



## LEGITIMACY CRISIS IN BANGLADESH: A CASE STUDY OF 10<sup>th</sup> GENERAL ELECTION

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### **Abstract:**

Method of an election, the participation of voters and political parties to the election without barriers, conducting a free and fair election, credibility of election's result, as well as legitimacy of the government, are one of the arguable issues in Bangladeshi politics. The 10<sup>th</sup> general election in Bangladesh was held on 05 January 2014 with the lack of all of the criteria of legitimacy. The ruling Bangladesh Awami League (BAL) government was accused to use all possible ways to prevent the opposition political parties from participating the election as a result Bangladesh Nationalist Party (BNP) led opposition political parties boycotted the national election in the issue of caretaker government (CTG) and the BAL came in power again without any competition. The majority of parliament members (MPs) were elected without any contest, voters' turnout was about 22.66%, a lot of polling centers were empty, a large number of opposition party leaders and candidates were arrested, and many people died in the clash. Local and International experts, observers, and donor agencies expressed their dissatisfaction with the credibility of the election although the ruling party claimed the election was free and fair. The BAL government had faced a legitimacy crisis both at home and abroad. From 2014 to 2018 Bangladesh had missed all norms of democracy practically but formally it was a "democratic regime"! The main question of the research is how the 2014 national election made the BAL govt. illegitimate? For this study the data was collected from both primary and secondary sources what includes books, articles, newspapers, periodicals, statements of the political parties; statements of the various election observers' organizations as well as Non-Governmental Organizations (NGOs) both national and international. The current paper has designed with three parts. The introductory part decorated with the conceptual framework and literature review. The second part tried to give a clear picture of the 2014 national election. This part explained how the 2014 national election made the BAL govt. illegitimate and why it was a step of one-party rule. The third part concluded with some findings.

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## 1. Introduction

The main purpose of the creation of Bangladesh from West Pakistan was to make a democratic and welfare state. However, the democratic process was hindered just after three years after independence. The fourth amendment of the constitution was passed on 25 January 1975, which introduced the controversial one-party dictatorial system known as Bangladesh Krishok Sromik Awami League (BAKSAL). (Ahmed, Paris Vision News, 16 July 2013) The so called-majority misinterpreted the sense-democracy and the most-popular government couldn't understand the sense of demand of the people and failed to translate people's expectations into realities. (Islam, 2014) Consequently, the military intervened in politics led by General Ziaur Rahman in 1975. (Mohammad, 17 June 2012) From 1975 to 1990 Bangladesh witnessed a long battle between democratic and non-democratic forces. After a long sacrifice, Bangladesh turned into the democratic system via the ousting of General H.M. Ershad at the beginning of the 1990s. (Ibid) In the 1991 election, the BNP<sup>ii</sup> won and the BAL<sup>iii</sup> was the main opposition. The CTG was first introduced constitutionally in 1996 with the thirteenth amendment. It provided that a 90-day caretaker set-up rather than the incumbent government would oversee the vote, thus lowering, though not eliminating the likelihood of rigging.<sup>iv</sup> The first CTG oversaw the June elections in 1996 that brought the BAL to power for the first time since 1975. The second election under the CTG, in October 2001, returned the BNP to the office (2001-2006) in a coalition with Bangladesh Jamaat-i-Islami (BJI) and two smaller parties. Although the caretaker model enjoyed wide popularity,<sup>v</sup> the BAL government abolished the system through the fifteenth amendment in June 2011, justifying this on the Supreme Court judgment and abuses of power during the military-backed CTG (2007-2008). As a consequence, the BNP and most of the opposition political parties boycotted the 5 January 2014 national election and demanded election under the CTG system. (The Tribune, 03

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<sup>ii</sup> Bangladesh's first military ruler, Major General Ziaur (Zia) Rahman (1976-1981) created the BNP. He was assassinated by a few army personnel in 1981. In 1991, BNP came in power led by Khaleda Zia (Wife of Zia). In 2001, BNP came in power again and ruled until 2006. BNP was the main opposition during 1996-2001, 2008-2013.

<sup>iii</sup> In 1949, the All Pakistan Awami Muslim League was founded in Dhaka. After victory on 16 December 1971, the Awami League (AL, now BAL) formed the national government of Bangladesh led by Sheikh Mujib. On 15 August 1975, Sheikh Mujib assassinated by some military personals. After 21 years in 1996, the BAL came in power. In 2008, the BAL came in power again and still now continuing.

<sup>iv</sup> The caretaker proposal was introduced in parliament as an AL member's private bill. It envisaged that the president would appoint the chief adviser and ten advisers within fifteen days of parliament's dissolution, to oversee elections within 90 days. The chief adviser would be either the last serving Supreme Court chief justice, a retired justice of the appellate division or "an appropriate citizen"; if none were available, the president would assume the role. He or she would also assume the defense ministry's executive powers and functions and have the authority to promulgate ordinances, rules and, if needed, declare a state of emergency.

<sup>v</sup> An April 2013 AC Nielsen/Democracy International poll found 81 percent support. Bergman, The New Age, 11 September 2013.

December 2013; Riaz, 2014b: 150) The opposition alliance called a nationwide strike and threatened to stop the election.

The BAL won a three-quarters majority in the election that has widely been condemned, both at home and abroad (Stang, January 2014), as lacking democratic credibility. Out of the 300 elected seats in the Bangladesh parliament, only 147 were up for the contest on the election with the BAL bagging 105 of these seats. Since the main opposition party, the BNP, had chosen to boycott the vote, the remaining seats had been filled by uncontested candidates well before the voting was even held; the BAL won 127 of these 153 seats. (Ramachandran, 07 January 2014) Citing the non-inclusive nature of the polls, both the United States of America (USA) and the European Union (EU) refused to send election observers. (Stang, January 2014) According to the Bangladesh Election Commission (BEC), voter turnout was a mere 40 percent (The European Parliament, 16 January 2014) compared to well over 80 percent (FRANCE 24, 06 January 2104) in the previous elections held in late December 2008. Diplomatic sources in Dhaka have estimated the turnout to have been much lower still, amounting to only around 20 percent. (The European Parliament, 16 January 2014) Ali Riaz, a Bangladeshi American Professor and Chair of Department of Politics and Government at Illinois State University, USA, pointed out that in Bangladesh's 43-year history the voting was marred by the lowest turnout and worst electoral violence. (Riaz, April 2014a: 119)

## 2. Conceptual Framework

Legitimacy refers to people's beliefs about political authority and political obligations. Max Weber, in his sociology, put forward a very significant account of legitimacy that rejects any recourse to normative criteria. (Mommson, 1989: 20) According to Weber (1964: 382) the political regime is legitimate means that its participants have certain beliefs or faith regarding it: "*the basis of every system of authority, and correspondingly of every kind of willingness to obey, is a belief, a belief by virtue of which persons exercising authority are lent prestige.*" He differentiates among three leading sources of legitimacy-understood as both the acceptance of authority and of the need to obey its commands. People may have a belief in a specific social or political order because it has been there for a long time (tradition) because they have faith in the rulers (charisma), or because they believe its legality-particularly the rationality of the rule of law. (Weber, 1991) Weber recognizes legitimacy as an essential descriptive category for social science because faith in a specific social order produces social regularities that are more constant than those that result from the habitual rule-following or the pursuit of self-interest. (Weber, 1964: 124) On the other hand, the normative perception of political legitimacy refers to some standard of acceptability or justification of political power or authority and-possibly-obligation. According to this view, political bodies exercise power unjustifiably and the commands they might produce do then not entail any obligation to obey if the conditions for legitimacy are not met. In *Political Liberalism* (1993), John Rawls presents such an interpretation of legitimacy. Political legitimacy is also subjected to citizens' approval and consent to rule and policies of the entire political system and the decisions of the regime.

Mitchell A. Seligson pointed out that *“if citizens do not believe their political system is legitimate; its stability will be very much in question.”* (Seligson, 2000: 7 and quoted in Quddus, 2014: 3) There is a well-built relationship between democracy and political legitimacy. It is because democratic polity is characterized by Kenneth F. Warren (2008): (a) the recognition of all citizens as political equals (b) the right of the citizens to self-rule mainly through the election of their rulers. For Aragon, there are five fundamental dimensions of political legitimacy, which ultimately facilitates the regime stability and success of a democratic polity; these are (a) support for the political community; (b) support for the core regime principles, norms and procedures; (c) assessment of the regime performance; (d) support for the regime institutions; and (e) support for the authorities. (Pharr & Putnam, 2000; Warren, 2006 and quoted in Quddus, 2014: 3) He further adds that regime stability also requires the ability to demonstrate performance and capacity to find solutions to the problem of society such as ensuring economic progress with equitable distribution, public order, and security, unbiased and effective rule of law, quality improvement in health, education, free and fair elections, etc. (Ibid) The democratic project through election has to be mostly state-centered failing which democratic legitimacy and regime stability will have unfortunate interference of external actors’ outside the realm of the state. (Aragon, 2008 and quoted in Quddus, 2014: 3)

### 3. Literature Review

Prominent NGO Odhikar (2014) observed that Bangladesh has not been constituted as a democratic state as such. It stated that the singular focus on an electoral process as the only means to march towards democracy has miserably failed in Bangladesh. Ali Riaz (2015) argued, in 2011, using a Supreme Court verdict as the pretext, the BAL government amended the Constitution to remove the caretaker proviso. The full text of the verdict was yet to be written and signed, and the Supreme Court’s observation that *“the election to the 10th and the 11th Parliament may be held under the provisions of the above mentioned Thirteenth Amendment”* was ignored. The opposition parties led by the BNP threatened to boycott the election if the CTG were not restored. Ali Riaz (April 2014a) writes before the polls opened in January 2014, BNP chairperson Khaleda Zia had been placed under virtual house arrest while JP president H.M. Ershad had been *“detained”* in a secure hospital after indicating that he might join the boycott. The election has been called a *“farce,”* leading to what even a BAL sympathizer calls no more than a *“hollow”* victory for that party. A.S.M. Quddus (2014) claims Bangladesh witnessed her 10<sup>th</sup> General Election held on 5 January 2014 with some remarkable incidents such as major political opposition parties that did not take part in the polls. More than 50% candidates of which mostly from the ruling party were elected MPs uncontested; voters turnout was very low-about 22-26%; due to a lack of candidates from opposition political parties in some constituencies there was no vote at all!; Election ends with chaos; local media, international communities, and donor agencies expressed their dissatisfaction about the credibility of the election outcomes and the way election was conducted; and others. Ali Riaz (April 2014b) stated the victory of the ruling alliance led by the BAL was a foregone

conclusion, given the opposition boycott. The BAL won 233 seats of a total of 300; the JP took 34. Only 12 parties (including ruling BAL and its alliance) out of 40 registered with the Election Commission (EC) participated in the election. In the political history of Bangladesh, only the parliamentary elections held in 1988 had a lower participation rate. A total of 38 parties participated in the 2008 election. Records show that only 543 candidates ran for office in the 5 January 2014 national election, or one-third of the number that ran in 2008. Faruk Ahmed (2015) claims Bangladesh has witnessed an unprecedented election on 5 January 2014. Out of the country's 90 million voters, over 80 million did not and could not exercise their voting rights. So, this government is not formed by direct votes of the majority population and it has no popular mandate to govern the country. N. Islam (2014) argued the ruling BAL's victory in the Bangladesh election was almost a foregone conclusion, with opposition parties boycotting the polls that were marred by violence. The BAL secured 232 of 300 parliamentary seats in the election. But analysts say that Hasina's third term faces a crisis of legitimacy. Human Rights Watch (HRW, 2014) published a 64-page report on "Democracy in the Crossfire: Opposition Violence and Government Abuses in the 2014 Pre-and Post-Election Period in Bangladesh." The report argued on various incidents, the members and activists of opposition party threw petrol bombs at buses, trucks, and motorized rickshaws. In some cases, the opposition activists enforced children to carry out the attacks. In reaction, the government unleashed a ruthless crackdown. Jasmin Lorch (2014) claims on 5 January 2014, the BAL, which has ruled Bangladesh since early 2009, won a three-quarters majority in a parliamentary election that has widely been condemned, both at home and abroad, as lacking democratic credibility.

The Daily Star (2014) described the polls as the deadliest in the country's history, and said in an editorial that the Awami League won "*a predictable and hollow victory, which gives it neither a mandate nor an ethical standing to govern effectively.*" The editorial was also critical of the opposition's role in fuelling violence. K. Ratnayake (2014) argued as a result of the BNP boycott, the election result was a foregone conclusion. Before the voting day, the BAL leading ruling coalition "won" 153 uncontested seats in the 300-member parliament. BEC acknowledged that no election took place at 570 polling stations but claimed that polling was fair in 97 percent of constituencies. Before the election, opposition mobs set fire to at least 200 polling booths. Hundreds of opposition activists have been arrested. Since December 26 BNP Chairperson Khalida Zia has been under house arrest. Mahbubur Rahman (2015) argued since an inclusive, free, and fair electoral process is one of the main ways of achieving legitimacy for political officials and government institutions, it is extremely important to safeguard it. The system must be structured to ensure that people can express their political choices and elect their representatives from a slate of candidates. The notion of free and fair elections refers to an electoral process in which: (a) all the citizens who are eligible to vote are enabled to exercise their voting rights; (b) voters make electoral choices without illegitimate inducement or coercion; (c) electoral institutions, processes and outcomes are not manipulated by the government, groups or individuals, and (d) outcomes of the electoral process are determined purely by the votes of the electorate. To ensure the above, two

additional factors must be present: first, an honest, competent, non-partisan electoral body to manage the elections; and second, general acceptance by the political community about the rules of the game which includes the election-time government and electoral laws. Mitchell A. Seligson (2000) argued political tolerance and regular election pave the way for the legitimate system of governance, which increases citizens' trust in government, hence facilitates regime stability. By political tolerance he refers to respect for the political rights of opponents such as their right to choose, raise their voices, and go for demonstrating if requires, which ultimately warrant accountable democratic and transparent governance.

#### **4. Background of 2014 National Election**

Political deadlock and violent conflict between the BAL and the BNP have characterized national elections since the country's return to democratic rule in 1990. Given that the democratic institutions of Bangladesh are weak and lack freedom, neither of the two main political parties considers that it would have fair probabilities of winning an election organized by its rival. Indeed, this is why following a one-sided election that was organized by the then BNP government and boycotted by the BAL, the caretaker system was initially formed in 1996. In January 2007, the military used the constitutional provision for the CTG to intervene in the political process amid deteriorating public security and fierce street battles between the BAL and the BNP supporters. Subsequently, the army ruled the country from behind the scenes for almost two years. In the run-up to the 2014 elections, the ruling BAL government used this military interregnum as an argument to brush aside the BNP's request for holding the polls under the caretaker government. The fierce conflict between the BAL and the BNP over the mechanism for conducting the 2014 elections started more than two and a half years before the polls. In June 2011, the ruling BAL used its parliamentary majority to push through an amendment to the constitution that abolished (Liton & Hasan, 01 July 2011) the CTG system. Since then, the BNP leading opposition alliance has pressed the government to re-introduce the system, occasionally by staging immense and often violent demonstrations and hartals (Strike). For a large part of the BAL's tenure, parliament remained blocked due to opposition boycotts. Khaleda Zia, Chairperson of the BNP, insisting on the restoration of the CTG, rejected the BAL proposals for an all-party cabinet with new limitations on the prime minister's power during the election cycle, opting first for the violent protest to prevent the vote and then, in December, for a boycott. In 2013, the government continued to rely on the use of force, more overtly and violently. The ruling party political cadres armed with lethal weapons joined the law enforcing agencies in public demonstrations. The repression of the opposition political parties has become a regular practice. Workers, social organizations and human rights defenders were not spared this treatment either. (Odhikar, 15 April 2014) On 3 December 2013, Jatiya Party (JP), led by former president H.M. Ershad, announced its intention to boycott the election. On the night of 4 December, Ershad threatened to kill himself after security forces besieged his home following his decision to boycott the election. (The Gulf Times, 05

December 2013) On 13 December, he was confined to a military hospital following his arrest from his Baridhara residence by security forces. (The Gulf Times, 14 December 2013) The opposition alliance called for a general strike on 15 December. (Al Jazeera, 13 December 2013) The Bangladesh Army (BA) was deployed throughout the country on 26 December on the request of the BEC to maintain law and order. The army stayed on the streets until 9 January 2014. (News18, 26 December 2013) Khaleda Zia was also put under house arrest since 29 December at her Gulshan residence. (Bergman & Nelson, 30 December 2013) The senior vice-chairman of the BNP Tarique Rahman called for a boycott of the election saying that *"the time has come for all of us to prevent and boycott the Jan 5 polls. Not for personal interest but for the sake of the country's existence."* (bdnews24.com, 04 January 2014) The BNP leading opposition had also called for the government to resign so an interim government could lead the country during the election period. (The Independent, 06 January 2014) EU representatives met Khaleda Zia and asked her not to boycott the election and to stop the strikes and shutdowns and instead resort to dialogue with the government. (Bangladesh Chronicle, 07 November 2013)

The United Nation's (UN) effort for an inclusive election failed: Sheikh Hasina did not pay heed to the demand of the opposition alliance and even did not agree to hold dialogue with the opposition leader in spite of mediation by UN Secretary General's envoy-Mr Taranco. (Ahmed, 03 March 2015) The High Court banned BJI from contesting the polls because it violated the secular constitution; its activists reportedly committed some of the worst attacks. (Ahmed, 01 August 2013) The BAL continued to reject the BNP's demand for the (re)installment of a non-party caretaker government, proposing instead that the polls be held under an all-party government. Arguing that an election organized with the participation of the ruling BAL could never be impartial and fair. (Lorch, 02 February 2014) On 29 December 2013, the BNP called for a "March for Democracy" towards Dhaka, in defiance of a police ban, to protest against the election. Zia said: *"The government is autocratic and illegal. It should step down immediately."* (The BBC News, 29 December 2013) Supporters of the BAL clashed with opposition activists outside the Bangladesh Supreme Court. (Ibid) The BNP accused the police of barring Zia's car from leaving for her to lead the march. (Al Jazeera, 30 December 2013) Thousands of security forces, mainly police, were present to prevent the opposition activists from rallying. (Alam, 29 December 2013) Outside of the Supreme Court, the police threw hot and colored water from water cannons to disperse the protesters. (The CNN iReport, 29 December 2013) Sheikh Hasina said, *"You can wage anti-government agitation. But make sure people are not killed by your movement."* (Madhyamam, 30 December 2013) On 30 December, in order to resist the scheduled election the 18-party opposition alliance declared a non-stop blockade of roads, railways, and waterways across the country from 1 January 2014. (The Business Standard (New Delhi), 31 December 2013) A general strike was called for 4, 5 and 6 January by the opposition parties. The USA, EU, and the Commonwealth stated that they would not send observers as they were concerned about the reliability of the election due to the boycott. (Julhas, 05 January 2014) On 3 and 4 January, opposition activists attacked potential polling centers across Bangladesh. They set fire to over 100 centers in Lakshmipur, Rajshahi, Pirojpur, Sylhet,

Jhenaidah, Natore, Sirajganj, and Brahmanbaria. (Al Jazeera, 04 January 2014) During the elections, activists of the BNP and particularly of its main coalition partner, the Islamist BJI, resorted to massive violence, including the torching of dozens of polling centers. Countrywide hartals, demonstrations and traffic blockades that stalled economic activity and travel outside the urban centers were accompanied by attacks on BAL supporters and officials in the run-up to and on Election Day. (HRW, April 2014) The government's response was equally extreme, as the elite paramilitary Rapid Action Battalion (RAB), regular police and the Border Guard Bangladesh (BGB) cracked down on the opposition in BNP and BJI strongholds, reportedly resorting to torture, illegal detentions and extrajudicial killings of leaders and activists.<sup>vi</sup> Some opposition leaders, notably JP's H.M. Ershad were coerced to participate in the process to create the appearance of a competitive contest. Public protests and street clashes involving government security forces and party activists worsened and by the time elections were held. (The Guardian, 06 January 2014) In the run-up to the polls, security forces arrested several high-ranking BNP leaders (Hasan, 08 March 2015) on charges of instigating violence during the party's anti-government rallies. In order to avoid harassment and detention several other opposition activists went into hiding. (Stang, 2014) NGOs suggest over 500 people lost their lives in political violence in Bangladesh in 2013, with many more seriously injured. 215 were reportedly shot dead by law enforcers. (Foreign and Commonwealth Office, 10 April 2014) Between January and October 2014, Ain o Salish Kendra (ASK - Law & Arbitration Centre) recorded 558 incidents of political violence in Bangladesh, resulting in 7,204 injuries and 137 deaths.

## **5. How 2014 Election Made the BAL Govt. Illegitimate?**

### **5.1 Abuse of Rights of Opposition Political Leaders before the Election**

The BAL government was accused of abusing the basic human rights of political leaders and activists during the pre-election period in 2014. The law enforcement forces including police and RAB direct shot people, arrest thousands of political activists. For example, ex-Prime Minister and BNP chairperson Begum Khaleda Zia were put under house arrest. (Bergman & Nelson, 30 December 2013) The New York Times reported that on 3 January 2014 police officers surrounded Zia's house when she tried to leave for a rally finally she did not be allowed to leave. (Barry, 04 January 2014) Since then, she remained blockaded inside the compound, at one point behind five trucks loaded with sand until the 10<sup>th</sup> general election was finished on January 5, 2014. (The Daily Star, 10 January 2014) A former president, H.M. Ershad, who leads the 3<sup>rd</sup> biggest party, JP, was forced to admit military hospital since he belatedly joined the poll boycott. (Ibid) The fourth biggest political party, BJI, was banned from the polls for being religious. (Ibid) Police arrested and detained thousands of opposition activists including national political leaders before

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<sup>vi</sup> According to Human Rights Watch: "Before, during, and after the elections, Bangladesh's security forces launched a brutal crackdown on the opposition, unlawfully killing dozens of leaders and activists, carrying out widespread arbitrary arrests, and in some cases unlawfully destroying property belonging to opposition leaders and activists." Op. Cit. HRW, April 2014.



the 5 January election in 2014. The daily stars reported - *“On polling day alone, over 20 people were shot by police, or beaten or burned to death as rival goons from the BNP and the League clashed and as opposition thugs petrol-bombed buses, apparently to discourage voting. In some cases violent attacks appeared staged especially for television and other cameras.”* (Ibid)

### 5.2 Low Percentage of Voters’ Turnout and Irrational Vote Casting Rate

As a result of the boycott, only 12 of 42 registered parties participated in the election; 153 of 300 seats were uncontested.<sup>vii</sup> The BEC suggested that the BAL had already secured victory in 127 of the 153 uncontested seats. Similarly, Rowshan Ershad’s, wife of H.M. Ershad, JP had already won 20 uncontested seats, Jatiya Samajtantrik Dal (JSD - National Socialist Party) won three seats, the Workers Party (WP) won two seats and the JP (Manju) won one seat. (The Guardian, 16 December 2013) The BEC announced turnout was 40 percent; the Fair Election Monitoring Alliance (FEMA) estimated it at 10 percent. (The Dhaka Mirror, 06 January 2014) Advocate A.K. Azad, a Director of the National Human Rights Commission, claimed the vote casting didn’t cross over 10%. He said that there was a very low rate of voter turnout, in most of the voting centers; voter turnout was from zero to 10% rate. On the Election Day till 12 pm voter turnout rate was only 3.27%. (Ahmed, 03 March 2015) the USA, (United Kingdom) UK, and EU strongly criticized the election, but other influential states, including India, China, Japan, and Russia appeared to endorse the result.

**Table 1:** Position of Political Parties in the 10<sup>th</sup> General Election in 2014

Category	Party						
	BAL	JP	JSD	WP	JP-M	Ind.	Others
Win	107	14	2	4	1	15	4
Uncontested	127	20	3	2	1	0	0
Total	234	34	5	6	2	15	4

**Source:** The Daily Star, 06 January 2014.

If we look at the figures in table 1, one might notice that the political legitimacy of the BAL led a government from 14 January 2014 to 7 January 2019 is perhaps very much in question. As stated earlier, the legitimacy of a regime is subjected to citizens’ recognition and acceptance of the entire political system as a valid one through the popular franchise. But the BAL regime’s legitimacy to rule is undermined when citizens’ right to choice and self-rule mainly through the election of their rulers was denied. Moreover, the JP that was being considered as the main opposition party with 34 lawmakers had been playing a double role by joining the cabinet-which is unprecedented in the country. Media and experts claimed that the BAL won a one-sided election and created a chaotic and to some extent unconstitutional and questionable cabinet. (Quddus, 2014: 3)

<sup>vii</sup> Overall, the BAL won 234 seats and the JP 34, with the rest going to smaller parties.

**Table 2: Irrational vote Casting Rate in Comparison with 9<sup>th</sup> National Election**

Constituency	Number of vote casted	Number of voters registered	Percentage in 10 <sup>th</sup> National Election	Percentage in 9 <sup>th</sup> National Election
Dhaka-15	-	-	10.88	78.05
Bogra 4	35692	283253	13	92.5
Chittagong 11	66022	484979	14	87.58
Dhaka 4	32559	228517	14.53	81.32
Jhenaidh 3	48190	317770	15.38	93.76
Shatkira 2	50274	314277	16.59	91
Rangpur 3	81039	455620	18	82
Dhaka 16	61716	342355	18.35	76.67
Maulvibazar 2	56112	281093	20.29	85.95
<b>Chittagong 13</b>	<b>185357</b>	<b>272787</b>	<b>68.93</b>	<b>88.03</b>
<b>Lalmonirhat 1</b>	<b>191746</b>	<b>276639</b>	<b>70.48</b>	<b>91.79</b>
<b>Bhola 3</b>	<b>180734</b>	<b>254702</b>	<b>71.52</b>	<b>86.96</b>
<b>Gopalganj 1</b>	<b>246467</b>	<b>276549</b>	<b>89.78</b>	<b>84.24</b>
<b>Gopalganj 3</b>	<b>189615</b>	<b>211839</b>	<b>90</b>	<b>87.54</b>
<b>Gopalganj 2</b>	<b>241675</b>	<b>269152</b>	<b>90.36</b>	<b>82.77</b>

Source: The Daily Star, 06 January 2014.

If we look at the figures in table 2, in Gopalganj-2 constituency 90.36% vote was cast in the 10<sup>th</sup> national election where only one party and their alliance took part and the major opposition alliance did boycott. This is the maximum vote casting ratio in this election. In the previous election (9<sup>th</sup> national election) this rate was 82.77 in this constituency, however, all political parties attended on that election. Similarly, in Gopalganj-1 and Gopalganj-3 constituency (10<sup>th</sup> national election) vote casting rate was 89.78% and 90% where the previous rate (9<sup>th</sup> national election) was 84.24% and 87.54% respectively. In the 10<sup>th</sup> national election, the lowest vote casting rate is 10.88% in the Dhaka-15 constituency. In the previous election, this rate was 78.05%. (Outside the Walls)

### 5.3 No Vote was cast in Around 56 Centers

In the 2014 national election, there were 56 centers around the country where No vote was cast in; (Ibid) 1-63 votes cast in 16 centers. (Ibid) In some constituencies, though contested the BAL nominated the candidate and their revolt candidate, less than 20 to 25% vote was cast. *“In most of the centers in the capital 30 to 40 political activists stand in a queue, though no voter was present therein, whenever any electric media reporter arrive there with the camera.”* (Ibid) An interesting event proves how the low rate of voter turnout was in the polling centers! In Dhaka old city Lalbag Govt. primary School center voter turnout was very low. There was no queue and no voter. Therefore, the presiding officer of this center utilized this leisure time by shaving his beard! (Ibid) This event occurred at 2 pm on Election Day. Associated Press (AP) reported that in the first two hours only 25 ballots out of 24,000 registered voters were recorded at one polling station in Dhaka’s Mirpur district. (The BBC News, 05 January 2014)

#### **5.4 Children were used for casting a Vote**

In the 10<sup>th</sup> national election, children were seen to be used to give false votes. Most of the voters were children in Jhalkathi-1 constituency. At 9 am a boy named Md. Sobur Hosain was seen to give the vote in Kanudash Kathi of Rajapur Upazila. He was a student of class 10. Like Md. Sobur Hosain many more students of underaged gave the vote in several centers. Perceiving the appearance of journalists Awami League activists got those students out of those centers. (Outside The Walls) One report shows, every child was awarded 50 Bangladeshi Taka (TK) for casting one false vote. (Ibid)

#### **5.5 False voter; Vote in every 6 seconds!**

There is an accusation against the ruling party that they ordered the election commission to confirm more voter turnout than the 1996' election on 15<sup>th</sup> February that is more than 26.57%. (Ibid) In Kishorgonj-3 (Korimgonj-Tarail) constituency, in two centers (Kajla Alim Madrasah and Kajla Govt. Primary School) 90% votes were cast by 1.00 pm. In these two voting centers, the total amount of voters was 2119 and 3559 respectively. By 1.10 pm 2300 votes were cast in Kajla Govt. Primary School that reveals that one vote was cast in every 6 seconds! Similarly in Kajla Alim Madrasah in every 8 seconds, one vote was cast! (Ibid) In Brahmin baria-3 constituency JP nominated candidate Dr. Farid Ahmed could not give his vote in his center Annada Govt. High School. While he went to the center to give his vote he saw that someone has already given his vote. He declared to reject the election forthwith. His voter no. is 433. (Ibid) 100% vote casting claimed in Nowagaon vote center of Nurpur Union of Hobigonj Sadar Upazila though some enlisted voters supposed certainly is dead by this time. It is claimed that out of 2600 voters all voters gave their votes. (Ibid) A BAL nominated candidate, Son of Home Affairs State Minister Shamsul Haque Tuku, himself gave 475 votes in Shatiakola Ibtedayi Madrasah center of Pabna-1 (Shathiya-Bera) constituency. A similar allegation arises in two centers at Shathiya Shahidnagar Govt. High School 238 votes were given by BAL activists. (The Dhaka Tribune, 05 January 2014)

#### **5.6 Was 2014 National Election a Step for One Party Rule?**

Bangladesh's constitution provides absolute power to the prime minister overstate. The prime minister is the supreme leader of the parliament as well as she is the chief of the party. Prime Minister Sheikh Hasina before January 5 election said that the election would be a perfunctory election. She said, "*A constitutional vacuum will be created and the country will fall into a constitutional crisis if an election is not held. So, in order to avoid the country being thrown into such a crisis, an election is being held only to maintain formalities.*" She also said, "*Talks on how a participatory election can be held will be arranged after this (January 5) election.*" (The New Age, 31 August 2014) If there were any desire for inclusiveness, the government could postpone the election slated for January 5. It could then be held any time before January 24, as stipulated by the constitution or even after that date if the president dissolves the Parliament before January 24. In that case, the election would need to be held within 90 days thereafter. (Rahman, 08 March 2015) Despite the government's claim of "*constitutional compulsion,*" the way preparations for

the 5 January election are being made define the structure, goal, and spirit of the constitution. The Supreme Court's verdict in May 2011 in the 13<sup>th</sup> amendment case made an observation that *"free and fair election is part of democracy and a fundamental structure of the Constitution. And Parliament is the product of the democratic process through a free and fair election. So, in the absence of a free and fair election, Parliament cannot have real legitimacy and cannot be said to be sovereign as well, and in such Parliament, people will have no representation."* Khaleda Zia accused Hasina of *"murdering democracy"* as her arch-rival faced growing calls to hold fresh polls after a walkover election. (Islam, 07 January 2014) Unfortunately Hasina govt. murdered democracy by holding power with an uncontested election. Bangladesh was ruled by one party; there was no formal opposition in the parliament. JP played the double role both in govt. and opposition which is not constitutionally legitimized. Rafique ul Huq-an eminent lawyer said, *"There is no provision in the constitution allowing the opposition to join the cabinet."* (Tusher & Byron, 08 March 2015) The executive director of global anti-corruption body Transparency International (TI), Iftexhar Zaman said, *"The parliament which will emerge will be one without an opposition and so there will be a very big legitimacy crisis."* (ABC News, 06 January 2014) Aatur Rahman, a retired professor of political science at Dhaka University, says Hasina will have to behave like an autocrat if she wants to cling to power by thwarting the opposition's protests. *"It seems we are in a transition to one-party-one-leader rule ending in a flawed democracy."* (Islam, 07 January 2014) Terming the 5 January election a *"selection,"* several eminent jurists had also said that an uncontested election would be *"unconstitutional"* and *"legally invalid"* (Liton, 08 March 2015) Badiul Alam Majumdar, secretary of the nonprofit group Citizens for Good Governance, remarked about the election of January 05, 2014, *"The fact that we are having this sort of sham election, it's not going to solve our problems. It will push us to an uncertain future. We will be in unchartered waters."* (Barry, 04 January 2014) Commonwealth Secretary-General Kamallesh Sharma said on 6 January 2014 that: *"The limited levels of participation and the low voter turnout are disappointing."* (The Commonwealth) Asia director of HRW Brad Adams said, *"These were the bloodiest elections since independence, and unless concrete steps are taken to address what happened, the situation in Bangladesh is likely to worsen."* (HRW, 29 April 2014)

Eminent jurist Rafique Ul Huq described the January 5 national election as *"mockery"*. *"It was rather a selection than election as per the country's constitution. The so-called January 5 election was not an election in the eye of law. The constitution doesn't speak about such election."* (Huq, 05 January 2014) Ali Riaz (2014c) argued the 5 January election is not going to resolve the ongoing political standoff. He said, *"The "election" of more than half of the parliamentary seats unopposed, that is to say without casting a single vote, has already made it a farcical exercise. By any standards, the parliament that will come into being would not represent the popular will. The basic function of an election is to offer a choice to the electorate and represent the will of the people. The legitimacy of the election has been further undermined by the Prime Minister Sheikh Hasina's statement that parliamentary seats were shared with the other parties in the "polls-time government" based on "compromise."* He further said *"the lack of legitimacy of the election will complicate Bangladesh's relationship with the international community. The decision to ignore advice on resolving the crisis proffered by the international*

*community was not a prudent move from the part of the government.”* The BBC reported- Saila, a resident of Gaibandha, told in an email: *“None of my family or myself have gone to cast our vote amid fear and violence. What is happening here is a one-party election and 90% of Bangladeshis are against it. The polling centres are deserted.”* (The BBC News, 05 January 2014)

## 6. Conclusion

Since independence, Bangladesh has witnessed a couple of military regimes as well as “*poor legitimate*” democratic regimes. After independence, Bangladesh faced the first legitimacy crisis when the Sheikh Mujib government amended the constitution to turn off the presidential system from the parliamentary system without a plebiscite. From 1975 to 1990 Bangladesh ruled by the military; in this period people struggled for democracy. Bangladesh turned into a democratic regime as well as the parliamentary system in 1991. From 1991 to 2006 Bangladesh saw a democratic period but in this period, regimes also disputed for “*limited legitimacy*”.

From 2007 to 2008 Bangladesh again ruled by the army but indirectly. In 2009, Bangladesh returned to a democratic regime and the BAL hold power with a massive victory. The BNP led coalition denied to accept the result and accused of election engineering. The BAL government passed the fifteenth amendment of the constitution that rejected the Caretaker Government system in 2011. As a result, BNP led opposition political parties boycotted the 5 January 2014 election and the BAL won without any contest, 153 MPs out of 300 in the parliament (more than 50%) of which mostly from the ruling BAL were elected uncontested. (Table 1) The voters’ turnout was so low and most of the polling centers were empty. There are some major consequences of the 5 January 2014 election. The first and foremost is perhaps the 10<sup>th</sup> general election testified to voters’ frustration at being denied a choice. It shows the destruction of public confidence about their democratic rights to choose and that citizen’s vote matters and in a regular interval, citizens will have a chance to elect their leaders without any fear and intimidation. Secondly, given the nature of the country’s long-standing political rivalry among two major political camps, a credible election is impossible under a party government, be it the BAL or the BNP. Thirdly, it has given passage to move towards a one-party state and absolute power in the hands of ruling party leaders, in particular, the Prime Minister.

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