

Constitutional Reform in Bangladesh: Exploring the Agenda

M. Jashim Ali Chowdhury*

1. Prelude

The Bangladeshi brand of democracy has caused some horrible nightmares in recent times. Though democracy in Bangladesh has got a certain degree of consolidation during the last eighteen years, ‘she could not make significant progress in consolidating her democratic institutions.’¹ Over the years Bangladesh has gone through a phase of ‘illiberal democracy’ with the politicians behaving autocratically, rewarding political supporters and punishing the opposition. Partisan, financial and personal interests curbed the bureaucracy, judiciary, police or even the legislature.² Disorder became the order, irregular the regular, and Machiavellism the political culture.³ On the other hand, the concept of separation of power has got a violent blow in the Constitution of Bangladesh. What the Constitution has done can very well be described as ‘assignment of powers’ of the Republic to the three organs of the Government.⁴ Concentration of power in the hands of Prime Minister resulted in paralyzing both the judiciary and legislature with leviathan omnipotence of the executive. Today’s Bangladesh may well be termed a ‘one legged state’ while the theory of separation of power contemplates a three legged one. Much water has already flown by and considerable amount of silt has filed up on this issue. Someone sought overnight purified democracy ‘suitable to the genius of the people of Bangladesh’ while some other relentlessly asserted their absolute faith in West Ministerial Democracy and advocated for going slow, giving democracy a chance – to learn from trial and error.

* Senior Lecturer, Department of Law, Northern University Bangladesh (NUB), Dhaka. E mail: jashim.chy@gmail.com

¹ A. K. M. Atiqur Rahman and Manzur Alam Tipu, ‘Understanding Reform: The Case of Bangladesh’, Visit: www.gdnet.org/global_research_projects/understanding_reform/country_studies/draft_studies/bangladesh_draft.pdf, Accessed on: May 28, 2009

² Rounaq Jahan, *Bangladesh at a crossroads*, paper presented in “Experiments With Democracy”, a symposium on the Asian experience with democracy” Available online: http://www.india-seminar.com/2007/576/576_rounaq_jahan.htm, Accessed on March 25, 2009

³ Md. Shairul Mashreque, *Combating misgovernance: Lessons from the caretaker's intervention*, The Daily Star, Point Counterpoint, October 1 2007

⁴ Mahmudul Islam, *Constitutional Law of Bangladesh*, 2nd Edition, 2002, Mullick Brothers, at p. 65

Again, though the problems of democracy haunt Bangladesh, the prospects of democracy make her hopeful of a sustainable future. Passing a turbulent infancy, democracy has now become a teenager who sees both the options – persist or perish – open. Being at the cross road there is a whole hearted effort going on in search of a stable, progressive and true democracy. The government has already proclaimed its decision to refer the Constitution to the Law Commission for an A to Z review. This article intends to frame the issues of the reform talk. It attempts to highlight and consolidate the core issues in this regard and proposes an institutional approach⁵ reverse to the person centered approach.⁶ It resides on the sincere conviction of the author that Bangladesh has got a superb chance of being a stunning democracy provided she has put the foundation of some of crucial institutions very firm. The Office of President, the Caretaker Government, the Election Commission, the Legislature, the Judiciary, Local Government and the Political Parties are the key area we need to look at.

2. The President

Though the President is the constitutional head of the People's Republic of Bangladesh, in reality he is a titular executive performing ceremonial functions only, and the real executive power of the state is exercised by the Cabinet under the leadership of the Prime Minister. Except for appointing the Prime Minister and the Chief Justice, the President always act in accordance with the advice of the Prime Minister.⁷ But there is a wide and deep-rooted belief in the mass people that the prestigious institution of Presidency should not enjoy a mere subsistence. The powers and functions of the President should be increased and the secretariat of the President should be strengthened. Shujan⁸, a civil society initiative came with some proposals which include the following:

2.1. Election of the President – The President should be elected by an extended electoral college which may comprise the members of the

⁵ Institutional approach refers to looking into the political system as whole to cure the constitutional and institutional loopholes that allows the successive political governments to undermine the notion of liberal democracy.

⁶ Person centered approach seems to give more emphasis on changing the leadership in political parties *e.g.*, 'Minus Two Formula' which has been sharply rejected by the people during the December 2008 national election.

⁷ Art.48 (3) of the Constitution

⁸ Website: <http://www.shujan.org/>, Accessed on: June 12 2009

Parliament and all elected members of the local elective bodies and for that purpose Article 48(1) may be revised as: ‘There shall be a President of Bangladesh who shall be elected by the Members of the Parliament and by the elected Members of the local elective bodies elected in accordance with Article 59 of the Constitution.’ This proposal shall gain double profit from single investment. It shall bolster the local government by making its existence a precondition to the Presidential election. There should be an additional requirement of securing at least 50% vote of the members of the opposition in the Presidential poll.⁹

2.2. Non partisan President - The requirement of not belonging to any political party or its affiliate association should be introduced for a presidential candidate. This may seem unreasonable to some as it will disqualify a member of parliament to be a President. Some other may argue that already there is a provision in the Constitution requiring the newly elected President to discontinue all his party allegiance by resigning from parliament membership.¹⁰ But it is undeniable that there is difference between pre requirement and post requirement of neutrality. Physical allegiance may be abandoned theoretically but it is almost impossible to abandon psychological allegiance which has been badly demonstrated by our contemporary experience with Prof Iajuddin.¹¹

2.3. Ambit of Prime Minister’s advice - President’s obligation to abide by the PM’s advice may be reduced by amending Article 48(3) in the following line. ‘In the exercise of all his functions, save only that of appointing the Prime Minister pursuant to clause 3 of Article 56, the Chief Justice pursuant to clause 1 of Article 95, and Chairmen and Members of all constitutional bodies (*i.e.*, the Election Commission, Anti-Corruption Commission, Public Service Commission, and Office of the Comptroller and Auditor General), the President shall act in accordance with the advice of the Prime Minister.’

3. The Caretaker Government

The emergence of the institution of caretaker government reveals both negative as well as positive aspects of the polity. Though it has been able to conduct three successive fair parliamentary elections, it reflects the low

⁹ M. Jashim Ali Chowdhury, *In search of a President with power*, The Daily Star, Law and Our Rights, Issue No 32, August 11, 2007

¹⁰ Article 50(4) of the Constitution

¹¹ *Supra Note 9*

credibility of civil administration and at the same time afflicts the judiciary with the burden of already burdensome politicization. Moreover, with the proceedings of 2007 and 2008, the concept as a whole has got a big question mark before it.

3.1. Possible Adjustments: In this context, the first question is whether the institution of caretaker government should sustain or not. If we decide to nourish it, immediate attention need be given to the following four issues –

3.1.1. Relative power of Chief Advisor and President - Though the Article 58C(11) modeled the Caretaker Government (CTG) on the spirit of parliamentary system of government, Article 58B (2)(3) read with Article 58E and 61 produces a kind of loose diarchy with a constitutionally strong President (during the caretaker government) and a constitutionally weak Chief Advisor as head of the CTG. Article 58E reads that during this period, the requirement of the President to act on the advice of the Prime Minister or upon his prior counter signature shall be ineffective. Article 58B (2) makes the Caretaker government collectively responsible to the President. Under the article 61, during this period the supreme command of the defence services shall vest absolutely in the President. There must be some balancing between the powers of the President and the Chief Advisor.

3.1.2. Functions of the Caretaker Government - Article 58B(3) vests the executive power of the Republic in the Chief Advisor and the Caretaker Government. But article 58D(1) compresses that power to ‘routine functions’ and bars the making of any policy decision except in the case of necessity for the discharge of such routine functions. Determination of ‘case of necessity’ may pose a problem because determination of the Chief Advisor has a risk of being set aside by the President. There is an argument that events do not wait for decisions and least of all in foreign affairs, finance and war.¹² So ‘routine functions’ as mentioned in Article 58D(1) needs redefinition.¹³

3.1.3. Summoning a dissolved parliament - Article 58A provides that where the President summons Parliament that has been dissolved to meet under Article 72(4), the Chapter II on Prime Minister and Cabinet shall apply. Some

¹² Sinha M A Sayeed, *Non-party, Neutral Caretaker Government Powers of President and Chief Adviser*, The Daily Star, Law and Our Rights, October 21, 2006

¹³ Muhammad Zamir, *Caretaker Government: Need for re-assessment*, 57 DLR (2005) Journal Section, at pp 10-11

however try to argue that ‘there is no provision that Prime Minister will resume his/her office. There shall only be a Caretaker Government headed by the Chief Adviser. The past Prime Minister shall sit in the Parliament as a Member and not as a Prime Minister.’¹⁴ If this is accepted, there will be a Parliament, a President and a Caretaker Government responsible to the President. So the watchdog role of parliament over the executive during this crucial period will be missing and calling the Parliament back will become useless. Article 58B(2) should be amended in the following way: ‘Provided that when the President summons the Parliament as per article 72(4), the Caretaker Government shall be collectively responsible to the Parliament.’¹⁵ This will solve the dilemma regarding revival of the last Prime Minister and at the same time serve the purpose of recalling the Parliament.

3.1.4. President should not be the Chief Advisor - Sub-clause (6) of Article 58C provides an unfortunate scope for a partisan President becoming the Chief Advisor to a non-partisan caretaker government. Recently it has been proved to provide Aladin’s Lamp to the President.¹⁶ Sub-clause (6) may be scrapped totally. This shall not harm Article 58C as a whole. List of persons under clause (3) and (4) i.e., retired Chief Justices and Judges of the Appellate Division may be exhausted, but list of persons under clause (5) i.e. qualified citizens for the purpose of the appointment of the Chief Adviser can never be exhausted. Article 58C(2) also provides testimony to this claim.¹⁷ So, there is absolutely no scope for the creation of legal vacuum on the non-availability of persons qualified to become Chief Adviser.¹⁸ We don’t need sub-clause (6) at all.

3.2. Search for an alternative: If we decide to abolish the system altogether, an Interim Government may be created. There shall be an Interim Prime Minister who is not seeking election to the next Parliament from amongst members of the dissolved Parliament. Ministers shall be appointed in

¹⁴ Sinha MA Sayeed, *Non-party, Neutral Caretaker Government, Powers of President and Chief Adviser*, The daily Star, Law and Our Rights, October 21, 2006

¹⁵ Chowdhury, Jashim Ali, ‘Overhauling the parliament: Framing of Issues’; The Daily Star, Law and Our Rights, Issue No 57, February 23, 2008.

¹⁶ Sinha M A Sayeed, *Article 58C (6): Aladdin’s lamp? Amendment needed for the sake of democracy*, The Daily Star, Law and Our Rights, November 25, 2006

¹⁷ The President is given 15 days in hand to appoint a Caretaker Government.

¹⁸ Dr. M Shah Alam, *Article 58C and assumption of office of the Chief Adviser by the President*, The Daily Star, Law and Our Rights, November 11, 2006

proportion to the number of members representing political parties and they shall not seek reelection.¹⁹ Even if we don't like any more interim arrangement and our politicians start believing in themselves, we may turn back to the basics of parliamentary democracy – an Election Commission, independent in the true sense of the term. No Caretaker is needed to guard our democracy.

4. The Election Commission

During the recent past the viability of the Election Commission as an institution has been questioned seriously. Though much of the lost ground has been recovered by the present Election Commission, following points may play a crucial role in steering the pace.

4.1. Composition and appointment of the Election Commissioners - The number of members of the Election Commission should be fixed, rather than be at the discretion of the President.²⁰

4.2. The Election Commission as a Deliberative Body - There is no requirement that the Commission sits in regular sessions. Even there is no provisions guiding the manner in which the Commission makes decisions, *i.e.* it is not clear whether a formal decision requires a formal vote of its members, or whether the chairman alone decides. The Commission must adopt its own Rules of Procedure²¹ and a formal approach in conducting its day to day activities so that there is free flow of information and transparency.²²

5. The Legislature

Weakness on the part of the legislature undermines 'horizontal accountability' - the controls that state agencies are supposed to exercise over other state agencies. It also checks the growth of 'vertical accountability' by weakening

¹⁹ Legal aspects of Shujan's proposals, Available online: <http://www.shujan.org/>, Accessed on: May 13, 2009)

²⁰ Article 118 of the Constitution doesn't specify the number of Election Commissioner to be appointed.

²¹ Representation of People Order (RPO), 1972 (P.O No.155 of 1972), Chapter II, dictates that the Commission shall regulate its own procedures.

²² 'Governance: Fair Elections, Institutional Reforms and the Role of Civil Society', Draft Report of 'Election 2001: National Policy Forum', Dhaka: 20-22 August, 2001, Organized jointly by Centre for Policy Dialogue, Prothom Alo and The Daily Star. Available online: www.unpan1.un.org/intradoc/groups/public/documents/apcity/unpan006193.pdf, Accessed on March 20, 2009

the ability of the people to control their representatives.²³ The first two decades (1971-90) of Bangladeshi politics are marked by a plethora of successful and abortive military coups, intermittent movements for the restoration of a democratic system, rigged elections, ineffective Parliament and the omnipotence of Chief Executives.²⁴ Today even after eighteen years of the revival of parliamentary democracy, Parliament faces a huge credibility crisis. Consequently there is a hue and cry to recharge the parliamentary vigor to bolster democratization. The basics of parliamentary reform should include the following:

5.1. Ensuring clean candidature - To prevent the business tycoons and godfathers from being elected, there is a 'No vote' provision, where an election result in a constituency will stand nullified if more than 50 per cent of the total votes are 'No'. The underlying or implicit rationale is a populist noble idea. But there are some shortcomings in this method. *First*, while the parties and candidates engage in election campaign, there is nobody to campaign against all the candidates and the parties to the contest. *Second*, if Election commission takes the burden, there will be confusion. The Election Commission organizes elections and at the same time tells the people that they need not choose their representative. *Third*, if a sufficient number of voters take the Commission seriously and the option is widely exercised, the general election fails to elect parliament, a total surprise to the democratic process.²⁵ So it is better at this stage we emphasis on ensuring clean candidature in the parliamentary election through compulsion of disclosure of information by the candidates.²⁶

5.2. Women's reserved seats - Presently the 300 directly elected MPs indirectly elect 45 women members. These 45 reserved seats are allotted to

²³ M. Steven Fish, *Stronger Legislature, Stronger Democracies*, Journal of Democracy, Volume 17, Number 1, January 2006, Johns Hopkins University Press, pp 5-20 at p. 12

²⁴ Muhammad A. Hakim, *Parliamentary politics in Bangladesh in 1990s: Consensus and Conflict* in 'Thirty Years of Bangladesh Politics', p 103

²⁵ Dr. Masihur Rahman, *Is representative democracy too far away?*, Dhaka Courier, Vol. 24 Issue 9, 21 September 2007. See also: Zamir, Muhammad, *Reforms and accountable leadership*, Dhaka Courier, Vol 24 issue 02, 3 August 2007

²⁶ In May 2005 the High Court Division passed a judgment in *Abdul Momen Chowdhury and Others v. Election Commission* requiring the Election Commission to obtain certain personal information, on a sworn affidavit, from all candidates running for parliamentary elections. The judgment was confirmed later by the Appellate Division and included in 2008 amendment of the RPO.

parties in proportion to their representation in the Parliament. It is for this method of election that these women members are being used as a ready tool or a vote bank at the hand of the majority rather than the true representation.²⁷ Rather the whole country should be divided in 100 zones and the electors should directly elect women members.

5.3. Floor Crossing - The painful necessity to prevent political instability made the way of Article 70 to the Constitution. This article is criticized to be violative of the freedom of expression and opinion ensured by Article 39(2)(a) of the Constitution and it helps the leaders not feel the pulse of their backbenchers. So article 70 should be made applicable only when an MP is required to vote on a motion of no confidence or when a member is required to prove that he/she commands the support of the majority of MPs.

5.4. Functions of the MPs - In no case managing the affairs of administration and development works in his constituency is the concern of a Parliamentarian. The unfortunate result of ignoring this truth is the scene of angry mob chasing a MP in demand of electricity. Moreover, this is, perhaps, one of the appealing factors for corrupt people to be interested in Parliament. The *Upazila Parishad Ain 2009* requiring the *Upazila* Chairmen to conform to the advice of MPs has grossly undermined the spirit of separation of power and unnecessarily adulterated the legislative business of MPs. Thus Article 65(1) should be amended to provide that a Member of Parliament shall not involve himself in local development projects, local educational institutions or in any office of profit of the Republic. Nor shall he/she be engaged directly or indirectly in business relations with the government.'

5.5. Unauthorized absence from Parliament - Article 67(1)(b) of the Constitution provides for loss of mandate on the ground of absence from Parliament without leave of Parliament for ninety consecutive sitting days. This provision being unable to check the continuous boycott, the word 'ninety' should be replaced by 'forty five'. The Constitution should also stipulate that a Member of Parliament shall attend 60 percent sittings of each session or shall lose his seat. Additionally Article 68 may be amended to bar a Member of the Parliament absenting himself from the sitting of the Parliament from any remuneration or allowances for the period of such absenting.

²⁷ Abdul Halim, *Constitution, Constitutional Law and Politics: Bangladesh Perspective*, CCB Foundation, Dhaka, 2008 at p 304

5.6. Speaker and Deputy Speakers - Instead of one Deputy Speaker, two Deputy Speakers, one of whom shall be from the opposition party, should be elected. The Speaker and Deputy Speakers shall resign from their respective political party and shall not take part in any party activities during the tenure of the Parliament.²⁸

5.7. Order on Account - The President may make an order on account authorizing withdrawal of money from the Consolidated fund for a period not exceeding 60 days if Parliament denies to vote on account.²⁹ This should be scrapped as it can be abused to save a Prime Minister who has lost support and to facilitate horse trading to regroup to the detriment of the democracy.³⁰

5.8. Committee Chairmanship - Though now a Minister cannot be the Chairman of Standing Committee, he/she is still an *ex officio* member of the Standing Committee.³¹ This is inconsistent with Rule 188(2) of the Rules of Procedure of Parliament which provides that no member shall be appointed to a Committee who has a personal, pecuniary or direct interest in any matter which may be considered by that Committee. A Minister should not take part in committee deliberation unless invited by the Committee and hence should not be granted *ex officio* membership. The chairpersonship of not less than 50 percent of all Committees including the Public Accounts Committee and those of key ministries should rest with the opposition bench.

5.9. Powers of Parliamentary Committees - As per Rule 246 of the Rules of Procedure, the Standing Committee relating to a Ministry cannot investigate a complaint from any person or interest group regarding a public functionary or a ministry without reference from the Parliament. Rule 246 should be amended empowering the Standing Committees to entertain individual complaints against the ministry and to call upon organized groups likely to be affected by a proposed legislation.

5.10. Practice of Secrecy - Rules 199 and 201 of the Rules of Procedure require all persons other than a member of the Committee and officers of the Parliament Secretariat withdraw during the deliberation. Moreover rule 203

²⁸ *Supra note 19*

²⁹ Article 92(3) of the Constitution

³⁰ *Supra note 4* at p 387

³¹ Rule 247 of the Rules of Procedure

allows the Government to decline to produce a document before any committee on the ground of safety and interest of the State. It is recommended that participation of MPs not member of a particular committee, media access and publication of the deliberations be allowed. Repealing the rule 203, provision for secret meeting to deal with sensitive documents may be made. Special treatment of sensitive issues may be justifiable but nothing should be withheld from the parliamentary oversight.

5.11. Laying international treaties before parliament - Article 145A provides for presentment of all international treaties before the Parliament. What ails the article 145A is the ambiguity as to the role of the parliament. It seems that parliament cannot do more than discussing. Such an exclusive denial of parliamentary control over foreign affairs is not tenable on any ground whatsoever. Parliament must be given power to ratify or reject international treaty by amending this article.

6. The Judiciary

The President while appointing Judges in the Supreme Court is bound by the advice of the Prime Minister except in case of Chief Justice. In fact, the President is bound even in appointing Chief Justice because of the proviso added to article 48(3).³² Again, the practice of appointment of Additional Judges in the Supreme Court for two years' term appears to be peculiar. It has adverse effect on the reasoned and impartial decision making by those judges.³³ Recently to cure the gangrene, the Supreme Judicial Commission Ordinance, 2008 established a separate Commission to advise the President in appointing Judges to the Supreme Court. But the Ordinance attracted adverse criticism and was invalidated partially by the High Court Division.³⁴ In fact, time is ripe enough for the executive to find 'solace in indifference' by leaving the appointment process with the Chief Justice and Collegiums of Senior Judges of the Appellate Division. No alternative to it shall do.³⁵

³² Proviso to Article 48(3) bars all sort of judicial challenge to any advice given by the Prime Minister.

³³ Harunur Rashid, *Appointment of Additional Judges: Some issues*, The Daily Star, Law and Our Rights, January 16, 2005

³⁴ Decision of the larger Bench of the High Court Division comprising Justice Abdur Rashid, Justice Nazmun Ara Sultana and Justice Syed Ashfaque Islam in 60 DLR 2008 (HCD) 577

³⁵ Mizanur Rahman Khan, *Declaration of Independence by the Law Ministry in appointing Justices (Bicharpoti Nioge Ain Montronaloyer Shadinota Goshona)*, The Daily Prothom Alo, March 24, 2008. See Also: Barrister Moyeen Firozee, *Appointment of Judges in the Supreme Court: Needs a fresh approach*, 60 DLR (2008), February Issue, Journal pp 9-12.

6.1. A Separate Judicial Secretariat under the Supreme Court – The historic struggle for independence of the lower judiciary has gained a partial victory. The struggle is not over yet. The ghost of ‘appropriate authority’ i.e., the Law Ministry haunts the judges as before. The Ministry controls the judges’ promotion, posting, discipline, leave and what not. So the Judicial Service Association has unequivocally demanded reservation of the post of Secretary to the Law Ministry for the Judges only. Some lend *ad interim* support³⁶ to the Judicial Service Association until the separate judicial secretariat is established, while some other vehemently opposes the demand being violative of separation of power.³⁷ Whoever says what, it is a must that we finish the unfinished revolution by establishing an independent Judicial Secretariat under the direct control of the Supreme Court to give the separation of judiciary a meaning.

7. The Political Parties

The present state of politics has led to an erosion of commitment of the political leaders to bring about the needed changes. It encourages corrupt practices and put the politicians above the due process of law and accountability.³⁸ To discipline politics and allow infusion of committed people into politics two things are must – registration of political parties and exercise of democracy within the parties. Though the Election Commission has been successful in bringing the political parties into the registration process, the ultimate challenge resides in ensuring the due observance of the registration rules. It will be a mammoth task but for strong political will on the part of the political actors. In the meantime we can think of another step.

7.1. State Funding for Political Parties - It is believed that, the political parties are largely dependant on the business community for funds. This is why, for them, it is not possible to maintain transparency and to stand for the pro-people issues or politics. They hesitate to hamper the interest of the ‘donors’.³⁹ So, a scheme for state funding of political parties and candidates

³⁶ Mizanur Rahman Khan, *Bichar bibager Shashuraloy O Appeal Bibager ekti Rai*, The Daily Prothom Alo, October 27 2008

³⁷ Selim Mahmud, *Separation of Judiciary and the post of Law Secretary*, The daily Prothom Alo, November 8, 2008.

³⁸ Muhammad Zamir, *Re-calibrating democracy in Bangladesh*, Dhaka Courier, October 26, 2007

³⁹ Shantanu Majumder, *Democracy in Bangladesh*, at p. 14. Online: www.democracy-asia.org/qa/bangladesh/Shantanu%20Majumder.pdf, Accessed on April 10, 2009

may be introduced subject to certain conditions.⁴⁰ Either the number of seats in the parliament or number of votes received in the last national election could be the criteria of funding for a party from the state.⁴¹ It will pave the way for the people to say, “As you receive from Public exchequer so you account for it.”

8. Local Government

In Bangladesh, a politically empowered and financially viable local government system is yet to emerge. A ‘culture of destruction’⁴² has hindered the sustainability of a stable structure of local government. What we have got now can at best be labeled as extensions of the national government with guided and limited local participation. So it is imperative that the *Upazila* and *Zila Parishad* elections are held on a regular basis and these become the center for local self governance in the true sense of the term. The so called Advisory role of the MPs inserted in the Upazilla Parishad Ain 2009 must be dropped to make Local Government a sense.

9. Conclusion

The discussion above has condensed the core issues that should be focused on a *priori* basis to uplift the desire of the people for change. Change is not a piece meal issue. If it starts anywhere it must reach everywhere. It should come in every sphere of the national life. But the above are advocated on the belief that they, if implemented, may be a beacon light in the long journey of politico-cultural reform. To quote Archimedes, “Give me a spot on which I would stand and I will move the earth.”⁴³ Sincere implementation of the suggestions above may provide us the spot.

⁴⁰ These may include the submission of an audited account to the Comptroller and Auditor General or Public Accounts Committee.

⁴¹ Rehman Sobhan, *Bangladesh on the Threshold of the Twenty-First Century: an agenda for change* in ‘Bangladesh: On the Threshold of the Twenty-First Century’, A.M. Chowdhury and Fakrul Alam (ed) Dhaka, Asiatic Society of Bangladesh, 2002, pp 600 at p 5-6.

⁴² *Supra note* 40 at p 14. You shall just be at a loss, if you try to recall all the experiments with Local Government mechanism since the inception of Bangladesh at the sweet will of the rulers who happened to be in power. From Mahakuma to Gram Sarkar, the experiment goes on. Journey towards the democratic local governance seems to be endless.

⁴³ Serajul Alam Khan and Zillur Rahman Khan, *Constitution and Constitutional Issues Comparative studies, analysis and Prospects*, University Press Limited, 1985, at p 75