

Election has to be free, fair and credible

ZAHID HOSSAIN

SOME of the Advisers of the present caretaker government have observed that participation of all major political parties in the ensuing parliamentary election is essential for its credibility and acceptability both nationally and internationally.

The practice of installing a non-party caretaker government for organising a free, fair and credible general election was introduced in Bangladesh in 1991, and so far three parliamentary elections have been conducted under this new arrangement.

During the periods of military leaders from 1975 to 1990, a number of abusive and fraudulent elections were held in Bangladesh where people did not have the right to choose their rulers/government and "vote piracy", "vote hijacking" and "media coups" (media manipulation of election results) had become a part of the country's election culture.

For a developing country like Bangladesh where democratic institutions have not yet been firmly rooted and people are yet to be made fully prepared for democratic norms and practices, free, fair and credible elections are essential for continuance of democratic system of governance.

Generally speaking, holding, free and fair elections is a standard by which the legitimacy of governments is judged. The choice of electoral system varies depending on the prevailing circumstances.

Basically elections are means to ensuring that a nation chooses its representatives on clearly defined pro-democratic rules. In this process, political parties, government institutions, members of civil society and the media - all play vital roles.

Some political scientists and election professionals have tried to classify under the headings "free" and "fair" the minimum features, rights and procedural arrangements expected to be in place during the critical phases of a credible democratic election process.

In some cases, even if elections were conducted in a spotlessly clean and scrupulous manner, many would still be concerned about the way in

which the average citizen views his or her role in elections or the electoral process. No matter how meaningful the elections might be, if they do not convey to the typical villagers, peasants or workers a sense of efficacy, then these elections do not serve the purpose of mobilising traditional folk into a modern political process.

And that is why in the present day context the notions of democracy, free and fair elections and good governance have become established as global norms. Although there exists no legal definition of democracy acceptable to all and no global consensus over the political meaning of the concept, it is understood to be a universal value, open to different legitimate interpretations and deriving from the various historical, cultural and political experiences of peoples around the world.

An election can be termed as "free" if freedom of movement, freedom of speech (for candidates, the media, voters and others), freedom of assembly, freedom of association, freedom from fear in connection with the election and the electoral campaign, absence of impediments to standing for election (for both political parties and independent candidates) and equal and universal suffrage are in place before polling day.

Generally speaking all citizens of voting age, irrespective of race, ethnicity, class, religion, status or gender have the unhindered right to register as voters. They have also the right to freely participate in election cam-

pendent and impartial election commission, impartial treatment of candidates by the police, the army and the courts of law, impartial voter education programmers, an orderly election campaign, equal access to publicly controlled media and no misuse of government facilities for campaign purpose are present before polling day.

It can be termed as "free" if opportunities to participate in the election are available on polling day. It is "fair" if access to all polling stations for representatives of the political parties, accredited local and foreign observers and the media, secrecy of the ballot, absence of intimidation of voters, effective design of ballot papers, impartial assistance to voters, proper counting procedures, proper treatment of void ballot papers, proper precautionary measures when transporting election materials and impartial protection of polling stations are in place on polling day.

It can be termed "free" if legal avenues of complaint are available after polling day. It is "fair" if the official and expeditious announcement of election results, impartial treatment of any election complaints, impartial reports on the election results by the media and acceptance of the election results by everyone involved are in place after polling day.

Generally speaking all citizens of voting age, irrespective of race, ethnicity, class, religion, status or gender have the unhindered right to register as voters. They have also the right to freely participate in election cam-

aigns and to make voluntary choices when casting their votes. Free and fair elections are necessary as prerequisite for a democratic system of government. Democracy is generally defined as a political system in which citizens enjoy fundamental rights, such as freedom of speech, expression, association, assembly and movement, and choose their representative through regular free, fair and transparent multiparty elections.

Free and fair elections are vital for the growth and sustenance of democracy in any country. The electoral law, rules, procedures, as well as the institutions which regulate and administer them, provide the essential framework for these elections. Elections are essentially a political process in which the political parties and contesting candidates are the key players. It is their designated nominees who constitute the overwhelming number of contestants in any election. Consequently, the attitude, behaviour and activities of the political parties and their representatives essentially determine the environment within which elections are held.

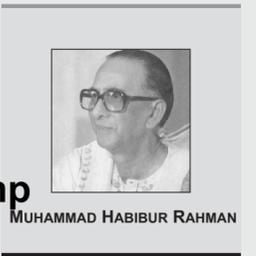
about the election results and the winning candidates may not enjoy the trust and confidence of the electorate so vitally necessary for democratic governance.

The other vital player of the game of the entire electoral processes is the Election Commission. The two fundamental jobs of the Election Commission are to fully prepare the ground and to conduct the real show that is the election. While preparing the ground the Election Commission must ensure that proper boundary delimitation, voter registration, voter awareness activities and other preparations are equally acceptable to all the participating players.

For a developing country like Bangladesh where democratic institutions have not yet been firmly rooted and people are yet to be made fully prepared for democratic norms and practices, free, fair and credible elections are essential for continuance of democratic system of governance. Elections are the only means available to the people to express their will and opinions through the ballot. Credible elections are a must for ensuring the trust and confidence of all in order to earn the authority to govern.

As for the ensuing Bangladesh Parliamentary Election scheduled to be held in January 2007, the whole world is looking for a peaceful and transparent environment so that this important election can enjoy the full confidence of the people as has recently been expressed by UN Secretary General Kofi Annan.

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Have a stamp for the guy

A ruler is often mystified After his death he may be mummified After some time he may be demystified After some more time he may be dehumanised After some still more time he may be demonised

A ruler de jure by royal descent or by divine right, Or a ruler de facto by the tin dictator's might Or elected in an election with hundred per cent polling And with widespread and wild scale rigging And for the satisfaction of the poor electors And for assuring the foreign investors Certified by the foreign observers That the election after all deserves To have been held "as per the laws of the country". He used to call so endearingly "my country, my country".

When the country's security Was equated with the ruler's security, Alas! For the sake of security He was to be eliminated And he was assassinated.

Before his assassination His portraits were done By the best painters in the country In oil, water, tempera or gouache In watercolour, aquarelle or wash He got his figure cut, carved or crafted, Chiseled, engraved or sculpted. By the best sculptors in the country In many a mould In bronze, silver or gold. And on the notes his crown was printed And on the coins it was also well minted.

If he built his statue during his own life The little man should be given a longer life To see that gargantuan statue, larger than life, Being dragged down to the earth by the people He used to call so endearingly "my people, my people". That statue may be refused to be borne by the country It was his country, the same country He used to call so endearingly "my country, my country".

Never mind, have pity for the fall guy And a postage stamp for the little guy: A place in the purgatory of philately, Or, you may like to call it, the pantheon of philately. Two point four and two point two centimeter A stamp for the fanfaronading fire-eater.

Muhammad Habibur Rahman is former Chief Justice and head of caretaker government

Impact of electoral rolls

BURHANUDDIN AHMED

THE electoral roll is the basic document for holding an election. If the roll is accurate, election is supposed to be free, fair and credible. If not, the result is bound to be misleading. Hence, importance of an accurate electoral roll needs no further emphasis.

The history of electoral rolls manifests that hundred percent accuracy in an electoral roll is never achievable. Since the roll is a document of mobile element like human beings, errors and omissions shall always be there. But the errors and omissions must be within the acceptable limit.

The Electoral Rolls Ordinance, 1982 and the Rules made thereunder prescribe three different processes for preparation of electoral roll. The first process involves preparation of fresh roll. Under this process draft roll is prepared by the Registration Officer on the basis of particulars in respect of the voters collected by the enumerator by paying personal visit to each of the dwelling houses situated within an electoral area. The draft roll thus prepared is published by the Registration Officer in his office as well as at other conspicuous places of the constituency with a notice inviting claims and objections within 15 days next following the date of publication of the draft roll. The purpose of affording this opportunity to the affected persons by the law is to enable them to file claims or objections, as the case may be, with the Registration Officer for correction. Though this is a good opportunity for making the roll accurate, it is not utilized by the voters living at far-flung areas. Because of this reason, the purpose of this provision is defeated.

The second process has been

There is no denying that an inaccurate voters' list provides a wide scope of impersonation. Since there is no time to make the list accurate, deployment of trained Polling Agents by the contesting candidates in polling booth may help stop impersonation. The polling agent for a booth should be selected from amongst the residents of the area. His duty shall be to identify the names of the persons who are either dead or have shifted their residence. On the basis of the findings, he should prepare the list of dead and absentee voters and carry it with him to the booth for the purpose of identifying who is fake and who is real voter.

prescribed by section 10 of the Ordinance which section provides that the electoral roll shall unless otherwise directed by the Commission for reason to be recorded in writing be revised in the prescribed manner by reference to the qualifying date (1st January of each year) before each election to an elective body. Though this provision does not provide for collection of particulars of voters by the enumerators by house to house visit, it requires publication of the current electoral roll as a draft inviting claims and objections from the aggrieved voters. Doing away with the provision of house to house visit by the enumerators for collection of information with regard to inhabitants of an electoral area has minimized enormously the scope of production of an accurate electoral roll. Because of this, the Election Commission prepared fresh electoral rolls in the past on the eve of each general election.

Another procedure has been provided under Rule 20 of the Electoral Rolls Rules, 1982 for correction and amendment of the current rolls. This rule authorizes the Registration Officer for updating the current electoral rolls following the prescribed procedure. Under the procedure if the name of a person eligible for enrolment does not appear

in the current electoral roll, he may file a claim in prescribed manner with the Registration Officer and if such officer after due enquiry is satisfied that the claim is genuine, he may include the name of the claimant in the voters' list. The rule also authorizes the Registration Officer to delete the name of a person ineligible for enrolment from the current electoral roll. But this is not normally done by the Registration Officer suo-moto.

An objection against the appearance of name of an ineligible person in the electoral roll is required to be filed with the Registration Officer by a voter whose name is appearing in the same roll. Filing of an objection by a person registered as voter in the electoral roll other than the roll of the person against whom the objection is preferred is not permissible under the rule. The application of the procedure prescribed under Rule 20 has been proved to be inadequate for production of an accurate electoral roll. This system in comparison with the systems prescribed by the law and rules for preparation or revision of the existing electoral roll is less effective and inefficient in producing.

In compliance with the directive given by the Supreme Court while disposing of an appeal filed by the Election Commission, the Commission has updated the elec-

toral roll prepared in 2000 following the procedures contained under rule 20 of the Electoral Rolls Rules, 1982 for using in the ensuing election. Despite their best efforts even beyond the limit of the rule, the Commission has failed to update the voters' list to the extent that may be acceptable to all. According to the general secretary of the Awami League, large scale over registration has taken place under this system inflating the number of voters by 14 million. This allegation finds support from the report published last year by the National Democratic Institute of America.

Though it cannot be said with authority in the absence of a physical verification the exact figure of ineligible voters, the experts think that the actual number of voters will be roughly by 10 million less than the number shown in the updated roll. The reason for this unusual increase in number of voters is multiple registration. While the registration staff namely, "Assisting Officer" visiting the dwelling houses of voters found it easy to get the prescribed form duly filled in by the claimants they failed to get the form of objections duly filled in by the voters. The result is that though millions of voters have been included in the list, the deletion of names of ineligible voters could not be possible in majority of the cases. In this context,

it is relevant to mention here that a large number of voters enrolled in 2000 left their hired houses during the last five years and managed to get them enrolled at their new address, but their names in the electoral roll of their previous electoral area are still in existence, because their landlords, in majority of the cases, refused to fill objection form against their former tenants. This multiple registration is one of the major causes for unusual increase of voters. The law prohibits registration of a person in more than one electoral area. The law further makes it a punishable offence. Paying no heed to this provision, most of the people living in the rented house either in the City Corporation or district town manage to get themselves registered as voter in the electoral roll of the City Corporation/district town as well as even the electoral roll of their ancestral home.

For the purpose of preparation of an accurate voters' list, the opportunity of multiple registration must be closed by amending the provision clause (d) of sub-section (1) of section 7 of the Electoral Rolls Ordinance, 1982.

Though the existing electoral roll has already received finality, still there is a strong demand from the 14-Party Alliance for undertaking a new operation by the Election Commission to

make the existing voters' list accurate. In this context, it may be said that achieving further accuracy in the current electoral roll through the process prescribed under Rule 20 is not possible at this final stage. The only answer to the problem is the preparation of fresh roll, which requires at least a period of eight months. Further, in view of the provision existing under clause (5) of sub-rule(1) of rule 20 of the Electoral Rolls Rules, 1982 no amendment or correction can be made in the electoral roll after the announcement of the election schedule by the Commission. Under the circumstances, the door for further correction/ amendment of the electoral roll is closed. Hence, nation apparently has no alternative but to use the existing roll in its present form in the ensuing election.

There is no denying that an inaccurate voters' list provides a wide scope of impersonation. Since there is no time to make the list accurate, deployment of trained Polling Agents by the contesting candidates in polling booth may help stop impersonation. The polling agent for a booth should be selected from amongst the residents of the area. His duty shall be to identify the names of the persons who are either dead or have shifted their residence. On the basis of the findings, he should prepare the list of dead and absentee voters and carry it with him to the booth for the purpose of identifying who is fake and who is real voter. The scope of impersonation by following this process can be eliminated completely.

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Curing an ailing health sector

A. M. ZAKIR HUSSAIN

THIS piece is in support of the strings of seminars, round tables and news items published now and then on the health sector in Bangladesh. Grumblings are loud and clear against the providers, working in the public sector. The problems and their magnitudes are well publicised and oft repeated.

Most of the problems known refer to either the lack of transparency in management, pilferage in procurement, shortcomings in resources, lack of honourable attitude of the service providers towards the service seekers or poor understanding by the former of the woes of the poor and the female service seekers.

The one problem, to reckon with in the public health sector, is that of the attitude of the service providers. This is reflected in the form of their ignorance about the rights of the poor to seek public service. Keeping the poor waiting for longer than the rich, in not so an attractive environment for example, has several social, biological, environmental and economic drawbacks to the poor, which these service providers have not been taught to understand during their studentship. They have not been told to be socially respon-

sive and responsible towards the community needs and demands.

Health care providers' greatest weakness in this country is that, they have not been taught to inculcate an analysing faculty and strengthen their management capability. Medical and paramedical education should therefore be the first to undergo reorganisation, so that it can address and manage changes in the environment around them, including establishment of an independent office of directorate general of medical, nursing and paramedical education. This would need only an SRO from the establishment ministry without any cost implication.

In addition, among the medical fraternity in Bangladesh there is a strange sense of apathy towards research, which is believed to be the first step towards improving quality of services and management. Public health sector has to sponsor operational research. Strengthening of the relevant structure and process should therefore be a priority.

For the enormity of the responsibility of ensuring satisfactory level of services in the public hospitals and diagnostic centers and providing stewardship towards the private sector health facilities, an office of director general of hospital services is an utmost necessity. In near

The responsibility of ensuring people's health should be in people's hands, which should begin with selecting positive parliament members who would ask the public sector service providers for accountability and transparency. As a vanguard force people should also form forums of health service seekers at every level to voice their feelings towards the sector and the service providers, as a matter of right and also participate in planning, reviewing, monitoring and evaluating the programmes that are taken for their good.

future management of contracts will be an added responsibility that this office will have to bear, as more and more privatisation of the curative services is bound to occur. This will also need just an SRO, without any cost involvement on the part of the government. It may be noted at this point that health sector is the only public sector that has not seen any change in its structure since independence.

Paucity of resources is only half of the problem in the sector. The real problem is the lack of transparency in logistics and resource management. Whatever resources are available, including the human resources, have greater scope of improvement in efficiency. Duplication of human resources that exist in the bifurcation of the two directorates of the health and family welfare ministry and then addition of appendages of projects, e.g., National Nutrition Project, is a drain on the scarce resources.

Procurement of unnecessary goods and ineffective human resource development and management are also source of formidable amount of inefficiency. Health sector spends about 45 percent of its budget on human resources and the rest 55 percent is also handled by them.

Unless the human resource management and development system is need and competency based with appropriate and adequate skill mix and their proper deployment, health sector will keep on failing to satisfy the people. This would require total de-politicisation of the system right from the recruitment to the deployment and awarding/promotion of the health sector personnel. This would need passing of a health policy in the national parliament, with appropriate clauses in adequate terms, on human resources development and management and with unambiguous clauses on need and equity based quality services to the peo-

ple. Since the national parliamentary election is close by, now is the time to demand for a legally valid health policy.

Management of priority programmes will have to be given in the hands of appropriate personnel who should have adequate expertise to manage these costlier programmes. Inefficiency, that accrues from suspected handling of programmes monetarily and technically, by inept but politically favoured managers, leaves a trail that damages and spoils everything in the milieu. If programme directors and managers are not deft then programmes should be taken to train them up. But the fundamental condition of deploying a manager for managing a programme should be his/her past background of transparency. Unless this is ensured any allocation will be meaningless.

Decentralised management has been found, through numerous

studies, to improve efficiency and need based financial management. The present financial rule that bars the public sector organisations from collecting and expending fund locally for local problems, has to be lifted, under some local fiduciary system, where public representatives would play effective roles. There should be public bodies in fact, for each programme and health facility for reviewing and monitoring quality, equity, efficiency and need based services to the poor. For poor areas government should have extra allocation.

Health care financing system itself also needs reorganisation. There are alternatives to the present day public sector financing. For the poor the most tried and successful financing packages are demand side financing in the form of vouchers and health insurance that would give liberty to the poor to choose their service providers, with all its positive consequences, that would

follow such a strategy and would also save the poor from catastrophic illnesses.

Curative services may be privatised with safety nets for the poor, as most others would be able to pay for the services, albeit at staggered rates.

While tertiary hospitals are privatised to begin with, government would pay for the services that are given to the poor from these hospitals under some arrangement, e.g., voucher scheme. Free services in fact end up as a paid service, although in some other 'not so transparent' form, where poor are the ones who are marginalised. Free services are also not known for their quality and available range of services.

Because of the ease of ensuring accountability and hence more effective service provision, public-private partnership strategy will have to be resorted to. Public sector's cardinal role should be to ensure services to the people, how this is done should be of secondary importance, as long as it is cost effective and need based. Public sector's role should in fact be stewardship and financing of health provision. To this end the most fundamental function that it needs to do is managing contract rather than try to provide services itself any longer, as it has proved

itself to be a failure in that. If government is the service provider and is also the monitor and evaluator of the provided services then the problems in the sector will never be admitted by the government and hence will never be improved. Who likes to confess one's weaknesses anyway?

The last and the most important is the fact that behind all the ills that we hear about the sector, there is some politics entangled. Health in fact is politics. Political support and understanding is the basic condition, if we really want any improvement in the present health care system. The responsibility of ensuring people's health should be in people's hands, which should begin with selecting positive parliament members who would ask the public sector service providers for accountability and transparency. As a vanguard force people should also form forums of health service seekers at every level to voice their feelings towards the sector and the service providers, as a matter of right and also participate in planning, reviewing, monitoring and evaluating the programmes that are taken for their good.

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