

BRIEF ON ELECTION ENGINEERING AND ELECTORAL REFORMS

Section I:

Rigging of election and holding a free and fair election

INTRODUCTION

The Awami League along with the other members of the Fourteen Party Forum feels that the first requirement for a free and fair election is an enabling environment. Our experience tells us that how the wind blows in the headquarters decides the mode of operation of the local administration and particularly of the Deputy Commissioners (DC) and Upazila Nirbahi Officers (UNO) who are so important in ensuring fair election. Election rigging has been practiced so well in eight national elections held under the military rulers that the administration really does not know how to hold a fair election. The signal from the top for neutrality is so important. That is why there is the anxiety about Caretaker Chief Adviser and the Election Commission. The politicization of bureaucracy by the Alliance government is also an issue in a free and fair election. The practice followed by the Alliance government of promoting favourites out of turn and many people in excess of vacancies as well as appointment on contracts was deliberate and mischievous. The top bureaucracy is highly partisan and they have been picked carefully by destroying the system of self-discipline of the bureaucracy and normal rules of promotion and posting. Even the recruitment now is totally vitiated by partisan consideration. It is a kind of spoils system running amuck. The ruling junta have posted their own followers in critical field jobs and also ensured that if the marked personnel are replaced they are replaced by trusted people who have been placed in the eligible list already.

Our point is that the pre-election environment is a fundamental issue in what we call election engineering. This subject should be very seriously considered. We are afraid that the carnage that went on against AL leaders and workers is not yet over. The masterminds in the murders of Ahsanullah Master or ASMS Kibria are not uncovered in the investigations and the identification of the top culprits is avoided deliberately and invariably they fail to unearth the truth about the atrocities. The grenade attack on the rally of Sheikh Hasina MP, the leader of the opposition and the president of AL, on 21 August 2004 that killed 24 people and wounded hundreds has not been brought to the court yet. Many AL leaders and more workers have been liquidated by hired killers or party cadres or the law enforcing agencies such as Operation Clenheart or Rapid Action Battalion (RAB) . We know that the extremists of JMB targeted in addition to the courts of law all secular institutions and traditions and AL leaders and activists or members of the civil society allied to AL. These extremists are in the front organizations of Jamat and they function under BNP high command i.e. the Prime Minister and Howa Bhavan. We do not think that the threat from the fanatic militants is over and they are likely to be activated by the ruling junta at the election time. We also suspect that the same BNP quarters have plans for elimination of AL candidates and leaders at election time.

Awami League is an old political party steeped in the culture of constitutional protest movement. It has never come to power except through elections but has the experience of being deprived from power by military adventures of its opponents by unconstitutional

means. AL also believes that the election in 2001 was not fair and this habit of practicing unfairness is ingrained in the BNP-Jamat Alliance. We have the following brief to offer in this respect in support of our contention.

Reforms in the Caretaker system and Election Commission are necessary for creating the right environment for a free and fair election and this is briefly discussed below. Comments on other items have been grouped under the following headings.

1. Voter List Preparation
2. Measures to Rectify Politicization of Administration
3. Ensuring the Quality of Candidates
4. Expenditure Control to Reduce the Influence of Black Money
5. Control of Violence and Mastan Influence
6. Control of False Voting and Vote Counting
7. Election Observation
8. Female Representation

We are attaching the 14 party proposals for electoral reforms as the first appendix

Appendix I: Fourteen Party Proposals for Electoral Reforms

In appendix II we are providing brief notes on the following topics.

Appendix II.

Item I. Parliamentary Election of 2001

CRI: A Rigged Election: An Illegitimate Government. Executive Summary of A Study of Bangladesh Election 2001.

Item II. Experience with By-elections and Other Elections

1. Bye elections in the twelve vacated seats.
2. Note on three City Corporations (Dhaka, Khulna and Rajshahi) election of 25 April 2002.
3. Note on Dhaka 10 by-election held. on 1 July 2004
4. By-election in Ward 63 of Dhaka: Farce of an election and show of bnp muscle power and state terrorism
5. Note on City Corporation election in Chittagong of 9 May 2005.

Item III. The Mess about Local Election Observers: complications in election monitoring

AN ENABLING ENVIRONMENT FOR FREE AND FAIR ELECTION: THE CARETAKER GOVERNMENT AND THE ELECTION COMMISSION

The odds against free and fair election are not simply the rules and regulations and management practices in the election. The greater obstacle is **the national environment for free and fair election**. Politicization of civil administration and the law enforcing agencies presents a serious difficulty. In the last four years both the administrative and the police services have been completely politicized. Officials who would have important roles in election have been so fixed up that you cannot escape those who are supportive of the Alliance. Most of these people were, in fact, recruited by the parties in the Alliance. Dismissals, retirements and promotion denials have been meted out to most officials who did not toe the line of the Alliance. And promotions have already been made for possible vacancies in the foreseeable future so that you cannot even bring in officers of new choice.

The only way you can neutralize partisan commitment is by generating strong signals from the Caretaker government for electoral fairness. The experience of the last two parliamentary elections suggests that the national government sets the tone for fair election. In June 1996 the neutrality and competence of the Caretaker government and the Election Commission provided a conducive environment in which district authorities could mostly function as apolitical neutral conductors of election. In 2001 the Caretaker government pitted itself against a particular party and vitiated the whole environment and an incompetent EC magnified it further. The perception in the field was that the CG and EC wanted the defeat of the Awami League. Very careful and selective rigging was the inevitable result. It should also be borne in mind that the bureaucracy in Bangladesh has very little experience in what it takes to hold free and fair election and hence the environment or the stance taken by the Caretaker government assumes great importance.

How to ensure a conducive environment is thus a moot question. The environment can be spoilt by the attitude and proclivities of the Caretaker government. It can be harmed if the Election Commission is not neutral and also not competent. The quality of the environment is certainly largely determined by violence and muscle power that dominate the society. If militants target opposition candidates or blast away gatherings it would be difficult to hold a free election. Suppression of terrorism and the extremists and mopping up of illegal arms thus become a pre-condition for an enabling environment. It is also adversely affected by black money that can buy and sell voters and influential social leaders and simply drive good candidates out. It can further be distorted by influence peddling by powerful people. In order to ensure an enabling environment for a free and fair election, therefore, all these aspects of election engineering should be taken into consideration.

A very powerful force against holding a fair election is **violence and the sway of the mastans in various areas**. Violence and use of muscle power by contesting parties vitiate the environment in such a way that voters are frightened away from voting. This is particularly applicable in the case of voters from minority or backward communities. Violence has become a way of life in Bangladesh under the Alliance government. Arms smuggling is an art in which Alliance partners are very adept. Even when a case of smuggling is unearthed or caught, the government refuses to find and punish the culprits. Mopping up of arms should be an internationally supervised operation and whatever arms are recovered must be instantaneously destroyed. The Counter

Terrorism unit of the United Nations should be involved in the search and destroy operation for illegal arms. Destruction of seized arms is very important because arms recovered in mopping-up operations and stored for future legitimate use always find its way to the underground terrorist groups.

In this context **the role of the armed units in the parliamentary election** should also be considered. In elections prior to 2001 they were used as an emergency striking force and they were put under the control of magistrates in the usual manner in which the armed units are called in aid of civil authority to meet any law and order crisis. They would be stationed at district headquarters and deployed at the discretion of the Returning officers. This practice was changed in 2001 and they were deployed seven days prior to the election and officers were vested with magisterial powers. An amendment to the People's Representation Order of 1972 was made for this purpose. The armed units played havoc with strong-arm tactics and drove away genuine voters and in many places displayed partisan interest. It is, therefore, demanded that they should not have any magisterial powers and should work as a reserve force in aid of civil authority. In fact, they are drawn in the election because it is very difficult to ensure security with police and ancillary forces in 300 constituencies on one day, a difficulty that can be overcome by staggering the election over 5/7 days. In fact, the military should be used for two main purposes: mopping up arms prior to election and stationed in various areas for any emergency operation on the election day. If staggered election is agreed to, they can be deployed to guard the ballot boxes during the seven days or so of election. In recovering arms the military should be involved and placed in the lead role. Patrolling by the armed units for other purposes should be forbidden.

The other element destroying the integrity of the election is the power of black money. **Control of black money** is basically a matter for good governance and financial discipline and transparency in government operations. But some specific measures also can be taken in electoral rules and regulations to arrest the power of money. The elimination of defaulters and those who stand security for them from eligibility is one such step. But it must be ensured that rescheduling is not done only with a view to eligibility for election. A record as a good creditor for a reasonable period prior to the election should be insisted upon. Wealth statements or tax returns of candidates and their immediate family must be published in details. Measures such as limited number of days of campaign, limited number of election offices and public meetings and demonstrations, projection meetings arranged by the EC, or restriction on postering, leafleting and press propaganda by candidates can certainly reduce expenditure. A continuous monitoring mechanism in each constituency is very important in this respect. It must also be ensured that the upper limit of expenditure is not fixed at an absurdly low level because that only paves the way to violation of discipline and blatant lying.

The environment for the next election has already been heavily damaged in many ways. The climate of impunity, the extra-judicial killings, terrorist boldness and rising extremism are frightening away opposition workers and leaders from electoral preparation. They are often hounded by police and all kinds of legal measures are taken against them, the most frequently used device being false criminal or civil case. BNP's tactics of confining opposition workers and leaders in their offices by letting loose their goons and then taking shelter under the law enforcing agencies is simply to prevent organizational work and publicity by the opposition forces.

Unless this environment for free and fair election is tackled properly good monitoring of voting on the election day will be meaningless. The partisan direction or nod from the top, the threat of arms and terrorism, the possibility of extrajudicial killing are matters that must be attended first before you go to the election.

To ensure the neutrality of **the Caretaker government** the Chief Advisor and the Advisors must be carefully chosen from the widest possible circle. Unanimity of all parties is not a difficult objective, it will necessarily boil down to unanimity of the major parties and coalitions. The reforms in the Caretaker system boil down to the following:

- a. The Chief Advisor should be selected by consensus among political parties as it was done in 1990. In actual fact it would mean an agreement between the leaders of the treasury and opposition benches. In order to implement the agreement the last retired Chief Justice K. M. Hasan and others who are to be constitutionally considered may voluntarily decline and the consensus candidate is appointed the CA.
- b. The Advisors should be selected also by consensus. The procedure followed in 1990 could be the precedent. Lists would be furnished by both sides and no one who is blackballed by one camp should be considered.
- c. The defense portfolio should be handled by the Chief Advisor and his Council and not by the President. This is to deny a discretionary power to the President that he never enjoys and uphold the system of parliamentary government that is followed in Bangladesh
- d. The Caretaker Government should only look after routine work and assist the EC to hold a fair and free election.

The Election Commission theoretically has a great deal of authority but enforcement mechanisms are weak. One serious weakness is total dependence on the executive for all election officers. All the Commissioners including the Chief Election Commissioner shall be consensus candidates and their numbers also should be fixed by consensus. One of the Commissioners should be made the Secretary so that we do not have a subservient secretariat. The Commission should have its own staff in the secretariat and in their regional and local offices up to a certain level. The power of enforcement with the Commission should be of a much higher order and strictness.

As we have been shouting about a strong, neutral and effective EC we have landed with a disaster called the Aziz EC constituted by the Alliance government. The CEC has displayed utter disdain for fairness, efficiency, judicial restraint and above all common sense. The government backed him up by appointing two partisan heroes as Commissioners but that also did not help. It is simply atrocious that the CEC, a Supreme Court Judge, feigned illness only to find a means to avoid judicial accountability. It is known that he made a mess of the electoral rolls and the exercise he is undertaking is not likely to be any better. The EC has also recruited and deployed partisan workers as election officers in the field. With such lousy engineering it seems highly doubtful that an election, not to speak of a free and fair election at that, can, indeed, be organized by this incompetent and partisan Election Commission.

Realizing that management of the election is the responsibility of the Election Commission (EC) several measures may be taken to secure an acceptable, respected and competent EC and such measures will be:

- a. The Election Commission should be reconstituted with the Commissioners and the Chief Election Commissioner being chosen by consensus. The present Chief Election Commissioner and the other two Commissioners may then voluntarily resign from their posts making way for appointment of consensus candidates.
- b. The EC should function as a body corporate and decisions should be taken by the Commission and not by the CEC in an arbitrary fashion.
- c. The EC should be an independent body with its own secretariat and control over its budget. As an immediate step the EC should cease to be under the Prime Minister's Office (PMO). It should select its own Secretary, possibly one of the Commissioners. Its officers should be under its control. It should prepare and implement its budget only securing the grant from the Finance Ministry after parliamentary approval.
- d. Partisan Election officers appointed since October 2005 may be dismissed or withdrawn.
- f. It will requisition services of officers and other personnel from the government for election duty and these officers and personnel for the duration of election duty will be fully controlled by the EC and the EC will have the powers to try or punish them without reference to the government.
- g. The EC has to be fair in the choice of vulnerable centres where most rigging takes place. There should be very little scope for application of discretion. Rules on selection of vulnerable centres must be clearly laid down to avoid the partisan activities of bureaucrats and others. Vulnerable polling centres should be identified on clear criteria such as: a. reputation of violent behaviour in the past, b. concentration of voters from minority communities, c. centres where one party is traditionally dominant. The list should be prepared by the EC and given to contesting parties 15 days before the election for vetting. Strengthened security arrangements may be made in these centres.
- h. The EC should form all party election Observation Team for each constituency at the time of declaration of the election schedule. The observation team will be the watch dog for listing of vulnerable centres, panel of election officers, supervision of violation of election rules and practices.
- i. The EC should take the lead in revising and putting in place a Code of Conduct developed with the participation of all political parties. Such a Code should have the force of law.
- j. Election cases must be settled by the tribunals within two months and appeals to Supreme Court also must be expeditiously dealt with. The EC must be pro-active in settling election cases.

In course of time when the Election Commission will, indeed, stand out prominently as an independent and effective institution it is likely that there will be no need for the Caretaker government at all.

VOTER REGISTRATION: PREPARATION OF VOTERS' LIST

As per the Constitution a single electoral roll for every constituency must be there (Article 121). The voter list is maintained by the EC and it is updated all the time. An eligible voter can get his name registered in the list at any time according to a prescribed procedure. Prior to a national election a specific undertaking is made to update the list and enumerators move from house to house to list new voters and delete dead, gone and ghost voters. The CEC held a farce of consultation with some political parties to decide as to how to go about in making the list. He unearthed unheard of parties to compensate for non-cooperation of the opposition parties with him. At the end of the consultations he announced on his own that he would draw up a fresh list and appointed mostly partisan enumerators and supervisors to take up the task. He also got involved in a controversy on recruitment of some upazila election officers through devious means to ensure that they are party goons. He fixed 1 January as the date to begin enumeration. A writ was filed against his enumeration plan and its hearing was fixed for 2 January. He made the decision singly even though his two Commissioners disagreed with him who thought that following the past practice there should only be updating of the list of 2001. As if to forestall any adverse judgment of the court he began enumeration on 1 January and hurried up the process to register nearly half the voters in two days. The Court made a few observations and suggested that updating of the list should be made and only the dead and gone should be deleted from the existing list. It should not be insisted that all voters must sign the new registration form. The decision of the Commission must be taken in a meeting of the Commissioners and CEC is not competent to decide on his own. The CEC refused to abide by the directions of the Court. Meanwhile the wicked government appointed on 16 January two new Commissioners of low quality but deep partisan loyalty and they upheld the procedure followed by the CEC. The Commission without, however, the two dissenting Commissioners decided to appeal the High Court Division judgment but went ahead with completion of enumeration. Newspaper reports in the first week of January vividly and pictorially depicted the listing of voters by BNP and Shibir leaders. Later they reported on the willful exclusion of voters especially belonging to the minority communities, total elimination of opposition strongholds from the list, and inclusion of ghost and non-existent voters by millions.

But the obstinate CEC published a draft voters list on 3 May containing an impossible total of 91.3 million voters in a population of 139 million. Against eligible voters estimated at 54 percent Azizi voter list has 65 percent counted as voters. It is generally agreed that by no means people of and above the age of 18 in Bangladesh can be over 80 million. On behalf of the CEC it was mentioned time and gain that no voter would be left out as they can be enlisted as late as on the election day. But never did he feel like explaining how the ghost voters numbering 30 percent would be deleted. Luckily for the nation the fraud perpetrated by the junta's EC has been set at naught by the Appellate Division of the Supreme Court. Now the CEC and his colleagues must repay the public exchequer of the waste they have made on this failed and illegal venture.

The Election Commission has once again proved that it is against democracy and devoid of any common sense. Instead of resigning out of shame they have now decided to update the voters' list in an absurd manner. The CEC is on record that the present voters' list is full of ghost voters and yet the decision he has taken on renewal of the list does not even consider the issue of removing the ghost voters. Disrespectfully to the Supreme Court the EC has audaciously decided

to make use of the bogus and illegal draft voters' list in their consideration of updating the 2001 list. Disregarding all previous precedent the crooked EC has decided to sit tight and ask willing new voters to approach their office and get registered as voter. Later he changed his mind and decided to make house to house visits; but his credibility is at such a low level that even this exercise gets no support in the country. How idiotic and incompetent such a dignified office as that of EC can be is beyond comprehension. This EC it looks is determined to frustrate not only free and fair election but the entire electoral process as well. If the present EC is not trashed there is no chance of an election at all. The new Election Commission will take up the task of voter registration.

- The new EC may begin the work of renewal of voters' list in the usual way with the change that all listed voters should be photographed and their photos should appear with their names and particulars in the voters' list.
- For Chittagong Hill Tracts list of permanent residents should be separately prepared.
- Expatriate citizens should also be registered as voters in the constituencies of their choice and they should be enabled to cast their votes.
- Constitutionally there should be one voters' list for each constituency (Article 121). So the list should be finalized 15 days before the election and it should be computerized and CDs should be furnished to the candidates 15 days before the election. Any deviation from the list should nullify the election of the constituency concerned.

MEASURES TO RECTIFY POLITICIZATION OF ADMINISTRATION

- As a remedial measure for politicization of administration
 - a. Appointments of all officers on contract should be terminated.
 - b. Top or important bureaucrats with reputation of partisan interest should be removed from sensitive and important posts.
 - c. All the field officers considered to be of partisan proclivities, especially Commissioners, DCs and UNOs and DIGs of Police, SPs and OCs of Thanas should be redeployed.
 - d. All fit lists should be voided so that new fit lists are made if necessary. This will also mean that all promotions given against expected vacancies must be voided as well.
 - e. Other measures for depoliticization of bureaucracy are not considered here but the future government must attend to it on an urgent basis. Without a neutral and efficient bureaucracy it is very difficult to establish good governance and promote rapid economic development.
 - f. The most important signal to the field administration in favour of a free and fair election is the fact as well as the perception of neutrality of the Caretaker government and the Election Commission. This has to be meticulously established and there was the main failure in 2001.

SELECTION OF GOOD CANDIDATES & THEIR QUALIFICATIONS

The Constitution and the Election law lay down some basic qualifications for candidates for election to the parliament. In elaboration of these provisions the Supreme Court recently ruled on

some qualifications of candidates and asked that these may be publicized to enable voters to make rational decisions. The choice of candidates, however, rests with the political parties because by and large our voters elect party candidates and not many independent candidates have fared well. Information on age, education, occupation and experience helps voters to learn about the candidates. His/her wealth statement, tax record, health record, criminal record – if any, credit record are also required to inform the voters about the kind of character he/she is. For a former parliamentarian information is also sought about his performance in the parliament and his attendance record. We are worried about the influence of terrorists (commonly known as mastans) and owners of black money on election. It is, therefore, that criminal record and wealth record are so important. Of course, many godfathers of terrorism do not have any criminal record but they are reputed as such. Thus the perception of moral character of candidates becomes very crucial although that perception necessarily is subjective. We have to be content with clearly discernible information but there the problem is of publicizing that information. Mere obligatory submission of required information is not enough; it must be widely publicized and that responsibility must be discharged by the EC. Wealth statements are submitted and election expenditure reports are also duly submitted but they are seldom made public. What is necessary is that information on specific matters must be provided by all candidates and they must be widely publicized by the EC and submission of false statement must entail severe punishment such as disqualification for election, imprisonment and hefty fine.

Political parties have their own criteria for nominating candidates. Usually they try to gauge the popularity of the individual and the possibility of his victory. They also profess that local consultation is a condition for selection although no system obtains for ensuring the voice of the grassroots level in the nomination process. Political parties are also formally committed to shun mastans and owners of black money but there is no institutional mechanism to enforce such a rule. In articulating public opinion in these matters perhaps the civil society can play a role by blackballing candidates. Civil society cannot move forward with its own list of fit candidates, they have to act to influence the political parties. They can possibly devise and refine criteria for good candidates. They can blackball undesirable candidates. The civil society can rate candidates on their merits and demerits. They may also act as a watchdog against dodging of established criteria for fitness of candidates. Credit defaulters somehow manage to make themselves eligible. Convicted criminals manage to get elected while bogus appeal or revision petition give them the opening. The function of a watchdog is possibly the most important.

Terrorists and owners of black money are not the only undesirable candidates. Just like them politicians, civil servants and military men influence the voters by inappropriately using office privileges and public resources. They allocate public funds for pet projects in their constituencies and seek popularity. They publicize for themselves by naming public institutions, public buildings or public facilities built or set up with public funds in their own names or names of their relations. Disqualification for this kind of misuse of official position deserves serious consideration. Government employees must wait for a decent interval after they are out of service to become election candidates. Newspapers are replete with stories of complications arising out of the ambitions of a few civil servants that are not very complimentary for public servants. Such a situation should be carefully avoided. Politicians misusing official position for personal glorification must simply be debarred.

14 party forum is giving special weight to the criteria of secular proclivities of candidates. The rise of extremism and their anti-Liberation association have alerted the nation to these criteria. In the 1972 Constitution religion-based political parties were banned and collaborators of Pakistan occupation force were denied the right to get elected. The time is ripe for restitution of these qualifications.

To sum up the requirements for good candidates can be the following:

- a.. Financial position. Profession and source of income. Wealth statement and information on tax returns.
- b. Debt & default situation. Loans taken or guaranteed and performance in repaying them.
- c. Educational qualifications.
- d. Work experience, including performance record for former MPs or elected officials.
- e. Criminal record with details of trials and punishments, if any.
- f. Record as a collaborator or anti-Liberation activist.
- g. Record of retirement, resignation or termination of candidates who are former civil or military officers.

EXPENDITURE CONTROL TO REDUCE THE INFLUENCE OF BLACK MONEY

- Strict expenditure control and realistic limit fixation is very necessary. The EC should undertake candidates' projection meetings and voter assistance programmes and this can substantially bring down election expenses. All meetings in the constituency and distribution of voters' cards should be managed by the EC. The rule on candidate's setting up only one central election office in each thana and only one office or camp in each union and municipal ward should be strictly enforced.
- The other activities that candidates can then perform legally after the installation of the Caretaker government will be postering without use of multicolour printing or painting, distribution of pamphlets and leaflets, only seven days of miking for eight hours a day and door to door campaigning. The limited activities by candidates will reduce election expenditure.
- Wall postering, gate construction, transportation of voters, pandal construction, decorative lighting and outdoor meetings will stand banned. Expenditure on a big scale can thus be eliminated. Vote buying, making promises to voters, bribing local leaders, feeding or entertaining voters are already banned but they are not strictly enforced. The observation team may enforce the rules relating to such restrictions.
- The time to be devoted to election propaganda by the electronic media should be pre-fixed and distributed equitably among parties.
- Candidates will submit statements on expected expenditure and sources of income while submitting nomination papers and then furnish actual expenditure statement within a month of election pointing out variations with estimated expenditure. These statements will be in the public domain.

- The permissible limit of expenditure should be realistic and it should relate to the physical and numerical size of the constituency. The violation of financial rules should entail debarment from election.

CONTROL OF VIOLENCE AND MASTAN INFLUENCE

- The Caretaker government will invigorate the investigation and trial of all cases of bomb blasts and grenade attacks and other political killings by constituting a high level Commission and empowering it to supervise and guide all these investigations especially to hunt down the godfathers and sources of funding. The UN Anti Terrorism Unit should be called in to assist in this task.
- The Caretaker government should undertake recovery and instant destruction of illegal firearms as its first major task. UN Anti Terrorism Unit may be invited to supervise and help the operation.
- The security arrangements in vulnerable centres should be strengthened. Foreign election observers may also target these centres for observation.
- The exploitation of religion usually leads to violence. Misinterpretation of religion, accusing a party of anti-religious activities and communal propaganda are very volatile matters and they should be strictly prohibited.
- The armed forces should not be used for patrolling at all as the experience was very unfortunate in 2001 and panic creation is not desirable for a free and fair election. The amendment to PRO 1972 as made in 2001 to deploy armed units during election and give military officers police and magisterial powers must be rescinded. Armed units will be deployed in the district headquarters on the day of the election for any emergency duty that the Returning Officer may authorize and for which magistrates may be spared to accompany the deployed armed unit. They may also be used for protecting the ballot boxes in case the election is staggered over some days.
- Crowding in the polling centres should be strictly controlled. Only agents of major parties or alliances will be allowed; a party obtaining less than 5 percent of popular vote in the previous election will be debarred from posting any agent. No domestic observer can enter a polling station, they must stay outside.

CONTROL OF FALSE VOTING AND VOTE COUNTING

- The voter photo in the voters' list and the reminder card issued to voters before the election day by the EC (not by parties as in the past) will be dependable precautionary measures.
- Electronic voting system should be introduced. The Indian experience can be explored for this purpose.
- Failing that, the ballot box should be a large transparent one so that votes are cast before the eyes of all and agents can then easily prevent vote stuffing.
- Care should be taken to prevent temporary occupation of polling centres by mastans and forcible ballot casting. The national observers staying outside the centre should play a helpful role along with party workers from all parties in preventing such a conquest. In known vulnerable centres security measures should prevent such an occurrence. All party

Observation Team can influence prevention of capture of polling centres by individual candidates.

- Consideration may be given to fixing maximum votes that can be cast in a booth, say 250. If votes cast in a centre are more than this maximum multiplied by the number of booths then the vote of the centre should be cancelled. This will reduce if not prevent ballot stuffing by all parties.
- Consideration may be given to staggering election over 7 days or so with a view to take dependable security measures in all centres on a given election day. In that case it will be necessary only to make arrangements for about 6500 centres a day and protection of ballot boxes in about a 1000 centres for six days.
- Vote counting in a staggered election will take place on the last day of voting, the sealed ballot boxes having been guarded carefully by people and members of the armed forces for six days. This will begin on election day in about 1000 centres where votes of about 38000 centres have been stored. Counting at each place will be for about 38 polling centres Counting of votes for an average centre takes a little less than two hours. Simultaneous counting will be taken up in ten places in each place where the ballot boxes are stored. Counting will take place by constituency and votes for each polling centre will be separately counted. Counting will begin in a number of rooms at the storage centre so that all counting is completed by daylight or at best by 8 pm. In the other 7000 centres where voting will take place on the last day counting will begin in each centre after the closure of votes. The usual formalities such as presence of the agents, bundling of counted votes, separation of disputed votes, providing copies of authenticated results by the Presiding officers will be strictly followed.
- False voting is assisted by election officers (Presiding, Assistant PO and Polling officers) and hence they must be carefully selected and trained. If staggered voting is done then all election officers can be direct government employees. Teachers of Qaumi and similar Madrassas and Islamic Banks must be excluded from election duties. The panel of election officers for each district should be given to the candidates and the Observation Team and their objections, if any, should be respected. This was sloppily done in Chittagong Mayoral election.
- The arrangements in the polling centres can be either positive or negative in preventing false voting. Hence the list of centres should be handed over to the candidates 15 days before election to take care of any objections or suggestions for better management. The voters' list also must be finalized at the same time and given to the candidates 15 days prior to election. Last minute revisions mostly include false voters.
- While use of minibuses, minibuses and three or two wheeled scooters are banned on the election day; powered boats should not be under such a ban. There should also be no ban on mobile phones.
- Vote counting, especially making bundles of 100 votes, should be carefully observed by agents and observers. Authenticated copies of results should be given to all agents of candidates by the PO. Alternative arrangements for lighting the counting centre should be taken in advance.

ELECTION OBSERVATION

In 2001 the election monitoring system as far as local observers were concerned was a total mess. The Election Commission could not handle the job properly and ultimately it was

observation by mostly partisan supporters of the Alliance. A note on the mishandling of a good system is attached as **Appendix II item 3**. Amending the election laws observers were permitted to enter the polling centres in 2001. The observers were not screened at all and even their names and particulars were never known or recorded. There were crowds of observers everywhere; in 29,000 centres there were 350 to 500 thousand observers. A repeat performance is most undesirable.

There are a number of so-called neutral NGOs either owned or managed by partisan politicians. For example, Khan Foundation is an organization of Dr Moyeen Khan, presently a Minister of BNP and it is managed by his wife Ruksana Khandker. Democracy Watch is the organization of Taleya Rahman, wife of Shefik Rahman, editor of Jai Jai Din and an advisor to PM Khaleda Zia. Unofficially Shefik Rahman is the founder and advisor of Democracy Watch. Odhikar is the organization of Hasan Arif, until recently the Attorney General of the Alliance government and its executive is Adilur Rahman, a Deputy Attorney General. Both of them owe allegiance to BNP. Bangladesh Society for Enforcement of Human Rights is an organization of Barrister Nazmul Huda, a Minister of BNP. This is managed by his wife Sigma Huda and almost all its important patrons and executives belong to BNP or Jamat. Democracy Watch and Enforcement of Human Rights are direct and indirect beneficiaries of BNP patronage in allotment of land at no price. Lighthouse is a new Bogra based organization sponsored by BNP leader and PM's son Tareq Rahman. Similarly a number of NGOs have been foisted by the Jamat under the patronage of the Social Welfare Minister Mujahid. FEMA is an established organization but its field units everywhere are not that good, it was found that some of their local coordinators were Jamat leaders (.eg. Rokons). These organizations along with the government sponsored Federation of NGOs of Bangladesh (FNB) are already active in election watching. On the other hand a number of reputed organizations such as Bangladesh Nari Pragati Sangha (BNPS), Brotee, PRIP Trust or Proshika has been practically banned by the Alliance government. The Association of Development Agencies of Bangladesh, which consolidated the NGO sector in the country, has earned the disfavour of the present government for refusing to toe the establishment line. This issue is brought up to flag the subject of absence of neutrality in election observation by national NGOs.

In the election of 2001 the local observers played havoc as partisan workers of the Alliance rather than neutral observers. We do not want any repetition of the same farce and hence emphasize the question of screening of election observers. It is better to have few observers rather than some partisan workers in the polling centres. Keeping this experience in mind we suggest strict screening procedure and vetting of local observers by contesting political parties. In the vitiated political environment of Bangladesh instead of being supportive of free and fair election the local observers by and large have become clever partisan canvassers for opposing parties.

We make the following proposals for a system of election observation:

- As already mentioned the EC will constitute an All Party Observation Team for each constituency as soon as the election schedule is announced. This will virtually act as a steering committee and the Returning Officer will in a way be accountable to it.
- Election observation by foreign groups should be for an extended period to observe and influence the environment for election. The EC should notify the particulars of observers'

groups well in advance of election - at least one month before the election. The groups will do well to choose mainly vulnerable centres for observation on election day. Instead of trying to cover too many polling centres they may better concentrate on limited centres and monitor voting there for all the day. They may seek local assistance to act as guides. They can enter polling centres and booths and also observe vote casting.

- National observers' groups tend mostly to be partisan and therefore their activities should be limited and strictly controlled. First, they should be subjected to a careful scrutiny and they should be selected six months prior to the election. Then the lists should be given to the parties for their views and any group blacklisted by one of the major parties should be disbarred from observation.
- All the national observers should be accredited by the EC and not by the ROs. Their ID cards must be issued in Dhaka with their names, photographs and the names of their NGOs. In each constituency their lists should be supplied to the candidates 15 days before the election. In no polling centre there should be more than five national observers at any point of time.
- National observers cannot enter the polling centres on the election day but they can operate around the centres. Necessary amendment to the law should be made for this purpose. They can help in improving the environment for free and fair election. They also can contribute in preventing forcible occupation of centres by mastans, even for a temporary period.
- All election observers should be assisted by the All Party Observation Team and on their part the observers' groups should be in touch with it and exchange views as they wish.

FEMALE REPRESENTATION

- It is the pledge of all parties to reserve more seats for women and hold direct election for those seats. Several alternative formulae may be considered about distribution of seats:
 - a. One formula may be that one lady member is elected from five constituencies giving 75 members.
 - b. Another may be a total of 85 members distributed as 64 members from 64 districts and 21 from the metropolitan cities with 12 from Dhaka, 4 from Chittagong, 2 from Khulna and 1 each from Rajshahi, Barisal and Sylhet.
 - c. Still another may be 77 members in all: one from 48 constituencies now having 300,000 or more votes plus one other neighbouring constituency and 29 members from the remaining 202 seats at the ratio of 1:7.

Appendix 1
EPROPOSALS FOR ELECTORAL REFORMS PUT FORWARD BY 14 PARTY FORUM

A fourteen party forum put forward on 15 July 2005 proposals jointly developed by them for reform of the electoral laws and system. These proposals relate to three broad categories viz., reform of the caretaker government system, reform of the Election Commission, and reform of other issues of electoral system. The response of the government was unclear; at times some of the leaders suggested dialogue and on other occasions some others dismissed the proposals altogether. The 14 party forum went on mobilizing public opinion in favour of the reforms and finally the Leader of the Opposition presented the proposals to parliament on 12 February 2006. Negotiations are now going on to set up a Committee of ten to consider the proposals. At the same time, however, the Prime Minister in particular and other leaders of the government in their election campaign are unequivocally stating that the proposals are unnecessary and do not deserve any consideration. What will happen to the Committee and whether it will at all be able to make any recommendations are highly questionable. If the objective is the integrity of the electoral process there must be due consideration of the reform proposals. When the time is ripe, although the leeway is rather limited, parliament may pass necessary laws or adopt appropriate resolutions.

The proposals are attached. Reforms in the Caretaker system and Election Commission are necessary for creating the right environment for a free and fair election and this is briefly discussed below. Comments on only three other issues viz., Good Candidates, Voting System and Election Observation are provided in the following sections in some details.

REFORMS OF THE CARETAKER GOVERNMENT FOR A FREE AND FAIR ELECTION

Free and fair election is the crucial pre-condition for democratic system. In the UN universal declaration of human rights the necessity for free and fair election has been emphasized. The joint declaration of the framework for restoration of democracy of three alliances in 1990 demanded a free and fair election under an interim government and stipulated total neutrality of this caretaker government. Carrying this concept to its logical conclusion a constitutional arrangement for a non-party neutral caretaker government between two parliaments to ensure free and fair election turned into a national demand. At the same time it was also demanded that the electoral system should be reformed to free it from the influences of black money, terrorism and communalism. Sidetracking this national demand the BNP government of the time held on 15 February 1996 a voterless one party election. The parliament so elected could not pass the test of legitimacy both nationally and internationally. Mass upsurge forced the parliament of 12 days to dissolve itself after passing a constitutional amendment on non-party neutral caretaker government.

The caretaker government that assumed power in the wake of the uprising was successful in holding a free and fair election. But the enhancement of powers of the President for the interim period made by that amendment demonstrated the possibility of crisis in governance. In our parliamentary practice the President makes only two discretionary choices and acts on the advice of the Prime Minister in every other matter. But the thirteenth amendment gave such powers to

the President that strikes at the foundation of the parliamentary system. This amendment created a kind of diarchy that can engender undesirable and unintended conflict. The vesting of the control of the defense ministry in the hands of the President is one such source of possible conflict. The amendment also vests all state powers in the President for the interim period by making the non-party government accountable to him.

Recognizing the neutrality of the judiciary the Chief Justice was made the head of the interim government in order to make the transition from autocracy to democracy in 1990. The amendment for caretaker government provided for the latest retired Chief Justice to be the Chief Advisor. In case he would not be available the previous retired Chief Justices followed by retired Justices of the Appellate Division of the Supreme Court were made eligible for this position. This unfortunately has politicized the judiciary. The sudden extension of retirement age of only the Judges of the Supreme Court from 65 to 67 bears testimony to intrusion of partisan politics in judicial appointment. The willful delay in the separation of judiciary from the executive and partisan considerations in the appointment of Judges of the Supreme Court have raised questions about the integrity of the judiciary. Above all, appointment of a public servant holding a specific post as the Chief Advisor is also not very logical. With a view to make the process more transparent, more efficient and more effective the field of choice for the Chief Advisor should be widened beyond the small circle of judiciary only.

The constitution enjoins on the caretaker government to assist the Election Commission in holding free and fair election and discharge the routine functions of the government as an interim government. The caretaker government is prohibited from taking any policy initiatives. But the caretaker government of 2001 not only took policy decisions but went beyond their legal authority in its performance. It is necessary that its jurisdiction should be strictly controlled.

The Chief Advisor and other Advisors of the non-party caretaker government should not be members of any political party or of any organization with political links. On top of it the Chief Advisor must command the confidence of all political parties.

In this context in order to ensure free and fair election adhering to the constitutional process, the provision regarding caretaker government should be modified to reflect public aspirations in this regard.

The mandate of the people is as follows;

1. In consultation with all political parties the President shall appoint a unanimously trusted and accepted person as the Chief Advisor and other members of the Advisory Council shall also be appointed in the same process.
2. In consideration of the parliamentary system of government the President shall act always on the advice of the Chief Advisor.
3. The responsibility for the Ministry of Defense shall vest in the Caretaker government and it shall be directed by the Advisory Council.
4. The Caretaker government shall confine itself to handling only routine matters of the government and assisting the Election Commission in the conduct of election.

REFORMS IN THE ELECTION COMMISSION FOR A FREE AND FAIR ELECTION

Only an independent and neutral election commission can ensure a free and fair election. This was why the joint declaration of the three alliances of 1990 sought to ensure the independence and neutrality of the election commission. While election laws and regulations were amended the election commission was not suitably strengthened. The subject of appointment of the Chief Election Commissioner and other Commissioners and creation of an independent and effective body free of control by the executive were not seriously tackled. As a result the Commission tends to be helpless in conducting election free of interference by the executive. In the circumstances the following measures are recommended for making the Election Commission independent and effective:

1. The appointment of the CEC and other Commissioners shall be made in consultation with all political parties. In the same process the number of Commissioners shall also be decided.
2. The Commission in the usual manner shall act on the basis of consensus; but in case of a difference of views shall be guided by the wishes of the majority.
3. The Commission being a permanent constitutional institution shall be accorded the due authority and honour so that it may conduct and supervise the election independently and unfettered by executive control.
4. There shall be an independent secretariat of the Election Commission. It shall be free of control of the executive branch. It shall extend its offices to Upazila level and employ and control all the staff of the organization. At the time of an election the government shall provide sufficient manpower as required by the Commission.
5. The Election Commission shall be financially autonomous and for that its budget allocation shall be charged to the consolidated fund of the Republic. There shall be no jurisdiction of the Finance Ministry in the release of such allocation.
6. The Commission shall freely appoint all election officers e.g., Returning, Presiding or Polling officers and deploy the law enforcing agencies for election duty and the government shall be obliged to make arrangements accordingly.
7. All personnel employed on election duties shall be under the control of the Election Commission for a fixed period before and after the election. For any dereliction of duty or violation of laws and regulations they shall be subject to any punishment or disciplinary action by the Commission. The government shall be obliged to implement the decision of the Commission.
8. The Election Commission shall be fully independent in announcing the election schedule and framing rules and regulations for the conduct of the election.
9. For any breach of election laws or rules the Election Commission may stop or cancel the election and order detention and punishment of the violators. For this purpose for the election period the Commission shall be vested with judicial authority.
10. A. There shall be complete transparency in the preparation of the voters' list. For enlistment of voters continuous media announcements should be made, cross checking of the list should be undertaken and permanent arrangements be made for updating the list. The voter list shall be computerized and voters shall be given identification cards. Arrangements shall be made for electronic voting system.

B. As per Peace settlement in the Hill Tracts a new voters' list for permanent residents of the Hill Tracts shall be prepared and their right of franchise be ensured.

C. Arrangements shall be made to enlist the expatriate citizens as voters and to ensure exercise of vote by them.

11. The Election Commission shall constitute an all party observation team for each constituency at the election time. At the national level the enlistment of the election observers shall be made after due assessment by the Commission six months ahead of the election and the list of observers shall be provided to the contesting parties and candidates at the time of the announcement of the election schedule. Such observers shall not be entitled to enter the polling centres or booths.
12. Information about international observers should also be announced a month before the election and their charter of activities should be clearly determined.
13. If electronic voting cannot be arranged the ballot box in each booth shall be transparent and numbered.
14. In the polling centre vote counting shall take place in the presence of agents of all candidates and observers. A signed copy of the results shall be given to all of them by the Presiding officer. The Returning officer shall send the consolidated statement of results to the Election Commission and only the Commission shall announce the results.
15. For any disputed election result any case filed with the Election Tribunal shall be settled within two months. Any appeal to the Supreme Court in this respect shall also be settled within three months. The Election Commission shall be a party for settling the case according to this schedule.

REFORMS IN THE ELECTION LAWS, RULES AND SYSTEM FOR FREE AND FAIR ELECTION

I:-- TO HALT THE MONEY GAME IN ELECTION:

- a. All expenditure made by a candidate or others in his support for the election shall be treated as his election expenditure and it shall not exceed the prescribed expenditure limit. For each electoral constituency it shall be monitored by a designated officer and he shall furnish regular reports to the Election Commission. The expenditure report submitted by a candidate shall be checked with this report.
- b. The statement of income and expenditure of a candidate shall be an open document for the public and it shall be supplied to the media. Any voter may raise questions about any content of the statement.
- c. The return on election income and expenditure shall be submitted by a candidate within a month of election and failure in this respect shall cancel the election result.
- d. Anyone furnishing false statement on election income and expenditure to the Election Commission shall be liable for severe legal action.
- e. Unless rescheduling of loan default is done a defaulter shall be ineligible for contesting election. The surety of a defaulter shall also be equally ineligible.

II:-- PUBLICATION OF THE WEALTH STATEMENT AND OTHER PARTICULARS OF CANDIDATES:

- a. A candidate shall be obliged to submit along with her/his nomination paper a statement on his/her wealth along with the wealth of his/her family members as well as information on his/her involvement in any economic and financial activities of the state.
- b. As directed by the High Court candidates shall submit along with their nomination papers information on their educational qualifications, other credentials and criminal records if any.
- c. The Election Commission shall take appropriate measures to inform people about the qualifications or disqualifications of the candidates.

III:-- QUALIFICATIONS FOR CANDIDATURE;

- a. If a candidate or any member of his/her family is a loan defaulter he/she shall be treated as an owner of black money.
- b. No government employee shall be a candidate in election in violation of government regulations.
- c. Anyone with anti-liberation record as a war criminal shall not be eligible to be a candidate. This prohibition shall apply to independent candidates as well.
- d. Parties shall take steps to ensure a compulsory transparent process of nomination from the grassroots and adherence to democratic process within the party as well as to prevent monetary influence on the nomination process.

IV:-- TO RID THE ELECTION OF THE INFLUENCES OF TERRORISM, MUSCLE POWER AND DEPRAVITY AND VILLAINY:

- a. Application of brute force and carrying and display of arms at election shall be strictly prohibited. Steps shall be taken to severely punish use of force.
- b. A person convicted of a crime shall be ineligible for participation in election for a fixed period.
- c. No political party shall nominate a terrorist or a lord of black money as a candidate for election.

V:-- EXPLOITATION OF RELIGION AND COMMUNALISM IN ELECTION:

- a. Misuse of religion in any way and communal propaganda and appeal to secure votes in the election shall be prohibited as a punishable offence.

VI:-- EQUAL OPPORTUNITY FOR ALL IN ELECTION:

- a. Regulatory provisions in respect of postering, leafleting and electric advertisement; and use of microphone, election banners, gates and wall writing shall be followed without exception. Local election officer shall ensure adherence to regulations and any breach of laws and rules shall be reported forthwith to the Election Commission for immediate action.
- b. The Commission shall arrange for projection meetings in every constituency.

- c. From the day of announcement of the election schedule all expenses on assemblies, grand show-downs, rallies and public meetings shall be strictly controlled.
- d. In a constituency, except for the election office as per election manual, no other structure for electoral club, camp or publicity centre may be set up.
- e. The time for use in the electronic media (Radio & TV) shall be equitably distributed and expenses on this account shall be strictly regulated.
- f. The Commission shall supervise and monitor all these matters and cancel the candidature of violators of the rules.

VII:-- TRANSPARENCY IN THE CONDUCT OF ELECTION:

- a. Lists of Presiding , Assistant Presiding and Polling officers shall be provided to the candidates 15 days before the election so that if any objection is raised it may be disposed of well in advance.
- b. The list of polling centres shall similarly be published 15 days prior to the election.
- c. For public awareness on both these matters information shall be locally circulated.

VIII:-- THE ROLE OF THE LAW ENFORCING AGENCIES IN ELECTION:

- a. To ensure security of the election, to resist terrorism and communal activism and to ensure proper application of electoral laws and rules, the authority over the law enforcing agencies shall vest in the Election Commission and it shall have full powers of control over them.
- b. Amended articles 87A and 89A of P O 155 of 1972 made by the last Caretaker government changing the definition of law enforcing agencies and empowering them with magisterial powers shall be recanted. The charge of the armed forces and other law enforcing agencies during election as provided in 1972 Representation of the Peoples Order and 1991 election law shall be restored.

IX:-- TO ENSURE INTERNAL DEMOCRACY AND DEMOCRATIC CULTURE IN THE POLITICAL PARTIES:

- a. Political parties participating in election shall be obliged to conduct their organization according to democratic principles and elect their executives on a regular basis. They shall compulsorily submit their financial statement to the Election Commission.
- b. The Commission shall provide training regarding election to political workers.

X:-- CONDUCT OF POLITICAL PARTIES AND CANDIDATES:

The code of conduct as adopted shall be strictly followed and political parties shall cooperate in its enforcement. In order to assist the Election Commission at central and district levels all party advisory councils shall be formed.

XI:-- FEMALE REPRESENTATION:

Reserved seats for women shall be increased and direct election of women representatives shall be arranged.

APPENDIX II ITEM 1 PARLIAMENTARY ELECTION 2001

INTRODUCTION

In Bangladesh a system of holding parliamentary election under a non-party Caretaker government has been tried three times, first in February 1991 and then in June 1996 and lastly in October 2001. The performance of the last Caretaker Government was dismal in maintaining law and order and controlling violence and it was accused of conducting an unfair election. Newspapers reported incidents of widespread violence and partisan activities of the civil administration and law-enforcing agencies under the Chief Adviser of the Caretaker Government. The greatest surprise was the landslide victory of the Alliance scoring only 46.9 percent of popular votes against a newspaper speculation of a neck-to-neck contest between the Alliance and the Awami League. The speculation was not at all a figment of imagination as Awami League scored 40.3 percent of popular votes improving its appeal by about 3 percent rather uncharacteristically while being in power.

The announcement of the election results benumbed the nation for a while and allegations of electoral fraud were made in large numbers. Even the Alliance itself was taken aback and did not know for a while as to what to do. But as rejection of the results began to be voiced seriously the Alliance insisted on swearing-in of MPs in indecent haste even before the official notification of the results.

Bangladesh Awami League decided to accept the results of the rigged election and its MPs took the oath of office in due time. At the same time it maintained that massive electoral fraud was perpetrated carefully by the Caretaker Government and decided to produce a study on electoral rigging mainly with a view to initiate necessary reforms for the integrity of the electoral process.

The study was completed by the *Centre for Research and Information* in April and published in June 2002; a revised version has been issued a year later. It unearthed what it calls the blueprint for electoral fraud. In other words it analyzed the rigging plan and its immaculate execution in details. It also came to the conclusion that the rigged election has enthroned an illegitimate government. It surmised that hence we still find that the regime is engaged in wanton violation of human rights, destruction of established institutions, deterioration of law and order, and limitless corruption in the country. It concluded that the solution lies in holding a fresh election after necessary electoral reforms to restore the legitimacy of the government.

BACKGROUND AND PARLIAMENTARY ELECTION 2001

From the birth of Pakistan on 14 August 1947 the relations between its two geographically separated regions was not very congenial and Awami League (AL) came into existence as an opposition political party in 1949. Ultimately under the leadership of the AL Bangladesh emerged as an independent state fighting a War of Liberation with Pakistan in 1971. Only as the new state was being set up and the devastation of the War was being tackled, the Father of the Nation Bangabandhu Sheikh Mujibur Rahman along with 18 members of his extended family was brutally assassinated in a violent coup on 15 August 1975.

Successive military and quasi-military regimes ruled the country for over 16 years. These regimes adversely impacted on the dynamism of the young nation and stunted its creative energies. In particular they destroyed the integrity of the electoral process. In their effort to gain legitimacy the military leaders used the instruments of coercion and bribery and improperly exploited state powers to form new political parties viz. Bangladesh Nationalist Party (BNP) in 1978 and Jatiya Party (JP) in 1986. Another instrument of legitimization was holding of referenda and elections for people's representatives. General Zia held a referendum on 30 May 1977 when he secured affirmative votes of 98.88 percent with a voter turnout of 88.5 percent. General HM Ershad followed suit and held a similar referendum on 21 March 1985. Besides these votes they held many other elections, some five more, including two presidential and three parliamentary elections in a decade. In these elections the rulers would decide beforehand as to what should be the results of the election and the civil administration would deliver it by stuffing the ballot boxes and disallowing free popular vote. As a result the only experience that the bureaucracy had was of rigged election.

A public uprising in 1990 restored democracy on 6 December and a consensus Interim Government was installed. Justice Shahabuddin Ahmed as the Acting President assembled a few Advisors with the consent of the parties that brought about the fall of the military ruler and held a free and fair election in February 1991. The nation unanimously decided to switch to the parliamentary form of government that it had for only three initial years. Begum Khaleda Zia as the leader of BNP entering into an understanding with Jamat e Islami formed the Government on 19 March 1991. Her Government held a fraudulent voterless election in February 1996. A popular movement led by AL forced Khaleda Zia to enact the constitutional amendment for Caretaker Government in March 1996 and hand over power to a Caretaker Government headed by Justice Habibur Rahman. Even though the constitutional amendment was substantially flawed, it came as a relief to the besieged nation and with the installation of the CG law and order was largely restored. Caretaker Government The Caretaker Government held a free and fair election in June 1996. Awami League emerging as the majority party formed the Government on 23 June after being out of power for 21 years and it invited other parties to join its cabinet of ministers. The AL Government performed creditably and on completion of its term of office installed the Caretaker Government on 15 July 2001.

The Caretaker Government headed by retired Chief Justice Latifur Rahman did not perform satisfactorily and its actions and omissions destabilized the field administration and increased the incidence of violence and crimes. The Chief Adviser's integrity began to be questioned even before he constituted his Council of Advisers. He focused attention on suppressing Awami League activists and started scrutinizing contracts awarded by AL Government giving the impression that they were corrupt. This way he lent support to BNP campaign plank of allegation of violence and corruption against AL regime.

The parliamentary election was held on 1 October 2001 in 300 electoral constituencies (one election was postponed due to death of a candidate). Some information on elections of 1996 and 2001 are provided in Table I. About 56 million votes were cast in 29,978 polling centers that required a huge mobilization of manpower resources and it produced unexpected result giving four-fifth majority of seats to the BNP Alliance. The BNP Alliance Government was installed on 10 October and immediately there was an exponential increase in violence and lawlessness in the country and application of all the repressive and coercive instruments of the state apparatus against the leaders and supporters of Awami League, including the members of the minority communities.

1. A RIGGED ELECTION: AN ILLEGITIMATE GOVERNMENT BANGLADESH ELECTION 2001

The study entitled “A Rigged Election: An Illegitimate Government -- Bangladesh Election 2001” is presented in six chapters, fifteen annexes and six appendices.

SUMMARY FINDINGS

METHODS OF ELECTORAL FRAUD AND VOTE RIGGING

Identification and explanation of all methods of vote stealing are detailed with examples. It appears that the Returning Officer is the king-pin in the electoral process and he can perpetrate fraud very easily. He initiates fraud influenced by any of the three factors such as permissive signals from the Government or intimidation by any powerful party or simple bribes. If he is neutral, false voting is under control. If he is partisan or active, no power on earth can stop his favoured candidate. Of course, muscle and money powers are important. You need *mastans* to occupy polling centres and you need money to sustain *mastans* and grease the officialdom. It has also been observed that an election can be rigged easily without disturbing the over-all law and order situation.

The study has identified seventeen different ways of vote fraud, all of which were followed in Bangladesh election, some with greater intensity and planning and others as and when opportunity occurred or were felt safe. They are grouped into broad categories as follows and they number eighteen due to division of one point into two categories.

An environment for free & fair election

- i.** You prevent genuine voters from casting their votes either by threatening the weaker section or creating a temporary law and order situation in a centre as well as by delaying vote casting process.
- ii.** You influence the law-enforcing agencies to frighten away voters and supporters of your opponent by methods such as detaining workers and leaders, humiliating them and other supporters and creating terror in an area by patrolling units.
- iii.** You buy votes with money.

False voting

- iv.** You capture polling centres for a limited period and stuff ballot boxes.
- v.** You print more ballot papers than needed and distribute ballot papers to your selected parties for stuffing at the appropriate opportunity.
- vi.** You cast so many false votes that polling exceeds the number of voters in the centre concerned. You also tender more votes than feasible so that hourly voting exceeds reasonable limits e.g. 80 votes per booth per hour.
- vii.** In remote areas where it is difficult to travel you produce a voter turnout of 90 percent or so.

Vote counting

- viii.** You introduce stuffed ballot boxes or do not seal boxes properly so that it can be stuffed in connivance with election officers.

- ix. You count fraudulently in various ways; you change votes of candidates, you discriminate while preparing bundles of ballot papers, you lose ballot papers to suit your convenience, or you doctor the tally.
- x. You misplace ballot boxes including losing them during transportation to district headquarters.

Crowding the polling centres

- xi. You have dummy candidates and with polling agents on their behalf to cow down your opponent by sheer brute majority.
- xii. You place observers who are partisan and influence voting, in some cases they do the ballot stuffing.

Matters of procedure and practice

- xiii. You create problems for voters by giving a wrong voters' list to one candidate and follow a different list in the polling centre.
- xiv. You have your pick of Presiding and Polling officers to make sure that they turn a blind eye to if not help stuffing of ballot boxes.
- xv. You print ballot papers in such a way as to invalidate votes cast for the candidate you want to fail.
- xvi. You stop voting in a centre because of troubles and then restart the process without the presence of all parties. Or you refuse to cancel voting even when goons occupy a centre and voters are beaten up and driven away.
- xvii. You just cancel voting in a centre after having counted the votes and having announced the results.
- xviii. The EC resorts to influencing public mood by announcing wrong results or withholding announcements in order to ensure a good lead for the preferred party.

THE BLUEPRINT FOR RIGGING ELECTION AND ACTUAL EXECUTION OF ELECTORAL FRAUD

BNP's blueprint for rigging the election was very clever. They wanted to defeat Awami League in targeted constituencies to ensure a two-third victory for the Alliance and started working on it in good time. They wanted the Caretaker Government to adopt such measures so as to portray the Awami League as an adversary to be held in check. For quite a while Khaleda Zia and all her associates were talking about a two-third majority and even talked of limiting AL victories to 60/70. Indeed, they had prepared their blueprint very carefully.

A group of retired senior civil servants along with a group of civil servants in active service got together with BNP leaders and worked out a plan in the now well-known "Hawa Bhaban" to rig the elections. The strategists had to get the administration on their side. They started cultivating the CA well before he took office. The strategists targeted a select number of constituencies to defeat the Awami League. Obviously these were the 118 heavily contested seats of the 1996 election and some other seats of targeted 'enemies'- a total of 158, but possibly only 140 out of them. With the CA on their side they had no difficulty in placing officers of their choice in charge of key positions and especially in the field level to stage the civilian coup. Next, they went forward with their pick of sympathetic Presiding and Polling officers for the selected polling centres. Then they fomented terrorism in the country mainly to terrorize AL followers and create conditions for early deployment of the armed forces and carry on this campaign of

terrorization. Then they listed those constituencies where AL is popular as vulnerable to violence, with a view to deploy law-enforcing agents in good numbers there. They also identified the constituencies where they intended to occupy selected booths and prevent voters, especially members of the minority communities, from voting and made sure that these were left unprotected; these constituencies were listed as risk-free so that law enforcing agents were not deployed there. .

The Chief Adviser showed his preference immediately following his swearing-in ceremony. He transferred 13 senior officials and instead posted in key positions officers, who had gripes against or were known to be hostile to the AL and were partisan and sympathetic to BNP-Jamat. He recruited key staff showing preference for cronyism as well as anti-AL, anti-Liberation and pro-Alliance bias. Most of these officers or staff members have later been retained in their posts or handsomely rewarded by the Alliance Government. The CA then spent all his time in transferring some 1400 civil servants as well as holders of honorific or social positions destabilizing the administration and terrorizing the civil servants. It was falsely argued that such transfers were necessary to balance the transfers made by AL in its last days. Actually transfers made by AL were about 300 only and that was due to unfreezing of promotions by the Supreme Court after a lapse of two years. These steps that he took immediately presented AL as a guilty party whose misdeeds was being corrected by the Caretaker Government and this impeded an environment conducive to free and fair election. The Caretaker Government also went forward in devoting its energies in pursuits not within its purview, such as separation of judiciary and executive, withdrawal from international organizations, review of development programmes and projects and withdrawal of cases against criminals pretending to be politicians. They acted unconstitutionally but succeeded in portraying Awami League as an evil force to contend with.

Their next target was the Chief Election Commissioner who was induced to adopt measures that would boost his ego and simultaneously help them. Sympathetic officers were picked for the EC and instructions were so formulated as to help their campaign strategy. He amended the electoral laws giving unprecedented powers to the CEC and vesting the army with police powers. It may be noted that he deliberately delayed processing these amendments to parliament when it existed and waited to invoke the ordinance making powers of the President during the Caretaker regime. This was also an unconstitutional step as it was not a routine function.

The Chief Election Commissioner, in fact, mismanaged the election with highly questionable or confusing- if not deliberately mischievous- instructions and high-handed action in the Commission. His system of computerized collection and tallying of results was a very opaque and questionable operation. His preparation of the electoral roll in CD ROM was faulty and disqualified genuine voters in many constituencies because of difference between the authorized list of voters and the CD ROM list. He made silly rules on movement of motorized vehicles and mobile telephone use, both of which helped violence and supported BNP plan for conquest of polling centres without intervention. His instructions on submission of lists and photographs of polling agents made them vulnerable to physical attack or financial bribe prior to election. Even in printing ballot papers and its distribution unfair advantages were secured for the BNP Alliance. He, however, had no instructions on recruitment of Presiding and Polling officers where Jamat and BNP activists had a free run. He also made a mess with posting of local

observers, who were essentially picked by partisan Deputy Commissioners or selected by local NGO leaders of doubtful veracity.

The incompetence of the CEC became more obvious as he conducted many more elections in the following eighteen months. Even the uncontested supplementary elections held in disputed centers to complete the parliamentary elections and then the uncontested election in the three City Corporations were so dominated by violence, false voting and black money that they totally vitiated the electoral process. In one Municipality (Sandwip) the Commission held a voterless election when a ruling party goon just would not allow anyone to vote. Then early in 2003 the Commission held the two-months long Union elections that went into record books as the most fraudulent and the most violent local election ever held in the country with a heavy toll of lives. Incidentally the CEC also agreed that the Union elections were a farce.

The CA is credited with finalizing the list of vulnerable constituencies and the list of terrorists to be apprehended or suppressed single-handed at his discretion. The list of vulnerable constituencies had to be carefully selected so that where *mastans* would operate there would be no presence of law-enforcing agents and minimal protection for disadvantaged groups would be provided. Supported by the CEC, he asked as per request of the BNP, for deployment of the armed forces on 22nd September, more than a week before the date of election. It is pointed out that fielding of the Army well before the polls terrorized voters and especially the disadvantaged groups. In most constituencies the armed personnel proved particularly unfriendly to AL. The deployment of the armed units in the respective constituencies was entrusted to the Returning Officers (DCs) who were already part of the conspiracy and selective deployment resulted in harassment of AL workers and voters. The office of the Chief Adviser assisted by partisan officials, in fact, classified vulnerable constituencies into three categories and listed 51 as highly vulnerable, 106 as very vulnerable and 111 as ordinarily vulnerable. Among the targeted 158 constituencies 33, 54 and 56 were in the three respective categories and Awami League won in only 17 of them with none in the highly vulnerable category. These were the constituencies where the army would be deployed proportionate to the degree of vulnerability, as the Returning Officers would judge.

The unfairness of the measures adopted by the Caretaker Government and the Chief Election Commissioner in the name of creating a level playing field actually ensured that the Awami League was treated as an adversary and practically pitted the entire administration against it. Indeed, a very adroit and successful execution of the elaborate electoral rigging plan was made without raising apparent questions and maintaining a façade of peaceful polling. In the typical style of perpetrating electoral fraud, an art perfected between 1977 and 1988 under military and quasi-military regimes and done again by Khaleda Zia in February 1996, the civil administration and the law-enforcing agencies under the Returning Officers delivered the pre-determined results.

THE HOLLOWNESS OF THE CLAIM FOR FREE AND FAIR ELECTION

It is often argued that a defeated party in Bangladesh always questions the fairness of an election. The question is raised so often because the civil administration in Bangladesh is used to rigging election; it has been practiced at least eight times in sixteen years and then again in February

1996. In February 1991 Awami League complained about refined and limited electoral fraud by BNP-Jamat coalition and in June 1996 BNP alleged fraud by AL. It is only natural that the election of October 2001 would be similarly questioned. The difference in respect of October 2001 is that this time the Caretaker Government is directly blamed as a partner and main player in perpetrating electoral fraud.

Six arguments surmising that the election was free and fair have been made and they have been scrutinized carefully and found to be totally false. There is a wide gap between the reality and the perceptions. Did the electorate want a change, was the anti-incumbency syndrome so strong? Was there really a consolidation of votes of four parties against the lone AL? Just because the voter turnout was heavy and the environment was peaceful was the election free and fair? Was it a vote against terrorism and corruption? Was the defeat due to weak campaign strategy and internal feuds of the Awami League? Was the election free and fair simply because it was so certified by election observers, both foreign and domestic groups?

The answers to many of the questions can be posed in a fresh volley of counter-questions. If the voters wanted a change why did they give more votes to AL than ever before? Did the choice against corruption and terrorism mean jumping from the frying pan into the hell fire? What was the argument behind abandoning candidates such as Matia Choudhury or Saber Chowdhury? Was the voter turnout feasible in many polling centers or was it simply a matter of stuffing of the ballot boxes? What is there in the certificate of partisan national election observers whose deployment was made a farce by the CEC? How much could the 250 foreign observers actually cover and did not they suggest that 10 percent centers had problems?

There was obviously no seriously negative voting against incumbency, no desire to unseat the ruling party. Awami League, in fact, attracted more voters and improved upon its popular appeal by 3 percent despite poor publicity of its excellent performance in office. Voters did take note of high output growth, price stability, social security, employment creation, poverty alleviation, water treaty, end of insurgency, promotion of information technology and achievement of food self-sufficiency.

The claim that the election victory was ensured by consolidation of votes of the four parties of the Alliance is palpably untrue. Awami League, indeed, secured more popular votes but unfair practices gave more seats to the Alliance. There is the statistical monstrosity of the disproportionate relationship between votes secured and seats won. How do 40.3 percent of votes give 62 seats while 46.9 percent give 220 seats? Consolidation should have given the Alliance 59.7 percent of popular votes but instead they garnered only 46.9 percent votes. The theory of vote consolidation suffers from the fallacy of composition and a scrutiny of votes cast constituency by constituency reveals that the Alliance partners did not have any discernible advantage with consolidation of the votes. The supporters of all the Alliance partners voted for BNP candidates everywhere and yet the tally was a bare 41.14 percent. It was rigging of the election that won 132 out of 158 targeted seats where the improvement in their victory was phenomenal - from a bare 47 in 1996. But in the other 141 seats the Alliance improved their victory from 73 to 86 seats only, which is indicative of the normal effect of consolidation. Based on 1996 election results consolidation of Alliance votes would still leave 106 seats with the Awami League. Then AL also claimed 11 new seats where it had not done so well in 1996. Thus

in no way Awami League could be denied a minimum of 117 seats. The spectacular victory of BNP Alliance was ensured by thorough and pre-determined election rigging and the intervention of the civil and military bureaucracy.

In a simple tabular form the statistical monstrosity of the election results in 2001 compared with those of 1991 and 1996 is unveiled in Table II. For the purpose of comparison suffice it to say that BNP with its partners would have secured 141 seats under a proportional system of voting in 2001 while AL would have got 121 instead of 62 only.

It should also be appreciated that a peaceful election is not necessarily a fair election. Other conditions for free and fair election were totally absent in the last parliamentary election in Bangladesh. The election was held in a highly partisan manner denying even the semblance of an even playing field for the Awami League. Under an over-all peaceful environment temporary forcible occupation of targeted polling centers for limited hours did take place. Without disturbing peace it was not too difficult to ensure expulsion of known supporters of AL candidates pitted against four other parties from the polling centers. Without a lot of troubles it was easy to frighten away or prevent voters of minority community from exercising their voting right. The ban on mobile telephone and movement of motorized vehicles were of great help for such acts of terrorism.

It is true that records indicate that 56 million votes were cast registering a 75 percent voter turnout. In many centers it transpires that voting per hour per booth has been at the rate of 200 or more votes. The Supreme Court of India ruled that it is impossible to vote at the rate of over 80 per hour per booth when the voting is done manually. Even a 100 votes rate would have given a cast of 30 million votes. In some centers total votes cast was more than the number of total voters. Indeed, the rate of false voting has been very high.

The voting is said to have been to dislodge AL for its patronage of *mastans and corruption*. It may be true for some constituencies and some candidates such as in Barisal, Dhaka, Narayanganj, Bhola, Feni or Laksmipur but the choices made by voters do not reflect any deliberate action. Famous goons and corrupt people have won election handily and converted the country now into a protected shelter for corruption and hooliganism. The subsequent City Corporation election bears out the truth of our position on this issue.

The allegation against weak campaign and internal feuds in the AL has been specially investigated and the loss on that count can come to a maximum of 25 seats. Be it noted that the Alliance suffered from similar disability of perhaps greater intensity.

The other point is about certification of a free and fair vote by the observers. The foreign observers were in the field practically for the election day although some EEC observers came a little earlier. There were hardly 250 foreign observers and they mostly frequented urban constituencies. Even they suggested that in about 10 percent centres there was false voting. Ten percent meant about 3000 centres or 20 centres in the targeted constituencies each, enough to distort the results. As for the domestic observers it has been shown that most of them were partisan observers with limited or no experience in election monitoring. The Election

Commission, in fact, made a mess of the election observation process altogether and hence the certification by domestic observers is just nonsense.

A pertinent question is why did the Awami League fail to prevent the implementation of the blueprint for election rigging. It is stated that throughout the campaign and from even before, the BNP Alliance continued to complain about the uncongenial election climate and that was part of its hidden agenda for terrorizing voters and keeping the AL on its tiptoes. Awami League was determined not to thwart election at any cost and hence tolerated all irregularities and biased actions of the Caretaker Government and the Election Commission under protest. They were also worried by the stirrings about an interim government in the event of frustration of the election and also by the rumour about CA taking a job in the event of an Alliance victory. Above all, they could not believe that the Chief Adviser would behave in a palpably partisan fashion. A question is also raised about the fuss made by BNP leadership with support from the Hon'ble President for oath taking of parliamentarians in 'indecent hurry'. Were they afraid that if allowed any time the electoral verdict would be rejected by the nation?

THE AFTERMATH: AN ILLEGITIMATE GOVERNMENT AND MISRULE

The unequivocal and emphatic finding is that the election was not free or fair. This is further borne out by the ineffectiveness of an illegitimate government that we are experiencing since October 2001. A review of the aftermath of the rigged election inevitably brings up the issue of legitimacy of the victors. The law and order situation and the management of the economy by the BNP-JI regime could not be any worse. Is that the behaviour of a confident government with three-fourth majority in parliament?

Violation of human rights even after eighteen months of office of the Alliance Government is the norm in the country and persecution of minority communities is going hand in hand with suppression and now liquidation of the opposition AL supporters and workers. Misuse of Section 54 of the Criminal Procedure Code and the Special Powers Act, police remand without authority, application of third degree methods on detained political prisoners, flouting of orders of the courts, attack on courts, attack and even murder of journalists, threat to journalists and throttling of the opposition's right to protest including innocent hunger-strike -- all relics of barbarism and fascism are being vigorously practiced by this illegitimate regime. They are in competition to distort history and indoctrinate the youth against core values of the nation. They have desecrated the portrait of the Father of the Nation and made the life of his daughter AL leader Sheikh Hasina insecure. Discriminatory and unconstitutional measures aimed essentially at repression of the opposition forces form the legal agenda of this illegitimate Government. While the Security Act of 2000 has been recanted cases under it are being disposed of according to the discretion of the Government. Some 45,000 criminals have been released on the plea that they were politically victimized but fresh cases of victimization have been cooked up at the last minute. A more draconian security act has been introduced on the plea of quick dispensation of justice. But this violates all the ethics of jurisprudence, distorts evidence law and gives unprecedented powers to an already criminalized police force. The law of jungle, in some cases worse than martial law, is the refuge of the illegitimate power grabbers of the BNP-Jamat *entente*. An operation Clean Heart was orchestrated for 86 days catching some 12000 criminals and a very small cache of arms and ammunitions and also causing death in custody of some 57 people. The operation was

closed indemnifying all acts of murder or destruction during the operation and lawlessness seems to have returned with a vengeance.

A growing economy with sound fundamentals so assiduously promoted by the AL Government has been put in a limbo by irresponsible utterances and actions of Government leaders causing serious erosion of confidence in the economy. The Government is engaged in stabilizing macro balancing and it does not matter if investment, employment, growth and price stability go down the drain. Buck passing is the name of the game in town after two years buck passing is of no avail now. The real misfortune is that all attention is paid to revenue raising by any means and no worthwhile measures are taken to utilize the strengths of the economy that lie in growth in information technology, energy development, break-through in agriculture sector, vibrancy of rural economy, enforcement of banking discipline, expansion and consolidation of healthcare measures and spread of education. While ADP was cut the brunt of it was borne by the rural economy. Ambitious ADP is only in papers and implementation is at its worst thus adversely acting on absorptive capacity. Reduction in revenue expenditure is not visible at all. Inflation is spiraling but investment is particularly shy with foreign investment barely trickling. And yet the lying Government is projecting high growth of output as if to be manufactured by thin air. No planning is visible for tackling the difficulties faced especially by garment export. No steps are forthcoming for reforms of the banking sector cashing on the past achievements in banking discipline. Only promises for privatization, administrative reforms and improvement in governance stand out prominently but are not they fuzzy and unsure? It is governance failure, indeed, that has sent the economy into a kind of stagflation.

The Government seems to be bent upon destruction of all established institutions. Bureaucracy has been politicized and terrorized with indiscriminate transfers, vengeful terminations and plethora of political appointments. They do not have any commitment to public service and this is seriously jeopardizing execution of development programmes and utilization of external assistance. The orders of the courts are not honoured and instead courts are physically attacked. The Supreme Court is being converted into a partisan assembly. News reporting is being censored by threatening journalists and expression of critical views is being throttled. Parliament is not attended by MPs and it has turned into a forum for hurling abuses at the opposition bench. The opposition is not allowed to discuss national issues or voice grievances in the parliament. Violating the traditional practice even the microphone of the Leader of the Opposition is switched off peremptorily by the Speaker under instructions of the Prime Minister. A competition in corrupt deals is what keeps the powerful and the parliamentarians busy. And murder, rape, extortion and hijacking by *mastans* patronized by the Alliance have ushered in a dire state of lawlessness. Presently opposition activists and leaders are specifically targeted for murder. It is obvious that instead of a crisis in governance the country is experiencing the sheer absence of governance. The absence of legitimacy of the Government has made it incapable of protecting human rights, ensuring the rule of law, promoting social stability and achieving economic development.

It is contended that unless legitimacy of the Government is restored the rule of law cannot even be attempted nor can the socio-economic progress be continued. The society needs to be salvaged from the barbarism and pyrrhonism reminiscent of 1971. The salvation lies in finding

some means to hold a fair election promptly to impart legitimacy to the Government and to halt the descent into anarchy.

Table I

SUMMARY OF VOTES AND CENTRES IN 1996 AND 2001

Items	1996		2001	
Total voters	56,716,935		75,000,656	
Votes cast	42,418,274		55,905,518	
Voter turn-out ratio	74.15%		74.87%	
Number of centers	25,952		29,978	
Number of booths	114,749		141,282	
Number of election officers	370,204		477,842	
Law-enforcing personnel	440,000		500,000	
Foreign observers	250		250	
Local observers	40,000		300,000	
AL votes & seats	37.44%	146	40.24%	62
BNP votes & seats	33.61%	116	46.90%	220

Table II

Summary of Votes and Seats Distribution 1991, 1996 & 2001

Party	1991	1996	2001
Awami League			
Awami League votes %	33.67	37.44	40.24
Awami League seats	101	146	62
Proportional principle	101	112	121
BNP-JI entente			
BNP votes %	30.81	33.61	41.14
BNP seats	144	116	196
JI votes %	12.13	8.61	4.50
JI seats	18	3	18
BNP- JI votes	30.81 + 12.13 42.94	33.61+8.61 42.22	41.14+4.50 45.54
BNP-JI seats	144+18 162	116+3 119	196+18 214
Proportional principle	129	127	137
4 Party Alliance			
IOJ votes %		1.09	0.57
IOJ seats		1	2
JP votes %	11.92	16.40	0.69
JP seats	35	32	4
Alliance votes %			46.90
Alliance seats			220
Proportional principle			141
Other JP votes %			7.55
Other JP seats			15

APPENDIX II IEM 2
EXPERIENCE WITH OTHER ELECTIONS AFTER 2001

1. BYE ELECTIONS IN THE TWELVE VACATED SEATS

Immediately after the parliamentary election there were elections in the one constituency (Cox's Bazar 3) where election was cancelled due to death of a candidate, and eleven seats vacated by candidates who were elected in more than one seats.

Seat	Vacated by	Won by
1. Bogra 6	Khaleda Zia	BNP
2. Narail 1	Sheikh Hasina	BNP
3. Narail 2	Sheikh Hasina	IOJ
4. Khulna 2	Khaleda Zia	BNP
5. Barguna 3	Sheikh Hasina	BNP
6. Manikganj 2	H R Khan Monnoo	Independent
7. Munshiganj 1	AQM Badruddoza	BNP
8. Faridpur 4	A Razzak	BNP
9. Moulvibazar 3	M Saifur Rahman	BNP
10. Feni 1	Khaleda Zia	BNP
11. Laksmipur 2	Khaleda Zia	BNP
12. Cox's Bazar 3	Election deferred	BNP

In all these elections the Alliance had the tailwind of victory but everywhere competition was disallowed by force and ballot boxes were stuffed at will. In Annex IX of the book on Rigged Election the experience with Narail 1 constituency has been documented. The BNP candidate announced beforehand that no AL agents would be allowed on the election day and he carried out his threat duly while the Returning Officer pleaded helplessness. There were also demonstrable acts of violence to force the voters to toe the line.

The next important election was the City Corporation elections in Dhaka, Khulna and Rajshahi, which were boycotted by the AL. A commentary on these elections held on 25 April 2002 is provided in Annex X of the Book. These elections had the following characteristics.

- Some 100 terrorists and known criminals (at least 34 in the police list) contested these elections and 17 were elected of whom 10 were Alliance candidates. Some of them were soon killed in internecine quarrels. They created a climate of terror in the elections
- The voter turn-out was very poor except in Rajshahi but official count placed them at 34, 64 and 74 percent in Dhaka, Khulna and Rajshahi respectively. Ballot boxes were stuffed merrily in the voterless election.
- In Rajshahi there was a tough contest between Alliance and Citizens' nominees and the latter led the results for a long time. Then the tallying was stopped for some time and when it resumed BNP candidate started leading.
- Opposition candidates were disallowed from campaigning by goons of the Alliance and some of them were implicated in cases and threatened by warrants of arrest on trumped-up charges so that they would not campaign. On the election day most of them were not allowed to post agents in the polling centres.

The story of the by-election in Dhaka 10 constituency on 1 July 2004 as provided in our note reveals the intention of the ruling party not to have any fair election. Major (retired) M A Mannan MP left BNP and joined Bikolpo Dhara of Dr Badruddoza and so the seat became vacant and he fought the by-election against Prime Minister's Political Secretary Mosaddek Ali Falu. It was a farce of an election marked by the following distinctions.

- The opposition candidate was denied his chosen symbol by the partisan RO and he could get it only by going to the Supreme Court.
- The RO refused to abide by the orders of the Election Commission and because he was shielded by Khaleda Zia nothing could be done.
- The government flouted the orders of the Supreme Court for deployment of the Army for election duties.
- The opposition was intimidated by party goons and the police throughout the campaign and as the election neared many of the leaders and workers were arrested or had to go underground to escape arrest or beating. On the election day all their agents were forcibly ejected from all polling centres and the candidate announce his boycott of the election by midday.
- The polling stations were swamped by hired voters from outside and they were used in stuffing the ballot boxes in the conquered polling centres.

The story of the by-election in Ward 63 of Dhaka City Corporation on 20 April 2005 as presented in our note is a repetition of the usual rigging methods Khaleda regime is adept in.

- They put up fake candidates to crowd out opposition agents from the polling booths.
- They used strong arm tactics to deny voting rights to the opposition supporters. In this case the violent raids were launched by a famous terrorist MP Pintu.
- The wife of the AL candidate was maltreated by MP Pintu and his goons and the AL candidate along with another opposition candidate were beaten black and blue on the election day. On their complaint the election was halted.
- As the opposition candidates finished giving evidence to the election enquiry officer, the AL candidate was picked up and made a prisoner while false cases were concocted by the partisan police.

There are some cases of AL success in elections and it is useful to look at them also. In Gazipur 2 Ahsanullah Master MP was murdered by BNP goons and in the by-election his son won as an AL candidate. Ahsanullah Master was so popular and the murder in broad daylight was so horrid that the government desisted from trying unfair means. Earlier the area had demonstrated its dislike for the BNP in public agitations. In Munshiganj 1 Mahi B Chowdhury resigned as he joined Bikolpo Dhara and then contested in the by-election and won handily. Here also it was a family seat for three generations and the public support was too very strong. Even then acts of violence did take place there; a Mahi supporter was killed while participating in a victory celebration. In Sylhet City Corporation election on 20 March 2003 citizens' candidate AL leader Mayor Badruddin Kamran was elected against three BNP candidates by a margin of 25,000 votes. Three BNP candidates split votes among themselves. On to of it BNP MP of the area Finance and Planning Minister Saifur Rahman earned the wrath of the voters by his disparaging remarks against them and by his denial of favour to the City. The tidal wave of support for Kamran frightened the government and the Minister left the scene soon after voting began. The

arrangements for voting were very good and systematic. In each of the 79 centres there was a magistrate and a sizeable police force. The contesting parties also could provide watchdogs for the limited number of centres as the election attracted country-wide notice.

On 9 May 2005 in Chittagong Mayor M Muhiuddin Chowdhury, again a citizens' candidate and an AL leader, won a huge victory by a margin of 91,000 votes. This was also forced by public support into a fair election. Many irregularities were tried but all machinations failed.

- The Police Commissioner was an open partisan canvasser and he had to be withdrawn by the Election Commission. But the government announced that he would go back thus protecting his influence in the police force and in fact, he is back there now and up and doing against the Mayor.
- Partisan and unqualified election officers (including a peon) were appointed and even when they were ordered to be removed by the EC they did function as election officers.
- Jamat intimidated minority voters and imported goons from outside to stuff ballot boxes in centres that remained under their occupation. In one of these occupied centres the wife of the Mayor even could not vote. In another they blasted bombs.
- Dozens of Ministers and innumerable MPs of the government violated election code in campaigning for the Alliance candidate taking advantage of official privileges.
- On the night before the election Mayor Muhiuddin's workers and agents were picked up by police in good numbers.
- They made an attempt to hijack the results. Suddenly when Muhiuddin was leading by about 30,000 votes the announcement of the results was halted. It was suspected that Presiding Officers who were still to report to the Control centre with the results were to be waylaid. Unfortunately for the Alliance the Control centre was crowded by Muhiuddin's supporters in thousands and Muhiuddin's agents had in their hand the authenticated result sheets of all centres showing a huge lead. The government had to abandon their evil design and declare the victory of Mayor Muhiuddin on the morning of 10 May.

It seems that congenitally the Alliance cannot think of a fair election. The electoral fraud that they are used to orchestrate is characterized by the following tactics: First, intimidation of opposition voters and workers with the help of patrolling army units and local police so that AL voters and especially voters of the minority communities do not turn up for voting. Second, crowding the polling centres with dummy candidates and agents and thus overwhelming the AL candidates and their agents with the tacit support of pliant and partisan officers of district administration. Third, for a given period occupation of selected centres by goons and partisan law enforcing agents for the purpose of stuffing ballot boxes with false votes with the connivance of pliant and partisan officers of district administration. Against such tactics it is possible to guard fairness with public presence and exercise the vigilance against evil machinations only when an election is in a limited area and not nation-wide. We notice that it is in the elections in limited constituencies such as in by-elections in Gazipur or Munshiganj or in elections of Sylhet or Chittagong city corporations that fair election could be secured against every attempt at undoing it by simply the pressure of awakened and alert mass.

But what is the real scenario for the next general election? It is not at all pretty. By a constitutional amendment the next Chief Advisor has already been chosen and he cannot escape

partisan interests. The way in which it has been assured that Justice KM Hasan alone will be available for the position and the national debate that has been going on since the fourteenth amendment make it impossible for him to remain neutral (even if he had originally intended to be so). The procedure followed in the case of appointment of the Chief Election Commissioner and then the two other Commissioners also has made them partisan. And the inefficient and prejudiced management of the Narsingdi by-election eroded all the credibility of the new CEC. The Commission has also lost its dissenting voice now. The performance of the Commission in the preparation of the now impugned voter list is such a shame. The Commission undertook a partisan enterprise and illegally spent millions of takas that should be recovered from the three stooges of the regime before they are sent home for incompetence, absence of decorum, conduct prejudicial to the dignity of judiciary and blatant partisan proclivities. The Commission really is strictly under the control of a highly partisan retired civil servant who is on unlimited extension of service to manage the next election “properly”. The expectation of reforms in laws and regulations through an usual amendment of the basic election law of 1972 is just a pipe dream.

About the civil administration in the districts the Alliance government has made all the arrangements for securing a pliant and partisan set-up. In order to ensure the presence of partisan and pliant district officers BNP has retired or dismissed many with independent spine, recruited party goons even without requisite qualifications, promoted a chosen lot superseding many others and also changing the rules of promotion, and posted them carefully so that if for some reason the top officer is excluded his consecutive successors will also be officers of their choice. Another effective weapon is police harassment of AL and opposition politicians and workers and keeping them busy in fighting repression, arrests and cases. They are not allowed by mastans and partisan law enforcing agencies to hold meetings and conferences or undertake organizational activities. To top it all active workers, leaders and current or prospective people’s representatives are eliminated at will by grenade or bomb attacks and extrajudicial killings by special forces such as RAB. Despite the temporary halt in the terrorism of the extremist groups we are not sure that they would not reappear at the right time. A kind of full-proof arrangement has been made by the Alliance to win the next election.

2. NOTE ON CITY CORPORATION ELECTIONS ON 25 APRIL 2002

City Corporation elections are very important in as much as the six cities (Dhaka, Chittagong, Khulna, Rajshahi, Barisal and Sylhet) account for over 11 percent of the population of the country and the elite as well as the articulate sections live there. Mayors as well as the Ward Commissioners are directly elected. In three cities Dhaka, Khulna and Rajshahi the last elections were held in 1994 and thereafter due to legal complications no further election could be held. Chittagong held an election in 1999. But no elections have yet been held in Barisal or Sylhet since they were upgraded into cities in 2001.

The election schedule for Dhaka, Khulna and Rajshahi cities were announced on 12 March 2002. Awami League decided to boycott the elections on two grounds. First, the environment was not congenial; repression of the opposition forces was continuing with unabated zeal and politicization and victimization of civil administration made it incapable of holding a free and fair election. Second, it had no confidence in the neutrality and competence of the Chief Election Commissioner and would not participate in any election conducted under his authority. The

campaign began immediately following the announcement of the schedule and the final list of candidates appeared on 30 March. Government decided to go ahead with the election and the ruling BNP Alliance duly nominated its candidates. Some relevant information on voters, seats, candidates etc is provided in the Table below:

Cities	Dhaka	Khulna	Rajshahi
Voters	2,869,028	380,990	210,480
Wards	90	31	30
Women Wards	30	10	10
Centers	1342	241	130
Booths	7515	1033	840
Risky centers	278	141	
Candidates Mayor	20	3	5
Candidates Wards	570	214	270
Candidates W Wards	103	61	103
Summary courts	45	10	10
Police units (20)	180	48	26
Armed police u (20)	87	10	8
BDR units (10)	120	10	5
Army units (150)	10	5	4
Presiding Officers/APOs	8857	1274	970
Polling Officers	15,030	2066	1680

The political environment was tense mainly because of extreme lawlessness in the country as a whole and in Dhaka in particular. A measure of the problem is provided in the statement compiled on the basis of newspaper reports by an NGO – Odhikar - about the law and order situation in April 2002. In Bangladesh there were 136 murders, 198 rapes including 64 cases of minor girls, 35 cases of acid throwing, 7 cases of attacks on journalists, 30 cases of victimization related to dowry and 188 cases of child repression. The special features of Dhaka situation were the numerous cases of hijacking and extortion. Then there was also the deliberate repression of the opposition forces: indiscriminate arrests of leaders and workers, torture during police interrogation, implication in false cases mostly as an after-thought and denial of the right to protest even in a peaceful manner.

One of the frightening developments was the activism of terrorists and wanted criminals. They were no longer prepared to remain simply kingmakers from behind the scene but wanted social recognition and direct role in managing the affairs of the cities. All newspapers except three pamphlets of BNP Alliance (Jai Jai Din, Inqilab and Dinkal) were unanimous in their reports that terrorists were a big factor in the election. In the three cities the number of terrorists and criminals seeking election was cited between 50 and 100. Many of them were in the wanted list of the police. The police redrew their lists and acknowledged that the total number was about 34. Some of the nominees of the Alliance were such terrorists and it was explained that they were wrongly accused by the previous regime in criminal cases. It may be borne in mind that the BNP-Jamat Government has already released 19,500 accused persons involved in criminal cases under trial or investigation. The CEC made a lot of empty fuss about apprehending the terrorists,

at least the fugitives from law. Special police teams were formed to intensify arrest of wanted terrorists and even campaigning on behalf of terrorists was prohibited. For the first time it was decided to call the army into action in city elections.

Some independent candidates were identified as Awami League supporters or activists. Quite a few independent candidates turned out to be fairly popular in their wards. Some were obviously pitted against terrorist candidates. In some areas the terrorists threatened other candidates with dire consequences and forced them to withdraw and interestingly some of the terrorists returned unopposed to the Corporations. The law-enforcing agencies helped Alliance candidates in their campaign and some pictorial presentation is included in **Appendix IV**. In many cases the candidates opposing the Alliance nominees were not allowed to campaign by goons backed by the law-enforcing agents. Many opposition candidates were arrested on false or flimsy ground of disturbing peace while campaigning. Arrests of warrant were issue against some others. Even then the campaign in Dhaka and Khulna were reportedly listless; the BNP mayoral candidate of Dhaka regretted the lackluster campaign.

On the day of the election most polling centers were forlorn and empty, even in Rajshahi the interest was not widespread across the city. But there was no let-up on the part of the ruling Alliance in tendering false votes or buying voters or terrorizing the supporters of their opponents especially in Rajshahi. Many false voters were sentenced to imprisonment by the summary courts in all three cities. In Dhaka the son of an MP was arrested for trying to buy votes with money. BNP Alliance could not help but follow the same pattern of vote rigging that they are used to. Collaboration with election authority and influencing the civil administration, false voting, forcible occupation of polling centers, counting and tallying fraud, terrorizing the opponents and using the law-enforcing agents for this purpose and vote buying were all done even in an election where opposition was only nominal. The results were overwhelmingly in favour of the Alliance candidates and there was little surprise in it.

All the Mayors were elected from BNP. In Dhaka the ruling Alliance lost 26 out of 90 wards, in Khulna the loss was 20 out of 31 and in Rajshahi it was 13 out of 30. In Dhaka the BNP candidate scored 690,474 votes while his 19 contestants won a total of 275,729. In Khulna the BNP candidate scored 135,773 votes in a tripartite contest where the total valid votes were 243,428. Only in Rajshahi the Mayor faced a tough contest; BNP won 87,700 votes while his closest rival the citizens' candidate won 73,302 votes and the two others claimed only a total of 2645 votes. In Rajshahi the result was immediately rejected by Fazle Husain Badshah the citizens' nominee and he complained of false voting, intimidation of voters during polling and counting fraud. A big issue is the withholding of announcement of result of Rajshahi when Badshah was leading and then resumption on announcement much later showing Mizanur Rahman Minu in the lead. This was a kind of repeat performance of announcement of the results of 1986 parliamentary election, popularly known as the electoral victory by media coup of General Ershad.

What has, however, drawn much greater attention is the voter turnout as reported by the Election Commission for the Mayoral election. They do not have any tally yet for voter turnout for election of Ward Commissioners. The turnout is reported as 34.37 percent in Dhaka, 64.40 percent in Khulna and 78.65 percent in Rajshahi. These figures are considered absurd in relation

to actual voting and cooked in an extremely callous manner. It is suggested that voting in Dhaka represented at best 15 percent turnout, in Khulna slightly higher and in Rajshahi not more than 50 percent.

The other point of attention is the victory of terrorists and criminals in the city elections. The most conservative estimate places the number of terrorists elected at 17 for the three cities with 10 being nominees of the BNP-Jamat Alliance. Other estimates go as high as 50 criminals in the three corporations, no doubt with Dhaka dominating.

The interesting development is the rejection of the election results by all the defeated parties – candidates as well as parties. In Rajshahi a kind of continuous strike is being staged demanding re-polling on the one hand and on the other cessation of political repression.

3. DHAKA-10 BY-ELECTION: A STAGE REHEARSAL OF THE NEXT GENERAL ELECTION

The by-election of Dhaka-10 constituency on 1 July, 2004 is a classic example of a farce of an election in the history of Bangladesh. It reminds the people of the malpractices, techniques, styles and methodologies adopted in rigging the last parliamentary elections of October, 2001. The newly innovated amazing and tricky techniques adopted in casting fake votes by hired people brought from outside the constituent's area makes this election a unique one. This is also an alarming signal to the nation that the same methods and techniques would be followed in the forthcoming general election too. The Dhaka-10 by-election seems to be a test case or a stage rehearsal in the broader perspective of election.

Open and naked fraud took place in the Dhaka-10 by-election. The process started from fielding dummy candidates and occurrences of a series of malpractices and misdeeds in allocation of election symbol. The main contesting candidate Major (Retired) M. A. Mannan had to take the shelter of the Honorable High Court to secure his party symbol platter (kula). Major Mannan again had to go to the High Court Division for an order on the government to deploy armed military forces in each and every polling stations. He did this with the good intention to ensure holding of free & fair election by maintaining peace and tranquility in the polling stations. Accordingly, the High Court Division passed an order. But, what the people, the Independent Election Observers and the Acting Chief Election Commissioner witnessed was no army in any polling stations.

So, again at the move of Major (Rtd.) Mannan, contempt proceedings has been drawn against the officials concerned. The above mentioned consecutive orders and rulings of the High Court Division prove that prima-facie case has been made out about committing irregularities and fraud in this election.

Outwardly, calm, quiet and peaceful environment was created in and around all the polling stations. In doing so, the Police and BDR in collaboration with the armed activists of BNP raided the houses of the active workers of Major Mannan during three preceding days of the polling day. By conducting such raids, they were either arrested or asked to be away from the area during election time. On the poll day, the few activists of Major Mannan who appeared before

the polling stations in the early morning were driven away by show of force. The law enforcing authorities and the local civil Administration were in connivance with the armed terrorists of BNP-Jamat in committing these criminal acts.

As a result of the above illegal and unlawful activities, almost all the polling stations became free from any activists and supporters of Major Mannan. So, he did not even find any worker to act as his polling agent. In this way, the BNP-Jamat terrorists had completely seized all the polling stations. As such everything came under absolute control of the BNP candidate Mr. Falu and his followers. The situation thus created was maintained and protected by the Police and BDR deployed in the polling stations and the army on patrol in the main streets. On the other hand, under the disguise of such peaceful environment, another set of people were awaiting inside the polling stations to conduct the main operation. They were the Presiding Officers and the Polling Officers appointed by the partisan Returning Officer.

When everything was set according to the plan, the actual operation of casting fake votes started. But the ordinary voters, the Independent Observers and the Journalists were surprised to see flood of people in the Polling stations brought in buses from outside the constituent area. These people were brought in thousands by hiring from slump areas like Kamrangir-char, Bhashantech, Shyampur, Postagola and Keranigonj. For helping speedy casting of votes by them, the polling booths were opened at 7-00 A. M. instead of the scheduled time 8-00 A. M. During interview by the Journalists, these people even could not tell the name of the candidate for whom they were going to cast votes. On the other hand, in some of the polling stations, a group of young people were seen continuously stamping ballot papers without any interruption or resistance. They were found conducting this operation openly outside the polling booths and even in front of the polling personnel. In line with this, some fake polling agents for Major Mannan were set up who even did not know the name of their candidate. This was done to deceive the Election Commission, the Journalists and the Independent Election Observers. But a close look into the arrangements revealed a horrible scene of apparently invisible malpractices.

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But all these mishaps and misdeeds could not escape the eyes of the Journalists and the Independent Election Observers. These acts and facts appeared both in the electronic and the

print media immediately after the election with concrete proof of pictures and footages. All the media termed this election as a farce and a drama in the name of democracy. So everything was out in the open. The nature and extent of malpractices and irregularities in this election were so serious that all the Independent Election Observers jointly demanded fresh election in this constituency by canceling the vote of 1st July, 2004.

But it was surprising that in spite of all these misdeeds, irregularities and malpractices, intimidations etc the Acting Chief Election Commissioner did not find any reason during his visits to some of the polling stations to stop the polls as per clause (a) of Article 91 of the Representation of the People Order, 1972. Such irresponsible remarks of the Acting Chief Election Commissioner made him a laughing stock and the Commission a rubber stamp. Similarly, none of the Presiding Officers of 103 polling stations could notice any interruption or irregularities to stop the poll of his polling station in accordance with clause 1 (a) of Article 25 of the above order.

Witnessing the farce of the Dhaka 10 by-election people could at last appreciate the complaint of Awami League about rigging of 1 October elections of 2001. How BNP-Jamat stole the election and secured four-fifth majority became crystal clear. They learnt how the people were cheated and the democratic process was manipulated. Election system is one of the pillars of democracy. The process of election gives the people the opportunity to exercise their fundamental right-freedom of choice. It is the right of the people to cast their votes in favour of anybody they like. It was a very popular slogan during the anti-Ershad movement that "I will cast my vote myself and in favour of anybody I like." In the process of this realisation of the people, the farce elections without voters held in 1988 by the of General Ershad and on 15 February 1996 by the then BNP Government respectively were declared "null and void" by the people. The people demanded a trust-worthy election under the Care-Taker Government. General Ershad survived for a while by the force of martial law but Khaleda Zia had to bow down to the will of the people. She had to resign and call for fresh elections under the Care-Taker Government. This concept of Care-Taker Government was the brain child of Awami League. It worked well during 1991 and 1996 (12th June) general elections. In these two elections, the parties headed by General Ershad and Khaleda Zia were defeated. But, unfortunately in October, 2001 election, BNP-Jamat Alliance in collaboration with Justice Shahabuddin, Justice Latifur Rahman, CEC Abu Sayeed and a few civil and military bureaucrats destroyed the system of holding free, fair and impartial election under the Care-Taker Government. They in connivance with each other manipulated the entire administrative machinery and the election system through a deep rooted conspiracy at national and international level. Failing to sense the conspiracy, Bangladesh Awami League participated in this election. AL is a pro-people party and does not believe in conspiracy and never indulges in any conspiracy.

In October 2001 general election, people's right to vote was badly denied and Bangladesh Awami League was shamelessly cheated. So the outcome of the election was a nightmare for the party and the people. The nation got a Government shared by anti-liberation forces like Jamat. The natural consequences have been misrule, mis-governance, tyranny, deterioration of law and order, killings, extortions, rape, corruption, mass-scale dismissal and forced-retirement of civil servants, politicization of the administration, and above all rise of terrorism and fundamentalism.

This grave situation of the country, subjected the Government of Alliance to bitter criticism at home and abroad. So, it was thought that they would come to their sense-the right will prevail and the evil will perish. But, to the utter surprise of the people, the Govt. has awarded the nation with the unique fraud of the Dhaka-10 by-election, which is worse than the Magura by-election. The newly evolved and unprecedented methods and techniques adopted in this election have totally frustrated the people. They are considering the Dhaka-10 by-election as a test-case or rehearsal of the next general election. So, the demand for reforming the entire election system has become stronger and stronger.

4. BY-ELECTION IN WARD 63 OF DHAKA FARCE OF AN ELECTION AND SHOW OF BNP MUSCLE POWER AND STATE TERRORISM

On 20 April 2005 forcible occupation of polling centers, beating up of opposition candidates and their followers, expulsion of voters and agents of all opposition candidates and a mayhem staged by the notorious goon BNP MP Pintu marked the reality of by-election in Ward 63 of DMCC. The death of Commissioner Ghulam Murshed of Ward 63 of Dhaka City Corporation occasioned this by-election that became a farce of an election and an example of violence by BNP goons and brutality by a criminalized police force.

Late Commissioner's widow Shahida Murshed with Television symbol was the candidate of the ruling Alliance. Her main opponents were AL backed Mohammed Husain Boshon with Elephant symbol, JP backed Saber Husain with Cow symbol and independent candidate Zahidul Huq Zahid with Candle symbol. As a routine ploy the Alliance puts up a number of fake candidates under whose cover they crowd the polling stations with election agents and polling agents. This is one of their tested methods for creating pandemonium in the polling stations with a view to stuff ballot boxes after driving out the opposition from the center. In this case, of course, they had an additional strategy also. This area happened to be within the sphere of influence of the famous godfather Nasiruddin Pintu MP and he was active in this by-election.

MP Pintu was arrested and charged by the Alliance government as a terrorist soon after they came to office in December 2001 and it was paraded as the proof of the BNP-Jamat junta's devotion to the rule of law. However, when people had forgotten all about it, just a few months ago he was excluded from the charge-sheet at the direction of Khaleda Zia. This MP Pintu with his terrorist political cadres had occupied the main polling centers such as Alia Madrassa, Badrunnesa College and Bakshibazar Primary School early in the morning of 20 April. He expelled all the agents of the three main opponents and made the centers secure for vote stuffing. Later around noon some 'golden boys' of Chatra Dal demonstrated their power by vandalizing a taxi-cab (bearing number plate Dhaka Metro Po 11-1408).

They imposed virtual curfew around the Husaini Dalan area and police brutality cleared the area of all people of the male sex. Police arrested indiscriminately including the aged and the children and drove away people by application of brute force. They identified the houses of AL workers and supporters and in the name of search ransacked these houses injuring men and women alike. They were punishing the innocent for vandalizing of the taxi by Pintu's mastans. They filed false cases against AL leaders and workers and continued their brutal raids the following day arresting

whomsoever they could lay hands on except Pintu's goons. The entire area was temporarily vacated by men while police got about 50 people in custody including children below teens.

Let us hear Mrs Reshma Husain, wife of AL backed candidate Boshon. She went to Badrunnesa College to cast her vote. A mastan approached her and declared that he likes her and wants to marry her. She complained to his godfather MP Pintu on the spot and the benign leader vulgarized, "Oh he has made a marriage proposal - that's not bad". His crude gang joined him in obscene laughter and Mrs. Husain left the place out of shame.

Candidate Boshon had a far worse fate awaiting him. He was there at 8-45 AM and he caught red-handed a false voter with 150 or more ballot papers. MP Pintu rushed to the spot, helped himself with a stick from the Ansar on duty, and started beating the candidate black and blue. He was, of course, ably assisted by his cadres and the police force in his wicked pursuit. The JP backed candidate made a wrong choice of time in appearing there at the moment. He was kicked down to the ground and then beaten up by the same goons. This beating severely injured some 25 supporters of both candidates viz. Eusuf, Aslam, Jhulu, Quddus, Mahmud, Afzal, Karim, Jafar, Milon, Meher Banu, Amena.

Bloodied by violence, in tattered clothes, at about 11 AM Boshon and Saber informed journalists who were around Husaini Dalan that they were boycotting the election. The independent candidate Zahid also joined them in the boycott. Some of the injured were there and they were in tears. Assembled members of the public tried to bring out a procession in condemnation of the event but were prevented by the criminalized police force who hurled obscene abuses at the women of the near-by houses who were encouraging the agitated public. When the journalists took exception to the behaviour of the police one of them named Bazal insinuated them to write against him saying, "the more you write against me the better are my chances of promotion".

Traversing the various polling centers it was found by journalists that most of the centers had no presence of agents or supporters of Boshon, Saber or Zahid. Badrunnesa College center was fully under the control of BNP led by Amanullah Aman President of Ward 66, Monir Husain BNP Chairman of Sultanganj Union of Kamrangir Char and Commissioner Babul of Ward 65. They were engaged in ferrying voters from near by Islambagh, Nolgola and Imamganj while Chatra Dal cadres were roaming around in cars and scooters. Inside the center was the election camp of BNP candidate Reshma. When question about such violation of election laws and rules the magistrates in charge Abdullahel Baqi & Ashraful Huq dodged the issue and gratuitously suggested that in order to strictly adhere to the rules in that congested area they would have to demolish many houses in the neighbourhood. They also volunteered that in other centers much more outsiders were frequenting inside the centers.

In Bakshibazar School and Alia Madrassa centers stuffing of the ballot boxes were supervised by BNP cadres and Chatra Dal golden boys. MP Pintu was on his round of the various centers throughout the day in his numberless black luxury Land Cruiser surrounded by listed local terrorists Haji Kamal, Sadi and chief of KK force Commissioner Moshorraf Husain Khokon. One red and white Microbus (bearing number plate Dhaka Metro Go 14-6719) and another red jeep (bearing number plate Dhaka Metro Ko 02-1187) followed his luxury van with about 25 mastans. They struck terror in the hearts of local people who went into hiding as they passed by.

Following the farce of the election as soon as Boshon finished filing his prayer for election enquiry with the Deputy Election Commissioner, he was arrested just outside the DEC's office.

On 20 April the Election Commission on the basis of press reports on the farce of the by-election and the complaint of candidate Boshon held up the result of the election and appointed an Enquiry Committee headed by Deputy Secretary of the Commission AK M Salimullah. The EO asked all eight candidates to appear at his office at Segunbagicha for a hearing on 10 May. All the eight candidates appeared together before the EO to give evidence After finishing their business as they came out of the office of the EO, police from Lalbagh thana appearing in plain clothes but in violent mood picked up Boshon in their vehicle. MP Pintu was waiting in a separate microbus behind the police vehicle.

Mrs Reshma, wife of Boshon, contacted police at Lalbagh, intelligence agencies and CID but they repeatedly denied having Boshon with them but it was ascertained later from other sources that they have arrested him. Boshon's mother Rawshan Ara and wife Reshma Akhter went to the police station to see Boshon. The OC in charge Ghulam Mostafa abused them fiercely in foul language and informed them that there was no case against Boshon. On being contacted the EO informed that he had heard that police picked Boshon up outside his office.

At last the cat is out of the bag. Ghulam Mostafa the Officer-in-Charge of Lalbagh thana at last admitted that Boshon has been arrested against two cases filed against him after the election day. Boshon was, in fact, arrested outside the office of the EO because MP Pintu wanted to harass him. The police did not know how to hold him in custody and so they continued to deny his arrest. Finally, they found a plea and showed him arrested as a fugitive from an old case. They had not counted on the fact that actually he was on bail in that case. But when the police force is turned into a partisan criminal gang who cares about contempt of court or rules and regulations.

This is a story with many messages. First, Khaleda Zia is congenitally unprepared for a free or fair election. No matter how flimsy is the stake she does not know what it takes to hold a neutral election. Second, she is surrounded by criminals and goons and her favourites are the godfathers of notorious gangs. Third, the police force is a completely criminal bunch and the process of law is bent by them for every evil action. For the future of the country the lessons are very depressing. Well, Khaleda's gangs may be overcome but can revenge be controlled, can rule of law be reestablished, can the police be relied upon, and can the civil administration be reformed?

5. NOTE ON CHITTAGONG CITY CORPORATION ELECTION OF 9 MAY 2005

Amidst report of violence, booth capturing, false vote casting, intimidation of voters, sudden discontinuation of announcement of election results, the people of Chittagong had given an overwhelming mandate to the Awami League backed Nagorik committee mayoral candidate A.B.M.Mohiuddin Chowdhury. He was challenged by the ruling Alliance candidate, State Minister for Civil Aviation and Tourism Mir Mohammad Nasiruddin. The landslide victory of Mohiuddin on 9 May 2005 has bestowed on him the enviable status of becoming the Mayor of the Port city for a historic third time.

All the evil designs to snatch away the victory of incumbent Mayor Mohiuddin by the masterminds of the Election engineering mechanism were foiled by the people who came in thousands to keep vigil overnight around the office of the Returning Officer's Control Room. The voters have spoken their mind by giving Mohiuddin an emphatic win over his rival ruling Alliance candidate Mir Nasir. The ruling Alliance made every effort to win the election. Scores of BNP Jamat MPs, more than a dozen of high profile ministers and even the son of Prime Minister and Senior Joint Secretary of BNP Tareq Zia (who runs a parallel government from Hawa Bhaban) flew in to campaign for Mir Nasir. In order to influence the election the ruling Alliance misused government machinery, civil administration, police force and partisan CBA leaders. The cadres of BNP and Jamat student wings - JCD and Chatra Shibir - imported hoodlums from outside and brought truckloads of false voters. But the brave people of Chittagong gave their clear verdict against the misrule of the fascist BNP Jamat Alliance by re-electing the incumbent mayor Mohiuddin with a huge lead of around one lakh votes. The landslide victory of Mohiuddin proved that the people did not waver from their resolve to choose their own Mayor defying pressure or intimidation from the high and the mighty.

While congratulating A B M Mohiuddin and the people of Chittagong Former Prime Minister and Awami League President Sheikh Hasina MP said "the verdict is against the sheer failure of the Alliance government in every sphere. It is people's spontaneous response to hardships perpetrated by the Alliance government such as price hike of essential commodities, criminal activities of Alliance cadres and law enforcing authorities under the junta and evils of politicization of administration".

From the very beginning and since the announcement of the CCC Mayoral election schedule the ruling party high ups knew that without election engineering it would be simply impossible to sway the results in their favour. As the results came in from the polling centers to the Control Room of the Returning Officer it appeared that Mayor Mohiuddin was leading handily. At that time all of a sudden the announcement of the results was halted and people suspected foul play. On the one hand people in their thousands virtually lay siege to the Control Room demanding announcement of results; while on the other hand the leaders of Nagorik Committee gathered vote statistics from their polling agents at different centers indicating a resounding win for incumbent Mayor Mohiuddin. After 10 pm, as the news of suspension of election results spread, the entire area around the Control Room turned into a sea of humanity as thousands more from far and wide came in processions and protested the dilly-dallying in the announcement of election results. Thus the people of Chittagong foiled all conspiracies and behind the scene manipulations to snatch away the election results. Mohiuddin was there with the crowd and pacified his supporters and vowed not to go home till the final results of the election were announced.

The Central leaders of Awami League were very concerned by the sudden stoppage of the announcement of election results. They were reminded of the notorious "media coup" of 1986 when a halt in results announcement manufactured an unexpected result. Led by the Awami League Secretary General Abdul Jalil they went to the office of the Election Commission at Dhaka and requested the officials to expedite announcement of the results. The EC tried to contact the Returning Officer in Chittagong but all communication with the Control Room in Chittagong was snapped for a while. The leaders stayed there overnight apprehending mischief

but no responsible official of the Election Commission were present there. Meanwhile in Chittagong people's fury subsided as the Returning Officer resumed declaring the election results after one and a half hours. Finally after a long wait of 14 hours when the Returning Officer declared Mohiuddin as the Mayor, thousands of people burst into joy and scenes of jubilation overtook the city in the morning hours of 10 May. The port city turned into a human sea as people celebrated victory by dancing, chanting slogans, honking horns and sprinkling colored water.

Charismatic leader incumbent Mayor and General Secretary of Chittagong Awami League Alhaji ABM Mohiuddin Chowdhury is the first Mayor of the country's six city corporations who has been voted for three consecutive terms in the much publicized crucial election held on May 9, 2005. Although it was a local government election, it assumed the political dimension of a national event with the ruling Alliance mobilizing all its high profile Ministers and dozens of law makers for the extravagant election campaign. They had put in all their force except that the BNP Party Chief and Prime Minister Khaleda Zia herself did not go for a campaign appearance.

Dozens of MPs and all the star Ministers including LGRD Minister Abdul Mannan Bhuiyan and also the most powerful Alliance leader, the son of Prime Minister and Senior Joint Secretary of BNP, Tareq Zia could not sway the public vote to a majority for Mir Nasir. Tareq Zia projected Mir Nasir as the candidate of Zia family as opposed to the Nagorik Committee candidate Mohiuddin. His appeal on behalf of Zia family and invoking the memory of his late father Ziaur Rahman's participation in the Liberation War in Chittagong and also his assassination there (Zia was killed in Chittagong Circuit house) did not arouse the type of sympathetic public reaction they thought it would. The leaders of the Alliance also followed the tactics of intimidation of voters by their speech and gestures. The strategy of conducting a gorgeous and high profile election campaign failed to pay any dividend, rather the extravagant spending drew adverse notice. In the campaign too much dependence of Mir Nasir on Jamat activism and conspiracy and intra party squabbles went against him. At the end of the day BNP-Jamat tactics appeared to be an exercise in futility. The voters of the city had already made up their mind to reject the ruling junta in favour of their successful Mayor Mohiuddin. In the 2001 election Chittagong seemingly voted for the Alliance and in all the three seats covered by the City the Alliance registered overwhelming victory. Chittagong got a number of Ministers but the welfare of the port city was grossly neglected by Khaleda-Nizami government. The landslide victory of Mohiuddin can be termed as the triumph of people's power. They have won a victory against tyranny, terrorism, misdeeds and misrule of the fascist BNP Jamat Alliance government. They have severely reprimanded the indifference towards development of the port city by the Alliance government. They have rejected the religious bigotry of anti-liberation forces such as Jamat.

The historic win of Nagorik Committee candidate Mohiuddin is seen as an acknowledgement of his commendable achievements during his two terms as the Mayor of CCC. Personal image was a profound factor in this election and on this count the Alliance candidate was a poor challenger. Known to be arrogant, rude and detached from the people Mir Nasir was no match for Mohiuddin, the firebrand activist and down to earth politician of the port city. By re-electing Mohiuddin the people of Chittagong extended their support to his role in improving living conditions in Chittagong. His achievements in provision of healthcare, spread of education, cleanliness and sanitation measures and upgrading communication and transport in the city

during the last 11 years are phenomenal. In the true tradition of Awami League he is reputed for his pro-people attitude and his record in social work. He won the hearts of people by initiating different kinds of motivational programmes in health care services, especially for safe motherhood and childcare. He set up community clinics in almost all wards. He opened opportunities for higher education for all children of merit in the city. Unhindered by step-motherly treatment from the Alliance government he found resources for his social investment programmes from commercial operations and profitable investments of the City Corporation. He won accolades for his tireless work for people's welfare and was adjudged the best Mayor in Asia.

Though a front ranking leader of Awami League, Mohiuddin was backed by Nagorik Committee, a platform of all progressive opposition parties and cross sections of the civil society. This paved the way for other smaller parties and non partisan people to join his election campaign. His election was a contest between the BNP-Jamat Alliance on the one side and the people on the other side.

Yes it was a civic body election but its timing and the way it was conducted gave it the flavour of a national election. It was at a time when the misrule of the Alliance is under fire at home and abroad. Never before in recent history was a mayoral election fought in such a high pitched environment, in such a high profile manner and with such active participation of leaders of all political parties in the campaign.

This election also laid bare the many flaws of the electoral process and the say of the ruling authority in derailing an election. There are lessons on how politicization of the police force and the district civil administration can frustrate a neutral election. There are further lessons on the vulnerability of the EC and its authority over election officers. How electoral integrity can be the victim of the machinations of the national government is a serious issue that calls for careful scrutiny. It is the overall political environment that has the most telling impact on the fairness or otherwise of an election.

A large number of Ministers who turned up to campaign for Mir Nasir violated electoral code of conduct as they enjoyed all government protocol during their stay in Chittagong including using national flag mounted vehicles, staying in circuit house or official rest houses and enjoying police escort. They even made development promises seeking votes for Mir Nasir in the campaign. They made remarks such as "if Mohiuddin is voted the people of Chittagong would be deprived of development." The use of walkie talkies by dozens of Ministers on election duty to manipulate results was another gross violation of electoral code.

Religious minorities faced threats and intimidation from BNP-Jamat Alliance men ahead of CCC Mayoral election. Campaigners for the Alliance candidate threatened voters in minority areas and asked them to desist from going to the polling centers. Their target was to keep away the one hundred and fifty thousand minority voters from exercising their franchise as they are considered a vote bank for Awami League.

It was reported that as many as 60 to 70 thousand outsiders had been hired in the last few days before the polls from neighbouring districts and outside the city by Jamat and its student front

Chatra Shibir to cast false votes for Mir Nasir. Hordes of youth from outside the city were kept at the dormitories of colleges, polytechnic institute and Madrassas.

On the eve of election day police clamped down on Awami League and Nagorik Committee strongholds in the port city. Informed sources said police started raid on houses of Mohiuddin's supporters having sway over voters. Arrest of his followers was made to instill fear among the supporters of incumbent Mayor Mohiuddin to manipulate the polls.

The Chittagong Metropolitan Police Commissioner had to be withdrawn as Election Commission found that he had failed to discharge his duties impartially and for his unashamed political attachment in the run-up to the CCC elections. The EC order came in the wake of allegation by Nagorik Committee that CMP commissioner was harassing their workers and favouring the ruling Alliance candidate. He also violated the electoral code by escorting and providing police protection to Mir Nasir after the schedule of election was announced.

The judgment of the Returning Officer to appoint cleaner, gardener, peon, messenger, ayah and a host of fourth class employees of semi government organizations and some ruling party backed CBA men as well as some mentally impaired persons as Polling officers came under fierce criticism from all quarters. Officers working directly under the State Minister for Civil Aviation and Tourism Mir Nasir, who was a mayoral candidate, were appointed as magistrates on election duty.

Nagorik committee candidate Mohiuddin's center came under bomb attack when voters were casting their votes around 11:30 am. Two persons were injured there. His son was physically assaulted while his daughter could not cast her vote. Meanwhile Mir Nasir's hooligans rigged polls in many centers and drove away Mohiuddin's polling agents from 24 centres as reported in the media. Chatra Shibir men escorted a large number of youth to polling booths giving them voter slips in areas known to be Jamat stronghold to cast false vote.

The EC ordered withdrawal of the Police Commissioner from Chittagong but he was due to be back there on 10 May. So he continued to exercise influence there in Chittagong. The EC ordered restoration of some old polling centers but the RO did not abide by the orders on the plea that they were issued too late. The EC ordered removal of low grade employees and others from election duties but they functioned as polling officers on the election day.

It seems that as returns from polling centers revealed clear trend for victory of Mayor Mohiuddin an attempt was made to steal the election. For inexplicable reasons announcement of results was held up for one and a half hour by the Returning Officer. But for the vigilance of the electorate the results could be doctored to turn the table against Mohiuddin.

First of all, the people of Chittagong deserve the nation's congratulations for ensuring a fair election against serious odds. Second, congratulations are richly due to ABM Mohiuddin Chowdhury for his service to Chittagong and putting together people's coalition for the election. We wish the full implementation of his Forty Point Manifesto. Next the civil administration and the security forces warrant our appreciation for bringing to a fair conclusion a reasonably honest election despite such immense pressure from the ruling junta of the Four party Alliance.

Finally, the irregularities and pitfalls that the election encountered were disgraceful and deliberate. They occurred because the government at Dhaka wanted to win the election by hook or by crook. The record of the government in rigging election needs no recounting and it has done everything possible to destroy the integrity of civil administration in the districts and criminalize the police force. In order to improve the environment for a fair and proper election there is no alternative to a universally acceptable caretaker government, a competent and powerful EC and tight ground rules and procedures for fair election.

APPENDIX II ITEM 3
**THE MESS ABOUT LOCAL ELECTION OBSERVERS: COMPLICATIONS IN
ELECTION MONITORING**

Various reports published in the newspapers informed the conscious section of the society about the chaos created by the Election Commission by its indecision and indiscipline regarding the appointment of the election observers prior to the election date. A summary of such reports is presented here by way of reminder.

Strict rules are being framed for appointment of local election observer. The Chief Election Commissioner warned that vigilance will be exercised to ensure that no one becomes an election observer at his/her sweet will.
(Bhorer Kagoj, 31 July, 2001)

Observers are not getting ‘enmasse’ appointment; Election Commission is framing strict rules.
(Bhorer Kagoj, 10 August, 2001)

Anarchy prevails in Election Commission in permitting election observer. Allegations of irregularity are heard; even people with close political affiliations are getting permission. Process has not yet been completed. (Bhorer Kagoj, 26 September, 2001).

No rules and regulations; local observers are being permitted freely (Ittefaq, 27 September, 2001)

Authorization of local observers is out of control of Election Commission now. The guidelines given by the Election Commission are not being followed. (Prothom Alo, 28 September 2001)

Thousands of identity cards for election observers are distributed by flouting the rules. (Prothom Alo, 1 October 2001)

Election observers: chaos till the last day. (Bhorer Kagoj, 1 October 2001)

A panic-stricken chaotic situation in the matter of permitting the election observers was created at the Election Commission. Why exactly did the complication arise and the disgraceful drama staged by the Election Commission in appointing local observers are explained in this Annex.

The topic of election observation is analyzed elaborately in two separate sections. The first part contains the concept of election observation, observation of this election, observers’ agencies, and different stories about observation. The second part contains some questions which can only be answered by the Chief Election Commissioner and his colleagues.

First Part:

Election observation started from 1986 national election. A few foreign journalists and local observers discharged this duty on their own at that time. But it started in organized form in Upazilla election of 1990. Consequently nearly thirty thousand local and foreign observers in

1991 and nearly forty thousand in 1996 undertook election observation for different NGOs. One thing may be mentioned that the observers in 1991 & 1996 had to follow a lot of restrictions at the time of discharging their duty. They were not permitted to enter into the vote casting room. They had only the opportunity of observation from outside of the center. For this reason this time the observers were brought under the purview of the election law through necessary amendment by ordinance. NGO's through projects funded by donor agencies took the responsibility of observation in 2001 general election. It is estimated that 350,000 to 500,000 election observers worked under the aegis of those NGO's. Even the Election Commission is not sure about the exact number of local observers. The Election Commission and NGO Bureau laid down eight conditions to be followed for this purpose by NGOs undertaking election observation. The eight conditions in brief are:

1. List and number of observers along with the modality of their appointment have to be supplied to DC (Deputy Commissioner).
2. The Audit reports of activities have to be supplied to the NGO Bureau and Statistics department of Bangladesh Bank within one month of the completion of the project.
3. Report on the work programme had to be furnished within 3 months of the completion of the project.
4. Observation report and list of observers should be preserved and also submitted to the NGO Bureau.
5. There should be no duplication in the execution of the project in any area or way.
6. Careful attention must be given to ensure that the majesty of the Constitution, laws of the land, election law and image of Election Commission are not tarnished in any way while implementing the project.
7. Observers have to apply for permission directly to the concerned Returning Officer.
8. The NGO concerned has to bear the responsibilities of implementing the project.

Accepting these conditions, the NGOs local and foreign observers started their work on election observation and took initiative to appoint election observers. The Election Commission framed appropriate guidelines in accordance with election law to ensure that authorization of observers is strictly done and one does not become an observer as per his sweet will. This guideline was specifically prepared for local observers. Some of the salient features of this guideline are as follows:

- ◆ Observers must be at least 25 years old, impartial and nonpartisan. No one can work in his own Thana/Upazila.
- ◆ The NGO willing to observe the election has to apply to the Returning Officer providing the name of the observers, their dates of birth, addresses, and two copies of Passport size photographs of each observer.
- ◆ Returning Officer will scrutinize these applications and verify the truth about the applicants and their organizations and finalize the list of observers. Thereafter, ID cards as approved by the Election Commission would be given.
- ◆ Observers shall work according to directions given by the Returning Officers or Presiding Officers.

- ◆ Observers shall be permitted to observe the voting process without creating any disturbance. They are not allowed to participate in voting, counting of votes or publicity for any candidate.

Every organization applied for permission to work as observer according to the above-mentioned guideline and directives of the Election Commission. Huge numbers of applications from separate NGO's were submitted to the Returning Officers of the respective districts. The Returning Officers in every district were in a quandary with hundreds of such applications. In this situation many of the ROs decided to appoint only limited number of observers. At the same time Election Commission received a lot of complaints that ROs in violation of rules permitted observers with political affiliations. Both Awami League and BNP requested the Election Commission not to permit 14 organizations to act as observers. But the Commission did not listen to this request. As allegations mounted against the ROs of districts the Chief Election Commissioner and the Commission secretariat assumed a vital role in appointing and deploying election observers.

Representatives from donor agencies and different NGO's requested the CEC to take immediate steps when barely five days remained for election. In this situation the Election Commission took the responsibility for issuing I.D cards to the observers and ROs were relieved of their charge. The Commission started printing of I.D cards overnight. Officials made special arrangements for dealing with this matter exclusively at the third floor of the Commission building. Till then the Commission had no final list of observers. They did not even know whom they were authorizing as observers. NGO's received emergency calls to collect observers I.D cards three days prior to the election date. There was no time to waste; the Commission godown was full of hundreds of thousands of observer I.D cards which had been printed in 48 hours and there were only 48 hours left to distribute them. But those I.D cards were not even sealed for authorization. As hurried steps had to be taken the responsibility for sealing the ID cards was also delegated to the NGOs who came to get delivery of the cards. So they sealed as many ID cards as they could or wished and dispatched them promptly to all the distant areas of the country overnight. Strangely enough the Election Commission did not even want to know who got the ID cards and who were denied such cards. The Commission did not even feel the necessity of supervising this process of distribution of these 'highly valuable' Observer ID cards. It is interesting to note that the I.D cards printed by E.C had no space in it for the name of observer or the name of the organization and after all there was no photograph at all. The observers of the whole country got I.D cards overnight, some received their cards before the election day; others in the morning or even in the evening of the election day. The processing of observers accreditation and the distribution of their ID cards was a total farce. The E.C in utter incompetence did not even try to find out as to who got those cards and where they went and then abandoned the process of monitoring election observation by local observers. The observation operation was a charade and hundreds and thousands of observers discharged their duty by taking an active partisan role in the election. The performance of the E.C in this business is a matter of national shame and incompetence.

Second Part :

Near about 350,000 observers worked in election 2001 though this number has not been confirmed by the Election Commission before or after the election. One report regarding this

matter published in 'Bhorer Kagoj' is relevant here. The report inter-alia stated, "Election Commission had not received any final list of local election observers. Source informed that 76 NGO's were assigned for election observation. EC printed 250,000 ID cards for local observers". (Bhorer Kagoj 26 September 2001)

The matter that seems mysterious from the behaviour of the Election Commission is as follows. Observers are given specific rights for the first time by amending the election law through an ordinance. This indicates that the Commission took serious note of the business of election observation and the organizations undertaking the job. So why this hide and seek or callousness of the authorities about local election observers? It seems that Election Commission does not know the exact number of organizations or observers, who worked for the election 2001.

Election Commission with NGO Bureau laid down eight conditions jointly while different local NGO's started the work of election observation. First condition was that the organization must supply the number of observers and the modality of their selection to the Deputy Commissioner. At the same time the seventh condition was that the agency has to apply to the concerned Returning Officer for approval of the observers. The issue of controversy here is that the Election Commission is empowered by law to appoint election observer. Election commission misused this power firstly by vesting this power to the DC (i.e. the Returning Officer) and secondly by withdrawing it and delegating it to the NGO's. It failed in its duty further by not monitoring the observation at all. In reality EC made the law and the rules but turned them ineffective and relegated election observation by local observers into a total farce.

Awami League and BNP, the key political parties, objected about the manner in which election observation would be carried out in view of the intricacy revealed through reports published in different newspapers. Representatives of both the parties as they met with the CEC requested the Election Commission to disbar 14 agencies from election observation, as they were not considered neutral. Election Commissioner cautioned the concerned Returning Officers about permitting those agencies in consequence of the objection made. But at a later stage the Chief Election Commissioner exercising his discretion permitted all of those agencies to appoint observers. The Election Commission validated this authority by sending relevant directives to the concerned Returning Officers afterwards. The question here is why did the Election Commission permit those agencies in spite of objections raised by the key political parties? It may be mentioned that most of the objections about those 14 agencies were made by the Awami League.

The Rules framed for election observation stated that "the organizations willing to observe have to apply to the Returning Officer three weeks prior to the day of voting. The name of the observer, father's/husband's name, date of birth, permanent and present address and two copies of passport size photograph have to be supplied along with the application." In reality and in accordance with the reports published in different newspapers, Election Commission issued observers' ID cards indiscriminately by flouting the Rules. The Election Commission did not even enquire as to who were given the observers' ID cards by the Returning Officers. This matter is still shrouded by mystery and the Commission has not even tried to resolve the ambiguity.