

BEYOND HARTALS



*Towards Democratic Dialogue
in Bangladesh*

About the Cover

The **title**, ‘Beyond Hartals: Towards Democratic Dialogue in Bangladesh’ refers to the main vision and objective of the report – to move away from the culture of hartals to alternative types of protest and more constructive dialogue through democratic channels. Evidence from the Opinion Poll in the report shows that most citizens believe that hartals are not an effective form of protest, and furthermore, they prefer other methods of voicing views. The report thus lays out a number of short and long term recommendations for how to open up dialogue and take democratic development forward. This report is intended as a working document for national stakeholders to agree a way forward out of the hartal impasse.

The **photographs** on the front and back covers of the report represent ‘where we are now’ (front cover) and ‘where we want to be’ (back cover). The front cover photograph shows in one snapshot the negative impact of hartals – a whole street of closed shops with policemen sitting on a bench with no community to police. This picture depicts the situation of a whole city or population in waiting when a hartal is imposed. However, it is not only businesses and people’s pockets that suffer, but hartals also affect schools, hospitals and other services. The back cover photographs shows a picture of a ‘human chain’ – a recent example of a positive alternative type of demonstration to hartals. In contrast to the front cover, people not participating in the demonstration are going about their daily lives unimpeded and traffic is flowing normally.

BEYOND HARTALS

TOWARDS DEMOCRATIC DIALOGUE IN BANGLADESH

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Preface

Two wrongs don't make a right -- that is, in one short sentence, what this report is about.

Historically, the hartal phenomenon has respectable roots -- in Ghandi's civil disobedience against colonialism. But colonialism ended a long time ago, and today's political leaders in Bangladesh appear trapped in the classical mistake -- committed by generals and military planners throughout world history -- of waging today's wars with the outdated methods of yesterday's wars.

The proponents of hartals claim to be exercising globally agreed rights such as freedom of assembly and freedom of expression. But as long as hartals are associated with intimidation, coercion and infringement on other people's freedom of movement, and as long as hartals inflict severe costs on the nation as a whole, attempts to justify hartals by invoking principles of "freedom" do not come across as convincing or credible.

But the opponents of hartals have credibility problems of their own. Important legislation is meant to be debated and decided in the nation's legislature according to established rules. But if Parliament Members outside the parties in power find themselves repeatedly excluded from meaningful dialogue (which seems to be the case continuously since the return of democracy in 1991), and if Parliament does not serve as the primary forum for democratic dialogue on the nation's future, it is hardly surprising that the centre of gravity of the political debate shifts to more unruly arenas -- such as the streets.

Hence, a reasoned debate about hartals cannot be divorced from a reasoned debate about the future of democratic governance and economic growth in Bangladesh. In a globalized economy with fierce competition for investment capital and jobs, no country can afford continuous confrontational politics. If a country is largely closed for democratic dialogue, it cannot possibly be seen as open for business.











What is urgently needed today is fresh thinking, whether drawn from Bangladesh's own past or from positive examples elsewhere, about the country's democratic processes. The authors and UNDP view this report as a modest contribution to our common search for solutions. If it helps to bring about a more congenial democratic dialogue and, even better, an emerging consensus on new rules of engagement in Bangladesh's political evolution, then the many hours invested in producing it will have been well worth it.

Dhaka, March 2005



Jørgen Lissner
Resident Representative
UNDP-Bangladesh

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Abbreviations

AL	Awami League
APSU	All-Party Students' Unity
BAC	Business Advisory Committee
BBC	British Broadcasting Corporation
BBS	Bangladesh Bureau of Statistics
BCS	Bangladesh Civil Service
BEI	Bangladesh Enterprise Institute
BGMEA	Bangladesh Garment Manufacturers and Exporters Association
BNP	Bangladesh Nationalist Party
BPC	Basic Principles Committee
BRTC	Bangladesh Road Transport Corporation
BTMA	Bangladesh Textile Mills Association
CBA	Collective Bargaining Agent (trade union for financial sector)
CEC	Chief Election Commissioner
CSO	Civil Society Organizations
CPD	Centre for Policy Dialogue
DC	Divisional Capital
DCCI	Dhaka Chamber of Commerce and Industry
DHQ	Divisional Headquarters
DUTA	Dhaka University Teachers Association
EC	Election Commission
EPB	Export Promotion Bureau
FBCCI.....	Federation of Bangladesh Chambers of Commerce
FGD	Focus Group Discussions
GDP	Gross Domestic Product
HSC	Higher Secondary Certificate
IBA.....	Institute of Business Administration
ICCPR	International Covenant on Civil and Political Rights
JP	Jatiya Party
JSD	Jatiya Samajtantrik Dal
JU	Jahangirnagar University
MCCI.....	Metropolitan Chamber of Commerce and Industry
MP	Member of Parliament
NAP	National Awami Party
NCG	Non-party Caretaker Government
NGO	Non-Government Organization
NMT	Non-municipal Towns
NSU	North South University
OMT	Other Municipal Towns
PR	Proportional Representation
PRA	Participatory Rural Appraisal
SSC.....	Secondary School Certificate
SP	Starting Point
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Programme
UNB	United News of Bangladesh

Introduction

The right to expression of views, including dissent, through public demonstrations and social mobilization is a democratic right enshrined in international law and practiced throughout the world -- from demonstrating against multilateral trade regimes, to rallying for the protection of the environment, to protesting against illegitimate regimes. The voicing of differing views and political debate over policies is a healthy feature of any modern democracy. As the Human Development Report 2002 notes:

Changes in the world have shifted human development priorities and made political freedom, participation and collective action much more important as public policy issues Open space for free political debate and the diverse ways in which people can express their views are the essence of democratic life and are what make decision making work in democracies.

In this context, the right to call 'a hartal' -- a particular form of protest used in Bangladesh and in other parts of South Asia -- could be viewed as a legitimate democratic right. However, when this right impinges on the rights of individuals to earn a living and to go about their daily lives in peace and security, a situation of 'conflict of competing rights' arises. Hartals are often called in 'the name of the people', but it is ordinary people whose movements are restricted, property endangered, and progress curbed. Children miss school, the sick miss treatment, and business miss targets. In addition, as the chapter on 'The Anatomy of Hartals' points out, the reality in Bangladesh is that the success of hartals often rests on coercion, or even the use of payment to 'hired hands' by hartal organisers to mobilise support.

At the same time, hartals can also be viewed as a 'symptom' of the frustration of opposition parties at the lack of space for them to play a constructive role in democratic dialogue and the 'winner takes all' style of successive Governments. In this respect, promoting a more constructive role for opposition in Parliament, and enabling greater freedom of expression through peaceful demonstrations and through the media could take away much of the impetus for hartals.

The findings in the report clearly show that hartals are not the domain of one party or another and all major political parties have used this practice during their terms in opposition, and in fairly equal numbers. Ironically, the view that hartals have 'reached their sell-by date' in Bangladesh has also been voiced by politicians from across the political spectrum when they are in power¹ (see the Reader Section of this report), echoing the views of public sentiment. On a positive note however, whereas in the past opposition parties seem to have been locked-in to the habit of calling hartals, in recent times there seems to be an attempt to explore alternative types of social mobilization, due to the changing tide in public opinion.

¹ Notably the visit of Jimmy Carter in 2001 led to a declaration which included the renouncement of the use of hartals.

The main objective of this report is to look at the difficult question of how to move “beyond hartals?” It explores other forms of social mobilization that have been used in Bangladesh and calls on political parties when in opposition to resist the option of calling hartals and to use peaceful alternative means of protest. It also calls on parties in power to take on board opposing views and to adopt a more tolerant attitude towards peaceful protest and the voicing of dissenting views.

The report is home grown having been written by Bangladeshi experts and is part of a genuine effort to address a pressing national issue that is hampering the development potential of the country. UNDP would like to thank all those individuals who have contributed to the production of this report including the chapter authors and report drafting team, members of civil society, the business community, and all those who participated in interviews: from teachers and school children, to bus drivers and rickshaw pullers, to party cadres and politicians. It is our sincere hope that the findings contained in this report will assist leaders and decisions makers to deepen democracy for the progress and prosperity of all citizens of Bangladesh.

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SIRIUS Marketing & Social Research Limited is one of the leading market and social research companies in Bangladesh. Supported by a team of full time research professionals, analysts, statisticians and field operatives, the company has qualified experience in consumer and media research including opinion surveys on national issues. The company has a strong and well-equipped data processing & analysis department and has also built up a wide network for survey data collection with field offices in all six divisional head quarters. SIRIUS provides research services to Multinational Companies, International and national NGOs, UN bodies and other large corporations.

Executive Summary



Chapter One provides the main findings of an Opinion Survey on Hartals carried out for this publication. The survey -- carried out in January 2003 -- polled some 3000 respondents in six urban divisions in Bangladesh.

To summarize citizens' **perceptions of the phenomenon of hartals**, most respondents felt that hartals are not only ineffective in changing policy, but have negative impacts on citizens and society. The **vast majority (95%) thought that hartals have a very negative or somewhat negative impact on the economy**. Disruption to mobility, business activities, and daily activities were mentioned as impacts on society as a whole. Day labourers and middle and lower socio-economic groups were perceived to be worst affected by hartals. Adding to this, 50% of the respondents believed that politicians gain financially from calling hartals.

At the same time, however, there was a strong perception of hartals as a legitimate democratic tool -- 63% of the respondents were of this opinion. This seeming paradox may originate from the crucial role hartals played earlier in ousting foreign occupiers in South Asia in general.

On a positive note, **70% of respondents believed there are political alternatives to calling hartals**. Alternatives cited were public rallies, discussion in parliament, road marches and sit-in demonstrations, indicating a preference for democratic channels to voice views, rather than taking to the streets.

Chapter Two traces the historical context of hartals in Bangladesh and in the South Asia region. The origin of the hartal phenomenon in Asia was the non-cooperation movement led by Mohandas Gandhi in colonial India and, in Bangladesh, hartals stemmed from the Language Movement. The author notes, "*it is not an exaggeration to suggest that South Asia is a theatre of hartals, or bandhs, as the phenomenon is known in some areas*". The reasons for their persistence in Bangladesh since Independence are explained as an instrument of 'mobilization politics'. The author explains that *the country's political culture still*

contains many authoritarian features, and that the historical habit of antagonistic dialogue, tends to perpetuate the use of hartals.

The chapter also describes the historical pattern of hartals in Bangladesh between 1947 and 2002. Charts and maps illustrate the numbers of hartals during various time periods, the geographical distribution of hartals, the different demand groups that have called hartals, and the causes for which they were called. Whilst the Language Movement of 1952 triggered a number of hartals, there was a large surge during the anti-autocracy movement in the 1980's when 297 hartals took place between 1982 and 1990. Surprisingly, the number of hartals has not declined since the advent of parliamentary democracy, but instead has increased -- between 1991 and 2002 there were some 827 hartals. ***Data on the groups that called hartals demonstrate that neither of the two main political parties is a 'worst offender' but hartals have been called in relatively equal numbers during each regime.***

The "Anatomy of Hartals" or how they are organized is described in Chapter Three. A cross-section of different actors involved were interviewed -- politicians, student leaders and cadres, mastaans, and citizens -- in order to ascertain how a typical hartal is organized. Interesting details such as how some citizens are involved as "hired hands", and the types of bombs and ammunitions used are provided. The authors remark that only the large political parties have the capacity to organize countrywide hartals.

However, it is noted that even the wealthiest and most organized political parties today are unable to sustain the long hartals of the past, and hartals are now being called for shorter periods and to coincide with weekends to reduce disruption. Among the reasons given are the lack of popular support for hartals amongst citizens in general (and students in particular), and the popular perception that hartals are now mainly called for political reasons rather than for issues of true national interest. The authors also note the ***growing determina-***

tion of business and civil society to pursue "business as usual".

Chapter Four looks at the economic impact of hartals. This has been done by providing both quantitative and qualitative data, using primary and secondary data collection, and through focus group discussions with numerous workers and business owners. Although no previous rigorous studies on the economic impact of hartals exist, some attempts have been made to provide estimates of their impact by multiplying the number of hartal days by average GDP to calculate annual GDP lost due to hartals. ***The estimate figure that the author provides for the average cost of hartals to the economy during the 1990's is 3 to 4% GDP.*** Although she warns that this figure should still be taken as a 'rough estimate', it nevertheless does provide an idea of the severe economic and developmental impact of hartals.

A qualitative analysis of the impact of hartals focusing on a few key sectors is provided. Specifically, the garment, transport, retail, small business and public sectors are examined. Both the 'formal' and 'informal' sectors are examined. Focus group discussions with these groups allowed the author to gauge the different impacts on workers in these sectors, and to identify the coping strategies used to recoup losses. Some of the main findings are summarized in **Box 1.**

The last section of this chapter provides an analysis of the **impacts of hartals on rural communities.** The report notes that continuous hartals are very disruptive to rich and poor farmers alike, although the harmful effects of the rise in the price of essentials are felt more by poorer farmers. Other rural groups badly affected by hartals are fishermen (since fish is a highly perishable commodity) and transport workers (rickshaw pullers suffering a drop of earnings of almost two-thirds during hartal days). These findings thus suggest that rural communities are not at all insulated from the economic and other impacts of hartals.

Box 1: Summary of main findings of economic impact of hartals

- > In the formal transport sector, earnings on hartal days were 50 to 60% less than normal.
- > In the informal transport sector, most auto-rickshaw drivers cease operations during hartal days.
- > During hartals, most transport workers find it necessary to borrow money to meet daily needs.
- > In the export sector, small factories in residential areas remain open and continue to pay their workers during hartals, but close down and suspend wages during prolonged hartals.
- > Even when factories stay open, major losses result from missed shipments and lost orders with disgruntled buyers deciding purchase elsewhere.
- > In the retail sector, losses vary depending on goods carried.
- > Street-side hawkers and vendors earn 50 to 60% less than normal on hartals days. They also face significant risks of physical assault.
- > Public sector industries are less affected by hartals, because of better security measures.
- > Women are more affected by hartals because of greater security problems. Women comprise most of the workforce in the garment sector, one of the worst affected by hartals.
- > One major economic impact of hartals on the population is higher prices for essential goods due to shortages caused by transport, which affect the poor to the greater extent.
- > Rural communities are badly affected by hartals, suffering from price hikes, lower earnings and difficult access to health facilities.

Chapter Five analyzes the impact of hartals on education, focusing on their costs in terms of classes missed and examinations delayed, the psychological impact on both students and teachers, and how this negatively affects students' ability to reach their highest potential for joining the workforce both at home and abroad. The author carried out a number of focus group discussions with students and teachers of various Dhaka-based schools and institutes of higher education.

At the **school level** both private and public schools close on hartal days; small private schools generally manage to keep up with course schedules by holding make-up classes and assigning additional work to be completed at home. Student learning

nevertheless suffers from the disruption to the rhythm of studies, particularly among younger students, and teachers find their personal lives disrupted by having to work on weekends and holidays.

Colleges experience similar disruptions due to lost classes; in addition, examinations are missed and, because of limitations on the space available to hold exams and classes simultaneously, efforts to reschedule exams often result in a snowball effect of even more missed classes.

The same disruptions are experienced at the **university level**, but here they are often compounded by student-led strikes and active or involuntary participation of students in hartal activities. In addition to missed classes and exams, students who are financing their education through part-time work have difficulty scheduling work hours.

The various coping strategies used to minimize these disruptions vary from institution to institution and according to the age of the students; they include holding make-up classes and exams on weekends and holidays, assigning work to be done at home, curtailing breaks, and reducing the time between exams.

The chapter concludes that Bangladesh cannot afford to incur loss of such magnitude in which the future of the country's young generation is at stake. It is suggested that civil society, student groups, parents and teachers lobby politicians to keep educational institutions outside the purview of hartals.

Chapter Six examines the legal dimensions of hartals. The first part of the chapter looks at the **international and national legal frameworks** within which hartals are situated. Specifically, it provides an analysis of the rights to freedom of speech and assembly as guaranteed under international conventions -- the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) -- and by the fundamental rights

guaranteed by the Constitution of Bangladesh. However, the authors explain that some of these rights are also subject to ‘reasonable restrictions’ under the Constitution of Bangladesh.

The second part of the chapter looks at some **important court cases undertaken to challenge the legality of hartals in India and Bangladesh.** The famous High Court case of Khondaker Modarresh Alahi vs. the Government of Bangladesh of 1999 is described and the Kerala High Court case in India of 1997. Finally, the chapter notes the limitations of courts in imposing restrictions on the use of hartals, given their political nature and proposes instead that dialogue takes place for all stakeholders to reach consensus on the rights and restrictions that should apply.

Chapter Seven focuses on how to **Break the Hartal Habit by Making Democracy Work.** This chapter examines institutional changes necessary to improve the functioning of the democratic system in Bangladesh, so that citizens’ and parties’ views are represented more effectively through Parliament and other democratic channels. The author, an expert in parliamentary affairs, notes that *“if implemented (these reforms)...would necessarily make hartals redundant”*. Some of the key reforms are outlined in **Box 2.**

However, it is clear that these reforms will not be implemented overnight, and would require sufficient political will. For this reason, **Chapter Eight** on **Constructive Alternatives to Hartals** goes on to propose alternative forms of social mobilization to hartals that could be adopted in the short-term. Many of the alternatives suggested are types of social mobilization and protest that have been used in Bangladesh before by a variety of parties and interest groups, or are used today. These include ***cultural events including songs and theatre; marches and human chains; hunger strikes; ‘mock’ parliament and courts; and civil society coalitions*** (see **Box 3**). The paper calls upon political parties to make greater use of the peaceful means of protest that have been successful, and to

Box 2: Key Institutional Reforms to improve democratic voice in Bangladesh

- > Consider replacing the existing plurality method of election with PR (proportional representation) for a more ‘consensual’ political system.
- > Reducing the tenure of parliament from five to four years to allow opposition parties more frequent opportunities to consult with the electorate.
- > Allocating a number of “Opposition Days” in Parliament to discuss issues of concern to the opposition parties.
- > Electing the Speaker and Deputy Speaker of Parliament by a two-thirds majority of the Parliament.
- > Changing the committee system in parliament by distributing committee chairs and membership to parties according to proportional strength in the House.
- > Establishing a committee to consider ways in which Members of Parliament could be granted freedom to express themselves freely, considering in particular Article 70 of the constitution.
- > Entrusting the responsibility for recommending candidates for the Chief Election Commissioner to a Constitutional Council composed of the Prime Minister, the Chief Justice, the Speaker, and the Leader of the Opposition.
- Extending the tenure of the Non-Party Caretaker Government to 120 days to allow parliamentary and local elections to be held simultaneously.
- > Requiring political parties to register with the Election Commission in order to qualify to contest parliamentary elections, to hold regular elections for leadership positions, and to have their financial accounts audited on a regular basis.
- Amending the Code of Criminal Procedure to require parties calling hartals to compensate for any loss of life and/or damage to private or public property that may occur as a result.

Box 3: Checklist of constructive alternatives to hartals

- > Emotive songs and theatre groups
- > Symbolic protests (e.g. human chains, mock parliaments, mock courts)
- > Large-scale signature campaigns
- > ‘Poda Jatra’ (walkathons)
- > ‘Hat Shava’ or ‘Gram Shava’ (village meetings)
- > Strengthen links with media (print and broadcast media, cable TV, and web)
- > Civil Society Coalitions

look to new and imaginative alternatives to steer away from hartals. Adopting a 'Code of Conduct', agreed by both major political parties, to regulate how hartals are conducted is another alternative discussed.

Whilst recognizing the important contribution of civil society organizations, the media and the private sector in advocating for an end to hartals and promoting constructive alternatives, the limitations of these groups in standing as a united front against hartals is also recognized. These limitations are attributed to the divided and politicized nature of civil society, the media and private sector. But, as the authors note, "*Although the nature of relationships between civil society, business and political parties is complex there is little disagreement over the need for a new approach and some of the constructive alternatives identified above could provide a positive platform for these actors to take a united and more proactive stance.*" Bangladesh's development partners also have an important role to play in advocating for an end to conflictual politics, which acts as a constraint to poverty alleviation and development, and by donor-funded programmes aimed at strengthening democratic voice.

The paper concludes that *although political parties must take the key responsibility in ending the 'hartal impasse', all sectors of society have an important role to play to ensure that expression of views takes place in a responsible way that will allow the country to continue its development path -- the media, law enforcement bodies, teachers and student, academics and civil society -- all have a role to play.* This will require courage, determination and imagination to move away from the hartal tradition to embrace a new democratic culture of tolerance and responsibility.



CHAPTER 1

Citizens Choice?

Polling Opinions on Hartals



INTRODUCTION

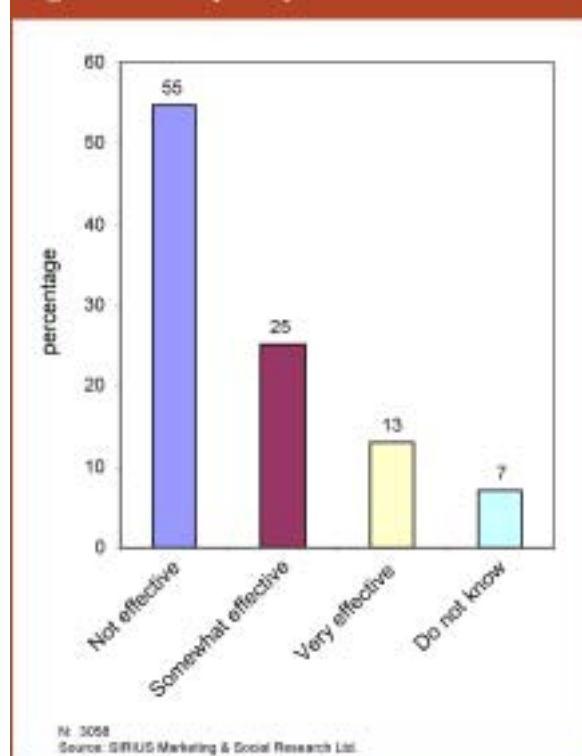
In early 2003, UNDP facilitated a nationwide opinion survey to assess public perceptions on the use of hartals. This chapter provides a summary of the findings of that opinion poll. As the findings suggest, people hold very strong views about hartals, naming the numerous negative effects and suggesting alternatives. At the same time however many also view calling a hartal as a legitimate democratic right, although there is a clear preference for politicians and leaders to use other means of voicing dissent. It is hoped that the data provided in this chapter will enrich the debate with empirical evidence.

3058 respondents were polled covering six districts. A summary of the methodology used for the opinion survey is attached in [Appendix 1](#) of the report. Respondents were asked their opinion on the effectiveness of hartals, their impact, means to address their adverse effects and possible alternatives.

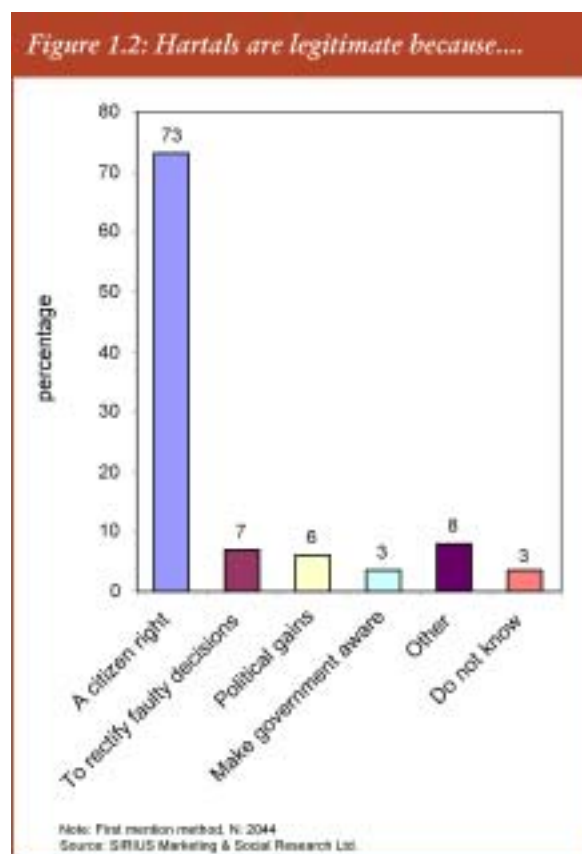
a. Effectiveness of Hartals as a Political Tool

This opinion poll reflects the political complexity of hartals. Bangladeshis seem to be divided in their perceptions of the effectiveness of hartals as a political tool ([Figure 1.1](#)). While 55% of

Figure 1.1: Perception of Hartals



* Bengali script for "Hartal"

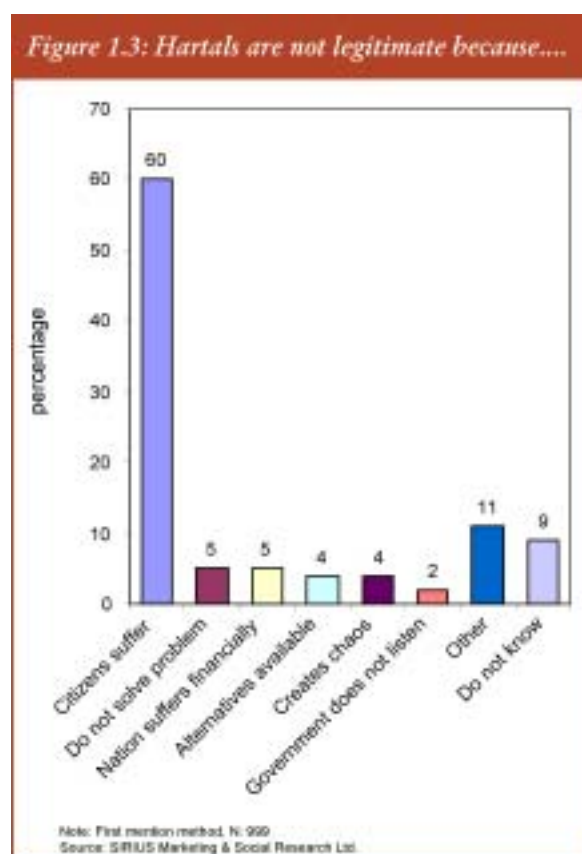


respondents perceived hartals to be not effective, 38% felt they were somewhat or very effective.

Among those who believed hartals were an effective political tool, a majority was of the view that they are effective instruments for voicing the demands of citizens (56%). However, interestingly very few people (8%) believed hartals were effective in pressuring the Government to institute change.

Responses to questions on the legitimacy of hartals underline the complexity of the general view on hartals. The vast majority that viewed hartals as legitimate (73%) gave the reason that protesting through hartals was a citizen's right (Figure 1.2). Other reasons given were that hartals are necessary to rectify bad decisions (7%) and to make political gains (6%).

Of those who held the view that hartals were not legitimate (37% of all respondents) the bulk of these (60%) confirmed, that this was because 'citizens suffer' (Figure 1.3).



The above data demonstrates that there is a considerable percentage of the population, who on one hand believe calling a hartal is a political right, but at the same time oppose hartals due to their high social and economic costs.

This seeming paradoxical situation may stem from the fact that the use of hartals to demonstrate dissent was used as a legitimate means to oust colonial powers prior to Independence and is still close to the heart of many Bangladeshis for this reason. However, perversely the 'hartal tradition' seems to have lasted even when Bangladeshis have chosen their leaders by democratic means.

b. Impact of Hartals

Respondents were first asked to give their general view on the degree of impact on the economy, education and society in general. This was followed by a second question asking respondents to provide detailed reasons for their initial opinion, which are reflected in Figures 1.4-1.8.

The variety of responses recorded during this part of the survey indicated that hartals affect all sections of society (see Figure 1.4). Some of the main impacts cited were: disruption to mobility (34%), financial losses (32%) and hampering of business activities (31%). Other key impacts were the closing down of educational institutions (18%) and damage to vehicles and buildings (16%). Suffering of the general public and price hikes of daily essentials were cited as additional effects (12% and 10% respectively).

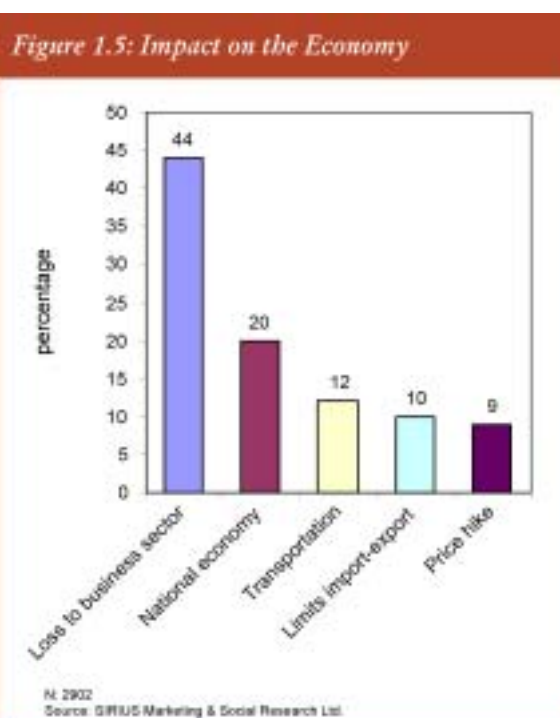
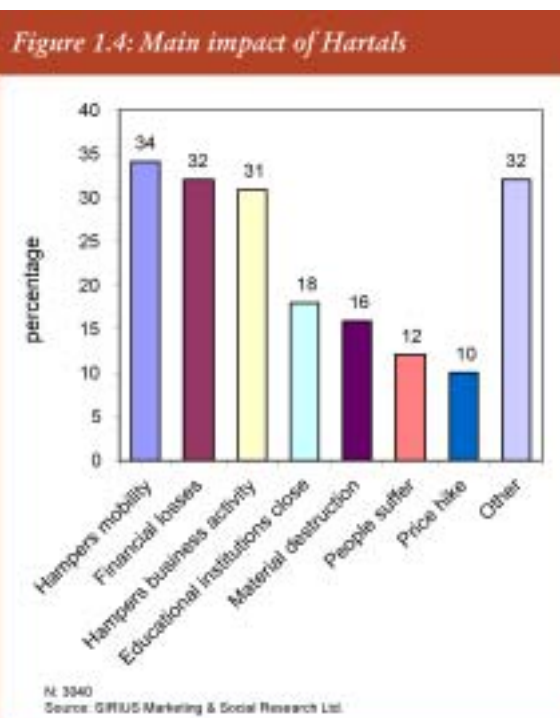
Impact on the Economy

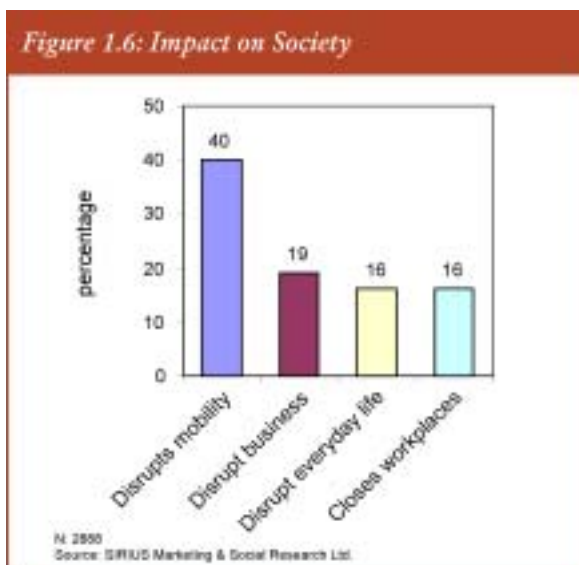
Perhaps not surprisingly 95% of respondents believed the impact of hartals on the economy was “very” or “somewhat” negative. The most harmful impacts on the economy were believed to be the losses to the business sector and harm to the national economy (44% and 20% respectively) (see Figure 1.5). About 10% of respondents felt that disruption to transportation and exports, and imports were also significant among the adverse effects cited. Price hikes were another adverse effect (9%).

Impact on Society

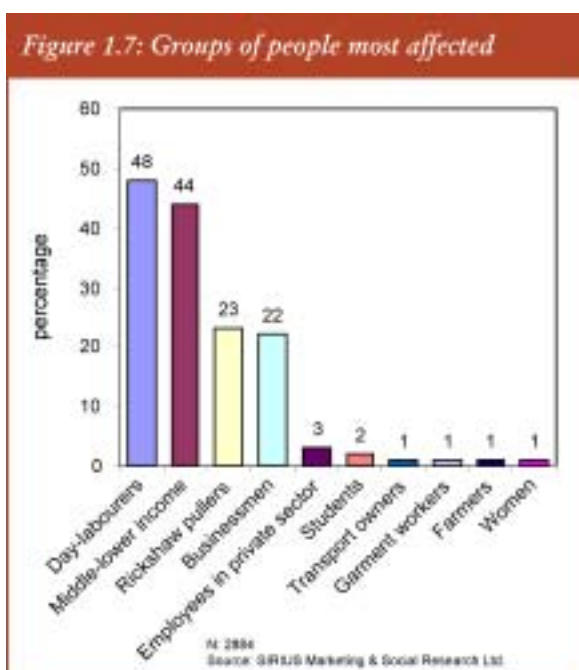
Responses on the impact of hartals on society also reflected strongly held views on their negative impacts. 95% of respondents felt that hartals have a “very” or “somewhat” negative impact on society. As to the type of negative impact on society, disruption to mobility was mentioned by 40% of respondents (see Figure 1.6), 19% felt that hartals hamper business and disruptions to everyday life and work were also mentioned (16%).

Respondents were also asked which sections of society were most affected by hartals (see Figure 1.7). 40-50% of respondents believed that day labourers and middle-to-lower income people, who are less financially solvent, are most affected by hartals due to loss in income and/or increase of their expenditures. Around 22% of respondents thought that rickshaw pullers and businessmen are most affected. Surprisingly only about 2% replied that students were affected by hartals, and even



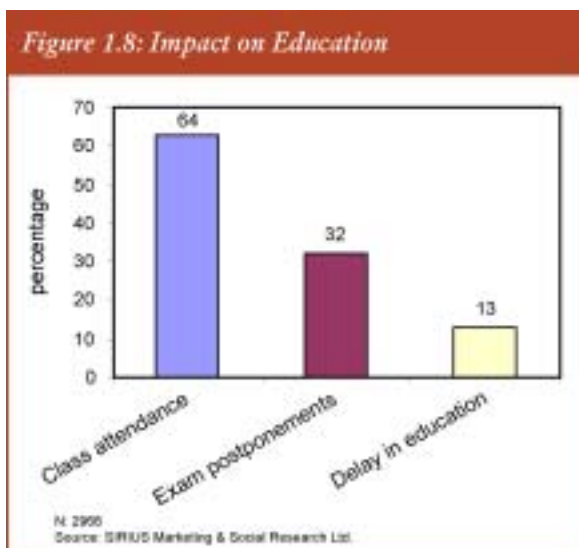


fewer, only 1%, believed that women were specifically affected. This low figure could be attributed to the fact that respondents may have been focusing on the economic impact rather than other non-economic effects and the fact that many women work in the home may have led some to conclude that the economic impact on women is less. This is clearly not the case. In addition, the social impact on women (e.g. hampering movement because of insecurity) is likely to be greater for women than for men, although this was not mentioned by respondents.



Education

Nearly all (97%) of respondents felt that hartals had a very or somewhat negative impact on education. 64% of respondents mentioned that hartals prevent students from attending classes, creating increased pressure on them later in their studies and at exam time (see Figure 1.8). 32% mentioned postponement of exams resulting in delays in finishing school sessions as a major impact. 13% of respondents were of the view that hartals delayed education, which can have severe long-term effects on younger peoples’ future prospects (see Chapter 5 for further discussion).



Personal Life

People are social beings, and hartals affect individuals as well as society as a whole (Figure 1.9). Disruption in mobility (34%) and financial loss (19%) in terms of increases in expenditures and decreases in income are perceived to be the major effects of hartals on personal life. Interestingly, 17% of the respondents mention that hartals do not affect their personal life in any way, indicating that people are gradually adapting their lifestyles to cope with hartals.

People were also asked how they compensate for the financial loss incurred by observing hartals (see Figure 1.10). 25% said they borrow, whereas 24% state they do not have borrowing as a possibility. Others mentioned working overtime or taking an extra job (21% and 16% respectively). Reducing expenditures (11%) and spending possible savings

(3%) were also mentioned as ways of coping with the economic costs.

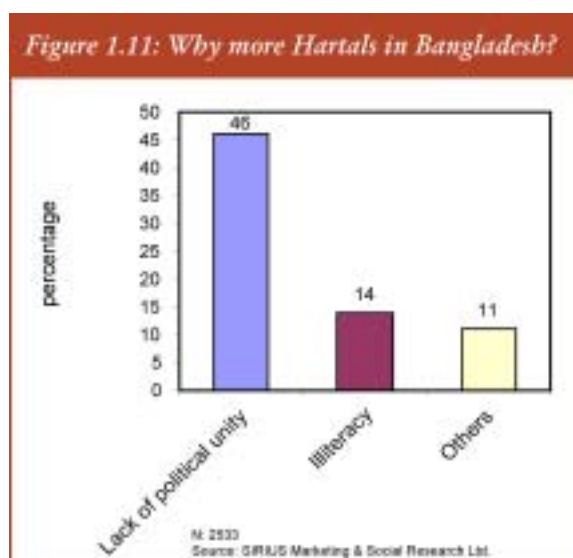
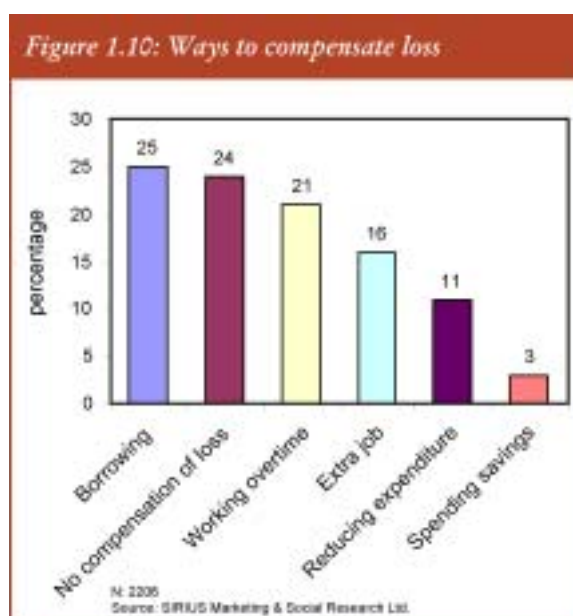
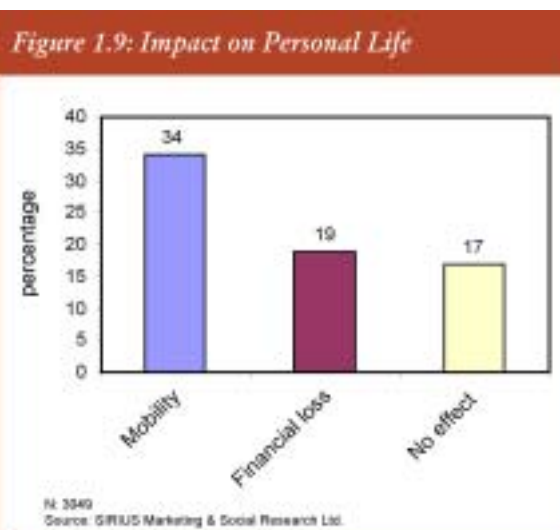
The opinion poll shows that, in general, people are more concerned about the financial impacts of hartals than their other effects on society such as security concerns or social costs of frequently called hartals.

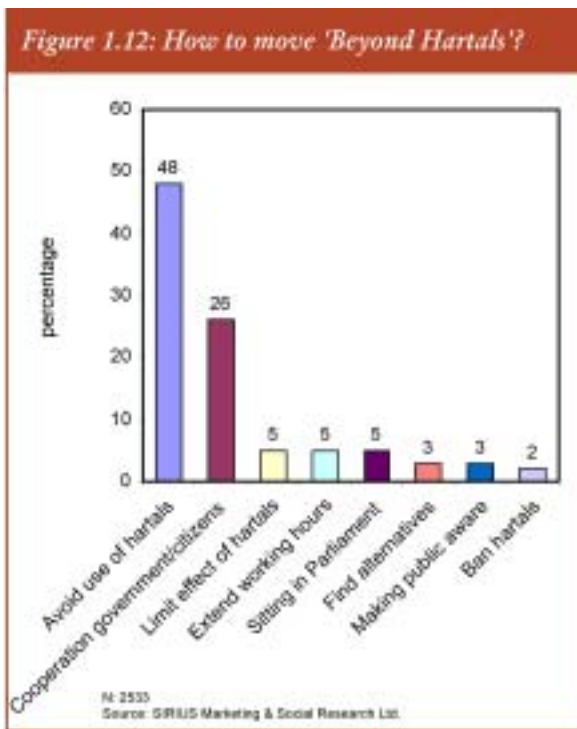
c. Reasons for Hartals in Bangladesh

Respondents were asked to reflect on why hartals are a prominent feature in Bangladesh. Overall 84% believed that there are more hartals in Bangladesh compared to other countries. When asked to elaborate, the major reason mentioned by respondents was the lack of political unity (46%) (see Figure 1.11). Also illiteracy was felt to cause more hartals (14%), perhaps indicating that less-educated citizens are more easily swayed to participate in or support hartals. Overall, it was evident that the respondents attributed the higher frequency of hartals in Bangladesh mainly to political instability.

Respondents were subsequently asked what they felt was the solution to move beyond hartals (see Figure 1.12). 48% of the respondents suggested that political parties should merely refrain from using hartals. Furthermore, 26% of respondents mentioned co-operation between Government and citizens as a means of moving beyond hartals.

On the question of whether the respondents believe anybody was benefiting from hartals, more than half (60%) of respondents believed that some sections of society gained financially from hartals (see Figure 1.13). When asked about who constitutes these sections, political leaders and parties topped the list of the suspected gainers from hartals (50%), followed by traders who stock commodities (17%), terrorists (16%), and corrupt businessmen (12%).

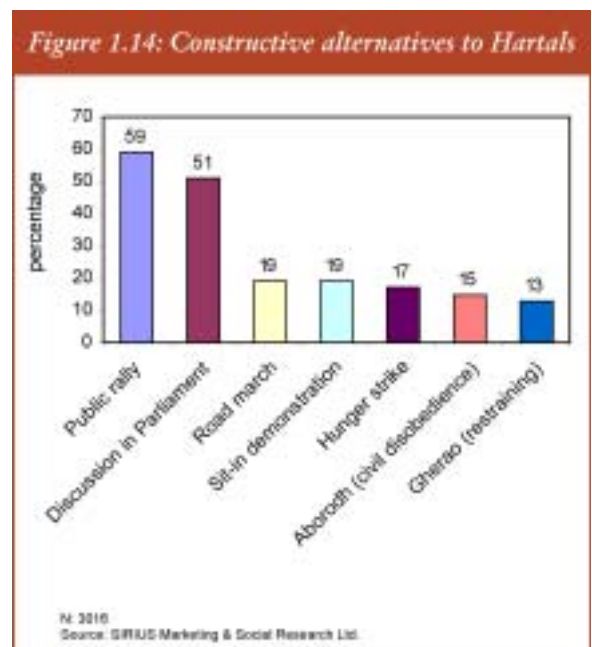
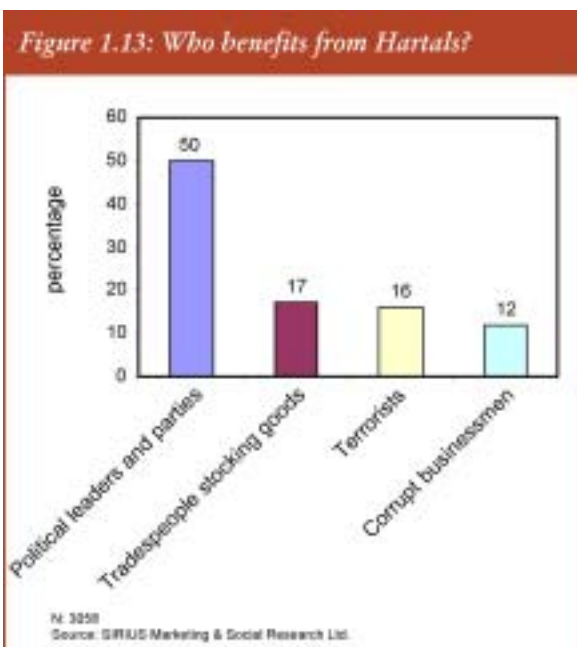




d. Constructive Alternatives to Hartals

Earlier in this chapter it was explained that whilst most people perceive calling a hartal as a democratic right, the majority would also prefer that hartals didn't happen or were conducted with less destructive consequences.

On the positive side **70% of respondents believed that there are constructive alternatives to hartals**. Of these, the majority named public rallies (59%) as the most effective alternative to hartals (see Figure 1.14). Discussion in parliament (51%) was their second choice, preferred to road marches and sit-in demonstrations (both 19%), and other forms of protests. This indicates a clear desire to resolve conflict through dialogue and non-coercive peaceful protests rather than resorting to hartals.



KEY FINDINGS

The opinion poll indicates that people in Bangladesh have a clear perception of hartals as ineffective in bringing about changes in policies while at the same time causing great damage to society in general and personal livelihoods in particular. Nearly all respondents (95%) felt that hartals have a very or somewhat negative impact on the economy and on society.

Whilst recognising these harmful impacts, however, many people also perceive hartals to be a legitimate means of voicing dissent (73%) -- perhaps partly due to the role that hartals played during the Independence movement in ousting foreign occupiers. Despite these somewhat contradictory findings, citizens also expressed a clear preference to move “beyond hartals” and the fact that the vast majority prefer constructive alternatives to hartals is evidence of the growing lack of support for hartals.



CHAPTER 2

The History of Hartals



INTRODUCTION

This chapter provides a historical analysis of hartals in Bangladesh, examining their changing patterns from the colonial period until today. It tallies the frequency of hartals in different periods of Bangladesh's political history, noting the causes for which they were called and who they were called by. It also examines the social basis for the legitimacy of hartals in the past and their present decline.

The data for this chapter come from both primary and secondary sources. Dasgupta (2001) has painstakingly prepared a database of hartals in Bangladesh from 1947 to 2000. This has been used as a basis, but for the purpose of this paper that data has been revised by adding information for 2001-2002, see [Appendix 3](#) for further discussion of the methodology.

DEFINITION OF 'HARTAL'

The literal translation of the word hartal, derived from Gujarati, is “*closing down shops*” or “*locking doors*”. However, in Bangladesh today hartals are usually associated with the stoppage of vehicular traffic and closure of markets, shops and offices for a specific period of time to articulate agitation (Huq, 1992). In today's context of ‘contentious politics’ hartals can be described as:

The temporary suspension of work in business premises, offices and educational institutions and movement of vehicular traffic nationally, regionally or locally as a mark of protest against actual or perceived grievances called by a political party or parties or other demand groups.

The description above captures the essential features of hartal and is the working definition of hartal used in this paper. As noted in other sections of the paper -- and detailed in [Chapter 3](#) on the Anatomy

of Hartals -- people involved in staging hartals are often 'hired' to demonstrate and citizens who participate in the hartal may be doing so more out of 'coercion' or fear of violence than from genuine belief in the issue for which the hartal is being called.

THE ORIGINS OF HARTALS AS A FORM OF PEACEFUL PROTEST

Protest movements are part of the historical process through which democracy has been strengthened in South Asia. Hartals emerged as a key instrument of political protest in response to colonial rule in India, and generally speaking, have been a feature of anti-colonial struggles and pro-democracy movements.

Hartals should therefore be considered within the broader spectrum of protest movements that mushroomed during the colonial period. A common form of protest in this period was the *boycott*. A decisive historical moment was 7 August 1905, when a boycott was called to protest the partition of Bengal by Lord Curzon (Tripathy, 2000). Boycotts were also deployed in the militant nationalist movement that followed.

The political culture of protest in India persisted over time. A full-blown nationalist movement was spearheaded by Mohandas K. Gandhi, who devised *satyagraha*, or non-violent resistance, as a form of political protest against the Black Act in South Africa in September 1906 (Erikson, 1969). This was used in India in 1918, and a year later Gandhi called a day of fasting and hartals to protest against the Rowlatt Bill, an act passed by the Imperial Legislative Council in 1919 to curb terrorism (Hardgrave, 1980). This is possibly the first instance of the use of hartals in modern India.

When Gandhi called for a total boycott of British goods and institutions, it was similar to a hartal, and in 1921, when he called for a boycott of the visit of the Prince of Wales, in "most towns and

cities the Prince only saw closed shutters" (Bose and Jalal, 1999: 141).

For Gandhi hartals were an important instrument of passive resistance. He called off the non-cooperation movement, however, after a police station was attacked, set ablaze and policemen killed at Chauri Chaura. Gandhi again began a Civil Disobedience movement with the famous Salt March on 12 March 1930 to defy the Salt Law and with a view to achieving independence but again halted the movement amidst escalating violence (Majumdar, 1996). What Gandhi did achieve was the fruitful use of an extremely innovative instrument of non-violent political protest. However, as noted above, from the 1930s it was often the case that sporadic violence occurred and it was not possible even for a leader like Gandhi to steer it above the turbulent waves of violence.

THE CONTINUATION OF THE HARTAL PHENOMENON IN SOUTH ASIA

In the postcolonial period hartals have persisted and even escalated in most countries of South Asia. It is not an exaggeration to suggest that South Asia is a theater of hartals, or *bandhs*², as the phenomenon is known in some areas. They have become an inexorable part of the political culture of South Asia. In India, strikes, hartals and student unrest increased over three successive decades. In the early phase of benign democracy under Nehru, from 1952 to 1963, work days lost to strikes and hartals amounted to 5.26 million a year. For the next 11 years, under Shastri and Indira Gandhi, there was what Rudolph and Rudolph call the growth of demand politics, spearheaded by different political groups and leading to a sharp rise in strikes and *bandhs* (1987). As a result, there

² Although these terms are often used interchangeably, the 1999 High Court case of Khondaker Modarresh Alahi vs. the Government of Bangladesh, discussed in Chapter 6, ruled that there was a significant difference between hartals and bandhs (see Chapter 6 and Annex 9).

was a more than threefold increase in lost workdays, averaging 18.16 million days a year during this period. During the two years of emergency rule under Indira Gandhi this figure declined a little, to 17.35 million days per year, but during the eight years of Desai and Indira Gandhi, the number of work days lost nearly doubled, to 33.06 million days each year on average (ibid.).

Although comparable data were not available for more recent periods, various reports suggest that *bandhs* are still a significant feature of political life in India. In West Bengal, the ruling Left Front has repeatedly called *bandhs*: there were three *bandhs* in the province within the first six months of 2002 (Bandh Blues, 2002).

A report in 2002 pointed out that *bandhs* are “spreading like wildfire”. “A most ominous development in recent times is the state-sponsored *bandh*. If the establishment which is supposed to prevent a *bandh* itself organizes one for its political well-being, we are in serious trouble” (Nadkarni, 2002). Even the police have called *bandhs* in India.

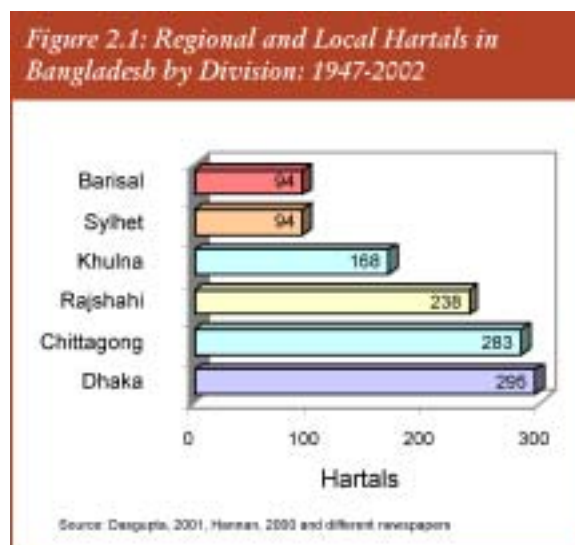
Perhaps the Indian situation can be best described in the words of Myron Weiner, an authoritative source on Indian politics:

“Indians have perfected the art of protest, and as one journalist wrote, Indians have as many native words for protest as Eskimos have for snow. There can be satyagraha, or civil disobedience; gherao, or forcibly locking an official in his office; dharna, or general strike; morcha, or march; and there can be fasts, black flag demonstrations, work stoppages across the state...” (Weiner, 1987: 53).

Nepal also suffers from frequent *bandhs*. Between February 1990 and December 2000, nearly 50 *bandhs* were called in Nepal and only twice did the organizers withdraw them. Only 16 of the strikes were limited to Kathmandu Valley (The Kathmandu Post, 2000).

HISTORICAL PATTERN OF HARTALS IN BANGLADESH

The analysis of the data on hartals shows that between 1947 and 2002, an estimated 1172 hartals were observed in the country -- Figure 2.1 shows the geographical distribution of regional or local hartals as per division of Bangladesh.



The trends over time in the frequency of calling hartals is mapped out in Figure 2.2. As can be seen from Figure 2.2 during the first three years that Bangladesh was part of Pakistan, there was only

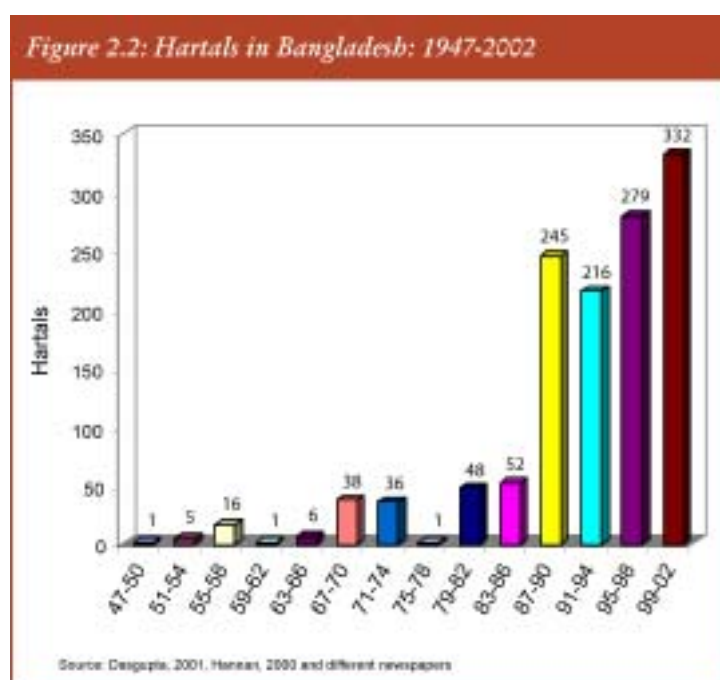


Figure 2.3: The Landscape of Hartals: 1947-2002



one hartal. It was called by Tamaddun Majlish and the East Pakistan Muslim Student League on 11 March 1948 to demand the recognition of Bangla as a state language. Although it was called to take effect all over the country, the hartal was only observed in some of the major cities and towns, which suggests that hartals had yet to become a popular vehicle of protest.

The Language Movement of 1952 triggered a number of hartals. In 1952, a hartal was observed for a longer period, from 22 to 24 February. Another hartal was observed on 21 February 1953, in response to a call by the Central Language Parishad. There were no hartals during the next few years while the country was under the governor's rule. During the twenty years Bangladesh was part of Pakistan, only 29 hartals took place; the number peaked during the mass movements of 1969. The month of March 1971 was marked by almost continuous hartals until the crackdown of the Pakistani army.

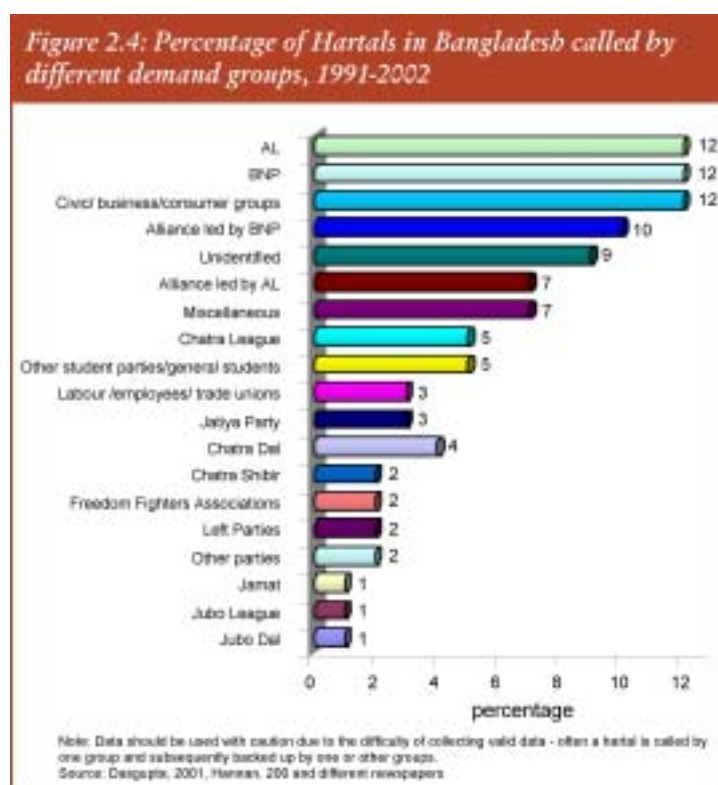
Far from what might be expected, the number of hartals has not decreased since the ushering in of Independence in 1971. Although there were relatively few hartals in the early years following Independence, the number of hartals began to escalate sharply from 1979, particularly during the Ershad period. There were about 100 hartals between 1979 and 1986. The number of hartals rose sharply after 1987 with some 245 hartals between 1987 and 1990. Since 1990, during parliamentary democracy, the number of hartals have continued to rise steadily, with the latest period for which data are available experiencing some 332 hartals (1999-2002). Thus, the democratic period of the country has experienced by far the largest number of hartals.

Figure 2.3 titled *The Landscape of Hartal* details the locations where regional and local hartals were called during three historical periods: 1947-1971 (pre-Independence), 1972-1990 (post-Independence) and 1991-2001 (Parliamentary democracy). It indicates that the largest number of hartals --142--

took place in Chittagong, followed by Dhaka and Sylhet. Barisal had the lowest incidence. Jessore with 48 hartals had nearly as many hartals as Khulna, a metropolitan city, and Rajshahi with 33 was close to Bogra in the number of hartals.

When one looks into demand groups that called or participated in hartals it is clear that political parties together have called or supported the largest number of hartals -- in the period 1991-2002 (see Figure 2.4).

The bulk of hartals were called by the two major political parties -- the Awami League and the Bangladesh Nationalist Party, who both account for 12% of all hartals called. The students or student groups, which constitute a major demand group, have also called a large number of hartals and in total account for 17% of hartals. Consumer groups, civic groups, business and trade organizations have been associated with 12% of hartals. Labour unions, employee associations and trade unions observed about 3% hartals. This data, however, should be used with caution due to the complex nature of hartals as often a hartal is called by one group and



subsequently backed up by one or other groups. Nevertheless the data gives a clear indication of the politics of hartals.

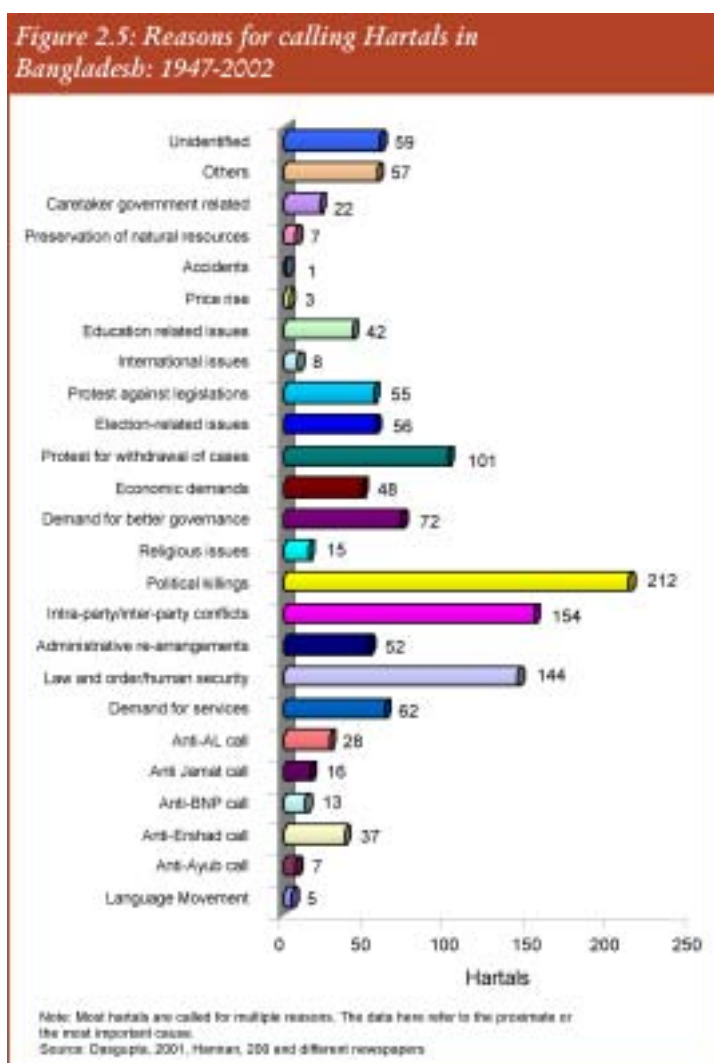
Figure 2.5 illustrates the reasons for which hartals were called. Hartals are called to protest many issues, and often a single hartal is called for multiple reasons. An assessment of the primary issues driving hartals over the period 1947-2002 shows that the single most common issue, especially at the local level, was political killings (212 hartals). Inter-party and intra-party conflicts were the reasons for 154 hartals. The third most frequent set of issues underlying hartals were law and order and the human security situation vis-à-vis the law enforcement agencies (144 hartals). A demand for better governance and public utilities and services were the reasons for 134 hartals. These figures

suggest that improvement in respect for human rights, governance, law and order, and public service delivery could be crucial in reducing the frequency of hartals.

HARTALS AND DEMOCRATIC TRANSITION IN BANGLADESH

The continuing use of hartals in India, Nepal and Bangladesh underscores that nations in the midst of transition to democracy experience many difficulties, obstacles and reversals. The process is inevitably intertwined with the broader process of modernization, which gives rise to a variety of contradictory social and political forces. While our understanding of this complex process is far from adequate, it is not difficult to recognize that the pervasiveness of hartals in a country like Bangladesh is an obstacle to democracy, and that their persistence is related to the way political mobilization takes place and political demands are articulated.

Mobilization politics gives rise to what Rudolph and Rudolph call demand groups, in contrast to interest groups, in institutionalized democracy (1987). Business groups, trade unions, professional organizations, or citizens banding together to pursue a particular cause or issue are examples of interest groups (Berry, 1995). In a stable democracy, demands are articulated by such interest groups on the basis of professional expertise and lobbying skills within defined areas of public policy. They are used to influence or promote specific policies. Demand groups rely more on symbolic protests and agitation. Sanctioned by indigenous political tradition, such groups tend to operate in the political space outside the boundaries of institutional politics. Demand groups assume that there is no institutional mechanism for the redress of their grievances, and believe they must stage great spectacles of protest to bring about regime or policy changes. Strikes in educational institutions, hartals and bandhs are the preferred forms of protest by demand groups. Self-



immolation in India, which caused the deaths of 1451 people in 2000 alone, is a tragic example of such protest and demand articulation (Venkatesan, 2002). This simple analytical framework can fruitfully explain the pervasiveness of hartals in Bangladesh.

Historically, Bangladesh, emerged as a Westminster type of democracy at the end of British rule in 1947. But an immediate transition to institutionalized democracy did not occur. Rather, an illiberal democracy dominated by a bureaucratic, military oligarchy slumped into an authoritarian polity under Ayub Khan within about a decade. It led to what has been called “internal colonialism” between the western provinces of Pakistan and Bangladesh in the east and fueled the War of Liberation. Thus, from the very beginning of the Pakistani era, political forces in Bangladesh took the shape of mobilization politics, first surfacing in the Language Movement of 1952, which actually started in 1948, and becoming critical in the mass movements of 1969 to 1971.

In 1971 Bangladesh began its journey towards democracy as a new nation. However, the period between 1971 and 1990 was marked by both democratic and authoritarian regimes. A massive popular movement in 1990 finally caused the overthrow of the authoritarian regime of General Ershad and signaled a new stage of democratic transition for Bangladesh. The following are some critical difficulties the country faces in its process of deepening of democracy.

- ◆ The country’s political culture still contains many authoritarian features, embodied in the behavior of its political leaders and actors. Personalities still dominate the political scene. A pervasive pattern of patron-client relationships remains an active force in the political parties and affects their bureaucracies. The continuing strength of patron-client relationships in particular gives rise to widespread factionalism and conflict in the political terrain and a deep-rooted crisis of governance.

- ◆ The two major political parties of the country -- the Bangladesh National Party and the Awami League -- and their political allies seem to be locked into a pattern of “antagonistic dialogue” that does not allow political differences to be settled on the basis of dialogue and negotiation among competing political actors, but rather tends to perpetuate the old political fault lines.

- ◆ As a consequence of this “antagonistic dialogue” and polarised political situation, a strong tradition of mobilization politics remains in place and continues to shape political behavior. The party in power often uses coercion to contain the opposition. The opposition, in turn, resorts to mobilization politics, which in turn escalates political conflict.

Given all these factors, hartals are perceived by many to be the best instrument for the articulation of the perceived grievances and various claims of demand groups. Although Bangladesh is a formal democracy, it still suffers from this legacy of authoritarianism and, at the same time, retains a strong tradition of protest. This has led to the perpetuation of hartals as a major characteristic of the nation’s political culture.

CHANGING VIEWS ON THE LEGITIMACY OF HARTALS

Although hartals found spontaneous support among people during anti-colonial, anti-authoritarian movements, concerned citizens all over South Asia have begun to raise their voice against their unjustified and unnecessary use. *The Daily Chasi* underscored this demand as early as 1956 and its words are even more relevant today.

“The Englishmen, it is true, were driven out, but the hartal has remained in this country....It is undeniable that our leaders of different parties have been skilled in imposing hartals, if not in

anything else. If anything does not suit the interests of a political party, there is no escape. The public has become convinced that as a consequence, they will certainly enforce a hartal.

We advise the leaders to articulate discontent or protest in alternate forms. There is no lack of open fields in Dhaka....they can assemble people and voice all their discontent there. We request them not to stop the sources of daily income for the innocent laborers and disrupt the livelihood of people by deploying the weapon of hartal” (The Daily Chashi, 30 September 1956 cited in Dasgupta, 2001: 26).

A survey conducted by *Daily Bhorer Kagaj* found that 51% of respondents did not support the hartal called at that time (9 March 1995). About 13% had no opinion. In 1999 *Prothom Alo* conducted another survey of 7370 people from all walks of life and more than 63% of the respondents did not support the call for the resignation of the government through hartals (23 September 1999). A little over 11% had no opinion. An opinion poll done by *News Network* in 2000 showed that over 80% of the respondents thought that under the present socio-economic condition of the country, there was no need to call hartals. Over 88% of them held that frequent hartals contributed to the deteriorating law and order situation in the country (*News Network, 2000*). In the most recent opinion poll carried out for this publication in early 2003, 70% of respondents said that they believed there are constructive alternatives to hartals and preferred more peaceful means of protest (see Chapter 1).

The press has been particularly active in advocacy against hartals. A large number of editorials and letters to the editor reflect the growing public outrage against hartals.

An editorial in *The Daily Sangbad* in 1998 pointed out:

“Once hartal was the climax of political movement. When movements reached the peak,

then only hartals were called to force the government to accept the demands. Political parties used to call hartals on the basis of popular support, by associating masses with it and bringing them along with it. The workers and leaders of political parties used to be on the streets as well as masses on many occasions.

Nowadays political parties do not at all consider if there is any popular support for or popular participation in hartal. It is now the easiest thing to call a hartal. It does not require any preparation at all. There is no need for popular support or popular participation. The preparation for the hartal can be taken by simply announcing the program, giving press statement and sending news to the BBC.

The hartal takes place due to throwing of bombs at main points before the day of hartal and on the morning of hartal....All groups move on to the streets with their arms and bombs. Now hartal means getting engaged in violent conflicts.

We appeal to the political parties, please quit this violent path of hartal....[It] does not help politics, rather damages it. It ruins the economy of a democratic society and results in the death of innocent people” (Sangbad, 12 November 1998).

A similar view was voiced by A.K. Azad Chowdhury, at the time the Vice-Chancellor of Dhaka University, in a seminar entitled *Why Hartals?*, held on 10 November 1997.

“We must free ourselves from revengefulness and intolerance. The lack of tolerance has created the tendency for calling hartals. The distance between being in power and not being in power has been the cause of hartals. These activities are due to the psychologically conditioned conflicts of our political parties” (cited in Hannan, 2000: 643).

When an injunction was sought against Mamta Banerjee’s call for a bandh in West Bengal on 7 June 2002, the Calcutta High Court, seeing

no point in it as the injunction could not be enforced, made the scathing comment that “protests without purpose” and the “philosophy of no work” were the twin contributions of Bengal (Bandh Blues, The Times of India, 17 October 2002).

CHANGING THE COURSE OF HISTORY ?

In this age of globalization, hartals are not only economically damaging to the country but politically ineffective and are hardly enjoy any popular support. The end of hartals demands a new vision and the commitment of the political elite. Escalating public pressure is a key element in achieving this goal. Also important is improving the state of governance in the country, which would reduce the killings, conflicts, and violence - - which is a major source of hartals, especially at the local level.

The consequences of hartals in terms of economic, social, and political costs are huge. While the negative economic consequences of hartals draw a great deal of attention, its social consequences should not be overlooked. According to Dasgupta (2001), over a period of 52 years from 1947, about 250 deaths during hartals could be identified from newspaper reports. Over 13,000 people were injured and 10,000 arrested and most often it is the poor who are victims of these conflicts.

The historic pattern of hartals thus far exposes the paradox of increasing hartals and the continued polarization of politics ever since the formal establishment of a democratic regime in Bangladesh. The author of this chapter would like to conclude by posing the question *“will Bangladesh continue to take this destructive path, or is it time for someone to change the course of history?”*



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CHAPTER 3

The Anatomy of Hartals: *How to Stage a Hartal*



This chapter provides an account of the ‘anatomy’ of hartals in Bangladesh today -- looking at how they are organized, by whom, which actors are involved, where they take place and for how long. It also provides an analysis of how the anatomy of hartals has changed over recent years.

THE FORMULA FOR A SUCCESSFUL HARTAL

How is a hartal carried out? The authors of this chapter interviewed six influential leaders of the BNP and the AL, all of whom requested anonymity (see [Appendix 4](#) for details) to uncover the anatomy of hartals: how and by whom they are organised, where they are held, which actors participate, and what tools are used. For a hartal to be ‘successful’, i.e. for the vast majority of citizens to obey the hartal call by boycotting work, travel and other normal activities, a very particular ‘formula’ is followed.

Preparations

The decision to call a hartal is made at meetings of the AL’s Presidium Committee or the BNP’s Steering Committee. Once a hartal has been declared, the parties typically initiate pre-hartal activities for three or four days before the date of the hartal (unless the hartal has been called for the next day). These activities are usually entrusted to the student wings of the parties, the BNP’s Chatra Dal or the AL’s Chatra League.

To organize a successful hartal, meetings, processions and rallies are staged in and around university campuses prior to the hartal. Often though, not many students today are interested in attending these rallies and processions, and apart from the group’s president, general secretary and other notables, few do. However, many members of the armed cadres are usually present. The purpose of their presence is to instill an element of fear and apprehension among the general student body and citizens by letting off “cocktail” explosives around the campus and city prior to and during the hartal. In addition to the

student wings, different city wards carry out similar activities, staging rallies and setting off small explosions in league with the armed cadres. Ward representatives are also generally responsible for putting up posters promoting the hartal.

Implementation

On the day of the hartal, students stage rallies at several pre-planned areas of the campus. These processions generally start on the campuses and then, according to plans made the previous evening, extend to different areas near the campus.

Normally, the first 'assignment' is to march up to the police barricades shouting slogans, with the intention of exciting and antagonizing police personnel. At some point, bombs are hurled towards the barricades and often the police respond with due force. Thus begins the mayhem.

Party workers carry out similar assignments elsewhere in the city. Specific areas and streets in Dhaka are normally targeted.

Those most often selected include the Shahbagh and Nilkhet intersection, the streets adjacent to the Dhaka University campus, the Press Club, and the Secretariat, and some streets in Motijheel, Mohakhali, Farmgate, Rampura, Mouchak, and Old Dhaka.

The violent activities that often feature include letting off bomb explosions, burning tires and ransacking rickshaws and cars so that the public cannot get to work or do errands. Sometimes, buses are set on fire. Cadre members and workers of both parties indicated that immobilizing the lifelines of Dhaka -- i.e., Motijheel, Old Dhaka, and the areas around the Press Club, the Secretariat, and Purana Paltan -- is a prerequisite for a successful hartal.

The amount of prearrangements and the predictability of the course of action is an indication of the level of organization that lies behind present days' calling of hartals -- the above is practically a recipe for executing hartals. The

underlying precondition for this is that substantial resources are channeled into organizing the hartal.

HANDS FOR HIRE

The above describes how students and party workers are involved in staging hartals. However, it is also clear that a large mass of people is also key to a successful hartal.

It is common knowledge that people are 'hired' to participate in hartals. This was confirmed through interviews with senior politicians (see Box 3.1). These people are generally hired from specific areas of Dhaka, the slums being one of the main sources. *Mastaans* from these slums work as agents in procuring hired hands (see Box 3.2-3.4). Both the AL and BNP hire slum residents through the *mastaans*.

It should be noted that the opposition party calling the strike is not always the only one hiring outside help. Sometimes, the ruling party hires outsiders as well in an effort to prevent or disrupt a successful hartal. In the mid-eighties, during the anti-Ershad movement, this was common. In those days, many armed cadres were hired on hartal days. Since then, this has been somewhat less common, with the assumption on the part of the ruling party that the opposition party will fall into public disfavour if allowed to persist in calling hartals.

Box 3.1 Interview with senior politician

"One cannot implement a successful hartal with only party workers and cadres. People from outside have to be hired, including armed *mastaans* and simple beggar boys. The amount of remuneration depends on the nature of their assignments. Sometimes the cadres hire *tokals* (street boys), since they do not have much to do on hartal days. The *tokals* can set off explosions very efficiently, and exactly where needed, if they are given the bombs and told what to do. Besides this, *tokals* are also assigned to set fire to tires at different intersections. Money is not only spent for these cadres and *tokals*, but also for the party workers. They are treated to at least one lunch in the afternoon of the hartal. Moreover, each ward and student organization must be given a certain amount of money beforehand for various purposes. This amount could range anywhere from Tk.10,000 to Tk.100,000."

Both major political parties have the financial resources and the country-wide organization needed to employ outside workers. Both can afford to hire *tokais*, armed cadres or poor slum dwellers to ensure a good turnout at their programs. However, the smaller parties generally do not have the same financial or organizational capacity to organize country-wide hartals.

THE TOOLS OF HARTALS

Bombs

Two kinds of bombs are commonly used during hartals, “cocktails” (hand grenades) and “hand bombs” (man-made bombs). These bombs explode with a very loud blast and a lot of smoke. They are lethal enough to kill people nearby. Sometimes less powerful “chocolate bombs” are used just to cause panic. The necessary ingredients to make a bomb are outlined in [Box 3.5](#).

Firearms and Ammunition

In addition to bombs, cadres also use firearms, both legal and illegal. One former member of a violent faction, who has since retired from such activities, spoke to us at length and provided information on the firearms used in Bangladesh (see [Box 3.6](#)).

Because sawed-off rifles are not used much in other countries, there are no external sources of ammunition for these weapons. Ammunition is manufactured locally at a munitions factory in Gazipur.

There are basically two kinds of ammunition for firearms -- bullets and buckshot.

Buckshot is used in both shotguns and firearms. While it is mandatory to keep records of bullets, records are not required for buckshot.

Legal arms dealers do not sell their wares to terrorists directly. Rather, they are procured through middlemen. It was reported that one such middleman earned 80 to 100 million Taka in the last six or seven years from arms sales. Firearms are also obtained from looting small police posts.

Box 3.2 Mastaan agents: hiring for hartals

A mastaan from a slum in Dhaka's Agargaon area admitted to hiring-out people to cadres for hartals. When asked what kind of people he supplied, he answered:

"I provide them with all kinds of people, and they all have different 'job descriptions.' If it is only to walk in the processions, I charge Tk.35 per head. For bomb explosions, fire burning, ransacking rickshaws and similar activities by *tokais*, I charge Tk.50 per head. In case of bigger bombs and setting cars ablaze, I charge Tk.100 per head. If there are any meetings later in the afternoon during the day of the hartal, then they also rent women to sit in on the meetings. I charge Tk.20 for every woman."

Box 3.3 Children involved

Ahmed (not real name) is 12 years old. He lives in a Dhaka slum with his mother, who works as a maid in several households. Ahmed is an apprentice at an auto repair shop in Dhaka. He also works during hartals, hurling bombs or burning tires. He gets paid Tk.20 for every hartal. Ahmed told us that the local boss from his bosthi, after instructions from party leaders, sends him out to specific spots. There, after discussion with the hartal initiators, the work is distributed. They are instructed exactly where and when bombs should be thrown. Preparations for setting fires to tires or rickshaws are generally made on the spot, so that areas close to the police picket line can be targeted. Ahmed was arrested for engaging in such activity in 2000. He told us that when the police get hold of the *tokais*, they beat and jail them for a period of time. Ahmed earned around Tk.300 in 2000 from such assignments, which he gave to his mother.

Box 3.4 Hired hands

Zahura (not real name), who works as a domestic maid, also hires herself out to different processions. She is especially called on for rallies during hartals. She gets Tk.10 for each attendance. Zahura told us that the rallies are a good source of extra money and that there is not much work involved. All one is expected to do is sit through the meeting and clap occasionally. A representative of the party comes before the meeting to instruct a middleman, who, after taking his share, pays the hired workers. Zahura said that she had not experienced any problems with the police. According to her, the police generally don't beat women, they only chase them away.

Box 3.5 *The ingredients for a hand-made bomb*

The primary ingredients for these bombs are sulfur and potash. Match factories around the country import huge amounts of both these ingredients, a portion of which is smuggled into the open market. Lalbagh in Old Dhaka, Thatari Bazaar, Nawabpur, and Chowkbazaar are areas known to sell all the necessary ingredients for making bombs on the open market.

The vessel or base of the bomb can be fashioned from any sort of container – empty Nivea tins, old bottles, or chewing tobacco tins. These types of containers, can be purchased from suppliers in the Chankharpool area at a going rate of Tk.20 for 30 containers. The containers are filled with nails, shards of glass, and fragments of metal. According to sources interviewed, it costs about Tk. 2,000 to Tk. 2,500 to make a hundred bombs.

Box 3.6 *Different firearms used in Bangladesh*

"Firearms used in Bangladesh include revolvers, pistols, shotguns, sawed-off shotguns, AK-47s, AK-56s and M-16s.

Of the revolvers used are 2.2, 3.2 and 3.8; pistols are 2.2, 2.5, 7.65, 9, 4.5 mms and the 11.62 mm, popularly known as "the five star."

There are also sub-machine gun and sub-machine carbines, more commonly known as "sten guns". The most common brand of side arms are the American Smith & Wesson, the Italian Walther Petra, the Czech Siset, the French Austr, the British Colt, and the American Remington."

Box 3.7 *Adjusting to Hartals in Dhaka*

In the last six years, hartals have also been limited to certain areas, while public transport and private motor vehicles ply the roads as usual elsewhere. The 'VIP road', which runs through Kemal Ataturk Road to Shahbagh Square, and areas adjacent to it are quite open to transport during hartals. Picketers are not seen on these streets, either.

An employee from an insurance company in Motijheel says he has taken rickshaws to work during hartals for the last five years, and recently his wife has felt comfortable enough to accompany him to her own office.

A shop owner in the Farmgate area said that hartals are not as difficult as they used to be there, either. Before, no one could get near Farmgate for fear of picketers. While he still doesn't take his car out during hartals for fear of damage, he thought before too long he would feel secure enough to even do that.

The arms supply not only indicates that calling hartals is associated with defraying considerable expenses, but also that there is a clear connection between hartals and criminal activities.

THE CHANGING PATTERN OF HARTALS

In recent years, both the definition of a successful hartal and the methods of staging one have gradually changed. Student wings of both parties and the general body of students seem less interested in political issues than during previous times when movements such as the Language Movement and Independence Movement rallied student interest and support. It can also be argued that today there is 'less substance' to political discourse and a lack of dialogue between the political parties on substantive issues -- with the parties' main interest being power-seeking.

A former member of a cadre involved in the student movement in the eighties told us, that during Ershad's time student organizations were the key to staging a successful hartal. At that time students came out into the street spontaneously, out of an ideological belief that an authoritarian regime had to be toppled. Today, money and minor political disputes attempt to fill the vacuum created by the absence of ideology. This former cadre member also told us that, during the eighties, leaders of the student fronts used to come to the residence halls and give lectures to the residents on the reasons a particular hartal was being called. Thus, a good portion of the students, if not all, had a sense of purpose of the hartal.

Partly as a result of this lack of substance and interest, the dynamics of organizing hartals also appears to be changing. Analyzing media stories on hartals, it is apparent that at present hartals receive less genuine public support than previously, and even the presence of the opposition seems half-hearted at best. Agitators appear only in front of party offices where police personnel are present. Disturbances by picketers or other agitators in

other parts of the city are rare. By contrast, hartals initiated some ten years ago bore witness to a much stronger, more articulated political presence, determined to make its case.

The timing and duration of hartals has also undergone a transformation. During the 1980's, except for official holidays and during the monsoon, a hartal would be mounted on almost any day of the week. From the mid 1990's on, however, the timing of a hartal has become crucial to its success, and consequently the mechanics have changed as well. Now, political parties often call a hartal on the day before the weekly holiday. Friday being a weekly holiday, most strikes now are called for a Thursday or a Saturday providing the opportunity for a long weekend for those who do not go to work on the hartal day. However, if a hartal is called in the middle of the week, many simply ignore it and go to work as usual.

The duration of a strike also seems to be changing. During the 1980's, when the masses and especially the working middle classes were involved in the anti-Ershad movement, a 36 or 72-hour hartal could sometimes be maintained across the whole country. However, in the 90s, political movements seem to have lost the all-important connection with the masses. Even though a significant portion of the population is frustrated and irritated with the government regarding a variety of issues, people do not seem to be so keen on hartals any more.

In response, parties have reduced the length of a typical hartal. In the last few years we have seen an abundance of half-day hartals, after which motorized vehicles take to the streets and commercial establishments reopen their businesses again. Today, as the "dawn-till-dusk" hartals become more difficult to sustain, opposition members more often than not settle for a six-hour hartal, often held on a Thursday to coincide with the weekend. In district towns, however, where the parties have been able to successfully maintain their traditional strict control, hartals are often longer.

KEY FINDINGS

The review of the anatomy of hartals has highlighted the following main issues:

First of all, hartals are highly organized events, often orchestrated for party political interests rather than constituting a genuine expression of public opinion around a specific issue. The fact that some participants are paid to show up is evidence of this kind of political mobilization. Secondly, the interviews reveal an intimate relationship between staging hartals and criminal activities. Holding a hartal can be a very costly affair, and a large portion of the money spent funds criminal activities.

Finally, the changing nature of recent hartals -- now being called for shorter periods and to coincide with weekends -- is an indication of the changing attitudes of the public towards them. The disapproval of the masses towards hartals and lack of sympathy for the causes for which they are called, and the use of violence and criminalization of politics associated with hartals are reasons for this decline in their popular support. This has created a dangerous gap between the political parties and their constituents. Political parties will therefore need to rebuild the trust of voters by moving away from the destructive elements of hartals to adopting platforms that receive the genuine support of citizens.



A closed market street during a hartal.

CHAPTER 4

The Price of Hartals: Impact on the Economy



INTRODUCTION

Many articles and reports mention the harmful impact of hartals on the economy. Some attempts have been made to calculate the economic cost of hartals in terms of the forgone output, employment and lost earnings. However, it is also important to understand the various coping strategies used by people and businesses to re-coup those lost earnings.

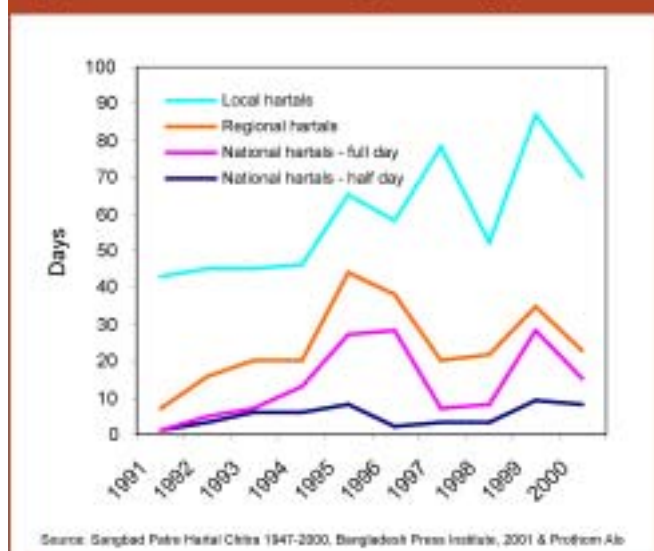
The purpose of the chapter, therefore, is not only to estimate the economic cost of hartals, but to provide a qualitative analysis of their impact, focusing on a few key sectors, namely the export sector (particularly readymade garments), the transport, retail and small business sectors -- and the public sector. Both formal and informal sectors of the economy are included in the study. The analysis also provides a comparison of the impact of hartals on the rural and urban economy.

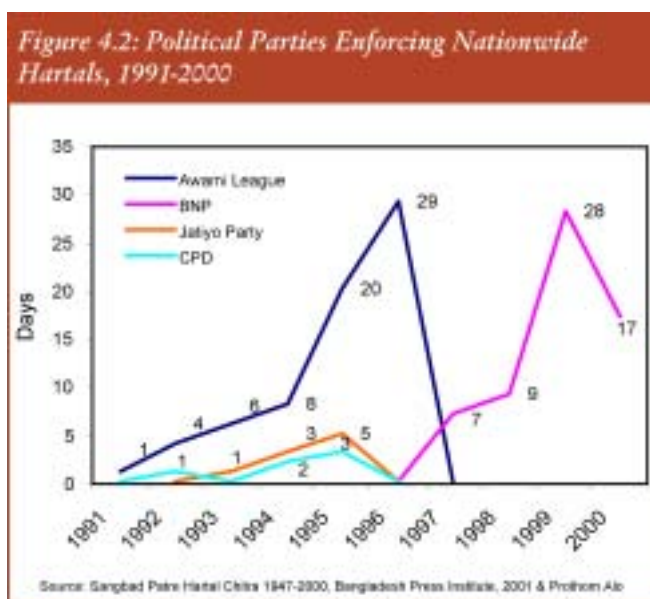
Nature of Hartals: 1991-2000

To generate an overview of how the economy is affected by hartals, **Figure 4.1 and 4.2** depict the last decade's amount of hartal days as well as parties responsible for calling them. The following overall trends can be mentioned:

- Regional and local hartals occur more frequently and last longer than nation-wide hartals.

Figure 4.1: Trends in number of hartal days, 1991-2000





- ❑ Both major political parties - - the Awami League and the Bangladesh National Party -- have been equally active in using hartals as a means of political protest. In the ten-year period from 1991 to 2000, 61 national hartals were called by the BNP, while the Awami League called 67.
- ❑ There appears to be a 'bunching' of hartals associated with a change of regimes.
- ❑ Recently, there seems to be a trend towards more half-day hartals.

Measuring the Economic Cost of Hartals

Rigorous systematic studies on the economic impact of hartals are not generally available although some attempts have been made to calculate the costs. The World Bank (Periodic Economic Update April 2001: 13), estimates that during the 1990s approximately five percent of Gross Domestic Product (GDP) was lost annually due to hartals³. The Bangladesh Garment

³ This figure is based on several assumptions: that the agricultural sector is not affected by hartals, that the rest of the economy makes up 50% of its lost production by working extra hours and on weekends, and that approximately US\$50 million per day and the equivalent of 45 full working days a year were lost to hartals during the 1990s.

Manufacturers and Exporters Association (BGMEA) estimates that it loses US\$18 million a day during hartals. These estimates may however be slightly exaggerated, given that various coping strategies are used to make up for losses.

Table 4.1 Yearly Cost of Hartals, millions Taka

	GDP ¹	GDP/day	Hartal days ²	GDP loss of hartals	GDP loss, %
90/91	1,325,226	4,477	1	4,477	0.3
91/92	1,392,005	4,703	5	23,514	1.6
92/93	1,455,680	4,918	7	34,425	0.2
93/94	1,515,139	5,119	13	66,543	4.4
94/95	1,589,762	5,371	27	145,012	9.1
95/96	1,663,241	5,619	28	157,334	9.5
96/97	1,762,847	5,956	7	41,689	2.4
97/98	1,844,436	6,231	8	49,850	2.7
98/99	1,934,370	6,535	28	182,981	9.5
99/2000	1,934,291	6,535	15	98,022	5.1
Average	1,641,700	5,546	14	80,385	4.5

¹ Constant market prices
² National
 Note: Half-day hartals are counted as full days
 Source: Own calculations based on BBS data (Statistical Yearbook 2000) and hartal statistics (Figure 1)

Using the method of multiplying number of hartal days by GDP gives a picture of the average yearly cost of hartals (See Table 4.1). Table 4.1 shows the GDP at constant market prices for the 1990s. After eliminating weekends and other official holidays, leaving 296 working days a year, the annual GDP is converted into daily GDP figures. This estimate, multiplied by the number of days affected by hartals in a specific year, allows one to calculate the GDP loss during the year in both absolute and percentage terms. Only nation-wide hartals were taken into consideration for this estimate.

Following this methodology, the average cost of hartals to the economy during the 1990s is found to be 4.5% of the GDP. It should be noted that the

estimates in Table 4.1 do not take into account coping mechanisms employed or certain sectors (i.e. agriculture) that may be less affected and make up production losses during the year. It should also be noted that the GDP estimates correspond to a fiscal year, while the hartal statistics correspond to a calendar year. These figures, therefore, are only rough indicators; nevertheless, they do provide an idea of the economic cost of hartals.

Given the explanations above, we estimate that the average cost of hartals to the economy is somewhat less than the 4.5% estimate, and perhaps realistically falls somewhere between 3 and 4%.

Although, as demonstrated above it may be difficult to provide exact figures in relation to GDP losses, it cannot be denied that hartals have long-term impacts on levels of foreign direct investment.

There are also other, longer-term impacts on the economy in terms of reduced savings, indebtedness, and psychological and other non-economic costs that should be taken into account in assessing the overall impact of hartals.

IMPACT OF HARTALS ON SECTORS

The relative contribution of different sectors to the GDP indicates how hartals impact on different sectors (see Figure 4.3).

The discussion below gives a more detailed analysis of the impact of hartals on selected sectors of the economy, based on interviews and focus group discussions with different stakeholders.

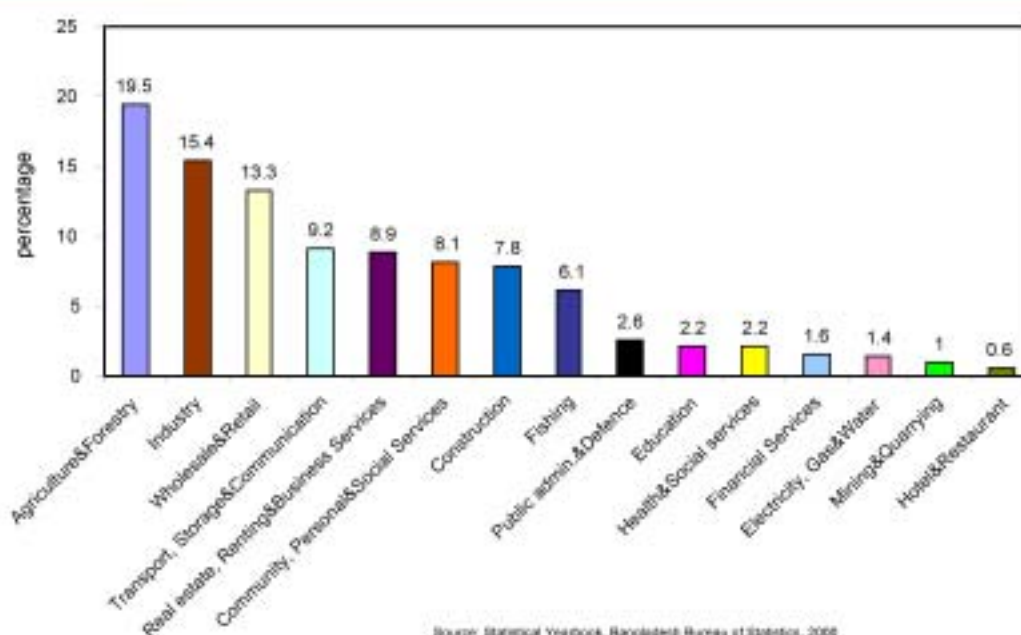
Impact of Hartals on the Transport Sector

A number of focus group discussions were conducted, with both formal and informal transport operators in Dhaka. The formal transport sector also included the public sector operators of the Bangladesh Road Transport Corporation (BRTC).

A list of participants is provided in Appendix 5. The results of the discussions are summarized in Box 4.1 to 4.3 below.

The interviews show that owners as well as employees across a broad spectrum of public transportation -- with the exception of rickshaw

Figure 4.3: Sector Share of GDP



Box 4.1: Impact on Formal Transport Sector

- > Earnings for drivers, helpers and owners of leased BRTC buses are 50 to 60% less than normal on hartal days, because the number of buses operating is much fewer than normal. For buses directly operated by BRTC, normal salaries are paid on hartal days; thus the government bears the cost.
- > Premium (air-conditioned) bus services are shut down on hartal days, to avoid the risk of damage to the vehicles, and the earnings of workers and owners are completely foregone. Services in other towns operate sporadically, and the earnings of owners and employees are approximately one-third of normal on hartal days.
- > Office workers of these bus companies are paid their regular salaries during hartals, but during prolonged hartals they do not get their salaries on time.
- > Bus drivers and helpers face considerable risk of physical assault, bomb explosions and fires. The office staff faces similar difficulties, both getting to and from work. Owners bear the cost of damage to vehicles.
- > The scope for alternative earnings for these workers is small or non-existent, although some helpers may work as day labourers.
- > Most employees have to borrow money from friends and relatives or draw upon their savings to meet their daily consumption needs, especially during prolonged hartals.
- > Owners of premium buses also have to borrow to pay instalments on their bank loans, especially during prolonged or consecutive hartals.

Box 4.2: Impact on Autorickshaws and Tempo Operators

- > Because most auto rickshaws and tempos do not operate on hartal days, almost all earnings for drivers, owners and helpers are foregone. Some vehicles do operate, at some personal risk to drivers and helpers, but earnings are considerably lower than normal.
- > Most participants do not have any alternative source of income on hartal days.
- > Operators face considerable risk of assault, bombs, damage to and burning of vehicles, and money snatching.
- > Borrowing is common to tide over hartals. During continuous hartals, loans are taken from the association and interest is paid on these loans.
- > During consecutive or prolonged hartals, some drivers and helpers work as day labourers or rickshaw pullers, with lower earnings.
- > Auto rickshaw and tempo operators thought that compensation should be paid to them for hartals by the government.

Box 4.3: Impact on Rickshaws and Cycle-van Drivers

- > Rickshaws operate during hartals. In recent years, rickshaws have been kept outside the jurisdiction of most hartals, either officially or unofficially. Rickshaw pullers reported a 25 to 50% increase in earnings on hartal days, when other modes of transport are restricted. Despite this, they were not in favour of hartals, because the price of daily essentials also rises.
- > Hartals are particularly damaging for cycle van drivers, because the vans are primarily used to transport cargo. With shops and markets closed, the demand for transporting cargo is also low. Cycle van drivers reported a 40% reduction in earnings on hartal days.
- > Both categories of operators said they faced considerable risk in plying their trade during hartals, because sometimes their vehicles are burnt or tires are punctured.
- > During continuous hartals many operators, particularly cycle van drivers, take on alternative employment, such as working as day labourers or as helpers on construction sites. Their earnings for such work, however, are almost 50% less than normal.
- > Other coping strategies included taking out loans, usually from their respective associations.

pullers -- experience considerable decreases in their income and turnover during hartals.

Impact of Hartals on the Export Sector

This section discusses the impact of hartals on Bangladesh's export sector, in particular on the readymade garments industry, which accounts for 76% of the country's foreign exchange earnings. Data from BGMEA on the yearly value of woven and knitwear garment exports allows us to calculate the daily value of exports, which, multiplied by the number of full and half-day nation-wide hartals held each year, provides an estimate of the annual loss of export earnings due to hartals. This data for the period 1991-2000 is presented in [Figure 4.4](#).

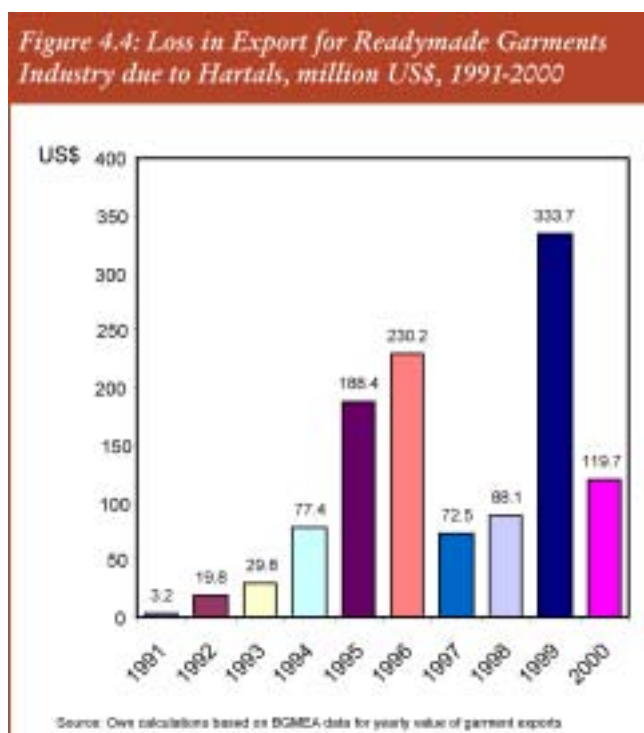
The data indicate that periodically hartals inflict massive losses to Bangladesh' exports -- which peaked in 1999 with an estimated loss of almost 334 million US\$ in export value. The factories have different coping strategies and are therefore able to make up for some of the loss, which therefore potentially limits the real loss. However, what the industry cannot make up for is the clear signal of an unreliable market and political instability -- two factors that always act as deterrents for investments and export. The long-term cost of periodic hartals can therefore be assumed to be even greater.

A Closer Look at the Garments Sector

To gain a better understanding of the economic cost of hartals to this sector, interviews were carried out with production managers and workers from ten garment factories in Dhaka and Narayanganj. Both large and small factories, located in commercial as well as residential areas, were selected. The full list is provided in [Appendix 6](#). The results of the interviews are summarized in [Box 4.4](#).

Impact of Hartals on the Retail Sector

The retail sector includes informal outlets such as hawkers, vendors, small shops and corner grocery stores, as well as larger, formal establishments and organized markets. Interviews were carried out



Box 4.4: Impact on Garment Factories

- > Not all of the factories were closed on hartal days. Some remained open, depending on the assessment of the risk involved. Smaller factories located in residential areas usually remain open during hartal days.
- > Workers' wages were generally not cut on hartal days, even if the factories were closed. However, during prolonged or continuous hartals, the factories were more likely to close down, in which case, workers were retrenched and not paid. Even when the factories stayed open, payments to workers were sometimes delayed.
- > Production managers in all the factories reported that production losses due to hartals were partly made up by overtime and extra work on other days, including holidays, for which no additional payment was made.
- > Major losses to this sector resulted from missed shipments and orders cancelled by discouraged buyers.
- > Other major difficulties caused by hartals were the disruption in banking services and the inability to procure raw materials, which are mostly imported.
- > Workers were afraid of losing their jobs during continuous hartals. They also reported reduced earnings, and were unable to meet daily consumption needs because of price hikes for essentials.
- > Some production managers suggested taken "mini" strikes of only a few hours duration as a means of political protest, in lieu of longer, more disruptive hartals.

with both informal and formal outlets in five locations in the city. A full list of the establishments and individuals interviewed is included in [Appendix 7](#). The results of the focus group discussions are presented below in [Box 4.5](#).

Box 4.5: Impact on Hawkers & Vendors

- > Business on hartal days is 50 to 60% less than on normal days for these small entrepreneurs. Individuals offering shoe polishing and repair services reported the poorest sales.
- > Doing business on sidewalks and street corners during hartals poses considerable risk of physical assault, fire, bombs and tear gas.
- > The demand for products and services sold by hawkers and vendors – clothing, fruit, betel leaf, cigarettes, shoe repair and polishing, watch sales and repair – relies on customers passing through the area on the way to somewhere else. Demand is therefore linked to other activities that are themselves disrupted by hartals.
- > Because vendors and hawkers finance the purchase of their stocks from their daily income, their businesses also suffer on subsequent days after a hartal, because their working capital needs have not been met.
- > The hawkers and vendors tried to recoup their earnings by working longer and harder on other days, but are able to make up only 50% of their losses with increased psychological stress as a result.
- > Continuous hartals are particularly damaging to this group, with greatly reduced earnings and consumption and limited sources of alternative employment.
- > Hawkers mentioned that women feel more insecure during hartals and leave the home less often affecting the sales of clothing items in particular. Similar losses were blamed on the closure of educational institutions.

In Mohammadpur, a low-to-middle income area with a strong sense of community, small retail stores remained open during hartals. Sales were lower than usual, by varying amounts depending on the type of store. Small grocery and variety stores reported a reduction in sales of about 25%, drug stores about 15%, tailoring shops 30%, hardware stores 50%, and bookstores 60%. Coping strategies, such as keeping shops open after hartal hours, and for longer hours on other days and holidays, allowed the stores to make up some of the losses. Tailors used the slack

time to work on old orders, as did furniture shops and other small manufacturing establishments. Machinists, for instance, used the slack time to manufacture machines for their own use, thus building up their stock of capital goods.

Most shops also mentioned problems transporting their goods and complained of higher transport costs due to hartals. Obviously, the impact was greater during continuous hartals, when, in addition to a reduction in sales, shopkeepers faced higher purchase prices for their stock, with resulting crises in terms of available working capital, and defaults on payments to creditors and suppliers. All this affected the profitability of businesses, while workers often faced delays in payments of wages and salaries and losses in bonus payments.

In Banani, a well-to-do residential area, a slightly different picture emerged. Shops in the government market faced a 60 to 70% reduction in sales, since the market officially closed. Other shops mentioned that, because they are located in a richer area, most of their customers normally travel by car, and are therefore do not shop during hartal hours. Women are also less willing to shop during hartals, accounting for a further reduction in sales. Cement and hardware stores, which were more dependent on transport, were affected to an even greater extent. Small grocery stores, however, were more or less insulated from the effects of hartals. Coping strategies -- keeping shops open for longer hours or on holidays, spending slack time collecting orders and finishing other work -- were similar to the Mohammadpur area, as were the exaggerated effects of continuous hartals -- defaulting on loan payments or workers' salaries, crises in working capital, and capital loss.

In New Market, Stadium, and Farmgate, shops were generally closed during hartals. Farmgate remains closed because it is a busy commercial area which faces greater risks of damage from hartal enforcers. New Market and Stadium are government owned markets, kept shut by the decision of market committees. Shops in these areas

not only face drastic reductions in sales, but are unable to recoup most of their losses.

Impact of Hartals on the Private and Public Sector: A Comparison

Another intention of this chapter was to clarify the differing impacts of hartals on the public and private sectors. The author conducted interviews with a variety of individuals working in three public sector companies and two private textile mills, including production managers, quality control officers, trade unionists and workers, see [Appendix 8](#). The findings from these interviews are highlighted in [Box 4.6](#).

Impact of Hartals on the Rural Economy

To understand the differences in the impact of hartals on urban and rural areas, additional fieldwork was undertaken in a rural community. The purpose was to interview a cross-section of people from different occupations such as farmers, fishermen, local traders and transport workers. The area chosen was Shibaloy thana in Manikganj district. A Participatory Rural Appraisal (PRA) exercise and several focus group discussions were conducted (see [Appendix 9](#)).

The most important finding from this exercise was the differentiated impact of hartals on rich and poor farmers and fishermen (see [Boxes 4.7 and 4.8](#)). Wealthy farmers are less affected since they can postpone the harvesting of crops or catch of fish for a day or two, as they are not dependent on daily sales for their livelihood. The shops in the local 'haats' and bazaars however remained open during hartals, even though sales were depressed. There were no picketing by activists of the political parties.

Continuous hartals though, are disruptive to rich and poor farmers alike. However the poorer section of the rural community has to resort to borrowing to sustain their livelihoods and disruptions such as hartals can lead to greater indebtedness.

Other problems mentioned by the interviewees were disruptions related to health crises, as patients --

Box 4.6: Comparing impact on the Public and Private Sectors

- > Production losses from public sector industries were generally lower than private sector losses, especially in the last few years. These industries were mostly kept open, because they had better security measures and, in many cases, provided housing for workers and officers on the factory premises. As a result, production losses were in the range of 10 to 15%, mainly due to worker absenteeism and disruptions in the power supply. Factory closures of a few days were more common during prolonged hartals, such as those held to prompt the end of the Ershad regime.
- > Sales in public sector industries were affected by hartals, because show rooms were closed and buyers could not come to the factory premises. As a result, inventories piled up and there were storage problems.
- > Both public and private sector industries complained of delays in repairs when machines broke down, and problems with supplies of raw materials and electricity. Private sector stakeholders also mentioned disruptions caused by the inability to conduct banking transactions.
- > Workers in both sectors mentioned income losses and having to pay higher prices for transport and essential commodities. Workers in the public sector who normally resided elsewhere mentioned the added expense of staying on the factory premises during prolonged hartals.
- > Various strategies to recoup production and sales losses due to hartals were mentioned, especially in the public sector, in order to meet production and sales targets. These included voluntary services, working overtime without pay, and working during holidays.
- > Officials and workers in both public and private industries were against hartals, especially those called to promote the interests of a particular individual or party rather than in the national interest. They suggested that political parties cooperate to find alternatives to hartals.

particularly serious patients -- had to be taken to Manikganj town or Dhaka for treatment.

The findings thus suggest that rural communities are not insulated from the economic impact of hartals. This is particularly so, as rural areas become increasingly commercialized and integrated and are dependent on supply of inputs and other commodities from other parts of the country. There are also similarities in terms of the impact and coping strategies used between rural and urban areas.

Box 4.7: Impact on Farmers

- > Farmers harvest their crops daily and take them to the local markets, especially bigger ones such as Rupsha bazaar, or the ones in Jitka and Ghor, to sell to middlemen traders who transport them to the big kitchen markets in Dhaka, Tangail, and other parts of the country.
- > During hartals, the middlemen traders are unable to transport their goods to different parts and other traders are unable to come to buy at the local markets. As a result, farmers cannot sell their crops, or are forced to sell them at a discounted price. The sale of other necessities and a variety of goods also fall, because of the reduced earnings of farmers.
- > The productivity of the vegetable crops are however affected if they are not harvested daily, as it prevents further flowering. Other difficulties arise if the stock of diesel at the local depots is not sufficient, as farmers cannot irrigate their crops.

Box 4.8: Impact on Fishermen

- > Fish is a highly perishable commodity. Again, poorer fishermen are affected to a much greater extent since their livelihood depends on daily sales of the catch.
- > During hartals, they are forced to sell only to local consumers, at much reduced prices.
- > Wealthier fishermen are able to postpone the catch.

An important difference between rural and urban areas, however, was in terms of the role of information in helping to cope with hartals. People generally get information on hartals through radio, sometimes TV, or by word of mouth. Information on the other hand travels slowly in rural areas. People who get prior information on hartals are better able to cope through postponing harvesting or catching fish.

KEY FINDINGS

The findings of this chapter suggest that hartals impose considerable costs to the economy of Bangladesh, especially during periods of prolonged hartals associated with regime changes. The average cost of hartals to the economy during the period 1990-2000 was estimated at between 3 to 4% of GDP. These costs include foregone earnings and lost employment and output, as well as long-term impacts due to reduced savings, indebtedness, capital losses and reduced profitability for businesses. Hartals also impose non-economic costs on people, including considerable psychological stress and personal insecurity.

A focus-group discussion with members of the business community in October 2003⁴ stressed that the negative 'image' costs of hartals in deterring foreign investors is perhaps one of the most serious costs, making Bangladesh less and less able to compete with regional competitors. The impending end of the Multi-Fibre Trade Agreement in 2004 is likely to harm the export market further. As one businessman commented "Hartals are a luxury we can no longer afford".

⁴ This focus-group discussion gathered representatives from BGMEA, DCCI, FBCCI, BEI, and Apex Tannery Group, as well as representatives from the media.

তারিখ	বার	বিষয়
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The photo shows an examination schedule for a Class-XI in Dhaka: The planned exams in Drawing and Social Science have been cancelled because of hartals.

২০/০৮	সন্ধ্যা	ই.লিঙ্গ ১ম পত্র
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২২/০৮	সূর্য:	ই.লিঙ্গ ২য় পত্র
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২৪/০৮	কালি	গণিত
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২৫/০৮	রবি	কৃষিক্ষেত্র
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২৬/০৮	সোম	ব্য.লা ১ম পত্র
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২৭/০৮	মঙ্গল	ব্য.লা ২য় পত্র
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২৮/০৮	বুধ	কৃত্রিম বৃত্ত
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২৯/০৮	বৃহ:	সামাজিক বিজ্ঞান বৃত্ত
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CHAPTER 5

The Education Deficit: *Struggling to Keep Up*



INTRODUCTION

This chapter assesses the impact of hartals on education. It focuses on their cost in terms of classes missed and examinations postponed, their effect on examination results and the psychological impact, and their impact on the future prospects of young people. The chapter also looks at coping strategies used by students, teachers, and institutions to counteract the negative effects of the disruption to academic life caused by hartals, and provides concrete recommendations for policy changes to minimize that disruption.

A range of education institutions were identified and focus group discussions as well as personal interviews with students and teachers were held (see Box 5.1 and Appendix 10).

Box 5.1: Education institutions consulted

- > Sunbeams School
- > Azimpur Girls School and College
- > Scholastica
- > Siddiqui's International
- > Dhanmandi Tutorial
- > Khilgaon Government School
- > Central Government School
- > Shaptarshi Coaching Centre
- > Dhaka College
- > Notre Dame College
- > Dhaka University
- > North South University

THE EFFECTS OF HARTALS

School Level

Two institutions were selected to gauge the adverse impact of hartals on schools; the Bengali medium **Azimpur Girls School**, and the English medium **Sunbeams School**. In general, pupils in these schools are too young to be actively engaged in political activities. At Azimpur, for example, political activities on the institution premises are even prohibited for college level students.

Hartals affect regular curricular activities at both these institutions. Because of the constant risk of violence, neither school expects pupils to attend on hartal days. Teachers at Azimpur School, however,

must attend and sign the attendance register and hold classes for any students who may be present. Whenever a hartal is declared, Azimpur School notifies its students that scheduled examinations will not be held “*for unavoidable reasons.*”

At a discussion among students of Khilgaon Government and Central Government schools participants unanimously agreed that hartals are harmful for education: classes are disrupted, the regular rhythm of studies is disturbed, examinations are postponed, freedom of movement is curtailed, and holiday plans are disrupted. In addition, major breaks in courses of study and academic life severely affect possible future academic studies and professional careers.

According to these students, classes lost due to hartals are never made up. Sometimes, they said, the syllabus is completed, but only by rushing through a chapter or lesson that would normally require multiple classes.

In another discussion, eight to twelve-year-old students from different schools stated that they did not like hartals because they have to spend all day inside their houses. Their parents do not allow them to go out because of fear of violence. Sometimes, they spend their time reading books, doing homework, and chatting with neighbors who come to visit, but they cannot enjoy a hartal day like a holiday because they cannot go out to visit friends and relatives.

“Teaching at lower levels is very demanding, and we also have to attend to family matters on weekends. In that respect, hartals are a very disruptive influence on our personal lives”

Female Teacher

Some students also said that politics is creeping into schools as well. To a great extent, this depends on the location of a school. Sometimes, political party activists in the area try to influence students. At other times student representatives of different political organizations enter the school premises, talk to the students and give them membership forms.

School authorities do not endorse these activities but appear to be helpless, because locally influential politicians exert pressure on them. One student claimed that political elements distribute money in order to increase student membership. He further asserted in his school there were only three or four politically active students a year ago, but estimated that the number had risen to 30 or 40.

Colleges

Unlike other colleges in Bangladesh, where occasional strikes are called by students, **Dhaka College** has not experienced an institution specific strike in the last ten years. However, the college has been adversely affected by national hartals -- classes and examinations are disrupted and, because the college remains closed, neither teachers nor students attend on hartal days.

Students expressed the view that hartals are very upsetting, especially those that are called on very short notice. They thought hartals were an impediment to finishing examinations and planning family vacations. Hartals upset the

“As a result we do not get a proper grasp of the lessons and the quality of our education suffers”

Student

Box 5.2: Dhaka College

There are around 15,000 students and 137 serving faculty members.

Dhaka College offers:

- > Higher Secondary School Certificate
- > Bachelor's pass course
- > Bachelor's Honours
- > Preliminary Masters
- > Final Masters degrees

seniors' plans to sit for Bangladesh Civil Service (BCS) examinations; students in lower classes also suffer because their regular classes are disrupted. The students described some teachers as being very conscientious in trying to finish the syllabus by adding extra classes; but other instructors were apathetic. They all felt that authorities at the college should have contingency plans when hartals disrupt the regular curriculum.

Political activities are not allowed at **Notre Dame College**. The principal explained that the college tries to instill a "family spirit" among its students and teachers. He noted that the absence of political activity among the teachers has helped keep it at bay among the students as well, as does the absence of residential facilities at the school. Usually, the college does not face any political pressure during hartals, despite the fact that the college is not closed during hartals. In the past decade there have been one or two phone threats and the fear of violence often makes parents insecure about sending their children to school.

Although Notre Dame College copes effectively with missed classes and keeps up with the syllabus,

Box 5.3: Notre Dame College

The college was established in 1949 and is a private college with 4,500 students and 65 teachers.

Notre Dame College offers:

- > A Bachelor of Arts
- > Bachelor of Social Sciences degree programmes
- > Intermediate level Science, Art or Commerce

“Parents of female students may also have an additional worry--that uncertainty about their daughters' college studies and future careers could upset any marriage plans they may have for them”

Female student

bus, the Principal noted that hartals carry a psychological cost as well especially when prolonged. Once there has been a break in their studies, it is very difficult for students to get back to work.

Universities

Dhaka University and **North South University** were selected to assess the impact of hartals on tertiary institutions. However a caveat is called for when discussing hartals on Dhaka University as in addition to the hartals students on occasion impose their own strikes on issues that are University specific. As for the hartals, student strikes usually last half a day or one day, but in some cases continue for weeks or months. Sometimes, in order to offset student protests, the administration closes the University *sine die*. A recent strike imposed by a section of general students and opposition political groups following a police raid in one of the women's dormitories is a case in point. During our meetings and discussions with faculty members, administrators, and students at Dhaka University it was not possible to distinguish between national hartals, student strikes and closures imposed by University authorities. All of them disrupt normal academic activities of the University and result in missed classes and postponed exams.

In many instances students are induced or coerced to participate in demonstrations, rallies, picketing and agitation, making them vulnerable to violence and arrest by the authorities. Pro-ruling party student groups put pressure on their fellow students to resist hartals, while their opponents pressure

Box 5.4: Students' Opinions on Hartals, Dhaka University

Students indicated that hartals take a disproportionate toll on students from economically disadvantaged families, who have to cope with additional expenses caused by prolonged academic sessions. The students face family pressures to get out on the job market and begin to earn an income. This causes great psychological distress as they feel they cannot meet either their own expectations or those of their families.

They also felt that not enough effort is made to make up for missed classes. Although usually sessions are extended, important topics are covered hurriedly or sometimes left out entirely.

them to join their efforts in imposing them. First year students are more prone to these pressures as they need a space in the dormitories, which expressing loyalty to student parties helps them secure.

Students who are active during hartals score political points and gain rewards from political leadership. Street activism thus becomes an easy route to positions of authority in the organizational hierarchy. This is important to those who want quick recognition and some do not even mind being arrested, thinking of it as an investment in their "political careers." Posters, slogans and graffiti demanding their release make them known and popular.

Periodic and prolonged hartals, forced closures and closures by administrative order have a major impact on the academic life of Dhaka University. Classes are disrupted, courses suffer, academic sessions are prolonged, and examinations are delayed. Students fortunate enough to finish their examinations wait for their new courses as teachers struggle to complete courses with preceding students and classrooms remain engaged. Just when measures to clear the backlog begin to yield results (i.e. curtailing vacations, shortening the time students have to work on papers, building new examination halls, or holding classes and exams on holidays), a new round of hartals and closures prolongs the problem.

“Some families feel they should have sent their children to study in India, where they could complete their courses safely and on time, without the disruption of hartals or other political agitation”

Student

Disruptions in academic sessions lead to the postponement of examinations. The masters examinations scheduled for April-May 2002 were deferred to February-March 2003. Exams for 2nd year (2001) and 4th year (2000) Science Faculty students scheduled for September 2002 were rescheduled for February 2003. Another adverse impact of hartals is that students who are not able to complete their degrees on time are disqualified from entering the BCS exam and other public examinations. In 2002, graduating bachelor degree students missed their opportunity to sit for the BCS examinations held in November by a few weeks. They had to wait a whole year for the next round of examinations.

Any examination canceled because of a one-day hartal is held after all other scheduled examinations are completed which usually means a delay of 7 to 10 days. If two examinations are affected, an additional 7 to 10 days are added to the delay. The situation becomes even less manageable when a prolonged strike affects examinations scheduled by many different departments. When the university opens, it usually takes a month from the date of opening to hold the disrupted examinations.

Final examinations are normally held within four weeks of completion of a course. Students are notified about the exam dates three to four months in advance. The dates are also given in the University's annual academic calendar. When the date

approaches, however, some departments ask for a delay on the grounds that courses are yet to be finished, often citing hartals as the reason. Often the whole faculty has had to wait for a few defaulting departments. On the other hand, to make up for time lost to hartals, some examinations are held very soon after courses are finished, diminishing the time students have to prepare.

North South University has been able to cope with hartals without any major problems. To ensure the safety of students and staff, classes are not held on hartal days. The authorities indicated that they are also conscious of the fact that if classes were held on hartal days the University could be seen as opposing the programme of the party that has called hartal, which could result in other problems.

Box 5.5 North South University

North South University, established in 1991, was the first private university in the country.

At present it has approximately 3,500 students, including some 400 part-time students. There are 70 full-time faculty teaching three or four courses each and 72 part-time teachers who teach only one course each.

Courses are offered in Computing Studies, Business, Environmental Studies, English, and Economics.

When students are forced to leave dormitories during hartals they are deprived of library facilities as well. This poses a particular difficulty for honors students, because their university education is totally lecture-based and a significant amount of library work is required. Lack of access to the library during hartals affects the quality of their assignments and hampers their studies very much.

COPING MECHANISMS

Schools

Azimpur School reported that they had no provisions to provide make-up classes on holidays. As the school expects teachers to be present on

hartal days, they cannot ask them to take make up classes on holidays as well. Pupils are given the course syllabus at the beginning of each academic year, and are expected to finish the syllabus regardless of how many classes are missed. In effect, this means that in order to finish the syllabus class sessions become longer than originally scheduled. Azimpur School does, however, reschedule examinations on holidays. Of course, in the case of SSC and HSC exams, the make-up dates are set by the Secondary School Text Book Board authorities.

The **Sunbeams School** does not like to use the word 'make-up,' nor do they want students to view hartals as holidays. Students and teachers at Sunbeams are aware that if a hartal is declared, they must complete all the work that was to have been completed on the day of hartal or the day before. Extra work is assigned for students to do at home, particularly during prolonged hartals. Even kindergarten students are given extra work. If necessary, additional classes are held on Saturdays, but the authorities ensure that other holidays are never curtailed to make up classes lost to hartals.

At a focus group discussion reflecting the impact on education due to hartals, teachers from other English medium schools stated that most of their schools make conscious efforts to minimize the adverse effects of hartals. In addition, fierce competition among the schools encourages them to devise new methods to offset the adverse affects of hartals.

Colleges

At **Dhaka College**, if the syllabus is not completed by the end of the year due to hartals, teachers arrange make up classes on their own initiative. The College itself has no formal mechanism to make up lost classes. Teachers informed the study team that some students also go to coaching centers and private tutors, where they are given examination-oriented lessons, causing an additional economic burden to these students.

Box 5.6: Higher Secondary Certificate

College authorities do not control the timing of examinations. The HSC exams are scheduled by the Higher Secondary Education Board; all other examinations are set by the National University. When there are hartals, these authorities reschedule the concerned examinations, citing "unavoidable reasons." College examination committees must then reassign invigilation duties and make sure that rooms are available on the new dates.

By starting their classes well ahead of other colleges, **Notre Dame College** gives its students an advantage, which is further augmented by remedial classes offered to students who are weak in important subjects (English, higher mathematics, accounting, business studies, etc.).

Universities

Through a variety of innovative efforts, **Dhaka University** has to a certain extent been able to offset the disruptions to classes and examinations caused by hartals by shortening summer and winter vacations, reducing the gap between two examinations, imposing penalties on teachers for any delay in marking papers, and increasing the capacity to accommodate larger numbers of students at examinations. All these have contributed to reducing the session backlog. However, as explained earlier, the calling of new hartals or university strikes offsets gains.

The **Institute of Business Administration (IBA)** has been able to avoid the problems posed by hartals entirely and does not have any backlog. The IBA, being an institute, enjoys certain privileges within the University structure. It is empowered to develop its own work schedules and programmes, and it operates on a system altogether different from the rest of the University. There are two semesters in a year, with a three-week semester break. IBA conducts its own admissions and, because it does not have a waiting list, it can begin classes as soon as students are admitted, which

“Over the years, as the prime business school of the country, the Institute has developed its own work culture, which is distinct from the rest of the University. It is possible to cope with even long closures of 88 days at a stretch”

Director, IBA

significantly improves its chances to complete the semesters on time.

The Institute has developed other mechanisms that help offset the negative impacts of hartals. Two days a week are set aside for make-up classes, and, on hartal days, day students attend classes in evenings and evening students attend classes on Fridays. When the University is closed and access to the IBA premises is not possible, classes are held in residence halls located outside the campus.

If, after all these efforts, it is still not possible to make up for the losses, the IBA cancels the semester break. In this case, examinations would usually be held on the day scheduled after hartal hours. If this is not possible, the concerned teacher decides when to reschedule the examination.

This Faculty has followed the IBA example and adopted the semester system. In order to cope with the effects of one-day hartals, the Faculty remains open on the following Friday. Most disrupted examinations are also held on Fridays.

During a recent prolonged closure, teachers held classes on the Faculty's premises, otherwise the semester -- for a number of classes -- would have been delayed by at least three months. Most of the students cooperated and attended the classes. When the University reopened, the Faculty set up a “crash programme,” taking extra class loads in order to finish the semester as soon as possible.

In this Faculty, the departments are free to hold their own examinations. As a result, departments that have completed their courses hold their examinations early. When a particular department lags behind, a faculty committee discusses the issue and makes suggestions to remedy the situation.

North South University

This University also has built-in coping mechanisms. Classes are held on four days, and Thursdays are used for any required make up classes. If two weekdays are lost due to hartals, classes are also held on Saturdays and, if necessary, on Fridays as well. As teachers' remuneration is based on the number of classes taken, they are always willing to take make-up classes. Only once in its ten-year history was a semester at NSU delayed for a week due to prolonged hartals, according to Prof. Hafiz G.A. Siddiqui, Vice Chancellor.

If a hartal is called on an examination day, the exam is automatically moved to Thursday, and if for any reason it is not possible to take the examination on that day it will be held on the following Saturday. If the hartal is canceled the evening before, the examination is held on schedule.

STAKEHOLDERS VIEWS ON HARTALS

Almost everyone who was interviewed or participated in a group discussion expressed displeasure about hartals. The Principal of Azimpur School noted that hartals have a bad impact on every sector. The Principal of Sunbeams School encouraged political parties to pay heed to public demand.

The General Secretary of Dhaka University Teachers' Association (DUTA) drew a distinction between the hartals of the 1960s and those of the present day. He said that in the 1960s student activists tried to solicit the support of general students by explaining the causes for their agitation: "nowadays there is hardly any effort to win support for one's cause, the emphasis is on brute force".

“ We even curtailed the last summer vacation, students had to attend classes for 15 days and they all did so quite willingly ”

Dean, Faculty of Business

“ The students want to finish their courses as soon as possible because they have to pay a lot for their education. They are ready to abide by the decision of the authorities regarding make-up classes. Such cooperation helps NSU overcome the negative impact of hartals ”

Vice Chancellor of NSU

“ Political parties should find other methods of protest. During hartal days most people stay home and pass their time in leisure. So, their absence from work should not be construed an endorsement of hartals ”

Principal of Azimpur School

“ Educational institutions should be kept outside the purview of hartals ”

Principal of Sunbeam School

“ Hartals had a glorious tradition in our political culture but with the passage of time they have lost their appeal ”

Principal of Dhaka College

“ From our social science book we learned that during the British period such agitation was launched for the greater cause of the country, but hartals that are imposed now do not serve any good of the people, they only serve the narrow causes of a party ”

Principal of Azimpur School

In many instances general students do not even know why a hartal has been called” he said. He further noted that in the pre-liberation days leftist parties had a major presence in student politics, and they brought some degree of idealism and autonomy to student organizations. With the decline of the left, the idealism and autonomy of the student movement have been replaced by opportunism, violence, and dependence.

At a group discussion of Bengali medium school students, participants said that they had no idea how political parties justify calling hartals, let alone actions that lead to violence.

KEY FINDINGS

This chapter has exposed hartals’ considerable impact on all levels of education in Bangladesh. Hartals adversely affect students, teachers, and parents as well as the institutions and their authorities. They result in missed classes and disrupted examinations. All this contributes to the prolongation of academic sessions, particularly in those institutions that have large and varied groups of students.

Hartals not only increase individual families economic burden of investing in education by postponing graduation dates and thereby entry into the job market, but at the same time hartals cause a considerable level of stress over security concerns, career prospects and financial situation. The fact that some students pay for private tuition to make up the syllabus causes further economic hardship on students and their parents.

Pursuing alternative ways of channeling political protest in Bangladesh other than hartals could allow the delayed generation to catch up.

Box 5.7: Some suggestions from Stakeholders

- > Civil society, student groups, parents, and teachers should lobby politicians to keep educational institutions out of the reach of hartals. If the business community is able to influence parties to minimize the impact on different sectors, there is no reason why the combined efforts of teachers, students and parents cannot convince the political leadership of the similar needs of the education sector.
- > Public institutions should develop contingency plans to ensure classes and examinations are held during the scheduled time, instead of extending sessions.
- > Institutions that do not have pre-set arrangements for holding examinations disrupted by hartals should consider holding major examinations during holidays.
- > In order not to disrupt classes for other batches of students in government schools and colleges, all examinations should be held either on holidays or in the evenings. Necessary security and lighting arrangements should be made.



CHAPTER 6

Hartals and the Law



INTRODUCTION

This chapter examines the legal dimensions of hartals. The first part of the chapter is dedicated to examining the international and national legal frameworks within which hartals are situated. Specifically, it provides an analysis of the rights to freedom of speech and assembly as guaranteed under international conventions -- the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) -- and the fundamental rights guaranteed by the Constitution of Bangladesh. It then goes on to explain the ‘reasonable restrictions’ on these rights, and national laws that restrict such rights.

The second part of the chapter looks at some important legal proceedings undertaken to challenge the legality of hartals in India and Bangladesh. The famous High Court case of Khondaker Modarresh Alahi vs. the Government of Bangladesh of 1999 is described and the Kerala High Court case in India of 1997 (see [Appendices 11 to 13](#) of this report).

Our analysis of the legal aspects of hartals relies on secondary sources, namely, the international human rights treaties, the constitutions of the People’s Republic of Bangladesh and the Republic of India, relevant statutes and reported cases from selected common law jurisdictions, newspaper articles and journals.

A. International & National Laws Relating to the Freedom of Expression and Assembly

International legal framework

The Universal Declaration of Human Rights (UDHR), signed in 1948 by 48 countries without dissent is one of the most significant instruments in the field of human rights intended to provide a “common standard of achievement for all peoples and all nations”. The International Covenant on Civil and Political Rights (ICCPR) 1966, which entered into force in 1976, provides for the right of freedom of expression

and peaceful demonstrations. However, the ICCPR does qualify that certain restrictions may apply to these rights in order to respect the rights of others, and in the name of public safety, law and order, public health and morality. Bangladesh is a signatory to both these international treaties. **Table 6.1** outlines the relevant articles of these international treaties and the restrictions applied to them.

National laws

Part III of the Constitution of Bangladesh, framed in 1972, enumerates certain ‘fundamental rights’ of citizens (see **Box 6.1**). The Constitution states that all existing laws that are inconsistent with fundamental rights shall be declared void, and that the state is forbidden to make any law inconsistent with fundamental rights. However, the fundamental rights are subject to “reasonable

Box 6.1: Part-III of the Constitution of Bangladesh - the “Fundamental Rights”

- > The right to equality before the law
- > The right to non-discrimination on grounds of religion, sex, race, caste or place of birth
- > Equality of opportunity in public employment
- > The right to protection of law
- > The right to protection of life and personal liberty
- > Safeguards against illegal arrest and detention
- > Prohibition of forced labour
- > Protection with respect to trial and punishment
- > **Freedom of movement, association, thought, conscience and speech**
- > Freedom of profession
- > Freedom of religion
- > The right to property
- > The protection of private correspondence

restrictions” in the interest of state security, public order, public health, morality or decency (see **Table 6.1**).

Table 6.1: International and National Laws Guaranteeing Freedom of Expression and Assembly and Restrictions

International Laws	Provision/Article	Restrictions
UDHR (1948)	<p>Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.</p> <p>Article 20(1): Everyone has the right to freedom of peaceful assembly and association.</p>	
ICCPR (1966)	<p>Article 19: 1) Everyone shall have the right to hold opinions without interference. 2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.</p> <p>Article 21: The right of peaceful assembly shall be recognised.</p>	<p>Certain restrictions apply which are provided by law and are necessary: a) for respect of the rights or reputations of others; b) for the protection of national security or of public order, or of public health and morals.</p> <p>Restrictions may be imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.</p>
National Laws	Provision/Article	Restrictions
Constitution of Bangladesh (1972)	<p>Part III: Fundamental Rights:</p> <p>Article 37: Freedom of assembly -- Every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms.....</p> <p>Article 39: 1) Freedom of thought and conscience is guaranteed.....</p>	<p>.....subject to any reasonable restrictions imposed by law in the interests of public order or public health.</p> <p>2) Subject to reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.</p>

Article 37 of the Constitution provides for every citizen's right to assemble and participate in public events. However, this right is subject to two limitations: the assembly must be peaceful, and the members of the assembly must not bear arms. The right to peaceful assembly also involves the right to security against assaults when exercising the right. However, a law may impose restrictions on the exercise of this right in the interest of public order or public health, as mentioned above. 'Public order' is considered to be the absence of all acts that are a danger to the security of the State and absence of insurrection, riots, turbulence or crimes of violence. Acts that merely disturb the serenity of others are not covered here.

Article 39(2) of the Constitution guarantees freedom of expression. This particular freedom consists of the right to express freely one's convictions and opinions on any matter, orally or

by writing, printing, or any other mode addressed to the eyes and ears of other persons. It includes the right to use different media. Furthermore, freedom of expression is not limited to mere words. It extends to the display of symbols of opposition to organized government, or in protest against governmental action including the right to hold peaceful demonstrations. However, this right cannot be exercised on private property, but only in "public properties that are regarded as public fora," such as streets and parks. At the same time, a balance must be struck between this freedom and government's legitimate interest in the preservation of such property.

The 'reasonable restrictions' to these rights are elaborated in national laws including the Penal Code, the Special Powers Act (1974), and laws to deal with terrorism (see Table 6.2).

Table 6.2: National Laws Restricting the Right to Freedom of Expression and Assembly

Law/Statute	Sections/Articles	Status
Bangladesh Penal Code	<p>Section 124A: Sedition Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law, shall be punished.</p> <p>Section 141: Unlawful assembly An assembly of five or more persons is designated an "unlawful assembly" if the common object of the persons composing that assembly is – i) To overawe by criminal force, or show of force, the Government or any public servant in the exercise of the lawful power of such public servant; or ii) To resist the execution of any law, or any legal process; or iii) To commit any mischief or criminal trespass, or other offence; or iv) By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or v) By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.</p>	In force
Special Powers Act	<p>Section 2(f) Prejudicial Acts i) prejudicial to the sovereignty or Defence; ii) prejudicial to the maintenance of friendly relations with foreign powers; iii) that prejudices the security of Bangladesh, endangers public safety or maintenance of public order; iv) creates or incites hatred, feelings of enmity between communities, classes or sections of people; v) incites or interferes with the administration and maintenance of law and order; vi) prejudices maintenance of supplies and services essential to the community; vii) causes fear of alarm in public; viii) prejudices economic or financial interests of the State.</p>	In force
Anti-Terrorism Act, 1992; Public Safety Act, 2000	<p>Terrorist actions: The use of coercion or use of force to obstruct or deviate the right of any vessel over land, air and water; or to intentionally cause damage to vehicles and the creation of fear in household and shops and markets or in vehicles in a planned or sudden way (unofficial translation).</p>	Repealed

Section 124 of the Penal Code on ‘Sedition’ thus includes provisions that restrict expression of views that ‘attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government’. The Penal Code also includes provisions against ‘unlawful assembly’. The **Special Powers Act (1974)** also limits freedom of assembly and expression by allowing preventive detention for certain acts may be ‘prejudicial’, for which a person can be detained for periods of thirty days or more.

In addition, during their years in power in the 1990s, both the BNP and the AL enacted laws to deal with terrorism that include provisions that restrict freedom of expression and assembly in the name of ‘public order’. These include the **Anti-terrorism Act (1992)** and the **Public Safety Act (2000)** respectively. It is quite interesting to note that both have similar provisions that include actions against ‘public order’ and both define ‘terrorist actions’ in a very similar way. Both of these statutes provided for severe punishment, including the death sentence and rigorous imprisonment, and for the creation of special tribunals to prosecute persons accused under laws. Both the Anti-Terrorism Act and the Public Safety Act have been repealed.

B. Court Decisions Regarding Hartals

The second part of this chapter examines legal decisions relating to the freedom of assembly and expression. As documented in preceding and subsequent chapters, the incidence of hartals has steadily increased since Bangladesh became independent in 1971. The frequent calling of hartals by political parties has created a feeling of helplessness and deep frustration among the general public, as expressed in the print media. It is in this context that some individual citizens have taken legal action against the State, to challenge the legality of hartals and their legitimacy.

In Bangladesh, the hartal issue was taken to the courts in 1999 by way of a petition to the High

Court bench of the Supreme Court. The petition, commonly referred to as writ petition, was filed under Article 102 of the Constitution⁵. The background and facts of this case are outlined in **Box 6.2**. The Reader Section of this report provide additional extracts from the court rulings.

Box 6.2: Background and Facts of the Bangladesh High Court Case, 1999

Bangladesh suffered from a spate of hartals called by political parties of all persuasions over the decade of the 1990s. On 18 April 1999, the petitioner, a lawyer, was unable to get to work because of one of these hartals. This particular hartal was part of a series called by the BNP, the opposition party at the time. The hartal was called for 60 hours, from 9 to 11 February 1999, during which some violence took place, including the death of six people and the injury of a police constable by a bomb. Another 66 hour hartal was called from 23 to 25 February 1999, during which three more people were killed and another 250 injured. This was the grim setting for this particular public interest litigation.

In the case of *Khondaker Modarresh Elahi vs. The Government of the People’s Republic of Bangladesh*⁶ (see **Appendix 11**) the High Court Division of the Supreme Court of Bangladesh issued a *Rule Nisi*⁷ calling upon the Government of Bangladesh to give reasons as to why the calling of a hartal on 18 April 1999 or on any other day should not be declared to be in violation of the fundamental rights as embodied in the Constitution, and therefore illegal. While the *Rule Nisi* was pending, another hartal took place on 11 May 1999. The petitioner submitted additional supplementary affidavits giving further accounts of violent incidents.

The person bringing the action argued that hartal days are not peaceful in nature. On the contrary, it was put forward that hartals are illegal because

⁵ Article 102 of the Constitution: The High Court Division on the application of any person aggrieved, may give such directions or orders to any person or authority....as may be appropriate for the enforcement of any of the fundamental rights conferred by Part III of the Constitution.

⁶ *Khondaker Modarresh Elahi vs. The Government of the People’s Republic of Bangladesh* (WP No. 1216 of 1999).

⁷ Means ‘not final or absolute’ (Curzon, Macdonald & Evans, 1983).

citizens are physically restrained from attending their various daily activities, commercial life is paralyzed, workers are unable to report to their workplaces, and incidents of vandalism take place affecting both government and private property. The petitioner further argued that law enforcement agencies are not able to provide the level of protection necessary and, therefore, citizens are left with little choice but to remain indoors for their own safety.

The petitioner also contended that political parties can express their dissatisfaction with the government in ways other than calling hartals, including demonstrations and meetings. The petitioner argued that, in terms of contending rights, that the rights of citizens cannot be infringed upon by the exercise of the rights of political parties.

The petitioner referred to an Indian bandh (or 'bundh') case (*Bharat Kumar K Plichha and another vs. State of Kerala and others*⁸ (see Appendix 12)); where the Kerala High Court ruled that no political party or organization could attempt to paralyze industry or commerce in the entire nation or in any of its states. Thus, the calling and holding of bandhs was declared by the Indian court to be unconstitutional.

However, in the arguments before the High Court Division of the Supreme Court of Bangladesh, it was pointed out that the Kerala High Court had made an important distinction between a bandh and a strike. It had been declared by the Kerala court that bandh is a Hindi word meaning "closed" or "locked". In other words, when a bandh is called the organizers expect all activities to come to a standstill (see Box 6.3). The petitioner, in *Elahi* case, submitted that a hartal in Bangladesh is same as a bandh in India. The petitioner's main point rested on the premise that the definition of bandh put

Box 6.3: Kerala High Court Argument

"If the intention is to prevent the milk supply, prevent the distribution of newspapers, prevent people going to the hospitals for treatment, prevent people from travelling, and to generally prevent them from attending to their work either in service of the State or in their own interest, that obviously means that it amounts to a negation of the rights of the citizens to enjoy their natural rights, their fundamental freedoms and the exercise of their fundamental rights."

forward in *Kumar Case* has a striking resemblance with that of hartal in the context of Bangladesh. Therefore, the calling of hartals by political parties in Bangladesh should also be considered unlawful.

The court disagreed with the petitioner's argument, observing that it is not always the intention of the caller of a hartal to bring all activities to a standstill. If the calling of a hartal is confined to the idea of expressing solidarity with a particular cause without any express or implied threat or warning, then it cannot amount to interference with the basic rights of citizens as embodied in the Constitution. On the contrary, in such circumstances, the calling of a hartal would fall within the ambit of constitutional provisions guaranteeing the freedom of expression under Article 39(2). However, the court did point out that the legal expression of solidarity can become an illegal act if "*the call for a hartal becomes more than a call which by use of language of threat or show of force or warning of consequence for violating the call is expressed or implied which is likely to create fear and apprehension in the mind of ordinary citizen....*" Regarding such implied or expressed threat or warning of consequences, the court stated that, depending on the circumstances, it could be tantamount to intimidation (see Box 6.4). The Penal Code of Bangladesh (Section 503) would come into operation if the offence of intimidation is committed.

Although the Court confirmed that calling a hartal cannot be declared illegal as a hartal is a democratic right, it also stressed that hartals should be observed

⁸ *Bharat Kumar K Plichha and another vs. State of Kerala and others* – (1997) 2 KLT 287 (FB); (1997) 2 KLJ 1 (FB); AIR 1997 Ker 291 (FB) (decided on 28 July 1997).

Box 6.4: Ruling of the High Court of Bangladesh on the legality of hartals (25 October 1999)

The High Court Division of the Supreme Court of Bangladesh stated the following in its judgment:

16. "Therefore it is my view that call for a hartal per se is not illegal but where any call for a hartal is accompanied by threat it would amount to intimidation and the caller for a hartal or strike would be liable under the ordinary law of the land....The calling for a hartal not accompanied by threat would be only an expression guaranteed as a fundamental right under the Constitution. But any attempt to enforce it or ensure that a hartal is observed would make the call illegal and interfering with the individual right. It would depend on the circumstances" (Justice Mainur Reza Chowdhury, presently Chief Justice).

peacefully -- with no illegal activities or provocation on the side of those calling the hartal, or over-reaction and aggression by anti-hartal parties.

Analysis and implications

In the *Bharat* case the Kerala High Court held that a bandh was distinct from a hartal, and that a bandh had the effect of preventing citizens from exercising their fundamental rights. The decision also made it clear that no political party or organization could attempt to paralyze industry or commerce in an entire state or in the entire nation. The Court declared that calling and holding bandhs was unconstitutional. The Supreme Court of India upheld the High Court's decision.⁹

Despite the decision of the Kerala High Court and the subsequent decision of the Supreme Court, political parties in Kerala continued to call bandhs under the name and cover of hartals. The High Court in *Indian National Congress (I) vs. Institute of Social Welfare* held that the political parties had violated the constitutional provisions of guaranteed freedom to citizens. Consequently, the High Court issued a writ of mandamus¹⁰ to the Election

Commission of India to consider whether such political parties could be de-registered under Section 29A of the Representation of People Act 1951. However, the Supreme Court held that the Election Commission did not have any statutory power to de-register political parties except in cases of fraud, forgery, or amendment of the Association's Rules governing the political party.

Given the powerlessness of the Election Commission in India to de-register political parties, the question is 'what other sanctions could apply to ensure that parties act within the bounds of the law'? Some would argue that taking legal action is merely removing an important democratic instrument of parties. Similar arguments have been put forward regarding the decision of the High Court Division of the Supreme Court of Bangladesh.

The judgment in the *Elahi Case* draws a distinction between a hartal and a bandh, contending that a hartal is not as prohibitive as a bandh in restricting peoples' fundamental rights. Certainly the *Bharat Kumar* case took a very unequivocal stand on bandh, which was confirmed by the order of the Indian Supreme Court. However, the question of sanctions remains as mentioned above.

Regarding the *Elahi* case this author would contend that the court has skirted the real issue of compulsion in the calling and enforcement of hartals in Bangladesh. Secondly, the court has not explained the various qualifications that have been stated in the decision such as the issue of 'accompanied, express and implied threat or warning in relation to hartals'. The judgment failed to provide guidelines regarding such implied and express threats. Other points that require clarification are the definition of threats or warnings and what is meant by "language of threat or show of force or warning of consequence.... creating fear and apprehension in the minds of ordinary citizens....". Thus, on the face of it the *Elahi* judgment unfortunately leaves many questions unanswered. It would have been useful if the High

⁹ *Communist Party of India (M) vs. Bharat Kumar and others* (1998) 1 SCC 201 (See Appendix 13).

¹⁰ An aggrieved person makes an order or instruction (known as writ of Mandamus) directing a person performing functions in connection with the affairs of the Republic or of a local authority to refrain from doing that which he is not permitted by law to do or to do that which he is required by law to do.

Court could have taken this opportunity to delineate the parameters within which citizens could lawfully express views and assemble.

CONCLUSION

To conclude, a right can be described as a *claim* of an individual or group that has received wider *social recognition* and is *politically recognised* by the state. The right of assembly and right of expression are constitutionally recognised fundamental human rights. The state provides for their enforcement through the judicial process. However, these rights are not unqualified rights and are subject to certain restrictions that are necessary for the internal and external well being of the state. At the same time, the imposition of restrictions on these rights should also be subject to the law.

The fact that both main political parties practise extreme behaviour in both expressing the right to dissent (through hartals), and in clamping down excessively on demonstrators, impedes an effective functioning democracy in Bangladesh.

Given the current context of highly confrontational political dialogue, it is likely that it would be difficult and even undesirable for the courts of law to provide any definitive answer to these conflicts of rights. Such an expectation would unnecessarily undermine the integrity of the courts, because the issue of hartals is basically political in nature. In reality, irrespective of the courts' determination to find a way forward, it is the political parties that hold the key to the issue of hartals. Rather than attempting to solve the thorny issue through the courts, it would be far more effective to launch a series of consultations involving the various stakeholders of Bangladeshi society to reach a cross-party consensus on the rights of assembly and expression, and justifiable limitations on these rights.

The time has come to practice the essential characteristics of an effective democracy: tolerance

and moderation -- both in terms of calling hartals and in imposing restrictions on them. To this end, both the party in government and in opposition need to come together to develop a consensus on the degree of application of these rights and restrictions. The reasonable application of the rights, both within the context of the law and in the spirit of democracy, could usher a better future for Bangladesh.



CHAPTER 7

Breaking the Hartal Habit: *Making Democracy Work*



INTRODUCTION

As this report has documented, the use of hartals seems to have lost its appeal due to its 'over use' in Bangladesh since the advent of parliamentary democracy in 1991. This is evidenced by the fact that various segments of society -- in particular the business community and members of civil society -- are calling for the adoption of alternative means to register protest other than hartals. As the chapter on 'The Anatomy of Hartals' also notes, hartal organizers themselves recognize the need for a new approach as citizens often no longer sympathize with the reasons for calling the hartal and are more determined to pursue business as usual.

However, unfortunately those who call hartals still insist that they are compelled to opt for this recourse owing to the country's 'winner takes all' nature of politics, and the lack of effective alternative means of voicing opposition through Parliament and other channels. It is also clear that the attitude of successive governments towards those calling hartals has sometimes been heavy handed, with law enforcement agencies resorting to excessive force to control protests. Equally, protestors have also resorted to destructive activities such as damaging public and private property, leading to more repressive action. This 'catch 22' situation necessitates that both Government and opposition compromise to arrive at a shared consensus on the way forward in order to end the vicious spiral of hartals.

This new path could include more emphasis on the use of alternative peaceful means of protest in the short-term and efforts to strengthen the institutions of parliamentary democracy in the longer-term. It could also include the adoption of new 'rules of the game' to regulate hartals, so that their impacts are less harmful on society. As one journalist commented, "Let us use all our means to convince them (politicians) about the futility of the method and urge them to formulate a code of conduct defining norms of political behaviour in mobilizing protests and the space for the political opposition..." Kamal, The Daily Star, 1999. This paper suggests that a two-pronged strategy is needed -- implementing longer-term reforms to strengthen the institutions of democracy, whilst at the same opting for the use of more constructive alternative forms of social mobilization in the short term.

INSTITUTIONAL REFORMS TO STRENGTHEN DEMOCRATIC VOICE

This Chapter examines institutional changes necessary to improve the functioning of the democratic system in Bangladesh, so that citizens' and parties' views are represented effectively through Parliament and other democratic channels. **Chapter 8** lays out the short-term constructive alternatives.

1. *Modernizing the Constitution*

The Constitution, which came into effect on 16 December 1972, has been amended several times since then. Many of these amendments, however, were adopted more to satisfy narrow political objectives than for the welfare of the general public. A major exception is the Twelfth Amendment of 1991, which led to the restoration of the parliamentary system, which was passed by consensus. This section focuses on some possible constitutional amendments that would lead to greater opportunities for opposition to voice views and a more consensual democratic system. Reforms are suggested relating to the electoral system, the Election Commission, the tenure of Parliament as well as the system of Non-party Caretaker Government (NCG).

The Electoral System

Bangladesh has a plurality-majority electoral system. One of the main advantages of this system is that it tends to produce a strong majority and stability, with the ruling Government able to direct policy and steer through reforms to ensure good governance and the economic welfare of their people. However, experience shows that stable governments are not necessarily always responsive or inclusive governments. In fact, the 'winner takes all' tendency of politics in Bangladesh, with opposition playing a minimal role, has reduced the minority parties' stake in following the rules of the game. Rather, both the Government and the Opposition define politics in a mutually exclusive way, avoiding the consultation, negotiations and compromise needed to strengthen the democratic base of the country. It is not only small parties that

lack representation under this system. The plurality-majority system also means that parties that receive relatively large popular support, are under-represented in Parliament. So, for example, the Awami League, which polled 40.2% of the popular vote in the 2001 elections, secured only 20% of seats in parliament.

There is no single best alternative electoral system. However, two options can be identified: first, replacing the existing electoral system with proportional representation (PR), thereby ensuring that seats are allocated according to proportion of votes received; or second, requiring candidates to win an absolute majority of votes (more than half) instead of a simple majority (candidate with most votes win) to be elected.

Proportional representation (PR) -- allocating seats in proportion to votes -- has the potential to produce consensus politics and promote compromise. As parties depend on each other to form and maintain a government, greater inter-party co-operation and compromise are needed. The advantage of requiring an absolute majority for election is that it promotes greater candidate-constituency interaction and thereby accountability; candidates without strong local roots are unlikely to succeed in electoral politics under an absolute majority requirement.

Both options, however, also feature difficulties. For example, PR may allow smaller parties and independents to have greater influence, especially in forming and maintaining government, than their actual strength in terms of their share of the vote may warrant. Moreover, unless stable coalitions can be formed, governmental instability may be inevitable. The disadvantage of introducing absolute majority voting is that it would certainly require a second ballot system, as only a few candidates can expect to secure an absolute majority on the first ballot. This would be a more costly exercise than the existing system. However, despite these disadvantages, many would argue that the advantages of either PR or an absolute majority

system would outweigh any additional costs or difficulties if they lead to the evolution of a political culture of consultation in place of the existing political culture of confrontation.

⇒ *It is recommended that the present “first-past-the post” electoral system -- which reinforces the ‘winner takes all’ and confrontational behaviour of parties -- be reconsidered and alternative electoral systems that may lead to more consensual politics, such as proportional representation and absolute majority voting, be examined.*

The Election Commission

Traditionally, the Opposition has objected to the appointment of the Chief Election Commissioner (CEC) by the government on the grounds that partisan considerations determine the selection procedure. None of the CECs selected have been able to complete their five-year tenure; most had to resign because opposition parties were unwilling to contest elections under them. Thus, there is an urgent need to change the procedure for the selection of the CEC and other election commissioners to enable them to enjoy the confidence of both of the main parties.

⇒ *It is recommended that the existing practice of appointing the CEC and other election commissioners by the President on the recommendation of the Prime Minister be ended. Instead, responsibility for recommending candidates should be entrusted to a Constitutional Council to be composed of the Prime Minister (as head), the Chief Justice, the Speaker, and the Leader of the Opposition. The Council should be required to recommend candidates for appointment on the basis of consensus in so far as possible.*

Tenure of Government

The tenure of government in Bangladesh coincides with the tenure of the parliament, which at present is five years. The Constitution provides that the government remains in office as long as it enjoys the confidence of the parliament, but experience indicates that the opposition has difficulty accepting the leadership of its adversary for this length of time. It has, in fact, become a part of the opposition strategy to demand the resignation of the

government before its term expires. If parliament’s tenure was to be reduced to a shorter period, parties might behave more responsibly when they realize they will soon have another chance to ask the electorate to allow them to form a new government. In other words, the opportunity to renew the mandate sooner is expected to make the government more responsible and the opposition more tolerant.

⇒ *It is recommended that the tenure of parliament be reduced to four years or less.*

Non-Party Caretaker Government (NCG)

The system of NCG, first introduced in 1996, was expected to help stabilize party and parliamentary politics in Bangladesh. This unique constitutional innovation allows a non-elected Caretaker Government consisting of a Chief Adviser and Advisers appointed by the President as neutral persons to oversee the elections and 3-month period prior to election. However, recent experience contradicts this expectation of the NCG in reducing party confrontational relations as the two main parties praise the role of the NCG when they win an election, but advance serious allegations against it when they lose. The NCG can thus be considered a necessary but not sufficient condition to ensure free and fair elections in Bangladesh. No proposal is made here for any immediate change in the structure or composition of the NCG, as the allegations against it usually lack substantial proof. What is suggested here is that the NCG’s scope of operation be broadened to allow it to hold local council and parliamentary elections simultaneously. At present, these elections are held separately, the former under the ruling party government, and the latter under the NCG. Opposition parties generally do not readily accept the results of local elections or parliamentary by-elections held under ruling party governments, alleging that they are invariably rigged. These elections would be more credible if held under the NCG. Many western democracies hold national and local elections simultaneously; it saves both time and money. However, for this to happen in Bangladesh, certain

changes are necessary. The tenure of local councils would have to coincide with the tenure of parliament, and an early dissolution of the latter would require a similar dissolution of local elected councils.

➤ *It is recommended that the existing practice of holding parliamentary elections and local council elections separately be discontinued; instead, both would be held under the NCG. The tenure of the NCG would be extended from the existing 90 days to 120 days. The practice of holding by-elections for vacant seats would be discontinued; these should either be distributed among candidates polling the second highest number of votes in the election, or alternative measures should be devised through consensus among the main parties.*

2. Strengthening the Parliament

An important reason given by opposition parties for enforcing hartals is the refusal of the government to allow them to be heard in parliament. Both the BNP and the AL, when in opposition, alleged that they were not allowed sufficient time to speak in the House; thus they felt they had to take to the street. In fact, the existing *Rules of Procedure of Parliament* provide for government domination over parliament. Private members -- both opposition MPs and government backbenchers -- have little scope to raise and discuss issues they consider important. Mechanisms to guarantee an institutionalised role for the opposition in parliament and to make parliament an effective conflict resolution agency must be established. This will require major changes in the *Rules of Procedure* and their enforcement. In particular, rules relating to the organization, composition, and functions of committees, the transaction of legislative business, and the role of the Speaker require substantial reform to allow the opposition greater voice in parliament.

Below are some suggestions relating to reform of Parliament and the Rules of Procedure. Many of these are currently under consideration, having been proposed under the auspices of a UNDP project “Strengthening Parliamentary Democracy.”

A paper on ‘Rights and Status of the Opposition’ produced through this project, which provides suggestions for some reforms to Parliament that could strengthen the role of opposition, is included as [Appendix 14](#) of this report.

Broadening the Scope for Opposition

The opposition often alleges lack of opportunity to raise issues it considers important in Parliament. Under the existing procedures, the agenda for parliamentary sessions is decided by a Business Advisory Committee (BAC) headed by the Speaker and composed of members of the treasury and opposition benches. The BAC generally does not table issues raised by the opposition on the agenda. This naturally antagonizes the opposition.

Other ways to allow the opposition to be more proactive in parliament, without jeopardizing the basic principles of parliamentary democracy, must be devised. Parliaments in Britain and some Commonwealth countries have done this in two ways: by instituting ‘Opposition Days’, thereby allowing the opposition to decide the agenda for a certain number of days per session, and by introducing ‘unscheduled debates’ at the end of each sitting day. Both options are beneficial from several standpoints.

Opposition Days force the government to discuss and debate issues that the opposition considers important. Similarly, allowing all MPs (both opposition and government) the opportunity to raise issues during regular, unscheduled debates promotes their active involvement and provides additional opportunities to represent constituents’ interests.

➤ *It is recommended that the Rules be amended to allocate a certain number of ‘Opposition Days’ (ten is suggested). The Leader of the Opposition would be allowed to decide the agenda for eight of these opposition days, while the agenda for the other two days would be decided by the leader of the second largest party. It is further suggested that the provision for regular unscheduled debates, introduced and terminated in the seventh parliament, be re-*

introduced.

Ensuring Independence of the Speaker

The opposition traditionally alleges that the Speaker acts more as an agent of the ruling party than as the impartial guardian of the House. Nearly half of the walkouts staged by the opposition in both the fifth and seventh parliaments were to protest decisions of the Speaker(s) (Ahmed, 2002:192). Over the years successive Speakers have been forced to change their decisions, under pressure from the ruling party, in more than one instance. The Speaker suffers two main handicaps in running parliamentary affairs in an impartial manner: firstly the Speaker is elected by the party in power; and secondly he may be removed through impeachment requiring only a simple majority, making him beholden to the ruling party (The Daily Star, 1999b). In order to allow the Speaker more independence and neutrality changes in the *Rules* are necessary.

⇒ *It is recommended that the Speaker and Deputy Speaker be elected by a two-thirds majority of the total members, rather than by a simple majority, during the first sitting of a newly elected parliament. It is further recommended that no Speaker or Deputy Speaker be removed from his/her office unless at least two-thirds of the total number of members pass a resolution to this effect.*

Reforming Parliamentary Committees

Parliamentary committees enjoy important status and extensive powers in Bangladesh. They have the potential to scrutinize legislation and to make the government accountable. Yet experience shows that this potential often remains untapped, because the ruling and opposition parties fail to agree on the procedures and working rules of the committees. Traditionally, committee chairs have been held by ruling party lawmakers. Opposition MPs are rarely given such positions. The monopolization of parliamentary positions by the ruling party has the obvious disadvantage of reducing the opposition's stake in strengthening the parliamentary process. The process of nominating committee members also appears to be defective. Top party

leaders, including whips, enjoy widespread power in this respect. Although the *Rules* require that members be consulted before being nominated to a committee, the practice largely deviates from this ideal.

⇒ *It is recommended that the Rules be amended to require the setting up of committees in the first session of a new parliament and the distribution of members and chairs to different parties in proportion to their strength in the House. It is further suggested that the responsibility for choosing members and chairs of different committees be entrusted to a Selection Committee composed of experienced senior members of the treasury and opposition benches, rather than to whips or other party leaders. It is further recommended that the Rules be changed to require the mandatory referral of bills to committees after their introduction in the House.*

Relaxing Party Control of Parliament

The constitution provides heavy penalties for those who try to follow an independent line in the parliament. Free voting in the parliament is restricted. Specifically, Article 70 provides that a person elected as an MP shall vacate his/her seat if he/she resigns from or votes against the party to which he/she was elected. A member is also liable to lose the seat if she/he ignores directions of the party and abstains from voting. While some would argue that such restrictions are necessary to ensure stable governments (prevent MPs from 'floor-crossing' on issues), they reduce the scope for creative thinking and prevent MPs from taking a stand on issues of relevance to their constituents, thus reducing their representative role. Unless an attempt is made to balance the rights of individual MPs to express themselves freely with the legitimate need to maintain stability of government under risk from 'defections', the effectiveness of the parliament is likely to remain limited.

⇒ *It is recommended that a committee composed of members belonging to all parliamentary parties be set up to examine Article 70, and to suggest ways to grant more freedom to MPs without risking instability in government.*

3. Making Government More Transparent and Accountable

An accountable government is often seen as the *sine qua non* of a responsible opposition. Experience indicates that the opposition often resorts to street demonstrations in reaction to irresponsible behaviour on the part of the government. Alternative ways must be found to ensure government responsibility and transparency so that opposition cannot cite the “irresponsible behaviour of the government” as a pretext to justify hartals. Before the last elections, both main political parties pledged that they would adopt measures to make the government more accountable and transparent, including separation of the judiciary and the executive, appointing an Ombudsman, granting autonomy to the electronic media, setting up a human rights commission, and establishing an independent anti-corruption commission. These measures - which could provide a deterrent to the present personalized approach to the exercise of power, and ensure more transparent and accountable governance - have yet to be implemented.

➤ *It is recommended that the government be required to appoint the needed watchdog agencies mentioned above (Ombudsman, human rights commission and anti-corruption commission) within a specified time frame. It is also recommended that the responsibility for appointing the heads of these agencies be entrusted to the proposed Constitutional Council to ensure that partisan considerations do not dominate the selection process or the subsequent work of the agencies. The agencies should be required to report to the parliament at least once a year.*

4. Reforming the Party System

The core of responsible government is a responsible party system. To consolidate the nascent democratic system in Bangladesh, it is imperative that parties behave responsibly. The following section will explore different ways of reforming the party system to make it more accountable by focusing on democratization of the party system and student wings of political parties.

Democratising the Party System

It is widely acknowledged that most political par-

ties in Bangladesh lack internal democracy. In almost every party, the president enjoys widespread powers, including the power to take unilateral action on any issue. Because party leaders are not elected by party members, they do not owe any responsibility to them. Moreover, party leadership is not renewed on a regular basis. The constitutional restriction on floor-crossing further strengthens the power of the leadership *vis-à-vis* backbench MPs. Local branches of the different national parties in Bangladesh are little more than extended agencies of the central party. The non-transparent behaviour of parties poses serious problems to the stability of the nascent democratic system.

A former president of the Federation of Bangladesh Chambers of Commerce and Industry (FBCCI) observed that every type of organization in Bangladesh - except political parties - is governed by law (The Bangladesh Observer, 2000). He also noted that business people must pay money to all political parties, large and small. Parties are not legally required to make public their sources of income or expenditures, and most do not provide this information. The existing law only requires the disclosure of campaign funds by individual candidates contesting elections; there is no control or limit on the campaign funds of political parties or the funds used to carry out their normal activities. As a consequence, the ways parties raise and spend funds remain outside public purview.

➤ *It is recommended that the existing law allowing political parties to register with the Election Commission (EC) on a voluntary basis be changed. Parties should be required to register with the EC in order to qualify to contest parliamentary elections. Parties should be required to hold elections to different levels at certain intervals, preferably biennially; those who fail to fulfil this requirement should be disqualified from contesting. Parties should also be required to have their accounts audited by EC-approved auditors and to submit a copy of audit reports to the EC on a regular basis.*

Disassociating Student Politics from National Politics

The role of the party leadership *vis-à-vis* different

front organizations should also receive serious attention. Traditionally, support of hartals was concentrated in two front organizations - trade unions and student organizations. However, with the privatisation of various public sector industries, unionists have lost much of their clout and no longer provide strong support for street-based movements. Students however, are still often found at the forefront of party activities. The over-politicised student community, which plays a major role in organizing hartals, has caused more problems in recent years than in the past. Today, some student organizations seem to be more concerned with party politics than with issues of interest to the student community as a whole. Chapter five which looks at the impact of hartals on education, explores the different dimensions of student involvement in hartals. We will make only one general observation here: the involvement of student organizations in national politics has caused a decline in the standard of education and led to widespread violence in various educational institutions.

While de-politicisation of the student body does not appear to be a viable option, at least in the short run, measures should be taken to make student politics more democratic and responsible and to disassociate student organizations from national politics.

⇒ *It is recommended that legal measures be taken to disassociate student politics from national politics by disqualifying parties having student fronts from contesting national elections. Like political parties, student organizations should also be required to hold intra-party elections at certain intervals to qualify to contest elections to different institution-based student unions.*

5. Adopting Legal Measures

The Supreme Court has ruled that holding hartals is a fundamental right that cannot be superseded but also made it clear that hartals enforced through intimidation and force are illegal (Sangbad, 2000, see Chapter Six of this report). However, it is clear that intimidation and force are often used, as is discussed in **Chapter Three** on the 'Anatomy of

Hartals'.

We will only mention here that, in order to discourage the violence associated with hartals and other street demonstrations, provisions should be made for more stringent punishment for individuals and/or organizations found damaging public and private property. Such property damage has, in fact become a regular feature of hartals, and the perpetrators are rarely punished.

⇒ *It is recommended that the existing Code of Criminal Procedure be amended to require parties enforcing hartals and other street programs to compensate for any loss of life and/or damage to private or public property that they may cause. Those engaged in such damage should be promptly tried, with the right to appeal to the special High Court Bench set up to settle election-related disputes.*

KEY FINDINGS

This section has provided a number of recommendations, which – if implemented – would encourage the evolution of a more consensual political process. It must be acknowledged at the outset however that, for a variety of reasons, it may be extremely difficult to undertake reforms across different areas simultaneously, and some prioritisation of these reforms is necessary. In addition, strong political will is necessary to undertake reforms. However, although some serious constraints to implementing reforms exist, they should not be seen as formidable. Although the pace of change may be slow, the two main parties have already started the process of reforming themselves to become more democratic. What is needed now is broad-based support from citizens, civil society, the media and others to support parties to adopt further measures to reform intra-party relations to allow more constructive and consensual dialogue.



CHAPTER 8

Constructive Alternatives to Hartals: *Ending the Impasse*



INTRODUCTION

As mentioned in [Chapter 7](#) reforms of the institutions of democracy in Bangladesh that would lead to greater opportunities for the Opposition to express their views through Parliament and other channels, thus making the hartal recourse less attractive, could take some time to be implemented. For this reason, this chapter examines some alternative forms of political mobilization that could be used in the short-term. The chapter focus on means of peaceful protest that have been used during Bangladesh's history, to see if these could be usefully applied today. It also provides suggestions for some new and innovative types of social mobilization.

British colonial rule

During the time of British colonial rule two major movements initiated political mobilization: First, the 'Swadeshi movement' in 1905 that challenged the legitimacy of British rule and the proposal by Lord Curzon to partition Bengal (Leonard, 1974). Strategies undertaken by Indian nationalist leaders included boycotting of British goods, demonstrations and public meetings. An emotive way to mobilize people was the use of the song "Bangla Ma" (see [Box 8.1](#)).

Box 8.1: Songs - Bangla Ma

One alternative type of protest is the use of songs or music to mobilise support. The lyrical rendition of "Bangla Ma" manifested in Rabindranath Tagore's famous song "Amar Sonar Bangla ami tomai bhalobashi" ('oh my golden Bengal I love you') electrified people.

The movement stretched over years and ultimately the British government had to succumb to the demands of the nationalist leaders and the partition of Bengal was annulled in 1911.

The second example was Mohandas Gandhi's non-violent and civil disobedience movements during 1920s and 1930s, which constitute the root of modern day hartals (see [Chapter 2](#)). Gandhi enlarged his satyagraha through the concept of non-violent resistance 'to its most sophisticated level and made the most significant personal contribution to prove its dynamism and effectiveness' (Varma, 1975: 374).

Varma noted that 'it was Gandhi who used the methods of non-cooperation, civil disobedience and defiance in order to control rulers, alter government policies and undermine political systems' (Ibid). Gandhi's peaceful long march to compel the British Indian government to change the salt law is significant in this respect.

Pre-Independence Period

During the early phase of Pakistani rule there were a number of conflicts between the West Pakistani regime and East Bengalis over constitutional issues including questions of representation and language (see Box 8.2).

Box 8.2: The Language Movement

The important factor that sowed the seeds of Bengali nationalism - namely the language issue - was sorted out through non-violent manner rather than extreme coercion. The language movement originated in 1948 and occasionally surfaced up until 1952 when the student-literate-professional alliance forced the Pakistani regime to concede and declare Bengali as one of the state languages. The strategies that were used by the alliance were demonstrations and meetings of student groups, processions, slogans, and marches. Mobilization of citizens was also achieved through emotive songs such as 'amar bhaier rokte rangano ekushey february amiki bhulite pari' ('How can I forget the blood that was shed by my brothers for the cause of Bengali language').

These issues were resolved through non-belligerent means. For example, when the first Basic Principles Committee (BPC) report on the constitution was published in 1949, sharp criticism was raised from East Bengal protesting the under representation of East Bengal's majority. A convention of opposition parties was held and a committee was given the task of formulating an alternative constitutional proposal. The members of the committee travelled all over the country and conferred with people on the issue (Jahan, 1972: 42-43). Subsequently the report was dropped.

Prompting the end of 24 years of internal colonial rule by West Pakistan, the Awami League leader Sheikh Mujibur Rahman led a non-cooperation

movement that started on 1 March 1971. 'His strategy was to build up such unprecedented popular pressure as to deter the military action and to force the Yahya regime to negotiate with him' (Jahan, 1972: 195). It is evident that during the Pakistani rule hartals as a means of protest had only been called occasionally. The Bengali leadership mostly resorted to public meetings, processions, demonstrations and ultimately total non-cooperation.

Post-Independence Scenario

During the initial years following independence there was hardly any viable opposition in the parliament due to domination by the ruling party that bagged all but seven of 300 seats in the Parliament. However, the voice of the opposition became more potent in the country's political process with the formal split in the Awami League and the founding of the Jatiya Samajtantrik Dal in December 1972. The JSD organized a *gherao* in which the parties mobilized their supporters to surround the offices and residences of the cabinet members and different government departments that were termed as 'tools of continual exploitation and corruption'. However, the most successful examples of organizing peaceful protests were those undertaken by members of civil society (see Box 8.3).

Box 8.3: Civil Society coalitions: a face for change

In March 1974, a cross-section of civil society formed an organization called the Committee for Civil Liberties and Legal Aid, which protested against 'violation of civil liberties particularly in respect of political dissidents and members of the opposition' (Moudud Ahmed, 1983: 222). It also demanded the withdrawal of laws inconsistent with the Constitution (including the Special Powers Act and Rakhi Bahini Act), release of political prisoners, withdrawal of arrests warrants issued for political repression and restoration of freedom of the press.

In order to forward these demands the committee organized a meeting of teachers, lawyers, writers and other professionals at the national press club, thus attracting public attention and support (Ibid).

Veteran leader Maolana Abdul Hamid Khan Bhashani of the National Awami Party (NAP) also played an important role in organizing political protests during the first few years of independence. At a time when the country faced price hikes of essential goods, he arranged and led a 'bhukha michil', meaning hunger march in Dhaka city in early September 1972 (Jahan, 1980: 74). Again in 1973, when Bangladesh was gripped in political turmoil and suffering a price hike crises, deterioration of law and order, and government repression, Bhashani undertook a 'fast until death' hunger strike on 16 May 1973. His hunger strike attracted the attention of the masses and political activists. Although Bhashani's hunger strike could not make the government succumb to his political demands, he was able to mobilize people all over the country to expose government's alleged failure (Mohsin, 2002: 330-331).

Ershad period

During the rule of Ershad, although hartals were a significant feature of the political landscape (see **Chapter 2**), the Opposition also protested through other means such as public meetings, gheraos, demonstrations, sit-in strikes and rallies. One particularly innovative example was the holding of a 'mock parliament' (see **Box 8.4**).

Box 8.4: Mock Parliament

During Ershad's rule, a mock parliament was constituted on the Jatiya Sangsad (Parliament) premises where the opposition Awami League MPs protested the sitting of the Third Parliament in the midst of martial law (Hasanuzzaman, 1998: 119).

During the Ershad regime, civil society played a vital role, for example in preventing Ershad from introducing the military into the proposed Zila Parishad. The bill could not be passed in the midst of severe condemnation from both the opposition and civil society.

Another example of a civil society during this period was the lawyers' coordination committee

that opposed the government's proposed constitutional amendment bill to set up permanent benches for High Court and Supreme Court divisions at different divisional and district headquarters. In a similar manner a coordination committees of doctors, engineers and agronomists, various associations of teachers, students and trade unions voiced their professional and political demands through non-cooperation and non-violent methods.

Post-Independence Period: 1991 onwards

In 1991, after a free and fair general election conducted by a neutral caretaker government, both the ruling party and the opposition restored parliamentary democracy on the basis of consensus - a rare sign of cooperation in Bangladeshi political history. During this honeymoon period, because of the initial consensus between the two sides in running the legislative business, the Opposition voiced disagreement over government policies by organizing meetings and seminars on various issues such as the economy, social welfare, foreign policies and so on (Bichitra, 1994).

However, in 1994, a political impasse that centred on the Opposition's demand for a neutral caretaker government led to sustained boycotting of the Parliament, mass resignation of opposition MPs, and the re-emergence of hartals. However, even with sustained hartals, the Opposition simultaneously engaged in non-violent demonstrations by organizing street processions and setting up a people's stage called the "janatar mancha" in March 1996 in Dhaka and other cities of the country.

As shown in **Chapter 4** on the Price of Hartals, from 1994 to 1996 the frequency of hartals increased (in the period preceding national elections). The same trend occurred during the tenure of the AL 1996-2001, despite growing disapproval of political hartals all over the country. *The trend is that both major parties during the early period whilst in opposition initially opt for 'soft strategies' or peaceful protest, however as general*

elections approach, the number of hartals increase significantly.

For example, following the elections of 1996, the then opposition party, BNP - like the opposition AL in 1992 - organized seminars such as the 'National Solidarity Conference' in April 1997 to voice their disapproval of policies of the government. Conference papers were presented which dealt with issues such as the Ganges Water Accord and regional cooperation, the transit issue, and the Chittagong Hill Tracts Peace Accord. In order to register its disagreement over the latter issue, a 'long march' led by the opposition-leader herself was organized, that attracted thousands of protesters.

THE ROLE OF NON-GOVERNMENT ACTORS AS ADVOCATES FOR CHANGE

As demonstrated above, various **civil society organizations** have played an important role in the past as agents for change. However, although there is a general consensus among CSOs that hartals are extremely harmful, rarely do they take a united stand against hartals. This may be partly because some CSOs have links to one political party or another. Others may not have any political bias but prefer to take a 'low key' approach on the issue, being wary of antagonizing political parties in Opposition, knowing that they may form the next Government.

Nor is the **media** -- one of the important constituents of civil society -- unified on the issue. Very few newspapers -- with the notable exception of *The Daily Star* and *Prothom Alo* -- can claim to have consistently opposed hartals. Bangladesh is often cited as having a relatively free and vibrant media (particularly the print media), yet the media is reluctant to tackle the issue head on due to a number of constraints related to political affiliations, funding issues and the need to ensure a secure operating environment.

Business actors have not only routinely expressed their resentment against hartals, but over the years have adopted measures to influence the decisions of the government as well as the opposition, including issuing statements, meeting with the Prime Minister and the Leader of the Opposition to urge them to settle disputes through negotiation, organizing white flag meetings to register their protest, and convening conferences to exert pressure on the conflicting parties. The joint statement of BGMEA, DCCI, FBCCI, MCC, and BTMA of 10 November 1998 is attached in the Reader Section of this report. However, the private sector is also divided in taking a stance due to the fact that - like civil society - some companies or business associations have political affiliations. The dominance of parliament by businessmen since the early 1990s confirms this strong relationship between business and politics. It is also well known that political parties receive funds from the private sector. Introducing rules to promote greater transparency of political party funding would certainly provide an incentive to the private sector to use their leverage to promote constructive alternatives to hartals.

Although the nature of relationships between civil society, business and political parties is complex as noted above, there is little disagreement over the need for a new approach and some of the constructive alternatives identified above could provide a positive platform for these actors to take a united and more proactive stance.

However, it may also be necessary for civil society to adopt new and innovative ways of popularising reforms other than the existing methods of organizing seminars and workshops in order to foster greater public support for the constructive alternatives. Similarly, the private sector may also adopt new strategies, for example, by linking party donations to democratic reforms.

Bangladesh's **development partners** have also expressed concern over the years about the negative

Box 8.5: Innovative Forms of Social Mobilisation: a Mock Funeral

On 15th September 2003, the opposition arranged a huge gono-rally that began from the Awami League office at the Banga Bandhu Avenue with a speech from AL leader Sheikh Hasina. Following the speech, three coffins were carried symbolizing the throttling of democracy, rule of law, and burial of the spirit of the liberation war. Observers commented that the rally had been one of the largest gatherings and attracted a broad spectrum of participants (Pratham Alo, 2003).

impact of hartals on development, and have also held bilateral discussions with political parties urging a new approach. Many development partners also support programmes to strengthen the democratic voice (e.g. support to the Parliament, capacity-building of NGOs and the media, support to political parties etc). Development partners have an important role to play through both advocacy and programmes.

Specifically, explicitly linking better democratic governance to poverty alleviation in the national poverty reduction strategy, working to support those agents of change mentioned above, and highlighting incentives for reform are ways that development partners can contribute.

CURRENT TRENDS AND RECOMMENDATIONS

This chapter has demonstrated that there are numerous 'soft strategies' -- or alternative types of peaceful demonstration other than hartals -- that have been used by parties across the political spectrum and by civil society groups to make their voices heard. New and innovative types of protest that cause less harm to society, such as the 'human chain', are a positive development. However, the general trend in Bangladesh is that the main Opposition party opts for such 'soft strategies' primarily during the early period of its term in opposition, but as national elections approach, hartals tend to be called more frequently.

Box 8.6: Soft Strategies currently used

Human Chain. This is an example of an 'environmentally friendly' type of protest being set in nature, and not causing traffic congestion or damage to persons or property.

Signature Campaigns. Large-scale campaigns constitute a peaceful and participatory means of protest. This was successful in leading to an increase in the number of women's reserved seats in parliament.

Gono shongjog. In September 2003, the Workers Party of Bangladesh organized mass rallies to mobilize public opinion on water logging caused by the Kopotakkho river in the Jessore-Shatkhira area and the closure of three jute mills in Khulna.

Podo Jatra. During walkathons, posters, placards, and leaflets are distributed to raise the public awareness. Public meetings as hat shava and gram shava can also be valuable.

At the time of publication of this report in early 2005 -- over half-way into the BNP-Coalition Government's term with elections expected in early 2007 -- it seems that the Opposition party's preference has been for 'soft strategies'. A number of peaceful alternatives to hartals, such as the 'human chain' have been utilized, and whilst hartals are still a feature of the political agenda, to date their use has been fairly infrequent (12 hartals were called during the first 22 months of the current Government's tenure). Even following a serious incident on 21 August 2004, when 23 people were killed after the throwing of bombs at a political rally of the main AL Opposition, this did not lead to a spate of hartals, as might have been expected. However, the recent killing of the eminent AL leader Shah AMS Kibria, along with three other persons on 27 January 2005 has elevated tensions once again, and two three-day long hartals have been called within a ten-day period.

Many would argue that serious incidents like the killings mentioned above warrant the calling of a hartal. At the same time, the disruption to the economy, to people's daily routines and to the image of Bangladesh caused by hartals cannot be underestimated. The stark events of recent months,

including the incidences for which hartals have been called, need to be examined by all citizens of Bangladesh -- politicians and non-politicians alike -- to seek a way out of this impasse. It is hoped that during the next two years in the run-up to national elections, both Government and Opposition choose the 'path of moderation' -- Government by demonstrating tolerance and allowing peaceful demonstrations to take place without undue interference and Opposition by choosing constructive alternatives to hartals.

In addition to advocating constructive alternatives to hartals, the authors of this report recommend that all political parties engage in some sort of 'self-regulation' to promote greater democratic dialogue. One suggestion in this regard has been to develop a 'Code of Conduct for Democratic Dialogue'. The Code -- to be signed by all major parties -- could include measures to reduce the scope and impact of hartals, (e.g. agreeing a certain maximum number of hartals, reducing their duration, excluding educational and medical institutions from their scope, and agreeing that hartals will not be accompanied by violence or vandalism), but could also include provisions that would apply to the Government and law enforcement agencies (e.g. agreeing to grant licenses to protesters and allowing peaceful demonstrations to take place unhindered). At the time of printing of this report, UNDP has held initial discussions with individuals from political parties, civil society and business with a view to exploring this proposal further.

KEY FINDINGS

➤ *The history of political protest in Bangladesh provides numerous examples of the use of **constructive alternatives** to hartals, or 'soft strategies', that have been effective in influencing policy and voicing views. In this respect, symbolic protests such as 'human chains', silent protests, mock Parliaments and mock courts may be more powerful and effective than hartals that cause resentment amongst citizens and harm the economy, education and other sectors. New and*

innovative types of social mobilization and demonstrations should be considered and other considerations such as the impact on traffic congestion, law and order, and the environment should also be taken into account.

➤ ***Civil society, the media, business actors and development partners** also have an important role to play as **advocates for change**. Civil society may adopt new and innovative ways of popularizing democratic reforms other than the existing methods of workshops and seminars. Strengthening the linkage with media (particularly with the electronic media, private T.V. channels and websites) is a strong alternative to hartals to express views. In Bangladesh, newspaper articles - particularly those in Bengali publications - have far-reaching potential. Seeking to broadcast debates and discussions on public and cable T.V. channels is also very effective. Websites are important for reaching audiences both within and outside Bangladesh. Business actors have important influence on political parties and could adopt new strategies to encourage democratic dialogue, such as linking party donations to democratic reforms. Development partners can promote democratic reform through their programmes and advocacy initiatives.*

➤ *A **Code of Conduct for Democratic Dialogue** could be agreed by all parties, which would establish certain rules of the game to promote democratic dialogue. This code would include both measures for the 'self-regulation' of hartals (by limiting the scope and impact of hartals) but would also include provisions that would apply to the Government and law enforcement agencies to facilitate an atmosphere of tolerance of peaceful demonstrations.*



Beyond Hartals

Towards Democratic Dialogue



The focus of this paper is on how to move 'beyond hartals' and 'towards democratic dialogue' in Bangladesh. The point of departure was an Opinion Survey carried out in 2003, where citizens were asked to voice their views on hartals. The results of the survey provide evidence that citizens believe that hartals have 'passed their sell-by date', with an overwhelming 70% of the population preferring alternative means of voicing views.

In addition, there is widespread consensus amongst citizens and the business community that the frequent use of hartals is harmful particularly to the economy and education sector. The recurring 'hartal seasons' give Bangladesh a bad image abroad, deterring foreign investors and causing costs to business – the quantifiable impact on the economy is estimated to be between 3 to 4 % of GDP per year. Children and young adults also suffer interruption of educational courses, resulting in missed and delayed exams and unfulfilled potential – thereby reducing Bangladesh's development in general. The non-quantifiable costs, such as the psychological costs (eg the frustration of students not reaching their full potential, the stress caused to employees having to work on weekends to reach targets), and the uncertainty and insecurity that accompany hartals should also not be underestimated.

At the same time, the majority polled held the view that calling a hartal is a democratic right. This result is not as 'schizophrenic' as it may appear on the surface. Hartals and other forms of protest constitute an important part of Bangladesh's history and political culture, having been used as an effective instrument to oust colonial powers and secure Bangladesh's national identity and language. However, as the chapter on the History of Hartals documents, contrary to any belief that hartals would subside with the advent of democracy, paradoxically, there have been more hartals during the democratic period than ever before. This is explained by the author as being a result of the continuation of 'mobilization politics', characterised by confrontational relations between the main political parties in Bangladesh.

Furthermore, the opinion poll and the chapter on the 'Anatomy of Hartals' reveal the lack of genuine public support for hartals. Criminals or *mastaans* are often involved in organising hartals, and "hired hands" (including children) are paid to participate. In addition, hartals have lost their legitimacy as broad-based social movements to promote development for society as a whole, as today hartals are perceived to be serving largely the interests of a small minority of party leaders.

So, given the above contradictions and complexities, what is the way forward beyond hartals? This report does not provide a definitive solution, however the last two chapters do focus on the way forward, providing a number of practical suggestions. Chapter Seven, 'Making Democracy Work' lays out a number of institutional reforms that could strengthen democratic voice including suggestions to modernize the Constitution, measures to strengthen the voice of opposition in Parliament and reforms to political parties to make them more democratic and accountable. These will not happen overnight and so Chapter 8 on the 'Constructive Alternatives' to hartals provides a number of suggestions in the form of alternative types of social mobilization that could be used in Bangladesh. The many alternatives that have been used since colonial times are highlighted, including some more recent alternatives being used today, such as human chains.

As this chapter emphasises, civil society coalitions, business and professional associations and the media have a vital role to play in supporting peaceful and non-coercive alternatives to hartals. Bangladesh's development partners can also advocate for an end to conflictual politics as a constraint to development. In order to move away from party politics, a 'positive focus' on the constructive alternatives is one that can unite different actors.

Finally, one suggestion in the report -- to establish a Code of Conduct for Democratic Dialogue agreed by all parties that would limit the purview of hartals

-- is something that UNDP hopes could be a focus of all stakeholders following the publication of the report. At the time of publication, a series of focus-group discussions on the idea of a possible 'Code of Conduct for Democratic Dialogue' have recently taken place. Let us hope that this report acts as a catalyst to further dialogue.

To conclude, it is clear from the above discussion that ***although political parties must take the key responsibility in ending the 'hartal impasse', all sectors of society have an important role to play to ensure that expression of views takes place in a responsible way that will allow the country to continue along its development path -- the media, law enforcement bodies, teachers and student, academics and civil society -- all have a role to play.*** This will require courage, determination and imagination to move away from the hartal tradition and to embrace a new democratic culture of tolerance and responsibility.

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Appendix 1 (Chapter 1)

Methodology of the Opinion Poll

The following is a short account of the methodology used in the opinion survey. The interview guide is attached in [Appendix 2](#).

Survey

The collection of data on public perceptions of political issues can be a difficult undertaking. A perception is a subjective evaluation and therefore runs the risk of bias due to cultural, religious or political interests.

Nevertheless, perception surveys also provide a unique and valuable opportunity to gauge aspects of society and social life that may enrich other types of analyses. In the case of hartals – which many would argue seem to be called and implemented irrespective of the general public's opinion – perceptions of citizens are particularly relevant. Furthermore the potential bias problems can be avoided to a large extent by careful formulation of the questions and selection of respondents, which has been the aim in this survey.

Selection of Respondents

Urban areas are generally more seriously affected by hartals than rural areas because of the higher concentration of both people and business activities, and the survey was therefore restricted to urban centres only¹¹. The sample consists of 3,058 respondents, which is considered sufficient for a significant indication of general opinion. The respondents were the main income earner of the household and of the age 18 or above.

The survey was nationwide and the respondents were therefore selected from all six divisions in Bangladesh, weighted according to percentage of population. More respondents were therefore selected from the larger divisional capitals (DC) of Dhaka and Chittagong. From all divisions two “other municipal towns” (OMT) and one “non-municipal town” (NMT) were selected, and in all three geographic centres starting points were identified ([Table A](#)). From each starting point twelve households were randomly selected and respondents identified using the KISH GRID¹² method to avoid bias. The final distribution of respondent is shown in [Table B](#).

¹¹However following indications that rural communities experience specific impacts, a separate focus group discussion was held to gather information on this. The findings are elaborated in Chapter 4 on The Economic Impact of Hartals, pp. 8-9.

¹²A respondent selection key that is based on a combination of random numbers, alphabet codes and the number of available members in a household to identify the appropriate respondent.

The data was collected by conducting interviews with the respondents. Two different questioning techniques were used. First an open-ended or spontaneous response to the perception of hartals was called for and answers were recorded using the 'first mentions' method, where only the respondents' immediate and first answer is registered. Next respondents were asked what were their preferred alternatives to hartals, which allowed for recording of multiple answers and not necessarily predetermined categories. It is for this reason that, for some questions, the percentages in each category do not necessarily add up to 100.

Table A: Number of Survey Starting Points

	per District			
	DC	OMT	NMT	Total Urban
Dhaka	44	12	4	60
Chittagong	34	12	4	50
Rajshahi	20	12	4	36
Sylhet	20	12	4	36
Khulna	18	12	4	34
Barisal	18	12	4	34
Total	154	72	24	250

Source: SIRIUS Marketing & Social Research Ltd.

Table B: Number of Household Polled

	per City Classification			
	DC	OMT	NMT	Total Urban
Dhaka	539	152	48	739
Chittagong	428	144	48	620
Rajshahi	225	144	48	417
Sylhet	250	144	48	442
Khulna	240	144	48	432
Barisal	216	144	48	432
Total	1898	872	288	3058

Source: SIRIUS Marketing & Social Research Ltd.

Speak to adult members of the household.

Introduction: Assalamu Alaikum, my name is....., I have come from a reputed market research organization, SIRIUS Marketing & Social Research (Pvt.) Ltd. We regularly carry out surveys on different social issues. We are carrying out a study to understand people's perceptions of the problems facing the society today. We would like to seek your opinion on the same. Would you be kind enough to grant us some of your time to conduct the interview?

- Q.1 Are you or any of your family members involved in the following professions/ organizations?

READ OUT LIST

Occupation	Code	Instruction
Advertising	1	Terminate
Market Research	2	
Mass media like TV/Radio/Press	3	
Others	4	Continue

- Q2. In your opinion, what are the major problems faced by our society today?

1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

- Q.3 You mentioned several problems facing the society today. Do you think that the citizens have a role to play in expressing their views on the problems facing society to influence changes?

Yes	1	(Go to Q.3a & continue)
No	2	(Go to Q.3b)

- Q.3a. What role can citizens play in solving the problems faced by our society?

Record verbatim

- Q.3b. Do you think that people from your profession have a particular role to play? If so, what role can they play?

Record

- Q.4. Do you consider that the citizens taking certain actions to express their views or criticize government policies have any effect on government actions?

Yes	1	(Ask Q4a and continue)
No	2	(Ask Q4b and continue)

Q4a. What effect do views expressed by citizens or their criticism have on government actions?
Record

Q.4b. Why do you feel citizens' opinions or criticism have no effect on the government?
Record

Q.5. Different political parties and people from different professions have often used hartals as instruments of protest to force the government to take a decision. Please tell me, to what extent you think that hartals are an effective instrument of political action in Bangladesh?

Very effective	1	Go to Q5a
Somewhat effective	2	
Not at all effective	3	
Don't know/Can't say	4	Go to Q5b

Q.5a. Why do you feel so?
Record

Q.5b. Who do you think are the main actors responsible for hartals taking place?

Politicians/political parties	1
Citizens or general public	2
Others. Specify	

Q.6. Do you think that political parties and people from different professions have a right to protest against government policies through hartals?

Yes	1	(Ask Q.6a)
No	2	(Ask Q.6b)

Q.6a. Why do you think that political parties and people from different professions have a right to protest against government policies through hartals?
Record

- Q.6b. Why do you think that political parties and people from different professions do not have a right to protest against government policies through hartals?

Record

- Q.7. Do you think that there are ways or means other than hartals for the people to express their disagreement over some issues or force the government to take any decision?

Yes	1	Go to Q7a
No	2	Go to Q7b
Don't Know	3	

- Q7a. What can be effective alternatives to hartals?

RECORD RESPONSE IN 'SPONTANEOUS' SECTION OF FOLLOWING GRID

READ OUT FROM FOLLOWING GRID AND TAKE RESPONSE

- Q7b. Of these alternatives, which ones do you think can be effective alternatives to hartals?

GRID 1

Alternatives to hartals	Spontaneous	Aided
Gherao	01	01
Aborodh	02	02
Sit-in demonstration	03	03
Hunger strikes	04	04
Public meetings	05	05
Mass contact	06	06
Road marches	07	07
Non-cooperation movement	08	08
Discussion in parliament	09	09
Others		

- Q8. Do you think hartals are used more frequently in Bangladesh as compared to other countries as a means of protest?

Yes	1	Go to Q8a
No	2	Go to Q9

- Q8a. Why do you think hartals are used more frequently in Bangladesh as compared to other countries as a means of protest?

Record verbatim

PERCEPTIONS OF THE IMPACT OF HARTALS

Q9. What do you think are the main effects of hartals?
Record verbatim

People have different opinions about the effects of hartals on the economy, the society and the lives of the people in general.

Q.10. Now let us focus on the impact of hartals on the economy. To what extent do you think that hartals have a negative impact on the economy?

Very negative impact	1
Somewhat negative impact	2
Do not have a negative impact on the economy	3
Don't know/Can't say	4

ASK Q. 10a & 10b TO ONLY THOSE CODED (1) OR (2) IN Q. 10.

Q.10a. What are the negative impacts of hartals on the economy?
Record verbatim

Q.10b. Which sectors of the economy in your opinion are most affected by hartals?
Record verbatim

Q.11. Now by focusing on the impact of hartals on the society and the lives of the people in general, could you tell me to what extent hartals affect the society?

Very negative impact	1	Go to Q.11a & continue
Somewhat negative impact	2	
Do not have a negative impact on the society	3	Go to Q.11e & continue
Don't know/Can't say	4	

Q.11a. What are the negative impacts of hartals on the society?
Record verbatim

Q11b. In your opinion, which type of people in the society are most effected by hartals?

Record verbatim

Q11c. What effect do hartals have on women and children?

	Effect of hartals	Code
Women		
Children		

Q11d. How can the negative impact of hartals be addressed?

Record verbatim

Q11e. Do you think hartals were more acceptable ten years back than now?

Yes	1	Go to Q11f
No	2	Go to Q12

Q11f. Why do you think so?

Record verbatim

Q.12. What is the loss to you personally/to your husband, in terms of income or lost earnings on a hartal day?

Tk. (mount in Tk.)

For housewives ask about husband's income loss.

Q12a. How is the loss made up?

	Code
Borrowing	1
Working overtime	2
Taking some other job	3
Other.....	

DEMOGRAPHIC PROFILE

- Q16. From the following age groups, can you please tell me which group does your age fall in?

RECORD AGE IN BOX AND ALSO CODE APPROPRIATELY IN GRID BELOW

--	--

15-20 years	1
21-30 years	2
31-40 years	3
41-50 years	4
51-55 years	5
Above 55 years	6

- Q17. Can you please tell me your level of education?
Can you please tell me the level of education of the main earner of the house?

Resp.: _____

ME: _____

	Resp.	ME
Illiterate/Only sign/Literate but no school	1	1
School up to 5 years	2	2
School 6-10 years	3	3
SSC/Dakhil	4	4
HSC/Alim	5	5
Graduate (General)/Fazel	6	6
Graduate (Professional)	7	7
Masters (General)/Title	8	8
Masters (Professional)/M.Phil/Ph.D	9	9
Not specified	0	0

- Q18. Can you please tell me your/main earner's occupation?

Resp.: _____

ME: _____

	Resp.	ME
Unskilled manual worker	01	01
Petty trader	02	02
Skilled manual worker	03	03
Salesman/clerk	04	04
Supervisor	05	05
Shop owner	06	06
Business, no employees	07	07
House owner	08	08
Business: 1 - 9 employees	09	09

Officer/executive: jr	10	10
Self-employed professional	11	11
Business: 10+ employees	12	12
Officer/executive: mid/sr	13	13
Agricultural laborer	14	14
Agricultural worker	15	15
Cultivate - < 1 hectares	16	16
Cultivate - 1-5 hectares	17	17
Cultivate 6-10 hectares	18	18
Cultivate - 10+ hectares	19	19

Q19. Can you please tell me which of these applies to you ?

Single	1
Married	2

Q20. For classification purposes we need to know your total monthly household income. Please tell me, what is the average monthly income of your household? Please take into account the income of all the members of the household from all sources, such as salary, wages, business profits, sale of agricultural produce or from live stock, poultry, etc., plus any other sources of income, such as rent, dividends, or interest from your investments.

Record verbatim _____

Up to Tk. 500	01
Tk. 501 - Tk.1,000	02
Tk. 1,001 - Tk.1,500	03
Tk. 1,501 - Tk.2,000	04
Tk. 2,001 - Tk.2,500	05
Tk. 2,501 - Tk.3,000	06
Tk. 3,001 - Tk.4,000	07
Tk. 4,001 - Tk.5,000	08
Tk. 5,001 - Tk.6,000	09

Tk. 6,001 - Tk.8,000	10
Tk. 8,001 - Tk.10,000	11
Tk.10,001 - Tk.12,000	12
Tk.12,001 - Tk.15,000	13
Tk.15,001 - Tk.20,000	14
Tk.20,001 - Tk.30,000	15
Tk.30,001 - Tk.50,000	16
Tk.50,001 - Tk.100,000	17
Tk.100,001 and above	18

THANK RESPONDENT AND CLOSE INTERVIEW

Appendix 3 (Chapter 2)

Note on Data for History of Hartals Chapter

There are three published secondary sources for hartal statistics in the country. The most comprehensive and authoritative source is Dasgupta (2001) who provides details of every hartal from 1947 to 2000. Prothom Alo provides a list of hartals that took place in the 1990s. News Network (2000) cites data from Dasgupta up to 1999. Thus the figures provided by News Network vary from those provided by Dasgupta himself as his summary tables up to 12 June 2000.

As Dasgupta provides few details in his summary tables beyond the number of hartals, an attempt was made to construct a more detailed dataset on the basis of information provided by Dasgupta, partial verification of his original sources, and additional information from other sources.

It is, however, necessary to point out that it is extremely difficult to be precise about hartal data due to several reasons.

First, it is difficult to distinguish between hartals and strikes, programmes (karmasuchi -- a name for hartal during military rule), blockades, agitations, and non-cooperation movements. Secondly, there may be disagreement about whether a single day's hartal, which is extended, is to be counted as one or two hartals. Thirdly, some hartals are called off or are not observed and may be counted as hartals.

As Dasgupta provides data up to 2000, new data on hartals for 2001 and 2002 was collected from three daily newspapers - Sangbad, Prothom Alo and Janakantha. This paper has taken care to include all the events that are consistent with our definition of hartal, treated each hartal event separately and excluded hartals which were called off or where there was clear evidence that it was not observed.

A hartal between 4 and 8 hours was treated as a half-day hartal and 9 to 12 hours as a full-day hartal. For consecutive or non-stop hartals, each 12 hours have been treated as a full day hartal. Any hartal that encompassed the country was designated as national. Any hartal that was observed in places more than one district was called regional. Any hartal occurrences in one or more places within one district was local.

Appendix 4 (Chapter 3)

List of Interviewees for the Chapter on the Anatomy of Hartals

1. Two BNP Ministers
2. Two BNP Members of Parliament (MPs)
3. Two ex-MPs of Awami League
4. Twelve children involved in hartals
5. Two arms dealers
6. Three 'mastaans'
7. Four former student leaders
8. Three present student leaders
9. Two former terrorists, currently businessmen
10. One Ward Commissioner
11. One labour leader
12. One Jatiya Party leader
13. One Jamaat leader
14. One Bangladesh Communist Party leader

Appendix 5 (Chapter 4)

Participants of Focus Group Discussions from the Transport Sector

Rickshaw and cycle van operators (Fulbaria, Nilkhet):

President of the Association	1
Richshawpuller	6
Rickshawpuller and owner	2
Cycle-van operator	2
Van owner operator	2

Auto Rickshaw and Tempo Stand (Lalbagh, Farmgate):

Chairman and owner of the Association	1
Owner	4
Helper	4
Auto rickshaw driver	2
Tempo driver	6

Bus Stand (Fulbaria-Goolistan), Kalyanput BRTC and Motijheel Premium Bus Stand and Ticket Counter

Owner	5
Helper	2
Car mechanic	2
Conductor	2
Driver	7
Counter Staff	1
Depot-in-Charge	1
Security	1

Appendix 6 (Chapter 4)

The Garment Sector: Factories, Locations and Persons Interviewed**Swim Sweater Factory, B.B. Road, Naryanganj**

Arati Biswas	Operator
Shahina Parvin	Ironing section
Jamaluddin	Manager

Logos Apparels, Malibagh, Dhaka

Nazmul Haque	Manager
Abdul Latif	Quality Controller
Jamila Khatun	Operator

Haidari Knitting Factory, Ukil Para, Naryanganj

Abu Taher	Manager
Nasima Akhter	Finishing worker
Beauty Khatun	Operator

Warika Fashion Limited, Jatrabari, Dhaka

Marium Begum	Ironing section
Abul Khair	Manager
Abdus Salam	Operator

The New age Group, Indira Road, Farmgate, Dhaka

Shefali Rani	Operator
Proloy Kumar Shaha	Manager
Jamila Khatun	Operator

Lamia Fashion Limited, Kachukhet, Mirpur-14, Dhaka

Ayesha Khatun	Cutting Operator
Mobarak Hossain	Supervisor

Evince Group, Sector 7, Mirpur, Dhaka

Altaf Hossain	Supervisor
Shamsuddin Samer	Production Manager
Rokeya Khatun	Cutting section

Phantom Private Limited, Elephant Road, Dhaka

Md. Akhter Hossain	Supervisor
Md. Mahbub Ali	Production Manager
Monira Khatun	Operator

Chowdhury Knitwear Ltd, 13/A Central Road, Dhaka

Mirza Liton	Manager
Kohinoor Begum	Operator

Sunmart Apparel Private Ltd, Jhikatola, Dhaka

Musammat Helena Khatun	Operator
Rezaul Karim	Manager
Shathi Akhter	Operator

Karstadt Quelle Ltd, Gulshan 2, Dhaka 1212

M.I. Khan	Manager
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Appendix 7 (Chapter 4)

Focus Group Discussions: Hawkers and Vendors

Farmgate

Osman	Cigarette/betel leaf seller
Namu Miah	Watch repair
Abul Hossain	Fruit seller
Dulal	Seller of spectacles and watches
Ataur	Seller of ready made clothing
Jalil Miah	Tea seller

New Market

Dabiruddin	Fruit seller
Sanowar Ali	Fruit seller
Anowar	Watch repair
Sakik	Shoe seller
Saiful	Seller of cloth pieces
Khorshed	Seller of cigarettes and betel leaf
Gopal Chandra	Shoe shine person

Appendix 8 (Chapter 4)

Interviewees in the Formal Manufacturing Sector

Public Sector

Essential Drugs Company Ltd, 395/397 Tejgaon Industrial Area
 Pijush Kanti Debnath Production Manager
 Md. Amjad Hossain Selim General Secretary, CBA

Bangladesh Blade Factory Ltd, 265 Tongi Industrial Area, Dhaka
 Abul Kalam Azad Production Manager
 Md. Abu Taher President, CBA
 Md. Mojibul Alam Quality Controller

Eastern Tubes Ltd, 374 Tejgaon Industrial Area, Dhaka
 Morshidur Rahman Senior Quality Supervisor
 Md. Tamijuddin Bhuyian Co-President, CBA
 Md. Sohrabuddin General Manager (Production)

Private Sector

Phoenix Textile Mills, 408 Tejgaon Industrial Area, Dhaka
 Abdul Jalil Machine Operator
 Abdul Kalam Biswas General Secretary, CBA
 Habibur Rahman Liton Production Manager

Ashraf Textiles Mills Ltd, 150 Tongi Industrial Area, Dhaka
 Md. Sirajul Islam General Manager
 Abdullah Al Hakim General Secretary, CBA
 Md. Amjad Hossain Floor Supervisor

Retail Sector

New Market

Happy Cosmetics, Md. Omar Bin Gaish Owner

Goodluck Shoes, Parvez Ali, Employee
 Boi Ghor, Kodol, Manager

Barisal Jewellers, Md. Zahid Biswas, Manager

Dhakai Jamdani House, Md. Afsaruddin, Manager

Stadium

AI-Watch and Electronics, Monir Hossain, Manager
 Global Electronics, Deepak Barua, Owner
 Pacific Electronics, Kamaluddin, Owner

National Furnitures, Newton, Manager
 Moon Furnitures, Md. Mosharraf Hossain, Employee

Farmgate

Babul Fruits and General Store, Md. Korban Ali, Manager/Owner
New Islamia Mishtanna Bhandar, Md. Mahtabuddin, Manager
Mini Departmental Store, Md. Kamrul Hasan, Manager
Momtaz Cloth Store, Nuruzzaman, Owner
Shejuti Shoes, Abdul Malek, Sales Manager

Mohammadpur

AE Departmental Store, Shovon, Employee
Bangladesh Store, Nazmul Haque, Employee/Owner
Labonno Oushadhalay, Abdus Samad, Owner
Mitalee Hardware Ltd, Md. Nabi Hossain, Employee/Owner
Bhai Bhai Boi Ghar, Abdur Rouf, Employee
Bismillah Tailors, Shaheen, Owner/Cutting Master

Banani

Mamun Enterprise, Nurul Islam, Manager
Fancy Departmental Store, Md. Nazrul Islam, Owner
Islam Electronics, Md. Jashimuddin, Employee
Banani Variety Store, Md. Farhad Hossain, Employee
Kena Kata Store, Md. Anisur Rahman, Manager
Banani Medical Hall, Md. Hannan, Manager
Banani Hardware, Faisal, Employee

Appendix 9 (Chapter 4)

Participants of Discussions with Rural Communities in Shibaloy, Manikganj

1. Bishta halder, Fish trader, Amdala Bazaar, Ulail Union
2. Kartik halder, Fish trader, Amdala Bazaar, Ulail Union
3. Md. Jamat Ali, Medium farmer, South Ulail
4. Md. Barkat Ali, Small farmer/trader, grocery shop owner, Ulail Union
5. Zainul Abedin, Medium farmer, Ulail Union
6. Bahauddin, Village Boalkhali, Ulail Union
7. Md. Ketab Ali, Tenant farmer, Village Bhaolkhali, Ulai Union
8. Kazi Abedul Haque, Fisherman, Rupsha Bazaar, Ulail Union
9. Poresh Halder, Wholesale fish trader, Rupsha Bazaar
10. Liton Kumar Shaha, Cloth shop owner, Rupsha Bazaar
11. Kali Pada Dutta, Onion and vegetable wholesale trader, Rupsha Bazaar
12. Mainuddin, Fertilizer and pesticide shop owner, Rupsha Bazaar
13. Abul Hossain, Corrugated iron shop, Rupsha Bazaar
14. Kazi Imanul Haque, Pharmacy owner, Rupsha Bazaar
15. Jyonto Ghosh, Pharmacy owner, Rupsha Bazaar
16. Lakkhan Kumar Halder, Pharmacy owner, Rupsha Bazaar
17. Pittish Kumar Das, Tailor, Rupsha Bazaar
18. Abdul Jabbar, Rickshaw puller, Rickshaw stand, Rupsha Bazaar
19. Sheikh Mahtab Ali, Rickshaw puller, Rickshaw stand, Rupsha Bazaar
20. Md. Hamid, Rickshaw puller, Rickshaw stand, Rupsha Bazaar
21. Sheikh Mujibur, Rickshaw puller, Rickshaw stand, Rupsha Bazaar
22. Sheikh Jinnah, Rickshaw puller, Rickshaw stand, Rupsha Bazaar
23. Naimuddin, Rickshaw puller, Rickshaw stand, Rupsha Bazaar

Appendix 10 (Chapter 5)

Interviews conducted for Chapter on Impact on Education

SI.No.	Date	Person/Group
1	09.12.02	Group of regular senior students (male and female) of Dhaka University
2	12.12.02	Group of activists (male and female) of Dhaka University
3	16.12.02	Group of male students living in dormitories of Dhaka University
4	17.12.02	Prof. Sharifullah Bhuiyan, General Secretary, Dhaka University Teachers' Association
5	17.12.02	Father Benjamin Costa, Principal, Notre Dame College
6	26.12.02	Mrs. Nilufar Manzur, Principal, Sunbeams School
7	01.01.03	Principal, Azimpur Girls School and College
8	01.01.03	Teachers of several English medium schools
9	02.01.03	Group of female students of Dhaka University
10	09.01.03	Students of Khilgaon Government School and Central Government School
11	13.01.03	Students of Siddiqui's International, Scholastica, and Dhanmondi Tutorial
12	14.01.03	Ms. Riffat Ahmed, Principal, Siddiqui's International
13	17.01.03	Three meetings with officials of Controller of Examinations, Dhaka University
14	21.01.03	Former students of government colleges in Dhaka who are currently enrolled in Dhaka University
15	22.01.03	Prof. Sirajul Islam, Dean, Faculty of Business Studies, Dhaka University
16	03.02.03	Prof. Iftekhar Ghani Chowdhury, Director, IBA and faculty members of IBA
17	03.02.03	Prof. Md. Shafi Chowdhury, former Dean of Science, Dhaka University
18	05.02.03	Vice Chancellor, North South University

Appendix 11 (Chapter 6)

High Court Division
(Special Original jurisdiction)

Mainur Reza Chowdhury, Syed J R Muddasir Husain and M A Aziz, JJ

Writ Petition No. 1216 of 1999
Khondaker Modarresh Elahi ... Petitioner
vs

The Government the People's Republic of Bangladesh Respondents

Date of judgment: The 25th of October, 2000
Result: Rule discharged

Judgment

Justice Mainur Reza Chowdhury :

On the application filed by the petitioner under Article 102 of the Constitution, a Rule Nisi was issued calling upon the respondents to show cause as to why calling of hartal on 18.4.99 or on any other day thereafter should not be declared to have been made without any lawful authority and is of no legal effect and also in violation of the fundamental rights of citizens including the petitioner.

2. The petitioners case is as follows: The petitioner is a citizen of Bangladesh and is a practising Advocate in the High Court Division of the Supreme Court of Bangladesh. By this petition he seeks to protect his fundamental right and that of other citizens threatened to be violated by calling and observing 'hartal' on 18.4.99 as in the past, and for a declaration that calling and the holding of what has come to be known as 'hartal' is unconstitutional and therefore illegal.

15. The hartal in our Country has a long history and practice as means of protest. Hartal was not only used as expression of protest during colonial days but continued to be observed thereafter. There have been calls of hartal on important issues which have been observed peacefully, spontaneously and without fear or coercion. Therefore we do not entirely agree that the call for every hartal by organizers is clearly intended that they expect all activity to come to a stand still on the day of hartal as has been found in the case of bundh by the Kerala High Court. We cannot also say that it is always the intention of callers of the hartal to ensure that no activity either public or private is carried on that day as has been held by the Court of Kerala. So long as the call for hartal is only a call to express solidarity with the caller of hartal to protest and there is no express or implied threat or warning, it can not be said to be interfering with the right of the citizen merely because some incidents against public order occur on the day of hartal. A call for hartal without any threat expressed or implied would in my view be an expression of protest which is guaranteed by the Article 39(2)(a) of our Constitution.



16. Therefore it is my view that call for hartal per se is not illegal but where any call for hartal is accompanied by threat it would amount to intimidation and the caller for hartal or strike would be liable under the ordinary law of the land.....The calling for hartal and not accompanied by threat would be only an expression guaranteed as a fundamental right under the Constitution. But any attempt to enforce it or ensure that a hartal is observed would make the call illegal and interfering with the individual right. It would depend on the circumstances. The petitioner in his petition has not put before us any threat express or implied made by the Bangladesh Nationalist Party (BNP) when it called for hartal on 18.4.99. We also cannot say that in future all hartal calls will be accompanied by threat or meant to force it upon the citizens; we are therefore unable to declare that the impugned hartal called on 18.4.99 and hartal to be called in future to be illegal and interfering with the fundamental right of the petitioner or other citizens of the country.

Justice Syed JR Muddassir Husain :

30. "Judging from the above points of view, Hartal cannot be declared illegal. It is a democratic right to call hartal but it should be observed peacefully without resorting to any illegal activities by the pro-hartal activists but at the same time hartal should also be allowed to be observed peacefully without any provocation, instigation, intervention and aggression of any kind by anti-hartal activists"

31. With the aforesaid findings and observations I find no substance in this writ petition.

32. Accordingly, I discharge the rule without any order as to costs.

Justice A Aziz :

51. Hartal is a political issue. It is resorted to and supported by the parties in opposition while it is criticized and opposed by the party in power. So the determination whether hartal is odd or bad depends on the position held by the political parties. As such this political issue should in all fairness be decided by the politicians themselves without unnecessarily burdening this court to adjudicate something it is not empowered to.

52. Regard being had to the discussion made above and for the foregoing reasons I find it extremely hard to match the eloquence and enthusiasm of their Lordships of the Kerala High Court to say that "When properly understood, the calling of a bundh entails the restriction of the free movement of the citizen and his right to carry on his avocation and if the Legislature does not make any law either prohibiting it or curtailing it or regulating it we think that it is the duty of the court to step in to protect the rights of the citizens so as to ensure that the freedom available to him are not curtailed by any person or any political organization" and that "as we find that organised bodies or associations or registered political parties, by their act of calling and holding 'bundhs' trample upon the rights of citizens of the country protected by the Constitution, we are of the view that this court has sufficient jurisdiction to declare that the calling of a bundh and the holding of it is unconstitutional," firstly because this constitutional court derives jurisdiction under Article 102 of the Constitution of Bangladesh where no such power or jurisdiction has been conferred on this court, and secondly because unlike their Lordships of the Kerala High Court, I find the Government to be quite alive, alert and able to deal with situations arising out of and relating to hartal.

53. With the aforesaid findings and observations I concur with the judgments delivered by my learned brothers Mainur Reza Chowdhury and Syed J.R. Muddassir Husain, JJ, in discharging the rule.

Appendix 12 (Chapter 6)

1997 (2), KLT 287 (FB)

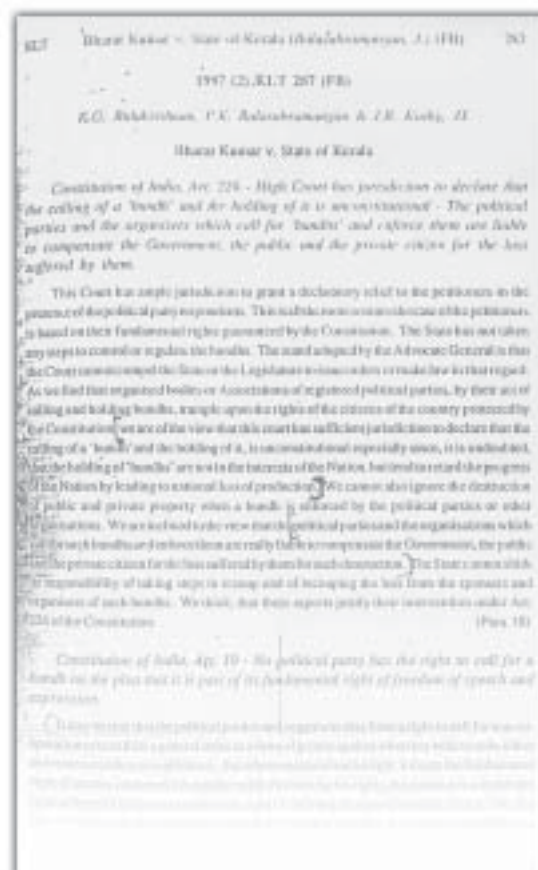
K.G. Balakrishnan, P.K. Balasubramanyan & J.B. Koshy, JJ.

Bharat Kumar vs. State of Kerala

Constitution of India, Art. 226 – High Court has jurisdiction to declare that the calling of a 'bundh' and the holding of it is unconstitutional – The political parties and the organizers which call for 'bundhs' and enforce them are liable to compensate the Government, the public citizen for the loss suffered by them.

This court has ample jurisdiction to grant a declaratory relief to the petitioners in the presence of the political party respondents. This is all the more so since the case of the petitioners is based on their fundamental rights guaranteed by the Constitution. The State has not taken any steps to control or regulate the bunds. The stand adopted by the Advocate General is that the Court cannot compel the State or the Legislature to issue orders or make law in the regard. As we find that organized bodies or Associations of registered political parties, by their act of calling and holding bundhs, trample upon the rights of the citizens of the country protected by the Constitution, we are of the view that this court has sufficient jurisdiction to declare that the calling of a 'bundh' and the holding of it, is unconstitutional especially since, it is undoubted, that the holding of 'bundhs' are not in the interests of the Nation, but tend to retard the progress of the Nation by leading to national loss of production. We cannot also ignore the destruction of public and private property when a bundh is enforced by the political parties or other organizations. We are inclined to the view that the political parties and the organizations which call for such bundhs and enforce them are really liable to compensate the Government, the public and the private citizen for the loss suffered by them for such destruction. The State cannot shirk its responsibility of taking steps to recoup and of recouping the loss from the sponsors and organizers of such bundhs. We think, that these aspects justify their intervention under Art. 226 of the Constitution. (Para.18)

12. It is true that there is no legislative definition of the expression 'bundh' and such a definition could not be tested in the crucible of constitutionality. But does the absence of a definition deprive the citizen of a right to approach this court to seek relief against the bundh if he is able to establish before the court that his fundamental rights are curtailed or destroyed by the calling of and the holding of a bundh? When Art. 19(1) of the Constitution guarantees to a citizen the fundamental rights referred to therein and when Art. 21 confers a right on any person – not necessarily a citizen – not to be deprived of his life or personal liberty except according to procedure established by law, would it be proper for the court to throw up its hands on despair on the ground that in the absence of any law curtailing such rights, it cannot test the constitutionality of the action? We think not. When properly understood, the calling of a bundh entails the restriction of the free movement of the citizen and his right to carry



on his avocation and if the legislature does not make any law either prohibiting it or curtailing it or regulating it, we think that it is the duty of the court to step in to protect the rights of the citizen so as to ensure that the freedoms available to him are not curtailed by any person or any political organization. The way in this respect to the courts has been shown by the Supreme Court in *Bandhua Mukti Morcha v. Union of India* (AIR 1984 SC 802).

13. It is argued on behalf of the respondents that a bundh could be peaceful or violent and even if the court were to act, it could act only to curtail violent bundhs and not peaceful bundhs. It is contended that the court cannot presume or generalise that the calling of a bundh always entails actual violence or the threat of violence in not participating in or acquiescing in the bundh. The decision in *Kameshwar Prasad v. State of Bihar* (AIR 1962 SC 1166) is referred to in that context. This theoretical aspect expounded by counsel for the respondents does not appeal to us especially since as understood in our country and certainly in our State, the calling for a bundh is clearly different from a call for a general strike or a hartal. We have already noticed that a call for a bundh holds out a warning to the citizen that if he were to go out for his work or to open his shop, he would be prevented and his attempt to take his vehicle on to the road will also be dealt with. It is true that theoretically it is for the State to control any possible violence or to ensure that a bundh is not accompanied by violence. But our present set up, the reluctance and sometimes the political subservience of the law enforcing agencies and the absence of political will exhibited by those in power at the relevant time, has really led to a situation where there is not effective attempt made by the law-enforcing agencies either to prevent violence or to ensure that those citizens who do not want to participate in the bundh are given the opportunity to exercise their right to work, their right to trade or their right to study. We cannot also ignore the increasing frequency in the calling, holding and enforcing of the bundhs in the State and the destruction of public and private property. In the face of this reality, we think that when we consider the impact of a bundh on the freedom of a citizen, we are not merely theorizing but are only taking note of what happens around us when a bundh is called and a citizen attempts either to defy it or seeks to ignore it. We are not in a position to agree with counsel for the respondents that there are no sufficient allegations either in O.P. 7551 of 1994 or in O.P. 12469 of 1995 which would enable us to come to such a conclusion. In fact, the uncontroverted allegations in O.P. No. 12469 of 1995 are specific and are also supported by some newspaper clippings which though could not be relied on as primary material, could be taken note of as supporting material for the allegations in the Original Petition.

17. No political party or organization can claim that it is entitled to paralyse the industry and commerce in the entire State or Nation and is entitled to prevent the citizens not in sympathy with its view point, from exercising their fundamental rights or from performing their duties for their own benefit or for the benefit of the State or the Nation. Such a claim would be unreasonable and could not be accepted as a legitimate exercise of a fundamental right by a political party or those comprising it. The claim for relief by the petitioners in these Original Petitions will have to be considered in this background.

18. The contention that no relief can be granted against the political parties in these proceedings under Art. 226 of the Constitution cannot be accepted in its entirety. As indicated already this court has ample jurisdiction to grant a declaratory relief to the petitioners in the presence of the political party respondents. This is all the more so since the case of the petitioners is based on their fundamental rights guaranteed by the Constitution. The State has not taken any steps to control or regulate the bundhs. The stand adopted by the Advocate General is that the Court cannot compel the State or the Legislature to issue orders or Associations of registered political parties, by their act of calling and holding bundhs, trample upon the rights of the citizens of the country protected by the Constitution, we are of the view that this court has sufficient jurisdiction to declare that the calling of a 'bundh' and the holding of it, is unconstitutional especially since, it is undoubted, that the holding of 'bundhs' are not in the interests of the Nation, but tend to retard the progress of the Nation by leading to national loss of production. We cannot also ignore the destruction of public and private property when a bundh is enforced by the political parties or other organizations. We are inclined to the view that the political parties and the organizations which call for such bundhs and enforce them are really liable to compensate the Government, the public and the private citizen for the loss suffered by them for such destruction.

The State cannot shirk its responsibility of taking steps to recoup and of recouping the loss from the sponsors and organisers of such bundhs. We think that these aspects justify our intervention under Art. 226 of the Constitution. In view of our discussion above, we allow these Original Petitions to the extent of declaring that the calling for a bundh by any association, organisation or political party and the enforcing of that call by it, is illegal and unconstitutional. We direct the State and its officials, including the law enforcement agencies, to do all that is necessary to give effect to this declaration.

Appendix 13 (Chapter 6)

(1998) 1 Supreme Court Cases 201

(Before J.S. Verma, C.J. and B.N. Kirpal and V.N. Khare, JJ.)

COMMUNIST PARTY OF INDIA (M)

Appellant;

Versus

BHARAT KUMAR AND OTHERS

Respondents

Civil Appeals Nos. 7728-29 of 1997, decided on November 12, 1997

Constitution of India - Arts. 19 & 21 and 51 - 'Bandh' - Calling for, holding of and enforcing 'bandh' by political parties, organised bodies or associations - Held, violative of fundamental rights of the citizens in addition to causing national loss and hence declared unconstitutional and illegal - Calling

for a 'bandh' is different from calling for 'hartal' or strike having regard to effect of 'bandh' on fundamental rights of the people as a whole which cannot be made subservient to the claim of fundamental rights of an individual or a section of the people - Govt. should take steps to recoup and of recouping the loss from the sponsors and organisers of such 'bandhs' - Reasonings given by High Court in *Bharat Kumar case*, particularly those in paras 12, 13 and 17 for the ultimate conclusion and directions in para 18 of its judgment accepted as correct - Bandhs

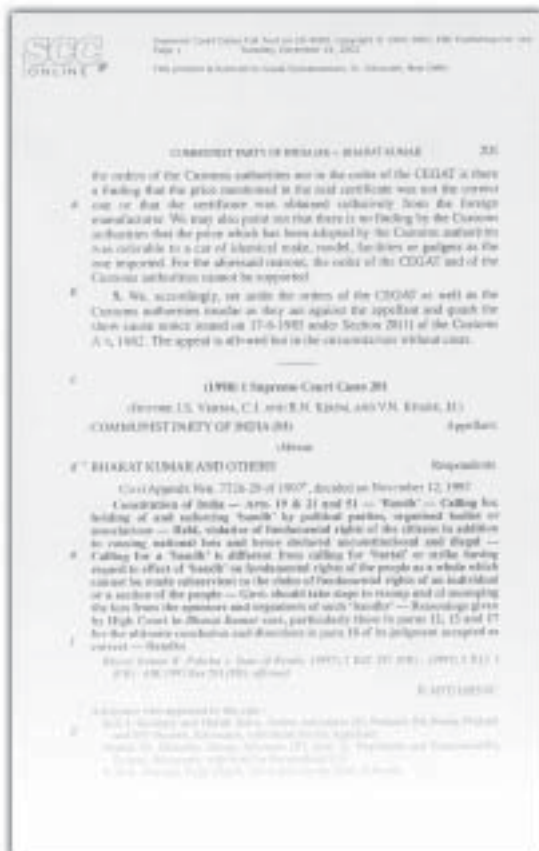
Bharat Kumar K. Palicha vs. Kerala, (1997) 2 KLT 287 (FB): (1997) 2 KJ 1 (FB) AIR 1997 Ker 291 (FB), affirmed

ORDER

3. On a perusal of the impugned judgment of the High Court, referring to which learned counsel for the appellant pointed out certain portions, particularly in paras 13 and 18 including the operative part in support of their submissions, we find that the judgment does not call for any interference. We are satisfied that the distinction drawn by the High Court between a "Bandh" and a call for general strike or "Hartal" is well made out with reference to the effect of a "Bandh" on the fundamental rights of other citizens. There cannot be any doubt that the fundamental rights of the people as a whole cannot

be subservient to the claim of fundamental right of an individual or only a section of the people. It is on the basis of this distinction that the High Court has rightly concluded that there cannot be any right to call or enforce a "Bandh" which interferes with the exercise of the fundamental freedoms of other citizens, in addition to causing national loss in many ways. We may also add that the reasoning given by the High Court, particularly those in paragraphs 12, 13 and 17 for the ultimate conclusion and directions in paragraph 18 is correct with which we are in agreement. We may also observe that the High Court has drawn a very appropriate distinction between a "Bandh" on the one hand and a call for general strike or "Hartal" on the other. We are in agreement with the view taken by the High Court.

4. The appeals are dismissed accordingly. No costs.



Appendix 14 (Chapter 7)

RIGHTS AND STATUS OF THE OPPOSITION

This document is a chapter excerpted from a larger report entitled "*Advisory Opinion on the Reform of the Rules of Procedure in the Parliament of Bangladesh*". It was written in 1999-2000 by a team of international UNDP experts based on (a) extensive consultations with a broad spectrum of Bangladeshi Parliament Members and (b) best practices from Parliaments elsewhere in the world. The recommendations put forward here have been referred to, but not yet acted upon, by Parliament's Rules of Procedure Sub-Committee.

INTRODUCTION

Parliament is the institution that embodies society in the diversity of its composition and its opinions and which relays and channels this diversity in the political process. Its vocation is to regulate tensions and maintain equilibrium between the competing claims of diversity and uniformity, individuality and collectivity, in order to enhance social cohesion and solidarity. Its role is to legislate, inter alia by allocating financial resources, and overseeing the action of the Executive. A Parliament without opposition or where the opposition is not guaranteed fundamental rights of opinion, time for speaking, balanced presence in the parliamentary bodies and a fair representation according to its party-strength, is denying its essential function: to represent the society by establishing checks and balances over the Executive Power.

Article 24 A
OPPOSITION DAY

New text: "Ten days shall be allotted in each year for proceedings on opposition business, eight of which shall be at the disposal of the Leader of the Opposition and two of which shall be at the disposal of the leader of the second largest opposition party; and matters selected on those days shall have precedence over government business.

For the purposes of this Rule, the Leader of the Opposition shall be that Member of the Parliament defined under paragraph (m) of Rule Number 2, and "the second largest opposition party" shall be that party, of those not represented in Government, which has the second largest number of Members elected to the House as members of that party."

JUSTIFICATION

House of Commons

Arrangement and Timing of Public and Private Business
Arrangement of public business

Standing Order No. 14.

- (1) Save as provided in this order, government business shall have precedence at every sitting.
- (2) Twenty days shall be allotted in each session for proceedings on opposition business, seventeen of which shall be at the disposal of the Leader of the Opposition and three of which shall be at the disposal of the leader of the second largest opposition party; and matters selected on those days shall have precedence over government business provided that-
 - (a) two Friday sittings shall be deemed equivalent to a single sitting on any other day;
 - (b) on any day other than a Friday, not more than two of the days at the disposal of the Leader of the Opposition may be taken in the form of four half days, and one of the days at the disposal of the leader of the second largest opposition party may be taken in the form of two half days; and

- (c) on any such half day, proceedings under this paragraph shall either-
- (i) lapse at seven o'clock if not previously concluded, or
 - (ii) be set down for consideration at seven o'clock and, except on days on which private business has been set down for consideration under the provisions of paragraph (5) of Standing Order No. 20 (Time for taking private business), shall be entered upon at that time:

Provided that on days on which business stands over until seven o'clock under the provisions of Standing Order No. 24 (Adjournment on specific and important matter that should have urgent consideration) proceedings under this sub-paragraph shall not be entered upon until such business has been disposed of, and may then be proceeded with for three hours, notwithstanding the provisions of Standing Order No. 9 (Sittings of the House).

- (3) For the purposes of this order "the second largest opposition party" shall be that party, of those not represented in Her Majesty's Government, which has the second largest number of Members elected to the House as members of that party.

The creation of the opposition days/business is a recent improvement of the parliamentary system, both in the Westminster and in the continental models. Such a Rule has been strongly recommended by IPU in its "Guidelines on the Rights and Duties of the Opposition in Parliament"¹³. The Union suggests that

"The Agenda for a predefined number of sittings during the parliamentary sessions shall ex-officio be chosen freely by the Assembly itself. In the Assembly, the decision shall lie with each parliamentary group, on a rotating basis."

All proposals of this kind aim at preventing government to tax the time of the House with its own business, occupying the parliamentary agenda and leaving very little room for items selected by the opposition. "Opposition days" balance the parliamentary agenda in favour of the opposition, provided the opposition is an active parliamentary force able to take this opportunity for locating the debate on matters where the government is at a certain disadvantage. It also prevents any of the frequent and futile claims of the opposition, that it has not been given the chance to discuss certain aspects of the national actuality or policies that are not under parliamentary scrutiny. Some criticism seems to be avoided, fairness and transparency is increased, and an active role of the opposition is demanded by this reform. The draft finally aims at allowing some parliamentary space for the second largest opposition party to prevent a monopoly of the political debate between the government and the official opposition: rights of minorities are therewith better protected, without increasing the business of the House to an extent that would over-represent parties with a weak popular support. The House has been sitting an average of 154 days in the last years (with a maximum of 158 days in 1994 and a minimum of 150 days in 1998). The twenty opposition days represent therefore one opposition day per each eight sitting days. If the Bangladesh Parliament sits an average of eighty days per year, the same proportion would advise to establish ten opposition days.

Article 36 DISCUSSION ON THE PRESIDENT'S ADDRESS

Addition in fine: "Provided that the Prime Minister or any other Minister has announced s/he will exercise this right of explanation, the Leader of the Opposition or any other Member of Parliament appointed by the Leader of the Opposition, whether s/he has previously taken part in the discussion or not, shall have a general right of explaining the position of the Opposition immediately before the intervention of the Prime Minister or the Minister speaking on behalf of the Government, and for the half of the time allotted to the Government."

¹³ "IPU Guidelines on the Rights and Duties of the Opposition in Parliament", Libreville (Gabon), May 1999

JUSTIFICATION

The presidential address, the statement of the Crown in some parliamentary monarchies in Europe and such other similar procedures, allow the governments to place a statement before the House at the beginning of the Parliament or parliamentary year. It has the additional solemnity of being read by the Head of the State and moderated by his/her more neutral role, depending on each Constitution. The statement expresses however a political point of view, that can be opposed by the parties which are not represented in government. The draft amendment intends to balance the right of the Prime Minister and members of the Cabinet to explain their position with the right of the Opposition Leader or MP appointed by him/her to express their views, keeping in mind that the minor parliamentary strength has to be reflected in an allocation of less time. The discussion on the address is in all developed systems a major occasion for a high-level political debate between the most relevant parliamentary actors. This needs a regulation that guarantees fairness and balance, as well as proportionate representation and solemnity of the debate.

Article 71 (2) CALLING ATTENTION TO MATTERS OF URGENT PUBLIC IMPORTANCE

New text: "Provided the Speaker has not decided to refer the matter to the Oversight Committee of the Ministry concerned, there shall be a debate after the Minister's statement, if the Member who has obtained the permission of the Speaker to call the attention of the Minister is not satisfied with the statement. Immediately after the statement, the Member rising in his/her place may reply, in a speech lasting not more than one half of the time spent by the Minister. The concerned Minister may make his/her final statement after the Member's speech, and for the same time spent by the Member."

JUSTIFICATION

The suggested draft has been inspired by the regulation of Standing Order Number 24 of the House of Commons of the UK, regarding motions for adjournment of the House.

The actual regulation of the call in Bangladesh only allows the opposition to move and eventually, to ask a question to the Minister, unless the Speaker decides to refer the matter to the relevant Standing Committee¹⁴, where the current Rules allow for greater balance of opinions. Otherwise, the rights of the opposition Member calling attention are extremely limited, as the current Rule allows the Minister to choose the moment and to express his/her views without a balanced procedure for the discussion. The above draft guarantees fairness and balance, as well as proportionate allocation of time in terms of representation and solemnity of the Office that the debating Members hold. The discussion is not mandatory: the Speaker can shortcut it, driving the procedure towards the Committee System. The Minister can prevent the debate with a non-controversial statement that may satisfy the Member calling his/her attention. The right of debating is however safeguarded in the proposed regulation.

Article 300 STATEMENT MADE BY A MINISTER

Addition: "A statement may be made by a Minister on a matter of public importance with the consent of the Speaker, but no question shall be asked at the time the statement is made. The Leader of the Opposition or any other Member of Parliament appointed by the Leader of the Opposition may explain the position of the Opposition immediately after the statement of the Minister and for one half of the time used by the Minister. The Minister may conclude the statement debate with a final statement, for the same time as used by the Leader of the Opposition or Member speaking on his/her behalf."

¹⁴ Standing Committees have been referred to as Oversight Committees in the above draft. See Chapter 7 for explanation.

JUSTIFICATION

The statement of a Minister on a matter of public importance invariably expresses a political point of view, that might not be shared by the parties that are not represented in government. The draft amendment intends to balance the right of the Minister to make his or her statement, when authorised by the Speaker, and the right of the Opposition Leader or MP appointed by him/her to express their views on this statement. It has been kept in mind that the minor parliamentary strength has to be reflected in a minor allocation of time. In the above quoted IPU Guidelines, it is suggested that "The Opposition shall be entitled to speaking time proportionate to its numbers..." The discussion after such statements is, in all developed parliamentary systems, a major occasion for a high-level political debate between the most relevant parliamentary actors. This needs a regulation that guarantees fairness and balance, as well as proportionate representation and equity.

COMMITTEE CHAIRPERSONS OF THE OPPOSITION

The Indian system gives the Speaker the capacity of nominating Chairs of Committees through a non-codified rule. The latest custom establishes that the Chairperson of specific Committees, e.g. Public Accounts, will always be a prominent Member of the Opposition. It is also the custom in India to elect, since 1977, the Deputy-Speaker from among the rows of the Opposition Party. A similar non-written rule applies to the Spanish Congress where the Budget Committee Chairperson is always elected from among the Members of the principal Opposition Party. The latest British practice has established a dual chairing system in the majority of Committees, reserving one of the Chairs to the ruling party and the other to the main opposition party.

On the other hand, both in the US House of Representatives and the US Senate, as well as in the French Senate and National Assembly, Chairpersons always belong to the Ruling Party, a normal consequence of being elected through Committees that proportionally represent the composition of the House as a whole. No concession is made to the Opposition, as Chairpersons are to play a highly significant role in the management of budgets, the Business of the House, and the activity of the Floor. The US Committees, more than electing their Chairpersons, ratify, by voting, two principles of the American parliamentary tradition: first, that the Chairs correspond by right to the majority party in the Chamber; and second, that within the majority of each Committee, seniority has precedence. This is only possible due to the stability of the Committee Members, both in the Senate and in the House of Representatives. As Members are frequently re-elected and usually stay in the same Committee for several terms (except for a change to a Committee considered of a higher level), the most senior Member of the majority party naturally takes the Chair. Neither the parties nor the Chief Whips have the right to deprive a Member of his appointment to a Committee that he held in a previous term. Additionally, the stability of Members supposes a deep specialisation of American Committees and of its Members.

In a very mature system, the American model is a feasible option first because of the technical input that inspires most of the Houses' preparatory work, and second because of the presidential shape of the Constitution, assuring checks and balances between the Head of the Executive and the Legislature. The same happens in the semi-presidential French system. Westminster models have opted for a more participatory approach. The proposals of this section have been drafted in the light of the results of the Survey on the Reform of the Rules of Procedure. While only 15% of the Members of the Jatiyo Sangsad believe that Chairpersons of Committees should be nominated directly by the Speaker, a large majority opined in favour either of a proportional allocation to the seats of each Party (65%) or of a specific determination of Committees to be chaired by Opposition MPs (25%). In order to balance better the Committee System in the Bangladesh Parliament, present opinion recommends strongly the adoption of any system that will allow the Opposition, if its Leadership so wishes, not to be alienated from the Committee Chairmanship as a whole. The opinion does not consider advisable, however, to express any preference between the option of a convention and the possibility of a written rule. It is believed that the participation of the major opposition party in chairing some of the Committees would be of great significance to the even greater credibility and fairness of the parliamentary rules.

It has to be underlines that this option is in no way more or less democratic than the other, namely leaving it to the Committees themselves or to the Speaker or even to the Rules, to determine who shall be in each case the Chairperson of a Committee. The rationale behind the preference for sharing these responsibilities is to provide the option to both major parties to build up together a strong Committee System, involving the opposition in the administration and institutional management of the system as such.

The intensity of this participation may vary, as much as the Ruling Party may wish to open up the Committee System to the Opposition. The most generous option, not practised by any western Parliament, is to allocate specific Chairmanships according to the following Rules or Conventions:

- a) The Deputy Speaker shall be a Senior Member (re-elected at least once as MP) belonging to the official opposition. (S)he shall be proposed to the Leader of the House and to the candidate to be nominated as Speaker by the Leader of the Opposition. A previous agreement has to be reached on the following:
 - (i) the Leader of the Opposition will refrain from proposing any Member of his/her Parliamentary Party who would be especially unsuitable for the post, e.g. being investigated or sub-judice for a serious matter, being known in his/her previous parliamentary practice for making unnecessary personal charges against other Members, for making frequent and incorrect remarks on the personal conduct of the President, Prime Minister, Ministers or Judges of the Supreme Court, for using offensive, abusive or vulgar expressions in his/her speeches before the House, for uttering treasonable, seditious or defamatory words in Parliament or using his/her right to speak for the purpose of wilfully obstructing the business of the House, as well as, more generally, having a bad record for referring discourteously to other Members in debates or using expressions which are unparliamentary in nature; and
 - (ii) the leader of the House and the candidate to be nominated as Speaker shall accept any reasonable candidate proposed by the Leader of the Opposition, and will not interfere in the proposal right of the Opposition (e.g. selecting a MP from the Opposition or favouring his/her nomination) nor reject any candidate but for sound and justified reasons. This commitment should include the right to reject two out of three candidates, and to accept the third if the first and second had not been considered suitable.

On the basis of the agreement of the Ruling Party, the Speaker will be elected usually by the sole votes of the majority, the Opposition normally abstaining in this division. Accordingly, the Deputy Speaker will be elected by the sole votes of the opposition, the Ruling Party MPs abstaining in this division. This is perfectly possible without amending the Rules of Procedure, as, according to Articles 8 (1) [Speaker] and 9 [Deputy Speaker], the election by motion can be carried by majority of members present and voting. IPU has strongly recommended that, "When setting up the governing body of Parliament (Board), an effort must be made to reflect the political composition of the Assembly. If there are Vice-Presidents, a fair share of these posts must be set aside for Opposition MPs who, in alternation with majority MPs, shall preside over the Assembly's sittings."¹⁵

- b) The Ruling Party and the major Opposition Party, eventually the minor Parties as well, have the right to propose as many Members of their Parliamentary Parties to be Chairpersons of Committees as would reflect their relative party strength. As in the formula that will be used for the proposal of composition of the Business Advisory Committee, the following results could be obtained if we accept the hypothesis of a House with 33 Committees:

Party A= 165 seats (50%) = 17 Chairs of Committees
 Party B= 110 seats (33%) = **11**¹⁶ or 12 Chairs of Committees
 Party C= 33 seats (10%) = 03 or **04** Chairs of Committees
 Party D= 16 seats (05%) = 01 Chair of Committee
 Party E= 06 seats (02%) = No Chair of Committees

¹⁵ "IPU Guidelines on the Rights and Duties of the Opposition in Parliament", Libreville (Gabon), May 1999

¹⁶ For the purpose of this simulation, bold figures have been used for the suggested option.

The usual procedure for the preliminary nomination follows the D'Hont Law, used for the allotment of seats in proportional electoral systems:

Party A chooses first and will propose the first 7 preferences. It will then have less Chairs to choose than Party B, which will choose next. This is continued till the last Chair and Committee, as shown below:

1. Party A chooses Chair and Committee 1 (16)¹⁷
2. Party A chooses Chair and Committee 2 (15)
3. Party A chooses Chair and Committee 3 (14)
4. Party A chooses Chair and Committee 4 (13)
5. Party A chooses Chair and Committee 5 (12)
6. Party A chooses Chair and Committee 6 (11)
7. Party A chooses Chair and Committee 7 (10)
8. Party B chooses Chair and Committee 8 (10)
9. Party A chooses Chair and Committee 9 (09)
10. Party B chooses Chair and Committee 10 (09)
11. Party A chooses Chair and Committee 11 (08)
12. Party B chooses Chair and Committee 12 (08)
13. Party A chooses Chair and Committee 13 (07)
14. Party B chooses Chair and Committee 14 (07)
15. Party A chooses Chair and Committee 15 (06)
16. Party B chooses Chair and Committee 16 (06)
17. Party A chooses Chair and Committee 17 (05)
18. Party B chooses Chair and Committee 18 (05)
19. Party A chooses Chair and Committee 19 (04)
20. Party B chooses Chair and Committee 20 (04)
21. Party C chooses Chair and Committee 21 (03)
22. Party A chooses Chair and Committee 22 (03)
23. Party B chooses Chair and Committee 23 (03)
24. Party C chooses Chair and Committee 24 (02)
25. Party A chooses Chair and Committee 25 (02)
26. Party B chooses Chair and Committee 26 (02)
27. Party C chooses Chair and Committee 27 (01)
28. Party A chooses Chair and Committee 28 (01)
29. Party B chooses Chair and Committee 29 (01)
30. Party D chooses Chair and Committee 30 (00)
31. Party C chooses Chair and Committee 31 (00)
32. Party B chooses Chair and Committee 32 (00)
33. Party A chooses Chair and Committee 33 (00)

It will be noticed that, among Parties with the same number of Chairs still to be chosen, the larger Party will allow the smaller to choose first. This nomination system does not apply to Committee chaired ex-officio by any person or with a Chair nominated by the Speaker, if so foreseen in the Rules. Once the nomination process has been finalised, something that could be the responsibility of the Business Advisory Committee, all Committees will be nominated by the House, including the proposed Chairperson. The House will have to ratify by voting on a motion the decisions of the Business Advisory Committee. The Committee itself will have the final say when electing its Chairperson. If it is believed that the political authority of the Business Advisory Committee is sufficient to ensure that its agreements will be respected, then no further regulation is needed. To prevent any "rebellion" against the agreements, additional security can be established by stipulating in the Rules that the election of Committee Chairpersons will be done by a majority of two thirds. This should be sufficient to guarantee that the Opposition would vote for the candidates of the Ruling Party and vice-versa. But it would not eliminate the danger of a "great coalition" of the larger parties in a last attempt to rescue the Chairs initially allotted to the small parties.

¹⁷ All figures in brackets show the number of Chairs and Committees left to this party after its choice.

It has to be recalled that the persons proposed as Chairs of the Committees should, as far as practicable, and though at a lower extent than as required for a Deputy Speaker candidate from the Opposition, comply with the general profile of fairness, seniority and good previous parliamentary behaviour.

A second option, less generous but far more practicable, is to determine, again by a convention or in an explicit proviso in the Rules, that some specific Committees will be chaired by Opposition Members¹⁸. Though IPU recommends that "The opposition shall be entitled to a number of standing committee chairmanships proportionate to its numbers"¹⁹, in the same text, the Inter-Parliamentary Union seems to believe that it is more realistic to insist on the fact that "The chairmanship of the Committee responsible for budgetary matters shall go ex-officio to the opposition." In the United Kingdom, the Chairperson of the Public Accounts Committee is invariably elected from amongst opposition Members, something that has begun to be a consolidated practice in the Lok Sabha. As stated above, the Committees of our proposal that could be considered to be chaired by the Opposition, would be the following:

- Public Accounts Committee (Constitutional Committee)
- Committee on Privileges (Constitutional Committee)
- Any of the Divisional Affairs Committees where the Opposition Members are in the majority
- Committee on Estimates and Government Assurances
- Budget and Finance Committee

The results of the Survey on the Reform of the Rules of Procedure (see Annex Three) clearly advocate in favour of such a selection. 85% of the Members of the Bangladesh Parliament believe that the Opposition should chair the Public Accounts Committee, 64% state that an Opposition MP should be the Chairperson of the Committee on Privileges and 61% opine that all Special Inquiry Committees should be chaired by the Opposition. There is, however, less support for entrusting the chair of the Budget Committee to Opposition Members (25%) and a clear mistrust in the suitability of an Opposition MP, as Chairperson of the Defense Committee (6%).

Following these opinions would give the Chairs of at least three strategic and important Committees to the Opposition. As again the votes of the majority are needed to get the proposed candidates of the Opposition elected, it is recommended that the candidates would comply with the criteria of seniority, fairness and good records.

The agreement of the Political Leaders on any of the above options, or on any other formula, would allow, if decided that an explicit mention of the regulation has to be contained in the Rules and not adopted by convention, for the drafting of the relevant amendments to Articles. However, as stated by a former Speaker of the Bangladesh Parliament, it seems advisable to regulate and strengthen the functions of the Committee Chairpersons, regardless of their political affiliation. "There are no set Rules as to the functions of the Chairperson in the Committee System, while the scope, ambit and periphery of Parliamentary Proceedings are well defined in the Rules of Procedure of the Bangladesh Parliament. The Speaker works according to these Rules of Procedure, precedents and conventions."²⁰ It seems that the Rules should give a clearer mandate regarding the powers and duties of the Chairpersons, so that they can better discharge their functions in the Jatiya Sangsad. In the following proposals and in the Chapter on Rationalisation of the Committee System, an attempt has been made to clarify these duties and to strengthen these powers.

¹⁸ Dr. Najma Chowdhury insists particularly on this point in the "Implementation Plan on Strengthening of the Parliament. Team Leader's Report", Government of Bangladesh/UNDP, Dhaka, January 1997

¹⁹ "IPU Guidelines on the Rights and Duties of the Opposition in Parliament", op. Cit.

²⁰ Shaikh Razzaque Ali, "Functions of the Chairpersons in the Committee System". Parliamentary Committee Systems' Conference Report, p. 201, Dhaka, May 1999

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Annex 1

Translation of Joint Declaration of Business Community 10 November 1998*

The declaration urged the political custodians of the country to keep wheels of the national economy running in the midst of uncertain political environment by allowing business and trade to function. The recommendations were:

- 1) **The party in power** should show genuine magnanimity and respect in upholding various provisions of parliamentary democracy as stated in the Constitution of Bangladesh. Besides, it will also stop provocation and harassment of the opposition political workers in addition to showing utmost tolerance to opponents' political opinions and criticisms. In the same vein, the opposition political parties must shun the path of hartals, destruction of public and private property and other counterproductive activities in the greater interest of the country.
- 2) **The government and the opposition parties must arrive at a workable political consensus** on some basic issues so that law and order is restored and greater peace exists in the country to ensure speedy progress of the national economy.
- 3) **The pledge given by the present government not to call hartal ever again was a very timely and laudable declaration.** We believe that through its activities, the government will show its generosity and tolerance in valuing differences of political views and discussions.
- 4) **The police administration and the judiciary must function independently** and with absolute neutrality.
- 5) **News coverage** regarding various activities, views and opinions of the government are regularly highlighted on the television and the radio. Likewise, **opportunities must also be given to the political parties representing the opposition in the national parliament to air their views** and opinions freely and objectively on the state run electronic media.
- 6) **All the political parties of the country must formally declare that they will refrain from calling hartal in future.**

The joint declaration of the business leaders also stated that there is no other alternative left to save the country from impending ruin unless concerted efforts are made from all quarters by rising above all partisan and group interest to fight the onslaught of poverty, unemployment, illiteracy and malnutrition. The country's business stalwarts also categorically stated that our chances of boldly facing the challenges of the new millennium and surviving as an independent and sovereign nation depended much on the fulfillment of the above recommendations.

The declaration was signed by BGMEA, DCCI, FBCCI, MCCI and BTMA

* Extract taken from NEWS NETWORK publication, 'The Politics of Hartals', February 2000

Annex 2

**Hasina's unconditional announcement
AL will never call hartal**

The Daily Star, 15 November 1998

In a major political development, Prime Minister Sheikh Hasina has declared that her party, Awami League would never call hartal, even if it returned to the opposition, reports UNB.

"My party will never call hartal," she categorically said while exchanging views with editors of national dailies and news agencies at her office yesterday morning.

"I am making this announcement unilaterally both as the Prime Minister and the President of Awami League" Hasina said.

The Prime Minister's unconditional announcement came at the heels of main opposition BNP's 60-hour hartal enforced across the country from November 9.

Justifying the past hartals called by Awami League while in the opposition, Hasina said those hartals were to establish people's rights, but there is no need to call hartal now.



The Prime Minister said, "We do politics for the people, and we have no hesitation in taking any decision for the people's welfare," she said.

Hasina made the "no-hartal" announcement when the editor of The Daily Star Mahfuz Anam wanted to know about her position on this point.

She also urged the editors to make the same proposal to the opposition, which, she said, is now calling hartals without any issue.

Hasina said her party had called hartal to establish democracy and ensure people's share in the state power. "We have established the truth that the people is the

only source of power to change the government through ballot."

She said there was logic in enforcing hartals by Awami League as it fought for the people's democratic rights and for a system that elections would be held under a caretaker government after resignation of the party in power.

But, the prime minister said, BNP and its allies are calling hartals to protect the killers, not to safeguard the rights of the people.

Hasina said that while in power Khaleda Zia repeatedly spoke against hartal, saying patriots do not indulge in the politics of hartal. But why BNP is calling hartal now without any issue, she asked.

"What is the issue today? Why the opposition is calling such a long hartal?" she wanted to know. Hasina said BNP is enforcing hartals at a time when the government is busy with post-flood rehabilitation works.

In the last week, the prime minister said the flood-affected people could not get relief for three days due to the hartal and it has aggravated their sufferings.

Replying to a question from UNB Chief Editor Enayetullah Khan about the opposition's demand for a midterm election, the prime minister said her government has already announced that general elections will be held in 2000, one year ahead of the schedule. "What's the compulsion? Has any such incident happened for which we have to go for a midterm polls?" she questioned. The prime minister categorically said the government did never try to foil any meeting of BNP. "Rather several meetings of Awami League, while in opposition, had been attacked by government terrorists."

Refuting the allegation that their last rally was disrupted by government supporters, she said: "It is absurd that an activist of the ruling party will dare to set off bombs sitting in the meeting of BNP. The crowd will not let a man come out of a meeting after blasting bombs."

Sheikh Hasina accused BNP of following politics of corpse and said they even called hartal after killing a Juba League leader on November 7.

The BNP also called hartal for a heroin addict, Akkas, who was killed in mob attack during a hartal, she told the editors, adding the melee in BNP's November 7 meeting was also an outcome of "evil design" of that party to create unrest on the day of historic Bangabandhu murder case verdict.

Hasina said the nation was absolved of a curse through this verdict against the killers who had not only killed the father of the nation but also women and children, trampling human rights.

"The opposition tried to create a situation so that the verdict cannot be pronounced that day" she said, charging the main opposition party with making a bid to protect the "self-proclaimed killers."

She pointed out that General Zia has rewarded the killers with jobs in the foreign missions, and that Khaleda Zia made "a killer" the Leader of the Opposition in Parliament through the "farcical" February 15 polls.

Khaleda Zia made Col. Rashid Leader of the opposition in parliament, which could not exist more than three days, she said.

The prime minister reiterated that trial of the Bangabandhu case was held under the law of the land, and the other killings would also be tried the same way. She mentioned the process of trial of the killing of four national leaders, slain in jail.

"It is unfortunate that BNP and some of its allies are taking up political programmes to give support to the killers and issuing threats to topple the government," she said, adding they are trying to protect the killers by planning to topple government. Hasina said the government was trying heart and soul to recoup the losses caused by the devastating floods and working day and night to ensure relief and post-flood rehabilitation of the flood victims.

Replying to a question about law and order, the prime minister said the government is very much sincere in curbing terrorism and taking strict actions against the terrorists.

"We are taking steps against the terrorists irrespective of their political identity," she said, "we have no lack of sincerity."

Sangbad Editor Ahmedul Kabir; Daily Star Editor Mahfuz Anam; New Nation Editor AM Mofazzal; Ajker Kagoj Editor Kazi Shahed Ahmed; Financial Express Editor Moazzem Hossain; Bangladesh Observer Editor Iqbal Sobhan Chowdhury; Ittefaq acting Editor

Rahat Khan; Janakantha Editor Atiqullah Khan Masud; Khabor Editor Mizanur Rahman Mizan and political Adviser to the prime minister Dr S A Maleq took part in discussion.

BSS Chief Editor Husainuzzaman Chowdhury; Janakantha Advisory Editor Toab Khan; Muktakantha Editor K G Mustafa; Independent Editor Mahbubul Alam; Bhorer Kagoj Editor Benazir Ahmed; Financial Express Chief Editor Reazuddin Ahmed; Banglabazar Editor Zakaria Khan; Inquilab Editor AMM Bhauddin; Al Amin Editor Alhaj Moqbul Hossain MP; Prothom Alo Editor Matiur Rahman; Dainik Provat Editor Mozaffar Hossain Paltu; Sangbad Acting Editor Bazlur Ragman and Rupali Editor Mostafizur Rahman MP were present.

State Minister for Information Prof Abu Sayeed, Principal Secretary to the Prime Minister Dr S A Samad and Press Secretary to the Prime Minister Jawadul Karim were also present.

Annex 3

End of peace and hartals again Both parties flout commitments

Prothom Alo, editorial, 14 September, 1999
(Unofficial translation from Bangla into English)

Although the government has pledged to handle demonstrations peacefully, the opposition's programme last Sunday to block the secretariat was far from peaceful. No one was killed, however, whereas on the one hand teargas shells were fired and excessive use of force using batons was carried out by the police; on the other hand the opposition set off bombs, vandalised and set vehicles alight. This violence and vandalism has caused considerable anxiety and resentment on the part of the general public.

Although the opposition had pledged to stage a peaceful programme, their activists were instead seen destroying and setting fire to buses, trucks, and even rickshaws. They also set ablaze four petrol pumps. In short, the opposition's destructive behaviour acted as a trigger for violence through vandalism, which hinders constructive and peaceful politics.

However, the government's attitude towards the political opposition is also not correct. Because government feels that they will suffer if the protest programmes of political opposition succeed, they stage counter rallies and aim to obstruct the protest programmes of the opposition. Barricades are put up at the main entrances to the city, so that supporters and activists are unable to reach the programme venue. The Transport Workers Association -- which is supported by the government -- started setting up barricades on Saturday night, with no interference from the police. Incidences of looting buses and trucks and mugging drivers and passengers were reported. The police inaction indicates that the government had a hand in resorting to all means to disrupt the opposition's protest programme. This is a worrying development as it is the obligation of government to allow the opposition to stage peaceful demonstrations -- an elected government should not only represent its own party, but the general population. All Governments need a healthy opposition in order to run the country.

The opposition and the government are both blaming each other for Sunday's violence. We [the general public] say that both sides are responsible for the breach of peace, damage to property and overall disruption to normal life.

Following Sunday's events, the opposition has escalated the situation by calling a three-day continuous hartal. It may be legitimate to protest the government's obstruction of Sunday's demonstration, however, calling a three-day long hartal and demand that the Government steps down is an exaggerated response. The general public oppose hartals, and furthermore a three-day long hartal has grave consequences -- added to the two-day weekend, it will obstruct a whole week's work. It may be difficult to assess the impact on the government, however, it is clear that citizens suffer enormous costs. This impact on citizens will only lessen their support for the opposition parties. If the opposition doesn't recognise the damaging effect of hartals causing continuous disruption to public life, it will be they who suffer the consequences. The country's economic growth is significantly hampered due to consecutive hartals. We therefore urge the opposition to shun hartals and government to reject repressive action towards protesters, but instead to solve differences of opinion through political channels.



Annex 4

**Khaleda Says:
No hartal if CEC quits and EC restructured**

The Daily Star 18 September, 1999

BNP chairperson Khaleda Zia has said there would not be any need for hartal if the government ensured resignation of the Chief Election Commissioner and restructuring of the Election Commission, reports UNB. Her statement followed an anti-hartal appeal made by leaders of Bangladesh Garment Manufacturers and Exporters' Association (BGMEA) during their meeting with the Opposition Leader at 29 Minto Road yesterday evening, a BGMEA press release said.



Appreciating her remarks about hartal, BGMEA president Anisur Rahman Sinha told UNB that they received "historical decision from her (Khaleda). If the government accepts it (her observations) it would remain as an epoch-making event."

Earlier, a BGMEA delegation led by Sinha urged Khaleda Zia to drop hartal as a political programme for uninterrupted production and export and for the sake of the country's interests. "We desire that you come forward with constructive and progressive programmes in the country's transition period," the BGMEA said in a memorandum submitted to the BNP chairperson yesterday.

The memo said it is urgent to reach a consensus on economic issues irrespective of party affiliations to face the challenges of the 21st century and strengthen the country's industrial trade and economic base. BGMEA said although the garment

sector remained out of the purview of hartal, export activities were hampered as the service sectors directly related to the industry remained inoperative during shutdowns. The services include port, transport, banks, insurance and the Export Promoting Bureau (EPB), it added. Clearing of raw materials is being delayed, causing failure to meet shipment schedule, it said. As a result the buyers were losing their interest in Bangladesh, it added.

"Many of the garment factories would face closure if hartal is enforced repeatedly," the memorandum warned.

Annex 5

Independent Spirit Spurs Democracy

Jimmy Carter tells *The Daily Star*

The Daily Star, 5 August 2001

Former US President Jimmy Carter has said that Bangladesh is fast emerging as a model of democracy in Asia but stressed the need for its political leaders to exercise greater restraint and tolerance to strengthen democratic practice.

During an exclusive interview with *The Daily Star* at his Sonargaon Hotel suite yesterday, Carter lauded the country's efforts to continue its march on the path of democracy.

"There are many things about Bangladesh's democratic process for which the people can be proud of. The country held credible elections in 1991 and 1996 that led to peaceful transfer of power. What is heartening is that in both elections, the results were accepted by all the parties and the nation."

Carter, who has been an observer in several dozen elections worldwide, said, "The people of Bangladesh have demonstrated their enthusiasm for democracy."

"A very high voter turnout -- over 74 per cent in the last election, with a significant number of voters being women -- reflects the people's commitment to democracy."



The 78-year old, who served as the 39th president of the United States, said that the independent spirit of the people of Bangladesh inspired the language movement in 1952, establishment of the nation in 1971 and removal of dictatorships, ending with re-establishment of democracy in 1991.

Carter was happy that all major political parties have pledged to entrench democratic practices by committing to strengthen the parliament and ensure a more meaningful role for the opposition.

"The pledge to refrain from hartals will be significant for the political stability of Bangladesh," he said. He pointed out that all "these commitments have been made voluntarily" by the leaders and their associates within the major parties.

"That is why I think there is a great responsibility for news reporters including you and your newspaper that if any of the major parties, including former president Ershad, violate their commitments that should be brought to the attention of the people."

Asked if a growing US interest in the forthcoming Bangladesh election has anything to do with gas and oil, Carter replied, "I am not familiar with that to answer that question correctly. I don't think I have heard that. Personally, I have no relationship with oil. I am not connected with any oil company or oil business."

"In my discussions with the chief advisor and the president and with some political parties, they brought up the subject of Bangladesh increasing its exports. One of the potential exports would be natural gas. But they made it plain to me that they do not intend to export natural gas if they do not have 50 years of reserve supply in hand. That's all I know about."

Asked about his country's strategic interest in Bangladesh or the South Asian region, he said the US had always maintained an interest. However, he decided to speak on his presidency.

"I was also interested in the region. We (during my time) made one major move, i.e. to normalize relations with China, and this had an impact on India. We had a problem with Cyprus and that involved Greece and Turkey, and obviously we had the Iraq and Iran war and its potential impact.

"And we had the Soviet invasion of Afghanistan. And it was clear to me that if the Soviets could consolidate their hold on Afghanistan they might move through Iran or through Pakistan to the Indian Ocean.

"So, we had all kinds of things that would involve this region. And I was intensely interested in them. We had also the hostages. We had a good relationship with all the countries."

Asked if China was interested in an outlet to the Indian Ocean, he replied, "They may be. I would not comment on that. Our concerns are for the smaller countries so that the major powers might not abuse them.

"I would think the present (US) policy would be towards them so that India, China and others would honour the integrity of Bangladesh and other sovereign nations."

Annex 6

The Carter Declaration

Points of agreement stated by the main political parties

A National Democratic Institute (NDI)/Carter Center delegation to Bangladesh in August 2001 led by former U.S. President Jimmy Carter resulted in a meeting between Sheikh Hasina, leader of the Awami League, and Begum Khaleda Zia, leader of the Bangladesh Nationalist Party where the leaders of the two main political parties made commitments to the delegation to ensure a more democratic and peaceful parliamentary election in October 2001, as well as a more stable political environment following the polls. A five-point agreement, the 'Carter Declaration' included a commitment to ensure a meaningful role for Opposition in the next Parliament and renouncement of the use of hartals. Although these points were agreed verbally by both leaders, unfortunately the agreement was never signed.

The delegation conducted several meetings with the leaders of all of the main political parties, including the Bangladesh Awami League and the Bangladesh Nationalist Party.

Following are the commitments that each of these parties expressed to President Carter and the other members of the delegation. It is the delegation's strong belief that these points, if honored, will make important contributions to achieving proper democratic elections and advancing the democratic process more broadly.

1) Support for Domestic Observers

The leaders of all of the main political parties agreed to support the presence of one domestic observer per polling booth, accredited by the Election Commission, with confirmation by the Returning Officer of each constituency, after consideration of any legitimate objections lodged by the parties or candidates. At the polling booth, the Presiding Officer may remove disruptive persons, including domestic observers acting in a partisan manner. Observers may otherwise remain in the polling booths.

2) Renouncement of Violence

The leaders of all of the main political parties renounced the use of violence and intimidation, agreed to comply with the Code of Conduct issued by the Election Commission, and agreed to actively support the collection of arms by the Caretaker Government.

3) Ensuring a Meaningful Role for the Opposition in the Next Parliament

The leaders of all of the main political parties pledged that they will not boycott the next Parliament. They agreed to support the institution of a neutral, nonpartisan Speaker of Parliament.

Once the Speaker is elected to that office by Parliament, he or she would no longer participate in the activities of his or her party. In the following election the main political parties would not oppose the Speaker's re-election to Parliament. They also pledged to support other mechanisms to ensure a meaningful role for the opposition and to consider measures such as: the opposition selecting the Deputy Speaker, who also would be neutral and nonpartisan; and the opposition selecting the Chairperson of the Public Accounts Committee.

4) Increasing the Number of Women Members of Parliament

The leaders of all of the main political parties agreed to support increasing the number of women Members of Parliament to at least 60, with these members to be chosen by direct votes of the people in future elections.

5) Renouncement of the Use of Hartals

The leaders of all of the main political parties renounced the use of *hartals*.



Annex 7

Editorial
Straight talk
The mathematics of hartals

Zafar Sobhan, The Daily Star, 26 March 2004

Perhaps it is due to the seminal role that hartals played in the freedom movement in the days before independence and in the movement against military rule in the eighties and early nineties that they retain such a hold on the public imagination. It is for this reason that the public remains so ambivalent towards hartals. The public, by and large, is opposed to the politics of hartals, but cannot seem to bring itself to uniformly and categorically condemn the practice.



This is why passing laws to make the calling of hartals illegal is no solution to this intractable problem that has dogged Bangladeshi domestic politics for so long. For too many Bangladeshis, there would be an uncomfortable whiff of authoritarianism to such a move. In this nation, our right to hold hartals is, in the public mind, as fundamental and inalienable a right as the right to free assembly and free speech.

From a strictly legalistic point of view, there are any number of grounds on which hartals could presently be declared illegal under the criminal code. Intimidation, coercion, and incitement to violence are already crimes. On top of this, with its commanding majority in parliament, the ruling alliance has sufficient power to pass any kind of law it wishes to place hartals squarely beyond the legal pale.

But the BNP has not moved to pass such a law, and nor did the AL when it was in power. Both parties recognise the benefits that the politics of hartals confer on them, and both know that they might want to call hartals when in opposition. More to the point, both

know that as unpopular as hartals are with the general public, declaring them illegal would be even more unpopular and counterproductive. After all, it is simply not politically feasible to put the entire opposition behind bars every time they call a hartal (sorely though one may be tempted).

Hartals will continue to be called only so long as they continue to enjoy some level of legitimacy in the public mind as a form of political expression, and they will disappear from the public sphere only when they become so unpopular with the populace that they are no longer politically viable. This has not happened yet.

This brings me to a second and little remarked point about hartals. The fact that they are effective. But the precise way in which hartals can be an effective tool of opposition politics bears a little scrutiny. Close examination of the mathematics of hartals reveals some interesting insights. Hartals are effective but not in the way that the opposition thinks they are.

Let's take a look at the hartal scorecard of the past month and a half as an illustration of the point I am trying to make here.

The official opposition position is that the hartals it has been calling are an integral part of its one-point agenda to force the government from office. Indeed it isn't much of an exaggeration to state that, more than merely being an integral part of the agenda to get the ruling alliance to step down and call early elections, hartals are, in fact, the only tool the opposition has in its arsenal to effect this outcome.

Now, rousing rhetoric and political posturing aside, even prominent opposition leaders confide in private that the programme of hartals with which they have begun the year is unlikely to result in the stated goal of ousting the government by the end of April. The question then becomes if hartals are an ineffective means of bringing down a democratically elected government, in what way are they an effective political tool?

Hartals are an effective political tool, not, as the opposition imagines, because they are a demonstration of their strength and popularity, but because they almost always succeed in goading the government into excessive brutality in order to suppress them. Hartals typically succeed by making the government appear as undemocratic and thuggish as the opposition accuses it of being. The paradox here is that the effectiveness of hartals as a political tool is dependent almost entirely on the measures taken by the government against them.

Hartals are, by and large, unpopular with the public. The public, in general, sees hartals as evidence of the opposition's political immaturity and obstructionism and its inability to put the interests of the people ahead of its own. The public tends to place the lion's share of the blame for the inability of the government and opposition to reach some kind of workable compromise on the opposition. The government is faulted for its abuse of its majority in parliament, but the opposition is faulted even more for boycotting parliament and taking to the streets in response. This has been true regardless of who has been in power and who has been in opposition.

Hartals are inconvenient and frustrating. For many people such as small shopkeepers or day labourers the economic costs of a hartal are prohibitive. For businesses which depend on a consistent stream of revenue to cover daily operating costs and retire debt and especially for businesses in the export sector, hartals can be catastrophic. This is why the FBCCI and other business and trade bodies have consistently opposed hartals. The only way in which the opposition can win in this kind of a show-down with the government is if the government over-reacts and tries to suppress the hartal with excessive brutality. If a hartal is permitted to proceed without undue restraint and demonstrators are permitted to voice their grievances unmolested, the hartal will succeed only in alienating the people who are inconvenienced and harmed by it.

Bearing this in mind, let us look at the hartal scorecard for the last month and a half. The opposition called four hartals in the month of February. The government responded to each one in characteristic fashion by sending the police and ruling party activists to severely beat up the demonstrators and opposition party activists. The sickening brutality with which the government decided to break up the hartals shocked a population which otherwise would have had little sympathy for those enforcing the hartals.

As it was, the scenes of the police and ruling party activists lathi charging and indiscriminately beating up hundreds of demonstrators including women and senior members of the opposition have alienated many people from the government. The pictures of AL leaders Saber Hossain Chowdhury and Ahsanullah Master with their heads cracked open by police did more to advance the AL agenda than anything the AL could have done themselves.

The government further compounded its folly by sending the police and ruling party activists to break up a demonstration at Dhaka University protesting the stabbing of Prof. Humayun Azad. This was the event which turned the tide in this round in the

battle for the hearts and minds of the Bangladeshi voters. There was widespread revulsion against the thuggish attack on this non-political protest that ultimately worked to the benefit of the AL and to the detriment of the ruling alliance.

When the dust cleared after the hartals of February and early March, the big winner was clearly the AL. If the point of hartals is to move popular opinion and sympathy in your direction and to needle the government into presenting its worst face to the public, then their programme has been wildly successful. Not because of anything the AL did, but because of what the BNP did. By responding in as intemperate and dictatorial a manner to the hartals as it did, the BNP went a long way to making the AL's point for them. This is how hartals are effective.

The opposition has called hartals for April 7-8, in ostensible service of the unrealistic goal of ousting the government by the end of the month. April's hartals are unlikely to succeed in toppling the government, but they can succeed in moving popular support incrementally towards the opposition. It will be interesting to see whether the government has finally managed to master the mathematics of hartals and figured out that the way to win this round is to let the hartals proceed with a minimum of suppression. I'm not holding my breath.

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Annex 8

Articles on the Hartal Issue: 1998-2004

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- 3 December 2001, The Daily Star "Responsibilities of the present government" Arjumand Wohra
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- 8 November 2001, Prothom Alo "Why hartal at this time?"

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- 22 June 2001, Prothom Alo "Opposition's 78 fruitless Hartals during last five years"
- 19 June 2001, Prothom Alo "Why Hartal at this time? Keep election environment favorable"
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Glossary of Bangla Words and Terms

Aborodh	Blockage or physical detention
Auto rickshaw	A small three-wheel passenger vehicle with engine
Bandh	Strike
Bangla Ma	Bengali mother (Bangladesh referred to as mother)
Bharat Bandh	Nationwide strike
Bhukha Michil	Hunger march
Bichitra	Weekly Bangladeshi magazine
Bosti	A slum
Bhorer Kagoj	Daily Bangladeshi newspaper
Chatra Dal	Student wing of BNP
Chatra League	Student wing of AL
Chatra Samaj (Jatiya)	Student wing of Jatiya Party
Chatra Shibir	Student wing of Jamaat-e-Islami
Chatra Union	Left wing student union
Dharna	A general strike
Gana Adalat	Mock people's court
Gherao	Blockage of an office area in connection with demonstrations
Gono rally	Public rally
Gono Songjog	Public rally
Gram Shava	Meeting of selected villagers
Gujarati	Dialect spoken in Gujarat, a northwestern province of India bordering with Pakistan
Hartal	A Gujarati word which originally meant "closing down shops" or "locking doors". In Bangladesh today, a hartal means a strike or stop of all public activities, including transportation
Hat	Weekly village market
Hat Shava	Meeting during Hat days
Janakhantha	Daily Bangladeshi newspaper
Janatar Mancha	People's stage
Jatiya Sangsad	The Parliament of Bangladesh
Jatiya Samajtantrik Dal	Socialist party
Karmasuchi	Literal meaning is organization, but also the name for a hartal during the military rule

Lathi	A baton or stick used for crowd control
Mastaan	Gangster/muscle man
Morcha	An alliance
Nagorik Committee	Citizens committee
Nirmul Committee	Civil society resistance committee, set up for the trial of the 1971 collaborators
Union Parishad	Bangladesh local government body
Podo Jatra	Long March
Protham Alo	Daily Bangladeshi newspaper
Prokrichi	Organization of doctors, engineers and agronomists
Rakkhi Bahini	Guard battalion created immediately after independence as substitute for a regular army
Rickshaw	A small, three-wheel passenger vehicle pedaled like a bicycle
Rule Nisi	Means 'not final or absolute', a ruling that postpones the verdict
Samannaya Committee	Coordination committee
Sammilito Nari Samaj	The United Women's Association
Sammilito Sanskritik Jote	The United Cultural Forum
Satyagraha	Civil disobedience, non-violent resistance during pre-partitioned India, founded by M.K. Gandhi
Srimik-Karmachari-Oikyo Parishad ..	Labors-Workers United Council
Swadeshi Movement	National movement under British colonial rule to boycott British product and use local product.
Tamaddun Majlish	A literary and cultural organisation during the Language Movement
Taka	Monetary standard of Bangladesh
Tempo	Three wheeled motorized mini bus
Thana	Police station covering a fixed area
The Daily Chasi	Daily Bangladeshi newspaper
The Daily Sangbad	Daily Bangladeshi newspaper
Tokais	Street children
Zila Parishad	District council

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