

The State of Democratic Governance in Bangladesh

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Abstract

The principal objective of this paper is to analyze the state of democratic governance in Bangladesh. Towards this end, this paper examines the state of democratic governance during different regimes in Bangladesh. This paper begins with a conceptual analysis of democratic governance and then identifies some of its key elements. This paper explains the state of democratic governance in Bangladesh in terms of some key themes/elements of democratic governance, which include developing democratic institutions and processes, strengthening electoral and legislative systems, improving access to justice by ensuring separation of powers, promoting citizen participation, accountability, transparency, promoting democratic values, and respect for human rights.

The study demonstrates that democratic governance in Bangladesh have been impeded by a number of factors, such as authoritative behavior of the government, lack of political commitment and consensus, absence of independent judiciary, absence of independent electorate, lack of accountability of elected and appointed government officials, lack of democratic practices within political parties, lack of participation or engagement of citizens in political process, and widespread corruption. Finally, the paper recommends for reforming the electoral system, reforming judiciary, reforming the constitution for holding inclusive elections, changing the mindsets of political leaders for holding dialogues to promote democratic atmosphere, and reforming the political institutions to promote transparency, accountability and responsiveness in all branches of government.

Keywords: Democracy, Governance, Political System, Political Regime in Bangladesh.

Introduction

Although Bangladesh emerged as a democratic republic in 1972 after independence on December 16, 1971 through a bloody liberation war with then West Pakistan, the process of democratization in Bangladesh has been

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stumbling since its very independence. The environment for promoting democratic governance was first impeded on January 25, 1975 through introduction of one-party system by creation of BAKSAL, then through military interventions by coups and counter coups in August and November 1975, respectively. While opportunities for promoting environment for democratic governance were unveiled by introduction of multi-party political systems during the Zia regime, the process of democratic governance was again retarded by assassination of President Ziaur Rahman in 1981 and the nine-year autocratic rule by General Ershad. The holding of the 1991 general election after the downfall of the military regime of Ershad through mass upsurge in December 1990 brought some hopes and aspirations among the Bangladeshi citizens of establishing full-fledged democracy in Bangladesh (Amin and Islam, 1992), even though their dreams of establishing a real-and exploitation-free democratic governance have still not been materialized.

The principal objective of this paper is to analyze the state of democratic governance in Bangladesh. Towards this end, this paper examines the state of democratic governance during different regimes in Bangladesh. This paper begins with a conceptual analysis of democratic governance and then identifies some of its key elements. This paper explains the state of democratic governance in Bangladesh in terms of some key themes/elements of democratic governance, which include developing democratic institutions and processes, strengthening electoral and legislative systems, improving access to justice by ensuring separation of powers, promoting citizen participation, accountability, transparency, promoting democratic values, and respect for human rights.

The study examines the problems of democratic governance in Bangladesh and explains different factors that impede the strengthening of democratic governance in Bangladesh. Finally, the paper makes some recommendations for overcoming the problems of democratic governance in Bangladesh.

Democratic Governance in a Nutshell

Democratic governance is viewed as one of the most popular forms of governance in modern times. Democratic governance can be explained from a variety of perspectives. According to UNDP, democratic governance emphasizes the need to develop institutions and processes that are more responsive to the needs of ordinary citizens, including the poor and that promote development. Democratic governance involves strengthening electoral and legislative systems, improving access to justice and public administration and developing a greater capacity to deliver basic services to those most in need, ensuring accountability and promoting transparency.

Organization for Security and Cooperation in Europe (OSCE) views democratic governance as a system of government where institutions function according to democratic process and norms, both internally and in their interactions with other institutions (OSCE, 2015).

According to the Office for Democratic Institutions and Human Rights (ODIHR), democratic governance can be improved by increasing the level of women's participation in politics, strengthening parliament, promoting multiparty political landscapes, and preventing the abuse of state's resources. It is also argued that democratic governance is not confined to the procedures of democracy and democratic institutions. Democratic governance involves promoting sustainability of democracy, including an enduring capacity for the separation of powers and independence of all branches of government, the exercise of power abiding by rule of law, respect for human rights and fundamental freedoms, transparency and accountability of a responsible civil service functioning at both national and local levels.

Howe (2015) examines the key characteristics of democratic governance in Northeast Asia. He expounds the state of democratic governance in Southeast Asian countries in terms of its strength in enabling the flourishing of social capital, prioritizing the interests of all as characterized by freedom from fear and want, empowering all to participate in the democratic process and governance. Putting special emphasis on the experience on minorities, Howe (2015) contends that the acid test of democratic governance is not how well the government represents the interests of the elites, or even the majority, but rather how it cares for the needs of vulnerable groups in society (Howe, 2015).

Breur and Welp (2014) hold that the central aims of democratic governance involve reducing socioeconomic and gender inequality; strengthening citizen participation in political decision-making, increasing the transparency in legislative process, improving administrative procedures, providing free access to government data and information and expanding independent spaces of citizen communication. Groissant and Bunte (2011) argue that democracy in Southeast Asia is in crisis. The crisis of democracy, according to them, is a crisis of democratic governance. They identify some key themes of democratic governance in Southeast Asia, which include political culture, civil society, political parties, and institutions and human rights (Groissant and Bunte, 2011).

The State of Democratic Governance during the Mujib Regime

Sheikh Mujibur Rahman, the leader of Awami League and the architect of independence of Bangladesh became Prime Minister of Bangladesh in 1972. Soon after coming to power, the government of Sheikh Mujibur Rahman succeeded to frame the Constitution of Bangladesh within nine months. Democracy, socialism, nationalism and secularism were the four

fundamental principles of the Constitution of Bangladesh that laid the foundation state policy by the Mujib government. At initial stage of his regime, Sheikh Mujibur Rahman introduced Indian model of parliamentary democratic system of government. At the very outset, the Awami League government of Sheikh Mujib allowed all political parties to participate in national politics except the pro-Islamic parties, such as Jamati-Islam and Muslim League that collaborated with the Pakistani army during liberation war (Amin and Islam, 1992). However, the political scenario of Bangladesh had changed on January 25, 1975 when Sheikh Mujib banned all political parties and introduced one-party political system by creating BAKSAL (Bangladesh Krishak Srameek Awami League) (Huque, 1985).

One of the major setbacks to democratic governance during the Mujib regime was the promulgation of the Presidential Order 9 (PO 9) in 1975 by dint of which the government could fire any public official at its will. Banning of all national newspapers except a few state-owned newspapers also manifested the authoritative behavior of the Mujib regime (Zafarullah, 1987). Moreover, the creation of a paramilitary force called Rokhi Bahini (defense force) by the Mujib government also undermined democratic practice in Bangladesh, which caused the extra-judicial killing of some thirty thousand or more people in Bangladesh.

Among other problems of sound and democratic governance in Bangladesh during the Mujib regime, widespread corruption, mismanagement and factionalism are mentionable. Because of nationalization of industries, there was no flow of foreign direct investment (FDI) between 1972 and 1976 (Islam, 2003). As a result of pervasive political corruption, state patronage was extended to a few to enrich themselves by plundering the state sector and creating monopoly control (Amin and Islam, 1992). Conflict between freedom fighters and collaborators in civil and military administration also retarded the process of democratic governance during the Mujib regime in Bangladesh (Zafarullah, 1987).

The State of Democratic Governance during the Zia Regime

It goes without saying that democratic practice in Bangladesh was severely retarded by military interventions in 1975 through a series of coups and counter-coups. As a result, on November 30, 1976, Zia formally took over as president of Bangladesh. Zia's first act as president was to drop 'secularism' from the Constitution as a state principle, proclaiming 'absolute trust and faith in the Almighty Allah. Zia retained socialism in a modified form by a new name 'economic and social justice.' Zia also changed the nationality from 'Bangali' to 'Bangladeshi.' As civilianization process, Zia introduced a multi-party political system in Bangladesh. After becoming the President in 1978 by winning presidential election, Zia formed a political party called the Bangladesh Nationalist Party (BNP) in

September 1978, which won an overwhelming majority of seats in the parliamentary elections of 1979 (Amin and Islam, 1992).

While in power, Zia succeeded to build a number of new political institutions, such as village government (Gram Sarkar), Youth Complex (Jubo Complex), and Gram Pratirakkha Bahini (village defense force-VDF). He also tactfully managed major political parties, such as Awami League, Jatio Samajtantric Dal, Islamic Democratic League and other political parties by sharing seats in the parliament, and neutralized others (Amin and Islam, 1992; Zaman, 1994).

The Zia regime succeeded to strengthen merit based civil service system, replacing political patronage through competitive exams. The government of Ziaur Rahman made an effort to ensure equality of opportunity in promotion under the new system, and vowed to create a superior cadre to make sure that the most talented of the functional cadres could be able to reach the zenith of the public service. However, through the introduction of cadre services, generalist –specialist conflict began to escalate during the Zia regime. In order to promote economic development, the government of Ziaur Rahman also reformed public financial management by privatizing many public sectors (Zafarullah, 1987, p. 472). Although between 1975 and 1979, the civil service was reshuffled, political patronage was replaced by merit-based recruitment, management as well as career system was reinvigorated, and new pay scale was created, the bureaucracy remained elitist, conservative, parochial, centralized, paternalistic, unchanging and uncompromising in character (Zafarullah, 1996, pp. 92-93).

Public Administration and Governance during the Ershad Regime

While the process of sound governance and democratization began to improve during the Zia regime through political, financial and administrative reforms, democratic practice in Bangladesh was deterred by the assassination of President Zia on May 30, 1981 through a military coup. Although initially, Justice Sattar came to power through the blessings of army general, actual state power was retained in the hands of Ershad. Soon after taking over the state power from Sattar on March 24, 1982, General Ershad as chief martial law administrator formed a council of ministers to aid and advise him. Most of the cabinet positions were given to high ranking military officials and leading bureaucrats (Amin and Islam, 1992).

Ershad suppressed open politics until the withdrawal of all imposed restrictions on political activities on November 14, 1983. Ershad declared the holding of parliamentary elections on April 16, 1985, which was rejected by the opposition parties. He reacted by banning all political activities on March 1, 1985. In the national referendum, held on May 30, 1985, Ershad claimed to have won a massive vote of no confidence with an affirmative vote of 96% from among the 87% votes turned out. On 1986, Ershad held parliamentary and presidential elections. While Awami League and some of its allies participated in the elections, the BNP did not take part in any election under Ershad (Amin and Islam, 1992).

Ershad introduced decentralized upazila system in 1985. Indeed, it was found that Ershad was politically motivated to introduce decentralized upazila system to gain popular support for retaining power. Of many other political motives, another strategy of the Ershad government to use general civil servants as administrators in upazilas was the extension of the national government's direct control mechanism to the grass root levels (Islam, 2011; Khan, 1994, pp. 74-75).

The State of Democratic Governance during the Khaleda Regime

After the fall of military dictator General Ershad through a massive mass upsurge in December 1990, the BNP chairperson Begum Khaleda Zia came to power through a fair election under Caretaker Government (Amin and Islam, 1992). During two spells of the Khaleda regime, democratic governance in Bangladesh was challenged by the opposition political party Awami League (AL). During the two spells of the Khaleda regime (1991-1996, 2001-2006), the Awami League and its allies called hartals and/or strikes for 172 days on different political issues. On the issue of holding election under the caretaker government, Sheikh Hasina, then leader of the opposition called hartals and/or strikes and Jamati-Islami sided with the AL.

Although Khaleda Zia held sixth parliament elections in 1996 as head of the government, the AL and its political allies, including Jamati-Islami did not take part in the elections. However, on political pressure from the opposition parties, the seventh parliament election was held in the same year under the caretaker government, and the AL formed government after winning the election. It is important to mention that to compel the Khaleda government to hold the 9th parliament election under neutral and nonpartisan caretaker government, the AL engaged in countrywide political clash with the ruling BNP and its ally Jamati Islami. As a result, in 2006 about 67 activists of the ruling BNP and Jamati-Islami were killed in the clash.

One major problem of democratic governance during the Khaleda regime was the creation of the Rapid Action Battalion (RAB) that helped accelerate extrajudicial killings of people in the name of crossfire or counter attack. Although the administration during the first spell of the Khaleda regime was believed to be less corrupt, the second spell of the government was viewed less transparent and more corrupt.

The State of Democratic Governance during the Hasina Regime

Like the previous regimes, the democratic governance in Bangladesh has also been undermined due to the authoritative character and behavior of the Hasina regime. While after the first spell of the Hasina government (1996-2001) a free and fair election was held under caretaker government and the elected government was formed in 2001. But after the second spell of the Hasina regime (2009-2013) major political parties failed to reach a consensus on the issue of holding free and fair elections of the tenth

parliament in Bangladesh. The opposition party BNP and its allies demanded for holding free, fair and inclusive election under the caretaker government. The AL, on the other hand, insisted to hold election under the existing elected government. Finally, the AL government succeeded to forcibly hold the 10th parliament election on January 5, 2014 without participation of the major opposition party BNP and its allies.

According to national and international observers, about 9-15% of votes were caste in the election. Out of 300 seats of the parliament, 153 candidates of the ruling AL and its allies declared uncontested as members of the parliament, which deprived all the voters of more than 50% of total constituencies. Indeed, the pre-and-post-election political conflict created a chaotic situation in Bangladesh. As a result, the country witnessed organized anarchies by both the ruling AL and the opposition parties. Due to lack of consensus between the two major rival parties, the escalated political violence took the lives many innocent people. The months-long countrywide blockade and hartals called by the opposition parties increased the continued sufferings of the people and caused increased damage to the national economy.

To control the political agitation, the government of Sheikh Hasina arrested thousands of activists and leaders of opposition political parties. Forced disappearance, abduction, clandestine killings of the members of the opposition parties have become the common phenomena in Bangladesh (See Ain O Shalish Kendra, 2015). The creation of RAB by the Khaleda government has become a boomerang to the BNP since extrajudicial killings by crossfire or counter-attack by RAB and police reached the zenith during the second and third spells of the Hasina regime. Political and administrative corruption has also been hindrance to sound and democratic governance. Use of muscle power, plundering of tender boxes, seizing illegal property or land by many activists/members of the ruling party has also been the common features of the administration of the current government (See Amar Desh, February 23, 2015; Manab Zamin, 2015). Mass arrest of the dissidents/opposition members also indicates the absence of independent judiciary and the authoritative rule of the Hasina government.

Problems of Democratic Governance in Bangladesh

This section explains the problems of democratic governance in Bangladesh in terms of various factors, such as authoritative behavior of the government, lack of political commitment, absence of independent judiciary and electorate, lack of political and administrative accountability, and democratic practice within political parties.

Authoritative Behavior of the Government

The authoritative behavior/character of the government is a major obstruction to democratic governance in Bangladesh. The authoritative character of the government was first exposed through the introduction of

one-party system in 1975, then through military rules that lasted until the downfall of the Ershad government in December, 1990. The elected governments of Khaleda Zia and Sheikh Hasina also remained authoritative in many respects. This is because of the absence of decentralization and absolute power exercised by Prime Minister in Bangladesh. The Prime Minister even has to make the final decision on such issues that can be settled through the decisions made by the concerned ministers. About the authoritarian rule of the current government an US-based research organization mentioned that about 69% of the people of Bangladesh believed that government's behavior is authoritarian (Amar Desh, January 2015).

In an interview with senior civil servants of Bangladesh in 1976 by Professor Ahmed found that about 60% of the civil servants replied that since the civil servant were highly qualified and the guardian of the public, they were expected to formulate and implement policies and the responsibility of the common masses should be only to obey the law and order and to work hard, not to participate in any policy issues or developmental activities (Ahmed, 1981, pp. 81-89).

Lack of Political Commitment and Consensus

Political commitment is an important element of democratic governance without which socioeconomic and politico-cultural development of a nation is hardly desirable. Political commitment is essential to promote democratic practice, tolerance and consensual government and also to maintain political control over bureaucracy. In order to make a sound, transparent and efficient as well as participative and development-oriented administrative system, an honest intelligent, creative, skillful and committed political leadership is vitally essential. Without a strong political commitment and tolerance building, no political consensus among political leaders on national issues can be built up.

In Bangladesh, political leaders from both ruling and opposition parties lack political commitment and fail to build political consensus on major national issues. The political leaders are rarely found to reach consensus on national issues for the common interest of the people. Personal and party interests are given more privilege than national interest. Bangladesh since its independence has never had a strong political commitment to reform and check bureaucratic intransigence. Nevertheless, over time, the regimes have been depended on the senior civil servants instead of maintaining strong political control over the bureaucracies in Bangladesh (Islam, 2011; Khan, 2002, p. 82). So, lack of commitment by the political leadership is a major hindrance to democratic governance in Bangladesh.

Absence of Independent Judiciary

Democratic governance demands and requires an independent judiciary. Independence of the judiciary depends on certain conditions, such as mode of appointment of judges, security of their tenure in the office, and adequate

remuneration and privileges. Article 95(1) of the Constitution in Bangladesh provided that “the Chief Justice shall be appointed by the President, and other judges shall be appointed after consultation with the Chief Justice.” However, the 4th amendment of the Constitution (1975) has taken away the provision of consultation with the Chief Justice for appointment of other judges (Rahman, 2000). In practice, Judges are politically appointed and promoted so that freedom is impugned that retards them to make their judicial decisions independent of the executive or the legislature. In fact, mass arrest of thousands of activists and leaders of opposition political parties indicates the absence of judiciary in Bangladesh. Very recently, in an inaugural ceremony of the Book Fair organized by the Supreme Court Lawyers’ Association the Chief Justice S. K. Sinha regretfully mentioned that the Executive wants to abduct the powers of the Judiciary, which indicates the absence of independence of the judiciary in Bangladesh (Bangladesh Protidin, 2016).

Absence of Independent Electorate

In a democratic system of government, holding a free, fair and periodic election is a key function of the electorate. In order to hold a free, fair and popular election the electoral system must be independent of any influence or any political pressure by the any organ of the government or by any external forces. For this reason, the Election Commission should be given adequate power to neutrally and freely conduct elections without any pressure or influence from members of the ruling party. In Bangladesh, the electorate cannot work independently due to political appointment of the Election Commission and insufficient staff to conduct elections (See Manab Zamin, 2016).

Lack of Accountability of Elected and Appointed Government Officials

Accountability is an important ingredient of democratic governance. Democracy creates a favorable condition for ensuring accountability of both the bureaucrats and politicians where the people have legal right to exercise control, directly or indirectly, over the administrators and politicians (Ahmed, 1992, pp. 389-407). While in democratic governance the politicians or the elected members of a legislature are accountable to the people, the bureaucrats are supposed to be accountable to political leaders. Although maintaining control over bureaucracy is essential both for promoting democracy and development, both politicians and bureaucrats in Bangladesh are not held accountable to the people. The Mujib regime after coming to power, was trying to make bureaucracy accountable to the politicians. But the politicians including the Cabinet members of the Mujib government were corrupt. Mujib himself suffocated democracy by introducing authoritarian single party system by banning multi-party system in January 1975 (Huque, 1985, p. 208). In fact, due to political patronage and lack of political commitment, the successive governments of Bangladesh have failed to ensure political and administrative accountability in Bangladesh.

Lack of Democratic Practices within Political Parties

In a democratic system, holding periodic elections does not necessarily mean that democratic governance will be strengthened in a country. For promoting democracy in a country, the members of political parties, including leaders and activists must practice democracy within the parties. In Bangladesh politics, it has been observed that politicians do not practice democracy within the party. No regular party conventions or elections are held. Council members are selected or nominated by the party chair, not elected by the members or activists. This undemocratic practice within political parties very much impedes the strengthening of democratic governance in Bangladesh. This is because of lack of institutionalization of democracy within the political parties in Bangladesh. The major political parties, including the Awami League (AL) and the Bangladesh Nationalist Party (BNP) are not the exception to this reality (Alam, 2015)

Political and Administrative Corruption

Although administrative corruption prevails in many developed countries, the extent and magnitude of administrative corruption is more widespread in the Third World countries. A survey conducted by Transparency International Bangladesh (TIB, 1997) identified police stations (thana), lower judicial courts, public hospitals, sub-registrar's office, land record office, tahshil's office and schedules banks as most corrupt offices in Bangladesh. The study also revealed that the absence of accountability and misuse of position and powers appeared as the most salient features of corruption (TIB, 1997). A study by TIB between January 2000 and June 2000 revealed that of 927 corruption cases, the highest number of corruption indicated were reported in the law enforcement (Police, BDR, Ansar etc.) agency (30%) followed by local government agency (17%), while the lowest incidents of corruption took place in Transportation sector (2%). Moreover, the different types of corruption as identified by the TIB in public sector in 2000 included misuse of power, bribe taking, embezzlement and extortion, misuse of resources and negligence of duty (TIB, 2000).

But in reality, the bureaucrats in Bangladesh are reluctant to disclose what is happening inside bureaucracies or administration. Although the IDCs including USAID, World Bank, UNDP and ADB were pressing the governments of Bangladesh to create an efficient, effective and independent institutional arrangement such as ombudsman for checking administrative malpractices, it has not yet been established till now. So, the reluctance of the government to build a strong independent ombudsman to fight administrative corruption and malpractices in Bangladesh is also obstructing the democratic norms and development in Bangladesh (Islam, 2011).

Conclusions

In conclusion, democratic governance has been undermined by both democratically elected and military governments in Bangladesh. The first backlash on democratic government in Bangladesh came through the

introduction of one-party system by the Mujib government in 1975. Military intervention through coups and counter coups in August and November 1975 undermined democratic governance in Bangladesh. While Ziaur Rahman created environment for democratic governance by introducing multi-party political system, democratic practice was castigated by another military intervention through assassination of Ziaur Rahman on May 30, 1981 that brought military dictator Ershad to state power. Although a new hope for promoting democracy was unveiled through popular election under the caretaker government in 1991, the dream for nourishing democratic practice remained unfulfilled during the regimes of Khaleda Zia and Sheikh Hasina.

The study reveals that democratic governance in Bangladesh has been impeded by a number of factors, such as authoritative behavior of the government, lack of political commitment and consensus, absence of independent judiciary, absence of independent electorate, lack of accountability of elected and appointed government officials, lack of democratic practices within political parties, lack of participation or engagement of citizens in political process, and widespread corruption. Finally, the paper recommends for reforming the electoral system, reforming judiciary, reforming the constitution for holding inclusive elections, changing the mindsets of political leaders for holding dialogues to promote democratic atmosphere, and reforming the political institutions to promote transparency, accountability and responsiveness in all branches of government.

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