bengal a part of Pakistan. It may be noted that it was especially the Hindu Mahasabha that proposed the partition of Bengal in 1947 and Muslim leadership first opposed and later accepted the proposal. The rapid change in the political mood of the Hindus and Muslims of the province needs to be measured by the complex politics of communalities, communalism, and imperialism of the time. HS Suhrawardy, chief minister of Bengal, made a last moment attempt to transcend the limits and keep Bengal united with the status of an independent state. However, his move for a United Independent Bengal floundered.

There was increased Hindu alienation under Muslim dominated coalition rule in Bengal in the years between 1937 and 1947. Many try to explain the 1947 communal divide including the partition of Bengal as the resultant Hindu fear of Muslim domination in undivided Bengal outside the Indian Union, whether a third Dominion or a part of Pakistan, and the Indian Muslim fear of perpetual Hindu domination over them in an Akhanda (united) India. The British Cabinet Mission Plan (May 1946) that envisaged a loose Indian federation under the three-tier formula is generally perceived as the best device to avoid the disastrous consequences of partition through keeping India together, but the prospect was swamped by the waves of communalism. At the 2 June (1947) Leaders' Conference, the partition plan as presented by Lord Mountbatten was agreed on by the 'seven big', namely Nehru, Patel and Kripalani (Congress), Jinnah, Liaquat and Abdur Rob Nishtar (Muslim League) and Baldev Singh (Sikh).

Published on 3 June, thus known as the 3 June plan, it laid down elaborate procedures for partition and transfer of power. These included, among other things, (a) holding of notional system of voting by the members of the Hindu-majority and Muslim-majority areas of the Bengal Legislative Assembly sitting separately (similar procedure to be followed in the case of the Punjab); (b) referendum in the Surma Valley of Assam i.e., the Sylhet district in the North-East and the North West Frontier Province in the North-West to determine their future; (c) and a Boundary Commission to demarcate the adjoining areas between the proposed states.

As per the plan, on 20 June the issue of Bengal partition was decided upon by the members of the Assembly. Several rounds of voting were held. On the question of joining the 'present constituent Assembly' (i.e., the Indian Union), the division of the joint session of the House stood at 126 votes against the move and 90 votes in favour. Then the members of the Muslim-majority areas (East Bengal) in a separate session passed a motion by 106-35 votes against partitioning Bengal and for joining a new Constituent Assembly (i.e., Pakistan) as a whole. This was followed by the separate meeting of the members of the non-Muslim-majority areas (West Bengal) who by a division of 58-21 voted for partition of the province. It must be mentioned that a single majority vote in favour of partition by either notionally divided half of the Assembly would have decided the division of the province under the rule.⁷ Consequent upon this, the Boundary Commission headed by Sir Cyril Radcliffe made up the matter of territorial demarcation between the two newly created states. The power was finally officially

transferred to Pakistan and India on 14 and 15 August, respectively, under the Indian Independence Act, 1947.

Of the measures taken by the administration of Lord Curzon (1899-1905), the most tumultuous was the partition of Bengal (1905). Making the Bengal administration more efficient was the apparent intention of the decision. To achieve the same purpose, public opinion had been demanding the introduction of Governor-in-Council for Bengal in the model of Madras and Bombay. Why the government should divide the province into two parts instead of introducing Governor-in-Council is not clear. Even many serious historians suspect that the partition measure was actually aimed at weakening nationalist politics by dividing the Bengal people communally. There are, of course, critics of Divide and Rule theory. Whatever may be the purpose of the action it did not receive popular support. The nationalist elements became violent in its resistance to the measure. Faced with insurmountable nationalist opposition Bengal was reunified under the new system of Governor-in-Council in 1912.

Bengal's partition first and then its annulment under pressure had embittered the Hindu-Muslim relations beyond measure. Most educated Muslims of East Bengal had supported the partition. Their frustrations were reflected in the subsequent politics of Bengal.

In spite of many attempts made by nationalist Muslim and Hindu leaders to restore the amity between the two communities, the gap caused by the event was ever widening. The separatist parallelism between the two major communities was institutionally fostered by the separate electorate system. Bengal Pact (1923) of Chitta Ranjan Das was, however, successful in bringing the two communities together under a common platform. But with his death in 1925 the compact collapsed. All the Council and local bodies elections since then were held on communal basis. The operation of the India Act of 1935, which had further contributed to communalist politics by providing reserved seats for various communities and professions, had led successively to the formation of the Muslim dominated Ministries since elections of 1937.

The Muslim League, which had small influence in Bengal until then became soon the sole spokesman by the 1940s. It is significant that the Lahore Resolution of 1940, which set out a new dream for the Muslims, was proposed by the premier of Bengal. The election results of 1946, in which the League won all seats reserved for Muslims except two, proved beyond doubt that the Muslims of Bengal were set for Pakistan. But the Congress, which represented predominantly the Hindus, was not initially prepared to accept the concept. The result was continual communal tension and occasional riots that culminated in the great Calcutta killing (August 15-20, 1946) followed by communal riots in Noakhali and Bihar. All these developments had sealed the fate of united Bengal. The Hindu Mahasabha, many leading members of which were activists in the agitations against partition of Bengal in 1905, had first proposed and started agitation for the partition of Bengal on communal lines. The idea under the circumstance was finally accepted by the Congress and the League and accordingly Bengal got partitioned and East Bengal (now Bangladesh) got independence from Britain (14 August 1947) within the framework of Pakistan.

Pakistan Period (1947-71)

India and Pakistan emerged as two independent dominions as per the India Independence Act passed by the British Parliament on 18 July 1947. By the same stroke the province of Bengal was divided into East Bengal and West Bengal East Bengal became a part of Pakistan and West Bengal that of India. The province of 'East Bengal' was born on 14 August 1947 and its nomenclature was changed to 'East Pakistan' on 8 September 1955.

The political and constitutional history of Bangladesh's Pakistan phase can be divided into 3 periods:

- i. Erosion of Parliamentary Democracy: 14 August 1947 to 24 October 1954.
- ii. Advent of Military Oligarchy and Political Experiments of a Military Dictatorship: 25 October 1954 to 25 March 1969.
- iii. The Strategy of Deception: 25 March 1969 to 25 March 1971.
- iv.

Erosion of Parliamentary Democracy (14 August 1947 to 24 October 1954)

During this period one finds the inauguration of a state where Bengalees, despite their numerical majority, are marginalised and the gradual erosion of parliamentary practice, to which the people had

been accustomed during the preceding 86 years. It was also a period that saw the emergence of a Punjabi-dominated bureaucracy as a decision-making authority. The constitutional experiments during this period were directed at the denial of political power to the people of East Bengal.

In 1947 the Constituent Assembly of Pakistan, which also functioned as the Central Legislative Assembly was composed of 72 members, of which 44 were from East Bengal and 28 were from the provinces in the West, on the basis of one member to one million people. The Government of India Act 1935 was adopted as the provisional constitution for the dominion of Pakistan. Mr. M. A. Jinnah, the creator of Pakistan, took office as its Governor-General. His personality, the historic role he played in the creation of the State, his political background and the position of patronage that he commanded among his followers did not prove very congenial to the growth of parliamentary democracy in Pakistan. In a sense Mr. Jinnah was not only the father of the state - he was the state - the fountain of all powers. The position became quite confused after his premature death on 11 September 1948.

Where effective power is centralized in the Governor-General, not his Council of Ministers responsible to the legislature, such power can be exercised effectively only through an efficient bureaucracy. This is what happened in Pakistan. Instead of merely implementing the executive policy of a Council of Ministers responsible to the people, the bureaucracy itself became a policy-making authority, a legacy that still haunts us.

Since bureaucracy became an effective source of power the regional character of the bureaucrats became an important factor in shaping governmental policies. The representation of East Bengal in the Pakistani bureaucracy was very nominal - both civil and military. Out of 86 I.C.S Officers who were at the helm of the civil administration, there was only one from East Bengal. Out of 42,000 officers in the central government of Pakistan in 1956, the number of people from East Pakistan was a mere 2,900. As Islamabad was the capital of the country, the West Pakistanis got a monopoly of jobs in government offices and courts. Due to the geographic distance, it was not possible for the people of East Pakistan to appear at interviews to get those jobs. Besides, the fact Bengali was not recognised as a state language till 1956 worked as an impediment for the Bengalee aspirants to succeed national competitive examinations. The role played by civil and military bureaucrats from the Western wing⁸ has been far more significant in the history of Pakistan than that of its political leaders. The politicians from East Bengal were no match against the bureaucracy from the West supported by the head of the state.

The movement for self-determination in East Bengal began as a revolt against the attempt to culturally subjugate the Bengalees. Within a few months of the birth of Pakistan came the cultural disillusionment of the Bengali people. The Bengali members of the Constituent Assembly were not allowed to speak in their mother tongue. When a protest was made by an Opposition member, Mr. D. N. Dutta, in February, 1948, the first Prime Minister of Pakistan retorted: "Pakistan is a Muslim State and it must have as its lingua franca the language of a Muslim nation... It is necessary for a nation to have one language and that language can only be Urdu and no other language." The following month, Mr. Jinnah, told the students and the public in Dhaka that there could be only one lingua franca for Pakistan and that language should be Urdu." The defiant students of Bengal rose in protest and thus began the historic language movement. After the Basic Principles Committee declared that Urdu should be the only state language, the students held a mass demonstration in Dhaka on 21 February 1952. The police opened fire and dispersed by the police, killing and wounding several demonstrators. This massacre aggravated the situation and, what was initially a movement for recognition of Bengali as one of the state languages, soon developed into a national movement for the protection of civil liberties and the attainment of provincial autonomy.

Every attempt was made by the Muslim League rulers to paralyse this popular movement and some of them went so far as to suggest that the defence of the Bengali language was both un-Islamic and anti-national. Further, vigorous efforts were aimed towards this drive for cultural subjugation in attempts to introduce the Arabic script for the Bengali language, an Urdu vocabulary in Bengali textbooks, and generally to impart an Islamic "gentility" to Bengali. With the demand for recognition of Bengali as one of the national languages, the leaders of East Bengal also demanded as early as in February 1948 equality for Bengalis in the armed forces and civil administration. We thus see the forging of a political agenda reflecting once again, the people's aspiration, free of sectarian distortion. Finally, the sustained impact of the language movement compelled the Constituent Assembly to recognize Bengali, along with Urdu, as a state language on 7 May 1954.

In the political field the movement for self-determination has to be examined both at the central and at the provincial level. The denial of provincial autonomy was the natural consequence of the unitary structure of governmental administration in which decisions taken at the central level had to be

executed by the bureaucracy responsible to the centre, and naturally the popular ministry responsible to the legislature had little say in the matter.

The life of the Provincial Assembly in East Bengal was due to expire in 1953, but it was extended by a year by the Constituent Assembly. Elections to the Provincial Assembly in East Bengal, which took place in March 1954, became a turning point in the history of Pakistan. The non-Muslim League opposition parties in East Bengal, including the Awami Muslim League, formed a United Front under the leadership of A. K. Fazlul Haq, H. S. Suhrawardy and Maulana Bhashani, which approached the electorate with its 21-point manifesto⁹. In fact, the election was a referendum for and against the demand for autonomy. The contest was between the United Front and the ruling Muslim League Party. Under the provision of reserved seats for non-Muslims in separate electorate, the number of seats for the Assembly was fixed at 309. Of these, 237 (including 9 for women) were Muslim seats, 69 (including 3 for women) seats for Hindus, 2 for Buddhists and 1 for Christians. Those who had attained the age of 21 years on 1 January 1953 were enlisted as voters.

The Muslim League Government in East Bengal launched a campaign of repression and terror, raised the familiar anti-Indian bogey, arrested 1,200 supporters of the United Front and tried to suppress the press. The electorate, however, voted overwhelmingly in favour of the United Front. The ruling Muslim League was completely routed: all the ministers were defeated and Chief Minister Nurul Amin himself lost to a student candidate of the United Front. The United Front captured 95% of the Muslim seats. A United Front Government with Fazlul Haq as Chief Minister was formed on 3 April 1954. The Centre was, however, determined to prevent the implementation of the 21-point programme. Taking advantage of an incorrect report published in a foreign newspaper alleging that Fazlul Haq was planning to proclaim an independent East Pakistan, the Central Government declared him a 'traitor'.

The Central Government appointed Iskander Mirza, the Defence Secretary of the Central Government, as the Governor of East Bengal on 29 May 1954. And he dissolved the Legislative Assembly the following day, dismissed the United Front Government and proclaimed Governor's rule in the province. Fazlul Haq and several other members of his Cabinet were kept under house arrest. The offices of the United Front were closed, strict censorship introduced, meetings and demonstrations banned and groups of more than five persons not permitted to gather in the streets. Thus ended the attempt to introduce provincial autonomy in East Bengal through democratic and constitutional means during the first period of Pakistan's history. Seven cabinets were formed in East Pakistan and Governor's rule was imposed thrice between March 1954 and August 1958¹⁰. Martial Law was imposed throughout Pakistan on 7 October 1958.

At the Central level, nearly two years after independence, on 12 March 1949, the first attempt was made at framing a constitution when the Basic Principles Committee of 25 members was appointed for the purpose. Successive attempts were made by the Committee to frame a constitution without conceding the democratic right of the Bengali people to representation proportionate to the population. After two drafts, a revised final draft was placed before the Constituent Assembly on 7 March 1953 on the basis of an agreement between the Chief Ministers of East Bengal and Punjab. In the two houses together East Bengal was given 50% seats and the four units of the West were to have another 50%. The scheme was adopted by the Constituent Assembly in September 1954. Although the representative character of the Assembly at the time was in serious doubt, particularly in the context of the elimination of the Muslim League as a political force in East Bengal, the acceptance of the scheme indicated a practical attempt to inaugurate a constitutional regime in Pakistan.

The desire of the members of the Constituent Assembly was somehow to prevent further incursion of bureaucracy into the political arena. Their apprehension was justified by past experience¹¹. In September 1954, the Constituent Assembly decided to take certain elementary precautionary measures and the Law Minister introduced a bill with a view to curtailing the powers of the Governor-General and making the Constituent Assembly absolutely sovereign¹². The Governor-General's reaction was prompt and surgical. He simply dissolved the Constituent Assembly. Although the constitutional validity of the Governor-General's was challenged, the Federal Court turned it down on a technical ground. Thus ended the efforts of the people of Pakistan to introduce a constitutional regime with a parliamentary form of government.

Advent of Military Oligarchy and Political Experiments of Military Dictatorship (25 October 1954 to 25 March 1969)

While there was gradual erosion of the power of the legislature during the earlier stage, the second period is significant for the total eclipse of parliamentary democracy and the advent of military oligarchy in Pakistan. During this period two bureaucrats - Ghulam Mohammed and Iskander Mirza - were in absolute control of the total power of the state. They not only meddled in politics but also controlled it completely by promoting endless intrigues.

After the dissolution of the Constituent Assembly a new cabinet was formed which was popularly known as the Governor-General's Council. In May 1955, the state of emergency was called off and the scheme for a new Constituent Assembly was announced. The Assembly was to consist of 80 members - 40 from East Bengal and 40 from the Western provinces - to be elected indirectly by the members of the provincial assemblies. In August 1955, Ghulam Mohammad retired on grounds of health, and Mirza became the Governor-General. Mohammed Ali of Bogra resigned and Chaudhri Mohammad Ali, a former civil servant, became Prime Minister with a new cabinet. In September 1956, H. S. Suhrawardy replaced Chaudhri Mohammad Ali as Prime Minister; in October 1957 Suhrawardy was supplanted by Chudrigar, who stayed in office for a miserable 59 days and was replaced by Malik Feroz Khan Noon.

Apart from thriving in intrigues and corrupting political morals of democratic people, Iskander Mirza's other contributions during the period were the formulation of his theory of controlled democracy, the introduction of one-unit scheme in the West and the gift of a constitution to Pakistan. It was during Mirza's period that the one-unit plan for Western Pakistan was implemented which aimed at perpetual domination of the Bengalis by the Punjabi dominated Western wing. The scheme was carefully designed and skillfully implemented by Mian Daultana of Punjab. Daultana's famous document containing the scheme emphasized the need for a united West for effective 'confrontation with East Bengal'.

The Constitution of 1956 was promulgated on 23 March 1956. Iskander Mirza was elected the first President of the Republic under the new Constitution. His constitution was conspicuous for the denial of provisional autonomy to East Bengal and non-Punjabi units in the West, the introduction of the parity system instead of representation in the legislature on the basis of population, and the formation of an Islamic republic instead of a secular democracy. The only merit of the Constitution was the recognition of Bengali along with Urdu as a state language of Pakistan under Article 214(1).

The Constitution did not satisfy the aspirations of the Bengali people, and opposition to Iskander Mirza's regime was mounting. On 7 October 1958, Iskander Mirza abrogated the Constitution, proclaimed martial law throughout Pakistan, dismissed the central and provincial governments, the national assemblies and provincial assemblies and appointed General Ayub Khan as the Chief Martial Law Administrator. But within 20 days three Generals of Pakistan saw Iskander Mirza and gave him an ultimatum to quit on behalf of Ayub Khan. Mirza was unceremoniously packed off and the military oligarchy assumed absolute power on the pretext that "all the politicians had been tried and found wanting; there was no one else left on the civil side." Thus was ushered the regime of General Ayub Khan¹³.

When all political parties had been banned, meetings and demonstrations forbidden, and popular leaders imprisoned or disqualified or their movements restricted, the stage was set for Ayub Khan to implement his political philosophy of basic democracy by the Basic Democracies Order, 1959. Basic democracy was a 4-tier system of local autonomous governance. Apart from establishing local governments, Ayub Khan built up a coterie of his supporters up to the village level. Through the basic democracy system, arrangements were made to elect a total of 80,000 basic democrats (40,000 each) from East and West Pakistan. They in turn acted as voters in an electoral college for electing members to the provincial and national assemblies as well as the President.

Little enthusiasm was shown by the people of East Bengal, who were used to local self-government since the Bengal Local Self-Government Act of 1885. Increasing association of basic democrats with the bureaucracy at the expense of the politicians was one of the principal objectives of the system. Election of basic democrats took place throughout the country on 11 January 1960. The basic democrats also elected members to the national and provincial assemblies between 1 March and 8 June. Martial Law was lifted on 8 June.

After eliminating the possibility of any political opposition, and being assured of the loyalty of 80,000 basic democrats, Ayub confirmed his leadership in a so-called referendum on 14 February 1960. He then decided to give the country a constitution, which was promulgated on 1 March 1962 and came into force on 8 June 1962.¹⁴

It was decided in April 1964 that basic democrats would serve as an electoral college for elections to the national and provincial assemblies and also to the office of the President. While leaders like Sheikh Mujibur Rahman and Maulana Bhashani were demanding adult franchise and direct elections, President Ayub held that only indirect elections could ensure the stability of the government.

Meanwhile, the disparity between East and West Pakistan in administration widened day by day.¹⁵ And the demand for autonomy of East Pakistan became stronger due to discriminations it endured in different fields, failure to get desired results from elections and the inadequate defence status of the province. When the Awami League leader Sheikh Mujibur Rahman raised the 6-points charter of demands for autonomy of East Pakistan at a convention of opposition leaders in Lahore on 5 and 6 February 1966, 735 out of 740 delegates present rejected it. In protest, Sheikh Mujib walked out of the convention and returned to Dhaka.

Sheikh Mujib and other leaders of the party then started a countrywide campaign for realising the 6 points. There was unprecedented public backing in support of the 6-points; apprehensive, the regime started to arrest the leaders and workers of the Awami League. Sheikh Mujib was arrested under the security law of the country on 8 May 1966.

In the meantime, on 6 January 1968, it was announced that 28 persons would be prosecuted for conspiring to bring about the secession of East Pakistan with India's help. Mujib was implicated as an accused 12 days later. This is known as the Agartala Conspiracy Case. The charge was based upon an alleged confession made by one Kamaluddin Ahmed. The law of evidence was amended for the purpose of the trial by providing that confessions and statements made to the police would be admissible against the accused. Public protest against the farcical trial on a baseless charge was so great that eventually the Ayub government was compelled to withdraw the case and to release Sheikh Mujib unconditionally on 22 February 1969.

In view of the persistent movement throughout Pakistan, particularly in East Bengal, for a constitutional regime based on adult franchise and direct elections, Ayub had to concede to the demand for direct election based on adult franchise and a parliamentary system of government. On 25 March 1969, President Ayub announced that he was standing down as the President and handing over power to the Army Commander-in-Chief, General Agha Mohammad Yahya Khan, as the situation was no longer under the control of the government. Thus ended the political experiments of a military dictator.

The Strategy of Deception by the military regime (25 March 1969 to 25 March 1971)

The last cyclic breach of promise of the Government in power in Pakistan to introduce a constitutional regime took place during the first two years of Yahya's regime. He appointed himself President on 31 March 1969, and banned all political activities. Ironically enough, in his first address to the nation on 26 March 1969, he pledged himself to strive to restore democratic institutions in the country and promised that he had no ambition 'other than the creation of conditions conducive to the establishment of a constitutional government'. The ban on the activities of the political parties was lifted with effect from 1 January 1970.

The Legal Framework Order (President's Order No. 2 of 1970) of 30 March 1970, was intended to provide the guidelines for the National Assembly in its task of framing a constitution. The President announced that some of the salient features of the LFO had been formulated 'as a result of my assessment of the wishes of the people' and those guidelines were to be considered as 'certain basic principles for the future Constitution of Pakistan'. Some of these 'basic principles' were incorporated in paragraphs 20, 21, 22 and 23 of the LFO. for instance, the members of the National Assembly were directed to provide that 'Pakistan shall be a Federal Republic to be known as the Islamic Republic of Pakistan' in which 'Islamic ideology which is the basis for the creation of Pakistan shall be preserved; and the Head of the State shall be a Muslim'. Article 20, paragraphs 4 and 5 however are especially significant¹⁶, and provide the pith and substance of Yahya's guidelines for the future constitution of Pakistan, which are, broadly three-fold:

- (1) maximum autonomy for the Provinces;
- (2) adequate powers for the Federal Government; and
- (3) removal of economic and all other disparities between the Provinces.

The Awami League fought the election for a mandate on its six-point programme for autonomy for East Pakistan.¹⁷ The six points of the Awami League are not a new innovation. Except in respect of currency, similar demands for the realization of provincial autonomy were made as early as in 1954¹⁸. Again, on 2 April 1957 the Provincial Assembly adopted a motion to grant full autonomy to East Bengal without delay, leaving only defence, foreign affairs and currency in the hands of the Centre.

During the election campaign in 1970, Sheikh Mujib again dealt at length with his six-point formula and pointed out that the constitutional structure envisaged therein would provide a just federal balance and make Pakistan stronger.

In the national elections held on 7 December 1970, the Awami League emerged victorious with an absolute majority in the national Assembly. Out of 162 seats allotted to East Bengal in an Assembly of 300 elected members, Mujib's party captured 160. The remaining two seats went to Nurul Amin of the Pakistan Democratic Party and to an independent, Raja Tridib Roy of Chittagong Hill areas, respectively. Both of them subsequently extended their full support to Mujib's six points.

In the Provincial Assembly, the Awami League captured 288 seats out of 300 in East Bengal but Bhutto's PPP gained an absolute majority in only two provinces in the West, capturing 113 and 34 seats out of 180 and 60 seats respectively in Punjab and Sind. NAP emerged as the dominant party in Baluchistan and NWFP although no party could obtain an absolute majority there.

As for the conduct of the elections, Keesings Contemporary Archives comments: "Apart from a few incidents, the election campaign and the voting took place in a peaceful atmosphere, and all parties, including those which were defeated, agreed that the elections were both free and fair. There was a heavy poll, which surpassed 90 per cent in some areas. Women, who were voting for the first time, turned out in large numbers."

On 13 February 1971 General Yahya fixed 3 March for the National Assembly session at Dhaka. Bhutto's sudden announcement on 15 February of his decision to boycott the National Assembly session if Sheikh Mujib did not accommodate the views of his party on the making of a constitution, therefore, came as a rude shock. President Yahya on 1 March suddenly announced his decision to postpone the inaugural session of the National Assembly fixed for 3 March. Mujib called for a general strike in protest against the postponement of the National Assembly session and Yahya responded by ordering his troops to move in and by imposing a curfew. The Awami League launched its non-violent non-cooperation movement against the decision of the military junta. Several civilians and Awami League volunteers were killed by Yahya's army. On 6 March, Yahya announced his decision to convene the National Assembly on 25 March. On 7 March, Mujib asked Government servants to take orders from him and also asked his people not to pay taxes until the demands of his people were accepted, and declared that his party would consider attending the National Assembly session on 25 March only if his four demands were conceded. His four demands were: (i) martial law be lifted immediately, (ii) power be transferred to the elected representatives, (iii) the troops should be recalled to their barracks, and (iv) an inquiry be held into the killings of civilians by the army. He also announced the closure of all Government and semi-Government offices.

The performance of the military enraged the people of East Bengal. They were convinced that Yahya would never transfer power to the people. The disillusionment was total. The rupture between the two wings appeared to have become irrevocable, and the popular demand for independence of East Bengal became overwhelmingly strong. Yet, Sheikh Mujib, even at the risk of his political career, advised his people to be calm and restrained while he tried for a political settlement with a view to preserving the integrity of Pakistan. On 15 March, Mujib issued 35 directives to the people of East Bengal, in aid of his non-violent, non-cooperation movement, a recognized political weapon for achieving self-determination.

The response of the entire people in East Bengal was spontaneous, complete and overwhelming. Since in contemporary international law the effectiveness of an authority is to be measured by the popular support it commands, the authority of Mujib and his Awami League in East Bengal was conclusively proved by the success of the movement between 1 and 25 March, 1971.¹⁹

It is with the background of three important facts - the effectiveness of the authority of Sheikh Mujib in East Bengal, the growing demand in the West for the immediate transfer of power to a government led by Sheikh Mujib and the swiftly eroding foundation of Bhutto's political base in the West - that President Yahya pretended to adopt a conciliatory attitude in his talks with Mujib during the crucial period from 16 March to 25 March. Tajuddin Ahmed had described Yahya's policy as a 'strategy of

deception'. The basic points on which an agreement was reached were: (i) lifting of martial law and transfer of power to a civilian government by a presidential proclamation; (ii) transfer of power in the provinces to the majority parties; (iii) Yahya to remain the President and in control of the Central Government; and (iv) separate sittings of the National Assembly members from East and West Pakistan preparatory to a joint session of the house to finalize the constitution. The last suggestion in fact came from Yahya to accommodate Bhutto.

Even as negotiations were proceeding between the President's men and the Awami League, Yahya suddenly left Dhaka on 25 March 1971. The Pakistan Army launched a genocide in Dhaka on the same night. Sheikh Mujib was arrested and taken away to Pakistan. The liberation war of Bangladesh started as a resistance against the brutal killing and repression let loose by the Pakistan forces.

iv. Independence: the Aspiration and the Promise

On 10 April 1971, the leaders of Awami League (AL) formed the government-in-exile headed by Bangabandhu Sheikh Mujibur Rahman as the President. Syed Nazrul Islam and Tajuddin Ahmed took the charge of Vice-President and Prime Minister respectively. In the absence of the President, the Vice-President took up the responsibilities of the state. On 17 April 1971 the government-in-exile (also known as Mujibnagar Government) took oath at Baidyanathtala under Meherpur district. With the surrender of the Pakistani army at the Dhaka Racecourse Maidan on 16 December 1971 ended the War of Liberation.

The Proclamation of Independence, adopted on 10 April 1971, was formally announced by the Bangladesh government-in-exile on 17 April 1971. It provided the fundamental instrument of law as well as an interim constitution of the Bangladesh during the war of liberation, including that of the government in liberated Bangladesh until the adoption of the Constitution, made effective from 16 December 1972.

Following the military crackdown by the Pakistan army in Dhaka and elsewhere on 25 March 1971, top Awami League leaders including some elected members of both National Assembly (MNA) and Provincial Assembly (MPA) crossed over to India for safety. On 10 April 1971, the MNAs and MPAs who were able to meet together in Kolkata formed themselves into a Constituent Assembly in exile and drafted the Proclamation of Independence. The formal meeting of the Constituent Assembly was held on 17 April 1971 at Baidyanathtala (re-named Mujibnagar after the Proclamation), a border area in present Meherpur district, where Yusuf Ali, an MNA formally read out the Proclamation of Independence at a simple ceremony. The Proclamation declared that it shall be deemed to have come into effect from 26 March 1971, the Independence Day. It also legalised the Mujibnagar Government and gave direction to all involved in the War of Liberation for establishing the chain of command.²⁰

What political ethos and values do we find reflected in this basic document of the state? First, we find the context framed in constitutional aspiration. Independence was to be a catharsis beyond the matsyanyayam of constitutional miscarriages that marginalised Bengalees in Pakistan. It reiterates the commitment of the people of Bangladesh to the democratic process and values. Independence is only declared when the Pakistan authorities thrust an unjust war on us. And the declaration of independence was in the exercise of the right of self-determination of the people of Bangladesh. What is important again is that the Proclamation does not lose sight of the fact that the declaration of independence by Sheikh Mujib on 26 March 1971 does not itself qualify as the exercise of the right by the people. Therefore the elected representatives of the people of Bangladesh, having constituted themselves into a Constituent Assembly, confirmed Sheikh Mujib's declaration to give it de jure legitimacy. The Proclamation goes on to provide the institutional framework for the new state and its governance.

Post-war government (1972-1975)

Bangabandhu Sheikh Mujib returned to Bangladesh on 10 January 1972, after being freed from Pakistani prison. The very next day he issued a Provisional Constitutional Order to initiate parliamentary system and to introduce cabinet form of government. Within two months all Indian troops were withdrawn from Bangladesh and civil administration was restored in all districts. The constitution of 1972 was framed taking nationalism, socialism, democracy, and secularism as the state principles. Parliamentary

elections were held for the first time under the new constitution on 7 March 1973. Later in the year elections to local bodies were also held.

Mujib's vision was to ensure the leadership of the political elite over the civil-military bureaucratic elite who ruled the country right from the British down to the Pakistani period. Of course, the Bengalee civil bureaucracy and the military initially accepted their subordinate roles because the nationalist movement had all along supported the idea of a parliamentary democracy where politicians provided leadership. The bureaucracy and the military were also institutionally weak as many senior members of the two institutions were interned in Pakistan and could not return to Bangladesh till 1973. The political parties were also weak and fractionalised.

Sheikh Mujib relied on his charisma and personal popular support to establish rule of law. However, this also led to further weakening of the existing institutions and the rise of a 'personality cult'. A faction of the Awami League's student wing dubbed the four principles of state ideology—nationalism, socialism, democracy, and secularism—as Mujibbad (Mujibism).

Although the state apparatus was weak, it had to tackle massive problems: establishing law and order, disarming civilian freedom fighters, rehabilitating refugees, reconstructing infrastructure, managing industries left by non-Bengali owners, negotiating with the international community for recognition and assistance, and so on. An effort was made to establish industries and factories, banks and insurance companies, though the state's limited capacity was seriously challenged by these tasks of economic and political management.

Bangladesh society was also in great turmoil. The experiences of the liberation war radically altered the vision of different groups. Many, particularly young freedom fighters, expected a revolutionary change in society. Within a year after independence, one faction of the student wing of the Awami League started a new political party—Jatiya Samajtantrik Dal (JSD) - calling for the establishment of scientific socialism. Various factions of communist parties were engaged in class warfare in different parts of the country. Some freedom fighters started more peaceful initiatives establishing non-government organisations (NGOs) to raise consciousness of marginalised groups and deliver services to the poor. The NGO movement, which was later to emerge as a major force in society, started its existence in the years immediately following the birth of Bangladesh.

Awami League was under pressure for the massive reconstruction and rehabilitation of the country; but the progress was slow and discontent with the Awami League regime started growing. At the same time, there were allegations of corruption against many Awami League leaders. The 1974 flood, food deficit, shortage of foreign currency, unwillingness of the international banking system to provide loan, and failure to get instantaneous aid in spite of the formation of 'Bangladesh Aid Agency' resulted in a famine in Bangladesh. The law and order situation deteriorated. Mujib finally decided to provide a one party presidential form of government with restrictions on the freedom of press and judiciary by in January 1975.

In January-February 1975, Sheikh Mujib through the fourth amendment of the constitution dissolved all political parties to form a single national party called Bangladesh Krishak Sramik Awami League (BAKSAL). Breaking the long-standing tradition of the British and Pakistani periods, members of the civil bureaucracy and the armed forces were allowed to join the party.

Sheikh Mujib termed it as the 'second revolution'. Some economic and administrative reforms were introduced with the formation of one party government. Reform in the monetary sector, reduced control on imports, renewed initiative on food production, new strategy on export promotion, reduced control on industrial sector, open market policy in the pricing of commodities were introduced. Initiatives were taken for reform of district administration through appointment of a political governor in each district, which was earlier a subdivision and for the supply of essential commodities to the villagers co-operative institutions were established. However, before Sheikh Mujib could fully implement his new ideas he was assassinated along with his family members and some of his colleagues by a group of ambitious junior military officers on 15 August 1975. Mujib's constitutional process was thus 'aborted'.

The Moshtaq Government (1975):

The coup leaders made Khondakar Moshtaq Ahmad the President and the Chief Martial Law Administrator. Some ministers of the Mujib government joined the Moshtaq cabinet. Leading Awami

League leaders were sent to prison and political prisoners belonging to the Islamic party, Jamaat-i-Islam, and the pro-China National Awami Party of Maulana Bhashani (NAP-B) were released. China and Saudi Arabia extended diplomatic recognition to Bangladesh. Moshtaq regime did not last even three months. The fourth amendment and the concept of district governors were scrapped. Moshtaq appointed Major General Ziaur Rahman as Army Chief .

On November 3, some senior military officers led by Brigadier Khaled Mosharraf staged a counter coup. Brigadier Mosharraf declared martial law ousting Khondakar Moshtaq and the junior officers, who staged the coup on 15 August. But before handing over power the killers of Sheikh Mujib assassinated Awami League leaders Syed Nazrul Islam, Tajuddin Ahmed, M Mansur Ali, and AHM Qamaruzzaman inside Dhaka Central Jail.

Khaled Mosharraf's counter coup was short lived. Mosharraf and his associates were killed on 7 November in an uprising engineered by the soldiers who were followers of retired Colonel Abu Taher and the JSD. On the same day Chief Justice AM Sayem was sworn in as President and Chief Martial Law Administrator. Zia, who was arrested on 3 November was freed on the 7th.

Zia Government (1975-1981)

Ziaur Rahman emerged as a powerful military leader after soldier uprising of 7 November 1975. Zia shared power for a year as one of the three Deputy Martial Law Administrators and gained influence. Though Justice Sayem was the President and Chief Martial Law Administrator, the real power lay with Zia. On 28 November 1976 Zia assumed the charge of the Chief Martial Law Administrator. He amended the constitution through a Martial Law Ordinance promulgated on 21 April 1977 and held the post of the President. Parliament was dissolved. The President's Council of Advisors was drawn mainly from the ranks of bureaucrats and technocrats.

Zia started political dialogues with different politicians though political parties were banned. The Collaborators Order of 1972 was repealed and a general amnesty declared, releasing a large number of people arrested under the Collaborators Act. It also lifted ban on political parties. The Constitution (Amendment) Order, 1977 brought forth some remarkable changes in the constitution. These include: (a) changing the identity of the citizens of Bangladesh from Bangali to Bangladeshi; (b) substitution of 'secularism' as a state principle with 'absolute trust and faith in Almighty Allah' and insertion of bismillahir rahmanir rahim before the Preamble; (c) redefinition of socialism to mean 'economic and social justice'; (d) inclusion of consolidation, preservation, and strengthening of fraternal relations among Muslim countries based on Islamic solidarity in the section on foreign policy; etc.

Within a year, Zia started the process of launching a party. Under his patronage, the Jatiyatabadi Ganatantrik Dal was formed in February 1978, which later in the year (September 1978) came to be known as Bangladesh Nationalist Party (BNP). Zia drew members from people believing in different political ideologies. Several retired military and civil service personnel joined the party. A few elections were held under martial law. Among these a national referendum in 1977, a presidential election in 1978 and a parliamentary election in 1979 are mentionable. In the newly formed parliament the previous four years of military rule was legalised by the Fifth Amendment of the constitution.

Quite a few coup attempts were made during Zia's rule of five and a half years. In one of such a coup Zia was killed in Chittagong on 30 May 1981. After Zia's assassination, Vice-President Abdus Sattar became the Acting President. Later on he was elected President. Under pressure of the army Sattar agreed to set up a 'National Security Council' consisting of the President, the Vice-President, the Prime Minister and the chiefs of the three services. On 24 March 1982 Ershad declared martial law, suspended the constitution, dismissed Sattar and his cabinet, dissolved the parliament and became the Chief Martial Law Administrator.

Ershad Government (1982-1990)

The Council of Advisors of Ershad was drawn from the members of the civil and the military bureaucracy. In 1988, he brought the eighth amendment to the constitution to make Islam the state religion. He opened up most sectors to private investment.

Ershad floated political party twice, first as Jana Dal in 1983 and later as Jatiya Party (JP) in 1986. Jatiya Party was composed of retired military and civil officials, and defectors from other existing parties. The series of elections held under the Ershad regime included Local Government Elections in 1984, a National Referendum in 1985, a Parliamentary and a Presidential Election in 1986 and another Parliamentary Election in 1988. BNP boycotted all elections held under Ershad regime. The Awami League participated in the 1986 parliamentary elections but did not participate in 1988 polls. Ershad introduced the Upazila (sub-districts) system. It was made the focal point of local level government.

The movement against Ershad started in 1983, gained momentum in 1987, and became severe in 1990 with the participation of all student organisations including the student wings of the two leading parties, the Awami League and the BNP. Civil society groups, particularly the professional associations, actively joined the movement for the restoration of democracy. Ershad promulgated State of Emergency more than once to remain in power. But the scenario changed when the senior army officers withdrew their support from behind Ershad. He resigned on 6 December 1990. The power was transferred to Chief Justice Shahabuddin Ahmed as Acting President, the choice of the combined opposition, to oversee a free and fair election. Within ninety days, Shahabuddin's neutral caretaker government was able to organise a parliamentary election, in which the BNP won the majority.

Khaleda Zia Government (1991-96)

After the 1991 election, BNP under Begum Khaleda Zia formed the government with the support of Jamaat. Both BNP and the Awami League worked together in parliament and a constitutional amendment (twelfth amendment) was passed reintroducing a parliamentary form of government.

Prime Minister Khaleda Zia's main challenge was the task of translating into reality the promise of democratic governance. The disagreement between Awami League and BNP intensified over several municipal and parliamentary by-elections. Finally, in March 1994, the Awami League refused to accept the results of the parliamentary by-election in Magura alleging election fraud by the BNP government. The Awami League demanded resignation of the government and started a movement for a free, fair, and acceptable national election to be held under a neutral caretaker government. The Awami League boycotted parliament. In the next two years they organised a movement in support of the proposed caretaker government. The Jatiya Party and the Jamaat-i-Islam rendered support to the Awami League. The country was repeatedly brought to a stand still by a series of hartals called by the Awami League. In December 1994, the opposition parties led by the Awami League resigned from parliament. Khaleda Zia dissolved parliament in December 1995 and the sixth parliamentary elections were held in February 1996. But the combined opposition boycotted the election.

The movement under Awami League demanding election under a caretaker government got momentum. The prolonged confrontation between the Awami League and the BNP led to a national crisis, which was resolved by BNP acceding to the caretaker government idea. The Parliament formed under 1996 election assembled in only one session in which it effected the Thirteenth Amendment to the constitution providing for caretaker government. Khaleda Zia resigned and handed over power to a caretaker government headed by former Chief Justice Habibur Rahman. The seventh parliamentary elections were held in 1996 and the Awami League was voted to power.

Sheikh Hasina Government (1996-2001)

On 23 June 1996 Awami League formed the government under the leadership of Sheikh Hasina. Parliament elected Justice Shahabuddin Ahmed president of Bangladesh (9 October 1996). Sheikh Hasina articulated the need for national consensus and took initiative to form an all-party government. BNP refused, but two other parties, Jatiya Party and the JSD (Rab), joined the government.

Prime Minister Sheikh Hasina spoke of good governance and formed several commissions. Formed with government and non-government members the commissions reviewed several sectors including education, local government, health, autonomy to Radio and Television and civil administration to suggest reform measures. New industrial and health policies were approved. Elections to union parishads were held. The constitutional indemnity protecting the killers of Sheikh Mujib and other Awami League leaders was revoked and judicial inquiry and trials were started against the killers under the common law of the land. Hasina government signed a thirty-year Ganges water sharing treaty with

India in 1996 and a peace accord relating to the Chittagong Hill Tracts in 1997. Alleging government suppression of workers of the opposition, BNP repeatedly boycotted parliamentary sessions. The BNP also refused to participate in parliamentary by-elections.

At the end of their term, the Awami League government stepped down in the middle of July 2001. The caretaker government headed by former Chief Justice Latifur Rahman held the election to form the 8th National Assembly. In the election held on 1 October 2001, the BNP led Four Party Alliance got an overwhelming two-thirds majority in Parliament and the Alliance under Khaleda Zia formed the government on 10 October 2001.

Mapping the fault lines and the miscarriages

A major historic flaw in the Bengali character is revealed in their social and political organisation. Tremendously creative, Bengalis however tend to be lethargic when it comes to sustainability. Excepting in Rabindranath Tagore, we find initiatives and ideas ending as initiatives and ideas. It has been suggested that Bengalis are blessed by both Brahma and Shiva, but Vishnu goes painfully missing. The promise of democracy has over the years floundered in large measure due to this national characteristic.

Let us consider the case of Gopala. The citizenry is credited to raising the commoner Gopala to the throne in the midst of matsyanyayam. By all indications, there was no strategy or prognosis involved. The context was immediate and the expectation laissez faire. They reasoned that since there was no king, the answer lay in the making of a strong king. There was no accompanying institutional arrangement, neither to oversee the end of matsyanyayam nor for the exercise of popular choice in case Gopala were to fail. Pala policy of communal harmony was not institutionalised, as a result of which, we find the persecution of the Buddhists at the end of the Pala rule.

Closer to our times, despite the avowed commitment to ensure for the people of Bangladesh equality, human dignity and social justice, we find these objectives absent in the Constitution. Subsequent amendments, under Martial Law, have incorporated pronouncements and propositions that were nowhere in the vicinity of the liberation movement. Again, it would be recalled that the political struggle for autonomy and then independence rested on the 6-points, and even the draft constitution of Pakistan prepared by Dr. Kamal Hossain and other experts and presented to Pakistan President Yahya Khan's aides around 20-23 March 1971 was in the framework of the 6 points. The Constitution of Bangladesh, however, does not appear to internalise core elements of the 6 points, such as devolution, and has the construct of a unitary government. Indeed, the problem of the tribal communities or ethnic groups could also be addressed if the spirit of the 6 points was read into the drafting of the Constitution. This is not to suggest intrigues or incompetencies, because the integrity and dedication of the personalities involved is beyond question. The problem is one of institutional capacity and lack of strategic thinking.

Bangladesh was born on a surge of democratic aspirations. Within the first decade of its existence, it underwent a change to a one-party system, a series of coups and counter coups. Then came a protracted military and quasi-military rule. A broad based pro-democracy movement throughout the 1980s ultimately saw the return of democracy in 1991. Since the fall of General Ershad in December 1990, there have been three general elections (four, counting the ill fated February 1996 elections) and change of government through the electoral process. But the question has been raised if apart from the electoral festival of election day, the people have actually experienced democratic governance in substance. Indeed, there are those that ask, if the practice of the political actors in and out of government is democracy, then perhaps we are better off without it. This brings us back to the discourse on whether elections alone qualify democratic governance. The experiments in democracy that we have had in the last three decades plus, reinforce the case for deliverables of governance rather than the formalistic trappings of democracy. Another fault line is the political misuse of religion. Over the years, we have seen religion used to cause exclusion, promote intolerance and to subvert constitutional principles.

There is no substitute to safeguarding age-old liberal values of moderation and humanistic aspirations that have characterised Bengali society over the years. Efforts need to be directed at how to enhance these values within the political matrix to celebrate diversity and not draw circles of exclusion.

Issues of seminal importance include the construct of a political continuum that begins with tolerance of plurality, learning to accept disagreement and rejection and to respect the political space of opponents. Then comes the question of democratisation within political parties, democratisation of the nomination/selection process, democratisation of political discourse and of dissent. Essential in this process is the need for transparency and strict adherence to a code of conduct and funding. Furthermore, parties need to be made accountable to their manifesto. There needs to be a more engaged participation of the polity in the democratic process, most important of which is to protect the inclusive ethos of our society and to guard against influences that push society against the tide of history.

Also critical are questions of credible organisation of the election ritual. The existing first past the post system distorts the value of representation. It is often the candidate with the major minority of votes that gets elected. There are more votes cast against him/her than in favour. The solution does not lie in a proportional system, because in the absence of internal democratisation, this could stifle the growth of local leadership. There are also inherent problems of competency. Legislators today wear informal executive hats and create serious disruption in the functioning of the local government. Ideally, a Westminster system must be accompanied by an elected local government system with devolution. The issue of devolution needs to be seen also in the legislative and judiciary. This would have us revisit the unitary nature of the state. Currently, the party that wins in a general election takes charge of all institutions of the country. Creation of provinces or at least devolution of power to elected local bodies would allow political space to parties not in power at the centre to engage in governance and to offer people a chance to assess performance. Current system forces the opposition into the wilderness and provides them no useful venue to make a point other than on the streets.

Two other issues have been agitating the political agenda for some years now. First is the issue of affirmative action for women's representation in parliament. Beyond the debate of indirect elections and direct elections, we will have to look at ensuring a minimum gender balance in the nomination of all political parties. The second issue is the bar on floor crossing that makes every MP hostage to his/her party position. This costs valuable legislative discourse and makes policy a function of the bureaucracy.

v. In lieu of a Conclusion: A Summing up of the Promise of Democracy

I would like to briefly summarise then the promise of democracy for the people of Bangladesh. Essentially, it is what I call "beyond matsyanyam" - moving out from anarchy towards

- stable government
- sound administration
- religious tolerance, inclusive society
- social order and security

The promise of democracy also means the end to denial of rights, both intrinsic and esoteric. Therefore, people relate this to price of rice as much as to the celebration of their mother tongue. For the people of Bangladesh, the promise is also about freedoms - from want and fear, and all restrictions. The promise of democracy means that everyone counts and therefore has the right to be consulted on important issues that impact his life. It therefore also means empowerment, especially for the marginalised. The promise of democracy is about constitutional guarantees for non-discriminatory protection of every individual. On another plane, the promise of democracy is about accountability, monitoring of public office performance by the civil society. Contemporary realities require a greater role for all segments of society as stakeholders in democracy; that too is the promise of democracy.

End Notes

¹ Term introduced by Tocqueville (*L'ancien regime et la Revolution*, 1856) in order to signify the kind of despotism which supposedly proceeds from too fervent and too uncritical an adherence to the doctrine of the sovereignty of the people: 'No gradations in society, no distinctions of classes, no fixed ranks - a people composed of individuals nearly alike and entirely equal - this confused mass being recognized as the only legitimate sovereign, but carefully deprived of all the faculties which could enable it either to direct or even to superintend its own government. Above this mass, a single officer, charged to do everything in its name without consulting it. To control this officer, public opinion, deprived of its organs; to arrest him, revolutions, but no laws. In principle a subordinate agent; in fact a master.'

² Khalimpur copperplate

³ History of Buddhism in India, 1608 AD

⁴ The long rule of the Pala dynasty, spreading over about four centuries, gave to Bengal the blessings of a stable government, which bore rich fruits in the arts of peace. The Palas could establish a sound administrative structure. Their land-based empire was basically agrarian in nature. Trade and commerce was not that important a factor in Pala economy. Trading activities were possibly limited within the region or at best extended beyond the borders to the adjacent territories. The long Buddhist rule of the Palas generated an environment of religious toleration in Bengal and we notice an atmosphere of Hindu-Buddhist amity and coexistence. The Palas initiated a policy of religious toleration. Their liberal patronage of Hindu gods and goddesses as well as Brahmins, who were employed in high state posts, clearly speak of the sagacious policy of the rulers. This also resulted in narrowing the gaps between the two religions and one merging into the other gave rise to new forms and practices which culminated in the evolution of Tantric cults and practices among the Buddhists in Bengal. The socioreligious climate of the Pala period bred a spirit of toleration and mutual coexistence and this spirit had a far-reaching impact in the history of the land. The Pala period is also significant for various achievements in the fields of arts. The Buddhist Vihara architecture attained maturity in the Somapura Mahavihara at Paharpur and this form influenced the subsequent structures in Southeast Asian countries. The terracotta art of Bengal reached its high-water mark during this period. The Pala School of Sculptural Art came to be recognized as a distinct phase of Eastern Indian Art. The artistic genius of the Bengal sculptors found full expression in the Pala period. The Pala period has been considered the most glorious period in the early history of Bengal.

⁵ "...Whereas, in the facts and circumstances of such treacherous conduct, Bangabandhu Sheikh Mujibur Rahman, the undisputed leader of 75 million people of Bangladesh, in due fulfillment of the legitimate right of self determination of the people of Bangladesh, duly made a declaration of independence at Dacca (Dhaka) on March 26, 1971, and urged the people of Bangladesh to defend the honour and integrity of Bangladesh."

⁶ **Morley-Minto Reforms** (1909) an important landmark in the history of constitutional development towards self-government for India and ultimate freedom from British rule. In response to Indian demand for constitutional reforms, British Parliament passed in 1892 the Indian Councils Act, which strengthened the Legislative Council of the Governor General as well as of the Provincial governors by increasing the number of additional non-official members. But the Indian public opinion was in favour of rapid progress towards self-government for India. The Muslim leadership apprehended that under any electoral system, the Muslim interests were likely to remain unrepresented because of their social and political backwardness. A large delegation of Muslim elite headed by Aga Khan met Lord Minto in October 1906, and submitted a memorandum pleading that the Muslims made 'a nation within a nation' in India and that their special interests must be maintained in case of any constitutional reforms in the future. They especially demanded for election of Muslims to the central and provincial councils through separate Muslim electorates, and in numbers not in proportion to their population, but in accordance with their political importance. Lord Minto assured the delegation of his support to a constitutional arrangement of separate representation for the Muslim community. The reform ideas of Morley and Minto were embodied in the India Act of 1909, which generally goes by the names of its authors. The leading features of the Act are the introduction of separate electorate for the Muslims, inclusion of an Indian on the central and provincial councils and also on the council of the Secretary of State for India. The reform did not at all intend to create any representative government. Its only object was to make a start towards representative government.

⁷ In a referendum held on 7 July, the electorate of Sylhet by a majority of 55,578 votes (239,619 voted for joining East Bengal as against 184,041 for remaining in Assam) gave the verdict in favour of Pakistan.

⁸ Malik Firoz Khan Noon, Ghulam Mohammad, Chaudhri Mohammad Ali, M. Shoaib, Aziz Ahmed, Iskander Mirza, Ayub Khan and Yahya Khan

⁹ The recognition of Bengali as a state language, full provincial autonomy consistent with central responsibility for defence, foreign affairs and currency, industrialization of East Bengal, democratization of the administrative apparatus, safeguarding of the fundamental freedom, reforms in education, independence of the judiciary, repeal of the repressive laws and release of political prisoners were some of the important provisions of the 21-point programme

¹⁰ Fazlul Haq as Governor of East Bengal dismissed Aatur Rahman Khan's cabinet on 31 March 1958. Later that night Fazlul Haq himself was dismissed by Iskander Mirza. Aatur Rahman was succeeded by Abu Hussain Sarkar, who was in turn dismissed within 12 hours of assuming office and Aatur Rahman's

cabinet was again back in power. On 19 June 1958 the Ataur Rahman Government fell and Abu Hussain Sarkar came back to power on 20 June but had to leave within four days. The province remained under President's Rule for two months and thereafter Ataur Rahman was reinstated as Chief Minister.

¹¹ Ghulam Mohammed, Finance Minister, became Governor-General of Pakistan on 17 October 1951, when Mr. Nazimuddin stepped down and was appointed Prime Minister after the assassination of Liaquat Ali Khan. Ghulam Mohammed, was an efficient bureaucrat with immense political ambition who exercised autocratic powers. On 17 April 1953, he summarily dismissed Prime Minister Nazimuddin because the constitutional proposal envisaged by the latter was not conducive to Punjabi domination. After the dismissal of Nazimuddin, Ghulam Mohammed brought back Mohammed Ali of Bogra, then serving as Pakistan's Ambassador to the United States, and made him Prime Minister.

¹² One other bill provided that the Prime Minister prior to his appointment by the Governor-General must be a member of the Assembly; other ministers to be appointed on the Prime Minister's advice should also be its members; the Cabinet should be collectively responsible to the Assembly and the Governor-General should function in accordance with the advice of the ministers.

¹³ Ayub Khan ruled like a dictator and did not pretend to have any faith in democracy. Having come to power through a military intrigue that he euphemistically described as a 'revolution', he frankly admitted that he had 'no sanction in law or constitution'.

¹⁴ The Preamble to the Constitution read: "Now, therefore, I, Field-Marshal Mohammad Ayub Khan, Hilal-i-Pakistan, Hilal-i-Jurat, President of Pakistan, in exercise of the Mandate given to me on the Fourteenth day of February, One thousand nine hundred and sixty, by the people of Pakistan, and in the desire that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the World and make their full contribution towards international peace and progress and happiness of humanity, do hereby enact this Constitution."

¹⁵ The proportion of East Pakistanis in the foreign service in 1962 was 20.8%; the proportion of East and West Pakistanis among the officers of defence services was 10:90. It was observed in the field of education that whereas West Pakistan was allocated a sum of Rupees 1530 crore during 1948-55, East Pakistan was sanctioned a mere 240 crore rupees (13.5%) during that period. During the period 1947-55, only 10% of total expenditure of the central government were spent in East Pakistan. Whereas Rupees 1496.2 million were spent in the development sector in West Pakistan during the period, the amount spent in East Pakistan was only Rupees 514.7 million. Three capital cities were built in West Pakistan (Karachi, Rawalpindi and Islamabad) in phases during the Pakistan era. An amount of Rupees 5700 million was spent till 1956 for Karachi alone in order to build it up as the capital city. This was 56.4% of the total expenditure for East Pakistan, its share in the total expenditure during the period being only 5.10%. Whereas Rupees 3,000 million were spent for the development of Islamabad until 1967, the amount spent for development of Dhaka was a meagre Rupees 250 million. Due to the location of the capital and the head offices of different civil and military departments in West Pakistan, the West Pakistanis got sweeping benefit in the fields of employment, outlays for construction of buildings, furniture, residences for staff etc., and the employment opportunities generated from construction and supplies.

¹⁶ 20(4): All powers including legislative, administrative and financial, shall be so distributed between the Federal Government and the Provinces that the Provinces shall have maximum autonomy, that is to say maximum, legislative, administrative and financial powers, but the Federal Government shall also have adequate powers including legislative, administrative and financial powers, to discharge its responsibilities in relation to external and internal affairs and to preserve the independence and territorial integrity of the country.

20(5): It shall be ensured that –

- (a) the people of all areas in Pakistan shall be enabled to participate fully in all forms of national activities; and
- (b) within a specified period, economic and all other disparities between the Province are removed by the adoption of statutory and other measures

¹⁷ The six points were:

- (1) Establishment of a federation 'on the basis of the Lahore Resolution and the parliamentary framework of government with supremacy of legislature directly elected on the basis of adult franchise.'

- (2) The federal government shall deal with only two subjects, that is, defence and foreign affairs, and all other residuary subjects should rest in the federating states.
- (3) There should be two separate currencies mutually or freely convertible in each wing of each region, or in the alternative a single currency for the whole country, subject to the establishment of a 'Federal Reserve System' in which there will be regional Federal Reserve Banks which shall devise measures to prevent the transfer of resources and flight of capital from one region to another.
- (4) The power of taxation and revenue collection shall be vested in the federating units. The federal government will receive a share to meet the federal expenses.
- (5) Foreign trade: Five steps shall be taken:
 - a. There shall be two separate accounts for foreign exchange earnings.
 - b. Earnings of East Pakistan shall be under the control of East Pakistan.
 - c. Foreign exchange requirements of the federal government shall be met by the two wings either equally or in a ratio to be fixed.
 - d. Indigenous products shall move free of duty within the two wings.
 - e. The constitution shall empower the unit governments to establish trade and commercial relations with, set up trade missions in, and enter into agreements with foreign countries.
- (6) A militia or para-military force, an ordnance factory, a military academy and the navy headquarters would be set up in East Pakistan.

¹⁸ The twenty-one-point programme on the basis of which the United Front fought and won overwhelmingly the provincial elections in East Bengal in March 1954, included:

"19. In accordance with the historic Lahore Resolution, to secure full and complete autonomy and bring all subjects under the jurisdiction of East Pakistan, leaving only Defence, Foreign Affairs and Currency under the jurisdiction of the Centre. Even in the matter of Defence, arrangements shall be such as to have headquarters of the Army in West Pakistan and the headquarters of the Navy in East Pakistan and to establish ordnance factories in East Pakistan with a view to making East Pakistan self-sufficient in the matter of Defence, and to convert the present Ansars into full-fledged militia."

¹⁹ One can get an estimate of the success from Tajuddin Ahmed's statement of 17 April 1971. Mr. Ahmed observed:

"The course of the non-cooperation movement is now a part of history. Never in the course of any liberation struggle has non-cooperation been carried to the limits attained within Bangladesh between 1st and 25th March. Non-cooperation was total. No judge of the High court could be found to administer the oath of office to the new Governor, Lt.-General Tikka Khan. The entire civil administration, including the police and the civil service of Pakistan, refused to attend office. The people stopped supply of food to the army. Even the civilian employees of the Defence establishment joined the boycott. Non-cooperation did not stop at abstention from work. The civilian administration and police positively pledged their support to Sheikh Mujibur Rahman and put themselves under his orders. In this situation, the Awami League without being a formally constituted Government was forced to take on the responsibility of keeping the economy and administration running whilst non-cooperation lasted. In this task they had the unqualified support not only of the people but the administration and business community. The latter two subordinated themselves to the directive of the Awami League and accepted them as the sole authority to solve their various problems. In this unique circumstance economy and administration were kept going in spite of the formidable problems arising out of the power vacuum, which had suddenly emerged in Bangladesh. In spite of the lack of any formal authority, Awami League volunteers in co-operation with the police maintained a level of law and order which was considerable improvement on normal times."

²⁰ The full text of the Proclamation of Independence goes as follows:

Whereas free elections were held in Bangladesh from 7th December, 1970 to 17th January, 1971, to elect representatives for the purpose of framing a Constitution, AND

Whereas at these elections the people of Bangladesh elected 167 out of 169 representatives belonging to the Awami League, AND

Whereas General Yahya Khan summoned the elected representatives of the people to meet on the 3rd March, 1971, for the purpose of framing a Constitution, AND

Whereas the Assembly so summoned was arbitrarily and illegally postponed for indefinite period, AND

Whereas instead of fulfilling their promise and while still conferring with the representatives of the people of Bangladesh, Pakistan authorities declared an unjust and treacherous war, AND
Whereas in the facts and circumstances of such treacherous conduct Bangabandhu Sheikh Mujibur Rahman, the undisputed leader of the 75 million people of Bangladesh, in due fulfillment of the legitimate right of self-determination of the people of Bangladesh, duly made a declaration of independence at Dacca on March 26, 1971, and urged the people of Bangladesh to defend the honour and integrity of Bangladesh, AND
Whereas in the conduct of a ruthless and savage war the Pakistani authorities committed and are still continuously committing numerous acts of genocide and unprecedented tortures, amongst others on the civilian and unarmed people of Bangladesh, AND
Whereas the Pakistan Government by levying an unjust war and committing genocide and by other repressive measures made it impossible for the elected representatives of the people of Bangladesh to meet and frame a Constitution, and give to themselves a Government, AND
Whereas the people of Bangladesh by their heroism, bravery and revolutionary fervour have established effective control over the territories of Bangladesh,
We the elected representatives of the people of Bangladesh, as honour bound by the mandate given to us by the people of Bangladesh whose will is supreme duly constituted ourselves into a Constituent Assembly, and
having held mutual consultations, and
in order to ensure for the people of Bangladesh equality, human dignity and social justice,
declare and constitute Bangladesh to be sovereign Peoples' Republic and thereby confirm the declaration of independence already made by Bangabandhu Sheikh Mujibur Rahman, and
do hereby affirm and resolve that till such time as a Constitution is framed, Bangabandhu Sheikh Mujibur Rahman shall be the President of the Republic and that Syed Nazrul Islam shall be the Vice President of the Republic, and
that the President shall be the Supreme Commander of all the Armed Forces of the Republic,
shall exercise all the Executive and Legislative powers of the Republic including the power to grant pardon, shall have the power to appoint a Prime Minister and such other Ministers as he considers necessary,
shall have the power to levy taxes and expend monies,
shall have the power to summon and adjourn the Constituent Assembly, and
do all other things that may be necessary to give to the people of Bangladesh an orderly and just Government,
We the elected representatives of the people of Bangladesh do further resolve that in the event of there being no President or the President being unable to enter upon his office or being unable to exercise his powers and duties, due to any reason whatsoever, the Vice-President shall have and exercise all the powers, duties and responsibilities herein conferred on the President,
We further resolve that we undertake to observe and give effect to all duties and obligations that devolve upon us as a member of the family of nations and under the Charter of United Nations, We further resolve that this proclamation of independence shall be deemed to have come into effect from 26th day of March, 1971.
We further resolve that in order to give effect to this instrument we appoint Prof. Yusuf Ali our duly Constituted Potentiary and to give to the President and the Vice-President oaths of office.

Mujibnagar, Bangladesh
Dated 10th day of April, 1971.

Bibliography

Niharranjan Ray, *Bangalir Itihas(Adiparva)*, Kolkata, 1400 BS;
RC Majumdar (ed), *History of Bengal*, vol-1, Dhaka, 1948;
Abdul Momin Chowdhury, *Dynastic History of Bengal*, Dhaka, 1968;
RC Majumdar, *History of Ancient Bengal*, Kolkata, 1971.
JH Broomfield, *Elite Conflict in a Plural Society: Twentieth-Century Bengal*, California, 1968;
Harun-or-Rashid, *The Foreshadowing of Bangladesh*, Dhaka, 1987;
Sirajul Islam (ed), *History of Bangladesh 1704-1971*, 3 vols., Dhaka, 2nd edn, 2000.
D.N. Benerjee, *East Pakistan (Vikas)*, 1969).
G. Tyson, *Ayub Khan, the Reluctant Dictator*.
Ayub Khan, *Friends Not Masters* (Oxford University Press, 1969)
Sirajul Islam (ed), *Banglapaedia* (Asiatic Society of Bangladesh, 2004)
Subrata Roy Chowdhury, *The Genesis of Bangladesh* (Asia Publishing House. 1972)