

Electoral Legitimacy, Preventive Representation, and Regularization of Authoritarian Democracy in Bangladesh

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Abstract

Despite variations in its forms, contents, and qualities, arguably regular election is the only tool that upholds the “democratic” label of a government. Election works as the only legitimizing factor and, over the past several decades, it has become a popular means for authoritarian political leaders or dominant political parties in young or transitional democracies to consolidate their powerbase. Hence, elections have apparently lost their representative value and have, increasingly, been turned into a democratic means to legitimize and institutionalize undemocratic regimes. This has been the most obvious trend in Bangladesh electoral politics over the past decade. Both national and local level elections are engineered in such ways through manipulating electoral laws, the election commission, and the legal system that effectively developed an intended mechanism of preventive representation. A field of electoral competition emerged from such a mechanism where the opposition parties are formally and informally prevented from entering competition in the first place. Technically, this is shown as deliberate nonparticipation by the opposition parties but, in effect, nonparticipation is deliberately orchestrated by the ruling party. An eventual outcome is a government that is free from the parliamentary or legislative opposition, which helps to regularize an authoritarian democracy in the country.

Keywords: election, preventive representation, authoritarian democracy, Bangladesh

1. Introduction

Democracy is the most desired and legitimate political system in the modern world. Samuel P. Huntington’s influential research has shown that over the past 200 years, countries around the world have generally displayed a political tendency to move toward democratic forms of government [1]. Even though there have been substantial reversals in some instances, generally, the trend, has gained momentum following the end of colonialism and, later, the end of the Cold War. This is substantiated by the fact that the number of countries with a democratic form of government today is much higher than at any other time in the past. Huntington argued that the process of democratization occurred in a number of waves; according to his analysis, the third and last wave created the biggest impact. Arguably, the trend

toward democracy after 1990, following the end of the Soviet Socialist system, the Gulf war in 1991, and the “Arab Spring” in 2010, set the biggest wave, which some experts have termed the fourth wave [2–5].

As the cornerstone of democracy is the peoples’ representation and rule, democratization obviously involves elections. Thus, elections have been the only means to connect between peoples’ representation and democracy. However, elections as a system and mechanism are not a monolith; rather, it has taken on a variety of forms to ensure proper representation [6]; the two most popular forms being first-past-the post, and proportional representation (and its varieties). Over time, as the democratization trend continuously gained momentum, the election mechanism has developed with further complexities. Notwithstanding multiple variations and complexities, it appears that countries’ transition toward—and continue in its maintenance of—democracy, invariably has led to elections being implemented as a means of legitimacy.

In mature and consolidated democracies, especially in highly industrialist countries, elections serve twin functions: representation of the people and continuity of democracy. But that, apparently, is not the case with new or young democracies in nonindustrialist or underdeveloped countries, where elections are used merely as legitimizing tools for the ruling regime to preserve and continue its power. Therefore, the true meaning of “representation” often remains suppressed. An analysis of the relationship between elections and democracy in Asian, African, and Latin American countries reveal that the ruling regimes tend to hold periodic elections to maintain a “legitimacy cloak” of democracy. Hence, the meaning of and relationship between elections and democracy in “western” and nonwestern countries are not the same.

This chapter takes a detailed look at elections in Bangladesh, and their true function, not as a means of representation and democracy, but as a means of *preventive* representation, and a legitimizing label for the ruling regimes. In other words, elections are manipulated to prevent the opposition parties from representing the people, to provide legitimacy to the ruling parties, and to maintain the democratic label of governance. The first section of the chapter provides an overview of the general electoral and democratic trends in western and nonwestern countries; and the second section offers a detailed analysis of elections and democracy in Bangladesh.

2. Election, representation, and democracy

There is an inseparable relationship among election, political representation, and democracy. One without the others is inconceivable. It is the idea of democracy as a political system that essentially necessitates the other two. The idea of democracy is not new; it is as old as the ancient Greek political thought. The Greek philosophers of the time, notably Plato and Aristotle, discussed and analyzed democracy as a system of government in comparison with other systems such as monarchy, aristocracy, and oligarchy. Even though it was well conceived, the philosophers did not prescribe the system as necessarily good for its society. These philosophers maintained a lofty vision of an ideal society, which was based on a different set of moral good and virtue from that of the common man. They perceived that the common citizen possessed neither the level of knowledge nor the balanced moral standard required to rule that ideal society. Hence, the concept of democracy as common peoples’ rule was ranked at the lowest level of gradation. In any case, subsequently, the Greek political thought was overtaken by the prevalence

of imperial and monarchic system. Interestingly, even that idea of democracy was not prevalent anywhere in the ancient world.

However, over the next two millennia, the gradual decline of the imperial and monarchial system gave rise to democratic thought and system [7, 8]. The European renaissance, reformation, and rationalism redefined the role and place of human beings in society. These movements placed humans at the center of everything as the author and maker of society, its rules and regulations replacing the role of divinity. The preeminence of humans took the center stage [9]. Eventually, rationality-based “legal-formal” political authority replaced “traditional.” This legal-formal political authority was the direct or indirect representation of the people and was termed democratic. The process of representation eventually came to be known as elections. The mechanism of elections developed into the modern form of direct and indirect or first-past-the-post or proportional representation with different varieties. All over the world today, democracy is considered the most desired and legitimate form of political system, and the “democratic” regimes with all of their varieties are legitimized with one form of election or other.

3. Electoral practices in western and nonwestern countries

The western industrial countries experienced the emergence of democracy first, starting more than 200 years ago, which gave those democracies plenty of time to develop, mature, and consolidate by the time the nonwestern countries were introduced to the system following the end of colonialism. Over the course of two centuries, the mature western democracies of today have been able to institutionalize the electoral politics that ensure fair representation of the people in the government. With the exception of certain time periods when some of those democracies slipped into military authoritarianisms, generally, those democracies have maintained the tradition of party politics, electoral competition, and elected governments. Free and fair elections have been the defining characteristics of those democracies. Therefore, the western European, North American, Australia, New Zealand, and Japanese democracies are referred to as models of ideal electoral democracies [10].

Following the continental European or American models of representative and electoral democracies, the nonwestern countries have adopted either the American presidential or British parliamentary system. However, these nonwestern countries have adapted the models to their local conditions, instead of adopting them in entirety. Because of many local political, economic, cultural, and other social reasons, electoral politics in nonwestern countries have not been institutionalized; rather in the name of democracy, party politics and election, a culture of electoral corruption and denial of competitive and fair representation have persisted. The South Asian (Bangladesh, India, Pakistan), African (Nigeria, Kenya, Ethiopia, Mali, South Africa, Sierra Leon), and Latin American (Venezuela, Ecuador, El Salvador, Chile, Peru) democracies and electoral practices are heavily marred by violence, manipulation, malpractices, and subjected to government control [11–13]. Many authoritarian democracies and electoral politics in Asia (Kazakhstan, Uzbekistan, and Russia), Africa (Algeria, Egypt), Arab (Iraq under Saddam Hussein, Syria), and Latin America (Venezuela) are heavily controlled by their sitting governments [14–16]. There, the oppositions are systematically denied the opportunity or offered a little space to contest in elections, and the controlled elections are meant just to legitimize the “democratic” label of the governments. Those democracies with defective and manipulative electoral politics are sometimes grouped together as “illiberal democracies,” indicating that those “democracies” have serious shortcomings in terms of free and fair electoral politics [17].

4. Electoral trend and history in Bangladesh

Bangladesh is a tiny but populous South Asian country. Then called East Pakistan, its independence from West Pakistan in 1971 came as a result of West Pakistani's denial of a transfer of political power to the victorious East Pakistani political party. The entire Pakistan was to transit from military to democratic rule through national legislative elections held in December 1970. Historically, this occurred toward the end of what Huntington termed the Second Wave of democracy. Even though its citizens gave a resounding electoral mandate to the east Pakistani political party named Awami League, the west Pakistani popular leader and the west-Pakistan dominated military regimes were reluctant to uphold the representation choice of the people, and instead were inclined to a military authoritarian regime. Eventually, a 9-month long civil war broke out, essentially on the issue of representation; East Pakistan achieved independence with a new name: Bangladesh [18].

Since 1971, independent Bangladesh has conducted 10 national elections, the first in 1973, and the most recent in 2014. However, the electoral and government systems kept oscillating between parliamentary and presidential, until it finally settled in favor of a parliamentary system, which effected through a constitutional amendment in 1991. Its legislature, known as *Jatiyo Sangsad* (national assembly), is comprised of 350 directly elected members for a 5-year term. Of these, 300 are elected based on first-past-the-post system, representing single-member electoral districts. The elected members then fill the remaining 50 seats, reserved for women, based on proportional representation of the elected parties.

Even though there are at least four dozen political parties in Bangladesh, only two parties stand tall: Bangladesh Awami League (AL) and Bangladesh Nationalist Party (BNP). Since the mid-1980s, the two parties have maintained coalition alliances separately with other minor parties. AL has a coalition of 14 parties, and BNP has a coalition of 18 parties. In the early 1970s, AL enjoyed almost absolute popularity as a freedom-winning party for the country; in 1973, it achieved landslide victory in 1973 elections. However, by the late 1970s, BNP was established and wrested AL's popularity in the 1979 election. The tide turned in the 1986 elections when a new party, Jatiya Party (JP), which was formed in 1984, contested the election. From 1991 onward, electoral contestation has remained basically in the hands of AL and BNP [19].

In Bangladesh, elections are conducted at seven layers of administration at both national and local levels. From top to bottom, these are the presidential election, national assembly election, city corporation election, district council election, subdistrict council election, municipal election, and union council election. At all levels, the elections are conducted along party lines.

During the first decade of independence, elections were largely a fairly competitive game for representative politics. Either because the people were not highly politically socialized, or the scope of political participation was limited to city dwellers, the elections were systematic, competitions were among professional politicians, and representations were by qualified politicians. However, over time, the representational politics became tainted with money, muscle, violence, manipulation, and became largely commercial in nature. The goals for such tainted representational politics were twofold: continuation of the ruling party in power by any means possible and prevention of the opposition from getting into power by any means possible. Between these two goals, the real objective of political representation through elections had disappeared. This remains the trend of politics of preventive representation and regularization of authoritarian democracy in Bangladesh.

5. Election engineering and preventive representation

Until 1970, Bangladesh (then East Pakistan) elections were contestations between east and west Pakistan, which probably bound the Bengalis more tightly, allowing them to overlook their differences. However, in independent Bangladesh, the scope, objectives and process of electoral competition have changed such that the stakes have become very high, due to increasing population and limited resources. This was further aggravated by the nature and intensity of traditional and modern forms of economic and political clientelism that decisively control resource allocation and distribution in Bangladesh. Therefore, as a global wave, Bangladesh has had to lean toward maintaining a democratic form of government, and to do that, it had to allow for periodic elections. But since competition for political and economic resources are very high, elections did not remain immune from deliberate distortion. A culture of massive election engineering has developed since the mid-1980s, and has become a political endemic in the country, ridiculing representation and democracy [20].

There are many forms of election engineering that various political parties have practiced during the past three decades. These various forms include intentional timing, gerrymandering, changing of electoral rules, and the voting system. Due to the spike in population and sociopolitical development over time, such changes are sometimes warranted. Therefore, with the ever-changing contexts and demographics, even consolidated democracies sometimes adjust aspects of their electoral mechanisms and processes, though mostly for the purpose of ensuring fair representation. However, in young and new democracies, especially in Asian, African, and Latin American countries, election engineering includes deliberate means to control the entire election and representative process. Often, elections are offered periodically to renew the legitimacy—and ascertain the longevity—of the ruling parties or regimes, and not necessarily to mean that those in power are the true representatives of the people. Simultaneously, the entire election mechanism is controlled in such a way that it prevents the representatives desired by the people from rising to power. During the past decade, the electoral practices in Bangladesh have displayed a strong tendency toward preventive representation.

5.1 Mechanism of preventive representation in Bangladesh

As described earlier, elections in nonwestern countries are heavily marred by defective practices, and Bangladesh is not an exception. In this section, specific forms of electoral malpractices and corruptions are discussed [21–27].

5.1.1 *Controlling of the election commission*

Elections in Bangladesh are managed and conducted by an autonomous body known as Bangladesh Election Commission (EC), which is constitutionally sanctioned and empowered. Constitutionally, the EC is to discharge the duties relating to election, maintaining absolute neutrality without favoring or disfavoring the ruling or the opposition parties. However, in Bangladesh, the EC has become a highly politicized and controversial institution since 1991. Since it has the absolute power in determining district boundaries, nomination and selection, ballot-box distribution and vote counting, the ruling parties have been heavily inclined to use the institutions in their favor by appointing like-minded or partisan Commissioners. The opposition parties, being aware of such facts, take it gravely, to the point of sparking serious antigovernment movements and national political crises, as occurred in the mid- and late-1990s. So the appointment of an election commissioner is an important consideration of a sitting government.

An election commissioner should, ideally, be a politically neutral person commanding respect and acceptance by all. The most desired candidate for the post would, for instance, be a recently retired chief justice. A sitting government pays particular attention to this factor and awaits a suitable time when the retirement of a chief justice and appointment of an election commissioner coincides. For that matter, the government may intentionally appoint a chief justice knowing that his retirement could coincide with the timing for appointing a new election commissioner, so that he can then be chosen for the EC position. This was a common strategy during much of the 1990s, when major political parties could still force each other to change the course of action. However, over the recent decade, the issue has become normalized in favor of government choice, as the voice and influence of the opposition parties have been completely decimated through an authoritarian type of elected government. Since 1995, all seven chief election commissioners have been seriously controversial and considered to be highly partisan, as their decisions and behaviors clearly supported the government's preferences. The most notorious chief EC was the 11th commissioner (2012–2017), when the 2014 national and 2016 Union Council elections were the most controversial and defiantly in favor of the ruling party.

5.1.2 Imprisonment

Preventive representation is often associated with predatory legal means to disqualify prospective opposition candidates from contesting elections. In Bangladesh, arbitrary and false cases against social and political opponents are commonplace, and are effective tools to score political gains. The culture of filing cases against anonymous suspects is very strong, and primarily used against political opponents. The recently adopted antiterrorism and cybercrime laws have added a new dimension to the existing culture of false cases and arbitrary arrests. Usually, for any political violence, the ruling party activists file police cases *en masse* and anonymously against the opposition activists. During the election period, the police, then, in collaboration with the ruling party, arrested the key opposition figures, ostensibly for some wrong that had been filed earlier by an anonymous individual. This is then used, with reference to electoral rules, to disqualify key opposition candidates from contesting in elections. In addition, many are denied bail by the courts, which are also controlled by the partisan judges. As such, a carefully coordinated legal, administrative and political nexus is used to frame political opponents within the legal grid to systematically prevent them from contesting. The implication is that such practice denies people the opportunity to choose from a wide range of candidates. In other words, it often offers the voters no alternative choice, which results in many voters abstaining from voting; this ensures that the ruling party's fielded candidates will win the elections.

5.1.3 Preventing nomination

Elections offer open and equal opportunity for every eligible citizen to contest to represent the people and their interests in politics and government. For that, every citizen has equal right to file a nomination for election, either independently, or on behalf of a party. However, in Bangladesh, such a level playing field is increasingly disappearing with the rise of new and innovative techniques to prevent the nomination of opposition candidates in the first place. This was very systematically played for the first time in massive form in 2014 national parliamentary elections.

In that instance, AL, which was (and still is) the sitting government, was bent to get re-elected with even a stronger majority, for which it adopted a policy of

preventing nominations on a massive scale. The AL wanted to ensure its simple majority in that year's parliamentary elections amidst an empty field, i.e., no opposition candidates. To ensure this, AL's armed thugs and activists intimidated willing opposition candidates at their homes with threats, and warned them against filing a nomination; the opposition candidates who showed up on Nomination Day were prevented from approaching the election commission offices to file for nominations; and those who were able to file their nomination were forced under severe threats to withdraw. This was systematically done to ensure that at least 154 seats would not be contested, a figure sufficient to ascertain a simple majority. In total, 154 seats were uncontested. Of the remaining seats, the ruling party ensured that most of the seats were won by their candidates. Such massive manipulation of the election mechanism resulted in all of the opposition parties boycotting the election, thus preventing a fair representation.

5.1.4 Preventing political campaign

For elections, campaigning is a must. However, in Bangladesh, political campaigning is now mostly one sided, as the opposition parties enjoy no—or relatively little—opportunity to campaign: the nature of political campaigning is violence-prone, and its forms include large-scale, open-air political gatherings, mammoth street processions, competitive showdowns, and physical violence. Naturally, the ruling party always enjoys the support of the law-enforcement authorities in such competitive election campaigns, while the opposition parties are disfavored by those authorities. The police often approve the ruling party's use of a suitable public space, including major roads for campaign gathering, at the same time denying the opposition parties the same. Often, if a public venue is approved for an opposition party for a specific day and time, the ruling party will then organize a similar event at the same place and time; this then becomes an excuse for the police to cancel both events. In the face of such predatory government and police behaviors, the opposition is always disadvantaged. Obviously, such political and administrative obstructions prevent the opposition and the people from reaching out to the other during the campaign period.

5.1.5 Arresting polling agents

In elections, ballot casting venues are represented by polling agents of political parties. In their presence, manipulation of ballot papers or the vote casting process is prevented. This ensures free and fair elections. However, for preventive representation, this is an obstacle.

Malpractice in elections is very common in Bangladesh, and it has become highly institutionalized since the 1986 parliamentary elections under the military regime. Among other malpractices, expelling the polling agents of opposition parties from the polling booths was a common complaint that the EC would receive in large numbers. However, recently under the AL government, the practice has spiked to a disproportionate level. This was particularly noticed in the 2018 Gazipur City Corporation election, where about 50 polling agents from opposition BNP were arrested by plainclothes secret police, even though there were no criminal bases against them. Reportedly, they were simply approached by a number of unknown individuals to step out of the polling booths for a chat; once out, the polling agents were asked to remain silent and were escorted out of the polling station and taken far away for the rest of the day. They were released 60–100 km away at the end of the day. By then, the voting was conveniently over, and the AL candidate had won with a huge margin.

5.1.6 Preventing polling agents

Expelling the polling agents or arresting them from the polling booths is an onsite example of electoral malpractices intended to prevent opposition candidates from winning. However, there are frequent offsite practices of the same when the polling agents are not even allowed to approach the polling stations in the first place. The armed supporters of the ruling party take position in groups en route to the polling stations, but not within the vicinity, to block the polling agents from reaching the polling stations. Often at gun point, they are forced to turn back, and are asked to stay away for the entire day. This is a common practice in any type of election at any level. Absence of polling agents from the polling booths creates an unsafe atmosphere for the party supporters, which eventually keeps them away from voting.

5.1.7 Arresting supporters

Another recent trend has been the arrest of opposition party supporters by the police immediately before the election day. The police might initiate an anticrime drive a few days before the election and indiscriminately arrest supporters of opposition parties based on information given by the ruling party channels. The supporters may be forcibly taken from a political rally or campaign meeting in the name of public safety; once arrested, there may be arbitrary accusations filed against them even if they are innocent. This policy was extensively used in the Khulna City Corporation elections in 2018. In this way, a large number of supporters and voters are prevented from voting, which leads to unfair representation.

5.1.8 Casting of bogus votes

A very widespread electoral corruption in Bangladesh is bogus and phantom votes. The obsession to win and to deny the opposition a vote is a political attitude that makes no compromise. The major parties and their activists never consider elections as a win or lose game; rather, they are obsessed with the attitude that elections are to win, and not to lose. As such, elections are for absolute gain. To secure that, the parties and their activists always want to make sure that they get more and, if possible, all the votes. An easy way to ensure winning is to stuff the ballot box with false votes.

False votes are casted in two major ways. Firstly, by voting on another's behalf: those who control the polling booths complete the vote casting on behalf of the voters according to the list of voter names in their possession. In this case, the party supporters are also allowed to enter the polling booths multiple times to cast on behalf of other voters. Individual voters who go to the polling stations may find that their votes have already been casted. In this case, the casted votes are always in support of the candidates whose supporters control the polling booths. Secondly, stuffing the ballot boxes with false votes: in this case, either the polling agents who control the polling booths stuff the boxes with ballot papers in favor of their party, or they allow party activists to enter the polling booths as a group and do the same. The obvious results of such electoral corruption are two; one, the ruling party candidates win, with a large margin of vote difference; and two, the total vote cast sometimes ends up with a bigger number than the total number of voters in the constituency or at a particular polling station.

5.1.9 Hijacking ballot boxes

The ultimate electoral corruption in Bangladesh takes place through hijacking the ballot boxes when it becomes clear that the ruling party candidates are likely to

lose. Hijacking of ballot boxes involves armed violence and often, the law enforcing authorities are found to be inactive in preventing the crime. The purpose of hijacking is to destroy the casted ballot papers so that in vote counting, the opposition does not win, or the voting process is canceled. Often, the EC and the police do not recognize such irregularities, and no legal challenge is entertained. Sometimes, the EC takes into consideration certain complaints but, in its investigation, the accusations are conveniently found to be baseless.

6. An analysis of the mechanism of preventive representation

The foregoing section demonstrates the various types of means and ways of electoral malpractices and corruptions. It is clear from the discussion that elections are recognized as a means of political legitimacy; however, elections are highly manipulated in favor of the ruling regimes, and against opposition parties. An intimidating electoral atmosphere is deliberately created for the opposition parties so that they cannot take part in elections in the first place. Hence, only one political party represents the people in government, albeit through elections. So elections serve dual purposes—to ensure that the ruling party continues in power, and that the opposition is systematically prevented from representing the people. Theoretically, elections perform the job of selection and de-selection, and no ruling party wants to be removed from power through elections. However, these normal functions of elections are only partially applied in Bangladesh. Why is it so, and what are its implications?

Perhaps the answers to these questions are to be found in the peculiar nature of its political history, party politics, and political culture. Here, we attempt to offer some interpretation of these factors.

The political history, party politics, and political culture are highly interrelated in Bangladesh. The most important of the three is its political history, which officially starts with its independence—a highly charged political issue, which was both highly uniting and dividing at the same time. Independence was achieved after a long civil war in which the AL party led the independence movement and pro-independence civil war in association with some other left-oriented minor parties. However, a group of other political parties who were Islamic-oriented and local born, set out to establish a legacy of Pakistan movement prior to the 1947 partition of India, supported the united Pakistan and fought against the independence movement. This pro- and anti-independence divide later became permanently entrenched in Bangladesh politics postindependence. The divide is now so huge, sharp and politically lethal that it divides the entire nation into two camps. The AL, as the leading independence party, capitalized on the entire credit of independence and considers itself the only agent, proprietor, and protector. The party believes only in its own narratives of independence politics, which it then imposes on others. Those who disagree are regarded as anti-independence and, thus, deserve no role and share in politics.

This political history reflects on party politics of the country. Through a multiparty system, the parties are ideologically aligned with secular, religious, and socialist ideologies who maintain a peculiar love-hate relationship. Other than AL and BNP, the remaining political parties command a tiny support base among the people. However, neither of the two parties commands enough support and popularity to win majority seats in the parliament; hence, they form alliances with like-minded parties. This led to the emergence of alliance-based party politics from around the mid-1980s. Since then, the AL commands a 14-party alliance, while BNP commands an 18-party alliance. The AL is leftist-oriented in that it is composed of

secular and socialist-communist parties; while BNP is considered rightist, with its alliance members mostly concerned with religious national identity at the core of their political beliefs.

Despite maintaining an alliance structure, most of the parties, with the exception of a tiny few, have internal factionalism and splinter groups. Some of the parties maintain the same name, but with different leadership. Individually, most of these parties are simply paper based, have no support-base among the people, and are never get elected. Nevertheless, many of them are significant in alliance politics. Their political relevance depends on their close relationship with the mother party, whether AL or BNP. Since 1991, the ruling governments have all been coalition-based. But, since AL and BNP are the only two major parties, each with an almost equal support base. The system can largely be called a two-party or two-plus party system. Again, the two parties are largely seen as pro-independence versus anti-independence. Ideological differences remain, alongside some of their roles during the 1971 independence conflict, compelling the various political parties to side with a particular alliance against another.

The last factor is political culture, which is also highly subjective to the first factor: political history. In effect, Bangladesh shares a common political history with India and Pakistan prior to independence. From 1757 to 1947, it shares a common political history with the British-United India, and from 1947 to 1971, it shares common political history with a United Pakistan. During these two periods, the popular politics in Bangladesh was essentially the anti-government movement, because politics and government were neither represented nor controlled by the Bangladeshi people. From 1905 to 1971, the anti-government movement was led by one major party though known by three different names—the Muslim League (which fought for Pakistan's independence) which, during independent United Pakistan, splintered to form a new party called Awami Muslim League, and later renamed Awami League (during United Pakistan), and Bangladesh Awami League (in independent Bangladesh). Since 1905, these political parties were primarily anti-government movements. The essential elements of such movements were characterized by sheer distrust, political violence, non-cooperation, disobedience to laws and orders, and public agitation. These became the fundamental characteristics of political and party political culture in Bangladesh [28].

The significance of preventive representation politics in Bangladesh can be found in these three major factors. Since the AL has always persistently and consistently claimed that it is the sole agent, proprietor and defender of independence, it strongly believes that only it has the legitimate claim and right to be in political power. By definition, this implies that other parties have no legitimate right, not only to political power, but also the right to be involved in politics in the first place. These attitudes are clearly reflected in its political behavior when it is in power, as well as when it is outside of that power.

The AL took power during the first 5 years of independence, during when it banned many Islamic and rightist political parties, and toward the end of its regime, it introduced a one-party system in the country. This was one way of claiming ownership of the country along party lines. Between 1996 and 2000, the party returned to power, but before it could consolidate its power base, it was ousted. It returned to power in 2009, and has been in power ever since. Since then, it has successfully institutionalized its political claims with legal backup. For instance: AL's narratives on the day independence was declared, the constitutional status of its founding leader Sheikh Mujib, the history of the independence movement and war, are now constitutionally safeguarded to the point that the official narratives cannot be disagreed on or challenged. Any violation is subject to criminal prosecution.

Additionally, the current AL government is bent on decimating two political parties—namely, BNP and BJI—either by banning them altogether or by attempts to introduce a formal one-party system like it did in 1974. AL believes that these two parties have no legitimate rights to be involved in politics. Their rationale: BNP is a party established by an army General who is thought to be part of a conspiracy that killed Sheikh Mujib and his entire family, save for two daughters, in 1975. Furthermore, BNP maintains a close relationship with Pakistan, the perpetrator of genocide of Bangladeshis in 1971. As for BJI, it directly opposed the independence movement and war, and collaborated with the military regime of Pakistan in 1971. So for, family and political reasons, these two parties have become arch enemies of AL. Hence, since 2010, the AL government has taken a number of initiatives to corner the two parties [29].

Firstly, AL put on trial the three individuals accused of killing Sheikh Mujib and his family; the three were hanged in 2010. They had been arrested and tried earlier during AL's regime in 1996–2000, but were exonerated by BNP's founding leader, then by a Marshall Law Administrator, through the Indemnity Ordinance 1975.

Secondly, in 2013, under the AL government, it reopened and re-tried an infamous murder of an army Colonel named Abu Taher in 1976. The court concluded that it was a cold-blooded murder orchestrated by the BNP leader General Ziaur Rahman, implicating him as a criminal.

Thirdly, the current BNP leader Begum Khaleda Zia, the widow of BNP founder Ziaur Rahman, was evicted from her residence, which is within the cantonment area in Dhaka, by a court order subsequently in 2013. The military had sold the residence to her for a token sum after her husband Ziaur Rahman, then President, was killed in 1981. The AL government, during its earlier 1996–2000 term, had made an abortive attempt to evict her. The eviction clearly involves both personal vengeance and political reason. Personally, Sheikh Hasina, as prime minister, AL leader and one of two surviving daughters of Sheikh Mujib, could never accept that her nemesis, Khaleda Zia, was allowed to enjoy owning a property within the cantonment vicinity. And, politically, in a coup-prone country [30], Hasina could not compromise political security by letting her political opponent and opposition party leader continue to live within the cantonment area.

Fourthly, the AL government revived and proceeded to prosecute all cases that were filed against Khaleda Zia by the army-backed Caretaker Government in 2008. During that time, both Hasina and Khaleda had been arrested and scores of corruption cases were filed against each of them. When Hasina assumed premiership following the 2009 elections, her government withdrew all cases against her, but not those against her opponent. Ever since, Khaleda Zia has been fighting court battles over those and other cases filed against her following her anti-government movement during the 2014 general elections. After a prolonged court battle, Khaleda lost and was imprisoned in February 2018. Her attempts to obtain bail were delayed through official manipulation of time and hearing sessions; at other times, bail applications were blocked by arrest orders in other pending cases. As dozens of politically motivated cases are filed against Khaleda Zia, and their prosecutions are in order with various terms of jail sentence it is likely that her chances that her chances of being released from jail is slim.

Fifthly, the ruling party's strategy is to decimate BNP by targeting its leaders, in the belief that a political party without its leaders will eventually become politically irrelevant. To date, all of BNP's top leaders, but for an insignificant few, are either in jail, have been forced to leave the country, or made to disappear by AL's plainclothes security forces. Others have been so severely tortured, they have become mentally disabled. Those fortunate enough to still be free face regular court battles to settle numerous cases filed against them in various courts throughout the country. In any event, they find themselves constantly in and out of jail.

Sixthly, the AL government has been even more ruthless against Jamaat-e-Islami, the party believed to be the symbol for anti-independence. Under the guise of trying for the war crimes in 1971, the AL government arrested all the top leaders of Jamaat and hanged four of the most prominent. One leader died in prison during trial, and another leader was handed a life imprisonment sentence “until death.” There are serious concerns and doubts that the so-called International War Crime tribunal is impartial or remotely international at all, as none of the international legal agencies have been included, nor are international legal experts and representatives allowed to attend the hearings. In one case, it inadvertently leaked out that the court decision was written by someone living in a European country, and that all of the evidence and witnesses presented by the government prosecutor were fabricated. In some cases, witnesses willing to testify against the prosecutor were made to disappear by plainclothes police [31]. Alongside these “judicial killings,” the government has killed several hundreds of Jamaat leaders, arrested thousands of them, and made them systematically disappear or compelled them to leave the country. Those who choose to remain in Bangladesh risk the same fate; and remain in hiding [32]. Their private properties, businesses, and financial and educational institutions are forcefully taken over either by AL’s local party leaders or by corporate syndicates. The case of Islami Bank Bangladesh Limited (IBBL) is a prime example; the party was forced to change its objectives and operating framework, and is facing the prospect of an outright ban.

Seventhly, the AL government has adopted policies to keep public—and sometimes private—administrations and offices away from BNP and Jamaat supporters. This they have done by adopting a three-pronged approach: by sacking opposition supporters from key positions; preventing them from occupying new positions; and, if they somehow are elected, they are either sacked by executive order or arrested on false charges leading to their disqualification. Interestingly, AL’s inimical and violent behaviors are not necessarily occasioned or emboldened by its current legal and political authority; in any event, it maintains and displays these same bullying attitudes and behaviors even when it is in opposition. Many instances of AL’s violent behaviors during its antigovernment times in 1980s, 1990s, and early 2000s have been well documented [33].

The AL government’s ultra-legal behaviors toward these two political parties—and others that are similarly defiant—attest to the AL government’s staunch “winner takes all” policy. Most importantly, it fosters the culture of political intolerance, vengeance, noncompromise, police brutality, judicial killings, legal predatory arrest and torment, and denial of rights, including right to life. In such an authoritarian context, what purposes do elections signify?

If elections are taken as indicators, then the AL government would be regarded as highly democratic, since numerous elections were held between 2010 and 2018: 492 Upazila (sub-district) elections, 64 district level elections, and numerous other municipal and city corporations’ elections to date (mid-2018). The national parliamentary elections are due in early 2019.

These regularly held elections would be sufficient to certify the government’s avowed democratic label. However, if one delves deeper into the internal characteristics of those elections, one would find that the reality is more like the picture presented in the earlier section of this chapter. The opposition electoral contestation and representation is systematically prevented, with the ruling party, election commission, the police, and government, collectively ensuring that only the ruling party candidates win. The EC is no longer a neutral national agency, and the police is no longer a neutral law enforcement agency. And, above all, the government does not represent the interest of its citizens; rather, to rephrase Abraham Lincoln, it is a government of the party, by the party, and for the party. Therefore, it is clear that

elections in Bangladesh are not used as a means for fair representation of the people in the government; rather, elections are used as legitimizing labels for the authoritarian democracy and its regularization.

7. Conclusion

Democratization has been a popular political trend over the past several decades. As democracy denotes peoples' participation in politics and peoples' rule, democratization entails elections. Indeed, elections are considered to be the most visible criterion for democracy, as various "illiberal," semi-, or nondemocracies also hold regular elections so as to claim or enjoy democratic legitimacy. However, it is this apparent legitimizing function of elections that has suppressed its true meaning and significance: as equal political opportunities for all and fair representation of the people in the government.


This chapter argues that the electoral practices and politics in Bangladesh substantiate the above-mentioned claim. Due to certain peculiarities of the local politics in Bangladesh, political parties in power generally tend to claim an absolute control in political and other resources for which the people have equal rights to claim. Of the parties in Bangladesh, Awami League and its current ruling government are the most predatory, authoritarian, intolerant, and repressive. Since its current regime began in 2009, the AL-led government has conducted many elections at national, regional, and local levels. However, those elections are marred with various electoral malpractices and corruptions such as the arrest, imprisonment and murder of opposition party candidates and their supporters; preventing the opposition from filing their nominations, holding meetings and conducting election campaigns; controlling and obstructing polling stations on election day; stuffing ballot boxes with false votes; hijacking the ballot boxes; and much, much more. The objectives of these malpractices are to prevent the opponents from contesting, and to ensure that AL's candidates win. Literally, the election festivity goes on almost year-round. Even though these are apparently elections, the preventive and threatening mechanisms that the AL government applies make the elections useless as a means of representation. While the elections serve to certify the democratic nature of the government, in essence, they regularize and preserve the authoritarian regime's continuity in power.

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