

# **Independence of Bangladesh Election Commission :A critical analysis.**



**M. Phil thesis**

By

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Commission : A critical analysis.**



A thesis submitted to the University of Dhaka in conformity with the requirements for the degree of masters of philosophy by

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निर्वाचन कमिशन

*Dedication*

*To*

*My Parents*

*&*

*My Reverent Supervisors*

## **Declaration**

To the best of my knowledge, I confirm that this thesis contains no material previously published or written by another person except by way of quotation and duly acknowledged. It is based on my own research work and has not previously been submitted for a degree or diploma of any university at home or abroad.

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## **Certification**

The dissertation entitled “Independent of Bangladesh Election Commission : A critical analysis ” by Bijan Halder under my supervision is satisfactory for submission to the department of Political Science, University of Dhaka for the award of the degree of Masters of Philosophy. The information’s collected from different sources have been duly acknowledged in this thesis.

March, 2015

Supervisor

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## **Abstract**

Election is called the basic pillar of democracy. It is a very important and only method in a democracy to establish democratic government or a other democratic institution in a democratic country. Election is the foundation or bedrock on which democracy stands. The word “Election” implies those who are to elect, called the “electors”, the office to which election is to be made, the person is to be elected called the candidate. Democracy is a concept derived from political philosophy which main requirement is the process of election. Election commission or election laws lay down on the manner in which the electoral right is to be exercised. In our constitution under the chapter of fundamental principles of state policy it has been declared in article 11 that “The republic shall be a democracy in which fundamental human right, freedom and respect for dignity and worth of the human person shall be guaranteed, and which the effective participation by the people through their elected representatives in administration at all level, shall be ensured.” On the strength of these fundamental principal of the state policy election is being held in the country by the election commission. If I carefully go through and study the Articles 118 to 126 of the constitution about the election commission it will be seen that to ensure free, fair, neutral election, the election commission shall be independent in the exercise of its function and all of the executives authorities are under obligation to assist the Election Commission in the discharge of it’s function. The parliamentary election are held under the representation of the people order 1972 and the rules made thereunder.

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## *List of Tables*

		<i>Page</i>
<i>Table</i>	: 3.7	59
<i>Table</i>	: 3.9	61
<i>Table</i>	: 3.15	71
<i>Table</i>	: 3.16	72
<i>Table</i>	: 3.23	77
<i>Table</i>	: 3.24	80
<i>Table</i>	: 3.25	81
<i>Table</i>	: 3.29	91
<i>Table</i>	: 4.1	105
<i>Table</i>	: 4.2	106
<i>Table</i>	: 4.2(a)	107
<i>Table</i>	: 4.3	109
<i>Table</i>	: 4.3(a)	110
<i>Table</i>	:4.4	112
<i>Table</i>	:4.4(a)	113
<i>Table</i>	:4.5	114
<i>Table</i>	:4.5(a)	115
<i>Table</i>	:4.6	116
<i>Table</i>	: 4.7	118

## *List of Figures*

		<i>Page</i>
<b>Figure</b>	<b>:</b> <b>3.9</b>	<b>61</b>
<b>Figure</b>	<b>:</b> <b>4.8</b>	<b>119</b>
<b>Figure</b>	<b>:</b> <b>4.9</b>	<b>120</b>

## ***Abbreviation***

<b><i>AL</i></b>	<b><i>Bangladesh Awami league</i></b>
<b><i>APSU</i></b>	<b><i>All Party Student Unity</i></b>
<b><i>BD</i></b>	<b><i>Basic Democracy</i></b>
<b><i>BKSL</i></b>	<b><i>Bangladesh Krishak Sramik Awami League</i></b>
<b><i>BML</i></b>	<b><i>Bangladesh Muslim League</i></b>
<b><i>BNP</i></b>	<b><i>Bangladesh Nationalist Party</i></b>
<b><i>BTV</i></b>	<b><i>Bangladesh Television</i></b>
<b><i>BUP</i></b>	<b><i>Bangladesh Union Parishad</i></b>
<b><i>CC</i></b>	<b><i>City Corporation</i></b>
<b><i>CEC</i></b>	<b><i>Chief Election Commissioner</i></b>
<b><i>CTH</i></b>	<b><i>Chitragong Hill Tracts</i></b>
<b><i>CMLA</i></b>	<b><i>Chief Martial Law Administration</i></b>
<b><i>COAS</i></b>	<b><i>Chief of Army staff</i></b>
<b><i>COP</i></b>	<b><i>Combined Opposition Party</i></b>
<b><i>CPB</i></b>	<b><i>Communist Party of Bangladesh</i></b>
<b><i>DC</i></b>	<b><i>District Commissioner</i></b>
<b><i>DDC</i></b>	<b><i>District Development Coordinator</i></b>
<b><i>DUCSU</i></b>	<b><i>Dhaka University Central Students Union</i></b>
<b><i>EC</i></b>	<b><i>Election Commission</i></b>
<b><i>FBCCI</i></b>	<b><i>Federation of Bangladesh chambers of Commerce and Industry</i></b>
<b><i>ICAC</i></b>	<b><i>Independence Commission Against Corruption</i></b>
<b><i>IDL</i></b>	<b><i>Islamic Democratic League</i></b>
<b><i>INC</i></b>	<b><i>Indian National Congress</i></b>
<b><i>JAGODAL</i></b>	<b><i>Jatiobadi Gonotantrik Dal</i></b>
<b><i>JCD</i></b>	<b><i>Jatio Chatra Dal</i></b>
<b><i>JI</i></b>	<b><i>Jamati-e- Islam Bangladesh</i></b>
<b><i>JP</i></b>	<b><i>Jatio Party</i></b>
<b><i>JRB</i></b>	<b><i>Jatio Rakkhi Bahini</i></b>
<b><i>JSD</i></b>	<b><i>Jatioamajtantrik Dal</i></b>
<b><i>JUI</i></b>	<b><i>Jamat-e- Ulema-e- Islam</i></b>
<b><i>LDF</i></b>	<b><i>Left Democratic Front</i></b>
<b><i>LFO</i></b>	<b><i>Legal Frame Work Order</i></b>
<b><i>MEC</i></b>	<b><i>Members Electoral College</i></b>
<b><i>ML</i></b>	<b><i>Muslim League</i></b>
<b><i>MP</i></b>	<b><i>Member of Parliament</i></b>
<b><i>NA</i></b>	<b><i>National Assembly</i></b>
<b><i>NAP</i></b>	<b><i>National Awami Party</i></b>

<b>NCG</b>	<b><i>Non part Care taker Government</i></b>
<b>NDF</b>	<b><i>National democratic Forum</i></b>
<b>NDP</b>	<b><i>National democratic Party</i></b>
<b>NGO</b>	<b><i>Non Governmental Organization</i></b>
<b>NPT</b>	<b><i>National Press Trust</i></b>
<b>NWFP</b>	<b><i>North West Frontier Province</i></b>
<b>OC</b>	<b><i>Office in Charge</i></b>
<b>PA</b>	<b><i>Provincial Assembly</i></b>
<b>PCJSS</b>	<b><i>Partbatta Chattgram Jano Sangit Samity</i></b>
<b>MP</b>	<b><i>Prime Minister</i></b>
<b>PML</b>	<b><i>Pakistan Muslim League</i></b>
<b>PO</b>	<b><i>Presiding Officer</i></b>
<b>PPP</b>	<b><i>Pakistan People's Party</i></b>
<b>SAARC</b>	<b><i>South Asian Association for Regional Corporation</i></b>
<b>SAC</b>	<b><i>Students Action Committee</i></b>
<b>SDO</b>	<b><i>Sub Divisional Office</i></b>
<b>SP</b>	<b><i>Superintendent of police</i></b>
<b>SPA</b>	<b><i>Special Power Act</i></b>
<b>SKOP</b>	<b><i>Sramik Karmochari Oikky Parishad</i></b>
<b>TDC</b>	<b><i>Thana Development Committee</i></b>
<b>TNO</b>	<b><i>Thana Nirbahi Officer</i></b>
<b>UP</b>	<b><i>United Front</i></b>

# Contents

<b>Sl. No.</b>	<b>Topic</b>	<b>Page No.</b>
	Declaration	i
	Certification	ii
	Abstract	iii
	Acknowledgement	iv
	List of Tables	v
	List of Figures	vi
	Abbreviation	vii
	<b>Chapter 1</b>	
1.1	Introduction	1
	<b>Chapter 2</b>	
	Research Methodology	16
2.1	Statement of the Research Problem	16
2.2	Objectives of the Study	22
2.2(a)	Main Objectives	22
2.3	Hypotheses of the Study	22
2.4	Defining Variables	23
2.4(a)	Dependent Variable: Free and fair Election	23
2.4(b)	Independent Variable: Independence of Bangladesh Election Commission	27
2.5	Rationality of the Study	38
2.5(a)	Methodology	40
2.5(b)	Data Collection Methods	41
2.6	Literature Review	42
2.7	Methods of Data Collection	48
2.8	Sources of Data	48
2.9	Data Presentation and Analysis	49
2.10	Limitations of the Study	50
2.11	Chapter Design	50
	<b>Chapter 3</b>	
	Study Area	55
3.1	Bangladesh: Bangladesh Election Commission	55
3.2	Election Commission of Bangladesh; Its roots of establishment	55
3.3	Election Commission Secretariat	57

3.3(a)	Map of Bangladesh	57
3.4(a)	Location map of Bangladesh Election Commission	58
3.5	Location and Area	58
3.6	The following have held the post of the Chief Election Commissioner of Bangladesh.	59
3.7	Total Offers and Staffs	59
3.8	Election Commission Bangladesh	60
3.9	Chief Election Commissioner & Election Commissioners	61
3.10	Election Commission Secretariat	61
3.11	Secretariat	61
3.12(a)	Regional Offices	63
3.12(b)	District	63
3.12(c)	Functions	64
3.12(d)	Upazill/Thana setup	64
3.12(e)	The National Level Elections	64
3.12(f)	The Local Bodies Elections	65
3.13	Phases of Electoral Roll Preparation	66
3.14(a)	First Phase: Data Collection	66
3.14(b)	Primary Stage	66
3.14(c)	Middle Stage	66
3.14(d)	Last Stage	67
3.14(f)	Second Phase: Re-scrutinizing the Forms	67
3.14(g)	Third Phase: Data Collection and Identity Scrutiny at Reg.	68
3.14(h)	Fourth Phase: Registration of Physically Challenged. Jail Inmates, Missed-out Voters and Ailing People	68
3.14(i)	Fifth Phase: Data Processing at Upazila Sewers	69
3.15	Main article: Bangladeshi general election, 2001	71
3.16	Bangladeshi general election, 2008	72
3.17	The Ninth National Parliamentary Elections 2008	72
3.18	Main political parties	72
3.19	Awami League-led coalition (Grand Alliance)	73
3.20	BNP-led coalition (4-Party Alliance)	74
3.21	Formation of the caretaker government	75
3.22	Struggle for new elections Jatiyo Sangsad Bhaban (2014)	76
3.23	Supreme Court ruling	77
3.24	Election	79
3.25	Summary of the 9th Bangladeshi Jatiyo Sangshad election	81
3.26	Reactions	81
3.27	Transfer of power	87
3.28	Bangladeshi general election, 2014	91
3.29	Bangladeshi general election, 2014	91



3.30	General elections were held in Bangladesh on 5 January 2014	92
3.31	Date	92
3.33	Protests and violence	93
3.34	Monitors	95
3.35	Opinion polls	95
3.36	Results	96
3.38	Reactions	97
3.39	Media	97
3.40	Aftermath	98

## Chapter 4

	Parliamentary Elections Condition in Bangladesh	103
	A General View	103
4.1	Introduction	103
4.1(a)	Bangladeshi general election, 1973	105
4.1(b)	Results	104
4.1(c)	References	106
4.2	Results	106
4.3	Bangladeshi general election, 1986	109
4.3(a)	Results	110
	References	111
4.4	Bangladeshi general election, 1988	112
4.4(a)	Results	113
4.5	Bangladeshi general election, 1991	114
4.5(a)	Results	115
4.6	Bangladeshi general election, February 1996 The Sixth National	116
4.6(a)	Background	17

## Chapter 5

	Bangladesh Election Commission: It's involvement with the other organs of the government and recent elections	122
5.1	Introduction	122
5.2	Bangladesh election Commission and the of Local Government and Rural Development & Co-operatives	122
5.3	Powers and Functions	123
5.4	Ward Meetings	123
5.5	Citizen Charter	123
5.6	Trial of Offenses	124
5.7	Funding	124
5.8	Case Study	125
5.8(a)	Narayanganj election: who wins? November 4, 2011	125
5.8(b)	Nayanganj Election: A tough test for the government <i>October 30,</i>	127

	<i>2011</i>	
<u>5.8(c)</u>	EMV and Bangladesh Elections October 19, 2011	128
<u>5.8(d)</u>	Media and non-political entity of local elections October 18, 2011	129
<u>5.8(e)</u>	Care Taker Government and Supreme Court Judgment May 23, 2011	129
<u>5.8 (f)</u>	Chittagong Mayoral Election- a Win for Democracy June 18, 2010	131
<u>5.8 (g)</u>	Upazilla election-follow up January 23, 2009	132
<u>5.8(h)</u>	The new government and upzilla election January 19, 2009	133
<u>5.8 (i)</u>	Scoring the political parties from Day 1 January 2, 2009	134
<u>5.8(j)</u>	Percentage of voter	135
<u>5.9</u>	Expectation of people from AL on election result January 1, 2009	136
<u>5.10</u>	A look into the defeat of BNP December 31, 2008	138
<u>5.11</u>	No consensus on national issues before election December 28, 2008	142
<u>5.12</u>	Contrast of campaign in Bangladesh election December 26, 2008	142
<u>5.13</u>	Will new generation voters change the outcome of the election? December 25, 2008	145
<u>5.14</u>	Judiciary frustrates the Election Commission December 21, 2008	146
<u>5.15</u>	Fact of General election in 2014 in Bangladesh	147
<u>5.16</u>	Polls at a glance	151
<u>5.17</u>	Conclusion	152

## **Chapter 6**

	Bangladesh Election Commission: its Independence and requirements for Democracy.	154
<u>6.1</u>	Introduction	154
<u>6.2</u>	The issue of Election Commission in Bangladesh it's independent and Constitutional Provision	155
<u>6.3</u>	Definition & Delimitation of Constitution	156
<u>6.3(a)</u>	Definition of Independence:	156
<u>6.3(b)</u>	Independent	156
<u>6.3(c)</u>	Definition of Election	156
<u>6.3(d)</u>	Definition	156
<u>6.4</u>	Delimitation of Constituencies	157
<u>6.5</u>	Establishment of the election commission	157
<u>6.6</u>	Functions of Election Commission	159

6.7	Case References	163
6.8	Information on Bangladesh Electoral system	163
6.9	General Election of Members of Parliament	164
6.10	Election Commission	164
6.11	President and to Parliament	165
6.12	Electoral Roll	165
6.13	Nomination	166
6.14	Deposit	166
6.15	Election to the Office of President	166
6.16	Local Body Elections	167
6.17	Election Management Body	167
6.18	Election Commission Secretariat	168
6.19	Functions of the Election Commission Secretariat	168
6.20	Field Offices	170
6.21	Returning Officers	171
6.22	Budgetary provisions	171
6.23	Relations with the parties and media	172
6.24	The Election Commission, after detailed discussions with all political parties, undertakes various tasks for	173
6.25	The registration of electors and the electoral roll	174
6.25(a)	Responsibility of the Election Commission	174
6.25(b)	Registration Process	175
6.25(c)	Process for preparation and issuance of Identity Card to the voters	176
6.26	Improvement of the system of Registration	176
6.27	Preparing for the election (parliament)	177
6.28	Delimitation of Constituencies (Parliament)	178
6.29	Preparation of electoral rolls	178
6.30	Appointment of Returning Officers and Assistant Returning Officers	178
6.31	Setting up of Polling Stations	179
6.32	Appointment of Presiding Officer, Assistant Presiding Officer and Polling Officer	180
6.33	Training of Polling Personnel: cies during election	181
6.34	Supply of Electoral Roll (Parliament)	181
6.35	Calling upon the electors to elect a member from each constituency and issue of election programmed (Parliament)	181
6.36	Disposal of Appeal Against the order of Rejection of Nomination Paper	182
6.37	Allocation of Symbols to the Candidates Nominated by Political Parties	182

6.38	Procurement and distribution of Election Materials	183
6.39	Voter Awareness	183
6.39(a)	Before Poll	183
6.39(b)	Poll	183
6.39(c)	Counting of Votes	185
6.40	Party agents and election observers	187
6.40 (a)	Election Agents	187
6.40(b)	Polling Agents	187
6.40 (c)	Election Observers	187
6.40(d)	Role of the Observers	188
6.40 (e)	Foreign Observers	188
6.40(f)	Requirements	189
6.40(g)	Pre-poll Activities by Observer Groups	190
6.40(h)	Journalists	190
6.41	Code of conduct, prevention of pre-poll irregularities and election petitions	190
6.41(a)	The code of conduct	190
6.41(b)	Election campaign	191
6.41 (c)	Pre-poll irregularities	192
6.42	Prevention of pre-poll irregularities	192
6.42 (a)	Establishment of Electoral Enquiry Committee	192
6.42(b)	Formation of Electoral Enquiry Committee	192
6.42 (c)	Functions of the Electoral Enquiry Committee	192
6.42(d)	Post-Poll Appraisal	193
6.43	Elections Organized By The Election Commission Just After Independence Of Bangladesh	195
6.44	Genders and the electoral process	197
6.45	Functioning Election Commission (India)	199
6.46	Electoral Reforms	200
6.46(a)	Necessity of electoral reforms	200
6.46(b)	Essential points for electoral reforms	201
6.47	Functioning Election Commission of India	202
6.48	Political (Electoral) Reforms Needed	203
6.49	Conclusion	207

## **Chapter 7**

	Free and fair parliamentary election and it's necessity and way-out	209
7.1	Introduction	209
7.2	Appropriate Legal Framework	210
7.3	An Independent Election Authority	213
7.4	Civil Society Activism	217
7.5	Case Study-1	218

7.5(a)	Case Study-2	221
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## **Chapter 8**

8.1	Introduction	231
8.2	Achievement of the Objectives	232
8.3	Test of Hypotheses	234
8.4	Findings of the Study	235
8.5	Recommendations	242
	In General issues / In specific issues	
8.5(a)	Constitutional and Legal Framework	242
8.5(b)	Institutional Structure and Capacity	243
8.5(c)	Recruitment and Promotion	244
8.5(d)	Financial Issues	244
8.5(e)	Activities of the EC	245
8.5(f)	Role of Stakeholders	245
8.5(g)	Good Practices of Election Commission in Other Countries	246

<b>Appendix</b>	247-270
<b>Bibliography</b>	271-279

# The constitutional provision regarding elections of Bangladesh

## Introduction:

The constitutional provision regarding elections

(1) “There shall be an Election commission for Bangladesh consisting of a Chief Election Commissioners, if any, as the of the Chief Election Commissioner and other Election Commissioners (if any) shall, subject to the provisions of any law made in that behalf, be made by the President”<sup>1</sup>.

(2) When the Election Commission consists of more than one person, the Chief Election Commissioner shall act as the chairman thereof.

(3) Subject to the provisions of his Constitution the term of office of an Election Commissioner shall be five years from the date on which he enters upon his office, and-

(a) a person who has held office as Chief Election Commissioner shall not be eligible for appointment in the service of the Republic.

(b) “ any other Election Commissioner shall, on ceasing to hold office as such, be eligible for appointment as Chief Election Commissioner but shall not be otherwise eligible for appointment in the service of the Republic”<sup>2</sup>.

(4) The Election Commissioner shall, on ceasing of its functions and subjects only to this Constitution and any other law.

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1. Article. 118(1). Bangladesh constitution, chapter, Seven, People’s order.1972.

2. Article. 118(2)(b). Bangladesh constitution, chapter, Seven, People’s order.1972.

(5) Subject to the provisions of any law made by Parliament, the conditions of service of Election Commissioners shall be such as the President may, by order, determine: Provided that an Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of the ‘[Supreme Court].

(6) An Election Commissioner may resign his office by writing under his hand addressed to the President.

“The superintendence, direction and control of the preparation of the electoral rolls for elections to the office of President and to Parliament and the conduct of such elections shall vest in the Election Commission which shall, in accordance with this Constitution and any other law”<sup>3</sup>.

(a) hold elections to the office of President:

(b) hold election of matters of Parliament:

(c) delimit the constituencies for the purpose of elections to Parliament, and

(d) prepare election rolls for the purpose of elections to the office of President and the parliament.]

(7) The Election Commission shall perform such functions, in addition to those specified in the foregoing clauses, as may be prescribed by this Constitution or by any other law. “The President shall, when so requested by the Election Commission, make available to it such staff as may be necessary for the discharge of its functions under this Part”<sup>4</sup>.

“There shall be one electoral roll for each constituency for the purposes of elections to Parliament, and no special electoral roll shall be prepared so as to classify electors according to religion, race caste or sex”<sup>5</sup>.

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3. Article. 119(1). Bangladesh constitution , chapter, Seven, People’s order.1972.

4. Article . 120. Bangladesh constitution , chapter, Seven, People’s order.1972.

5. Article 121(. Bangladesh constitution , chapter, Seven, People’s order.1972.

“The elections to Parliament shall be on the basis of adult franchise”<sup>6</sup>.

(2) A person shall be entitled to be enrolled on the electoral roll for a constituency delimited the purpose for election to Parliament, if he-

- (a) is a citizen of Bangladesh;
- (b) is not less than eighteen years of age;
- (c) does not stand declared by a competent court to be of unsound mind;
- (d) is or is deemed by law to be a resident of that constituency.

“In the case of a vacancy in the office of President occurring by reason of the expiration of his term of office and election to fill the vacancy shall be held within the period of ninety to sixty days prior to the date of expiration of the term”<sup>7</sup>:

Provided that if the term expires before the dissolution of the parliament by members of which he was elected the election to fill the vacancy shall not be held until after the next general election of members of Parliament, but shall be held within thirty days after the first sitting of Parliament following such general election.

(2) In the case of a vacancy in the office of President occurring by reason of the death, resignation or removal of the President, an election to fill the vacancy shall be held within the period of ninety days after the occurrence of the occurrence of the vacancy.

(3) A general election of members of Parliament shall be held within ninety days after Parliament is dissolved, whether by reason of the expiration of its term of otherwise than by reason of such expiration.

(4) An election to fill the seat of members of Parliament which falls vacant otherwise than by reason of the dissolution of Parliament shall be held within ninety days of the occurrence of the vacancy. Provided that in a case where, in the opinion of the Chief Election Commissioner, it is not possible, for reasons of an act of God, to held such election within the period specified in this clause, such election shall be held within ninety days following next after the last day of such period.

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6. Article. 122(1). Bangladesh constitution , chapter, Seven, People’s order.1972.

7. Article. 123(1). Bangladesh constitution , chapter, Seven, People’s order.1972.



“Subject to the provisions of this Constitution, Parliament may be law make provision with respect to all matters relating to or in connection with elections to Parliament, including the delimitation of constituencies, the preparation of electoral rolls, the holding of elections, and all other matters necessary for securing the due constitution of Parliament”<sup>8</sup>.

“Notwithstanding anything in this Constitution-  
the validity of any law relating to the delimitation of constituencies, made or purporting to be made under article 124, shall not be called in question in any court”<sup>9</sup>;

“no election to the [offices of President] or to Parliament shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by Parliament”<sup>10</sup>.

“It shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions”<sup>11</sup>.

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8. Article. 124. Bangladesh constitution , chapter, Seven, People’s order.1972.

9. Article. 125 A. Bangladesh constitution , chapter, Seven, People’s order.1972.

10. .Article. 125 B. Bangladesh constitution , chapter, Seven, People’s order.1972.

11. Article. 126. Bangladesh constitution , chapter, Seven, People’s order.1972.

## **Bangladesh Election Commission Notifications**

### **Introduction:**

**Dhaka, 30<sup>th</sup> December, 1982**

No. S.R.O 439-L/82/F .15 (3)/82-E 1. In exercise of the powers conferred by sections 16 of the electoral rolls ordinance ,1982( Ordinance no. LXI of 1982) .the government is pleased to make the following rules , namely;-

The election roll rules, 1982

Short Title. – These rules may be called the electoral rolls rules,1982.

Definitions.- In this rules , unless there is anything repugnant in the subject or context,-

Authorized person means a person authorized by the commission or by the registration officer for the purpose of these rules ;

(1A) Form means a form annexed to these rules or translation thereof into any language hereof

The ordinance means the electoral rolls ordinance ,1982 ( ordinance no. LXI of 1982).

Publish with its grammatical variation means exhibition at a place accessible to the public;

Revising authority a person appointed by the commission under rule 9 to hear claims and objections relating to electoral roll for one or more electoral areas; and

Section means the section of the ordinance.

To enroll with its grammatical variations, means to register a person as voter of an electoral area and to include his name in the final electoral roll prepared in accordance with these rules.

Form, Language and the arrangement of the electoral rolls:-

The electoral rolls for each electoral area shall be in form -1.

The electoral roll shall be prepared in Bengali.

The electoral roll for each electoral area may be divided into such convention parts as the commission may direct and the name enrolled on such part shall be numbered serially.

4, Information to supplied by occupants of dwelling houses.-

For the purpose of preparing the register of the voters and the electoral roll for an electoral area, the registration officer shall cause to be obtain statement in each eligible voters who fulfill conditions laid down in clause (a) to (d) of section 7(1).

Every statement under sub-rule (1) shall be signed by , or bear the thumb impression of, the eligible voters referred to in that sub-rule.

Each statement shall contain a certificate from the authorized person in to the effect that the statement made under sub-rule(1) has been obtained after a personal visit to the house and also a certificate by the supervisor to the effect that entries therein have been verified or corrected after a house to house visit.

Statement of a certain person: -(1) Every person who is in government service or hold public office and desire to be enrolled in the electoral roll for the electoral area in which he actually resides, shall before such date as may be fixed by the commission , make an application in to the registration officer of the electoral in which he resides .

If the registration officer is satisfied that the person making an application under sub-rule(1) is entitled to do so, he shall enroll his name in accordance with such application .

Preliminary publication: (1) As soon as may be after that draft electoral roll for an electoral area is ready, the registration officer shall publish it in form -1 together with a notice visiting claims and objections at his office and at such other place or place as the commissioner directs.

The draft electoral roll mentioned in sub-rule (1) for each electoral area shall be prepared on the basis of statements obtained under rule 4 and no such roll shall be published until the entries therein have been verified to the extent of at least ten percent by a house to house visit by a person other than the persons obtaining and verifying the statement.

Notwithstanding anything contained in rule 4, where, in the opinion of the commission, it is not possible to follow the procedure laid down in that rule for the preparation of the electoral roll for any electoral area, the commission, may direct that the electoral roll for such electoral area shall be prepared in such manner as it thinks is best suited for the purpose.

When the registration officer publishes under sub rule (1) the draft electoral for an electoral area, the notices for inviting claims and objections to be published therein, shall clearly mention the period fixed under rule 7 during which such claims and objection shall be find out.

Period for lodging claim and objections: -Every claim for inclusion of a name in in the electoral roll and every objections, to or application for electoral correction of any entry therein, shall be lodged within with in a period of fifteen days next following the date of the publications of the draft roll under rule 6.

Form of claims and objections: Every claim for inclusion of a name in the electoral roll shall be in and every objection to any entry therein shall be in form-v (part one).

Appointment of revising authority: The commission shall appoint a revising authority for the purpose of deciding claims and objections with respect to electoral roll of an electoral area and the same person may appointed as revising authority for two or more electoral areas.

Manner of lodging claim and objections: a claim or objection shall be address to the appropriate revising authority and shall either be presented to that authority or

to the registration officer or to the assistance registration officer or be sent by post to the revising authority.

A claim or objection shall bear the signature or thumb impression of the person making it and shall, unless sent by post, be presented by the claimant objector himself or by an agent authorized by him in writing in this behalf.

No person shall prefer an objection to the inclusion of any name in the electoral roll unless his name appears in the electoral roll for that electoral area.

The person claiming to be enrolled on the electoral roll of an electoral area or objecting to the inclusion of any name in the electoral roll may furnish, such proof along with or form 5 as the case may be, as he may like to adduce in support of his claim or objection.

When an objection is made to the inclusion in the electoral roll of any person whose name appears therein, such objection shall contain in respect of such person all the particulars required to be filled in the roll.

If any particular in any entry in the electoral roll is not correct, the person to whom the entry relates may apply to the appropriate revising authority for the correction thereof in form -6 a person desiring the transfer of his name from the electoral roll of one electoral area to that of another shall separately prefer to the appropriate revising authority; and an objection to the inclusion of his name in the roll in which it has been included it; and a claim for the inclusion of his name in the other.

Rejection of claim and objections: A claim and objections not made within the period or in the manner specified in these rules or made or presented by a person not entitled to make or present shall be rejected.

Application by the registration officer or inclusion of names.-

The registration officer may, within the period of specified in these rules 7, apply to the revising authority;-for the inclusion in the general roll of an electoral area

the name of any person left out due to inadvance or the absence of timely information while preparing the draft electoral roll; or

For the inclusion of any name from the electoral roll of any electoral area or any correction of electoral , printing or other error which he is himself authorised to make under subsection (3) of section 7.

13.Register of claim and objections.- A register of claim of objections shall be maintained by every revising authority.

Notice of claims and objections. Except when a claim or objection is rejected under rules 11 or being valid prima facie is decided without further inquiry , the revising authority shall cause to be served-

in the case of claim , a notice in (form-4) on the claimant or his agent ;

in the case of an objection and a notice in form 5 on this person to whom the objections relates ; and

in case of a correction of any entry a notice in form 6 (part 2) on the applicant .

Service of notice every notice to be served on any person under sub-rule (6) of rule 10 or rule 14 may be served either personally or by post.

Enquiry into claims and objections. (1) On the day fixed for the purpose

the revising authority shall hold a summary enquiry into each claim or objection in respect of which it has issued notice under rule 14 and shall record its decision thereon. (2) While hearing a claim or objection the revising authority may ,

besides the claimant or the person objecting to any entry , hear such other person as desire to be heard in connection with the claim or objection. (3) The claimant or

the person objecting to any entry or any person who is heard under sub-rule (2) shall not be entitled to any adjournment :

Provided that the revising authority may , if it so desires , adjourn the case to any

other date. (4) The revising authority shall, after considering any verbal or written

objection preferred, decide any application made under sub-rule 6 of rule 10 and any application made by the registration under rule 12.

(5) Every decision of the revising authority under this rule shall be final and shall be communicated to the appropriate registration officer. (6) The revising authority shall bring to the notice of the registration officer for correction of any electrical, printing or other error which it discovers in the electoral roll of an electoral area.

Correction of the roll:- (1) The registration officer shall correct the electoral roll for the electoral area in accordance with the decisions of the revising authority under 16. (2) The registration officer may further correct any electrical, printing or other error subsequently discovered in the electoral roll or the electoral area.

Final Publication :- The registration officer shall, after making, deletions, modifications or corrections under sub-section (3) of section 7 publish in form 1 the final electoral roll for the electoral area at his office and such other place as the commission may direct.

Preparation of the electoral rolls afresh: (1) for the purpose of preparation of the electoral roll for an electoral area afresh under sub-section 7 of section 7, the procedure laid down for the preparation of the electoral rolls as far as may be, shall be followed.

(2) An electoral roll as prepared afresh under sub-rule (1) shall, upon its final publication, be deemed to be the electoral roll for the electoral area concerned.

19 A. Registration of voters:- (1) After obtaining the statement under rule 4 or, as the case may be, under rule 5, the registration officer shall subject to the direction of the commission. Prepare a preliminary register of voters consisting of the whole or part of each of the statements made in form 2 and form 3; and after final publication of the electoral roll, make necessary change in the preliminary register in conformity with the final electoral roll, and after such change, if any the register shall be known as the final register of voters.

(2) Any person whose name appears in the final register of the voters shall be a register voter.

(3) the register prepared under this rule shall be preserved in such manner and for such period as the commissioner may direct and fresh final register of the voters may be prepared or, as the case may be, the existing final register may be amended and corrected pursuant to the preparation of a fresh electoral roll under rule (9) or, as the case may be directed by the commission.

20. amendment and correction of the electoral roll.- any person whose name is not included in an electoral roll for an electoral area prepared under the ordinance and who claims that he was entitled to be enrolled or who has since its preparation or its last revision become qualified to be enrolled such roll may apply (in form-7) to the appropriate registration officer for the inclusion of his name therein, and if the registration officer is satisfied after giving such notice and making such enquiry as he may consider necessary that the applicant was entitled to have his name so enrolled, he shall direct the applicant to fill in form -2 and shall, after receiving such form, amend the roll by making necessary entries therein relating to the applicant.

(2) any person may apply in form 8 to the registration officer for the correction of any entry in the electoral roll for the time being in force.

and-

(a) if any entry relates to the applicant and the registration officer is satisfied after giving such notice and making such enquiry as he may consider necessary that the entry relates to the applicant and is erroneous or defective in any particular, he shall amend the electoral roll accordingly;-and

(b) if any entry does not relate to the applicant and the registration officer is satisfied after giving the notice to the person to whom the entry relates and after



making such enquiry as he may consider such necessary that the entry is erroneous or defective or should be deleted , he shall amend the electoral roll accordingly.

(3) Where at any time , any electrical, printing or other error in any entry in any electoral roll for the time being in force comes to the notice of the registration officers , he may on his own notion and after giving notice to the person to whom the entry relates , correct such errors .

(4) if at any time it appears to the registration officer that the name of any person who has died or is or has become disqualified for enrollment or who cases or cannot claim himself to be a citizen under the provosion of any law relating to the citizenship of Bangladesh has become included in an electoral roll and if he is satisfied after giving notice to the person concerned and after making such enquiry as he may consider necessary that the name should be deleted , he shall amend the electoral roll accordingly:

Provided that the registration officer may, upon consideration of an application in form-9 made by any person in this behalf , also amend the electoral roll for the reason stated in this sub-role.

(5) No amendment or correction of any electoral roll shall be made under this rule at any time after the notice of election has been issued and before such election has been held .

(6) when an electoral roll has been amended under this rule by the registration officer , corressponding amendment or correction shall be made in the copy of the electoral roll in his custody as wellas in the copies of the roll kept at other places under rule 22.

(7) every amendment made by rule shall be degned by the person who makes the amendment and the electoral roll in the person who makes an amendment and the electoral roll in which such amendment is made shall there upon be decmed to have been amendment accordingly.

21. Revision of the electoral roll: (1) For the purpose of the revision of the electoral roll for any electoral area, the electoral roll of the electoral area for the time being in force shall, with such addition, deletions and modifications as may be necessary, be published as draft electoral roll in the manner provided in the rule 6 and there upon the provisions of the rules 7 to 18 shall apply in relation to every such roll as they apply to the first preparation of an electoral roll for an electoral area.

(2) when the revised electoral roll for an electoral area is finally published in the manner provided in rule 18, the electoral roll for the electoral area shall be deemed to have been revised and shall come into force immediately on such final publication.

(3) any electoral roll as revised under sub-rule 2 shall, upon its final publication under rule 18, replace the electoral roll which was in force immediately before such publication.

22. Preparation and issueance of identity card: (1) As soon as may be after the publication of the final electoral roll, the registration officer shall, subject to any direction of the commission, take or cause to be taken by an authorised person the photograph of every elector for the purpose of preparation of the identity card of such elector.

(2) After taking such photograph the registration officer or as the case may be, an authorised person shall-

(a) by way of recording necessary information and by pasting the concerned photograph in the form prescribed by the commission which is reproduced in form-10 prepare an identity card for every elector; and

(b) there after issue it to the elector in accordance with the direction of the commission.

23. Identity card not transferable: Every identity card shall be the property of the commission and it shall not be transferable in any manner to any person except by returning or delivering it to registration officer or an authorised person in accordance with these rules.

24. cancellation , Confiscation etc. of identity card.(1) The registration officer may direct any person to return an identity card if he has person to believe that-

(a) the identity card has been obtained by a person who is not an elector of the concerned electoral area; or

(b) more than one identity card has been obtained by the same person ; or

(c) particulars recorded in the identity card have been obliterated or tampered ; or

(d) the identity card is forged; or

(e) the identity card has been issued to a wrong person .

(2) On receiving an identity card in pursuance of a direction given under sub-rule (1), the registration officer-

(a) May , after necessary inquiry , cancel or impound or confiscate the identity card on any of grounds specified in clauses (a) to (e) of the sub-rule (1) within a period not exceeding 30 days ;

(b) if he decides to so cancel or impound or confiscate , shall record the reason thereof and shall , within seven days of the decision , intimate the commission and the elector of such decision along with the reasons thereof;

(c) if he does not cancel , impound or confiscate the identity card under clause (a) , shall return it to the concerned elector ;

provided that no action under clause (a) shall be taken unless the concerned person has been given a reasonable opportunity of showing cause against the proposed action.

(3) Any person aggrieved by a decision of cancellation impounding or confiscation under sub-rule (2) may, within 30 days of the decision, appeal to such authority as the commission may, by notification in the official gazette, specify in this behalf; and the decision given by the appellate authority in the appeal shall be final

(4) Whoever comes in possession of an identity card of a dead elector-

(a) he shall without delay deliver it to the registration officer or the nearest authorised officer; and

(b) Upon receipt of such card, the registration officer may, after an inquiry into the fact of death of the elector in such manner as he may consider necessary, cancel card or may return it to the elector if he is alive, and shall forthwith record the fact of cancellation, if any, with intimation of the commission.

(25) who ever comes in possession of an identity card which is not claimed by the concerned elector-

(a) shall without delay deliver such card to the nearest registration officer or to the nearest authorised officer;

and

(b) Upon receipt of such card, the registration officer shall acknowledge in writing of receipt and cause the identity card to be delivered to the elector within a period not exceeding two months; and if the elector can not be found or if he refuse to accept the card within that period, the registration officer may cancel the identity card after recording the fact with reasons for cancellation and shall intimate the commission the fact of such cancellation.

26. amendment of the register and electoral roll pursuant to cancellation etc. of identity card.

Where an identity card is impounded, confiscated or cancelled under rule-24 or 25 and the registration officer considers that the final register of voters or the electoral

roll or both should be amended, pursuant to such impounding , confiscation , cancellation he shall report the matter to the commission or to an officer authorised on this behalf the commission , and shall take necessary step in this respect according to this direction of the commission or the said authorised officer.

27. Issue of duplicate identity card. (1) where in identity card has been lost , destroyed or so obliterated that is can not be properly used or where the particulars shown therein are not in conformity with the electoral roll-

(a) the concerned elector may, along with the identity card if not lost , apply to the registration officer for issue of a duplicate identity card: and upon receipt of the application , the registration officer may , after such enquiry as he considers necessary , issue a duplicate identity card , and if a duplicate card is so issued , he shall record the fact with reasons thereof and shall cancel the identity card delivered to him and intimate the commission of such facts.

28. Custody and preservation of the records. (1) After the electoral roll have been finally published , the following papers also at such other place or places and for such period as the commission may direct, namely-

- (a) One copy of the draft electoral roll published under rule 6;
- (b) Claims and objections to the draft electoral rolls and applications or correction of any particulars in the rolls;
- (c) Decisions of the revising authority .

(2) The statements made under rule 5(1), the application made by the registration officer under rule 12 and five copies of the electoral roll as finally published under rule 18 shall be preserved and disposed of in such manner and for such period as the commission may direct.

(3) Copies of the electoral rolls in excess of the number required for preservation under sub-rule (2) shall be kept at such place or places and for such period as the

commission may direct , and such copies shall be available for sale to any person at the rate of Taka wto per page of the electoral roll.

Copies of the draft register of the votars and final registers of votars shall be kept in such number and at such places and for such period as the commission may direct .

(5)Every person shall have the right to inspect during office hours the documents referred to in sub-rules (1), (2),(3) and 4 and to obtain certified copies thereof an payment of the following fees:-

(a) Five Taka for inspection of each document; and

(b) Ten Taka for supply of certified copy for the first two hundred words or less; and five taka for every additional one hundred words or fraction thereof .

(6)Every application for inspection of documents or for supply of copies shall be accompanied by the court-fee stamps of the requisite value.

## *Questionnaires:*

Multi-Stakeholder Perception Survey of the Independence of Bangladesh Election Commission

*Questionnaires for perception building about the independence of Bangladesh Election Commission.*

<b>Personal Information of Interviewee</b>	
A. Name	
B. Designation	
C. Sector	Government/ non-government
D. Organization	
E. Contract	

### **Section 1 :** Understanding of Election commission.

1. Are you satisfied with the past and contemporary role of Bangladesh Election Commission?  
(Say yes or not) If not, what do you think are the majors roadblock behind this?
2. A. Do you have full trust on the activities of Bangladesh Election Commission?  
(Say, yes or not)  
B. Do you think here needs a reformation of Bangladesh Election Commission?  
(Say, yes or not)

- C. Have you any experience as an observer of any national election?  
(Say yes or not)
3. How do you rate the effectiveness of the Activities of Bangladesh Election Commission on a scale of 1-10?  
(1 for non-effective and above 5 for effective).
4. How do you perceive the independence of Bangladesh Election Commission comparing among other countries on the scale of 1-10.?

Comparing among the countries	Rate 1-10	Cements
Your country and India		
Your country and USA		
Your country and UK		
Your country and Japan		

**Section 2:** the role of former chief election commissioners and others.

5. Are you satisfied with the role of former chief election commissioners during the past general election?  
(Say yes or not)  
If not, Please give the reasons in favour of your answer ?
6. How is the degree of fairness or people's satisfaction on the past general election of Bangladesh you think on scale of 1-10 ?



Issue	1 <sup>st</sup> election	2 <sup>nd</sup> election	3 <sup>rd</sup> election	4 <sup>th</sup> election	5 <sup>th</sup> election	6 <sup>th</sup> election	7 <sup>th</sup> election	8 <sup>th</sup> election	9 <sup>th</sup> election	10 <sup>th</sup> election
The degree of satisfaction										
Date of election	7 <sup>th</sup> March, 1973	18 <sup>th</sup> Feb, 1979	7 <sup>th</sup> May, 1986	3 <sup>rd</sup> March, 1988	27 <sup>th</sup> Feb, 1991	15 <sup>th</sup> Feb, 1996	11 <sup>th</sup> June, 1996	1 <sup>st</sup> October, 2001	29 <sup>th</sup> Decemb er 2008	5 <sup>th</sup> Januar y, 2014

7. In your opinion, which are the main obstacle to hold a free fair and non partial general election for Bangladesh?

Which institution does it use an influential role on election commission as well as general election you think?

8. A. How would you rate the overall evils of participation of people on last three general elections (8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>)?

B. How would you rate the influence of executive as well as other organs of the government during election period?

C. How would you rate the influence of political parties during general election period on a scale of 1-10?

9. Do you think, there is any influence on our general election from the external source as well foreign countries on scale of 1-10 ?

10. In your view, which stake holders or institution does it use maximum influence over the election commission?

Executive  Lasislative  Judiciary  mass medea  It itself  other

**Section 3:** concern about free, fair and non partisan general election

11. What is your opinion about free, fair and non-partisan general election?
12. What are the necessary of free, fair and non- partial election for the developing country like Bangladesh?
13. Do you observe any violence to trend of fair election in Bangladesh?
14. Do you agree that election without participation can be conducive to establish the process of democracy? (If not, give the reasons)
15. People have a little scope to cheek or control over the government activities except participating in the general election in context of Bangladesh.  
(If not, give the reasons)
16. “Unfair election provokes mal governance” Are you agreed with this proposition? (If not, give the reasons)

**Section 4:** Some recommendations to reform the rules of Bangladesh Election Commission.

17. Do you think, the manpower as well as strength of function of Bangladesh Election commission is well-enough to hold a free, fair and non-partisan election?
18. Here need a reformation of the principles of Bangladesh election Commission. Do you agree with that proposition.
19. What do you think about the fairness of the process of election of the chief election commissioner?  
 Full trust       Non-political       Based
20. Despite having constitutional legitimacy ,election commissioners do not play strict role to hold a free, fair election. Yes or not (If not, give the reasons)

21. Lack of public awareness about the function of election commission is the another cause of irresponsibility of the Election Commission. Do you agree with that proposition.
22. The cause of failure is the Bangladesh is the Commission itself . Do you agree with that proposition .(If not , give the reasons)
23. The collaboration of the other executive body with Bangladesh commission is the more influential than their cooperation. Do you agree with that proposition .(If not , give the reasons)
24. What are your recommendation to promote understanding of mutual Bangladesh Election Commission and others Values?

## Questionnaires:-

1. Is it possible to hold a free and fair election by empowering Election commission under any political govt.?

A) Yes-34.38% B) No-62.5% C) No comment-3.12%

3. Is election commission free regarding application of its constitutional powers and authorities? A) Yes-31.25% B) No-53.13% C) No comment-15.62%

4. Article 118(1) of our constitution gives option to appoint a chief election commissioner even without any other commissioners. Do you think this provision flawless? A) Yes-25% B) No-50% C) No comment-25%

What is the main hindrance of present EC of Bangladesh? A) Recruitment process-3.13% B) Political interference-50% C) Executive interference-0% D) Lack of efficiency-6.25%

E) None-3.12% F) All-9.37%

5. Is the strong EC the best alternative for care caretaker government? A) Yes-46.88% B) No-43.75% C) No comment-9.37%

6. Does EC have enough technological potentiality to insert EVM (Electronic Voting Machine)? A) Yes-25% B) No-50% C) No comment-25%

7. Is there any necessity to deploy Army in the period of Election for security? A) Yes-75.12% B) No-12.5% C) No comment-9.38%

8. Former Chief Election commissioner wanted four ministerial powers, e.g.: Ministry of Public Administration, Home ministry etc... Do you want to give them those powers exclusively in time of National election? A) Yes-56.25%.

B) No-28.12% C) No comment-15.63%

9. Do you think no confidence vote should remain in the ballot paper of parliamentary election? A) Yes-56.25% B) No-15.62% C) No comment-28.13%

10. Do you think no confidence vote should remain in the ballot paper of parliamentary election? A) Yes-56.25% B) No-15.62% C) No comment-28.13%

Do you think EC can monitor election behavior properly and strictly? A) Yes-34.38% B) No-40.62%

C) No comment-25%

11. Do you think president should be given exclusive jurisdiction (without prime ministers' consent) to appoint Chief election commissioners? A) Yes-56.25% B) No-21.88% C) No comment-21.88%

12. Do you think Reformation of election Laws is much needed and demand of the time? A) Yes-87.5% B) No-3.12% C) No comment-9.38%

# **Chapter-1**

## **INTRODUCTION**

### **1.1 Introduction**

After the birth of Bangladesh the people of this country expected that their social and political rights as well as vision would be established, for which they fought for. Unfortunately, the undemocratic and fascist practices introduced by the misleading force which is the major obstacle to establish democratic norms, remain the great challenges for future. But independent of Bangladesh Election Commission (EC) is a precondition for free & fair participative election to elect public representatives to the parliament through which we can put up barely the desired norms of democracy. This Analysis attempts to recognize as well as discuss the necessity of the independence of EC in our country. The nature of the Analysis requires combining analytical as well as empirical approaches in the methodology. According both qualitative and quantitative information and data have been required in order to generate data base of the Analysis and all necessary information have also been collected from different secondary sources.

### **1.2 Background of the Analysis:**

From political view-point, we can say that no society can be well governed where there is the absence of democracy. And the independence of the EC could be one of the preconditions for democratizing the society. Neutral and peaceful law of order situation is also need for free and fair election. But the organizer and the law enforcement authority alone can not ensure a free and fair election. So, the candidates of their supporters will have to help and co-operative in this regard. For this reason EC has prepared election conduct rules for the election of Jatiya Sangsad as per representatives of peoples order 1972. So, there is a importance of my Analysis whether the election

commission is independent or not. This Analysis how over, will focus on the following points :

- ) Establishment of EC.
- ) Historical Background.
- ) Function of EC in past decades.
- ) Failure and Success of EC

### **1.3 Objectives of the Analysis:**

Today's the 21<sup>st</sup> century challenge in Bangladesh is to find a band of political leaders who can guide the country out of its present morass; there is need to elect competent, patriotic and dynamic leaders who are pioneer to place the country in a level where every citizen will get equal rights with social prestige. 'To open a path of development and to continue the real practice of democracy we need impartial and effective leadership which can shape this country and make the common people destiny into reality'<sup>1</sup>. In that sense the Bangladesh EC is solely responsible as well as accountable to conduct a free and fair election by which general people can choose their desired representatives to govern the country democratically.

Obviously election is a process by which people can get an opportunity to put their political rights through poll. It is a way of forming a effective government along with good governance. But it is the matter of lament that EC is to conduct the parliamentary election under a care-taker government in context of our country.' The Constitution of the People's Republic of Bangladesh has given full right to EC, to conduct all free and fair elections according to the articles 118,125,126 of our constitution'<sup>2</sup>.

Through a critical Analysis among the recent general elections in Bangladesh I would be able to clarify how much the dimension of the dependence does the EC exercise during the election period. My Analysis will be able to analyze the existing situation, weakness and problems of the EC in Bangladesh.

- ) Is any outward influential pressure noticeable in EC to baffle its regular home task?
- ) Is there any administrative gap in EC in terms of other existing administration in Bangladesh?
- ) Is EC fully independent? or Does it really enjoy the full fledged independence to run its own commission's code of conduct.
- ) Is there any constitutional weakness or limitations to be fully independent?
- ) Is there any paucity of volition among the members of the EC?
- ) Despite having the all spans of power why this commission can not play its role independently comparing with the other countries.



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1. Ahmed, M. 1979, *Bangladesh: Constitutional Quest for Autonomy*, Dhaka: UPL
  2. *Bangladesh Constitution*, Chapter seven, Articles 118 to 126 . 1972

#### **1.4 Hypotheses the of the Analysis :**

Both pre and post period of any election, EC has to play it's roles through pressure and having long time process even bearing a critic comment of different groups of people in the society. So first of all we need the EC make independent as the people want. 'It is critical that a nation's election will be free and fair in level of play ground'<sup>3</sup>. In Bangladesh, under the supervision and the control of EC the election process is performed. Although. The EC of Bangladesh is established under the position of constitution and it is fully neutral and independent institution. Actually EC is not fully independent in the practical field.

#### **1.5 Rationality of the Analysis:**

The independence is not mere input to ensuring a democratic state. Nevertheless a free-fair election is very much need for Bangladesh for the well practice of democracy and the way of good governance can be ensured by the independence of election commission. In my Analysis I tried to show:

- What is the need of it's (EC) independence for our country?
- ) What is the impact of EC for it's being dependency?

**In details the rationality of my analysis:**

The 10<sup>th</sup> parliament election took place in Bangladesh on 5 January, under the current Awami League government. This election was boycotted by the main opposition parties and criticism in the international community has been equally intense but the election went ahead as announced. The pathetic outcome has pushed Bangladesh to further division. “The main snapshots of the election is as follows, more that 150 seats have been won by the governing party even before the election and a single vote was cast, uncontested, less that 10% of the total voters came out to vote in the elections blowing a huge And gaping hole at the democratic process (through Bangladesh government claimed that around 40% vote casted in the election), in the many polling stations there were no voters at all. People simple stayed at home, in some police stations a record number of votes have been cast even though there were no real voters ever visiting the station. The ghost votes were stuffed in the ballot boxes under the watchful eye of the official and security personnel”<sup>4</sup>. A few Awami League Leaders and members have caught red handed fraudulently voting. This is nothing new for the governing party, they have a culture of corruption and lies embedded at every level of their party. Nearly 20 people have been killed in the violence related to election, several polling stations have been burned and presiding officer beaten up.

The pitiful sate of democracy looks more precarious and this diabolical election will only further polarize people. The most interaction part of the election was Indian’s naked intervention in almost every point of our election. Renowned Indian Journalist Kuldip Nayer recognized the role of

India played regarding Bangladesh and had some constructive advice for the Indian Government .In his recent Article ‘Pointless polls in Bangladesh’(published on January 24,2014) he wrote “ New Delhi should have played a conciliatory role”<sup>5</sup> . Initially it did but it is now seen partisan. The anti-Indian feeling is spreading and the Hindu population, nearly 8 million is feeling the heat. If at all India had to show preference, it should support a person like Kamal Hussain, the first foreign minister of Bangladesh and Noble Prize Winner Yunus, to provide the third front.

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4. Haq. M. and Haq. K, 1998, *Human Development in South Asia*, 1998, Karachi, Oxford University Ltd.

5. Howard J and J Holander. 1993, *Marking Time*, *Sociological Inquiry* 63(4), 425-4427

The Bangladesh media's role in election was also condemned from any corners since many of them are sponsored and implementing government agenda through their media weapon. The misconception and misrepresentation of the speech about famous personalities appears as a regular phenomenon. 'The recent part of it is that about the attendance of the US ambassador Dam Mozena, the EU ambassador William Hanna and other at the swearing ceremony of the newly elected ministers'<sup>6</sup>. Some went on to say as to construe it as change of position on the acceptance of elections from the us and others. The US ambassador said "from our perspective we are not convicted that the result are a credible reflection of the will of the people" On the other hand, Us does not accept the election as a credible and has not changed its official position. The EU ambassador reiterated along the same line of talk. Both wished to see the new elections that would be credible. Clearly there is no shift of in position. The local media twisted the word so much that it lost its meaning and purpose. Is it too hard for the mediums to convey the true side of the story that America is not happy about the elections?

Democracy is the geopolitical interest of America, nothing new about that. Why can't Bangladesh hold an election that is acceptable to the world should be the main concern, not why the world should accept the election as it is. Interesting enough, after the election AL has been desperately looking for the way to show to its followers and the Bangladeshi population that they have needed got recognition from the locals as well as the international community for the recent election win. This recognition is very important

factor considering the culture and historical context of Bangladesh and the consequences related to this factors are far-reaching.

‘The factor provides the necessary legitimacy to sustain the day to day political maneuvering .It gives the local politicians a psychological edge. People tend to support a party on the basis of the parties affiliations with powerful entities.’<sup>7</sup>

The news of the Chinese greeting to prime minister Sheik Hasina sent a shock wave among the BNP supporters. The are demoralized to an alarming degree. As China was seen as a true friend of BNP through thick or thin, almost to the extent of a “force” they rely on and take shelter in when there is a storm.

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6. IMF Staff Country Report No. 00/25, 2000. *Bangladesh: Recent Economic Development International Monetary Fund: Washington D.C*

7. Khan Jilur Rahman R. 1997. “ *Bangladesh’s Experiments with parliamentary Democracy. Asian Survey. Vol. 3*

AL supporters boasted on that news to break the morale of the BNP supporters . As BNP was already being hardly bruised, there came the press statements from the Mary Harf of the U.S Department of State at the daily press briefing where she mentioned that the US would work with the government of Bangladesh, with a reservation on the election issue.

Clearly to the Americans, the statement was meant to convey to the Bangladeshis that the US would continue to express its disappointment over the election and remind the Bangladeshi counterparts about the need for a new elections. Obviously, as AL is running the government (whether elected properly or not, but in control of the government) the US needs to keep dealing with it without damaging the US Bangladesh bilateral relationship regardless of the disagreement both parties have on the elections matter. “The willingness to the work with the government means the US’s relationship with the State will be intact even when it disagree on matters with the Government of Bangladesh.”<sup>8</sup> That is the diplomatic norm. Quoting the daily star, Dhaka “Asked whether the USA will recognize the government, Harf said well that’s not exactly how it works. We obviously work with governments who are elected but, in regards to this elections themselves, we have already made clear our disappointment with the elections.”

Nonetheless, this news and other relating to the press brief have already been manipulated by means of careful word choices and interpretations and utilized with current political wit by the AL and the supporting media and press to break the morale of an already demoralize. “Statements like these

were taken out of context by the AL supporting media and press as well as the politician to show to the Bangladesh that America has negligible reservation about the election and that, the issue of disagreement on elections would go away in a short time, they seem to be playing disingenuous and slick game of having worldwide recognition to legitimize AL's election win in the local political scene.”<sup>9</sup>

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8.Laddex ,D. 19993 *The time of our lives ,*” *Social Science Information* 29,693-724

9.Needhan J. 1995 *Science and Civilization in China*. Cambridge, Cambridge University Press.

“The US alter issued carefully crafted counter statesman to the manipulations when the media against twisted the US view after the meeting between Nisha Deshai Biswal and Akramul Kader, Bangladesh Ambassador to US”<sup>10</sup>. The politics of Bangladesh is of a “ Feudalistic” kind, any official word can be taken out of context and used to further particular political or hegemonic objective ,which man contradict the US objective.

If we look at Bangladesh newspapers and media both in Bengali and English medium, the headlines of the news items were something to the effect of US to work with Hasina government which had a political spin of tone that tried to sway the people to believe that US is slowly moving toward a truce with Hasina and will not be a hindrance to the running of the current government. They go further into hinting (not explicit , rather implicit) that the US had no there choice but to work with Sheik Hasina A crude was of characterizing would be that the US has bowed down to Sheik “Hasina’s iron will even through , it could be quite amusing to the Americans, but hereon the ground , that is how the people are manipulated to keep control of the political situation .As long the perception of Sheik Hasina as an iron hand continue to persist among the common mass, it is the much easier for the government to continue its oppression on the opposition and the control the rise of the dissenting voice . “The international media has severely criticized the farcical election and put the blame on the ruling party and the authoritarian nature of it. Elen Barry of New York Times outlines the true political situation of Bangladesh with a swearing in of a new parliament that does not



include the Bangladesh Nationalist Party”<sup>11</sup>. Mrs. Hasina will effectively introduce one-party rule in Bangladesh. No way to discard the assessment.

In a write up published at the national interest magazine rightly pointed out that Bangladesh is facing one of the worst time in its history. Widespread corruption in all sphere of life , lack of personal and economic security and other have affected the life in Bangladesh and the root cause so the dysfunctional to non existence democracy evidenced by the recent election where the political manipulation reached to the criminal level and the vast majority of the voters were left out of the election process . The growth figure do not tell the real history of Bangladesh. The country is suffering from an array of problems which can be solved by the practice of democratic principles.

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10. Reischer, G. 1994 *Zeit and PolikBadeb- BadebNomos*.

11. Schendler, A and J. Santiso 1998. " *Democracy and Time : An Invention. International Political Science Review. Vol-19.*

The US need to engage the more rigorously with the state of Bangladesh to help restore sanity and democratic principles .A much closer look is very much warranted now"<sup>12</sup>. Good to seen a Bangladeshi writer covering some basic aspects of the current situation of Bangladesh although the problems are very much complex" .The US should definitely revisit its foreign policy and necessary adjustment that would give more emphasis on Bangladesh and take urgent steps before the situation spirals out of control and we see lots of signs of it already.

Meanwhile, the U.K parliament (House of Commons) held a debate regarding the recent election in Bangladesh. The members of the parliament and the ministers of state, foreign and Commonwealth Office have taken a strong stance on the need for the democracy to continue and expressed their willingness to exert pressure on Bangladesh.

The EU also passed a resolution which actually went in favor of the government activities to some extents. Mir Rashedul Hasan from USA writes in the Asia Times about the EU resolution on Bangladesh. He raised several questions about EU's resolution like how cans a victim of regime brutality became extremist and a perpetrator of violence? And how can socio-religious movement Hefazat put in some bracket as political parties? "The write up says that thousand of miles away EU Parliament members deliberated their observations and calls but who were their source of information? People invited to speak at the EU were highly biased"<sup>13</sup>.

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12. *The world Bank and Bangladesh Centre for Advance Studies. 2000. Dhaka University Press Limited.*

13. *UNDP. 1999. Human Development Report 1999. New York: Oxford University Press.*

It is customary that accused given a chance to present their case. Was Jamaat-E-Islam or Hefazat given chance to present their position before being labeled extremist? No. Instead of elite secular class parleying with EU ambassador, were allowed to induct their fabricated version into the EU resolution. “The EU needs to do some real soul searching on who are victims and who are the extremist. The EU has a clear motivation to maintain a stable environment in Bangladesh”<sup>14</sup>. – already made garments trade that benefits EU consumers. But prepared is the EU to engage with the Bangladeshi people beyond its urban elites. And secular class?

The overuse of the word dialogue carries a different connotation in the minds of the sophisticated and diplomatic circles in America. But America must understand that the counterpart it is dealing with playing from the different plateau. Altogether (village politics of Bangladesh). America, out of its good wishes for the people of Bangladesh, has taken a much congenial attitude. The spirit of the US’s reaching out to Bangladesh with logical argument about the need for dialogue is being constructed as sign of weakness.

Under watch of the Sheik Hasian Bangladesh has seen the highest amount of human rights abuse and the largest number of arbitrary arrests, political assassination, abduction, disappearance and destruction. “The core issue in Bangladesh today is people’s democratic right to elect their government in free and fair manner as well as credible election”<sup>15</sup>. So the message is very clear that the existing government is facing its public mandate crisis for the

absence of mass participatory election due to the sovereignty and independence of Bangladesh Election Commission.

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14. ERD: *Flow of External Resource 2004* Published April 2005. P48.

15. Ministry of Finance: *Bangladesh Orthonoitik Shomikka 2005*. 5 236

**Literature Review:** In a democratic administrative system election is an important matter. In this system elections are held to select people's representatives for different tiers of state and government. Through election public opinion is expressed and on the other hand participations of the people in all sphere of life is ensured. To implement the political stability and the political institution building we need first of all independent EC through which we can see an acceptable ruling body in our country. And this Analysis will be able to show the importance of the independence of the EC and why it is necessary for the democratic society.

It is a rare Analysis.

- ) It would be a documentary evidence for the independence of EC.
- ) My Analysis would aware about it's necessity to the people.
- ) It is a contemporary Analysis.

**Ideological View-point:** A researcher must holds a particular ideology as like as a general people. If a researcher is more oriented to his ideology during his/her research period, it will be a biased research. Even if a research is completely free from his ideology it will also be a fake as well as partial research. But if a research is neutral to his value and ideology it will be a pure research. So when I was involved in my research work I was completely value neutral from my the ideological view point.

## Chapter 2

# Research Methodology

### 2.1: Statement of the Research Problem

In a democratic country the way to achieve the power of governance is only through the process of election legally. We completed seven parliamentary elections fruitfully till to day. The participation of mass people in parliamentary election is increasing day by day. In the parliamentary election in 1973, the participation was only 53.56% and in the parliamentary election in 2008 it turned into 86.38%. It the sign of increasing of the people's political consciousness as well as political rights through which they can participate in the governance and control over it.

The number of people though of us who participated in our 9<sup>th</sup> parliamentary election were near about 7,0012,191. And it was the height participation in parliamentary election in the history of Bangladesh. But in 10<sup>th</sup> parliamentary election we saw the inverse situation, it was very little participation in the history of Bangladesh. Here we can observe the crisis of reliance as well as trust deficit.

This trust deficit is not towards any person or any group of person, it is toward the whole system of the election process where Bangladesh election commission stands on the middle position.

So it is a big question in the mind of people that is Bangladesh election commission able to hold a free, fair and neutral parliamentary election independently. We can not through the obligation barely to the Election Commission here some other reasons are also liable for this situation.

Besides traditionally socio-economic and cultural practices limit our opportunities in education, skill development, employment and participation in the national election and all over development process. People are not politically conscious compared to men. Our country's literacy rate is much lower than those of development country, life expectancy in 58 yearly for men and women for 52. Excess mortality of women has resulted in a negative sex ratio in the population where by shape differential with the men and boys. Poverty and illiteracy is often restricted for their reproductive health. General consensus of women at all ages is often neglected. Women are married at a much lower age than men in rural Bangladesh. Women's participation in the developmental process as well as national election is extremely limited in many societies due to the very nature of the political, economy and socio-cultural pattern. It is generally held that a major indicator of a society's development is the status of people's political consensus of that country.

General elections were held in Bangladesh on 5 January 2014, in accordance with the constitutional requirement that the election must take place within the 90-day period before the expiration of the term of the Jatiyo Sangshad on 24 January 2014. The elections were controversial, with almost all major opposition parties boycotting and 154 of the total 300 seats being uncontested. Around 21 people were killed on polling day.

Throughout most of 2013, Bangladesh Nationalist Party and its alliance of 18 opposition parties led by three time former Prime Minister and Opposition Leader Khaleda Zia called more than 85 days of nationwide general strikes and blockades that brought the entire country to a grinding halt. The opposition demanded that the ruling Awami League party led by the current Prime Minister Sheikh Hasina amends the constitution, dissolves

parliament after their full five year term ends on January 24, 2014 and then hand over power to a partisan interim or a caretaker government that will be run by technocrats for 90 days. The job of a Caretaker Government of Bangladesh will then be to work in tandem with the Bangladesh Election Commission by helping them to organize, arrange, oversee the general election held on 5 January and transfer power to a newly elected government. As most of the demands were not met within the stipulated time frame all opposition parties boycotted the polls. Hasina had offered an all party interim election cabinet government which would include opposition parties till the election but this was rejected by Zia.

Since the ninth parliament's mandate expires on 24 January 2014, according to the constitution of Bangladesh's Article 123(2)(a) requires a general election to be held between the dates of 26 October 2013 and 24 January 2014 or rather within 90 days before the expiration of the Parliament. On 25 November 2013, the Bangladesh Election Commission announced that the 10th general election would be held on 5 January 2014.

Following months of protests, strikes and blockades, the 18-party opposition alliance led by the Bangladesh Nationalist Party formally announced a boycott of the election citing unfair conditions for the election. On 3 December 2013, Jatiya Party, led by former president Hussain Mohammad Ershad, also announced its intention to boycott the election. European Union representatives met BNP leader Khaleda Zia and asked her not to boycott the election and to stop the strikes and shutdowns and instead resort to dialogue with the government.

In a video message, Tarique Rahman, the senior vice-chairman of the BNP called for a boycott of the election saying that "the time has come for all of

us to prevent and boycott the Jan 5 polls. Not for personal interest but for the sake of the country's existence". The opposition had also called for the government to resign so an interim non-partisan administration could lead the country through the election period.

On the night of 4 December 2013, Jatiya Party H. M. Ershad threatened to kill himself after security forces besieged his home following his decision to boycott the election. On 13 December, he was confined to a military hospital following his arrest from his Baridhara residence by security forces. According to the RAB commander, Ershad had been taken there at his own request. Zia was also put under house arrest since 29 December at her Gulshan residence. The Bangladesh Army was deployed throughout the country on 26 December on the request of the election commission to maintain law and order. The army would stay on the streets until 9 January 2014.

On 13 December, Jamaat-e-Islami's Abdul Quader Mollah became the first person to be executed for war crimes relation to the Bangladesh Independence War resulting in violent protests by the Islamist opposition. Two ruling party activists were hacked to death in Kalaroa, while the Jamaat-e-Islami's activists firebombed train stations and blockaded roads. Another person died in clashes between police and Jamaat-e-Islami supporters in Noakhali, while a driver was killed after the party's activists chased him down. The opposition alliance called for a general strike on Sunday 15 December.

On 29 December 2013 the BNP called for a *March for Democracy* towards Dhaka, in defiance of a police ban, to protest against the election. Zia said: "The government is autocratic and illegal. It should step down immediately".



One person was killed by the police in the centre of Dhaka, while a guard was killed in a blast at a train station. Some supporters of the ruling Awami League also clashed with opposition activists outside the Bangladesh Supreme Court. The BNP accused the police of barring Zia's car from leaving in order for her to lead the march. Thousands of security forces, mainly police, were present to prevent the opposition activists from rallying. Outside of the Supreme Court, police threw hot and coloured water from water cannons to disperse the protesters. Sheikh Hasina, while agreeing with the right of the opposition to protest, said: "You can wage anti-government agitation. But make sure people are not killed by your movement. A train was derailed by opposition activists in Gaibandha leading to three deaths.

On 30 December, the 18-party opposition alliance announced a non-stop blockade of roads, railways and waterways across the country from 1 January 2014 in order to resist the scheduled election. The decision came after they were barred from holding national demonstrations the previous day. The protest was termed the "March for Democracy." A general strike was called for 4, 5 and 6 January by the opposition parties.

On 3 and 4 January, opposition activists attacked potential polling centres across Bangladesh. They set fire to over 100 centres in Lakshmipur, Rajshahi, Pirojpur, Sylhet, Jhenaidah, Natore, Sirajganj and Brahmanbaria.

As a result of the boycott, the election commission suggested that the Awami League had already secured victory in 127 of the 154 uncontested seats. Similarly, Rowshan Ershad's (wife of H. M. Ershad) Jatiya Party had already won 21 uncontested seats, Jatiya Samajtantrik Dal won three seats, the Workers Party won two seats and the Jatiya Party (Manju) won one seat. The E.U., the U.S. and the Commonwealth announced that they would not send

observers since they were concerned about the credibility of the election due to the boycott.

The ruling Awami League suffered electoral losses when, according to *The Economist*, the opposition BNP "thrashed the League in mayoral elections in June and July, notably in Gazipur in the industrial belt, hitherto one of the League's safest constituencies" and polling data showed a plunge in the government's popularity. Similarly just prior to the election, an opinion poll indicated the incumbent Awami League would lose to the BNP in a direct contest.

In the weeks following the election, a poll was conducted by Democracy International (DI), a US-based organization. They reported that the opposition BNP did have slightly more support than Awami League, but acknowledged that the study's margin of error meant that the results were a "statistical dead heat".

The Awami League was assured of victory, with its candidates declared victors in 127 of the 154 uncontested seats by default. Of the remaining uncontested seats, the Jatiya Party led by Rowshan Ershad won 20, the JSD won three, the Workers Party won two and the Jatiya Party (Manju) won one.

As a result of violence and the opposition boycott voter turnout was 22%. Results of 139 seats out of 147 were released, with the Awami League winning 105, the Jatiya Party winning 13, the Workers Party winning four, the JSD winning two and the Tarikat Federation and BNF winning one each. The remaining 8 constituencies election were suspended due to violence and re-election to be held. The newly elected MPs were sworn in on 9 January.

## **2.2: Objectives of the Study**

The existing political situation in Bangladesh is totally confrontational and paralyzed of the trust deficit. The main issue is here the peaceful hand over of political power after the tenure of government. Main opposition BNP as well as other political parties can not draw a pic trust to the AL which party is involve in power of supervision and control during the election period. So here need a powerful and independent Election Commission which would be able to arrange, supervise and conduct the process of election. This study is concerned with the level or degree of independence of Election commission in the functioning it's activities.

### **2.2(a) Main Objectives**

1. To investigate and analyze the relationship between Election Commission and Other executive bodies of the government;
2. To analyze how and to what extent there will be a free, fair and non-partisan parliamentary election under the conduction of Bangladesh Election Commission independently.
3. To find out the dimension of influence over the Bangladesh Election Commission from different sides.
4. To promote some recommendations as to how or when Bangladesh Election Commission would be independent and strengthen.

## **2.3: Hypotheses of the Study**

Followings are the hypotheses of the study:

1. There is a mutual correlation between Bangladesh election Commission and other executive bodies of the government?
2. There is a influence over the Bangladesh Election Commission during any General election conducted by the commission.

3. Election could be more free, fair and non-partisan if Election commission gets full independence and strength.

## **2.4: Defining Variables**

In order to analyze the subject matter of the present research, an attempt has been made to define variables. Both dependent variables and independent variables have been specified. The dependent variable of this study is “Free and fair election” and independent variable is “Independence of Election Commission”. In this study, the dependent has used as ‘outcome variable’ and independent variable as ‘causal variable’.

### **2.4(a): Dependent Variable: Free and fair Election**

Elections have become a major factor in the stabilization and democratization of emerging democracies and post-conflict countries. More than a dozen such elections will take place in 2010 and early 2011. However, the risk of a relapse into war and violence is considerable. Elections in these countries are a tightrope walk between war and peace, stability and instability.

But there is no iron law according to which elections are doomed to fail. There have been a number of success stories in the past two decades. Such elections can be conducted successfully if important lessons are taken seriously and implemented. Apart from the difficult issues of timing and the choice of an electoral system properly tailored to local conditions, the establishment of an independent, well functioning

Election Commission and an Election Complaints System are crucial elements for success. The international community – and in particular the Western countries – more often than not have failed to insist on the

implementation of these elements, despite their resounding rhetoric on the need for democracy and free and fair elections. They should do better and take more seriously the notion that, for the local population, these elements, in particular the existence of an effective and independent Election Commission and an Election Complaints System, are unmistakable indicators of the credibility of the electoral undertaking.

Elections in emerging democracies and post-conflict societies have a great potential to plunge a country back into violent conflict, to undermine processes of stabilization and to discredit democratization. Elections are not only a tool of democratic participation but also a fierce contest for positions of leadership, power and access to resources. There have been difficult elections in conflict-ridden countries in late 2009 and early 2010, like those in Bangladesh, Afghanistan, Sudan, Burundi, Guinea-Bissau and Guinea.

All these elections will be a tightrope walk between war and peace, between stability and instability. To yet, one should not forget that there have been a number of (more or less) successful elections in post-conflict countries in the last decades, like those in Namibia, South Africa and Mozambique, Nicaragua, El Salvador, Cambodia, Sierra Leone, Liberia, the DR Congo as well as in Bosnia and Herzegovina, Kosovo and Macedonia on the Balkans. There is no iron law according to which elections are doomed to fail in war-torn countries and emerging countries. Elections can play a significant role in stabilizing and democratizing them if handled properly. This study therefore deals with those political, structural and institutional lessons learned and elements which are today considered by most practitioners to be indispensable for giving elections a chance to succeed in emerging democracies and war-torn countries, despite the enormous challenges the environment in these countries poses. There is no reason to give up

supporting these elections. But the international community, not least the Western countries, have to take a clearer stand on what kind of elections they are ready to support, and which not. This concerns in particular the existence of certain key elements, like independent Election Commissions and functioning Electoral Complaint Systems. Without these elements the electoral process is in great danger of being manipulated by those who hold power, and therefore lacks credibility in the eyes of the population.

The events in Afghanistan in autumn 2009 should be a warning to the West. The risk of destabilization or even a relapse into war and violence is high.

In the early 1990s, with the Cold War over, a wave of democratization swept Africa, the Balkans and other regions of the world. It was very much energized by the expectation that the transformation to democratic rule would be accomplished speedily and without too much complications – despite the experience of most European countries to the contrary.

Their struggle for democracy had been long, painful and fraught with bloody setbacks. One reason for the hope of quick progress was, of course, that now the established and wealthy democracies in Europe and America would be prepared to lavishly provide assistance in the form of good advice and money.

Democracy building became a major issue in Western development assistance and academic writing. It took a number of severe disappointments for this hope to turn into a more realistic and sober assessment, as it prevails today. Inevitably, democratization and organization of elections also became a key issue in international peacekeeping missions in the early 1990s, starting with the United Nations Transition Assistance Group (UNTAG) in

Namibia in 1990. Elections were considered to be the optimal end state for the quick and successful exit of the international mission. Not only the elections in Namibia, Nicaragua and El Salvador but also those in Mozambique and Cambodia were exemplary and rather successful cases of this philosophy. However, these cases have, in hindsight, to be considered as lucky exceptions of a much more mixed record. Angola (1992), and soon after the elections on the Balkans in the mid-1990s and in Liberia in 1997, forced the international community to learn a painful lesson: Elections are not at all synonymous with successful democratization and the successful exit of a peacekeeping mission. They are merely a first step in a long and difficult process. Indeed, they may even provoke more instability and trigger a return to war and destruction, as happened, most tragically, in Angola and later in Liberia.

So there is no alternative except the free and fair election to democracy building for the developing countries like Bangladesh.

Election is a creating process when the political parties are fully involved in competition to capture the people's opinion through which the legitimacy of a government depends. Free and fair election is to develop people's over all opportunity and ability in the process of governance. Basically, free and fair is a multi-disciplinary approach to strengthen the practice of good governance as well as social justice. It creates opportunities to take part in the affairs of nation building activities for the mass people. Broader understanding of the concept of free and fair requires broader measures the associated categories are: accelerate people's participation in every sphere in life, conducive environment and, wider participation of people in local and national election.

Free and fair election is a process, which enables individuals or group's participation in the process of power distribution in social, economic and political relation in the society. Nowadays the free and fair elections have been termed as the key issue of power transformation in the social and political ground.

If we can not ensure the free and fair election there would be a little gap through the evil people get the opportunity to participate in the public function as well as in the governance affairs.

And this bad practices weekend the pillar of democracy. So without free and fair election we can not expect the fruit of good governance which are the basic way out from the existing socio-political situation of Bangladesh.

In this study, I tried to analyze that free and fair election has been perceived as a way or opportunities which leads to both political party in power and opposition so that they can contribute to greater decision making power in the process of democracy.

#### **2.4(b): Independent Variable: Independence of Bangladesh Election Commission**

The scrapping of all provisions relating to the non-party caretaker government for the conduct of Jatiya Sangshad elections has raised a storm of protest by the opposition political parties. The ruling Alliance has taken the firm position that the caretaker system was introduced purely as an interim arrangement for establishing electoral democracy in the country; that three Sangshad elections have been conducted under the system; that in the recent past the system had been subjected to manipulation leading to



undesirable intrusion of non-political entities into the political domain; and that it is time now to revert back to normal system.

The Opposition parties with equal force maintain that the time has not yet come for holding parliamentary elections under a political government. They have also expressed their firm determination not to allow holding of any election under such arrangements.

In the sidelines of these heated debates, we come across statements by senior government leaders and ruling party stalwarts that free and fair parliamentary polls can be held under a political government with a further strengthened and independent Election Commission.

As understood from discussion at different times and various levels, the line of argument goes like this: till 2006, the authority and power of the commission were limited for which it could not overcome the political influence and interference in the electoral process necessitating the introduction of the caretaker system.

The commission attained large measure of independence during 2007-12 and was strengthened institutionally by various reform measures. Under the present government, the strengthened commission succeeded in holding highly credible elections to a number of vacated Sangshad seats and to thousand other local government positions across the country.

This success is a testimony to the claim that credible elections are possible under a political government. To ensure holding of still better elections, the commission can be granted more independence and strengthened further institutionally.

Statements about strengthening the election commission are made every now and then and with vigour but we have not seen any detailed plan as to what government intends to do to the Commission for its strengthening. This information is important for the reason that different stakeholders generally look upon such issues from the point of view of their own self-interest.

On the last occasion, the one thing the government did for strengthening was to fix the number of commissioners to five ignoring the recommendations of the then election commission and the concerned Parliamentary Committee who had suggested three commissioners.

Already there are media reports that coordination within this enlarged body has become problematic and this would be more acute as it approaches the most challenging task of holding the upcoming Sangshad elections.

It will be argued in this article that the recognition of the necessity of full independence of commission for conducting free and fair election is the right approach. Unfortunately, the focus is only on one aspect of independence that regrettably ignores the more important ones.

Moreover, an independent commission is only one partner in this game; there are other influential partners who are not mentioned. If any one of them decides not to play by the rules of the game, it may not be possible for the commission to see through a free and fair election.

The success of the 10<sup>th</sup> commission (2007-2012) is often cited for bolstering the argument for election under a political government. As I had the privilege of serving that Commission as its chief, I have to point out that this success was not only due to electoral and institutional reforms but also to the

integrity of the Commission and the process and behavioral innovations introduced by us to build people's trust in it.

Several international organizations had conducted surveys on public confidence in the commission between 2007 and 2009.

The survey data showed sizeable and unwavering support for the commission peaking at 87.2 percent in December 2008. This kind of public support and goodwill gave our commission a huge moral boost and inspiration to carry on our work in the most neutral and fair manner even after the advent of a political government in January 2009. It is, therefore, imperative to have a clear understanding of the meaning, attributes and limit of the term independence. If the propositions about independence are meant seriously, there is no alternative but to look at it in its totality.

A comprehensive review only can instruct us about the possible areas of intervention for securing the independence of the commission and the probability of making up the absence of a caretaker government. Independence, in the context of an election commission, has two distinct but inter-related aspects.

It means empowerment of the commission through suitable legal and institutional means so that it can carry out the tasks assigned to it by the laws.

Secondly, it also means the will of the commission to decide each individual case on merit without any fear or favour as well as the determination to

implement such decisions against all odds. The first aspect is called structural independence *while the other aspect behavioural*.

As far as structural independence is concerned, Bangladesh election commission is already sufficiently empowered and strengthened. The constitution has bestowed it with a broad measure of empowerment to “supervise, direct and control the electoral process.”

The constitution of India contains similar provision for the election commission of India and the courts in India have consistently held that, subject to the provisions of the constitution, the election commission is fully competent to take any decision for the conduct of elections. In particular, the Supreme Court of India has held that where the enacted laws are silent or make insufficient provisions to deal with a given situation in the conduct of elections, the commission has residuary powers under the Constitution to act in an appropriate manner.

While disposing of a Writ filed by Abdul Momin Chowdhury in 2005, the Supreme Court of Bangladesh also gave similar ruling citing the Indian precedent.

The Representation of People Order is the principal legal instrument for the conduct of elections. This is periodically reviewed for changes to meet emerging situations. This was also amended comprehensively in 2008, in consultation with the political parties, civil society and the media, with the aim of containing, if not to fully eliminate, electoral maladies particularly in respect of nomination of candidates, method of campaign, election expenditure, voting process and resolution of election complaints and

disputes.

For violation of any of the set procedure, the commission is empowered to take punitive action including power to cancel candidature or fully or partially cancel polling in particular polling station or the entire constituency. The commission has also the power to seek and secure the services of any public official for the conduct of elections. Both executive and judicial magistrates are also available with the commission during election period who conduct summary and regular trials for committed election offences.

As a consequence of such trials, in addition to fines and imprisonment, candidates may be debarred from contesting elections for a number of years. The notion of the commission's independence reached a new height with the promulgation of the Bangladesh Election Commission Secretariat Ordinance, 2008 subsequently ratified by the 11<sup>th</sup> Jatiyo Sangshad into an Act in 2009. The Act has de-linked the Commission Secretariat from the Prime Minister's Office. It is no longer under the control of any Ministry, Division or Office. It has also been given the authority to periodically review its manpower needs in association with officials of relevant government agencies and whatever is decided by this committee would be deemed as final.

Similarly, the commission does not have to seek the clearance of the Ministry of Finance every time it needs release of fund once the budget is approved by the Sangshad

Sadly enough, even after the enactment of the Secretariat Act, the commission had faced lot of difficulties in conducting the local government elections due to bottlenecks in release of funds and unusual delay in getting sanction for additional manpower. The Recruitment Rules for the

appointment of officers and staff of the commission still require it to obtain the clearance of the government for appointment to Class 1 positions.

Interestingly, all autonomous and semi-autonomous bodies including the state-owned financial institutions which are subordinate to their administrative Ministries have full independence on all recruitment and promotion matters. It is, therefore, not a question of bestowing more powers to the election commission but of facilitating smooth implementation of the procedural changes already made through legislation.

The regulatory ministries are yet to acquiesce to their loss of authority over the financial and personnel management of the commission and continue to create obstacles in the smooth implementation of the changed procedures. There is a need for reorienting the attitude of the concerned members of the bureaucracy about these changes. If that can be assured, there will be no need for any major structural changes in the near future.

Structural independence is necessary but not sufficient for ensuring a free and fair election. Structure builds the body but it needs the assemblage of persons who are determined to carry through the vision and mission for which the structure was created in the first place. This independence, termed as behavioural independence of a commission, is blind in the sense that decisions are made absolutely on the basis of the laws under which it operates and its own judgment irrespective of their consequences on the contesting persons or parties.

It is also fearless for the reason that the commission shows its determination in implementing those decisions against all odds. For living up to such high standards of morality, the commissioners have to be persons of high integrity

with an unblemished record of service to the people and a high level of management skills.

In the context of divisive nature of politics in Bangladesh, the method of recruitment and qualification requirements of candidates to be selected for appointment as commissioners assumes special significance. After restoration of democracy in 1991, four Sangshad elections have been held by four different commissions. By all accounts given by local and international observers, these were generally free and fair and acceptable by international standards.

Unfortunately, the credibility of these elections has always been questioned by the losing parties. Bangladesh has had ten Chief Election Commissioners out of which six had to resign due to accusations of partisanship by political parties. Some of these accusations are true and some of the commissioners have shamelessly exhibited their partisan behaviour: but this did not warrant indiscriminate condemnation.

Obviously, this attitude of not accepting defeat and finding a partisan attitude in everything that a Commission tries to do is reflective of an exclusive political culture where the losing party faces a total denial of any constructive role in virtually all spheres of life.

In setting up a new commission, the most important thing to do is to prescribe the qualification standards of candidates, a very transparent selection process where the standards are scrupulously followed and a mechanism through which consensus on selected candidates can be reached. This lack of transparency of selection process and failure to obtain consensus of all major political parties create the opportunity to cry foul in elections by

the losing party and humiliate committed and righteous persons who successfully conduct free and fair elections.

This kind of lingering mistrust and unjust denigration of the commission weakens its authority in the discharge of its mandated duties and hampers its long term institutional development.

The commissioners enjoy very high status in terms of their position in the Warrant of Precedence and enjoy similar emoluments and other facilities prescribed for Judges of the Appellate Division for the Chief Election Commissioner and of High Court Division for other Commissioners. It is important that no person should be considered for appointment as a Commissioner below the rank of a Secretary to the Government or that of a Judge of the Supreme Court of Bangladesh. India has never appointed a person to be a Commissioner below the rank of Secretary. In Pakistan, all Commissioners have been judges of the Supreme Court.

Except for the Chief Election Commissioner, the incumbent Election Commission in Bangladesh consists of persons who never held the desired status. There is no justification to select persons of lower rank when reputed and able-bodied retired persons of appropriate rank are available in large number. Concerned people have already raised questions about their credentials and genuinely suspect ill-intention behind these appointments. It is apprehended that persons who could not reach the highest grade in their service career and never even dreamt of occupying such a high position as that of an Election Commissioner, if appointed to such position, will do anything to satisfy their benefactors.

Another important issue for selection of commissioners is their political



antecedents. Since political parties, when in opposition, always complain of partisan behaviour of the commissioners, all information regarding the past of all nominees must be dug out by using all available means including investigative reports by journalists and disclosed to the public.

Persons alleged to be affiliated with any political party or its front organizations or recipient of unusual benefits from a particular political government, such as, repeated extension of service after retirement, out-of-turn promotion, undeserved posting abroad and the like should not qualify to hold positions in the commission.

During scrutiny of nomination of candidates, Returning Officers initially and the commission on appeal, examine their profile against submitted information relating to their academic qualification, criminal records and financial status.

Defaulters on loan repayment and payment of utility bills are debarred from contesting elections. Same principles should also apply in selecting the commissioners. If they do not come clean on all the points that debar a person from being a candidate, the Commissioners will have no moral right to hear and adjudicate on such cases.

The allegation of partisanship will not hold water if the commissioners are finally selected through consensus of all political parties. The 10<sup>th</sup> commission, while forwarding the draft Bill for appointment of the commissioners, had recommended placing the findings of the Search Committee to the Business Advisory Committee of Sangshad. This is one Committee where the Speaker is the Chairperson and the Prime Minister,

Leader of the Opposition and top leaders of all other parties represented in Sangshad are members.

While selecting the members of the incumbent Commission, government only constituted a Search Committee but ignored other important recommendations. There is no consensus and there will be repetition of the same blame game. Even in Bhutan, where democratic process has just started, the Commissioners are finally cleared by the Parliament.

Coming back now to the question of strengthening the Bangladesh Election Commission, I hope I have been able to make the point that independence consists of two aspects: structural and behavioral. On the structural side, there is hardly any need for any major intervention.

The pressing agenda here is for the Government to create conditions for implementation of reforms already made. However, on the behavioral side, changes of a fundamental nature are a crying need of the day. A Bill specifying the qualification requirements, method of recruitment and securing consensus of all political parties represented in the Sangshad on proposed candidates need to be drafted, widely circulated for obtaining public opinion and after suitable modifications passed by the Sangshad. In the meantime, political parties and the general public would like to satisfy themselves that none of the sitting commissioners had any kind of political affiliation at any stage of their life or had been the beneficiary of any political patronage. Lower status of all the commissioners has also reinforced the general mistrust about the neutrality and integrity of commission. Sooner or later, the present commission will face these embarrassing questions. Caretaker government or not, the government will have to come up with a satisfactory solution on behavioral independence to facilitate the holding of the tenth Sangshad elections. Finally, it must be

emphasized that a fully independent commission, both in terms of structure and behaviour, may not be sufficient for holding a free and fair election. It needs the support and active cooperation of a number of partners, political parties being the most important one.

“Strengthening Election Commission” is projected by political leaders as an antidote to free and fair election in such a manner as if all other things pertaining to the conduct of credible election are in place and in good shape and it is only the commission that is the weakest link.

These leaders are right in their assertion that the commission is the principal instrument in the management of the elections and must be sufficiently strong but its strength cannot and should not be expected to make up the deficiencies in the expected role of other partners. Nor should there be any expectation that the Commission would go beyond its mandate and indulge in activities that are not prescribed for it under the law.

Voters do not create obstacles to free election: the mischief is done by the political parties and the candidates. Bangladesh election commission has gone a long way in delivering exceptionally good elections. The electorate is also marching with it in tandem. It is the political parties that are lagging behind. They need lot of catching up to do.

## **2.5: Rationality of the Study**

In context of developing country like Bangladesh has also many possibility in different aspects of our socio- economic, cultural and agricultural sector. In our country there is no more strong social unite of people except political parties which are competing in the national election to gain the power of

governance. After winning when a political party or coalition of political parties come in power to run the country, here there is a little scope to control or seek up the activities of the government.

People are here helpless to protect the corruption and mal administration of the government. And people have to wait for the next parliamentary election through which they can express their objection in favor of mass people. That means only election is the process through which people get a chance to say yes or no to the political party in power after the end of the tenure. So the study of the independence of the election commission is much more important compared to any other variable of the political system.

The findings of this study has been able to know once about the function and activities of Bangladesh Election Commission and their problems which are the major building blocks to arrange a free and fair election and so on.

The traditional social systems, economic backwardness lack of education etc have made them most disadvantaged section of the society. For the development of the country and realization of democratic principle it is necessary to improve the conditions of the independence of the Bangladesh election commission. In so far as I know, no major study has yet been conducted on this topic. Therefore, the study is very important for the government of

Bangladesh and various national and international development partners. However, there is need for preparing a suitable environment for women so that they can proceed with their male partners on equal footing. The optimum development would not be possible if women are head outside the mainstream of socio-economic development.<sup>19</sup> It is not only for the

Bangladesh state that women's issues represent a potential resource, but also very much so for the non-governmental organizations (NGOs). The availability of funds for groups working with women clearly affects those groups' activities and philosophies. While the views and commitments of the people working on the ground make a great difference to the impact of funds, whatever the donor's intentions, those views and commitments may themselves change as funds become available.

### **2.5(a) Methodology**

Research methodology relates to the application of appropriate analytical tools and techniques in order to arrive at the conclusions. Among evolutionary and comparative methods, experimental and field study method, Qualitative and quantitative methods I selected the experimental and field study methods under which method I had to make a field study or survey in order to collect research material and data.

My Analysis had also followed an empirical method based on primary and secondary data. In this Analysis, survey method used for collecting data and information. But this Analysis had primarily base on secondary data.

In accomplishing the aforementioned objectives, the research adopted both quantitative and qualitative methods. Qualitative method included desk research and Key Informant Interviews (KIIs) with three categories of respondents (Religious Leaders/Imams, Influential People of the Community, Law Enforcement Agency Personnel), in order to gather detailed information related to community insecurity, violence and militancy. In addition, a newspaper survey was done to collect more supportive and case specific information on these issues. A field survey for data collection was conducted in the month of July 2011.



## **2.5(b) Data Collection Methods**

### *Quantitative*

Quantitative data was collected following a semi-structured questionnaire in face to face interviews with adult male and female respondents. Survey participants were selected from those who have at least primary level of education.

*Qualitative* Qualitative data collection was conducted through the following methods:

- Desk Research
- Key Informant Interview (KII)
- Newspaper Survey

### **Followings were the main sources of data :**

- ) Election Observation Agency
- ) Daily news paper
- ) Electronic media
- ) Political parties
- ) Candidate of the Elections ( local & national )
- ) Parliament members ( former & present)
- ) Prominent columnist & Election Annalist
- ) Officials of the Election Commission ( former & present )
- ) Books, Journals, Articles etc.

Collected data will be characteristically classified and then simple statistical method will be applied on them. According to the all information and data, finally the study will be standard using necessary figures and tables.

## **2.6: Literature Review**

In the modern world, free and fair election as well as the process of transformation of political power is an important area of social science research. This field of research intends to look into the election situation of a particular political system nationally and internationally especially since Ancient Greek to modern world . Over all emancipation in election is a matter of great importance for a process of institutional building for the developing country like Bangladesh.

As a result, special attentions have been given by academicians, researchers, social worker, politician, policy maker and planner all over the world. The literature in this area is too voluminous to us and it is different to review it completely. But, I have attempted here to review some major studies on employment opportunities and women development that are conducted in Bangladesh and abroad.

How To Win an Election

--By Quintus Cicero

In 64 B.C., Cicero wrote his older brother a letter of advice guiding him on how to win his race for consul. Nearly 3,000 years later, it remains stunningly relevant, and it emerges as key evidence that some things never change, like political trickery, tactics of manipulation, the art of making a sale. Cicero advises his brother to “promise everything to everyone,” attack his opponents with allegations of sexual misconduct and financial impropriety, and play the common man to the crowd, while reassuring the elite that he is secretly on their side. It is a book that reads as if it were written by David Axelrod or Karl Rove, who incidentally provides a glowing blurb on the back cover of one of the editions.



*The Prince*

-By Niccolò Machiavelli

Much like Cicero's letter to his brother, Machiavelli's letter remains resonant, powerful, and educational years after its author's death. Published in 1532, *The Prince* continues to stand uncontested as the greatest—albeit one of the most cynical—manual for keeping political power. Machiavelli writes that the people want a leader who rules with an iron fist in a velvet glove, and that it is far better to be feared than it is to be loved. His work is not for the faint of heart or the enraptured idealist, but its realism cuts to the core of power maintenance—whether it regards an Italian kingdom or an American election.

*The Outrageous Barriers to Democracy in America*

-By John R. MacArthur

If national campaigns are exhibitions of elaborate theater and Cicero and Machiavelli wrote scripts that candidates would be wise to recite, MacArthur, the former investigative reporter and publisher of *Harper's Magazine*, cuts down the curtain to expose the direction, stage setting, and choreography that takes place behind the scenes. Every four years, politicians from both major parties earn applause for talking about how American democracy is the only place where their dream of gaining power could come true. Barack Obama in 2004 and Marco Rubio in 2012 sold this story particularly well, but MacArthur proves that story is a myth. "The outrageous barriers to democracy," as he calls them, include the pressure of party politics, the influence of large donors, and the demands of the mass media. MacArthur's undressing of the American mythos posits that perhaps you can be president, but before you think about it, you better have the

connections necessary to earn the approval of a major political machine, raise hundreds of millions of dollars, and please the media outlets that not only report, but shape the news. Originally published as *You Can't Be President* and recently reissued with the new title and a new preface, this book validates the late Vidal's aphorism: "Anyone prepared to run for president should be immediately disqualified from doing so."

*Washington D.C.*

-By Gore Vidal

Vidal dramatically, amusingly, and compellingly demonstrates the veracity of his aphorism on presidential races in his novel *Washington D.C.* Part of his Narratives of American Empire series of historical novels and taking place from the 1930s to the 1950s, *Washington D.C.* tells the story of a conservative senator with presidential aspirations, a young, charming congressional aide who also has his eye on the throne, and a ruthless newspaper tycoon who, more than the politicians, understands the importance of image over substance in political life. Much of the book reads like a brilliant soap opera, but behind all the illicit sex, backstabbing, and backroom deals, emerges an engaging and entertaining portrait of how the political process degrades those who participate within it, and victory is possible only for those who gleefully accept their degradation.

*Hartsburg, USA*

--By David Mizner

Mizner uses his experience as a political consultant and speechwriter to write a more hopeful novel than Vidal's *Washington D.C.* *Hartsburg, USA* chronicles a school-board race in a small Ohio town between two clichés of

the culture wars—a liberal atheist who once worked as a Hollywood screenwriter and a fundamentalist Christian woman from the nearby megachurch. Mizner wrote the book before Sarah Palin became a household name, but his Republican candidate for school board is the literary Palin if there ever was one. The way in which the novel depicts the personal details of each character’s family, and the way in which he leaves hope for unity, uplifts the reader into remembering, or at least believing, that the distance we see between us and our political opposites is often imaginary. Considering that Obama versus Romney is one of the most negative races of recent history, Mizner’s smart and moving novel may act as an anodyne.

*The Boys on the Bus*

--By Timothy Crouse

Once upon a time in a galaxy far, far away, political campaign operatives found it difficult to deceive the press, and “spin” was not as routine in politics as affixing a flag pin to a lapel and taking photos in costume like hunting gear, flight suits, shirtsleeves, and baseball caps. Crouse’s classic gives a brilliant line-by-line, play-by-play account of the 1972 presidential race when the Nixon and McGovern campaigns originated the art of spin—and with newfound boldness and dedication, attempted to control the narrative of the campaign. As a journalist for *Rolling Stone*, Crouse spent time with the press following the candidates around the country, and he had the observational skills and insight to capture the changes in the media and in politics that would eventually dominate the discourse decades later.

*Fear and Loathing on the Campaign Trail '72*

--By Hunter S. Thompson

Thompson writes the foreword to Crouse's *The Boys on The Bus*, but manages to overshadow Crouse's book on the 1972 race with his own. Thompson was one of the creators of New Journalism, and is rightly considered one of its greatest practitioners. With color, vulgarity, and brilliance, Thompson makes it clear how and why he unabashedly supports McGovern over Nixon. But when meets Nixon and they discuss football in the back of a limousine, he is able to humanize the reptilian president. *Fear and Loathing on the Campaign Trail '72* is not only a classic of political reporting, but a classic of all journalism.

*Miami and the Siege of Chicago*

--By Norman Mailer

Mailer, like Thompson, helped pioneer and eventually mastered the art of literary journalism. *In Miami and the Siege of Chicago*, one of America's best and most interesting writers takes readers to the Republican and Democratic conventions of 1968, and then proceeds, with the wildness of a drunk and the precision of a surgeon, to eviscerate both Richard Nixon and Hubert Humphrey. *Armies of the Night*, Mailer's account of an anti-Vietnam war march on the Pentagon, is his best-known work of journalism, but *Miami and the Siege of Chicago* may be his clearest, smartest, and toughest. In 2012, it comforts readers who are aggravated with how most presidential elections devolve into a contest among two men vying to emerge as the least reviled character, and it afflicts those who believe in the integrity of the American political system. Mailer is also able to powerfully capture the

chaos of Chicago where, under the order of Mayor Daley, the police rioted against a group of antiwar protesters.

### *McCain's Promise*

--By David Foster Wallace

Wallace's essays on the porn awards ceremony in Las Vegas, a lobster festival in Maine, and the Illinois State Fair allowed him to prove that he was the modern master of literary journalism. In *McCain's Promise*, originally titled *Up, Simba*, Wallace was able to turn his sense of humor, intimidating intellect, and unlimited curiosity onto the John McCain campaign in 2000. Wallace's interpretations of campaign politics, media interaction, and the playful balance of authenticity and brand construction are fascinating, but the book soars when Wallace turns to unconventional sources of wisdom for help. Wallace forms the belief that cameramen, sound technicians, and other crew members are the most insightful and wise observers of American politics, because they follow the candidates across the country, are part of a small insider group, but have no ideological or monetary stake in the outcome of the race. He ends up being right. Wallace spends more time discussing politics with camera crew members over cigarettes than he does with political operators, and the book becomes essential reading.

### *The Obama Victory*

--By Kate Kenski, Bruce W. Hardy, and Kathleen Hall Jamieson

Kathleen Hall Jamieson is the director of FactCheck.org and one of the best media and political analysts in the country. Along with her co-authors, in *The Obama Victory* she provides a thorough and irrefutable report on how Barack Obama managed to become president in 2008. With analysis and

commentary that is both flattering and critical of Obama, the book serves as a case study of Cicero's letter and MacArthur's indictment of the structural aspects of American politics. *The Obama Victory* is important for understanding not only how Obama won in 2008, but how he will win or lose in 2012.

### **2.7: Methods of Data Collection**

The present research is based on survey method. It has been mentioned earlier that Bangladesh election commission and its sub-divisional offices and the prominent person local and national level living in the Dhaka city and out of the city.

As the size of interviewees are very small, no sampling method has been followed in the study; rather the total population (above 60) has been attempted to study but finally above one hundred twenty five (125) has been covered for investigation. The chosen population has been interviewed through a questionnaire. By nature it is a structured questionnaire with both open ended and closed ended questions. Some contingency questions have also been prepared for an intensive investigation the subject matter. Before finalizing the questionnaire, it has been pre-tested several times. In addition, observation method has also been followed to collect data and information. Field study has been done by the researcher in the study area from June 2010 to February 2015.

### **2.8: Sources of Data**

The sources of data is the base of my research and it helped me to rich the level of recommendation of my thesis. The data for this study has been collected mainly from the primary source. The research area has been used as the main source of data. Some secondary sources like books, articles have

also been collected data in the study especially for theoretical analysis. In order to collect the required data each respondent has been individually interviewed. Sufficient care has been taken to conduct the individual interview at a place where the respondent can answer freely and satisfactorily. Employee respondents have been interviewed at their work place during the data collection. At the beginning of data collection the investigator has introduced him to the respondents.

To secure cooperation, a brief statement of why the study is being conducted, have been made to the respondents. The confidential and academic natures of study have been also explained. After establishing rapport, each respondent has been interviewed and wherever difficulty arose, as the meaning of questions, the same have been explained to them. Almost all the respondents have been interviewed at their home.

## **2.9: Data Presentation and Analysis**

It was also the important part of my research methodology. In order to processing data, Statistical Programme for Social Science (SPSS), Ms-Excel and Ms-word Programmes are followed in the study. Data has been presented in frequency tables. As inappropriate statutes for the analysis of data percentage (%) and correlation have been applied. After completing the investigation and survey, the processing of data and the task analyzing stated. At first, interview guide has checked and edited. Errors and omissions in recording the answers were located. It was found that they were few and minor nature. The data collection was categories with the help of categorization plan prepared for the purpose: code numbers has assigned to each question and each response. The interview guide has coded, the response has transferred on code sheets and then data has analyzed, percentages have calculated and inferences drawn accordingly.

## **2.10: Limitations of the Study**

Many a times the selected interviewee is not similar with other profession and social status. As a result a household also varies for the study. But the average size of the entire selected residence or office is not closer to each other. The sample size of the study is above hundred. Such sample size seems inadequate to make a generalization. But it is true that the study has not collected data only from one hundred and twenty five respondents rather the observation method has also been followed. This study has intensively observed the various conditions of employment situation of the women beyond the questionnaire based interview.

A researcher's manageability mainly depends on time, money, personal skill and capacity. As an individual effort, time, money and labor constraints have limited my study to some extent. Some interviewee of my research survey are mostly introvert, timid, suspicious and conservative. It has been found difficult to conduct research on such elite as well as inaccessible people. In spite of this, an utmost endeavor has been made to collect real and reliable data. Similarly, it is very difficult to calculate one's income in an agricultural society. Therefore, in determining age and income, we had to depend on a complex process of calculation and personal assumption. It has not been possible all the data collected for the study because of space constraint. Similarly, many analyses have also not been presented in this study. In some cases, analyses have been made in brief.

## **2.11: Chapter Design**

### **Chapter One: Introduction**

*Chapter One* describes the introductory matters of the study. It includes the general discussion of the independence of Bangladesh Election Commission. Research methodology, study area, the level of independence and strength



even the overall condition of the Bangladesh election commission is also discusses in this chapter.

## **Chapter Two: Research Methodology**

*Chapter Two* provides the research methodology. It includes the statement of the problem, objectives of the study, hypotheses of the study, variables, rationale of the study, literature review, sources of data, methods of data collection, and data presentation and analysis.

## **Chapter Three: Study Area**

**Bangladesh :** Bangladesh election commission it's function, area of power and activities , legal procedures, constitutional legitimacy, principles of the commission, system of election, terms and conditions, it's chief election commissioner and other electioneer commissioner , staff as well as manpower , planning and initiative's , success and failure of the Bangladesh election commission etc are included in this chapter.

**Chapter Four:** Election condition in Bangladesh: A General ViewIn this chapter most of the parliament elections are included here indicating it's the final result and winner party. The list of the political parties are shown here indicating the second winner party as well as opposition party.The chronological flow of parliament election of Bangladesh is tabled here indicating it's total seats of the parliament and the seat of what the political parties win.

**Chapter Five:** Bangladesh election commission: it's involvements of the other executive body of the Bangladesh government and recent election in Bangladesh. Actually in this chapter it has been seen that election commission has to work in a collaborative manner with the other executive

department of the Bangladesh government. This chapter has also been able to show the scenario of the election engineering and some indiscipline as well as failure of the Bangladesh election commission.

**Chapter Six:** Bangladesh Election Commission: it's Independence and requirements for Democracy.

Chapter Six describes the level of independence of Bangladesh election commission and the necessity of free and fair election for the democracy. In every general election of Bangladesh there is a common blame to the election commission indicating its biasness and dependency. But why Bangladesh election commission does not prove the role of its neutrality and fairness this chapter tried to show the reasons behind this situation.

**Chapter Seven:** *The necessity of the free and fair parliamentary election.*

*Chapter Seven* describes that The necessity of the free and fair parliamentary election and its way-out. In context of developing country like Bangladesh free and fair election is much more essential to establish the process of democracy. We have passed 44 years after our independence but it is the matter of lament that still to day we can not established the tradition of free and fair election which the basic path of the practicing the rule of law and social justices. This chapter also has been able to prove that without the independence of the Bangladesh election commission we can not expect the well practices of democracy like developed countries in the world.

**Chapter Eight: Conclusion**

Chapter Eight has presented the summary of the findings and test of hypothesis of the study along with major conclusions and some broad policy recommendations. It includes the test of hypothesis one which is there is a positive correlation between the Bangladesh election Commission and the other executive bodies of Bangladesh government. The barriers for which Bangladesh election commission can not hold a free and fair election for the country. What are the necessary steps which can be taken as a way-out of increasing the level of independence of Bangladesh Election commission. This chapter also discusses the recommendations of the study which are more essential for a free and fair election for Bangladesh.

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## ***Chapter 3***

### **Study Area**

#### **3.1: Bangladesh: Bangladesh Election Commission**

Democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed has some intrinsic features to possess for ensuring its full swing working in a state. Election Commission whose major work is to hold national parliamentary election as a constitutional institution is one of these intrinsic features which are provided by the constitution of the people's republic of Bangladesh described in Article 118-125. Good governance is vastly concerned with the govt. in power that normally conducts the working of the state. Election of good government is profoundly concerned with the existence of a free, fair, strong and vigilant Election Commission which was the cherished vision of the framers of the constitution. This work aims mainly at discussing the role of Election Commission for holding a free and fair Election. It will also be attempted to describe its constitutional powers and functions with loopholes and limitations. At last, some reforms will be suggests for its flawless working leaving their unused constitutional powers with aiming of appropriate utilization of its authorities.

#### **3.2 Election Commission of Bangladesh; Its roots of establishment:**

After the British ruling wiping out from the Indian Sub-Continent, Pakistan Election Commission was first emerged in 1956 with one Regional office in erstwhile East Pakistan. After the independence of Bangladesh from Pakistan pouring buckets of blood of her countrymen, she got democratic phenomena having a great featured constitution which provides the establishment of a free and fair Election Commission by inserting Article 118-126. Article 118 of the Constitution provides for the establishment of an Election

Commission for Bangladesh consisting of the Chief Election Commissioner and not more than four Election Commissioners. The appointment of the Chief Election Commissioner and other Election Commissioners (if any) is made by the President. When the Election Commission consists of more than one person, the Chief Election Commissioner is to act as its Chairman.

Under the Constitution the term of office of any Election Commissioner is five years from the date on which he enters upon office. A person who has held office as Chief Election Commissioner is not eligible for appointment in the service of the Republic.

Any other Election Commissioner is, on ceasing to hold such office, eligible for appointment as Chief Election Commissioner, but is not eligible for appointment in the service of the Republic. Powers of Election Commission (Article 118(4) and 126 of the Constitution, read with Article 4 of the Representation of the People Order, 1972): The Election Commission is an independent constitutional body in the exercise of its functions and subject only to the Constitution and any other law. The Commission may authorize its Chairman or any of its members or any of its officers to exercise and perform all or any of its powers and functions under the law. Article 126 of the Constitution and Articles 4 and 5 of the Representation of the People Order, 1972 provide that it shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions. The Commission has the power to require any person or authority to perform such functions or render such assistance for the purpose of election as it may direct.

### 3.3 Election Commission Secretariat

**Address:** Block-5/6, Election Commission Secretariat, Sher-e-Bangla Nagar, Dhaka-1207, Bangladesh

**FAX:** 880-2-8119819, 880-2-8113156, 880-2-8129325, 880-2-9129033

Election Commission Secretariat

• CEC, ECs and Secretariat

Regional Office

Field Office

### 3.4 (a) Map of Bangladesh 3.1(a):



Image source: [https://www.google.com.bd/administrative map of Bangladesh.](https://www.google.com.bd/administrative%20map%20of%20Bangladesh)

### 3.4(b) Location map of Bangladesh Election Commission



Image source: [https://www.google.com.bd/administrative map of Dhaka city](https://www.google.com.bd/administrative%20map%20of%20Dhaka%20city).

### 3.5: Location and Area

Bangladesh election commission is situated in the north side of Dhaka city at Election Commission Secretariat, Sher-e-Bangla Nagar, Dhaka. In south side there is Bangabandhu China Moitree Samyelon Kendra and in north side Sher-e-Bangla Nagar Boys High School & College in West side there is Sher-e-Bangla Nagar Krishi University and in east side there is old air port of Bangladesh. The total area of this commission is near about 21 acres.



**Table : 3.6**The following have held the post of the Chief Election Commissioner of Bangladesh.

<b>Name</b>	<b>Years in Office</b>
Kazi Rakibuddin Ahmad	09-Feb-2012 to present
Dr. A T M Shamsul Huda	05-Feb-2007 to 05-Feb-2012
Justice M.A Aziz	23-May-2005 to 21-Jan-2007
Mr. M. A. Sayed	23-May-2000 to 22-May-2005
Mr. Mohammad Abu Hena	09-Apr-1996 to 08-May-2000
Justice A.K.M. Sadeq	27-Apr-1995 to 06-Apr-1996
Justice Md. Abdur Rouf	25-Dec-1990 to 18-Apr-1995
Justice Sultan Hossain Khan	17-Feb-1990 to 24-Dec-1990
Justice Chowdhury A.T.M. Masud	17-Feb-1985 to 17-Feb-1990
Justice A.K.M Nurul Islam	08-Jul-1977 to 17-Feb-1985
Justice M. Idris	07-Jul-1972 to 07-Jul-1977

### **3.7: Total Offers and Staffs**

The total manpower of Bangladesh election commission is very small. There are two types of employees are working there. One type is the employee who are appointed by the election commission directly .And another type of employees who are appointed by the other executive organ of the government. They are contractually appointed for the time being as well temporary. “The total staff of the Bangladesh election commission 286 only according the account of 2015”<sup>1</sup>.

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1. Of the record of Md. Asaduzzaman , PRO Officer, Bangladesh Election Commission, October,2014

### **3.8 Election Commission Bangladesh**

Article 118 of the Constitution provides for the establishment of an Election Commission for Bangladesh consisting of the Chief Election Commissioner and not more than four Election Commissioners. The appointment of the Chief Election Commissioner and other Election Commissioners (if any) is made by the President. When the Election Commission consists of more than one person, the Chief Election Commissioner is to act as its Chairman. Under the Constitution the term of office of any Election Commissioner is five years from the date on which he enters upon office. A person who has held office as Chief Election Commissioner is not eligible for appointment in the service of the Republic. Any other Election Commissioner is, on ceasing to hold such office, eligible for appointment as Chief Election Commissioner, but is not eligible for appointment in the service of the Republic. Powers of Election Commission (Article 118(4) and 126 of the Constitution, read with Article 4 of the Representation of the People Order, 1972): The Election Commission is an independent constitutional body in the exercise of its functions and subject only to the Constitution and any other law. The Commission may authorize its Chairman or any of its members or any of its officers to exercise and perform all or any of its powers and functions under the law. Article 126 of the Constitution and Articles 4 and 5 of the Representation of the People Order, 1972 provide that it shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions. The Commission has the power to require any person or authority to perform such functions or render such assistance for the purpose of election as it may direct.

### Chart -3.9 Chief Election Commissioner & Election Commissioners

<b>Kazi Rakibuddin Ahmad</b> Chief Election Commissioner
<b>Mohammad Abdul Mobarak</b> Election Commissioner
<b>Mohammad Abu Hafiz</b> Election Commissioner
<b>Brigadier General Md. Zabed Ali (retd.)</b> Election Commissioner
<b>Md. Shah Nawaz</b> Election Commissioner

### 3.10 Election Commission Secretariat

Bangladesh Election Commission has its own secretariat as per Election Commission Secretariat Ain 2009, which is headed by a Secretary. The Secretariat is located in Dhaka and has a Electoral Training Institute, field offices at the Regional, District and Upazilla/Thana level.

### 3.11 Secretariat

- ) The Election Commission has a full-fledged Secretariat under it to render all assistance to execute the decisions and orders of the Commission.
- ) The Election Commission Secretariat is headed by a Secretary.  
Functions of the Election Commission Secretariat: Assistance to the Election Commission for

- (a) preparation of electoral rolls for use in all national and local bodies elections.
- (b) Delimitation of territorial constituencies for the purposes of election to Parliament.
- (c) Conduct of referendum and elections (including bye-election/re-election) to the office of President, Parliament, Paurashavas (Municipal Committees), City Corporations, Union Parishads (Union Councils) and Three Hill Districts Councils etc.
- (d) Reservation and allocation of symbols to political parties/candidates, when required;
- (e) Supervision of polling arrangements throughout the country on the eve of each election and appointment of polling personnel, namely : Returning Officers, Assistant Returning Officers, Presiding Officers, Assistant Presiding Officers and Polling Officers;
- (f) Printing and supply of ballot papers to all polling stations located all over the country;
- (g) Procurement of election materials including ingredients for the manufacture of indelible ink and their distribution amongst the polling stations;
- (h) Procurement, supply, storage and maintenance of ballot boxes throughout the country;
- (i) Setting up of elaborate machinery throughout the country for collection and dissemination of result of elections;
- (j) Consolidation of all election results and their formal publication in the official gazette, as required by law;

- (k) Constitution of Tribunal for the disposal of election petitions and performance of such other functions in this regard as may be prescribed by any other law;
- (l) Framing and publicity pertaining to the elections and their implementation;
- (m) Collection and compilation of election data for research, reference and records;
- (n) Preparation and publication of comprehensive reports of all types of elections;
- (o) Regulation and control of officers and staff of the Election Commission Secretariat and its field establishment;
- (p) All laws on subjects allocated

### **3.12(a) Regional Offices**

- J There are 10 Regional Election Offices located at 7 Divisional Headquarters and 3 other districts.
- J Functions of the Divisional Offices are to maintain liaison between the Election Commission Secretariat and the subordinate field level offices and to co-ordinate the work relating to conduct of all types of elections and registration of voters and preparation of electoral rolls including day to day amendment and correction in the list of electoral rolls and other matters as and when entrusted by the Election Commission.

### **3.12(b) District**

- J There are 64 Senior/District Election Offices in the 64 District Headquarters headed by Senior/District Election Officer.

### **3.12(c) Functions:**

- The District Election Officers carry out all work relating to registration of voters, printing of voters list, management of national and local level elections, training of polling personnel and all logistical arrangements for elections.
- As an officer of the Election Commission, the District Election Officer renders all possible assistance to the Returning Officer and polling personnel with forms, packets, manuals, instructions and supply of ballot boxes, electoral rolls, ballot papers and maintains all accounts for expenses incurred for different elections.

### **3.12(d) Upazill/Thana setup**

- J At the lowest tier of the field organization, there are Upazilla/Thana Election Officers in all Upazilla/Thanas.
- J The main functions of the Upazilla/Thana Election Officer are to assist divisional/district offices in the discharge of functions relating to elections.

### **3.12(e) The National Level Elections :**

- (i) 9 Parliamentary Elections held in 1973, 1979, 1986, 1988, 1991, 15th February 1996, 12th June 1996, 2001, 29th December 2008.
- (ii) Presidential Elections held in 1978, 1981 and 1986. There are also election held In 1973, 1991, 1996, 2001, 2002, 2009 under Parliamentary management
- (iii) 3 Referendums held in 1977, 1985 and 1991

### **3.12(f) The Local Bodies Elections :**

- (i) 8 Union Parishads (Union Councils) Elections in 1973, 1977, 1983, 1988, 1992, 1997, 2003 and 2011.
- (ii) City Corporations Elections in 1988, 1994, 2000 (Chittagong), 2002 (Dhaka, Rajshahi, Khulna), 2003 (Barisal, Shylet), 2005 (Chittagong), 2008 (Sylhet, Barisal, Khulna, Rajshahi), 2010(Chittagong), 2011(Narayangonj).
- (iii) 9 Pourashava or Municipality Elections held in 1973, 1977, 1984, 1989, 1993, 1999, 2004, 2008 (only 9 pourashava) and 2010-2011.
- (iv) 1 Hill District Council Elections held in 1989.
- (v) 4 UpazilaParishads Elections held in (460 Upazila) 1985, 1990, (475 Upazila) 22nd January 2009 and 482 Upzila (February 2014-December 2014) .

Some parliament and local election results has digitize from 1973 :

#### A. Parliamentary Elections (Up to 2001)

Parliamentary Elections (from 2008)

#### B. Presidential Elections

#### C. Local Government Elections

i. City Corporation Election (2002,2003,2005)

ii. City Corporation Election (from 2010)

iii. Upazila Election 2009

iv. Paurashova Election 2010-2011

v. Union Parishad Election 2011

### **3.13 Phases of Electoral Roll Preparation**

#### **3.14(a) First Phase: Data Collection**

#### **3.14(b) Primary Stage**

- Preparation of area-based primary estimation of voters on the basis of previous electoral roll.
- Recruitment of required numbers of assistant registration officers (AROs), and one supervisor for every five enumerators and one enumerator for every 300-400 voters on the basis of the estimations.
- As such recruitments get underway, building awareness among the people about the process by using mass media.
- Forming various committees comprising local public representatives, and representatives of local administration and civil society to further coordination.
- Publishing advertisements for the recruitments of area-based data entry operators, team leaders etc., sorting through the received job applications, taking exams and giving appointments.
- Printing and distribution of Form-2 for data collection.
- Preparing registrar books, voter slips and procuring stamp pads for enumerators. Handing the procured goods over to district election officers.
- Taking steps to enroll voters in jails under special arrangements.

#### **3.14(c) Middle Stage**

- Arranging one-day orientation for assistant registration officers.
- Imparting three-day training to supervisors and enumerators.
- Imparting 3-10 days of training to data entry operators and team leaders.
- Giving the Form-2 and other required items out to enumerators.



- Collecting of data in Form-2 through door-to-door visits by the enumerators at least 7-10 days ahead of schedules set for photograph-taking. Keeping detailed records of seriously ill and physically or mentally challenged people in registrars.
- Handing over the collected data to the supervisors and scrutinizing the data received by the supervisors.
- Handing the scrutinized data by the supervisors to the AROs and upon scrutiny by the AROs. compiling the data in accordance to areas.
- Setting up voter registration centres and Upazila/ Thana server stations with assistance from army.
- Handing over the registration forms to the registration-centre team leaders by the AROs.
- Informing AROs about the dates, time and numbers by the team leaders for photograph-taking. Passing the information to enumerators through supervisors by the AROs.
- By distributing chits/slips, enumerators inform the voters about time, dates and names of the centres for photographs-taking.
- Making all arrangements ready at the centres for photograph-taking.

#### **3.14(d) Last Stage**

- Making the registration centres and server stations operational.
- Procuring and setting up the laptops, webcams finger-print scanners, photocopy machines, generators etc.

#### **3.14(f) Second Phase: Re-scrutinizing the Forms**

- Obtaining and scrutinizing forms at registration centres.
- Serializing the forms in laptops.
- Making entries of the forms in logbooks.

### **3.14(g) Third Phase: Data Collection and Identity Scrutiny at Reg.**

#### **Centres**

- Voters visiting the centres and handing over the slips to persons on duty.
- Collecting respective form and reaching out to the data entry operators.
- Identifying the voters by scrutinizers present at the centres.
- Making entries of data in the laptop (unless already entries are made) by the data entry operators.
- Taking of photographs, finger prints, signatures and handing over the receipts.
- Completing of any incomplete entries by the data entry operators.
- Daily handover of data in laptops to the team leaders and transfer the same through them to the upazila-level server stations.

### **3.14(h) Fourth Phase: Registration of Physically Challenged. Jail Inmates, Missed-out Voters and Ailing People**

- Identifying and informing about the voters missed out the registration.
- Registering the missed-out voters following the process described in Third Phase.
- Completing the registration of the physically challenged and seriously ill people by door-to-door visits (in last three days).
- Informing the team leaders about the data of physically challenged and seriously ill people and transferring the data to upazila servers through them.
- Collecting data of jail inmates under special arrangements. Completing the registration process by visiting jails and taking the eligible inmates' photographs, fingerprints and signatures.

### **3.14(i) Fifth Phase: Data Processing at Upazila Sewers**

- Sending the data of jail inmates to concerned voter areas and entry those into computers.
- Processing all data at upazila servers.
- Scrutinizing and improving the standard of data servers.
- Matching the data preserved at servers.
- Identifying the duplicate voters. Informing the team leaders.
- Correcting the errors.
- Preparing the draft national ID cards and exhibiting the same.
- Correcting the errors in draft national ID cards.
- Preparing the national ID cards and distribution.

### **3.14(f) Sixth Phase: Draft Voters List Printing and Finalizing**

- Preparing draft voters' list following Form-1.
- Exhibiting the draft voters' list.
- Accepting objections on draft voters' list.
- Hearing on the objections and ordering of corrections by revising authority.
- Correcting the errors in draft voters' list in accordance to such orders.
- Preparing the final voters' list.
- Authenticating the final voters' list by registration officer.

## Notes and References

1. Preliminary Survey Report.
2. Preliminary Survey Report.
3. Based on discussion with the officers of the commission.
4. Based on discussion with the staffs of the commission.
5. Based on discussion with the respondents.
6. According to the opinion of officers of the commission
- 8 According to the opinion of officers of the commission
9. Office observation practically.
10. Group discussion with officers of the commission
11. *Preliminary Survey Report.*
12. Based on discussion with the city elite.
13. Based on field discussion with the local women.
14. Office observation practically.
15. According to the opinion of officers of the commission.
16. Based on field discussion with the city elite.
17. Based on field discussion with the office staffs.
18. Based on field discussion with the respondents.
19. Field observation practically.
20. According to the opinion of officers of the commission
21. Based on field discussion with the respondents.
22. Field observation practically.

### 23. Field observation practically.

**Table3.15 Main article: Bangladeshi general election, 2001**

<b>Summary of the 1 October 2001 Bangladesh Jatiyo Sangshad election results</b>			
<b>Parties</b>	<b>Votes</b>	<b>%</b>	<b>Seats</b>
Bangladesh Nationalist Party ( <i>Bangladesh Jatiyatabadi Dal</i> )	23,074,714	41.40	193
Bangladesh Awami League	22,310,276	40.02	62
Jatiya Party (Ershad) ) Includes candidates of the Islamic National Unity Front( <i>Islami Jatiya Oikya Front</i> )	4,023,962	7.22	14
Jamaat-e-Islami Bangladesh	2,385,361	4.28	17
Jatiya Party (Naziur)	521,472	0.94	4
Islami Oikya Jote	312,868	0.56	2
Krishak Shramik Janata League	261,344	0.47	2
Jatiya Party (Manju)	243,617	0.44	1
Non-partisan and others	2,262,045	4.06	6
vacant		-	2
<b>Total (turnout 74.9 %)</b>	<b>55,728,162</b>	<b>100.0</b>	<b>300</b>
Rejected votes	441,871		
Total votes	56,169,233		
Registered voters	74,951,319		
<b>Source:</b> Bangladesh Election Commission through Adam Carr and Daily Star			

Template: Bangladesh Parliamentary Election Result of 2001 Members of 8th Parliament of Bangladesh.

<b>Table 3.16 Bangladeshi general election, 2008</b>			
2001	<b>December 29, 2008</b>		2014
<b>All 300 seats in the Jatiyo Sangshad</b>			
<b>151 seats were needed for a majority</b>			
	<b>First party</b>	<b>Second party</b>	<b>Third party</b>
<b>Leader</b>	Sheikh Hasina	Khaleda Zia	Hussain Muhammad Ershad
<b>Party</b>	Awami League	BNP	Jatiya Party (E)
<b>Leader since</b>	1981	1984	1986
<b>Leader's seat</b>	Gopalganj-3	Feni-1	Rangpur
<b>Last election</b>	62 seats, 40.02%	193 seats, 41.40%	14 seats, 7.22%
<b>Seats won</b>	230	30	27
<b>Seat change</b>	▲168	▼170	▲13
<b>Popular vote</b>	33,887,451	22,963,836	4,867,377
<b>Percentage</b>	49.0%	33.20%	7.00%
<b>Swing</b>	▲8.98%	▼8.20%	▼0.22%

**3.17 The Ninth National Parliamentary Elections 2008** were held in Bangladesh on 29 December 2008. The two main parties in the election were the Bangladesh Nationalist Party (BNP), led by Khaleda Zia, and the Bangladesh Awami League Party, led by Sheikh Hasina. The Bangladesh Awami League Party formed a fourteen-party Grand Alliance including Ershad's Jatiya Party, while the BNP formed a four-party alliance which included the Islamist party Jamaat-e-Islami. The election was originally scheduled for January 2007,

but it was postponed by a military-controlled caretaker government for an extended period of time.

The election resulted in a landslide victory for the Awami League-led grand alliance, which bagged 263 seats out of 300. The main rival four-party alliance received only 32 seats, with the remaining four going to independent candidates. Polling in the constituency of Noakhali-1 was postponed due to the mysterious death of the AL candidate. The election for the seat was held on 12 January 2009 instead and was won by the BNP candidate.

### **3.18 Main political parties**

This section does not cite any references or sources. Please help improve this section by adding citations to reliable sources. Unsourced material may be challenged and removed.

On 11 December, Bangladesh Awami League formed a coalition with the Jatiya Party led by Hussain Muhammad Ershad once deposed through mass uprising. The coalition included some other minor parties. The Bangladesh Nationalist Party, BNP in short, continued with its alliance with Jamaat-e-Islami formed for the national election of 2001 to participate in the 2008 election. If Jatiya Party wins more than 35 seats, it will be able to negotiate a better deal with Awami League on sharing of power and in forming government.

### **3.19 Awami League-led coalition (Grand Alliance)**

The Bangladesh Awami League (AL) decided to participate in the 2008 parliamentary election under the name of "Grand Alliance" with the Jatiya Party led by General Ershad as its main partner. The AL contested the polls

for 245 constituencies. Awami League conceded as many as 46 out of 300 parliamentary constituencies to Jatiya Party (JP).

Workers Party president Rashed Khan Menon contested for Dhaka-8, its general secretary Bimal Biswas for Narail-1, its politburo member Fazle Hossain Badsha for Rajshahi-2, Jatiya Samajtantrik Dal president Hasanul HaqInu for Kushtia-2, its leaders Moinuddin Khan Badal for Chittagong-8, Rezaul Karim Tansen for Bogra-4, Shah Ahmed Jikrul for Brahmanbaria-5 and Gias Uddin for Mymensingh-9.

The Awami League kept the Noakhali-1 constituency reserved, where the election has been postponed following the death of Ganatantri Party leader Mohammad Nurul Islam in a mysterious fire. The alliance has kept three more seats (Nilphamari-4, Khulna-3 and Sylhet-3) open for both AL and JP candidates to contest for. Notably, as of 18 December 2008, some candidates were allowed by the High Court of the country notwithstanding a contrary decision from the Election Commission.

### **3.20BNP-led coalition (4-Party Alliance)**

The Bangladesh Nationalist Party (BNP) and its allies contested for 296 out of 300 in the 2008 election. The Election Commission cancelled candidacy of nominees of BNP in four constituencies. The BNP and its allies could not reach a consensus on sharing six constituencies. Bangladesh Jamaat-e-Islami contested in the election in 38 constituencies although BNP agreed to offer Jamaat 34 seats. BNP conceded two seats each to its three smaller allies which were Bangladesh Jatiya Party-BJP, Islami Oikya Jote and Jamiat-e-Olama-e-Islam. BNP was able to place any candidate for four constituencies which were Barisal-1, Moulvibazar-2, Sirajganj-5 and Narail-2. However, two BNP rebels emerged as valid independent candidates in Barisal-1 and



Moulvibazar-2. They were Jahiruddin Swapan in Barisal-1 and former lawmaker MM Shaheen in Moulvibazar-2. Notably, as of 18 December 2008, some candidates were allowed by the High Court of the country notwithstanding a contrary decision of the Election Commission.

### **3.21 Formation of the caretaker government**

The BNP-Jamat led coalition government attempted to run an election in 2006. Awami League and other parties arranged various processions and strikes, protesting that the election result was pre-arranged in the government's favour. In course of time the clash between the Government and Opposition became very violent and in the Care-taker Government's period violence engulfed the nation. The President proclaimed his authority as the chief of the Care-Taker Government and eventually had to fall to the demand of the people. With the intervention of the Army the President had to resign from his Chief-Advisor's post and Fakhruddin Ahmed was appointed as the new chief adviser. The media referred to Ahmed's government as "military-backed". The military-controlled government worked on a minus-two formula which meant ousting Hasina and Zia, who were two popular political leaders of the country. While all political activities were suspended under the state of emergency, the government ployed to recast the political system of the country with people of high national and international stature. In accordance with this plan, Nobel Peace Prize-winner Muhammad Yunus announced the foundation of a new party called Citizens' Power. However, soon Yunus rejected entering politics, claiming a lack of support.

### **3.22 Struggle for new elections**

Jatiyo Sangsad Bhaban (2014)

On 5 April 2007, the country's Chief Election Commissioner, ATM Shamsul Huda, declared that the elections would need to be pushed back at least eighteen months. On 12 April, Ahmed announced in a televised speech to the nation that the next parliamentary election would be held before the end of 2008. On 15 July 2007, Bangladesh Election Commission published a road map for the election, promising a compilation of voter lists by October 2008 and an official election call before the end of that year. The constitution of Bangladesh, however, provides holding election within 120 days of the formation of a caretaker government.

After the election, the Jatiyo Sangshad will have to elect the next President of Bangladesh. The presidential election should have taken place by 5 September 2007 when Iajuddin Ahmed's term expired. But the election was postponed as the Constitution of Bangladesh permits to delay the presidential election until a new Jatiyo Sangshad is formed. On 9 September 2007, President Ahmed addressed the nation and recalled indoor politics with strict conditions to facilitate preparation for the election and reaffirmed his commitment to hold the election on time or earlier. In early October, the Chief Election Commissioner Huda stated elections could be held by October 2008 if the electoral roll could be compiled by July 2008.

Talks between the government and two smaller parties started on 22 May 2008, with the government indicating it would hold talks with all parties in short time. However, both the Awami League and the BNP declined to attend these talks as long as their leaders were still detained. Voters lists were announced to be ready on 22 July 2008.

On 4 August 2008, mayor and city council elections were held in Sylhet, Khulna, Barisal and Rajshahi cities. *BBC News* reported that the candidates supported by the Awami League won twelve of the thirteen city corporations and municipalities voting, according to election commission officials. Finally, Chief Adviser Dr. Fakhruddin Ahmed announced on 21 September that the general election would be held on 18 December.

Election banners of candidates promoted across many cities in Bangladesh. The BNP called for a delay of the election until January 2009, while the Awami League was against such a delay. As a compromise, the election was postponed from 18 December to 29 December.<sup>[23]</sup> In a response to the demand of the major political parties, on 17 December 2008, the two-year-long state of emergency was lifted.

**Table 3.23 Supreme Court ruling**

Notably, as of 20 December, as many as 35 prospective candidates were allowed by the High Court of the country to contest in the election notwithstanding a contrary decision of the Election Commission. A winner among them will lose a seat in the parliament if the Supreme Court of Bangladesh turns down the High Court decision.

Party	Number of candidates
Islamic Front Bangladesh	2
Islamic Movement Bangladesh	266
Islami Oikya Jote	4
United Citizens Movement	11
Krishak Shramik Janata League	46
Democratic Party	5

<b>Party</b>	<b>Number of candidates</b>
People's Front	14
Gano Forum	45
Jamaat-e-Ulama Islam Bangladesh	7
Zaker Party	37
National Democratic Party	2
Jatiya Party	46
Jatiya Party-JP	7
Jatiya Samajtantrik Dal-Jasad	6
Jatiya Samajtantrik Dal-JSD	44
National People's Party	29
Progressive Democratic Party	21
Freedom Party	2
Bangladesh Awami League	259
Bangladesh Islamic Front	18
Bangladesh Kalayan Party	39
Bangladesh Khilafat Andolan	32
Bangladesh Khilafat Majlis	8
Bangladesh Jatiya Party	10
Bangladesh Jatiya Party-BJP	2
Bangladesh Nationalist Party	256
Bangladesh Jamaat-e-Islami	39
Bangladesh Tarikat Federation	31
Bangladesh National Awami Party	14
Bangladesh National Awami Party-Bangladesh NAP	5

<b>Party</b>	<b>Number of candidates</b>
Bangladesh Muslim League	5
Bangladesher Samajtantrik Dal	57
Workers Party of Bangladesh	5
Communist Party of Bangladesh	38
Revolutionary Workers Party of Bangladesh	5
Bangladesher Samayabadi Dal (ML)	1
Bikalapdhara Bangladesh	62
Liberal Democratic Party	18
Independent	141
<b>Total:</b>	<b>1538</b>

### **3.24 Election**

The Bangladesh Election Commission announced the following statistics:

- ) Registered voters: 81,130,973
- ) Candidates: 1,538
- ) Constituencies: 300
- ) Registered parties: 32

The voter turnout of 80 percent (81 million eligible voters) was the highest in the history of Bangladeshi elections. This was the first time elections used national ID cards with photographs to avoid bogus voting, which was an UN-funded initiative of digital electoral roll. Prior to the elections, 11 million false names could be removed from the voter lists.

About 50,000 soldiers of Bangladeshi Army and 600,000 police officers were deployed to guard against election fraud and violence. However, two people were killed in post election violence. 200,000 electoral observers, including

2,500 from outside Bangladesh, monitored the elections and confirmed their free and fair nature. Before the elections, the army-backed caretaker government took measures to eliminate corruption from the process.

<b>Table 3.24 Summary of the 9th Bangladeshi Jatiyo Sangshad election</b>					
<b>Alliance</b>	<b>Party</b>	<b>Votes</b>	<b>%</b>	<b>Seats</b>	<b>Change</b>
Grand Alliance	Bangladesh Awami League	33,887,451	49.0%	230	+168
	Jatiya Party	4,867,377	7.0%	27	+16
	Jatiyo Samajtantrik Dal	429,773	0.6%	3	+2
	Workers Party of Bangladesh	214,440	0.3%	2	+1
	Liberal Democratic Party	161,372	0.2%	1	±0
Four Party Alliance	Bangladesh Nationalist Party	22,963,836	33.2%	30	-163
	Jamaat-e-Islami Bangladesh	3,186,384	4.6%	2	-15
	Bangladesh Jatiya Party- BJP	95,158	0.1%	1	-4
	Islami Oikya Jote	-	-	-	-
Independents and others		3,366,858	4.9%	4	-2
<b>Total</b>		<b>69,172,649</b>	<b>99.99%</b>	<b>300</b>	
Source: Electoral Commission of Bangladesh seat-wise tally Election commission homepage					





**Table:3.25**

Division	Awami League	BNP	Jatiya Party	JSD	Jamaat	BWP	BJP	LDP	Independent	Total Seats
Barisal	16	2	2	0	0	0	1	0	0	21
Chittagong	32	18	2	2	2	0	0	1	1	58
Dhaka	87	0	5	0	0	1	0	0	1	94
Rajshahi	48	8	14	0	0	1	0	0	1	72
Khulna	30	2	2	1	0	0	0	0	1	36
Sylhet	17	0	2	0	0	0	0	0	0	19
<b>Total</b>	<b>230</b>	<b>30</b>	<b>27</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>300</b>


### 3.26 Reactions

This article **may be in need of reorganization to comply with Wikipedia's layout guidelines**. Please help by editing the article to make improvements to the overall structure.*(December 2011)*

- J  Prime Minister of India Manmohan Singh congratulated Sheikh Hasina over the telephone on the landslide victory. Singh conveyed the message "India looked forward to working with the government and the people of Bangladesh in the years ahead for the mutual benefit of the people of the two countries". India's External Affairs Minister Pranab Mukherjee said, "I do hope that once the new government comes, we will discuss the existence of the problem (terrorism emanating from Bangladesh) with them and we will see what best can be done". Other political parties of India, such as BhartiyaJanata Party, Trinamool Congress and CPI(M) also congratulated Sheikh Hasina.
- J  President of United States George W. Bush phoned Sheikh Hasina and congratulated her on assuming the office of Prime Minister of





Bangladesh. President Bush, who made the phone call at 6:40 pm Bangladesh time on 11 January, termed Hasina's success in the parliamentary election 'a huge victory', an official handout said. He said the verdict of the people of Bangladesh to establish non-communal democracy is notable. Prime Minister Hasina thanked the US President on behalf of the government and people of Bangladesh and her party. She said the support and cooperation of the USA, along with other countries, toward holding a free, fair and neutral election in Bangladesh was commendable. The principal enemy of Bangladeshi people was poverty, she said and hoped for US cooperation to build a poverty-free Bangladesh. The Prime Minister told the US President that terrorism was one of the main problems in South Asia. She stressed the need for taking an effective joint initiative to fight terrorism in the region.<sup>[36]</sup>

J  The British prime minister Gordon Brown congratulated Sheikh Hasina on the election victory and her swearing-in as Prime Minister of the People's Republic of Bangladesh, said a release of the British High Commission in Dhaka. Brown said, 'My congratulations on your victory. The UK values its close ties with Bangladesh and we look forward to working with your government to help you meet the expectations of your people. I hope that you will work with all parties to create a brighter future for Bangladesh.'

The UK's secretary of state for foreign and commonwealth affairs David Miliband, in the statement, urged the ruling party and the opposition to work together for nation building, shunning politics of confrontation and violence. "The Election Commission, caretaker government and observers have worked hard to create conditions in which free, fair and peaceful elections can take place. "The people of Bangladesh have spoken in huge numbers and

they can be proud of the manner in which the elections were conducted", Miliband said in a statement released by the local British high commission. "This is a historic moment for Bangladesh to cast aside the politics of confrontation and violence, in favour of inclusive and consensual democracy", he added. Terming Britain as Bangladesh's friend, he said, "We urge the next government and opposition to work together to meet the expectations of the people in the days and years to come." Cherie Blair, wife of former British Prime Minister Tony Blair, also greeted Sheikh Hasina for becoming Prime Minister of Bangladesh.


- J  German Chancellor Angela Merkel has congratulated newly elected Prime Minister Sheikh Hasina. In a message of felicitation, the chancellor said she looks forward to further developing the relationship of trust and cooperation between Bangladesh and Germany, reports UNB. Merkel said Germany will continue to be a reliable partner of Bangladesh as it works to strengthen democracy, the rule of law and human rights.
- J  Chinese Premier Wen Jiabao has congratulated Sheikh Hasina on her assumption of office of the Prime Minister, expressing the hope that a comprehensive partnership between Dhaka and Beijing would be raised to a new level, reports UNB. In a message of felicitation, Jiabao said Bangladesh and China are intimate and friendly close neighbours. He said since establishment of diplomatic relations 34 years ago, the two countries always maintain mutual understanding, trust and support to each other, and developed fruitful cooperation in every field. This cooperation, he said, has brought substantial benefits to the people of both the countries and made positive contributions to regional peace and development. The Chinese premier said through the joint efforts with Prime Minister Hasina bilateral relations as well as friendship and mutual cooperation would be strengthened further.


In a separate message of felicitation to Foreign Minister Dr. Dipumoni, Chinese Foreign Minister Yang Jiechi said it is the unswerving policy of the Chinese government to consistently strengthen and solidify friendly cooperation between China and Bangladesh.


- J ● The Japanese foreign minister, Hirofumi Nakasone and Japanese Prime Minister Taro Aso in a statement offered felicitations on the Awami League president, Sheikh Hasina's inauguration as the country's next prime minister, said a release of the Japan embassy. He said, 'The government of Japan congratulates on the inauguration of her Excellency, Sheikh Hasina, president of the AL, as prime minister of Bangladesh on January 6, 2009, following the general elections on December 29, 2008.' Nakasone said that this election was successfully carried out despite various challenges. 'This elucidates that the consolidation of democracy in Bangladesh is making a steady progress, marking a right start of a new democracy in Bangladesh,' he said. The Japanese foreign minister said, 'Japan hopes that the people of Bangladesh will be united in making efforts for further developments of their country under the new prime minister elected in a democratic process. Japan will continue to support their endeavour.'

Later Japanese Prime Minister Taro Aso greeted Sheikh Hasina for her party's victory in the recent elections and also her assumption of office as the Prime Minister of Bangladesh. In a message, Taro Aso has warmly congratulated Prime Minister Sheikh Hasina for her landslide victory in the recently held general elections that was held in a 'free, fair and peaceful manner'. The Japanese Prime Minister said the landslide victory is a manifestation of the trust and confidence of the people of Bangladesh in your able leadership. He said Bangladesh will make further progress and the


relations between Japan and Bangladesh would strengthen 'in your tenure'. Taro Aso expressed his confidence that the close bonds of friendship and cooperation existing between the two countries will continue to be enhanced in the years ahead. The Japanese Prime Minister wished her good health and happiness and expressed eagerness to work closely with Bangladesh 'as an old friend' to further develop the cordial relations between the two countries.


J  President of the Swiss Confederation Hans-Rudolf Merz greeted new Bangla-deshi Prime Minister Sheikh Hasina. In a message to Hasina, the Swiss president, on behalf of the Swiss Federal Council, expressed his sincere congratulation and wished her every success in the eminent post. The message noted that the recent elections are an important milestone in the history of Bangladesh. On this special occasion, the Swiss government reiterates its commitment to continue its support to the democratic, social and economic development in Bangladesh."<sup>[39]</sup>

J  Australia welcomed Bangladesh's return to democracy after around two years following what it observed were 'peaceful and orderly' polls. "Australia encourages all parties to work together to ensure a smooth transition and a strong future for the people of Bangladesh", the Australian high commission said in a press statement yesterday. "The Australian government looks forward to working closely with the newly-elected government in areas of mutual interest." "These include trade and investment, development assistance, counter-terrorism, education, migration and tourism", said the statement.




J  President of Pakistan Asif Ali Zardari and Prime Minister of Pakistan Yousuf Raza Gilani on Thursday sent felicitation messages to Sheikh Hasina Wajid, President of Awami League (AL), on her recent victory in Bangladesh elections. President Zardari congratulated Sheikh Hasina Wajid and expressed the confidence that the close

brotherly relations between the two countries would be strengthened further under her leadership."We are confident that under your able leadership, the brotherly people of Bangladesh will continue their determined march towards greater progress and prosperity." Prime Minister Gilani congratulated Sheikh Hasina in his message over her overwhelming victory in the recent elections. The prime minister said: "We wish you every success and the brotherly people of Bangladesh ever greater progress and prosperity."

)  Nepalese Prime Minister Pushpa Kamal Dahal "Prachanda" in a message of congratulation to Prime Minister Sheikh Hasina noted that the recent elections in Bangladesh had ushered in a democratic governance and overwhelming people's support Hasina's party reflects their expectations to feel the real change. In this context, he said both Nepal and Bangladesh have similar experiences as the Nepali people have also displayed their keenness to build a new prosperous Nepal through the election of Constituent Assembly held last April. He said Nepal and Bangladesh can work together for achieving goals to consolidate bilateral relations and hoped that relations between the two countries would be further strengthened during the term of Sheikh Hasina.

)  Prime Minister of Mauritius Dr. Navinchandra Ramgoolam yesterday greeted Bangladesh's Premier Sheikh Hasina on the decisive victory by the Awami League-led grand alliance in the December 29 polls."I'm confident that under your leadership, the people of Bangladesh will realise their long cherished aspirants to make progress in a secular and democratic state-- a dream personified by your illustrious father Sheikh Mujibur Rahman," the Mauritius PM said in a letter of felicitation to Hasina. Navinchandra said Mauritius

and Bangladesh have endeavored over the years to strengthen ties and friendship between the two countries.

- J  Secretary-General of the United Nations Ban Ki-Moon, in a message on Thursday, extended his greeting to Sheikh Hasina for taking over as Bangladesh prime minister. The UN chief also hailed the people of Bangladesh for holding the national election in a peaceful manner for democratic transition. He appreciated the initiatives of Hasina for working together with all political parties to consolidate parliamentary democracy in Bangladesh, according to a press release. Ban Ki-moon appreciated Bangladesh as some 9,000 Bangladeshi army and police personnel have taken part in various activities of the United Nations, particularly in the peacekeeping missions. The UN chief wished success of the Bangladesh's new prime minister and assured her of all-out cooperation.
- J  U.S. State Department congratulated the Bangladesh Election Commission and government officials on the successful election. A statement issued stated high voter turnout underscores the people's desire to see democracy restored.
- J  Alexander Graf Lambsdorff, European Union's chief election observer said "voting has largely been peacefu
- J 1, turnout has been high and procedures were followed adequately".

### **3.27 Transfer of power**

The military-controlled caretaker government with Dr. Fakhruddin Ahmed as the Chief Adviser handed over power to the new government formed with Ms Sheikh Hasina as the Prime Minister of Bangladesh on 6 January 2009.

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### 3.28 Bangladeshi general election, 2014

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**Table 3.29 Bangladeshi general election, 2014**



2008	5 January 2014	2019
<b>All 300 seats in the Jatiyo Sangshad 151 seats are needed for a majority</b>		
	<b>First party</b>	<b>Second party</b>
<b>Leader</b>	Sheikh Hasina	RowshanErshad
<b>Party</b>	Awami League	Jatiya Party (E)
<b>Leader since</b>	1981	2013
<b>Leader's seat</b>	Goplagonj-3	Mymensingh-4
<b>Last election</b>	230 seats	27 seats
<b>Seats won</b>	234 seats	34 seats
<b>Seat change</b>	▲4	▲7
<b>Popular vote</b>	36,173,883	5,167,698
<b>Percentage</b>	79.14%	11.31%

**3.30 General elections** were held in Bangladesh on 5 January 2014, in accordance with the constitutional requirement that the election must take place within the 90-day period before the expiration of the term of the JatiyoSangshad on 24 January 2014. The elections were controversial, with almost all major opposition parties boycotting and 154 of the total 300 seats being uncontested. Around 21 people were killed on polling day.<sup>[1]</sup>

Background Throughout most of 2013, Bangladesh Nationalist Party and its alliance of 18 opposition parties led by three time former Prime Minister and Opposition Leader Khaleda Zia called more than 85 days of nationwide general strikes and blockades that brought the entire country to a grinding halt. The opposition demanded that the ruling Awami League party led by the current Prime Minister Sheikh Hasina amends the constitution, dissolves parliament after their full five year term ends on January 24, 2014 and then hand over power to a non-partisan interim government or a caretaker government that will be run by technocrats for 90 days. The job of a Caretaker Government of Bangladesh will then be to work in tandem with the Bangladesh Election Commission by helping them to organise, arrange, oversee the general election held on 5 January and transfer power to a newly elected government. As most of the demands were not met within the stipulated time frame all opposition parties boycotted the polls.<sup>[2]</sup> Hasina had offered an all party interim election cabinet government which would include opposition parties till the election but this was rejected by Zia.<sup>[3][4]</sup>

### **3.31 (a) Date**

Since the ninth parliament's mandate expires on 24 January 2014, according to the constitution of Bangladesh's Article 123(2)(a) requires a general election to be held between the dates of 26 October 2013 and 24 January 2014 or rather within 90 days before the expiration of the Parliament.<sup>[5]</sup> On

25 November 2013, the Bangladesh Election Commission announced that the 10th general election would be held on 5 January 2014.<sup>[6][7]</sup>

### **3.32(b) Boycott**

Following months of protests, strikes and blockades, the 18-party opposition alliance led by the Bangladesh Nationalist Party formally announced a boycott of the election citing unfair conditions for the election.<sup>[8]</sup> On 3 December 2013, Jatiya Party, led by former president Hussain Mohammad Ershad, also announced its intention to boycott the election. European Union representatives met BNP leader Khaleda Zia and asked her not to boycott the election and to stop the strikes and shutdowns and instead resort to dialogue with the government.<sup>[9][10]</sup> In a video message, Tarique Rahman, the senior vice-chairman of the BNP called for a boycott of the election saying that "the time has come for all of us to prevent and boycott the Jan 5 polls. Not for personal interest but for the sake of the country's existence".<sup>[11]</sup> The opposition had also called for the government to resign so an interim non-partisan administration could lead the country through the election period.<sup>[12]</sup>

### **3.33 Protests and violence**

On the night of 4 December 2013, Jatiya Party H. M. Ershad threatened to kill himself after security forces besieged his home following his decision to boycott the election.<sup>[13]</sup> On 13 December, he was confined to a military hospital following his arrest from his Baridhara residence by security forces. According to the RAB commander,<sup>[who?]</sup> Ershad had been taken there at his own request.<sup>[14]</sup> Zia was also put under house arrest since 29 December at her Gulshan residence.<sup>[15]</sup> The Bangladesh Army was deployed throughout the country on 26 December on the request of the election commission to maintain law and order. The army would stay on the streets until 9 January 2014.<sup>[16]</sup>

On 13 December, Jamaat-e-Islami's Abdul Quader Mollah became the first person to be executed for war crimes relation to the Bangladesh Independence War resulting in violent protests by the Islamist opposition. Two ruling party activists were hacked to death in Kalaroa, while the Jamaat-e-Islami's activists firebombed train stations and blockaded roads. Another person died in clashes between police and Jamaat-e-Islami supporters in Noakhali, while a driver was killed after the party's activists chased him down. The opposition alliance called for a general strike on Sunday 15 December.<sup>[17]</sup>

On 29 December 2013 the BNP called for a *March for Democracy* towards Dhaka, in defiance of a police ban, to protest against the election. Zia said: "The government is autocratic and illegal. It should step down immediately".<sup>[18]</sup> One person was killed by the police in the centre of Dhaka, while a guard was killed in a blast at a train station.<sup>[18]</sup> Some supporters of the ruling Awami League also clashed with opposition activists outside the Bangladesh Supreme Court.<sup>[18][19][20]</sup> The BNP accused the police of barring Zia's car from leaving in order for her to lead the march.<sup>[20]</sup> Thousands of security forces, mainly police, were present to prevent the opposition activists from rallying.<sup>[21]</sup> Outside of the Supreme Court, police threw hot and coloured water from water cannons to disperse the protesters.<sup>[19]</sup> Sheikh Hasina, while agreeing with the right of the opposition to protest, said: "You can wage anti-government agitation. But make sure people are not killed by your movement."<sup>[22][23]</sup> A train was derailed by opposition activists in Gaibandha leading to three deaths.<sup>[24][25]</sup>

On 30 December, the 18-party opposition alliance announced a non-stop blockade of roads, railways and waterways across the country from 1 January 2014 in order to resist the scheduled election. The decision came

after they were barred from holding national demonstrations the previous day. The protest was termed the "March for Democracy."<sup>[26]</sup> A general strike was called for 4, 5 and 6 January by the opposition parties.

On 3 and 4 January, opposition activists attacked potential polling centres across Bangladesh. They set fire to over 100 centres in Lakshmipur, Rajshahi, Pirojpur, Sylhet, Jhenaidah, Natore, Sirajganj and Brahmanbaria.<sup>[27][28]</sup>

### **3.34 Monitors**

As a result of the boycott, the election commission suggested that the Awami League had already secured victory in 127 of the 154 uncontested seats. Similarly, Rowshan Ershad's (wife of H. M. Ershad) Jatiya Party had already won 21 uncontested seats, Jatiya Samajtantrik Dal won three seats, the Workers Party won two seats and the Jatiya Party (Manju) won one seat.<sup>[29]</sup> The E.U., the U.S. and the Commonwealth announced that they would not send observers since they were concerned about the credibility of the election due to the boycott.<sup>[30][31][32]</sup>

### **3.35 Opinion polls**

The ruling Awami League suffered electoral losses when, according to *The Economist*, the opposition BNP "thrashed the League in mayoral elections in June and July, notably in Gazipur in the industrial belt, hitherto one of the League's safest constituencies"<sup>[33]</sup> and polling data showed a plunge in the government's popularity.<sup>[34]</sup> Similarly just prior to the election, an opinion poll indicated the incumbent Awami League would lose to the BNP in a direct contest.<sup>[35]</sup>

In the weeks following the election, a poll was conducted by Democracy International (DI), a US-based organization. They reported that the opposition BNP did have slightly more support than Awami League, but acknowledged that the study's margin of error meant that the results were a "statistical dead heat".<sup>[36]</sup>

### **3.36 Results**

The Awami League was assured of victory, with its candidates declared victors in 127 of the 154 uncontested seats by default.<sup>[37]</sup> Of the remaining uncontested seats, the Jatiya Party led by Rowshan Ershad won 20, the JSD won three, the Workers Party won two and the Jatiya Party (Manju) won one.<sup>[38]</sup>

As a result of violence and the opposition boycott voter turnout was 22%.<sup>[31][39]</sup> Results of 139 seats out of 147 were released, with the Awami League winning 105, the Jatiya Party winning 13, the Workers Party winning four, the JSD winning two and the Tarikat Federation and BNF winning one each.<sup>[38]</sup> The remaining 8 constituencies election were suspended due to violence and re-election to be held.<sup>[38]</sup> The newly elected MPs were sworn in on 9 January.<sup>[40]</sup>

**Table: 3.37**

<b>Party</b>	<b>Votes</b>	<b>%</b>	<b>Seats</b>	<b>+/-</b>
Awami League	36,173,883	79.14	234	
Jatiya Party (Ershad)	5,167,698	11.31	34	
Workers Party	939,581	2.06	6	
JatiyoSamajtantrik Dal	798,644	1.75	5	
Jatiya Party (Manju)		0.3	2	
Bangladesh Tarikat Federation		0.3	2	
Bangladesh Nationalist Front		0.3	1	
Independents		4.7	15	
Repoll ordered	–	–	1	–
Invalid/blank votes	1,551,585	–	–	–
<b>Total</b>	<b>47,262,168</b>	<b>100</b>	<b>300</b>	<b>0</b>
Registered voters/turnout	92,007,113	51.37	–	–
<b>Source: Parliament of Bangladesh, IFES</b>				

### 3.38 Reactions

The day after the result, Hasina said that the boycott should "not mean there will be a question of legitimacy. People participated in the poll and other parties participated." However she also said she offered Zia a role in a new government. "Look, I tried my best, I told you, I offered ministry, I offered to share power with our opposition. I have done as much as I can do but they didn't respond. Now if they realise that they made a mistake in not participating in the election, perhaps then they may come forward to discuss with us or make an offer. If they come forward to discuss with us, they have to leave all these terrorist activities behind because what they are doing it is



absolutely killing people, killing police, killing innocent people."<sup>[35]</sup> Information Minister Hasanul HaqInu added that the turnout did not matter: "What is important is that the people defied violence."<sup>[1]</sup> BNP Vice President Shamsheer Chowdhury said that the low turnout indicated a desire for a new election. "This government must declare this election null and void and we need a new election organized by a non-party government. The government should not waste any more time."

Yet UN Secretary-General Ban Ki-mooncriticised both the BNP and the Awami League saying they should "resume meaningful dialogue and to urgently address the expectations of the people of Bangladesh for an inclusive political process."<sup>[35]</sup>

### **3.39 Media**

Dhaka's *The Daily Star* featured an editorial that called the election the deadliest in the country's history and that the Awami League won "a predictable and hollow victory, which gives it neither a mandate nor an ethical standing to govern effectively." In similarly criticising the opposition, the editorial mentioned that "political parties have the right to boycott elections. They also have the right to motivate people to side with their position. But what is unacceptable is using violence and intimidation to thwart an election."<sup>[12]</sup>

### **3.40 Aftermath**

The day after the election, clashes in Dohar resulted in three deaths, while at least 18 people died in election day violence after security forces fired on protesters and opposition activists torched over 100 voting centres.<sup>[12]</sup> In total 21 people died on the day and about 400 voting centres were disrupted.<sup>[1]</sup> BNP and Jamaat-e-Islami activists also attacked their Awami League

counterparts and Hindus in eight villages under Sadarupazila<sup>[clarification needed]</sup> in Thakurgaon district leaving 15 people injured and their houses and shops vandalised and looted. Further, a Hindu temple along with idols inside it were also attacked. The attacks spread through eight villages including Jhakua, Jhardanga, Baniyapara and Mondoppara. Hundreds of Hindus from these villages had fled fearing further attacks. On 7 January, two Hindu temples, RadhaGobindMandir and Kali Mandir, were burnt by people suspected to be BNP party members.<sup>[41]</sup> Fearing rape threats, female members of Hindu families were sent away to their relatives' homes by their families in Abhaynagar of Jessore, Dinajpur, and Thakurgaon.<sup>[42]</sup> Attacks also occurred in Dinajpur, Rangpur, Bogra, Lalmonirhat, Rajshahi, Chittagong and Jessore.<sup>[43]</sup>

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## *Chapter 4*

### **Parliamentary Elections Condition in Bangladesh: A General View**

#### **4.1 Introduction:**

This chapter deals with the elections which held in past in Bangladesh under the conduction of Bangladesh election commission. After the elections we can observe some situations for which Bangladesh election commission can not release itself from the blames as well as reaction from the different spheres of the people . Striking religious feelings, admittance into polling booth, electoral Indiscipline, expending excess money, receiving bribe, casting false vote, influence over the election, expression any false comment about the personal character of counterpart, publishing any false statement, using religion in politics, departing any voter without voting ,spoiling ballot paper or box are the common issue during our election period. A major portion of the people urge in such a way that if our election commission is more fair and independent it can remove the all roadblocks to hold a free and fair election. Analyzing the result of our past parliament elections we can easily realize the success or failure of the Bangladesh election commission.

#### 4.1(a) Bangladeshi general election, 1973

March 7, 1973	
<b>All 300 seats in the Jatiyo Sangshad</b> <b>151 seats were needed for a majority</b>	
<b>Party</b>	Awami League
<b>Leader since</b>	1963
<b>Leader's seat</b>	Gopalganj
<b>Last election</b>	160 seats
<b>Seats won</b>	293
<b>Seat change</b>	+133
<b>Popular vote</b>	13,798,717
<b>Percentage</b>	73.2%

**4.2 (a) Elections 1973** were held in Bangladesh on 7 March 1973. The result was a victory for the Bangladesh Awami League, who won 293 of the 300 seats, including eleven constituencies where they were elected unopposed without a vote.<sup>[1]</sup> Voter turnout was 54.9%.

**Table: 4.1 (b) Results**

<b>Party</b>	<b>Votes</b>	<b>%</b>	<b>Seats</b>
Bangladesh Awami League	13,798,717	73.2	293
National Awami Party (Muzaffar)	1,569,299	8.3	0
Jatiyo Samajtantrik Dal	1,229,110	6.5	1
National Awami Party (Bhashani)	1,002,771	5.3	0
Bangladesh Jatiya League	62,354	0.3	1
Banglar Communist Party	199,673	1.1	0
Bangla Chattra Union			
Bangladesh Jatiya Congress			
Bangla Jatiya League			
Bangladesh Sramik Federation			
Communist Party of Bangladesh			
Bangladesh Communist Party (Leninist)			
Jayita Ganatantrik Dal			
Shramik Krishak Samajbadi Dal			
Independents			
Invalid/blank votes	477,875	–	–
<b>Total</b>	<b>19,329,683</b>	<b>100</b>	<b>300</b>
Registered voters/turnout	35,205,642	54.9	–
Source: Nohlen <i>et al.</i>			



#### 4.1 (c) References

1. Nohlen, D, Grotz, F & Hartmann, C (2001) *Elections in Asia: A data handbook, Volume I*, p535 ISBN 0-19-924958-X

#### 4.1 (d) Edit links

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#### 4.2 Bangladeshi general election, 1979

<b>February 18, 1979</b>			
<b>All 300 seats in the Jatiyo Sangshad</b>			
<b>151 seats were needed for a majority</b>			
	<b>First party</b>	<b>Second party</b>	
<b>Leader</b>	Ziaur Rahman	-	
<b>Party</b>	BNP	Awami League	
<b>Leader since</b>	1978	-	
<b>Leader's seat</b>	Bogra	-	
<b>Last election</b>	New	293 seats	
<b>Seats won</b>	207	39	
<b>Popular vote</b>	7,934,236	4,734,277	
<b>Percentage</b>	41.2%	24.5%	

The Second National Parliamentary Elections 1979 Bengali were held in Bangladesh on 18 February 1979. The result was a victory for the Bangladesh Nationalist Party, which won 207 of the 300 seats. Voter turnout was 51.3%.<sup>[1]</sup>

**Table: 4.2 (a) Results**

Party	Votes	%	Seats	+/-
Bangladesh Nationalist Party	7,934,236	41.2	207	New
Bangladesh Awami League	4,734,277	24.5	39	-254
Bangladesh Muslim League & Islamic Democratic League	1,941,394	10.1	20	New
Jatiyo Samajtantrik Dal	931,851	4.8	8	+7
Bangladesh Awami League (Mizan)	535,426	2.8	2	New
National Awami Party (Muzaffar)	432,514	2.2	1	New
Bangladesh Gono Front	115,622	0.6	2	New
Bangladesh Samyabadi Dal (Marxist-Leninst)	74,771	0.4	1	New
Bangladesh Jatiya League	69,319	0.4	2	1
Jatuya Ekata Party	44,459	0.2	1	New
Bangladesh Ganatantrik Andolan	34,259	0.2	1	New
Bangladesh Democratic Party	462,127	2.4	0	New
Bangladesh Ganatantrik Chashi Dal			0	New
Bangladesh Janata Dal			0	New
Bangladesh Jatiya Mukti Party			0	New
Bangladesh Labour Party			0	New
Bangladesh Nezam-e-Islam Party			0	New
Bangladesh Tanti Samity			0	New
Communist Party of Bangladesh			0	0
Gano Azadi League			0	New

Jatiyatabadi Ganatantrik Dal			0	New
Jatiya Janata Party			0	New
National Awami Party (Naser)			0	New
National Awami Party (Nurur-Zahid)			0	New
National Republican Party for Parity			0	New
People's Democratic Party			0	New
Shramik Krishak Samajbadi Dal			0	New
United People's Party			0	New
United Republican Party			0	New
Independents	1,963,345	10.2	16	+15
Invalid/blank votes	402,524	–	–	–
<b>Total</b>	<b>19,676,124</b>	<b>100</b>	<b>300</b>	<b>0</b>
Registered voters/turnout	38,363,858	51.3	–	–
<b>Source: Nohlen <i>et al.</i></b>				

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### 4.3 Bangladeshi general election, 1986

<b>May 7, 1986</b>			
<b>All 300 seats in the Jatiyo Sangshad</b>			
<b>151 seats were needed for a majority</b>			
	<b>First party</b>	<b>Second party</b>	
<b>Leader</b>	Hussain Muhammad Ershad	Sheikh Hasina	
<b>Party</b>	Jatiya Party (E)	Awami League	
<b>Leader since</b>	1986	1981	
<b>Leader's seat</b>	Rangpur	Gopalganj	
<b>Last election</b>	New	54 seats	
<b>Seats won</b>	153	76	
<b>Seat change</b>	153	22	
<b>Popular vote</b>	<b>12,079,259</b>	7,462,157	
<b>Percentage</b>	<b>42.3%</b>	26.2%	

The **Third National Parliamentary Elections 1986** Bengali were held in Bangladesh on 7 May 1986. A total of 1,527 candidates contested the election.<sup>[1]</sup> The result was a victory for the Jatiya Party, which won 153 of the 300 seats. Voter turnout was 61.1%.<sup>[2]</sup> Bangladesh Nationalist Party, the winner of the previous elections, boycotted the election.

**Table: 4.3 (a) Results**

<b>Party</b>	<b>Votes</b>	<b>%</b>	<b>Seats</b>	<b>+/-</b>
Jatiya Party	12,079,259	42.3	153	New
Bangladesh Awami League	7,462,157	26.2	76	+37
Jamaat-e-Islami Bangladesh	1,314,057	4.6	10	New
Jatiya Samajtantrik Dai (Rab)	725,303	2.5	4	New
Bangladesh Muslim League	412,765	1.4	4	+4
National Awami Party	369,824	1.3	5	+5
Communist Party of Bangladesh	259,728	0.9	5	+5
Jatiya Samajtantrik Dal (Siraj)	248,705	0.9	3	New
National Awami Party (Muzaffar)	202,520	0.7	2	+1
Bangladesh Krishak Sramik Awami League	191,107	0.7	3	New
Workers Party of Bangladesh	151,828	0.5	3	New
Bangladesh Jayita League				
Bangladesh Hindu Oikkya Front				
Bangladesh Islamic Andolan				
Bangladesh Islamic Republican Party				
Bangladesh Khilafat Andolan				
Bangladesh Nagarik Sanghati	490,372	1.7	0	0
Gana Azadi League				
Islami Jukta Front				
Jatiyatabadi Ganatantrik Dal				
Jana Dal				
Jatiya Janata Party (Odud)				

Jatiya Janata Party (Sujat)				
Jamaaiatay Olamaya Islam				
Jamaaiatay Olamaya Islam-Nezam-e-Islami Party				
Pragotishil Jatiyatabadi Dal				
Young Muslim Society				
Independents	4,619,025	16.3	32	+16
Invalid/blank votes	377,209	–	–	–
<b>Total</b>	<b>28,903,859</b>	<b>100</b>	<b>300</b>	<b>0</b>
Registered voters/turnout	47,305,886	61.1	–	–
Source: Nohlen <i>et al.</i>				

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#### 4.4 Bangladeshi general election, 1988

<b>March 3, 1988</b>			
<b>All 300 seats in the Jatiyo Sangshad 151 seats were needed for a majority</b>			
	<b>First party</b>	<b>Second party</b>	<b>Third party</b>
<b>Leader</b>	Hussain Muhammad Ershad	Khaleda Zia	Sheikh Hasina
<b>Party</b>	Jatiya Party (E)	BNP	Awami League
<b>Leader since</b>	1986	1984	1981
<b>Leader's seat</b>	Rangpur	Feni-1	Goplagonj-3
<b>Last election</b>	153 seats	boycotted	76 seats
<b>Seats won</b>	251	boycotted	boycotted
<b>Seat change</b>	98	-	-76
<b>Popular vote</b>	<b>17,680,133</b>	-	-
<b>Percentage</b>	<b>68.4%</b>	-	-

The Fourth National Parliamentary Elections 1988 were held in Bangladesh on 3 March 1988.

The elections were boycotted by several major parties, including the Bangladesh Awami League, the Bangladesh Nationalist Party, the Communist Party of Bangladesh, Jamaat-e-Islami Bangladesh, the Bangladesh Krishak Sramik Awami League, the National Awami Party (Muzaffar) and the Workers Party of Bangladesh.<sup>[1]</sup> The result was a victory for the Jatiya Party, which won 251 of the 300 seats. Voter turnout was 52.5%

**Table: 4.4 (a) Results**

<b>Party</b>	<b>Votes</b>	<b>%</b>	<b>Seats</b>	<b>+/-</b>
Jatiya Party	17,680,133	68.4	251	+98
Combined Opposition Party	3,263,340	12.6	19	New
Bangladesh Freedom Party	850,284	3.3	2	New
Jatiya Samajtantrik Dal (Siraj)	309,666	1.2	3	0
Bangladesh Khilafat Andolan	242,571	0.9	0	-
Ganatantra Basttabayan Party				
Jana Dal				
Taish Dalio Jote				
Independents	3,487,457	16.3	25	-7
Invalid/blank votes	335,620	–	–	–
<b>Total</b>	<b>26,169,071</b>	<b>100</b>	<b>300</b>	<b>0</b>
Registered voters/turnout	49,863,829	52.5	–	–
Source: Nohlen <i>et al.</i>				

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#### 4.5 Bangladeshi general election, 1991

<b>February 27, 1991</b>			
<b>All 300 seats in the Jatiyo Sangshad</b>			
<b>151 seats were needed for a majority</b>			
	<b>First party</b>	<b>Second party</b>	<b>Third party</b>
<b>Leader</b>	Khaleda Zia	Sheikh Hasina	Hussain Muhammad Ershad
<b>Party</b>	BNP	Awami League	Jatiya Party (E)
<b>Leader since</b>	1984	1981	1986
<b>Leader's seat</b>	Feni-1	Gopalganj-3	Rangpur
<b>Last election</b>	boycotted	boycotted	251 seats
<b>Seats won</b>	<b>140</b>	88	35
<b>Popular vote</b>	<b>10,507,549</b>	10,259,866	4,063,537
<b>Percentage</b>	<b>30.8%</b>	30.1%	11.9%

The Fifth National Parliamentary Elections 1991 were held in Bangladesh on 27 February 1991. The result was a victory for the Bangladesh Nationalist Party, which won 140 of the 300 seats. Voter turnout was 55.4%.<sup>[1]</sup>

**Table: 4.5 (a) Results**

<b>Party</b>	<b>Votes</b>	<b>%</b>	<b>Seats</b>	<b>+/-</b>
Bangladesh Nationalist Party	10,507,549	30.8	140	New
Bangladesh Awami League	10,259,866	30.1	88	New
Jamaat-e-Islami Bangladesh	4,136,461	12.1	18	New
Jatiya Party	4,063,537	11.9	35	-216
Bangladesh Krishak Sramik Awami League	616,014	1.8	5	New
Communist Party of Bangladesh	407,515	1.2	5	New
Islami Oikkya Jote	269,434	0.8	1	New
National Awami Party (Muzaffar)	259,978	0.8	1	New
Ganatantri Party	152,529	0.4	1	New
National Democratic Party	121,918	0.4	1	New
Jatiya Samajtantrik Dal (Siraj)	84,276	0.2	1	-2
Workers Party of Bangladesh	63,434	0.2	1	New
63 other parties	1,663,834	4.9	0	-
Independents	1,497,369	4.4	3	-22
Invalid/blank votes	374,026	-	-	-
<b>Total</b>	<b>34,477,803</b>	<b>100</b>	<b>300</b>	<b>0</b>
Source: Nohlen <i>et al.</i>				

**References**

1. Nohlen, D, Grotz, F & Hartmann, C (2001) *Elections in Asia: A data handbook, Volume I*, p537 ISBN 0-19-924958-X

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## 4.6 Bangladeshi general election, February 1996

<b>February 15, 1996</b>			
<b>300 seats in the Jatiyo Sangshad</b>			
<b>151 seats were needed for a majority</b>			
	<b>First party</b>	<b>Second party</b>	<b>Third party</b>
<b>Leader</b>	Khaleda Zia	Sheikh Hasina	Hussain Muhammad Ershad
<b>Party</b>	BNP	Awami League	Jatiya Party (E)
<b>Leader since</b>	1984	1981	1986
<b>Leader's seat</b>	Feni-1	Goplaganj-3	Rangpur
<b>Last election</b>	140 seats, 30.8%	88 seats, 30.1%	35 seats, 11.9%
<b>Seats won</b>	300	boycotted	boycotted
<b>Seat change</b>	<span style="color: green;">▲</span> 160	<span style="color: red;">▼</span> 88	<span style="color: red;">▼</span> 35
<b>Percentage</b>	100%	0%	0%
<b>Swing</b>	<span style="color: green;">▲</span> 69.8%	<span style="color: red;">▼</span> 30.8%	<span style="color: red;">▼</span> 11.9%

The Sixth National Parliamentary Elections 1996 was held in Bangladesh on 15 February 1996. They were boycotted by most opposition parties, and saw voter turnout drop to just 21%.<sup>[1]</sup> The result was a victory for the Bangladesh Nationalist Party, which won 300 of the 300 elected seats.<sup>[2]</sup> Fresh elections were held in June.



#### **4.6 (a) Background**

In March 1994, controversy over a parliamentary by-election, which Bangladesh Awami League, the opposition claimed the government, BNP had rigged, led to an indefinite boycott of Parliament by the entire opposition. The opposition also began a program of repeated general strikes to press its demand that Khaleda Zia's government resign and a caretaker government supervise a general election. Efforts to mediate the dispute, under the auspices of the Commonwealth Secretariat, failed. After another attempt at a negotiated settlement failed narrowly in late December 1994, the opposition resigned en masse from Parliament. The opposition then continued a campaign of marches, demonstrations, and strikes in an effort to force the government to resign. The opposition, including the Awami League's Sheikh Hasina, pledged to boycott national elections scheduled for February 15, 1996.

In February, Prime Minister Khaleda Zia's BNP was re-elected for the second term after the sixth general elections by a landslide in voting boycotted and denounced as unfair by the three main opposition parties. In March 1996, following escalating political turmoil, the sitting Parliament enacted the thirteenth constitutional amendment to allow a neutral caretaker government to assume power conduct new parliamentary elections; former Chief Justice Muhammad Habibur Rahman was named Chief Advisor (a position equivalent to prime minister) in the interim government. New parliamentary elections were held in June 1996 and were won by the Awami League.

Bangladesh Awami League led grand alliance has arranged another election like this on January 5, 2014 amidst the protest of the main opposition BNP

led 18 party alliance.<sup>[3]</sup> Only 11 of the 41 registered parties of Bangladesh are attending the election. Already 153 members of the 10th parliament has been declared winner uncontested which has produced huge debates.<sup>[4]</sup>

The Awami League was assured of victory, with its candidates declared victors in 127 of the 154 uncontested seats by default.<sup>[37]</sup> Of the remaining uncontested seats, the Jatiya Party led by Rowshan Ershad won 20, the JSD won three, the Workers Party won two and the Jatiya Party (Manju) won one.<sup>[38]</sup>

As a result of violence and the opposition boycott voter turnout was 22%.<sup>[31][39]</sup> Results of 139 seats out of 147 were released, with the Awami League winning 105, the Jatiya Party winning 13, the Workers Party winning four, the JSD winning two and the Tarikat Federation and BNF winning one each.<sup>[38]</sup> The remaining 8 constituencies election were suspended due to violence and re-election to be held.<sup>[38]</sup> The newly elected MPs were sworn in on 9 January.<sup>[40]</sup>


**Table: 4.7**

Party	Votes	%	Seats	+/-
Awami League	36,173,883	79.14	234	
Jatiya Party (Ershad)	5,167,698	11.31	34	
Workers Party	939,581	2.06	6	
JatiyoSamajtantrik Dal	798,644	1.75	5	
Jatiya Party (Manju)		0.3	2	
Bangladesh Tarikat Federation		0.3	2	
Bangladesh Nationalist Front		0.3	1	

Independents		4.7	15	
Repoll ordered	–	–	1	–
Invalid/blank votes	1,551,585	–	–	–
<b>Total</b>	<b>47,262,168</b>	<b>100</b>	<b>300</b>	<b>0</b>
Registered voters/turnout	92,007,113	51.37	–	–
Source: Parliament of Bangladesh, IFES				

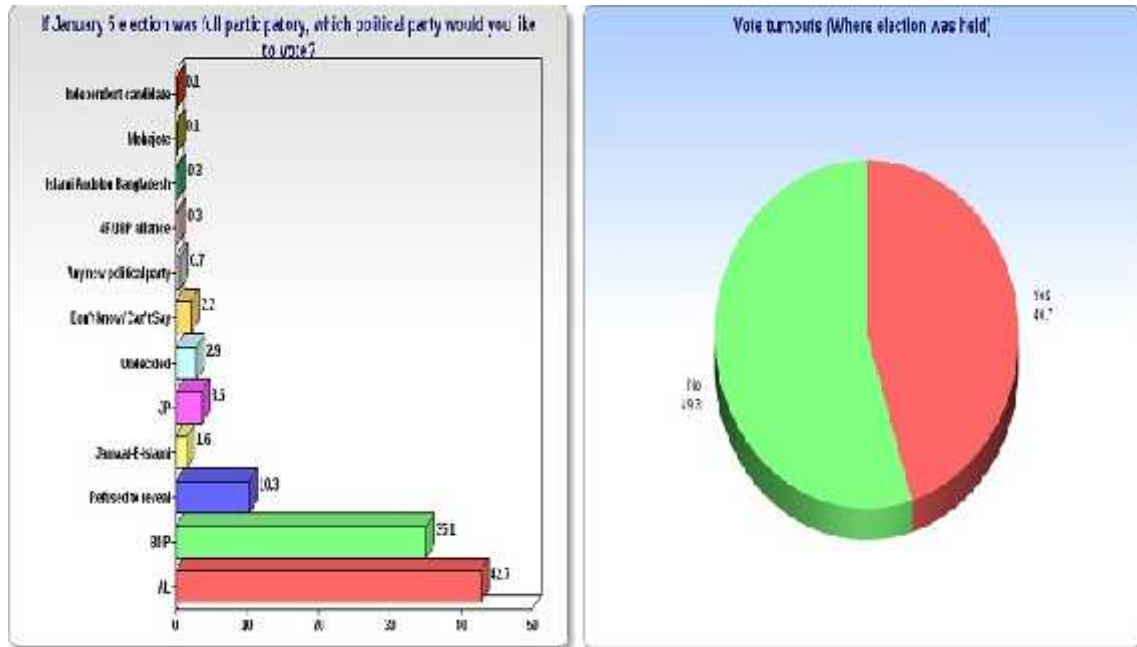
The opportunity of women's participation in general election of Bangladesh.

**Graph: 4.8**

Members (statutory / current number)	350 / 350	<p>PERCENTAGE OF WOMEN</p> 
Women (current number)	70 (20.00%)	
Mode of designation	directly elected 300 indirectly elected 50	
Notes	Indirectly elected: These seats, reserved for women, are distributed to political parties in proportion to their overall share of the votes received in the election. The candidates are approved by a vote of parliament. In accordance with the constitutional amendment (Fifteenth Amendment Act) passed by parliament on 30 June 2011, the number of seats reserved for women in parliament has increased from 45 to 50, bringing the total number of seats to 350.	
Term	5 years	
Last renewal dates	5 January 2014	

In the following graph it has been shown that the which political is more popular in Bangladesh , Bangladesh Election Commission turnout the figures.

**Graph: 4.9**



Post election polls run by Democracy International show that the Awami League would have emerged victorious even if BNP had taken part in the recently concluded national elections. 43% of respondents said they would have voted for the AL while 35% said they would have voted for the BNP. 41% of voters in urban areas voiced their support for the ruling party while 30% said they would have voted for the BNP. The figures were 43% and 37% respectively in rural areas.

A total of 41% of respondents from areas where elections were held said that they had cast their vote, echoing the official figure of 40% provided by the Election Commission. The figure would have been higher if not for the threat of violence posed by BNP-Jamaat activists. 73% of people who had cast their vote cited their desire to exercise their voting rights and to fulfill



their duties as good citizens as motivating factors. The fieldwork for the survey was conducted from January 11th-15th, with 1,500 respondents age 18 and above, and meets international standards. Full report and analysis to follow.

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## Chapter 5

### **Bangladesh Election Commission: It's involvement with the other organs of the government and recent elections**

#### **5.1 Introduction:**

In my research Chapter Five has analyzed the relation of Bangladesh election commission and other social and political organ of the country. To operate the routine wise function successfully, commission has to collaborate with the organs of the government and others. Sometimes commission has to overcome the pressure and influence from the out side of the commission. And it is the weak point of the commission so that commission can not play it's role independently. This is how the possibility of free and fair election would be uncertain. Here is a necessity to make the election commission more independent and powerful.

#### **5.2 Bangladesh election Commission and the of Local Government and Rural Development & Co-operatives**

There are nine general members and three women members. The Chairman and members are elected by direct election on the basis of adult franchise every five years. Three reserved women members, one for each three Wards, are also elected by direct election. The Chairman and Member candidates must be Bangladeshi citizens having their names in the electoral roll of the respective Union or Ward. General elections of the Union Councils are conducted by the **Bangladesh Election Commission**. Majority Members of a Union Council may bring a motion of no confidence against a member or Chairman to the Upazila Nirbahi Officer.

### **5.3 Powers and Functions**

Every Union Parishad is a body corporate, having perpetual succession and a common seal, with power to acquire and hold property. The functions with which the Union Parishads are entrusted by law include the following:<sup>[6]</sup>

- J Maintenance of law and order and assistance to administration for this purpose.
- J Adoption and implementation of development schemes in the fields of local economy and society.
- J Performing administrative and establishment functions.
- J Providing public welfare services.

### **5.4 Ward Meetings**

In every ward, three public meetings including an annual meeting are held each year. One-twentieth of the total voters of the ward is the quorum of such meetings. Overall development activities and other local issues are discussed in a Ward meeting. In an annual meeting, the annual report of the preceding year is presented by the Chairman. Audit reports must be presented and discussed in every meeting. All decisions are made on the basis of majority. Special committees may be formed from Ward meetings for any general or particular purpose.

### **5.5 Citizen Charter**

Every Union Council is required to publish a charter describing all the services it provides. The charter includes description, timing, pricing, procedures and the conditions for the services. The remedies for non-compliance with the charter by the Council or any individual is also mentioned in the charter itself.<sup>[7]</sup>

## **5.6 Trial of Offenses**

The Chairman has power to conduct trial and give punishment for certain petty crimes. These crimes include evasion of Union tax or fine, polluting environment, obstruction to public passage, failure to quarantine, prostitution business etc.<sup>[8]</sup>

## **5.7 Funding**

Every Union Parishad has a fund known as the Union Fund consisting of:<sup>[9]</sup>

- J Taxes, rates, fees and other charges levied by the Union Parishad under The Local Government (Union Parishads) Act 2009;
- J Rents and profits payable or accruing to the Union Parishad from its own property;
- J Money received by the Union Parishad in the performance of its functions;
- J Money contributed by individuals or institutions or by any local authority;
- J Receipts accruing from the trusts placed under the management of the Union Parishad;
- J Grants made by the Government and other authorities;
- J Profits accruing from investments; and
- J Proceeds from other sources directed by the Government.

The chairman and members work full-time and receive honorarium from the government.<sup>[10]</sup>

Bangladesh election commission independent and powerful body of the executive organ of Bangladesh government. Bangladesh constitution has given a height power and efficiency to the election commission in the functioning of it' activities. More over to hold a free and fair election,

election commission has to collaborate with the other organ of the Bangladesh government. Bangladesh election commission is not a separate and out side commission of the executive organ, so it has to work with help of other department of the Bangladesh government. Election commission has to maintain the function of finance , trans-communication ,planning, communication , defense , law and justice etc. So election commission has to work with the following ministries of the Bangladesh government. Such as-

- Bangladesh election Commission and the Ministry of Home Affairs
- Bangladesh election Commission and the Ministry of Law, Justice and Parliamentary Affairs
- Bangladesh election Commission and the Ministry of Public Administration Cabinet Division
- Bangladesh election Commission and the Ministry of Planning
- Bangladesh election Commission and the Ministry Posts, Telecommunications & Information Technology
- Bangladesh election Commission and the Ministry of Finance
- Bangladesh election Commission and the Ministry of Defense
- Bangladesh election Commission and the Ministry of Armed Forces Division
- Bangladesh election Commission and the Ministry of Road Transport and Bridge
- Bangladesh election Commission and the Mass Medea

## **5.8 Case Study:**

### **5.8(a) Narayanganj election: who wins? *November 4, 2011***

After many dramas and much tension, Nayanganj election is over. The drama started with the first day when 2 very potential candidates filed nomination from the same party. This was possible as the city corporation

election is non-party basis and party's endorsement is not necessary for filing the nomination. Next, both the candidates vied for the support of the party high ups. As both candidates belongs to the government party , they were called by the Prime Minister. What was discussed or told in person were not disclosed outside but both the candidates claimed the blessings of the Prime Minister. While the public were uncertain, 3 organizing secretaries of the ruling party appeared in the campaign scene to declare their support in favour of one Showkat Osman. Election Commission warned party organizers not politicize the non- party election. In the capital, the party spokesman declared that the party has no relation with the declared stand of the organizing secretaries and it was only their personal opinion. 2 days later the same man decaled ignoring the warning of the EC that AL stands in favour of Sowkat Osman. EC looked weak to the optical stand of the ruling party. In the face of open party stand, Ivy, the other candidate announced, 'People is on her side'. Campaign continued.

Controversy also raised about the use of Electronic Voting Machine. EC declared to use EVM in 9 voting centers or one third of the total centers. Taimur, BNP supported candidate protested against the EVM. Taimur even said to confine EMV to two centers so that it had no major influence on the result. Ivy initially supported, then casted her doubt on the method fearing that govt. may use it to rig the vote. Osman had no objection to the system. EC remain fixed to their original plan on EVM. Ivy's posters were found to be missing. Ivy complained that Osman people are behind this unlawful act. When the emotion was on the peak and voting day was only 2 days away, EC failed to deploy the army as they promised. People became suspicious, candidates became confused and EC became frustrated. CEC even accused the government of violating the constitution. Yet CEC hoped that fair

election could be held without the presence of Army if people participated in the voting in large number.

On the night before voting, all of a sudden Taimur announced his withdrawal from the race on the plea that the election would not be fair without the presence of Army and government was certain to rig the election. He declared in tearful eyes and on the direction of his highest leadership. With the disappearance of Taimur from the scene, all eyes now focused on Osman and Ivy. Ivy declared, 'People are my Army'.

She urged all the 15 lac people (voter no 4 lac) to come to the voting centers on the day of election. Election held peacefully, no untoward events occurred. Though there was no Army, Police and Rab were present in large numbers and turn out of voters was 70 %. Both the candidates raised some irregularities. Voting ended and counts began. Not only the people of Narayanganj but people from all over the country glued to the TV channels to follow the results. With the pouring of results, people found that Ivy won by huge margin. Is it win of Ivy alone? It is the win of the people and win of people's power.

### **5.8 (b) Nayanganj Election: A tough test for the government *October 30, 2011***

Narayanganj City Corporation election is going to be held on 30 October 2011. 6 candidates are competing for the post of city mayor. 3 competitors are in strong race. One of them is supported by the ruling party, the second one claiming to have the blessing the common people and the 3rd one is supported by the opposition. The election is important from many direction for the government. The government is obliged to arrange an election that should be fair and neutral, well managed and free from any sort of interference. As the government is abolishing the caretaker government

system and put its weight on the strong election commission, it should support the EC in every way to a fair election. During the campaign, the rules of election was violated by different candidates, the EC warned the candidates but couldn't take any major decision. There were always allegation of muscle power, black money, intimidation of voters, communal threat and one candidate also predicts attacks by islamic terrorists. EC declared to provide Army during election before 48 hours from the beginning. But Government rejects the proposal just before the election creating great confusion among the voters and the countrymen. The candidates also didn't take it easily. CEC said government has violated the constitution by not providing the Army. This election also see the introduction of electronic voting. Objection was raised by candidates on its use in the election where one third of the voting will be held by the machine. The proportion is enough to manipulate the result in one's way if the program is altered or manipulated. The Narayanganj City Corporation election is a test for government of its commitment and sincerity to hold a credible election.

#### **5.8(c) EMV and Bangladesh Elections *October 19, 2011***

Election Commission is trying to introduce electronic voting machine in the current local election with the hope to introduce it in the national election. But the experiment drew sharp criticism from the opposition and they will oppose any attempt to introduce it in Bangladesh election .Chief Election Commission has said 'EC is mulling EVM as a part of modernizing election system in Bangladesh. In many countries of the world it is in practice. The opposition is saying that there is scope to manipulate the result of election through EMV. A BUET professor who was behind the program also said that the result can be altered by changing the program. But it is not rational to avoid the technology as it is in existence in many countries. If there is any



loop holes in the system that should be addressed and the authenticity of the system can be checked before the voting by the experts and observers.

**5.8(d) Media and non-political entity of local elections *October 18, 2011***

Nayanagang city corporation election is set. Election Commission has confirmed the candidature of 6 candidates after screening. Two of them are part mayors and one is female with strong political background. City Corporation elections are local elections. Constitutionally these are non political elections. Party will not nominate any candidate and no party should express their support for any candidate. Political leaders sometime try to break the rule and this so happen in case of Narayangang election. While the expectation from the political leaders are poor, we have high hope on the media. But we feel frustrated when leading media fails to honour the rule.

**5.8(e) Care Taker Government and Supreme Court Judgment *May 23, 2011***

Supreme court in a judgment declared caretaker system illegal in Bangladesh. It is to be noted that Bangladesh has introduced caretaker government system to hold national elections under a politically neutral environment. The care taker government instituted for 3 months following the tenure of the elected government is over and headed by the immediate past chief justice. A group of advisers among the non-political personalities from the professionals are selected to support him. The CTG is basically assigned to hold the general election and to maintain the general administration. They are nor empowered to formulate any major rules and regulations and will not change the constitution, Bangladesh virtually hold 4 national elections under the CTG and all of them were accepted by the people as fair and neutral. In the history of Bangladesh, these elections are best of its kind. But to influence the composition of the Ctg. with an aim to influence the result of the election, the elected governments had tried in the

past to promote their loyal judges to the post of Chief Justice, superseding the seniors.

This attempt has been made in 2001 and 2006. In 2001, the cj didn't fulfill the wish of his mentors. In 2006, the opposition to the maneuver lead to the formation of a caretaker government headed by the president, who later had to handover the charge to a new set of advisers led by Dr. Fakhruddin Ali Ahmed. This Ctg. stays in power for long 2 years and tried to reform the political system but at last left the scene by holding an election in December 2008 in which AL gained a landslide victory. Controversy arises on the tenure of the ctg. and the manipulation of the promotion of the judges? .Supreme Court took the opinion of the Amicus Curiae. Most of the Amicus query except one gave opinion in favour of CTG. Citizens groups also favour caretaker government.8NP expressed its opposition to any move form the concept of caretaker government. Ershad hails the idea. Jammatt is not in a position to say anything on the issue. Their top brasses are in the jail on the charge for crimes committed during the liberation war.The issue will be discussed in the parliament. The motive of AL is not yet clear whether they will prefer a caretaker government or switch over to other form. The judgment of the supreme court open up the dual opportunity for them. They are talking time to come to a conclusion. I am also suspecting that they will linger the discussion close to the end of their term and on the political reading at the last moment they will come to a decision. People still would prefer an election under CTG. The alternative is an election under an independent election commission. But political government does not yet able to develop the confidence to conduct an independent election under an election commission. Any attempt by the government to manipulate the result will bring no good to the government.

### **5.8 (f) Chittagong Mayoral Election- a Win for Democracy *June 18, 2010***

The mayoral election for Chittagong City Corporation was held in absolute peaceful state on 17th instant. No incident of any measurable amount took place during the voting. The counting began as usual. The result was also started to pouring out from the control center of the Election Commission at Chittagong Stadium Gymnasium. But the trouble begins when the declaration of the result halted from being announced. Amir Khusheu Mahmud, an Ex- Minister and leader of BNP declared to the media that the Administration is conspiring to alter the result of the election. He said that EC declared the result of few centers where Mohiuddin was advancing but they have in possession of result of 200 centers where Monju, BNP backed candidate was in advance. He added that Government was compelling the presiding officers not to sign over the result sheets. Trouble erupted outside the control centers. Clashes took place between the rival parties, Vehicles were burned down and transport interrupted. Declaring the results later resumed and after the midnight, it became clear that Munjur was advancing ahead of Mohiuddin. In the meantime, Incumbent Mayor Mohiuddin wanted to enter into the premises of control room on a truck with his workers. Army on duty allowed him to go on rickshaw. He stayed there for an hour, didn't give any speech and then left.

In the morning, after counting all votes, Mrs. Jeshmin Tuli, the Returning Officer of the election declared Mr. Monjur the new Mayor of the City. People relieved of the overnight anxiety. The new Mayor thanked the people for their support and asked his workers not to make the day a festive one. Prime Minister Sk. Hasina Congratulated the new Mayor. We appreciate. BNP Chairperson Khaleda Zia also congratulated the new Mayor and thanked the people for the change they made. AL Organizing Secretary Obaidul Karim in a communiqué said that AL as a democratic party accepted

the verdict and is taking the result as a caution to the Government. LGRD Minister Ashraful Islam assured that the Govt. will continue its support to develop Chittagong city and AL will think about new leadership in Chittagong. After a mid-night drama, it is the democracy that wins the race.

### **5.8 (g) Upazilla election-follow up *January 23, 2009***

Nation-wide upazilla election was held yesterday but it was marred by intimidation, violence, rigging, low voter turn out and the people is gripped with a frustration over the way the election was held. The result so far showed that out of 472 upazilla, 461 result is out, AL got 306, BNP 73, Jamaat 22, Jatiya party 13, others 47. Chief Election Commissioner on upazilla election said that election didn't reflect the will of the people. The pro-government element tried to influence the result by force. He also commented that the young and women showed poor turnout in the election. But the Home Ministry claimed that the polls were peaceful across the country except a few stray incidences. The LGRD Minister Ashraful Islam add that the few violence that have occurred wouldn't happened if the local government election be held on party basis. The State Minister for Home said that it is the Election Commission who were responsible for the law and order situation as all the necessary forces were deployed as required. It is not the number of seats that AL lost, but question on the credibility of the election erodes the confidence of the people on the government to hold a free and fair election even of a local government nature. The election will also shake the confidence of the people on the ability of the political government to hold acceptable parliamentary election in place of caretaker government system in Bangladesh. Before taking such a move the political government must show their good intention and capability to hold a free and fair election under an independent election commission. There is still a hope remain as the Prime Minister SK. Hasina didn't speak out yet and we hope that she

would realize the stake of the government and will give more importance to the long term need of the government than short terms. Is AL only set for 5 year term and their vision 2021 will remain for others to materialize?

#### **5.8(h) The new government and upzilla election *January 19, 2009***

Upzilla election was always a matter of controversy over the last two years after the Election Commission expressed its willingness to hold the upzilla election to strengthen the local government. Major political parties were against holding of Upzilla election under the CTG. But both AL and BNP failed to hold the Upzilla election during their tenures from 1991 though they were committed to hold the election in their election manifestos. People in general perceived the upzilla election as their empowerment and they responded positively when idea of the upzilla election was floated. EC once declared to hold the upzilla election in October 2008, but due to pressure from the political parties to shift it beyond the general election date, the upzilla election is then scheduled to 28th December 2008 with general election date on 18th December 2008. Though AL accepted the dates, BNP with its allies opposed the idea. It raised demand to shift the date of elections for 2 to 3 months more. After hectic negotiations with the conflicting parties, Dr. Hussain Zillur Rahman and his team from the Advisory Council ultimately convinced the parties to participate in the elections. Accordingly, EC declared the general election on 29th December 2008 and upzilla election on 22nd January 2009. Nation initially concentrated on the parliamentary election of 29th December 2008 and people then were not sure about the upzilla election. In the general election, AL got the landslide victory. Few people thought that CTG may delay handing over the charge to the elected government and may wish to complete the upzilla election under their control. But they handed over the charge.

People have seen that AL-led new political government has allowed processes of the upzilla election to be continued under the old leaders of the Election Commission. It is one of the positive steps that new government has taken so far. It has scored high not postponing the upzilla election and not interfering it. If upzilla elections held on 22nd January free and fair and if the Election Commission can exert its control over the election completely independent, it will not only boost the image of the government but also of the nation.

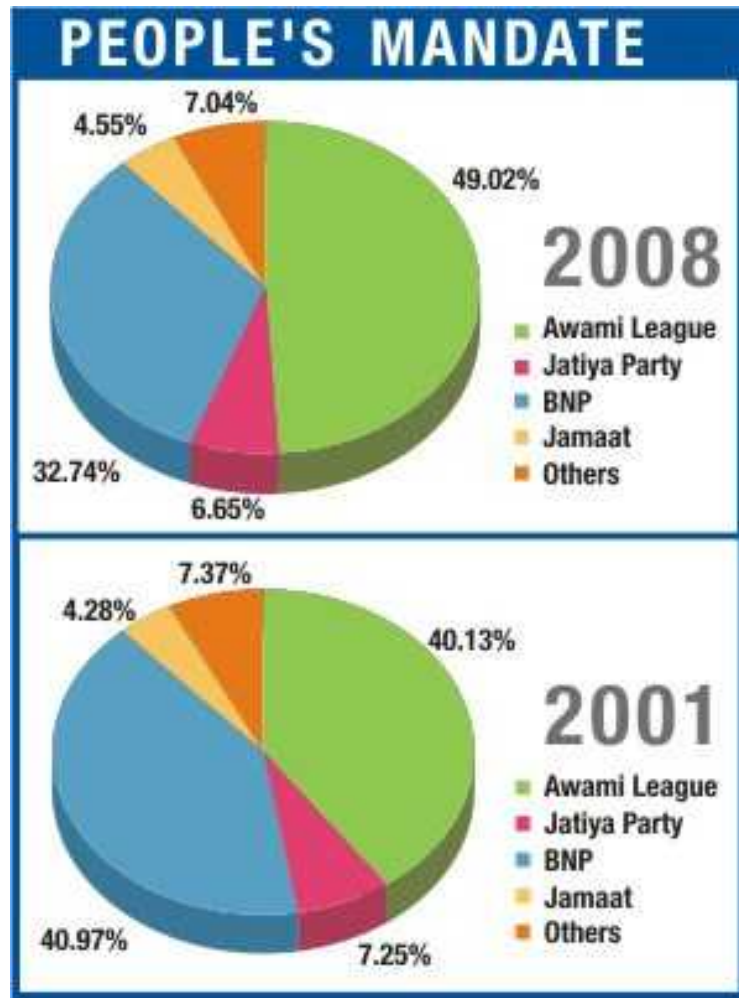
### **5.8 (i) Scoring the political parties from Day 1 January 2, 2009**

The general election is over. AL wins a landslide victory. On the other hand, BNP suffered an unimaginable defeat.

Out of 299 seats contested, AL and its' allies got 262 seats (AL 230,JP 27,JSD 3,WP 2,) BNP & its allies 32( BNP-29,JI-2,BJP-1),LDP-1, IND-4.

### Graph 5.8(j) percentage of voters

In percentage, AL got 49.02%, (in 2001 it got 40.13%), BNP got 32.74% (in 2001 it got 40.97%).



In round figure, BNP got 2,30,86,460 votes (in 2001 it was 2,28,33,978). AL got 1.14 crore vote more) than BNP in 2008. AL acknowledged that the magnitude of victory they have attained in the election was beyond their speculation. It bestowed on AL extra responsibility to fulfill the dream of the people. People will follow every footsteps of AL from Day1. In the same way they will also observe BNP and its allies who form the opposition.

Immediately after the result Hasina called for calm and urged the party men not to go into festivities. Later in the press conference, she invited the

support of opposition to build up a prosperous Bangladesh. She offered the post of the deputy speaker and proportionate representation in the parliamentary committees to the opposition. We think this is a positive step from day 1 for AL. It was difficult for BNP to swallow the result with such a huge margin of defeat. Khaleda refused to accept the result and said that it is the result of long conspiracy of Election Commission and Caretaker Government to make a party win and form the next government. Common people will take it as a failure on the part of BNP to accept the reality. After one day, CEC said people will not accept any dishonor and disrespect to the verdict they have given in the election.

### **5.9 Expectation of people from AL on election result *January 1, 2009***

Awami league won a landslide victory in the general election held in 29th December 2008. AL and its allies won 262 seats against BNP & its allies 32 seats and others 5 seats. By percentage, AL won 3/4th of the seats. The landslide victory added extra responsibility to the AL.

Let's see what people expect from AL. People want from AL good governance and no corruption. People also don't like to see politicization of the administration. People would like to see the upzilla election to be concluded as scheduled and to be conducted by this Election Commission who have built a good image for them. People also want local government is more strengthened in our country. People would like to see the constitutional bodies to run independently. In this regard, people would prefer that the new parliament will acknowledge the better ordinances adopted by the caretaker government for the good of the country. People would prefer that we live in a society of justice. The judiciary will be permitted to work independently and will be more strengthened. The judges will be selected on their record through an independent body. The government would continue the effort



against corruption and will let the Anti-Corruption Commission to work independently and more efficiently. The PSC will continue as independent institution and recruit the public servants without any pressure or biasness.

The dearest longing of the people is that the new government will bring down the price of the essentials. AL declared that the price of rice would be Tk. 15. In doing so, the government should also look after the interest of the farmers, so that they aren't deprive of their due share. They would also maintain law and order more or less perfectly. They would run the government in consensus with the opposition parties, make the parliament effective, would give due respect to the opposition and due share to the opposition in the parliament. Hasina opined that poverty is the enemy of her government. New government would take measures to alleviate the poverty and cover all the people under the poverty line within the safety net of employment. The new generation votes for AL with the hope that a change in the policy and opportunity would come to our country. ICT will give proper attention, internet facility will be extended, IT based job will be created. Employment should be ensured for the young and business opportunity should be open for all. Education must be more universal, standardized, uniform amid scientific. Divide between poor and rich, rural & urban must be lessened. Universities and colleges must be kept free from party politics.

Politics also must be kept away from government offices, secretariats, trade unions etc. Hasina said people rejected the war criminals by voting and necessary legal action would be taken in due course. They must be cautious not to make the issue a mess and push some people to extremism. Above all, AL would try to fulfill the pledges they have given in their manifesto and

will proceed forward to attain their targets of vision 2021 and digital Bangladesh.

Expectations of people from AL

- Reduction of price of essentials
- Trial of liberation war criminals
- Independent judiciary
- Independent ACC, PSC, EC and other constitutional bodies
- Effective parliament
- Good governance
- No corruption
- No politicization of administration
- No terrorism by party activists

### **5.10 A look into the defeat of BNP *December 31, 2008***

On the reverse side of the coin of AL's landslide win, there is the defeat of BNP, which is also unprecedented. This is the lowest ever performance of BNP. It will not be unworthy exercise to explore the reasons of its defeat. The landslide victory of BNP in 2001 for the second time after 1990 and its alliance with Jammāt-e-Islami with 18 seats gave it a sense of complacency and led it to misrule and corruption. The image of the government also affected by the undue interference by sons and close associates of PM into the state administration. The partisan politics of BNP also crosses the limit of one's expectation. They manipulated the recruitment of PSC, altered the result of BCS, appointment and promotion of the university teachers, the selection of postgraduate courses in the medical colleges and BSMMU etc. They also manipulated the judiciary and failed to fulfill their commitment to separate the judiciary. During their period, the Muslim terrorist groups grew tremendously, though the leaders were ultimately caught and punished but the then government initially ignored the development. The price of the essentials were also on the rise that they couldn't contain.

The attempt of BNP to influence the composition of caretaker government and manipulate the election of 22/1 of 2007 also caused a permanent injury to the mind of the people. Failure of the first caretaker government to conduct a free and fair election also fell on BNP. Jamaat-e-Islami remain silent partner of all their misdeeds.

After 1/11, the new caretaker government's mission to eliminate corruption also exposed the inner picture of the political leaders. Though leaders of both the parties were accused and put under jail, but it is BNP whose leaders were in large numbers were arrested. tried and jailed. People horrified by knowing their stories of corruption.

While the two leaders were in the jail or abroad, reformist in both the parties tried to win the stage. Though their effort had gone in vein, AL accommodated the reformists in their fold and showed signs of organizational maturity. BNP, on the other hand, though it was expected that the reformist would be accommodated with the party but it didn't happen. Khaleda thought that her image is enough for the party. The representation of the party by a man like Khondoker Delwar Hussain, whose personal image and sons' misdeeds was not acceptable to the people, has degrade more the state of the party to the eye of the people.

The delay-delaying tactics of the party for participating in the election also frustrated the people. When the nomination came BNP choose to place their old party leaders many of whom were accused, arrested or convicted for corruption, extortion etc. Many of the leaders whose nominations were rejected by the EC, challenged the decision in the court and the reinstatement of the candidates in many of the cases also worried the people. The BNP nomination was such that as if it was throwing a challenge to the court and

the people on the accusation and perception of corruption against party leaders. The failure of our judicial system to punish the corrupts also made the people to be cautious about their own judgment. BNP didn't bother to get the recommendation of the grassroots workers though some of their leaders were claiming that they had done so. There was a contrast between the reality and the statement. The manifesto that BNP had projected though lengthier but was more traditional and with no long term vision. The vision of 2021 and digital Bangladesh was well accepted by the new generation. Khaleda Zia, had toured the country, from one corner to the other, but she didn't come to Chittagong which also many of his supports longed and in her tour BNP didn't utilize the video conference technology at all. In her speeches, Khaleda was more critical of the caretaker government, as if the CTG is her opponent, she was more suspicious of the certainty and fairness of the election in contrary to the people's perception and she was less objective in criticizing AL past record and future agenda. The arrogance of Jammaat-e-Islami regarding recognizing the liberation war and gradual rise of sentiment against the anti-liberation forces and awakening in the young to visit the past also went against BNP in the election.

Please cast your vote to evaluate the causes of defeat of BNP in the general election of December 29 2008. One can give multiple answers.

Causes of defeat of BNP in general election to your eye?

- corruption of their leaders
- alliance with anti-liberation forces
- wrong nomination
- poor election manifesto
- unwise criticism of Caretaker Government

- unnecessary criticism of Election Commission
- Poor organization preparation for the election
- failure to accommodate 'reformist' within the party
- vote rigging by Election Commission
- false voting
- biasness of the media
- biasness of ACC

Early signs shows that AL and its alliance is going to have a landslide victory.

Bangladesh votes for change. People voted against the incumbent, against the corruption, against terrorism, against partisan politics. They opted for a long term change in the politics and governance of the country. The new generation played a crucial role. They prefer the candidates over the parties. Voters turned out in record numbers, more than 70%, an achievement in any standard. People observe that this election is likely the best in Bangladesh. Peace and discipline was maintained to the best of expectation. Voter list with photo perfectly supports the national event. Election Commission deserves appreciation for the work they have done. They have shown tremendous perseverance and commitment to deliver a fair election. All the doubts against them about their neutrality and efficiency proved futile. AL chief Hasina urges for calm and not to go for any procession or festivities until the final result is officially declared. So far all the result are unofficial. BNP is hesitant to accept the result without complain. They are complaining of irregularities, vote rigging and harassment of their workers in many centers People rejected Jamaat-e-Islami for its anti-liberation stand. Very few of their candidates may come out successful. May be none. Alliance of

Jatiya Party with AL will bring JP some good. Some leaders of the left leaning parties may come to the parliament as a part of the alliance.

#### **5.11 No consensus on national issues before election *December 28, 2008***

It was expected that the political parties would sit together before the election to have a consensus on the national issues but that didn't happen despite the people's aspiration. Some of the advisers of the caretaker government tried to convince Hasina and Khaleda to sit together. Though initially both the leaders consented to sit together for a dialogue but ultimately that couldn't be materialized for different political uncertainties. Barrister Rafiqul Hoque, the attorney of both the leaders for their cases in the higher court under emergency rule, who proposes the idea, later abandoned. But more importantly, though the people, citizen groups and media were eager to see a dialogue held on national issues, but the parties were not sincerely think over the matter. National issues such as recognizing the reform processes of the present caretaker government, making the parliament effective, not calling hartal unnecessarily to jeopardize the public life and economic development, keeping the judiciary independent, continuing the ACC, EC, PSC as autonomous bodies etc, The minimum consensus on national issues was necessary. It would have been easy if the dialogue on national issues happened before the election. Though the discussion after the election is not impossible, but as the loser in election in our country does not usually accept the result, the opposition tries to not cooperate with every effort of the government, developing a consensus among the political parties will be difficult. But we hope that the culture will be changed this time and all will accept the verdict of the people and a national consensus may be developed in the first session of the parliament.

#### **5.12 Contrast of campaign in Bangladesh election *December 26, 2008***

General election is very close. The political parties are engaged in every effort to change the tide of the election in their favour.

Though there are many similarities in their strategies but there are differences also.

AL always longed for an election and was taking preparation with an eye for the election. Even when Hasina was in the jail, she opted for participating in the election. But on the other hand, BNP deferred their decision to participate in the election after the release of Khaleda. AL preferred to start their campaign by declaring their manifesto in a grandiose manner in the lobby of Hotel Sheraton. BNP began their campaign by visiting the mazar of Hazrat Shahjalal at Sylhet. Hasina covered the incident by adjusting her visit on the day before declaring the manifesto. BNP also declared their manifesto on the following day after AL declared its manifesto. While the AL manifesto touches the philosophy, programs and long term vision of her government, BNP stresses more on the projects and programs for the next 5 years. In selecting the candidates, AL started with the grassroots recommendations but later adjusted some of the candidates judging the candidatures of BNP and its alliances. BNP due to time constraint but more for its own party policy, chose the old stalwarts of the party.

They didn't even consider whether the candidate was accused or convicted on corruption, extortion etc. Rather they seems to throw a challenge to the caretaker government on their judgment. Many of the convicts and corrupts even joined the race with the verdict of the higher court once the final list of the candidates was declared. Both the parties preferred to make alliance with the other parties. AL already had in 11 party which includes some small left leaning parties. But later, after interesting political drama, they added Jatiya Party, led by Ex President Ershad who is condemned in history for his 9

years autocratic rule in 80's. BNP was in alliance of 4 party with Jamaat-e-Islami and other two parties in their last government which they wanted to continue in this election also. The mathematical formula of winning of BNP with Jamaat in 2001 election actually prompted AL to form alliance with JP though the secular and democratic image of AL is compromised to some extent because of this.

Regarding the anti-liberation forces, it preferred to continue its old alliance with Jamaat-e-Islami and is trying negate the idea as political propaganda. Sector Commander Forum identifies 15 candidates of JI who were involved in anti-liberation activities. The alliance of AL with Jatiya Party also tainted it compromise with the anti-liberation forces. 2 of JP candidates endorsed by great alliance of AL.

In the campaign speeches, though the two camps highlighting their manifesto promises, Khaleda keeps her main brunt criticizing the failure of the present caretaker government, making allegation of conspiracy of vote rigging and protesting the attempt on her life. Hasina is more objective in pronouncing the party programs to the voters and declared that he ready to sacrifice her life for the country in the backdrop of the news of conspiracy of JMB for killing her. It is true that Khaleda has devoted more time and energy to cover more spaces than Hasina.

Both the parties told of using the internet and digital technology. But none use it to the maximum. AL, BNP and JI have upgraded their websites. BNP projected ads in the TV channels. Later, AL and JP also float their ads in the TV channels. Hasina also made some video conference in distant areas, but not flushed much in the media. Till now, I have got no message from any



candidate but got a message to my mobile from Grameen Phone to vote for 'joggoprarthi'.

### **5.13 Will new generation voters change the outcome of the election?**

*December 25, 2008*

This time much is talked about the new generation voters. About 2.7 crore voters are new voters. Most of them are from 18 to 25 years of age. They were born in the late half of Ershad regime and brought up through the political regimes of the last 15 years and they have also seen the last two that was under a caretaker government. This new generation, it is taken that, have little affiliation to the political parties. They have not voted yet in the general election and no particular symbol is not imprinted in their mind.

They have seen how the political parties grow & behave over the last decades, they will able to compare between rhetoric's of the leaders and reality of the ground. They have seen how the party men corrupt themselves, gave undue privilege to their own activists in recruitment, education and scholarship, shared the government money allotted for public works, forced people to pay the party workers.

They have also seen the rise of anti-liberation forces, how the political parties used them for their own purpose and how the anti-liberation forces shared the power with a major political party of our country. They have seen how in the name of democracy, political autocracy was practiced here, how the real development of the country was sold to the luxury of a few people. Though few people have been convicted due to weakness of our legal system and many of the convicts are also released to compete in the election, but a perception of the corrupts has been imprinted in the minds of the public. They have seen how nominations are compromised to choose the corrupts,

convicts and moneyed men. They will reject the convicts, corrupts, musclemen, patrons of the terrorists, anti-liberation forces and the inefficient. But dilemma will arise when they will have to choose between a convict and a corrupt, between a corrupt and loan defaulter, between a convict and an anti-liberation forces. It is good that the EC has added an option of Negative vote in this election. Many new generation voters will choose to vote in this category this time. But in the next election, we hope that this vacuum of acceptable and competent candidates will be filled up by the new generation voters when many of them will cross the age of 25 to be a parliamentarian.

#### **5.14 Judiciary frustrates the Election Commission *December 21, 2008***

A chamber judge of the appellate division of Supreme Court has ordered Election Commission to accept nominations of some convicted candidates recently after the final list of candidates were published by the Election Commission. The candidatures were earlier rejected by the EC as they were convicted for more than 2 years by the special court. One of such candidates is Lutfuruzzaman Babar, Ex State Minister for Home who was convicted for seventeen years for keeping unauthorized weapon in his possession. He has half a dozen more case against him.

The order of the higher court has made the work of EC difficult.

Chief Election Commissioner in his reaction said that they will have to follow the order of the higher court. But the court has taken them as superman and they could accommodate any instruction at any time and even if it comes on the day of election they will accommodate.

When asked by the journalists whether court does not want election, he replied better to ask the court. This court a few days back rejected the appeal

of Nazmul Huda on the same ground and the Chief Justice along with two judges of the Supreme Court came to a decision that no more convict or loan defaulters will be allowed to compete in the election as the final list of candidates is published. Interestingly one of the judges who was in the decision making in the morning later went against his own decision in the evening. So far 21 new candidates will have to accommodate newly in the ballot papers. Old ballots of lakhs of Taka have to burn out and new ballot papers are required to publish. The complexity creates tremendous pressure on the EC and they are frantically searching the way out. When the whole nation is waiting for a fair and free election and EC is trying to make a qualitative change in our system, the higher judiciary frustrates the Election Commission.

Along with the EC, people are also feeling frustrated. The frustration is magnified as the non-cooperation is coming, otherwise, from the seat of confidence. Here lies the agony of the common people.

### **5.15 Fact of General election in 2014 in Bangladesh**

The roadmap to 2014 election came amid the Opposition's threats to 'cripple' the country once the polls plan was announced. Dec 2 is the last date for submission of nomination and the papers will be screened on Dec 5-6. Candidature can be withdrawn by Dec 13.

The BNP rejected the schedule and along with its 18-Party allies, it will enforce Bangladesh-wide blockades of road, rail and water transports for 48 hours starting from 6am Tuesday. The Opposition has also asked that the schedule be put on hold until a political deal is reached with the Awami League and its partners. The EC's move has been welcomed by ruling Awami League, which was asking the BNP to join the recently formed 'all-

party' interim government to oversee the polls. Violence had rocks parts of the country including the capital after the electoral schedule was announced and before the Opposition could announce its rejection. Two people were killed in Dhaka and Comilla.

Though arson and crude bomb explosions marked the roadmap's announcement, the ruling party's leaders and activists led by MPs took out processions welcoming it. In his recorded speech, Chief Election Commissioner Kazi Rakibuddin Ahmad urged all the political parties to contest the 10th parliamentary election. There will be no lacking on the EC's part in holding an election, results of which all Bangladeshis will believe in, he said.

"I would like to assure all personally that we will do everything necessary to conduct a free, fair and impartial election." Referring to the amended electoral code of conduct, Ahmad said, important persons entitled to government facilities would not be allowed to enjoy government facilities during election campaign. "The code will be strictly enforced to level the playing field for the contestants," Ahmad said in a bid to woo the Opposition. He said the army will be deployed during the balloting alongside regular security agencies. Calling out troops was one of the demands raised by the Opposition that has been agitating for a non-party interim government's oversight for the crucial voting. Assuring the general voters, he said his team would do everything to make them feel secure. At the beginning of his speech, the CEC said the commission could not wait anymore for reconciliation between the two opposing coalitions because of the constitutional obligations.

"We had been waiting for a political understanding. But we are running out of time and hence, I am going to announce schedule for the parliamentary elections." He said the people wanted an election to take place and hoped all the registered parties would not ignore the people's expectation. Then he announced that the general elections will take place on Jan 5, 19 days before the Jan 24 constitutional deadline. The past Election Commission had thrice changed its schedule for the BNP before the ninth parliamentary election in 2008.

Troops patrol streets during the 2008 national polls Voters make a beeline during the 2008 national polls the schedule was also changed several times for the Awami League ahead of the 2007 election which was eventually forestalled. Ministers and MPs cannot campaign for votes while enjoying government privileges now as the amended Code of Conduct would be 'strictly enforced', CEC Ahmad said.

"I want to categorically say that no leniency will be shown in applying the Election Code of Conduct. It won't see who holds what post." "What will be taken into account is his or her violation of the Election Code of Conduct and stern measures will be taken." The previous Code of Conduct had been made in keeping with the one of the non-party caretaker government, Ahmed, a former Secretary, said. "So, some changes have been made to the Code of Conduct to ensure a level-playing field for all in the election, bringing the interim Prime Minister, Opposition Leader, Ministers and other privileged government functionaries under some sanctions in the run-up to the election."

As per the code, the Prime Minister, Opposition Leader and other ministers cannot be part of any campaign with government facilities in place, but they

will get due protection. The CEC said no MPs can attend meetings of the managing committees of educational institutions before the election. Nor can they provide money from any authorized fund or funds that fall under their jurisdiction.

They even cannot use any government facilities, including vehicles, during election canvassing. Outlining the roadmap to the parliamentary polls, electoral laws and aspects of the electoral code of conduct, Ahmad called on all political parties to accept the code and make all leaders and activists honour it."I remind everyone that no deviation from the Code of Conduct will be tolerated."

Troops had been called out in all the previous national elections in the country. However, elections to local government bodies and by-polls were held without army deployment, which was strongly demanded by the Opposition, during the Awami League-led administration. The BNP has been demanding troops deployment 'in the interest of fair elections'. And the CEC on Monday announced that the army will be deployed during the national polls.

"Conducting polls in 300 constituencies across the country in one day is very tough. The number of voters is also huge. That's why we have decided to deploy everyone's favourite and trusted armed forces across the country alongside the VDP, Ansar, police, RAB, BGB and Coastguard during the 10th parliamentary election."EC officials said over 500,000 members of different forces were needed to maintain law and order in the 300 constituencies. During the previous parliamentary election held in 2008, around 50,000 members of the armed forces were called out. The CEC

mentioned their conducting 645 elections successfully and hoped they could do the same in case of the big one.

At least 70 Returning Officers and 600 Assistant Returning Officers will be appointed to 300 constituencies across the country. This time too, Deputy Commissioners of the districts will act as Returning Officers and Upzila Executive Officers as Assistant Returning Officers. A total of 37,711 voting centres, 189,053 polling booths and 665,359 polling officers will be ready to serve over 90.19 million voters.

Sheikh Hasina casts her vote during 2008 national polls Khaleda Zia flashes a V-sign at a polling centre in the 2008 elections Rakibuddin Ahmad urged the officials and employees to carry out their election duties without fear. “There is a call for repaying the debt to the country. Perform your duty absolutely neutrally and fearlessly and in accordance with the law.” He appealed to the voters to choose their representatives for the next Parliament based on their own judgment. “It is not just their constitutional right; it is their duty and responsibility,” he said.

“Ensure your rights by exercising your franchise...Make your judgment. Do your national duty without fear.” Ahmad promised measures to ensure the voters’ safety. He hoped that with everyone’s help the EC would be able to give the nation a peaceful, fair and credible election.

### **5.16 Polls at a glance**

The register puts the voters at 91,946,290, of whom 46,123,318 are male and 45,842,972 female. The number of voters during the ninth parliamentary polls was over 80.10 million. There will likely be a total of 37,711 voting

centres and 189,053 polling booths across the country. The EC will issue a gazette regarding the centres 25 days before the day of balloting.

As many as 66 Returning Officers and 577 Assistant Returning Officers will be on duty at 300 constituencies over 64 districts. Each voting centre will have a presiding officer and one assistant presiding officer and two polling officers for every polling booth. Over 600,000 polling officers will be at the ready. The Election Commission has nearly Tk. 5 billion budget to conduct the parliamentary elections. Maintaining law and order will cost it three times the total cost of organizing the elections.

### **5. 17 Conclusion:**

All of the irregularities regarding election locally or nationally are the negative out come of Election Commission. Bangladesh Election Commission is merely liable not to hold a free and fair election for the country. The different case studies notifying at different places through the country mark the failure of Bangladesh election commission giving blame that despite having authoritative power and provisions constitutionally why EC can not take stand against these irregularities. If we want ourselves habituated in the democratic practice first of all we have to start it from the beginning political assess as well as a well accepted election process. Unfair election sys tem is a major building blocks to establish a democratic norm in our political system. So all of the people of our country should expect an independent and sovereign election commission in our country which organization would be able to take any kings of decision regarding election independently.



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## Chapter 6

### **Bangladesh Election Commission: it's Independence and requirements for Democracy.**

#### **6.1 Introduction:**

Free and fair election is a basic requirement for the triumph of democracy and accordingly part VIII of the constitution of Bangladesh provides for free and fair election. The Election Commission (EC), headed by the Chief Election Commissioner (CEC) is endowed with the responsibility of supervising all the elements of an election. Art 119 of the Constitution vests the superintendence, direction and control of the preparation of the electoral rolls for the parliamentary elections and conduct of such election on the Election Commission. The Commission has to supervise, control and direct each and every step of the process to ensure free and fair election.

To ensure the impartiality of elections, The Constitution declares that the Election Commission shall be independent in the exercise of its functions and be subject only to the Constitution and any other law (118(4)).

But it is unfortunate that Bangladesh, after 35 years of independence has to experience a regime where the list containing the names of the voters is wrought with fallacy. Though disagreement over election results is common practice, never before has there been so much controversy regarding the electoral rolls prior to an election.

## **6.2 The issue of Election Commission in Bangladesh it's independent and Constitutional Provision.**

It is absurd for Election commission Chairman Independence should not be questioned as it has shown its impartiality at all times.

Claiming to be independent is one thing, but convincing the people through its conduct that it is independent and credible is a different kettle offish. Credibility must be earned by deeds rather than through public pronouncements.

It will take more than words to convince thinking Malaysians that the commission is a credible institution capable of ensuring free and fair elections. Numerous irregularities and abuses have been brought to the attention of the commission but its ability to tackle them has left much to be desired and has raised questions as to its credibility.

Our Constitution accordingly has provided for an independent body known as the Election Commission. (Art 118). The Election Commission consists of a Chief Election Commissioner and such number of their Election Commissioners as the president of the republic may direct.

The president appoints the Election Commissioners. When the Election Commission consists of more than one person, The Chief Election Commissioner acts as the Chairman of the Commission. The conditions of service of the Election Commissioners are determined by the order of the president. This provision may seem to be contradictory to the safeguarding of independence of the commission. The President being a political figure may affect the independence of the commission in the discharge of their duties. But in practice, this may not be possible for subsequent provision

which states that an Election Commissioner is not to be removed from his office except in like manner and on the like grounds as a judge of the Supreme Court.

### **6.3 Definition & Delimitation of Constitution**

#### **6.3(a) Definition of Independence:**

The state or condition of being free from dependence, subjection, or control. Political independence is the attribute of a nation or state which is entirely autonomous, and not subject to the government, control, or dictation of any exterior power.

#### **6.3(b) Independent:**

Not dependent; not subject to control, restriction, modification, or limitation from a given outside source.

#### **6.3(c) Definition of Election:**

##### **(6.3(d) Definition:**

(a) The act of selecting one or more from a greater number for an office.

(b) The exercise of his choice by a man left to his own free will to take or to do one thing or another. It is the obligation imposed upon a person to choose between two inconsistent or alternative rights or claims. Thus in *Scarf v. Jardine*, (1882)

(i) "Election" is when a man is left to his own free will to take or do one thing or another which he pleaseth" (*Termes de la Ley*). Thus, *Bauldwin C.J.*, puts this case," Home face lease reservant devaunt tiel feast unlimbered peppered saffron, ore deviant le fastest in le election del lessee quell de euxil voile pier"( *Dyer*, 18 a).

(ii) From this simple common law rule has been evolved the equitable doctrine of election, of which the leading case is *Streatfield v. Streatfield* (1 White & Tudor, 416), and which doctrine, as stated at the beginning of White & Tudor's notes to that case, is this "Election is the obligation imposed upon a party to choose between two inconsistent, or alternative, rights or claims, in cases where there is a clear intention of the person from whom he derives one that he should not enjoy both. Every case of election, therefore, presupposes a plurality of gifts or rights, with an intention, expressed or implied, of the party who has a right to control one or both that one should be a substitute for the other.

The party who is to take has a choice, but he cannot enjoy the benefit of both. Election Commissioners are commissioners appointed by the Crown on the joint address or both houses of parliament to inquire into the report made by judges on the trial of an election petition (q.v.) that corrupt and illegal practices took place on an extensive scale at an election. The commissioners report to the parliament, whereupon the constituency may be disfranchised by statute or by refusal of the House of Commons to issue a writ.

(1) Elections may be defined as political process through which the people choose their representatives for their political institutions.

(2) Election means an election-

(a) In which all parties participate;

(b) Whose outcome is broadly accepted as legitimate and accurate.

(c) Where violence and intimidation do not keep people from voting or expressing their opinion;

(d) Where minorities are not singled out for persecution;

(e) Where the playing field is more or less even [= leveled]; and

(f) Where electoral process meets the international standards of fair play and is consistent with the constitution and other laws of the land.

## **6.4 Delimitation of Constituencies:**

### **6.4(a) i. Delimitation Commission/Officers:-**

For the delimitation of constituencies for election to national and local bodies, a delimitation commission is usually appointed at the national level. In the case of the demarcation of wards for local councils, the task is usually entrusted to Delimitation Officers appointed by the Election Authority.

### **ii. Principles for delimitation:-**

The principles which are usually kept in view in the demarcation of constituencies or wards are:

(a) Due regard should be had to administrative convenience. This means that constituencies should be demarcated within the framework of the administrative units such as districts, municipalities, local areas, etc.

(b) Each constituency should be a compact area. This means that the area under a constituency should be continuous and contiguous.

(c) Due regard should be had to geographical factors. This means that in the framing of constituencies such natural barriers as rivers, mountains, major canals, major roads etc. should not be crossed. It is necessary that facilities of communications should be kept in view in the framing of constituencies.

(d) The distribution of population among the constituencies should be uniform. This means that the population comprised in each constituency should as far as possible be uniform, subject to minor marginal variations.

(e) Each constituency should be homogeneous. This means that the demarcation of constituencies should be done with due regard to the character of population. As far as possible areas where people have common interests should be grouped in one constituency.

## **6.5 Establishment of Election Commission:**

According to Art. 118 constitution of Bangladesh. There shall be an Election Commission for Bangladesh consisting of a Chief Election Commissioner

and such number of the other Election Commissioners, if any, as the president may from time to time direct, and the appointment of the Chief Election Commissioner and other Election Commissioners (if any) shall, subject to the provisions of any law made in that behalf, be made by the President.

(2) When the Election Commission consists of more than person, the Chief Election Commissioner shall act as the chairman thereof.

(3) Subject to the provisions of this Constitution the term of office of an Election Commissioner shall be five years from the date on which he enters upon his office, and-

(a) A person who has held office as Chief Election Commissioner shall not be eligible for appointment in the service of the Republic;

(b) Any other Election Commissioner shall, on ceasing to hold office as such, be eligible for appointment as Chief Election Commissioner but shall not be otherwise, eligible for appointment in the service of the Republic.

(4) The Election Commission shall be independent in the exercise of its functions and subject only to this Constitution and any other law.

(5) Subject to the provisions of any law made by parliament, the conditions of service of Election Commissioners shall be such as the President may, by order, determine:

Provide that an Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of the Supreme Court.

(6) An Election Commissioner may resign his office by writing under his hand addressed to the president.

### **6.6 Functions of Election Commission:**

The Constitution vests the superintendence, direction and control of the preparation of the preparation of the electoral rolls for the presidential and



parliamentary elections and conduct of such elections in the election Commission. The Commission is required to hold the presidential and parliamentary elections, delimit the constituencies of parliamentary elections and to prepare electoral rolls for the presidential and parliamentary elections in accordance with the Constitution and any law passed by parliament in this regard. [Art. 19(1)] Election is a long, elaborate and complicated process which starts with the notification for holding the elections and ends with the declaration of the result of polling in the manner prescribed by law.<sup>2</sup>[Shah Alam v Mujibul Haq, 41 DLR(AD) 68; Mohinder Singh V. Chief Election Commissioner, AIR1978 SC851].The Commission has to supervise, control and direct each and every step of the process to ensure free and fair election and the commission must be deemed to have all the power and discretion to ensure free and fair election as that is the manifest intent of the Constitution in providing for the Commission. Parliament may by law regulate the exercise of the power by the commission, but such a law has to be in conformity with the Constitution and it cannot in any way curtail or diminish the effectiveness of the Commission in holding free and fair elections. In exercise of the power the Commission has two limitations-it must act in conformity with the Constitution and the laws validly made by Parliament and like all other functionaries of the Republic it must not act arbitrarily.

The Election Commission is a composite body and performs its functions as such. The Chief Election Commissioner, on his own, has only the discretion to postpone the holding of any bye-election under the proviso to art. 123(4) of the Constitution if he is of the opinion that it is not possible to hold the election within the specified period of ninety days for reasons of an act of God. Art.4 of the Representation of the People Order, 1972 provides that the Commission may authorize its Chairman or any of its members or any of its

officers to exercise and perform all or any of its powers and functions under the Order.

Thus the Chief Election Commissioner or any Election Commissioner or any officer of the Election Commission cannot perform any of the functions of the Commission unless he is so authorized by the Commission. The Chief Election Commissioner, being ill and going abroad, authorized an Election Commissioner to act as the Acting Chief Election Commissioner and the Election Commissioner decided a dispute relating to the allocation of election symbol. The Appellate Division held the decision to be *corum non judice* as in the absence of authorization by the Commission, The Election Commissioner was not competent to decide the dispute [Jatia Party v. Election Commission, 2001 Bid (AD) 10; Anwar Hossain v. Election Commission, 2001 BLD]. There no provision for an Acting Chief Election Commissioner either in the Constitution or in the representation of the people Order, 1972. Question arises as to whether the decision of the Commission in any matter has to be unanimous. The Indian Supreme Court answered in the negative stating that unless otherwise required by law, the decision of a multi- member body may be a decision of the majority members.

The provisions of art. 119 (1) are confined to the election of the president and the members of parliament. However, the Commission may be entrusted with the power and duty of conducting other elections by law made by parliament in the exercise of power given under art. 119 (2). Even though art. 119(2) does not speak of the supervisory power of the Commission, The Constitution does not envisage anything else than free and fair election and any law which stifles the hand of the Commission in ensuring free and fair election will not pass the test of constitutionality. It is for this reason that the

Appellate Division conceded the inherent power of the Commission to ensure free and fair election in the local government bodies even when r.68 of the Upazila Parishad (Election Rules) (same as r. 70 quoted above) was omitted. Later in *Altaf Hossain v. Abul Kashem* [45 DLR (AD) 53]<sup>9</sup> the Appellate Division took the view that the inherent power is to be exercised to supplement the statutory rules (and, of course, the constitution and the law made by) with the sole purpose of ensuring free and fair elections. Court observed-

This power is to be exercised with utmost restraint for frequent use of it is likely to render other statutory functionaries ineffective. It is rather difficult to draw a line of demarcation of the field where this should be exercised and where should not. But from the experience it is found that sometimes-statutory functionaries on the spot do not make timely report as to any disturbance during pool or large- scale rigging at the time of counting of ballot papers either through correction or from dishonest motive. So, the general rule that when the election has been held peacefully and no report has been made about any disturbance or rigging by the presiding Officer or the Returning Officer, then the Election Commission has no power to interfere, cannot be taken for universal application.

The superintendence, direction and control of the electoral rolls for elections to the office of president and to parliament, the conduct of such elections [and of election to the office of president,] shall, in vest in the Election Commission, which shall, in accordance with this Constitution and any other lay-

The Election Commission shall perform such functions, in addition to those specified in the forgoing clauses, as may be prescribed by this Constitution or by any other law.

### **6.7 Case References:**

Altaf Hussain vs Abul Kashem 45 DLR (AD) 53 inter alia that Election Commission's inherent power under the provision of superintendence, control and Direction should be construed to mean the power to supplement the statutory rules with the Sole purpose of ensuring free and fair election.

Afzal Hossain vs Chief Election Commissioner 45 DLR 255<sup>12</sup> inter alia that When the law is silent, not expressly providing as to what is to be done or not to be done in an election matter, the Election Commission has plenary power to act under Article 119, Which is the resevoir of power for it to ensure fair election.

Afzal Hossain vs Chief Election Commissioner and others 43 DLR 701 <sup>3</sup> inter alia that The Election Commission has over-all control in election matters and it shall be competent to Correct an apparent illegality or to remove misapprehension for the sake of fair Election.

### **6.8 Information on Bangladesh Electoral system**

Bangladesh achieved freedom on December 16, 1971 through a historic nine-month bloody war of liberation. Since independence, the people of the Republic have cast their votes directly.

Bangladesh started its journey with the Parliamentary System of Government, then switched over to the Presidential System and in 1991 reverted to the Parliamentary system.

According to Article 65 of the Constitution there is a Parliament (known as the House of the Nation) in which, subject to the provisions of the Constitution, the legislative powers of the Republic are vested.

Parliament consists of three hundred members elected in accordance with law from single-member territorial constituencies. There are thirty seats reserved exclusively for women members who are elected according to law by the members of Parliament. Parliament has tenure of 5 years unless dissolved sooner.

### **6.9 General Election of Members of Parliament:**

The general election of members of Parliament is held within ninety days after Parliament is dissolved, whether by reason of the expiration of its term or otherwise than by reason of such expiration.

### **6.10 Election Commission:**

According to Article 119 of the constitution the superintendence, direction and control of the preparation of the electoral rolls for elections to the office of President and to Parliament and The conduct of such elections vest in the Election Commission which shall, in accordance with this Constitution and any other law -

- (a) Hold elections to the office of President;
- (b) Hold elections of members of Parliament;
- (c) Delimit the constituencies for the purpose of elections to Parliament; and
- (d) Prepare electoral rolls for the purpose of elections to the office of

The term of office of the Election Commissioner is five years from the date on which he enters upon his office.

A person who has held office as Chief Election Commissioner is not eligible for appointment in the service of the Republic after his retirement. Any other Election Commissioner is, however, eligible for appointment as Chief Election Commissioner but is not otherwise eligible for appointment in the service of the Republic. Such provisions have been made in order to keep the

Election Commissioners free from any kind of temptation to secure any job after their official period. These are useful in maintaining the integrity of the Commissioners especially when they have to work under political forces.

The Election Commissioner is to be independent in the discharge of its functions. It is subject to the Constitution and any other law.

#### **6.11 President and to Parliament:**

The modes and procedures for holding elections to the members of Parliament are laid down in the Representation of the People Order, 1972, as amended in pursuance of law. Candidature for More Than one Constituency and Bar against Double Membership: No person may at the same time be a candidate for more than five constituencies. The Constitution also provides that no person shall at the same time be a Member of Parliament in respect of more than one Constituency. In the event of a person being elected for more than one Constituency, he shall vacate all other seats except one, as per procedure laid down in law.

#### **6.12 Electoral Roll:**

Article 121 of the Constitution provides that there shall be one electoral roll for each Constituency for the purposes of election to Parliament and no special electoral rolls shall be prepared so as to classify electors according to religion, race, caste or sex. Article 122 of the Constitution provides that the elections to Parliament shall be on the basis of adult franchise.

A person shall be entitled to be enrolled as elector on the electoral roll for a constituency delimited the purpose of election to Parliament, if he/she –

- (a) Is a citizen of Bangladesh
- (b) Is not less than eighteen years of age ;
- (c) Does not stand declared by a competent court to be of unsound mind; and

(d) Is or is deemed by law to be a resident of that constituency.

Sub-section (8) of section 7 of the Electoral Rolls Ordinance, 1982 also empowers the Election Commission to cause the electoral rolls to be re-grouped, if necessary, for the purpose of election to different elective offices. For the superintendence, direction and control of the preparation of the electoral rolls the procedures have been prescribed in the Electoral Rolls Ordinance, 1982.

### **6.13 Nomination:**

Any elector of a Constituency may propose or second for election to that constituency, the name of any person qualified to be a member under the Constitution and the Representation of the People order, 1972.

### **6.14 Deposit:**

No nomination paper is accepted unless-  
a sum of Taka five thousand is deposited in cash or in the Government treasury by the candidate or by any person on his behalf at the time of submission of nomination paper.

### **6.15 Election to the Office of President:**

The President of Bangladesh is, according to Article 48 of the Constitution, elected by the members of the Parliament in accordance with law.

The mode and procedures for holding election to the office of President are laid down in the Presidential Elections Act, 1991 and the Presidential Election Rules, 1991 made there under. The President holds office for a term of five years from the date on which he enters upon his office.

### **6.16 Local Body Elections:**

Article 59 of the Constitution the local Government in every administrative unit of the Republic shall be entrusted to bodies, composed of persons elected in accordance with law.

Existing laws and rules governing the conduct of elections to different local bodies empower the Election Commission to conduct the following local level elections:

- (a) Union Parishads (Union Councils)
- (b) City Corporations
- (c) Pourashavas (Municipal Committees)
- (d) Hill District Councils

Creation of some more local bodies is under active consideration of the present Government.

### **6.17 Election Management Body**

Article 118 of the Constitution provides for the establishment of an Election Commission for Bangladesh consisting of a Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time direct. The appointment of the Chief Election Commissioner and other Election Commissioners (if any) is made by the President.

When the Election Commission consists of more than one person, the Chief Election Commissioner is to act as its Chairman. Under the Constitution the term of office of any Election Commissioner is five years from the date on which he enters upon office. A person who has held office as Chief Election Commissioner is not eligible for appointment in the service of the Republic. Any other Election Commissioner is, on ceasing to hold such office, eligible



for appointment as Chief Election Commissioner, but is not eligible for appointment in the service of the Republic.

Powers of Election Commission (Article 118(4) and 126 of the Constitution, read with Article 4 of the Representation of the People Order, 1972):

The Election Commission is an independent constitutional body in the exercise of its functions and subject only to the Constitution and any other law. The Commission may authorize its Chairman or any of its members or any of its officers to exercise and perform all or any of its powers and functions under the law.

Article 126 of the Constitution and Articles 4 and 5 of the Representation of the People Order, 1972 provide that it shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions.

The Commission has the power to require any person or authority to perform such functions or render such assistance for the purpose of election as it may direct.

#### **6.18 Election Commission Secretariat:**

The Election Commission has a full-fledged Secretariat under it to render all assistance to, execute the decisions and orders of the Commission. A Secretary to the Government heads the Election Commission Secretariat.

#### **6.19 Functions of the Election Commission Secretariat:**

Assistance to the Election Commission for -

(a) Preparation of electoral rolls for use in all national and local bodies elections.

- (b) Delimitation of territorial constituencies for the purposes of election to Parliament.
- (c) Conduct of referendum and elections (including bye-election/re-election) to the office of President, Parliament, Paurashavas (Municipal Committees), City Corporations, Union Parishads (Union Councils) and Three Hill Districts Councils etc.
- (d) Reservation and allocation of symbols to political parties/candidates, when required;
- (e) Supervision of polling arrangements throughout the country on the eve of each election and appointment of polling personnel, namely: Returning Officers. Assistant Returning Officers, Presiding Officers, Assistant Presiding Officers and Polling Officers;
- (f) Printing and supply of ballot papers to all polling stations located all over the country;
- (g) Procurement of election materials including ingredients for the manufacture of indelible ink and their distribution amongst the polling stations;
- (h) Procurement, supply, storage and maintenance of ballot boxes throughout the Country;
- (i) Setting up of elaborate machinery throughout the country for collection and Dissemination of result of elections;
- (j) Consolidation of all election results and their formal publication in the official Gazette, as required by law;
- (k) Constitution of Tribunal for the disposal of election petitions and performance of such other functions in this regard as may be prescribed by any other law;
- (l) Framing and publicity pertaining to the elections and their implementation;

(m) Collection and compilation of election data for research, reference and records;

(n) Preparation and publication of comprehensive reports of all types of elections; (os) Regulation and control of officers and staff of the Election Commission Secretariat and its field establishment; (p) All laws on subjects allocated to it.

### **6.20 Field Offices:**

**(i) Divisional:** There are 5 Deputy Election Commissioners posted at 5 Divisional Headquarters. For the newly created Sylhet Division, arrangement for the posting of a Deputy Election Commissioner is in the process.

Functions of the Divisional Offices are to maintain liaison between the Election Commission Secretariat and the subordinate field level offices and to co-ordinate the work relating to conduct of all types of elections and registration of voters and preparation of electoral rolls including day to day amendment and correction in the list of electoral rolls and other matters as and when entrusted by the Election Commission.

**(ii) District:** There are 83 Election Offices in the 64 District Headquarters headed by District Election Officer.

**iii. Functions:** The District Election Officers carry out all work relating to registration of voters, printing of voters' list, management of national and local level elections, training of polling personnel and all logistical arrangements for elections. As an officer of the Election Commission, the District Election Officer renders all possible assistance to the Returning Officer and polling personnel with forms, packets, manuals, instructions and

supply of ballot boxes, electoral rolls, ballot papers and maintains all accounts for expenses incurred for different elections.

**iv. Thana set-up:** At the lowest tier of the field organization, there are Thana Election Officers in all thanas. The main functions of the Thana Election Officer are to assist divisional/district offices in the discharge of functions relating to elections. Returning Officers and Asstt.

### **6.21 Returning Officers:**

For all national and local level election, Returning Officers and Asst. Returning officers are appointed from among government officials by the Election Commission or by authorized officers of the Commission for conducting specified election. Presiding Officers and Polling Officers:

Within the constituency, Polling Stations, each generally having five polling booths, are organized in such a way that about four hundred voters can cast their votes at a booth between 8 a.m. and 4 p.m. on the polling day. Each polling station is headed by a Presiding Officer (PO) and each booth by an Assistant Presiding Officer (APO). Each APO is assisted by two Polling Officers. All these officials – POs, APOs and Polling Officers are drawn from government and non-government organizations, taking into account their experience, abilities, integrity and courage.

### **6.22 Budgetary provisions:**

The Election Commission has to plan its budget taking into account the prevailing situation in the country. In planning budget estimates, it has to examine, on the basis of long and practical experiences, the involvement of important activities together with minor but sensitive issues that are likely to take place during elections. Keeping in mind the constrained financial resources of the Government as well as neutrality of the Election Commission, the election budget is prepared. Training and orientation of

election officials, law-enforcing agencies, and polling agents have now a days become very much a part of the election process. Moreover for the motivation and orientation of voters to ensure peaceful and fair election there should be adequate publicity in the mass media, Radio and T.V. The Election Commission has to ensure adequate budgetary allocations for these activities.

Besides for preparation of electoral rolls throughout the country, the Commission has to plan its budget taking into account the costs of the administrative machinery at the central and field levels, deployment of enumerators, supervisors, assisting clerks, revising authorities, Assistant Registration Officers and Registration Officers, procurement and supply of materials, printing of different types of publications and training instructions, instructions, different types of forms for registration of voters etc.

### **6.23 Relations with the Parties and Media:**

The Election Commission maintains close contact and relations with all the political parties. On matters of election schedule, election process and overall arrangement for election, dialogue is initiated with all political parties. Discussion on issues relating to voter registration, preparation and updating of electoral rolls and allied matters is also conducted with political parties.

Maintenance of peace and order figures prominently in the discussions the Election Commission conducts with the political parties. Efforts are made to seek Co-operation and understanding to ensure prevention of terrorism and violence before, during And after the polls. The Election Code of Conduct formulated in consultation with the major Political parties is enforced on them for strict adherence, without any I, et-up or discrimination.

**6.24 The Election Commission, after detailed discussions with all political parties, undertakes various tasks for:**

- a. Updating the electoral rolls, setting up of polling stations, allocation of symbols to the political parties, preventing undesirable pre-poll activities by appointing Judicial Officers. In addition, vigilance and observation teams are set up at the grass root level to prevent pre-poll irregularities and untoward incidents.
- b. Creating confidence among the people through improvement of the overall law and order situation, enforcement of the Election Code of Conduct, voter education programmes through mass media including radio and TV, posters, rallies and by providing security cover, both stationery and mobile, on the polling day.
- c. Arranging participation of the political parties to observe the polling process, counting of votes, consolidation and declaration of results so as to make the entire polling process transparent to all.

The media play a vital role in publicizing various issues relating to election. The Election Commission carries on briefing of the media on regular basis so that people are informed of all developments. The Election Commission on priority basis attends to problems, difficulties and complaints, which are highlighted in the media, promptly.

The media also play an important role in educating the voters on the importance of their votes and also the need for their active participation in the electoral process. The Election Commission maintains close and regular contact with the media seeking co-operation for balanced, non-partisan news coverage and editorial views encouraged to offer constructive suggestions for improvement of the overall election environment and to express views impartially before and after the polling.

The Election Commission takes care to see that the state-owned newspapers and electronic media like radio and television provide balanced and objective news coverage of contesting political parties. In this behalf clear guidelines are prepared and issued for strict adherence, covering also speeches of the political party chiefs and interviews over radio and television. During the last election an innovative interview programme on TV called “SHOBINOYE JANTE CHAI” (May we know with due respect?) to which major political parties were invited to express their views on various national issues through a question-answers session attracted massive attention of the people and were widely acclaimed.

## **6.25 The Registration of Electors and the Electoral Roll:**

### **6.25(a) Responsibility of the Election Commission:**

Under the Constitution it is the mandatory responsibility of the Election Commission to prepare electoral rolls for the purpose of election to Parliament.

It is also the responsibility of the Election Commission to prepare such rolls for the purpose of election to the local bodies under relevant laws.

The Registration Officer (District Election Officer), under the direction, control and supervision of the Election Commission, obtains a statement in the prescribed form from each eligible voter who fulfils qualifying conditions. Every statement is required to be signed by or bear the thumb impression of the persons eligible for enrolment as voters. Each statement contains a certificate from the authorized person in the prescribed form to the effect that the statement made under law has been obtained after a personal visit to the house and also a certificate by the supervisor to the effect that the entries thereon have been verified and corrected after a house-to-house visit.

Eligibility for Registration A person shall be entitled to be enrolled as elector on the electoral roll for a constituency delimited the purpose of election to Parliament, if he/she –

- (a) is a citizen of Bangladesh ;
- (b) is not less than eighteen years of age ;
- (c) does not stand declared by a competent court to be of unsound mind; and
- (d) is or is deemed by law to be a resident of that constituency.

**6.25(b) Registration Process:**

The following are the steps in the registration:

- (1) A statement in the prescribed form is obtained by the enumerator from each eligible voter through house to house visit.
- (2) Each statement is verified by the supervisor who has to certify to the effect that the entries have been verified or corrected after house to house visit.
- (3) The draft electoral roll is thereafter prepared on the basis of the statements and published by the Registration Officer after verification of entries to the extent of at least ten percent through house to house visit by an authorized officer together with a notice inviting claims or objections. The period of lodging claims and objections is fifteen days.
- (4) Each claim or objection is to be addressed to the Revising Authority appointed by the Election Commission for this purpose and presented to the Revising Authority or the Registration Officer or the Assistant Registration Officer.
- (5) Notice for hearing of claims or objections is to be issued by the Revising Authority and served either personally or by post. Claims and objections will be heard and disposed of after considering verbal or written objections or holding inquiry or summary inquiry, if required.
- (6) The decision of the Revising Authority is final.



(7) The Registration Officer, after incorporating necessary changes in the draft electoral roll, publishes the final electoral roll in the prescribed manner.

Even after final publication of electoral rolls, there are provisions for amendments, i.e. correction, inclusion or deletion and revision of electoral rolls in the prescribed manner. Updating of the electoral rolls is thus a continuous process.

#### **6.25(c) Process for preparation and issuance of Identity Card to the voters:**

In 1994 an amendment was introduced in the relevant laws to the effect that no voter shall be given a ballot paper in the polling station, unless he is in possession of a valid identity card. Thereafter the Commission launched a scheme for issuance of identity cards.

When about one-third of the work was completed, the schedule for June 1996 election of Parliament was announced. As a result, the work for preparation of identity cards was suspended. The Election Commission has in the meantime prepared a revised scheme to complete the work so that identity cards can be issued to all voters before the next elections, and also used for multiple purposes.

#### **6.26 Improvement of the system of Registration:**

There are certain problems faced by the field level officials during the registration process namely – (i) non-availability of the dwellers in the proper place during working hours, (ii) lack of holding number in rural areas including some cases in urban areas, (iii) determination of age, (iv) changes of occupation and residence, (v) illiteracy, (vi) lack of identification of proper individuals and the like.

To explore the possibility of simplification of the existing registration system and to resolve the field problems, the Election Commission has planned to undertake an exercise in this behalf with the assistance of a consultant. In this process, the census mechanisms and existing linkages between local government, health department and other relevant governmental agencies, which are used for population, statistics and voter's list will be reviewed. Steps have also been taken in the meantime to simplify the registration form, which is considered to be complicated by some quarters. With a view to ensuring continuous updating process of registration, necessary proposals are also under consideration for computerized electoral database. Steps are also being taken for mass awareness and voter education which include workshops, motivation rallies, awareness campaign, producing and disseminating posters, leaflets, television and radio spots. Steps are also being taken for comprehensive training programmers, updating the Training of Trainers Manual, other manuals and strengthening the Election Commission.

### **6.27 Preparing for the Election (Parliament):**

Setting up administrative machinery: For preparing for the election, the Election Commission has to make all arrangements for setting up the administrative machinery in the Divisional, District and Thana Headquarters and to undertake activities, namely, delimitation of constituencies, preparation of electoral rolls and its updating, appointment of Returning Officers and Assistant Returning Officers and Assistant Returning Officers, setting up of polling stations, appointment of polling personnel, publication of notification specifying the different stages of election which are discussed in the following paragraphs.

### **6.28 Delimitation of Constituencies (Parliament):**

According to the provisions of section 8 of the Delimitation of Constituencies Ordinance, 1976, the Election Commission delimited the territorial constituencies and published the list of Constituencies on 30th May 1995. Since the law provides that delimitation of territorial constituencies is to be made upon the completion of each census for the purpose of general election to Parliament to be held following of each census, unless otherwise directed by the Commission for reasons to be recorded in writing, the delimitation of 300 constituencies published on 30th May, 1995 stands valid for use in the general election of Parliament held subsequently until the next census.

### **6.29 Preparation of electoral rolls:**

The electoral rolls prepared and published on 7th October 1995 were updated in accordance with the provisions of the relevant law for use in the Parliament election held on 12th June, 1996, and the by-elections held subsequently.

### **6.30 Appointment of Returning Officers and Assistant Returning Officers:**

For the purpose of election of a Member of a Constituency, the Commission appoints a Returning Officer for each constituency. A person may also be appointed as Returning Officer for two or more constituencies. The Commission may appoint as many Assistant Returning Officers as may be necessary. Traditionally DCs (Deputy Commissioner) and TNOs (Thana Nirbahi Officer) are appointed as ROs (Returning Officer) and AROs (Assistant Returning Officer) respectively. It may be said that according to law a person may not be appointed as Assistant Returning Officer for more than one constituency.

It is the duty of a Returning Officer to do all such acts and things as may be necessary for effectively conducting an election in accordance with the laws and the rules. Subject to the superintendence, direction and control of the Commission, the Returning Officer supervises all works within his jurisdiction in the district in connection with the conduct of election and also performs such other duties as may be entrusted to him by the Commission.

### **6.31 Setting up of Polling Stations:**

The Returning Officer, before such time as the Commission may fix, submits to the Commission a list of Polling stations, needed to be provided in a constituency. The Commission may make such alterations in the said list of polling stations as it may consider necessary and is required, at least fifteen days before the polling day, to publish in the official Gazette the final list of Polling stations specifying the area the electors will be entitled to vote at each polling station.

The Polling station must be set up in a public building with facilities for secret casting of votes for an average of 2500 voters and under no circumstances it should be housed in a place within the influence of any candidate or political party. Peace and order inside the polling station is a necessary prerequisite for fair election. Easy dispatch of election materials to the polling station, arrangement for their safe and proper storage, easy movement of the polling personnel, convenience of voters, sufficient accommodation, etc. also determine the selection of a polling station. A Polling station has usually five booths.

### **6.32 Appointment of Presiding Officer, Assistant Presiding Officer and Polling Officer:**

The Returning Officer, by a notice in writing, requires all heads of Offices, institutions and establishments, whether Government or non-government, in the district, to provide him with a list of their officers and employees of such grade as he may specify for the preparation of a Panel of Presiding Officers, Assistant Presiding Officers and Polling Officers from among them. After preparation of the panel, the Returning Officer sends a copy thereof to the heads of all the offices, institutions and establishments whose officers and employees are included in the Panel with the request to place the services of these officers and employees at the disposal of the Commission for use for election purposes and also forwards a copy of the Panel to the Commission.

The Returning Officer appoints from the Panel for each polling station a Presiding Officer and such number of Assistant Presiding Officers and Polling Officers to assist the Presiding Officers, as the Returning Officer may consider necessary.

The Election Commission directs the Returning Officer to select such honest, impartial and courageous officers and employees as polling personnel who can tackle odd situations and are capable of maintaining peace and order at the polling stations.

The Presiding Officer conducts the poll in accordance with laws and rules and is responsible for maintaining order at the polling station and also reports to the Returning Officer any fact or incident which may, in his opinion, affect the fairness of poll.

### **6.33 Training of Polling Personnel:**

Since holding of a free, fair and impartial election depends to a great extent on the efficiency of the polling officials, the Election Commission conducts training to make polling officials conversant with the electoral laws and regulations, need for their total neutrality and effective enforcement of laws. The Electoral Training Institute has been set up to train polling officials, Political workers; media etc. especially on election related laws and allied issues. Training courses are also conducted at divisional, district and thana levels. Moreover, the training institute provides facilities for training regarding voting system. Prohibited acts during the elections, election offences concerning candidates, election agents, polling agents, political activists and voters and also procedures to be followed by the members of law enforcing agencies during election.

### **6.34 Supply of Electoral Roll (Parliament):**

The Election Commission provides the Returning Officer for each Constituency with Copies of electoral rolls for the constituency.

The Returning Officer provides the Presiding Officer of each polling station with copies of electoral rolls containing the names of the electors entitled to vote at that polling station.

### **6.35 Calling upon the electors to elect a member from each constituency and issue of election programmed (Parliament):**

For the purpose of holding election for constituting Parliament, the Commission holds dialogue with the political parties for the election schedule and by notification in the official Gazette calls upon the electors to elect a member from each constituency and specifies, in relation to each constituency, the following in the notification:

- a day on or before which the nomination of candidates may be filed ;
- a day or days for the scrutiny of nomination papers.
- a day on or before which candidature may be withdrawn.
- a day, at least fifteen days after the withdrawal day, for the taking of poll.

### **6.36 Disposal of Appeal Against the order of Rejection of Nomination Paper:**

After the date fixed for scrutiny is over, the Commission has to dispose of all appeals filed against the orders of rejection of nomination papers and pass necessary orders as quickly as possible before the time fixed for withdrawal of candidature. There is no provision in the law for appeal against acceptance of nomination.

### **6.37 Allocation of Symbols to the Candidates Nominated by Political Parties:**

Allocation of symbols to the candidates nominated by the political parties is an important as well as a sensitive task for the Election Commission. Article 20 of the Representation of the People Order, 1972 provides that in case there are more contesting candidates than one in respect of any constituency, the Returning Officer is required to allocate, subject to any direction of the Election Commission, one of the prescribed symbols to each contesting candidate. In order that the candidates of one political party can use a common symbol in more than one constituency, the Election Commission invites the political parties to indicate their choice.

After hearing the representatives of the political parties at a meeting arranged by the Election Commission fixed for the purpose and considering the past practices, the Election Commission allocates the symbols to the political parties from the list of symbols as mentioned in rule 9(1) of the conduct of

Election Rules, 1972. On this basis the candidates nominated by the political parties can use a common symbol. Following the decision of the Election Commission, the Returning

Officer allocates the elections symbols to the candidates nominated by the Political parties. Other symbols as mentioned in rule 9(1) of the Conduct of Elections Rules, the Returning Officers allocate 1972 to the independent candidates having regard to any preference indicated by the candidates.

### **6.38 Procurement and distribution of Election Materials:**

The task of printing and procurement, of election materials and their distribution to 25000 polling stations is a colossal one, entailing close attention of the Election Commission. It is made sure that these reach the Polling Stations at least the day before the polling so that polling can start on time at 8.00 hours in the morning.

### **6.39 VOTER AWARENESS**

#### **6.39(a) Before Poll:**

The Returning Officer provides each Presiding Officer with necessary ballot boxes of such material and the Commission approves design as. Not more than one ballot box is used at a time for the purpose of the poll at any polling booth.

#### **6.39(b) Poll:**

At least half an hour before the time fixed for the commencement of the poll, the Presiding Officer is required to ensure that every ballot box to be used is empty, show the empty ballot box to the contesting candidates and their election agents and polling agents whoever may be present, close and seal the ballot box and place the ballot box so as to be conveniently accessible to



the elector — visible to all present in the booth – officials and election or polling agents as may be present. Every elector will mark his ballot paper in secret before the same is folded and inserted in the ballot box by the elector himself.

The Presiding Officer regulates the number of electors to be admitted to the polling station at a time and excludes from the polling station all other persons except those connected with the polling.

The Presiding Officer is responsible for keeping order at the polling station so that an elector can exercise his free will to cast his vote at the polling station.

Where an elector presents himself at the polling station to vote, the Presiding Officer shall, after satisfying himself about his identity, issue to him a ballot paper after giving him a personal mark made with indelible ink on his thumb or any other finger of either hand, placing a mark on the electoral roll against the number and name of the elector to indicate that a ballot paper has been issued to him and recording the elector's number and procuring signature of the elector on the counter foils of electoral roll and ballot paper respectively .

The elector, on receiving the ballot paper, shall forthwith proceed to the place reserved for marking the ballot paper, put the prescribed mark on the ballot paper at any place within the space containing the name and symbol of the contesting candidate for whom he wishes to vote and after he has so marked, fold the ballot paper and insert it in the ballot box. He has to do the whole thing at the quickest speed.

If a person representing himself to be an elector applies for a ballot paper when another person has already represented himself to be that elector and has voted under the name of the person so applying, he shall be entitled to receive a ballot paper which is called a tendered ballot paper. The Presiding Officer maintains separate accounts of tendered and challenged votes and also spoilt ballot papers as per law.

The polling time is generally 0800 -1600hrs local time. No person is allowed entry into the polling station enclosure after 1600hrs.

**6.39(c) Counting of Votes:**

Immediately after the close of the poll with the casting of vote by the last voter of the day, the Presiding Officer, in the presence of such of the contesting candidates, election agents and polling agents as may be present, proceeds with the count of votes.

The Presiding Officer gives such of the contesting candidates, election agents and polling agents as may be present, reasonable facility of observing the count and gives them such information with respect thereto as can be given consistent with the orderly conduct of the count and the discharge of his duties in connection therewith.

Under the law no person other than the Presiding Officer, the Polling Officer, any other person on duty in connection with the poll, the contesting candidates, their election agents and polling agents are to be present at the count. However, authorized observers are allowed by the Election Commission to observe the count as a special dispensation. The Presiding Officer shall open the used ballot box or ballot boxes and count the entire lot of ballot papers taken out there from in presence of these persons.

The valid ballot papers cast in favor of each contesting candidate are preserved in separate packets. The Presiding Officer, immediately after the count, prepares a statement of the count and if so requested by any candidate or election agent or polling agent present, gives him a certified copy of the statement of the count and the ballot paper account.

The Presiding Officer puts in good order all records of the poll and sends them to the Returning officer immediately.

The Returning Officer is required to give the contesting candidates and their election agents a notice in writing of the day, time and place for the consolidation of the results and, in the presence of such of the contesting candidates and election agents as may be present, consolidate in the prescribed manner the results of the count furnished by the Presiding Officer, including therein, the postal ballots received by him before the time aforesaid.

**Recount:** The Returning Officer shall recount the valid ballot papers in respect of any polling station if the count by the Presiding Officer is challenged in writing by a contesting candidate or his election agent and the Returning Officer is satisfied about the reasonableness of the challenge or he is directed so to do by the Commission.

Where, after consolidation of the results or the count, it is found that there is equality of votes between two or more contesting candidates and the addition of one vote for one such candidate would entitle him to be declared elected, the Returning Officer shall forthwith draw a lot in respect of such candidates and the candidate on whom the lot falls shall be deemed to have received the highest number of votes entitling him to be declared elected. The lot shall be drawn in the presence of such of the contesting candidates and their election agents as may be present.

The Returning Officer shall, after obtaining the result of the count or of the draw of the lot declare by public notice the contesting candidate who has or is deemed to have received the highest number of votes to be elected. The Commission is required as per law to publish in the official gazette the name of the returned candidate.

The Returning Officer shall supply duly attested copies of the consolidated statement and the return of election to such of the candidates and their election agents as may desire to have them.

#### **6.40 Party Agents and Election Observers:**

There is provision in Bangladesh election laws for appointment of Election Agents and Polling Agents to act on behalf of candidates.

##### **6.40 (a) Election Agents:**

The Election Agent of each candidate is entitled to visit the polling station and observe the poll. There is only one Election Agent for each candidate. The candidate must submit prior written notice to the Returning Officer containing particulars of his election agent.

##### **6.40 (b) Polling Agents:**

Each candidate may appoint up to two polling agents to be present and to observe polling at each polling station. However, if the station has more than one booth, the candidates are entitled to have up to five polling agents for the station.

##### **6.40 (c) Election Observers:**

While there is no specific provision of law allowing election monitoring or observation, the Election Commission has adopted a very liberal policy of

entertaining local/International Observers to observe all elections conducted by the Commission.

The following facilitator guidelines have been drawn up by the Election Commission for both foreign and local observers willing to observe the elections.

**6.40 (d) Role of the Observers:**

The observers may watch activities prior to polling day and observe actual polling including count of votes on the Election Day.

It may be noted that on the election day (a) the observers may only observe the proceedings in the polling station and shall not participate in activities like campaign, voting, counting etc.; (b) they will not interfere with any of the election activities going on at the polling station; (c) announcement of any result of voting of a center or constituency must not be done by the observers/observer groups; (d) the observers are to be completely neutral and non-partisan and are required to satisfy the Election Commission on this.

**6.40 (e) Foreign Observers:**

(1) Foreign Observers (FO) who like to observe polling in Bangladesh may get in touch with concerned Bangladesh Embassy abroad.

(2) FOs on arrival in Bangladesh are advised to enlist their names with the Ministry of Foreign Affairs (MOFA) to obtain necessary assistance from the assistance cell in the MOFA.

(3) During their stay in Bangladesh they (FO) are to remain fully responsible for their board, lodging and transport.

(4) FOs are issued appropriate accreditation cards. Local Observers:

(1) Such Observers shall not be supporters of any political party and shall not do anything covertly or overtly, which may compromise the quality of

the election. Election Commission /Returning Officers reserve the right to cancel permission in cases of violation.

(2) Such Observers are to obtain clearance individually or in a group from the Election Commission/Returning Officers, as decided by the Election Commission.

**6.40 (f) Requirements:**

(1) All observers are expected to inform the Election Commission of the district/locations they want to visit during polling, so that the District Administration may assist them during the visit. They may be required to obtain IDs from the Returning Officer after having furnished the names and other particulars of the observers to be fielded. The Returning Officer of any Electoral area will have the authority to deny issue of ID to any Observer group if the Returning Officer is not satisfied with their antecedents.

(2) While in the districts they are advised to act in accordance with the advice of the Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer, as the case may be, and to refrain from doing things, which may disrupt poll proceedings.

(3) At any given time not more than one Observer (Local and Foreign) may enter inside a polling centre to avoid crowding and to facilitate the entry of others who may be waiting outside. A Presiding Officer/Asstt. Presiding Officer may ask any observer to withdraw from the center at any time if he thinks that the observer's presence may prejudice the voting in the centre.

(4) During their visit to the polling centers the observers are to abide by all the legal and administrative requirements of the Presiding Officer/Asstt. Presiding Officer.

(5) It is expected that a copy of the written report by the Observer Group will be given to the Election Commission soon after the conclusion of the poll.

#### **6.40 (g) Pre-poll Activities by Observer Groups:**

Observer Groups are encouraged to carry out at their own cost voter education programme, TV programmes, rallies etc. to encourage people to participate in the poll. Such activities are to be completely non-partisan, unbiased and free from any religious, local or sectarian prejudice.

#### **6.40 (h) Journalists:**

Journalists willing to observe the polling are also covered by these guidelines.

The participation of large number of observers – national and international in 1991 and June 1996 general elections improved transparency of the process of conducting the national election and added to their credibility and political acceptance.

#### **6.41 Code of Conduct, Prevention of pre-poll Irregularities and Election Petitions:**

##### **6.41 (a) The code of conduct:**

To avoid malpractice and manipulation of any kind in the election process to ensure free and fair election, the Election Commission has, under article 92B of the Representation of the People Order, 1972, formulated the Code of Conduct for the observance of political parties and the contesting candidates.

The salient features of the Code of Conduct are the following:

a) Ban on subscription, donation etc. to any institution. Following the announcement of the election schedule till the day of polling, no candidate or any person on his behalf shall, openly or in secret, give any subscription or donation, or make promise for giving such subscription or donation, to any institution of their concerned constituency or to any other institution, nor shall commit to undertake any development project within the concerned constituency.

b) Use of Government accommodation like Circuit Houses, rest houses:

All parties and candidates shall be given equal rights for using government rest house and circuit house on the basis of the application first made and in accordance with the existing rules for using of same. But the government officers engaged in the conduct of the election shall get preference to use Government dak-bungalows, rest houses and circuit houses.

**6.41 (b) Election campaign:**

All political parties and candidates shall be given equal rights with respect to election campaign. Meetings, processions and election campaigns of the opponent shall be disrupted.

d) Other activities include ban on use of any thoroughfare creating hindrances to the movement of the public, use of government media, government officers, and employees' vehicles Or other state facilities, pasting of posters, leaflets or handbills over those of rival candidates, setting up camps on any road or places meant for use of the public, use of government rest houses, circuit house as a place of election campaign, use of printed paper imported from outside the country and use of multi-colored posters, use of number of microphones at a time, damage of land, building, movable or immovable properties of any citizen, wall writings, use motor cycle or any other mechanical transport or any other mechanical transport, carrying of fire arms or explosives within the premises of a polling station, illegal interference of government officers or local influential persons in the election process, procession of buses, trucks or any other vehicles or torch procession, any bitter and provocative statement and any such statement that may hurt the sentiments of the followers of any religion, crossing of limits of election expenses, influences of money, arms, muscle power or local influence.



**6.41 (c) Pre-poll irregularities:**

Violation of any provision of these rules shall be considered as pre-poll irregularities. Pre-poll period, as defined in the rules, means the period commencing on the announcement of the election schedule and ending on the declaration of election results.

**6.44 Prevention of pre-poll irregularities:****6.42 (a) Establishment of Electoral Enquiry Committee:**

Any person or political party aggrieved by such violation may apply to the Electoral Enquiry Committee or Election Commission seeking redress. If the applications filed with the Election Commission is found by the Commission is tenable, it shall send the same to the concerned Electoral Enquiry Committee for investigation. In both cases, the Electoral Enquiry Committee, after making any investigation as per law shall submit its recommendation to the Commission.

**6.42 (b) Formation of Electoral Enquiry Committee:**

The Election Commission is empowered by article 91A of the Representation of the People Order, 1972 to establish a Committee to be known as Electoral Enquiry Committee with the judicial officers.

**6.42 (c) Functions of the Electoral Enquiry Committee:**

The Committee shall on the basis of information received or complaints made to it or on its own initiative, inquires into any matter or situation or any pre-poll irregularity including any situation or matter, which, in its opinion, may involve, by any person whosoever, as act or omission constituting intimidation, obstruction, coercion, or the publication of false information, or any other act or omission intended to or actually resulting in the obstruction of frustration of the preparation for, or the conduct of, free and fair election.

#### **6.42 (d) Post-Poll Appraisal:**

Post-election appraisal provides an opportunity to learn from experience and take measures for improvement so that the goal of holding free and fair elections is better achieved.

The general elections of June'96 were organized by the newly reconstituted Election Commission in the context of a unique political experiment initiated by the 13<sup>th</sup> amendment of the Constitution. The amendment provides for setting up a limited-purpose non-party caretaker government whose principal function is to provide assistance to the Election Commission to hold free and fair elections.

The intense political environment of the time subjected every aspect of election management activity of the Election Commission to searching scrutiny and demanding standards of performance. As a result, the views expressed by political parties, voters, local and international poll observers, the press and the media on the quality of the election have been well documented.

These provided the Election Commission with a fair view of public assessment of the total operation and a sound basis for conducting in-house appraisal of different aspects of election management.

The reactions reviewed by the Election Commission ranged from general appraisal of the Election Commission's overall management to specific aspects of the election process. As a result, certain issues have been identified as needing further scrutiny and immediate action.

A number of by-elections held since then provided the Election Commission with the opportunity to introduce steps for operational improvement: like

appointing a substantially large number of security personnel including female .Ansars (an auxiliary force) to supplement the existing arrangements for the maintenance of peace and order in and around the polling stations, and the appointment of senior govt. officers from outside the Election Commission Secretariat to work as election observers etc.

Secondly, to expedite disposal of election petitions (which until now are heard by District Judges along with their other judicial functions), Election Tribunals at all the 6 Divisional headquarters have been set up. These Courts are headed by judicial officers of the level of a 'District Judge. Their sole and exclusive function is to try election petitions arising out of election disputes. 64 elections petitions were submitted by contestants in the June'96 elections, out of which 6 could be disposed of by the district courts so far. The constitution of exclusive tribunals to deal with elections petitions are expected to expedite the disposal of the pending cases.

Thirdly, the Commission has also taken up in right earnest the issue of improving the voter registration method. Views of political parties, election observers, human rights groups and eminent lawyers etc. have been sought for simplification of the existing registration form and dialogues have been initiated with different interest-groups. A broader review of voter registration in the light of practice in other countries is to be conducted by a subject-matter specialist. The Election Commission proposes to hold a series of workshops for exchange of opinion to help it evolve broader understanding and support for an improved voter registration system. Fourthly, a working committee has been set up to look into the question of registration of expatriate Bangladeshis as voters. There is considerable public interest in the subject and the issue had received prominence during the last general elections.

Fifthly, the Election Commission has recently completed a review of its project for issue of voter ID cards. The law of the land requires the commission to issue such cards to each voter. The possibility of setting up a computerized data base is also under active consideration.

The Commission feels that there is need and scope for improvement of the election management system as a whole to reflect intense democratic aspirations of the people. There is also a recognition that a lot can be learnt from the experience of other countries. With that end in view, the Commission sent two study teams recently to some countries in south and Southeast Asia. The interaction will continue. The Commission has recently constituted an Electoral Reforms Committee to look into possibilities of introducing further reforms. The terms are wide-ranging.

#### **6.43 Elections Organized by the Election Commission Just After Independence of Bangladesh**

Bangladesh achieved freedom on December 16, 1971 through a historic nine-month bloody war of liberation. Since independence, the people of the Republic have cast their votes directly in the following elections organized by the Bangladesh Election Commission:

a. The National Level Elections:

(i) Parliamentary Elections held in 1973, 1979, 1986, 1988, 1991 , 1996-Feb, 1996-June, 2001 , 2008 and 2014

(ii) 3 Presidential Elections held in 1978, 1981 and 1986.

(iii) 3 Referendums held in 1977, 1985 and 1991 and

b. The Local Bodies Elections:

(i) Union Parishads (Union Councils) Elections in 1973, 1977, 1983-84, 1988. 1992 and 1997.2002.

(ii) City Corporations Elections.

(iii) Pourashava or Municipality Elections held.

(v) Upazila Parishads Elections .

Voter awareness is an important factor to conduct an election in a free, fair and impartial manner. Willingness of the eligible persons to be registered as voters and their participation in the voting process are important ingredients for a sound democratic process. Right from enumeration work for registration of voters to the time of casting of votes at the Polling station, efforts are made to make people aware of their right of franchise and the importance of the exercise of this right. The Election Commission undertakes voter education programs on democracy and various aspects of election through different news media, cinema slides, Radio and TV. The Mass Communication media, Department of Films and Publications also play significant roles to educate voters on their right of franchise and the Method of casting votes. The Election Commission also arranges through the Divisional and District authorities including Thana administration meetings/rallies with the electorate, Representatives of political parties, local elite and people of all walks of life for creating Awareness about democracy, the right and value of franchise. The public awareness campaign also includes a series of poster campaigns. Rallies and processions are organized to mobilize public support for free and fair elections. Local volunteers also organize special events like folk songs and drama. Non-government organizations are also encouraged by the Election Commission to conduct voter education programmers with the materials (posters, slides, films etc.) developed by them highlighting the importance of vote, the right of the voter, functions of the legislature, responsibilities of the elected representatives to the electorate etc.

The underlying idea of voter awareness programmes is to ensure large-scale participation of citizens in the choice of their representatives so that establishment of a representative and responsible government is ensured.

#### **6.44 Genders and the Electoral Process:**

Nearly fifty percent of the total population in the country is women. It is, therefore, essential that they participate in large numbers in the electoral process.

In the electoral process, persons irrespective of gender status can contest the elections for general seat in the Parliament and also elections to local bodies

Besides, there are reserved seats for women candidates in the Parliamentary as well as local level elections. But women participation in the electoral process has been found to be discouraged by a number of factors. Conservative women feel hesitant to meet male registration personnel and be photographed for Voter ID Card due to social and religious restrictions. Potential violence and absence of convenient transportation system, especially in the rural areas, also discourage women from participating in the electoral process.

For the convenience of women voters, electoral rolls are prepared separately for them and separate polling booths are set up in the polling centers. Women polling personnel are Generally appointed to help women voters go about meeting voting formalities in the polling station. Deployment of women security personnel and magistrates in and around the polling centers are preferred, so that women voters can cast their votes without intimidation, fear and hindrance. Extensive voter education programme for large-scale female participation is also conducted. All these steps have resulted in noticeably large turnout of women voters in large numbers.

What is needed to attain their extensive participation in exercising suffrage is to motivate them adequately through education while creating a reassuring environment in which female voters can come to the polling station and cast their vote without intimidation and fear. Whether the present system of reservation of 45 seats for women in the Parliament should be continued in its present form or some other suitable system should be introduced needs to be reviewed.

The Bangladesh Election Commission is putting in considerable efforts in making the existing election process effective and smooth. In a bid to cope with the changing circumstances and to familiarize the election officials, political activities and voters with the election process, the Election Commission has established one Electoral Training Institute In Dhaka. Since election process involves complex functions and procedures it is necessary that the election personnel take extensive training in performing their task properly and effectively. This applies also to voters and political activists so that they also share similar knowledge about election procedures. The objectives of such specialized training are:

- To create an efficient electoral management system.
- To provide training facilities for the polling personnel.
- To educate the polling agents and political activists.
- To make the voters aware about their civil, political and franchise rights.

So far training programs have been conducted on the methods and procedures of voter registration, up-dating the electoral rolls of election, election offences, pre-poll irregularities, duties and responsibilities of the polling personnel, role<sup>^</sup> of Judicial officials of Electoral Enquiry Committees, duties and responsibilities of law enforcing agencies, the requirement and the use of different forms, packets and materials at the polling station, conducting polls, franchise rights and role of the voters, role

of observers, role of political activists in ensuring fair election, process of counting of votes, preparation of ballot paper account, statement of counts and consolidation of results etc.

The Election Commission arranges several training programs for training of the polling personnel on election process centrally at the Electoral Training Institute in Dhaka as well as at Divisional, District and Thana head quarters. Separate handbooks and manuals on election process for the guidance of the Returning Officers, Presiding and Assistant Presiding Officers, Polling Officers etc. are also prepared and distributed under the direction of the Election Commission.

Extensive use of the mass media including Radio & TV has been made in relaying voter education message through radio spots, documentaries, and short films etc.

The Election Commission Secretariat already houses several stand-alone PCs. Several Projects are underway to equip the secretariat with modern powerful computers which will be connected to the computers located in all districts of Bangladesh. Upon successful completion of such countrywide network, the Election Commission Secretariat will be able to train all district election personnel through this network. The Electoral Training Institute which already uses some of its computers for preparing training materials will be able to send training manuals electronically to all district office computers.

#### **6.45 Functioning Election Commission (India):**

(1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to parliament and to the



Legislature of every State and of elections to the offices of president and Vice-president held under this Constitution<sup>13\*\*\*</sup> shall be vested in a Commission (referred to in this Constitution as the Election Commission)

(2) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the president may from time to time fix and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to the provisions of any law made in that the President makes behalf by parliament.

(3) When any other Election Commissioner is so appointed the Chief Election Commissioner shall act as the Chairman of the Election Commission.

(4) Before each general election to the House of the people and to the Legislative Assembly of each State, and before the first general election and thereafter before each biennial election to the Legislative Council of each State having such Council, the President may also appoint after consultation with the Election Commission such Regional Commissioners as he may consider necessary to assist the Election Commission in the performance of the functions conferred on the Commission by clause (1).

(5) The President, or the Governor of a state, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1).

## **6.46 Electoral Reforms:**

### **6.46 (a) Necessity of electoral reforms:-**

The necessity of electoral reforms in Bangladesh arises because of the following consideration:

(a) Our experience since independence has shown that the present system has failed to deliver goods. The system has been negative and disruptive in character. We should have a system which should be positive and integrative in character, and which should aid in the process of the building up of a strong and effective body politic.

(b) The present system is not in conformity with the political theory of democracy itself with the result that it produces a perverted form of democracy. We should have a system, which should aid the process of genuine democracy.

(c) The present system is based on secular thought. Every political system must necessarily have an electoral mechanism of its own.

#### **6.46 (b) Essential points for electoral reforms:-**

In working out any scheme of electoral reforms, the followings essential pre-requisites have to be kept in view:

(a) We should not have a system hereunder the electorate come to life only on the Election Day and thereafter become dormant; the electorate should remain active and alive all the time.

(b) We should have a system where under the nation should be poised and every-ready for elections and elections could be held at a moment's notice.

(c) We should have a system; hereunder elections do not involve any additional financial burden.

(d) we should have a system which is simple to work, and is free from technicalities beyond the comprehension of the common man.

(e) We should have a system, which should be immune to such evils as personating, corrupt practices and other illegalities.

(f) We should have a system where under election is a self-propelling process, and no interference of any outside agency is called for.

(h) We should have a system, which does not engender any heat or give rise to any election dispute.

(i) We should have a system where under the returned candidate has to maintain contract with the electorate throughout his term of office.

(j) We should have a system where the aspects that are essential to every democratic election or the points that are crucial to ensuring public confidence in an election are prevalent. Some of these universally accepted and respected aspects or points are:

(i) a level playing field,

(ii) a peaceful environment,

(iii) a trusted Election Commission,

(iv) an assurance that all eligible voters can cast their ballots freely,

(v) an honest and impartial voting, counting and tabulation process.

#### **6.47 Functioning Election Commission of India:**

(1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to parliament and to the Legislature of every State and of elections to the offices of president and Vice-president held under this Constitution shall be vested in a Commission (referred to in this Constitution as the Election Commission) [The words "including the appointment of election tribunals for the decision of doubts and disputes arising out of or in connection with elections to parliament and to the Legislatures of States" omitted by the Constitution (Nineteenth Amendment) Act, 1966,

(2) The Election Commission shall consist of the Chief Election Commissioner and such number of other Election Commissioners, if any, as the president may from time to time fix and the appointment of the Chief Election Commissioner and other Election Commissioners shall, subject to

the provisions of any law made in that behalf by parliament be made by the president.

(3) When any other Election Commissioner is so appointed the Chief Election Commissioner shall act as the Chairman of the Election Commission.

#### **6.48 Political (Electoral) Reforms Needed:**

Corruption will be one day. However, one may try to conceal it; and the public can as it is its right and duty, in every case of justifiable suspicion, call its servants to strict account, dismiss them, sue them in a law court or appoint an arbitrator or inspector to scrutinize their conduct, as it likes.

Mahatma Gandhi in *Young India*, on 7 November 1925

I heard Swami Swami Ramanathanand of the Ramakrishna Mission, Hyderabad, perhaps the greatest living philosopher saint in India, addressing Rotarians in Cuttack, Orissa, about fifteen years ago. He was heard with rapt attention in pindrop silence. He said that in India we have neither a food crisis nor a power crisis, nor an economic crisis, but only a single crisis, a crisis of 'character'. Years later on 16 May 1998 while inaugurating a seminar on 'Towards Good Governance' organized by the Voters Forum Foundation of India at New Delhi, the swami said, 'what India urgently requires today is a regeneration process where power would be used for the people's welfare. This can happen only when the intellect is made to shine better through spiritual development. Referring to the concept 'rajarsi' in the Bhagwad Gita, the swami said:

A collector a clerk, a police constable, a police constable, a schoolteacher and every other type of social functionary, all handle some power or the other and even a little spiritual growth will make them use that power to serve the people better. This is the meaning of combination of raja' and "Risk" in one – sagely within and kingly without.

He maintained that all corruption comes from indulging the senses and that this had degenerated over the past fifty years. The attitude of the people was different in 1947, he said, suggesting that the old values can still be regained by inculcating spiritual education in modern educational system without linking it to any particular religion. He observed people who wield power must become great friends of the people. The Gita deals with a work-centred philosophy as it deals with 'man at work'. The swami made an impassioned appeal to the people to imbibe the qualities renunciation and service, which, according to Swami Vivekananda, were India's national ideals.

The issue of election funding which even countries like the United States are concerned about. Suggestions like those state funding of elections and lifting the ban on donations to political parties need urgent consideration. The recent raising of the ceiling on election expenses for the Lok Sabha to fifteen lakhs has been a step in the right direction, and this needs to be further rationalized.

However, no degree of electoral reforms will be able to cleanse our political life unless there are stringent laws to prevent persons known to be corrupt, mafia, and other antisocial elements from entering Parliament and the legislatures, and even panchayat bodies. The present Representation of the People's Act of 1951, Sec. 8(1) & (2) has proved to be inadequate for this purpose. Under this section, a person stands disqualified from seeking election if he has been convicted in a criminal case. The election commission has clarified, and rightly so that the qualification will prevail even if an appeal against the conviction of the person is pending in a higher court. The Election Commission has also given figures relating to the large number of legislators and MPs who are facing criminal charges such as those of murder, rape, and other such heinous offences. Then there are 'history

sheeters'. The commission has rightly said that 'No law breakers should be law makers'. The problem is how we are to distinguish 'hardened' or real criminals from those facing false and motivated criminal charges brought against them by the parties in power for political reasons. There are also instances of politicians facing criminal charges for acts arising out of participation in political agitations.

In the proposals announced by the Election Commission in July 1998, it has been suggested that persons charge sheeted for offences punishable with imprisonment for five or more years should be disqualified from contesting. This may not, however, provide sufficient safeguards against false prosecutions or prosecutions arising out of legitimate political agitations. This is an area that needs to be thoroughly examined by an expert body like the law commission. One safeguard could be of a provision that disqualification will result only if a competent court of law has taken cognizance of the offences on the basis of prima facie evidence. Also, the law can clearly define and set apart offences arising out of political agitations, and may include only heinous crimes like murder, rape, etc., or charges of corruption in which cognizance by the court has been taken on the basis of prima facie evidence.

Also some of the police reforms that are under the active consideration of the Supreme Court once implemented may contribute substantially in ensuring fair and honest investigation of criminal cases. This would be a very effective safeguard against motivated and false cases being foisted on political opponents by the ruling party or parties.

And what about the Election Commission? They also need to do quite a lot of introspection. They failed, at least in Bihar, to keep their assurance of a fair poll during the Lok Sabha elections in 1998. After retirement from

police service in December 1995, I joined the Samata Party under the leadership of George Fernandes in October 1996. From the very outset he made it clear that I should select a constituency and seek election to the Lok Sabha. I decided to contest from my home – constituency Madhepura in Bihar from where two giants, Laloo Prasad Yadav, president, RJD, and sitting MP Sharad Yadav, president, Jananta Dal, also filed nomination papers. Notwithstanding the constituency being a known stronghold of the Jananta/ RJD, I thought I could provide a third alternative.

What I saw, however, was anything but a fair election. The Election Commission declared it a ‘super sensitive’ constituency, where every booth was to be guarded by central armed police. In actuality there were any number of polling booths without even a single policeman. In full view of central observers, there was open loot and rigging. A day before the poll, some prominent persons, in four vehicles, with firearms, moved from one selected village to another, terrorizing the public and asking them to vote in favour of a particular candidate. Not leaving the matter to chance, they followed it up the next day with rigging and booth capturing. All this was after I had personally rung the Election Commission in New Delhi, the Union home secretary, the Central observer, the state home secretary, and all concerned from Madhepura during the night preceding the polling day, seeking intervention to prevent booth capturing. The Union home secretary took same steps, but with hardly any results. Unless there is presidential rule in states prior to polling, which the Election Commission has suggested recently, there is nothing much that the Home Ministry can do.

#### **6.49 Conclusion.**

At the end of my paper I will conclude by giving some messages to those who do not yet received or perceived it by any means what so ever. The message is:

The elections should be organized and conducted by an agency, which is impartial, and independent; fully skilled in the task entrusted to it, and immune to any political pressure or influence. For the conduct of elections it is necessary that the law under which elections are held should be comprehensive and foolproof and should provide a framework where under free and fair elections can be held, and the changes of the elections being vitiated by corrupt. The election should be contested in a sportsmanlike spirit within the discipline of the election law.

On the basis of discussion in the paper we can say that this paper has tried to focus the gaps odds and errors remaining at Election Commission regarding the real and perfect independence with hopes and aspirations of the common people. So there should be a whole approves to remove the existing knots of the Election Commission.



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## *Chapter 7*

### **Free and fair parliamentary election and it's necessity and way-out**

#### **7.1 Introduction:**

Article 11 of Bangladesh Constitution states that “The Republic shall be a democracy...” Democracy invariably requires the consent of the people, obtained through elections. Thus, elections are very essential initial steps for democracy, although they are not the only steps. In fact, elections are necessary but not sufficient conditions for democracy. Elections must be held at all administrative levels to ensure people’s rule in all spheres of the society. However, the mere holding of elections of the legislature and local government bodies is not enough for democracy to flourish and function effectively — elections must be free, fair and meaningful. Free and fair elections obviously require that citizens have unhindered rights, subject to law, and are free to choose other citizens to represent them and act in their interests. As Justice H.R. Khanna, in the famous *Indira Nehru Gandhi vs. Raj Narayan* case argued in the Indian context, the principle of free and fair election is an essential postulate of democracy which in turn is a part of the basic structure of the Constitution of India [AIR (1975) SC 2299].

Elections are meaningful only when they create opportunities for individuals who are honest, clean and dedicated — dedicated to people’s wellbeing. Such opportunities arise only when there are clear disclosure requirements by candidates, adequate scrutiny of the disclosed information and the empowerment of voters with the scrutinized information. The Indian Supreme Court, in *PUCL and others vs. Government of India* [(2003) 4 SCC] even went a step further and observed that elections are not even free and fair unless the antecedents of candidates are known and the voters have

the opportunity to make meaningful choices in casting votes. But, which way are free, fair and meaningful elections? What conditions must be fulfilled for such elections? Do those conditions prevail in Bangladesh for the next Parliament elections? The prerequisites for free, fair and meaningful elections are: (a) an appropriate legal framework, (b) an effective election authority, (c) neutrality of the government during elections, (d) cooperation of the political parties, and (e) activism of the civil society. The Parliament through its legislative action and the Judiciary through its interventions also play important roles for making, or not making, elections credible, peaceful and meaningful.

## **7.2 Appropriate Legal Framework**

Free, fair and meaningful elections require an appropriate set of electoral laws covering the entire process of election. The purpose of such a legal framework is to create an environment in which the electorate can choose their representatives by the exercise of their free will without any hindrance, pressure and undue influences from any quarter. The environment must also be conducive to making meaningful choices by the voters. The legal framework includes both constitutional provisions and statutory requirements. Article 65 of Bangladesh Constitution requires the establishment of a Parliament and Article 66 lays down the qualifications and disqualifications of candidates running for Parliamentary elections. The Fifteenth Amendment of the Constitution, enacted in June 2011, provides for Parliamentary elections to be held under the government of the day — i.e., a party-based government – and during the 90 days prior to the expiry of the Parliament. In addition, it restrains the authority of the Judiciary to intervene in Parliamentary elections after the election schedule is declared by the Election Commission.

Statutory laws must extend full protection to the electorate against any fear, fraud, misrepresentation or other undesirable practices which may be indulged by or on behalf of the candidates in elections. They must insulate elections from the undue influences of money, muscle and other inducements. Electoral laws must contain an equal and just demarcation of constituencies, the principle of one person-one vote, the secrecy of voting, a just procedure for casting votes, and for counting and the declaration of election results. Such laws must also provide unfettered freedom to every person, who is qualified to offer himself as a candidate for election, and allow him to campaign freely, subject to the conditions of law. In particular, the statutory laws must have detailed provisions for: preparation, update and maintenance of the electoral roll; qualifications and disqualifications of candidates and elected representatives; disclosure of antecedents of candidates; nomination, scrutiny and withdrawal of candidates; registration of political parties and election symbols; poll procedures, counting and recounting; corrupt practices and other electoral offences; election expenses; and adjudication of election disputes etc.

In Bangladesh, the major laws relating to elections include: The Representation of People Order, 1972 (RPO), The Electoral Roll Act, 2009, The Delimitation of Constituencies Ordinance, 1976. There are also laws that govern the election of local government bodies. In addition, the legal framework includes various rules and codes of conduct.

These electoral laws of Bangladesh were updated and amended during the tenure of the last CTG. Many laws especially the ones relating to Parliamentary elections, were later ratified by the Ninth Parliament. They have some very useful provisions, namely the requirement of disclosures of the antecedents of candidates, the registration of political parties, an

independent secretariat for the Election Commission and so on. However, they lack some provisions that are conducive to free, fair and meaningful elections.

One such exception is the provision preventing candidates who are unsuccessful in getting the nomination of registered political parties from contesting as independent candidates. This restriction on so-called rebel candidates reduces the number of candidates in elections, narrowing the range of choice for voters, which is not healthy for democracy. More seriously, it imposes the absolute hegemony of the two major political parties — rather two families — over our political system. Such dynastic rule, mimicking monarchy, makes our political system stagnant as there is little room for talented outsiders to reach the top. Another limitation of the RPO is that its provisions are unable to prevent the widespread use of money to buy nominations as well as elections, causing the biggest threat to the fairness of our electoral process. Such use of money in elections, more importantly, has turned the profession of politics in our country into a profitable “business” instead of a public service, undermining the very foundations of our democratic system. In fact, we now have in our country, the “best democracy money can buy”. In the interest of making future elections meaningful, the RPO needs to be amended and also vigorously enforced.

A third weakness of the RPO is the disclosure requirements. The existing format used for disclosure of antecedents is unsatisfactory and its enforcement is lax at best. In order to make elections meaningful, we therefore need to revise the disclosure format to elicit more relevant and comparable information and verify their authenticity to prevent concealing or providing misleading information.

It may be noted in this connection that the Ninth Parliament has a number of members who concealed information in their affidavits regarding their antecedents, which should have disqualified them to run for election; they are also ineligible to continue as MPs. There are also MPs who have become disqualified to hold their office because of their engaging in business with the government. The RPO needs to be amended to make it easier to get rid of such lawmakers who have become lawbreakers.

In addition, the RPO must require filing the nomination online so that the disclosed information can be processed quickly to prepare comparative statements for distribution among voters on time.

Although the statutory provisions have some very positive aspects, the same cannot be said about the existing constitutional provisions, namely the Fifteenth Amendment. More on it later.

### **7.3 An Independent Election Authority**

The holding of elections must be assigned to an independent authority that can function impartially and be free from pressures from the party in power or executives of the day. In Bangladesh, the Election Commission, a constitutional body, is entrusted with the responsibility of holding elections. The Bangladesh Constitution grants independence, including financial independence of the EC, although because of bureaucratic procedures, it is not always easy for the EC to exert its financial independence. The Bangladesh Supreme Court also, in *Altaf Hossain vs. Abul Kashem* [45 DLR (AD)(1993)] recognizes the EC's almost absolute power, even the power to add to statutory rules, to ensure free and fair elections. In addition, during the tenure of the last CTG, the secretariat of the EC was delinked from the Prime Minister's secretariat and made independent.

Even though the EC has the constitutional and statutory mandate to function independently, whether or not it can do so depends on the quality of people making up the Commission. Many citizens have serious concerns about the manner in which the EC was reconstituted about a year ago and the neutrality of some of the Commissioners.

The opposition 18-party alliance has already expressed its non-confidence in the present Commission. Thus, to ensure that the elections to the Tenth Parliament are held in a free and fair manner, a law needs to be enacted in the Parliament, as mandated by Article 118 of the Constitution, and a consensus reached with the opposition about the reconstitution of the present EC. Free, fair and meaningful elections also require that the election disputes are resolved fairly and expeditiously. In Bangladesh, the judiciary is given the final authority to adjudicate election disputes. But past experiences show that such disputes are seldom resolved expeditiously, and many times the five-year life of the Parliament expires before decisions are made by the Court. Thus, the law must mandate the setting up of an adequate number of High Court benches to ensure the quick disposal of election related litigation.

Neutrality of the Government:

Article 126 of our Constitution mandates that “it shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions.” However, party-based governments during elections are not always responsive to this requirement, as free and fair elections may not be in their best self-interest. We have seen that happen over and over again in our country.

In Bangladesh, political parties also manipulate elections. It is not thus surprising that historically ruling parties have always returned to power when elections were held under party-based government. On the other hand,

it is not also surprising that parties in power always lost when elections were held under a CTG. Thus there seems to be an undeniable link between a neutral government during elections, and a more level playing field for all competitors. Since 1991 we have had a system of neutral government during national elections (except for the February 1996 elections) which helped the election results ultimately gain widespread acceptability. A national consensus, involving all segments of the society, also emerged in favour of continuing the system. However, using the pretext of a short order of the Appellate Division of the Bangladesh Supreme Court declaring the CTG as unconstitutional, the present government removed it from the Constitution, despite the Court's observation that the Parliament, in consideration of greater national interest, could keep the system in place for another two terms.

The opposition political parties have already declared its intention to boycott the next Parliamentary elections unless the CTG is reinstated, putting our democratic system at risk of collapse once more. The present government's insistence on holding the next Parliamentary elections under a party-based interim government and before the expiry of the terms of the Parliament, is likely to lead to tainted elections, especially in view of the increasing "partisanism" in bureaucracy and law enforcement agencies. In fact, the partisan functionaries will have strong incentives to ensure that their patrons return to power as they would otherwise lose their patronage and even face the "music" for their current wrongdoings. Thus, it is highly likely that the next general elections would be manipulated without even blinking of the eyes of the top political leadership of the present regime. One way the successive CTGs ensured fair elections in the past was that during elections they replaced the partisan functionaries and created an environment conducive for all to function in a neutral manner.



### Cooperation of the Political Parties:

Historically, even in America, political parties were considered to be evil as they fostered factionalism. However, over the years they turned out to be engines of democracy. In fact, experiences show that democracy cannot sustain and take deep roots without political parties that are democratic, transparent and accountable. Even free, fair and meaningful elections are not possible without the support and cooperation of political parties. If political parties are bent upon winning elections at any cost, engage in monnoyonbanijya (i.e., nomination trade), buy votes with money or other favours, resort to violence or otherwise engage in corrupt practices, it is very difficult, if not impossible, for an independent Election Commission to hold free, fair and credible elections. In a country like ours where graft and corruption are rampant and institutions of accountability are weak or non-functional, winning an election means winning a sort of “lease” to loot and plunder during the next five years. This obviously creates strong incentives to win elections by hook or by crook. In such a situation, political parties act more like syndicates promoting the interests not of the masses, but of the few.

The opportunities to reap such undue benefits creates strong incentives for political parties, especially the ruling party to rig elections and do everything possible to keep the competitors away from power. Such unhealthy competition fosters a culture of intolerance, confrontation and even repression of political opponents, preventing the creation of a tradition of multi-party democracy, characterized by tolerance and mutual respect and cooperation in our country. In this process, our major political parties have largely become conduits for politicizing crime, sometimes criminalizing politics and even sources of violence. They have also become dens of dynastic politics and cronyism. They use money and muscle to get their

candidates elected. They do not even abide by electoral laws. Thus, our present criminalized political culture, with despotic bosses and non-transparent political parties, is not conducive to free, fair and meaningful elections. Political parties are not also likely to cooperate with each other for such elections.

#### **7.4 Civil Society Activism**

Civil society, as distinct from the political society and private businesses, plays a significant role in making democracy function effectively. As the old adage goes, even freedom is not free, it requires the eternal vigilance of citizens. In free societies, civil society performs an all important watchdog role. In fact, the more vigorous civil society is in expressing dissent, the freer and more democratic the larger society is. In Bangladesh, civil society has traditionally played the “election monitoring” role. During the autocratic Ershad regime, when elections were largely voter less due to intimidation and violence sanctioned by authorities or other forms of manipulation exercised in and around the polling centers, such election-day observation of voting was critically important. However, with the advent of the neutral Caretaker Government, the so-called election monitoring as a means of ensuring free and fair elections has become much less important. In fact, during the last two decades, monitoring the democratic system from appropriateness of the legal framework, to the behaviour of the functionaries, to political parties have become more important for ensuring free, fair and meaningful elections. For example, SHUJAN — Citizens for Good Governance — has been playing such a role over the past decade.

However, during the elected governments of the last two decades, there have been deliberate efforts by successive governments to make the civil society weaker. One such effort has been to dole out patronages to successfully

create partisan divisions within civil society groups, such as teachers, lawyers, doctors, journalists, cultural personalities and other professional groups. In recent years, there has also been various forms of overt and covert intimidation and other attempts to shrink the space of civil society. Thus, it is unlikely that the civil society would be able to play its due role to make the coming election free, fair and meaningful. To conclude, it is clear that a true and effective democratic system, which is our constitutional mandate, requires free, fair and meaningful elections.

Prerequisites for such elections are: an appropriate legal framework, an effective Election Commission, a neutral government during elections, cooperation of the political parties, and activism of the civil society. While the existing legal framework has some positive provisions, it is far from satisfactory for ensuring free, fair and meaningful elections. Despite having an independent secretariat, the neutrality and effectiveness of the present EC is highly in question. The aggressive efforts of successive governments to promote partisan behavior of the bureaucracy and law enforcement agencies has also destroyed the neutrality of our functionaries. Our political parties, devoid of internal democracy, transparency and accountability, have become dens of criminal elements and act like syndicates. Civil society has also been weakening and its space has been shrinking over the past few years. Thus, one can hardly conclude from the foregoing that an enabling environment prevails in Bangladesh for the next general elections to be credible and meaningful.

### **7.5 Case Study-1**

The notion of free and fair election has been used in the literature since the early days of democracy . “One of the pillar of democracy is that the members of a group or community are allow to make their choice of the

electorate is at the hurt of democratic values , in a vital that , favour or influence of anything but the free will of a person making the choice . It is the responsibility of the state to protect the right of all it's citizen"<sup>1</sup>. No other citizen or the group of citizens ,organizations, institutions can be allowed to interference with it. Let alone interfering with their right of free choice or obstructing them while exercising that right, the state is rather obliged to up hold it. The notion of free and fair election carries a special meaning in politics, specially in a democratic system. It is used as an adjectives to describe the credibility of election. Whether an election free and fair means whether the voters were allowed to exercise their franchise in an environment free from all kinds of pressure, intimidation, obstruction, influence, force, coercion, violence, or any means that could unduly influence their decision to vote or to cast their votes for a particular candidate. Free and fair also encompass the way an election administered by the authorities. The whole process involve in an election falls within it's scope. Each stage of the election process should be in accordance with the law or in accordance with past precedents and must be transparent.

Therefore, because of difference in culture, tradition, relatively shorter history democratic practice, the meaning of the free and fair election in context of Bangladesh would be the same as the West. What then, does free and fair election in Bangladesh? The answer in not simple .A free and fair election in context of Bangladesh, referees to an election, which is not necessarily flawless, not free from all irregularities or not absolutely perfect.

1. The 13<sup>th</sup> Amendment as New Chapter IIA is inserted in the Bangladesh Constitution adding Articles 58D, 58E, 58F; by the president Article 61.

However , an election, which is free from relatively major irregularities or where the irregularities were not systemic and did not alter the out come of the election , could be termed free and fair as long as the observed result grossly reflect the with of the electorate ,irregularities are random and not sponsored by the state .

“Given the short history of practicing democracy, illiteracy of the people, inadequacy of infrastructure ,weakness of the political and constitutional institution ,the slandered acceptable for an election to be termed free and fair would be invariably different from that in countries with countries of established democratic norm and values”<sup>2</sup>.

As an independent country Bangladesh is crossing it’s age forty four walking on the path of democracy. But it can not show a stable political environment in the issue of peaceful handover of political system as well as a free, fair and no partisan election which is the major indicator to establish the norms and values of democracy. Major political parties (AL, BNP) are highly engaged in conflict in the issue of every national election after their failures and making a satisfaction only claiming the Election Commission of Bangladesh. “So the election commission is liable or not in the issue if free, fair and nonpartisan general election it is a burning question to people of our country”<sup>3</sup>. In this regard, the independence of Bangladesh Election Commission is a major concern of my research study.

2.The report of commission on global governance: Our global neighbourhood. Oxford university Press.1995.p.2

3.Barker,P.1993” Space , Time and Space Time and Society” Sociological Inquiry ,63.

### **7.5 (a) Case Study-2**

The 10<sup>th</sup> parliament election took place in Bangladesh on 5 January, under the current Awami League government. This election was boycotted by the main opposition parties and criticism in the international community has been equally intense but the election went ahead as announced. The pathetic outcome has pushed Bangladesh to further division. “The main snapshots of the election is as follows, more that 150 seats have been won by the governing party even before the election and a single vote was cast, uncontested, less that 10% of the total voters came out to vote in the elections blowing a huge

And gaping hole at the democratic process (through Bangladesh government claimed that around 40% vote casted in the election), in the many polling stations there were no voters at all. People simple stayed at home, in some police stations a record number of votes have been cast even though there were no real voters ever visiting the station. The ghost votes were stuffed in the ballot boxes under the watchful eye of the official and security personnel”<sup>1</sup>. A few Awami League Leaders and members have caught red handed fraudulently voting. This is nothing new for the governing party, they have a culture of corruption and lies embedded at every level of their party. Nearly 20 people have been killed in the violence related to election, several polling stations have been burned and presiding officer beaten up.

The pitiful sate of democracy looks more precarious and this diabolical election will only further polarize people. “The most interaction part of the election was Indian’s naked intervention in almost every point of our

election. Renowned Indian Journalist Kuldip Nayer recognized the role of India played regarding Bangladesh and had some constructive advice for the Indian Government. In his recent Article ‘Pointless polls in Bangladesh’ (published on January 24, 2014) he wrote “New Delhi should have played a conciliatory role”<sup>2</sup> . Initially it did but it is now seen partisan the anti-Indian feeling is spreading and the Hindu population, nearly 8 million is feeling the heat. If at all India had to show preference, it should support a person like Kamal Hussain, the first foreign minister of Bangladesh and Noble Prize Winner Yunus, to provide the third front.

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1.Haq. M. and Haq. K,1998,Human Development in South Asia, 1998, Karachi, Oxford UniversityLtd.

2.Howard J and J Holander. 19993, Marking Time ,Sociological Inquiry 63(4),425-4427

The Bangladesh media's role in election was also condemned from any corners since many of them are sponsored and implementing government agenda through their media weapon. The misconception and misrepresentation of the speech about famous personalities appears as a regular phenomenon. "The recent part of it is that about the attendance of the US ambassador Dam Mozena, the EU ambassador William Hanna and other at the swearing ceremony of the newly elected ministers"<sup>3</sup> . Some went on to say as to construe it as change of position on the acceptance of elections from the Us and others. The US ambassador said "from our perspective we are not convicted that the result are a credible reflection of the will of the people" On the other hand , Us does not accept the election as a credible and has not changed its official position .The EU ambassador reiterated along the same line of talk. Both wished to see the new elections that would be credible .Clearly there is no shift of in position.

The local media twisted the word so much that it lost its meaning and purpose. Is it too hard for the mediums to convey the true side of the story that America is not happy about the elections? Democracy is the geopolitical interest of America, nothing new about that Why can't Bangladesh hold an election that is acceptable to the world should be the main concern, Not why the world should accept the election as it is.

Interesting enough, after the election AL has been desperately looking for the way to show to its followers and the Bangladeshi population that they have needed got recognition from the locals as well as the international



community for the recent election win. This recognition is very important factor considering the culture and historical context of Bangladesh and the consequences related to this factors are far-reaching. “The factor provides the necessary legitimacy to sustain the day to day political maneuvering .It gives the local politicians a psychological edge. People tend to support a party on the basis of the parties affiliations with powerful entities.”<sup>4</sup> The news of the Chinese greeting to prime minister Sheik Hasina sent a shock wave among the BNP supporters. The are demoralized to an alarming degree. As China was seen as a true friend of BNP through thick or thin, almost to the extent of a “force” they rely on and take shelter in when there is a storm.

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3. IMF Staff Country Report No. 00/25,2000. Bangladesh: Recent Economic Development International Monetary Fund: Washington D.C

4. Khan JilurRahman R. 1997. " Bangladesh's Experiments with parliamentary Democracy. Asian Survey. Vol. 37

AL supporters boasted on that news to break the morale of the BNP supporters. As BNP was already being hardly bruised, there came the press statements from the Mary Harf of the U.S Department of State at the daily press briefing where she mentioned that the US would work with the government of Bangladesh with a reservation on the election issue.

Clearly to the Americans, the statement was meant to convey to the Bangladeshis that the US would continue to express its disappointment over the election and remind the Bangladeshi counterparts about the need for a new elections. Obviously, as AL is running the government (whether elected properly or not, but in control of the government) the US needs to keep dealing with it without damaging the US Bangladesh bilateral relationship regardless of the disagreement both parties have on the elections matter. "The willingness to the work with the government means the US's relationship with the State will be intact even when it disagree on matters with the Government of Bangladesh."<sup>5</sup> That is the diplomatic norm. Quoting the daily star, Dhaka "Asked whether the USA will recognize the government, Harf said well that's not exactly how it works. We obviously work with governments who are elected but, in regards to this elections themselves, we have already made clear our disappointment with the elections."

Nonetheless, this news and other relating to the press brief have already been manipulated by means of careful word choices and interpretations and utilized with current political wit by the AL and the supporting media and

press to break the morale of an already demoralize. “Statements like these were taken out of context by the AL supporting media and press as well as the politician to show to the Bangladesh that America has negligible reservation about the election and that, the issue of disagreement on elections would go away in a short time they seem to be playing disingenuous and slick game of having worldwide recognition to legitimize AL’s election win in the local political scene.”

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5.Laddex ,D. 1993 The time of our lives ,” Social Science Information 29,693-724

6.Needhan J. 1995 Science and Civilization in China . Cambridge, Cambridge University Press.

“The US alter issued carefully crafted counter statesman to the manipulations. When the media against twisted the US view after the meeting between Nisha Deshai Biswalabd Akramul Kader, Bangladesh Ambassador to US”<sup>7</sup>. The politics of Bangladesh is of a “ Feudalistic” kind, any official word can be taken out of context and used to further particular political or hegemonic objective ,which man contradict the US objective.

If we look at Bangladesh newspapers and media both in Bengali and English medium, the headlines of the news items were something to the effect of US to work with Hasina government which had a political spin of tone that tried to sway the people to believe that US is slowly moving toward a truce with Hasina and will not be a hindrance to the running of the current government. They go further into hinting (not explicit , rather implicit) that the US had no their choice but to work with Sheik Hasina A crude was of characterizing would be that the US has bowed down to Sheik “Hasina’s iron will even through , it could be quite amusing to the Americans, but hereon the ground , that is how the people are manipulated to keep control of the political situation .As long the perception of Sheik Hasina as an iron hand continue to persist among the common mass, it is the much easier for the government to continue its oppression on the opposition and the control the rise of the dissenting voice. “The international media has severely criticized the farcical election and put the blame on the ruling party and the authoritarian nature of it. Elen Barry of New York Times outlines the true political situation of Bangladesh with a swearing in of a new parliament that does not include the

Bangladesh Nationalist Party”<sup>8</sup>. Mrs. Hasina will effectively introduce one-party rule in Bangladesh. No way to discard the assessment.

In a write up published at the national interest magazine rightly pointed out that Bangladesh is facing one of the worst time in its history. Widespread corruption in all sphere of life , lack of personal and economic security and other have affected the life in Bangladesh and the root cause so the dysfunctional to non existence democracy evidenced by the recent election where the political manipulation reached to the criminal level and the vast majority of the voters were left out of the election process. The growth figure do not tell the real history of Bangladesh. The country is suffering from an array of problems which can be solved by the practice of democratic principles.

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7.Reischer, G. 1994 Zeit and Polik Badeb- Badeb Nomos.

8.Schendler, A and J. Santiso1998.” Democracy and Time : An Invention. International Political Science Review.Vol-19.

The US need to engage the more rigorously with the state of Bangladesh to help restore sanity and democratic principles. A much closer look is very much warranted now”<sup>9</sup>. Good to seen a Bangladeshi writer covering some basic aspects of the current situation of Bangladesh although the problems are very much complex” .The US should definitely revisit its foreign policy and necessary adjustment that would give more emphasis on Bangladesh and take urgent steps before the situation spirals out of control and we see lots of signs of it already.

Meanwhile, the U.K parliament (House of Commons) held a debate regarding the recent election in Bangladesh. The members of the parliament and the ministers of state, foreign and Commonwealth Office have taken a strong stance on the need for the democracy to continue and expressed their willingness to exert pressure on Bangladesh.

The EU also passed a resolution which actually went in favor of the Government activities to some extents. Mir Rashedul Hasan from USA writes in the Asia Times about the EU resolution on Bangladesh. He raised several questions about EU’s resolution like how cans a victim of regime brutality became extremist and a perpetrator of violence? And how can socio-religious movement Hefazat put in some bracket as political parties? “The write up says that thousand of miles away EU Parliament members deliberated their observations and calls but who were their source of information? People invited to speak at the EU were highly biased”<sup>10</sup>.

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9.The world Bank and Bangladesh Centre for Advance Studies. 2000.Dhaka University Press Limited.

10.UNDP.1999. Human Development Report 1999. New York: Oxford University Press.

It is customary that accused given a chance to present their case. Was Jamaat-E-Islam or Hefazat given chance to present their position before being labeled extremist ? No. Instead of elite secular class parleying with EU ambassador , were allowed to induct their fabricated version into the EU resolution. “The EU needs to do some real soul searching on who are victims and who are the extremist. The EU has a clear motivation to maintain a stable environment in Bangladesh”<sup>11</sup>. – already made garments trade that benefits EU consumers. But prepared is the EU to engage with the Bangladeshi people beyond its urban elites. And secular class?

The overuse of the word dialogue carries a different connotation in the minds of the sophisticated and diplomatic circles in America. But America must understand that the counterpart it is dealing with playing from the different plateau. Altogether (village politics of Bangladesh). America, out of its good wishes for the people of Bangladesh, has taken a much congenial attitude. The spirit of the US’s reaching out to Bangladesh with logical argument about the need for dialogue is being constructed as sign of weakness.

Under watch of the Sheik Hasian Bangladesh has seen the highest amount of human rights abuse and the largest number of arbitrary arrests , political assassination , abduction, disappearance and destruction. “The core issue in Bangladesh today is people’s democratic right to elect their government in free and fair manner as well as credible election”<sup>12</sup>. So the message is very clear that the existing government is facing its public mandate crisis for the

absence of mass participatory election due to the sovereignty and independence of Bangladesh Election Commission.

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11. ERD: Flow of External Resource 2004 Published April 2005. P48.

12. Ministry of Finance: Bangladesh OrthonoitikShomikka 2005. 5 236



## Chapter 8

### Conclusion

#### 8.1 Introduction:

In contest of socio-economic and political situation democracy is the crying need for the people of Bangladesh where free and fair election can play an important role to establish the process of good governance as well as social justice.

Role of Election Commission in a democratic society is immeasurable. The key function of holding a free, fair and credible Election is vested to Election Commission. In line with that Bangladesh Constitution supplies enough back up in respect of it independent functioning. But, the matter of great grief that in third world developing country like Bangladesh, Constitutions are often overtaken by violating its intrinsic features. For holding a free and fair election, Election Commission should be more conscious about its own authorities. Besides this, the vital responsibilities go to govt. in power which normally operates the affairs of state to assist Election Commission for discharging its activities. Election Commission should be vigilant in respect of overcoming its loopholes and limitations which have been discussed earlier this paper. Now, we are facing a great problem about holding of next parliamentary election. The Election Commission should try to arrange political dialogue among the leading political parties of Bangladesh to reach in a unified opinion about the holding of next parliamentary election and whereby it should assist to uphold the justice by ensuring fairness in Election Procedures.

This chapter presents the summary of the findings of the study along with major conclusions and some broad policy recommendations. In order to draw inference about the relationship among the different variables test of hypotheses are very useful means. In this research, hypotheses have been formulated reviewing the findings of different studies as well as from field observations.

For testing the hypotheses statistical method like correlation test have been performed in the respective areas of this research work. In this section, important findings related to the assumed hypotheses have been summarized and described in order to draw conclusions whether the assumed research hypotheses could be accepted or not. An analysis of findings against the research hypotheses is presented in the chapter seven.

## **8.2: Achievement of the Objectives**

This study is concerned with the level of independence of Bangladesh Election Commission. Followings are the objectives of the study: ‘To open a path of development and to continue the real practice of democracy we need impartial and effective leadership which can shape this country and make the common people destiny into reality’<sup>1</sup>. In that sense the Bangladesh EC is solely responsible as well as accountable to conduct a free and fair election by which general people can choose their desired representatives to govern the country democratically.

Through a critical Analysis among the recent general elections in Bangladesh I would be able to clarify how much the dimension of the dependence does the EC exercise during the election period. My Analysis has been able to analyze the existing situation, weakness and problems of the EC in Bangladesh. Is any outward influential pressure noticeable in EC to

baffle its regular home task? Is there any administrative gap in EC in terms of other existing administration in Bangladesh? Is EC fully independent? or Does it really enjoy the full fledged independence to run its own commission's code of conduct. Is there any constitutional weakness or limitations to be fully independent? Is there any paucity of volition among the members of the EC?

Despite having the all spans of power why this commission can not play its role independently comparing with the other countries. Our study findings has shown that the objectives of the study achieved in the various chapters.

The first objective of the study is to investigate and analyze the dependency of Bangladesh election Commission in Chapter five. This chapter mainly examines the dependency of Bangladesh election commission on the other executive organ of the Bangladesh government. It indicates that without the help as well as assistance of the other organs of the government election commission can not operate its function independently . And it turned into a tradition of the election commission in the function of their activities. It is a big challenge for the people of Bangladesh to get the free and fair election in the near future.

The second objective of the study is to analyze how and to what extend election commission is dependable on others who are getting the privilege to conform the successful through electoral engineering.

The first general objective of the study is to analyze the future which is presented in Chapter Three. This chapter has achieved the following objectives: Study area as well as the establishment of Bangladesh Election Commission, principles of the election commission, power and function of

the Bangladesh election commission. The second general objective of the study is to find out the dependency of the Bangladesh election commission and its causes. Chapter Five has assessed the involvement as well as relationship of Bangladesh election commission with other organs of the government. How it works according to electoral laws in a cooperative manner to arrange a credible election.

Chapter Six has achieved the third general objective like: the necessity of the independence of Bangladesh election commission, the necessity of the free and fair election to uphold the practice of democracy. The necessity of free and fair election for the existing political situation of Bangladesh.

### **8.3: Test of Hypotheses**

Free and fair election is the most important predictor for the establish the process of democracy for developing countries like Bangladesh. This is the basic foundation of democracy where over all people's participation can be ensured. In a democratic system of governance peaceful hand over of political power is an important art of rules which are totally absent in our country. An independent election commission could ensure the peaceful hand over of political power through a free and fair election.

In hypothesis-2: The aim is to understand the roadblocks for which a neutral, non-partisan election can not be held. People cant not draw the high confidence to the election commission. The election commission always has to play its role through a confrontational situation. Out side influence, pressure, criticism, lack of manpower are common barrier of the Bangladesh election commission. My study tried to find out the basic causes and circumstance for which election commission has to under go in the period of suffering and failure. Election commission should be more independent and

powerful so that it can arrange a free, fair and neutral election for the country.

#### **8.4: Findings of the Study**

In spite of the electoral boycott by the major opposition parties and a mass movement of civil disobedience, without any consensus among the political parties, Bangladesh Election commission scheduled a general election on January 5, 2014. As expected, in a one party alliance election with a low voter participation AL captured most of the seats in the 10<sup>th</sup>parliament”. In an effort to contain a growing mass movement against the party in power, and put to rest the question of the legitimacy of the 10<sup>th</sup> parliament, Prime minister Shekh Hasina as well as the members of the political part in power urged in such a way that according to the constitution of Bangladesh, Election Commission conducted the election and declared the victory of AL. After the 10<sup>th</sup> parliament election of Bangladesh, the political situation turned into confrontation and violence. The major political parties like BNP as well as others political parties is blaming to Bangladesh Election Commission indication it’s morality and neutral role. My study tried to find out the weakness and the problems of Bangladesh Election commission to hold a free and fair election for the country. The findings are discussed as follow-

1. There is a external influence and pressure over the election commission. It is sometimes from the political parties, bureaucrats, agency, mass media etc. Such kind of pressure is major barriers to take stand independently for the election commission.
2. The lack of manpower as well as the limitation of the office staffs are also big barriers for the election commission. When a general election is being held through out of the country here need a huge manpower

and logistic support which election commission can not provide correctly without the help of others.

3. There is a abstract reasons that why election commission can not stand in a independent platform. That is the mentality of the chief election commissioner as well as the other commissioners of the election commission. If they really want to work in an independent level of stand. It is truly possible.
4. It reached in a tradition of election commission to pay obedience to the political parties and the party which released from the power lastly or to the party which has the more possibility to form government.
5. Most of the rules and regulations of election commission framed according to the constitution of Bangladesh but the measures which should be taken to establish the rules has not taken till to day.
6. We have a negative attitude to the Bangladesh Election Commission for it's past role in the parliamentary elections which held in different unfair circumstance of the political history of Bangladesh.
7. As a government officer every staff and officer of the election commission has the liability to the government as well as to the people of the country. On the hand they have to work under pressure as if they are the activist of political party.
8. Election Commission has to works in a collaboration with other offices or department of the government. It has no opportunity to run it's routine work separately.
9. In the root level like upzilla or union porishad, there is no strong base of staff support as well as office so that it can not observe the situation during the election period as a monitor.
10. There is a small body of the high level in election commission , there is a election commissioner and three or four election commissioner

have to maintain all of the schedule of management and take the decision in the policy making level.

11. The chief election commissioner is given the selection from the other department of the government by the president of Bangladesh. And he has to work here for the particular period of time in purpose of any especial parliament election.
12. Before given the selection of any chief election commissioner, a especial scrutinize is being done over him/her and his/her past involvement in different spare of life and political view also is considered.
13. There is a common blame toward the chief election commissioners for their activities during the election period in the question of neutrality or biased of their political view point except one or two cases.
14. Election commission play it's role just like a nucleus of the body in a political system so that genuine candidates are being election by the people to ensure the good governance and social justice.
15. All of the executive body of the Bangladesh government are under obligation to assist the commission as it requires during the election period.
16. The constitution of the people's republic of Bangladesh has given the height power and opportunity to apply the any rule to hold a free and fair election.
17. There is no special budget for the election commission so that it can feel economic independence which is a fundamental needs for the employee of the election commission.
18. Election commission is a part of the whole process of the political system of Bangladesh.

19. Election Commission is heavily dependent on the executive wing of the Government in various ways, so that it cannot run properly and through maintaining the expected neutrality.
20. The existing reality the Election Commission is perfect manifestation of the conflict between the theory and practice.
21. And this reality has led this Commission to do perform its activities in a brazen manner.
22. Corruption, mismanagement, lack of accountability and other factors make the Election Commissioner ineffective.
23. The role of Bangladesh election commission is like past, there is no substantive change in it's function.
24. Most of the election commissioners even the chief election commissioners in past have shown the static mentality in their role.
25. Only Bangladesh election commission will not be able to hold a free and fair election for the country if others do not help to the EC.
26. There is a lack of coordination and unity among the employees of Bangladesh Election Commission.
27. There are two types employees in election commission. One type employee is appointed by the election commission directly and other type employee is appointed from the other executive department of Bangladesh Government.
28. Most of the election commissioners even chief election commissioners in past were busy to achieve their post benefits and better replacement in future from the forth coming party in power.
29. Commissioners and chief commissioner of the election commission are being given the appointment for the time being as well as temporary basis . They involve in commission just like relatives.
30. Most of the employee are involved in any political party indirectly and they have a strong support to the particular political party.



## **8.5: Recommendations**

### **(In General issues)**

1. The man power and strength of Bangladesh Election commission should be increased. It would be double compared to presence.
2. The number of member's of governing body of Bangladesh Election Commission should be increased. It would be from 10 -15 in number.
3. The process of the selecting chief election commissioner and other election commissioners should be through the process maintaining election.
4. Here need a reformation of election system in Bangladesh. It would be held in every four years instead of five years. In necessity it would be held in any tine if the people requires.
5. The power should be vested to Bangladesh election commission so that it could be able to arrange an interim election in any political crisis of what the people want.
6. Bangladesh Election Commission Should be more effective in it's function of people awareness building about a free and fair election.
7. Total political system should be changed other wise only election commission would not be independence.
8. Economic solvency as well as the budget for EC should be increased.
9. Election Commission should be fully separate from the other executive body of Bangladesh government.
10. Institutional expansion of Bangladesh election commission is very necessary.
11. Here needs a democratic practices of the employee of Bangladesh election commission.

12. The Election Commission is to be composed of those experts whose are renowned in their respective fields with their utmost honesty, sincerity. The Election Commission may free, fair for their works. If they are so, they will be sincere to the nation.
13. The ensuring kind of relations between the Election Commission and the prime Minister's office should be changed in order to avoid any kind of influence of the executive wing or political party and the election Commission should be accountable only to the Parliament in Bangladesh.
14. A corrupt person, who is convicted and sentenced for minimum six (6) months for his corruption, cannot participate up to (5) years in any from election from the date of his conviction, and within this period he cannot hold any high post of office bearer of any political group, although he can only be inhibited with a political party and political activities.
15. The recruitments process should be done through a selection body approved by the Hon'ble President for the Country. The body may propose the names for recruitment for Constitutional post like Election Commission/ Chief Election Commissioner.
16. There should not be any provision to hold the two separate posts simultaneously by any Election Commissioner.
17. The Election Commission must be reformed as autonomous and effective. Article 1 18 of the Constitution gives mandate for holding free, fair and impartial elections, and enforcing all electoral laws for this purpose. Election Commission must be separated and independent from the prime Minister's office. If the Election Commission is attached with Prime Minister's office, it cannot work independently. Prime Minister's office should not make any appointment to the Election Commission.

18. There should be spontaneous participation of the people of Bangladesh in election. Candidate must campaign without their muscle power. And Election Commission must ensure that.
19. Election Commission must check that the wealthy businessman does not carry out their election campaign in a prohibited manner. Black money holders should not participate in election to influence the voters with their black money flow.
20. Election Commission must have power; there must be check & balance as well.
21. Election Commission should be given power that they can cancel the candidature of a candidate if he/she adopt any election unfair by any means according to the election rules.
22. Here need a strong unity and coordination among the employees of Bangladesh election commission.
23. The mentality of the employee of Bangladesh election commission should be changed and they should concentrate in professionalism.
24. The privileges and post benefits of the employee of election commission should be increased .
25. The employee who is convicted to violate the rules of election commission should be given punishment according to law.
26. The activities of the Bangladesh election commission should be more transparent and clear so than public get easy access to them.

## **In specific issues :**

### **8.5 (a) Constitutional and Legal Framework**

1. The ruling parties have key responsibilities to strengthen the EC by enacting suitable laws such as enabling law and creating healthy political environment. In the relevant enabling law, among other things, qualification and number of Election Commissioners must be determined.
2. The CEC and Election Commissioners must be made accountable to the common people for their activities which incur wastage of public as well as donor money. Necessary laws may be enacted in this regard. This can be done through the parliament.
3. All complications, limitations, and inconsistencies of election laws, rules, orders and ordinances must be identified and resolved with a group of law experts, so that no debates are raised in future.
4. High Court benches may be increased in order to resolve election petitions within a reasonably short period (six months). It should be made mandatory for the EC to provide all kinds of information required by the High Court.
5. A prosecution wing of the EC should be set up for dealing with all kinds of irregularities election. The EC should be given the authority to file cases against any candidate who violate electoral law and code of conduct, and to cancel candidature if the concerned candidate is proven guilty of violating electoral laws or code of conduct.

### **8.5(b) Institutional Structure and Capacity**

1. The inter-relationship between the EC and the EC Secretariat should be clearly defined. According to the present organogram the three tier of the EC are separate. How they coordinate with each other should be made clear.
2. The EC should have its own Secretariat under its own control.
3. The EC should increase its own capacity in terms of empowering staff and developing infrastructural and logistical strength, so that its dependence on bureaucracy may be reduced. The frequency of elections is increasing, so effort to build capacity of EC is needed.
4. Important positions such as Secretary or Additional Secretary must not be vacant for more than a week.
5. Officials sent on deputation for the legal section at the EC Secretariat should be stopped. The EC should develop its own section of legal experts to handle thousands of pending/current legal cases.
6. The Dhaka and field level offices should be entitled to its own building with sufficient spaces for personnel, modern equipment's and other logistical facilities.
7. The library should be developed into a modern documentation centre with all necessary gadgets and information.
8. The website of the Commission should be made inter-active. It must be updated and enriched with past and present documents, all laws and updates, activities, budgets, and other financial information to ensure transparency and access to information.
9. The quality and number of training and logistical facilities of ETI must be increased to train up the election personnel properly. Such training should be realistic and long-term.

### **8.5(c) Recruitment and Promotion**

1. A neutral mechanism should be developed for appointing the CEC and Election Commissioners. This responsibility may be laid upon the Law and Parliamentary Standing Committee. It can also be a selection committee comprising of eminent persons from all segments of the society who will select the CEC or Commissioner for appointment. Necessary amendments may be brought in the Constitution prior to consensus from all political parties.
2. A new cadre of BCS (Election) may be introduced so that they can achieve equal status to other cadre officials at the field levels. However, the EC should have selecting and recruiting authority for its own staff, and the PSC will only facilitate the process. This recruitment process should be transparent, efficient, neutral and accountable.
3. Election officers with partisan identity must be removed from the office after verifying recruiting procedures and track records with proper investigation, if needed.
4. Indiscriminate promotion of the election officials must be stopped. The recommendations of Azizul Islam Committee should be implemented immediately to materialize promotions of the deprived officials.

### **8.5(d) Financial Issues**

1. The EC must be financially independent. There should be separate allocations in the national budget for the EC.
2. Projects implemented by the EC have to be designed and developed incorporating monitoring and evaluation activities. There should be evaluation after each project and the assessment report should be made open for public review.

3. All financial documents including yearly audit reports, detail budget, annual statement must be made open for all.

#### **8.5(e) Activities of the EC**

1. For transparency and accountability of the EC, it should submit the annual activity report and election reports to the President through the parliament. These reports should be discussed in the parliament and made public.
2. A specific policy of the EC should be developed. This will include specific plan with specific timelines that the EC is supposed to achieve. Schedules incorporating regular works such as voter list updating and delimitation of constituencies should be prepared according to the law. This schedule may be coordinated with the formation of a new government.
3. Updating the voter list should be done every year. The existing computer-based voter database must be updated each year and shared through the website. This should be a continuous process.
4. A multi-purpose voter ID card must be introduced step by step with proper coordination and planning. In this regard, proper investigation on the corruption in the previous voter identity card project should be initiated and actions should be taken against the concerned personnel.

#### **8.5(f) Role of Stakeholders**

1. The NCG system should not be followed for long, and should be limited to ascertain period of time or abolished after a certain number of national elections. However, the NCG should take the opportunity to bring in legal and administrative changes for the EC, as proposed and advocated by different civil society organizations.

2. The EC should take initiatives to make the political party registration with EC mandatory and provide facilities/benefits to the registered parties.
3. Decriminalization of polls will start if the 8-point affidavit is disclosed before the people by the EC. The concerned political party should assist the EC through making the candidate submitting the affidavit.
4. Donors should concentrate more on strengthening the EC and electoral system. The EC should also negotiate efficiently and timely with donors for such development.
5. The EC should have a media policy.
6. Registration of the election observers to the EC should be made mandatory.
7. The civil society members and organizations both at the national and local level should take initiatives as monitors for raising awareness and voice against any irregularities and malpractices. It will act as a pressure group operating continuously. The EC should welcome initiatives of civil society organization and the media as they are assisting the EC in establishing democracy.

#### **8.5(g) Good Practices of Election Commission in Other Countries**

1. The EC of Bangladesh may follow the development of Indian electoral process, courage of the Indian CEC in discharging his duties.

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## **Interviews:**

### **List of interviewee :**

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