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Lt Gen Hasan Mashuud Choudhury
The basic point was do we want a better election, we have an opportunity, and how do we have it. Let the EC be set up and then put the nuts and bolts to it, then have a good election. And do not have the claim of election engineering by the parties losing in the election.

Asif Nazrul



Some was done by CPD on RPO and election dispute. We noticed some problems with RPO, which I want to share with you here. There are all the laws in this RPO with provision for 7 years imprisonment for violation. But why don't these get implemented? We did not monitor it closely but it should be done. The powers of EC are quite limited. They can form an election enquiry commission, which deals with pre-poll irregularities. But this commission can impose a fine of Tk. 20,000 only. They cannot debar any candidate. During the last election the big political parties met with the president when some candidates were debarred. The president then took away the power from the EC through another ordinance. If we do not give EC the power to debar a candidate then what good a fine of Tk. 20,000 will do? orkw

The election enquiry commission composition is very weak. A list of influential political people who violated electoral rules in Dhaka was sent from the police to the EC. But no action could be taken against them. A proposal from CPD was submitted for forming an Election Disqualification Commission. This commission should have the power to debar all violators of electoral rules. If the fear of disqualification is there then everyone will behave carefully before election.

Regarding post poll dispute in High Court we know there is usually no result. These problems cannot be solved by increasing the number of benches. The members of parliament enjoy certain privileges. One of them is when the parliament session is in progress they do not have to go to the court. This privilege comes into effect from 14 days before the commencement of the parliament session and 14 days after the session. As a result, a case is adjourned many times. Our proposal was that if there is any dispute against any MP then his privileges have to be curtailed in this case. And adjournment cannot be done for more than two or three times. It has to be made mandatory.

As for expenses, the Election Commission will take money from the candidates and then print the posters. If one gives 5 lakh he will get 50,000 posters, if another gives 3 lakh he will get 30,000 posters. All expenses will be done through the EC. And for this purpose close monitoring of field level meetings and expenses will have to be done.

The reform of political parties can be done through ordinance. At present there is a provision, which is oral. The requirements are quite funny. During the last election no political party agreed to go for mandatory registration. This time mandatory registration is possible through bringing some minor changes in the RPO. Political parties will have to declare whether yearly council has taken place at central, district and upazila levels. They have to declare how many affiliated organisations the party has, how have they been elected, what are the sources of income and expenditure. I believe a draft in this regard has been submitted to the president. There is still time to further strengthen that draft.

Tofael Ahmed



Some issues have been raised here which are fundamental. We are talking about the voter list. This is for the first time the problem started. This time the present Election Commission was not interested to work properly. That was the main problem. The reality is different from what we are talking about. Most of the people who prepared the voter list belonged to the ruling alliance. In many places names of voters were struck off keeping only one or two.

As for the voter list it is said that nowhere there is a flawless voter list. But there has to be some basis. This time it crossed all limits. It is not difficult to prepare an authentic voter list. It has been done before. But never before so much controversy, debate and rulings from High Court or Supreme Court was needed. It is possible to prepare a 90 per cent correct voter on the basis of a database. But most importantly, the person in charge of the EC should not care about party interest. It is not difficult to update the voter list with such non-partisan people. It can be done in three months. Two-day general holiday can be given to update the voter list.

Mahfuz Anam

It is said that during national census, curfew is imposed in areas to do the work.

Tofael Ahmed

Yes. The first condition for a free and fair election is a correct voter list. It was different in the seventies. If we the politicians had not failed then why did the concept of caretaker government evolve? We the politicians do not want to lose even a by-election. The first challenge is voter list and I feel that if the present caretaker government could separate the judiciary in 10 days, it can be done through reconstitution of the Election Commission. They will start to update the voter list.

In my first election I had spent Tk. 21,000 only. No one wanted any money from me and there was no expense. Today, you have identified the problems that are challenges before the caretaker government. We want an election as soon as possible but that does not mean without completing the voter list or without reconstituting the EC or dropping the idea of voter ID card. We are ready to give the required time to complete these works. Without further delay select a nonpartisan person to head the EC.

Shafi Sami



Immediate challenge before the caretaker government is holding a free and fair election in a peaceful manner. And not just an election. So, the time frame should be a balance between the two requirements, holding an election and holding a free fair and peaceful election. I would also add two more criteria - one is acceptable and the other is credible. Unless the elections are acceptable and credible nationally or internationally the future government will have no credibility, with the international community, donors or international partners.

The CEC has now resigned. The caretaker government should take immediate steps to find a competent, neutral and efficient CEC. One thing that we experienced during our stay in the government is there was tremendous lack of efficiency and competence apart from neutrality in the Election Commission. So full advantage of this opportunity should be taken and the sooner the better, because a long timeframe for a caretaker government is something that may not be constitutionally or politically tenable. The independence of the EC must be respected and we should leave micro management of the election process to the EC. If some neutral and competent people manage that office then that should be possible. However, I think there is great deal of controversy about the field level officers. This issue should be critically looked into by the CTG.

I totally agree with the comment on black money and muscle power. These should be eliminated. Not only black money but also unlimited use of white money should also be discouraged. There are laws, and provisions are there and these should be implemented. And the EC should be given more teeth and power to be able to implement those laws, including the power to debar or declare the election of a particular candidate void.

I personally feel the most important aspect is maintenance of law and order. We should also ensure transparency at presiding officer level, at polling officer level and other levels. This can be done through having election observers, with the help of some retired judicial officers, also by providing ICT technology. I strongly support the idea of an election disqualification commission with power to debar and declare election void. MPs under election dispute may not enjoy parliamentary privileges till such time they are cleared. I also support the idea of giving the election tribunal a timeframe of not more than six months.



Moudud Ahmed
There is an interim government in place at the moment. It is a temporary govt. Article 58 Gha of the constitution says how the constitution can be amended. The article says other than doing the day to day affairs of the govt it will not take any policy decisions besides those needed to run the day to day affairs. The caretaker govt will extend all sorts of help to the election commission as would be required to hold a parliamentary election. This is the function of

this interim govt. It would not be proper to think anything beyond this.

Now, why these restrictions? Because, it is a democratic society. The 90-day time frame is a reflection of the democratic feature. Whether it is under a ruling govt or between the two elections or under the interim govt the time frame has been agreed upon. The whole idea is this should not be a long terms arrangement before an elected govt comes to run the affairs of the state.

As for the emergency, it can be for an unlimited period but when there is a parliament it is for 120 days. This govt will continue as long as the elections are not held. That is why the provision of 90 days is there. But it is going to be extended. Therefore this should not be allowed to happen. My opinion is, this govt should have only one agenda under the constitution. They will run the day to day works. They will not formulate any policy. They will assist the EC for holding the election. For that they will have to chalk out a time frame. My opinion is election can be held in three months. If I think of an ideal election then I think it may take more than five years. But that would not be practical. It will not be acceptable. The Election Commission should be reconstituted. You don't have to discuss with any political party. Appoint an honest and courageous person. He does not need 10 or 12 commissioners. Maximum 2 commissioners will be enough. This should be immediately constituted and let them ask the interim govt what assistance they would require.

About the voter list I can say that there never was so much of controversy about the voter list. During all the previous elections a fresh voter list was created. This is for the first time that they went to High Court and it required an interpretation. But this time Supreme Court said no fresh voter list but work on the basis of the 2000 voter list. That means we have to accept whatever defects are there in that voter list. They have to update it only. Here it is written that even with ID card it will take maximum 75 days to prepare a voter list. If you can do ID card in 3 months then it is good. But if you cannot do it then on the plea of doing that the tenure of the interim govt should not be extended and election date should not be pushed back.

About reform, if you can do that by tomorrow, within 24 hours then reconstitute the Election Commission. Because their only agenda is to see that the elections are held.

Now, this emergency and democracy cannot run in tandem. It is opposite to democracy. Some of the initiatives taken by the caretaker govt are praiseworthy. For example, about the separation of judiciary, I have congratulated Barrister Mainul Hossain. I could not do it myself. It was not possible on our part for various political reasons. The Bill is their in parliament and now it can be turned into an ordinance. There is an order from the Supreme Court therefore this can be done by this govt.

They are doing their best with law and order. I could not do the Humans Rights Commission for political reasons. It is ready and will need only 24 hours to proclaim the ordinance. I could not do the Ombudsman. As for weekly holiday I feel it should go back to one day. Bangladesh cannot afford to have two-day holiday.

Mahfuz Anam

There is a proposal to declare Sunday as the weekly holiday.

Moudud Ahmed

Personally I have no problemwit Sunday being weekly holiday. My opinion on corruption is that the Anti Corruption Commission has failed and it should be reconstituted immediately. Unless it is headed by competent honest and courageous people, they will not be able to catch people like us.

Political govt cannot take many steps that an interim govt can because of political reasons. Neither Awami League govt nor BNP govt could do it. There are all sorts of opinions, there are vested interests that come into play.

About black money we all will go for it. But in no way it should disrupt the electoral process. Take all steps to stop black money. I could not finish the work regarding Anti Corruption Commission. This UN Convention on Corruption can be signed anytime. We have created law in this respect. Normally, law is created after signing of the convention but we did it before that. Then what should stop them from signing it?

There is no problem with the law. The sanction has been lifted. ACC can file case on their own initiative after doing their own investigation. They will be able to prosecute cases. We have amended criminal law act. So ACC corruption act has been amended. Many things could not be done because of bureaucracy. But let ACC work now.

Lastly, I want to say that if the interim govt plans to stay for a longer period then some basic questions will be raised. First question would be accountability. Who are they accountable to? For politicians there is continuous scrutiny, media is free, parliament has sessions, public can criticise us. But to whom this govt is accountable? It will be difficult for them to solve the economic problems. Then there is the question of investment. People will soon start to ask about elections. Finally, if the interim govt continues to perform then there will be the question of ratification. All the works done by this govt will have to be ratified in the parliament. In that case the question of two third majority will come up. So, who is going to take the responsibility? That's why this govt should work towards holding an election and hand over power to the representative govt. Ultimately problems will have to be solved by the politicians.

Mahfuz Anam

Today there are a number of problems and you have just said that an election should be held as soon as possible and power should be handed over to an elected govt. But you have to admit that political parties have failed in the last fifteen years. Don't you ever think that there are flaws within the political parties for which we are failing again and again? We want to see an elected govt, but an elected govt gives many promises in their election manifesto but never keeps any of those. There was widespread corruption in this country and many incidences of violation of law were there. Has there been a question in your mind regarding reforms within the political parties?

Moudud Ahmed

I would say that we have both success and failure. But for the last fifteen years political parties ran the govt. If you look at the records of economic growth of last 15 years it never happened before. In social sector, in economic sector, in social indicators, overall economic progress there have been many achievements.

Mahfuz Anam

You do not consider the failures as something very significant.

Moudud Ahmed

I do agree about failures but I think there have been more achievements than failures.

Mahfuz Anam

But we think there was more failure. Because of the failures today there is a caretaker govt in power. And the failure of a caretaker govt. will also reflect your failure.

Tofael Ahmed

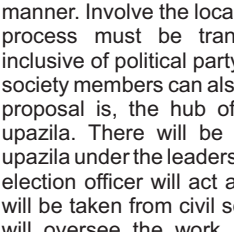
In every country a govt has success and failure. For the last fifteen years the country has been run by political governments. Politicians should think of doing good work for the country, whether in power or not. But we start to think about how to come to power in the next election and that's why today we are faced with this situation. Yes, politicians have failed on many counts but if the interim govt continues for long they will also fail in many ways.

Sultana Kamal

I would like to come in here and respond to Mr. Moudud Ahmed. What is the index of success and failure? If there was growth then I ask whether the growth has been equal. Was there any distributive justice? Yes, I agree politicians must run the country. But the people must have freedom of choice to elect competent and quality candidate. Do we have the freedom?

Badrul Alam Majumdar

The voter list has to be authentic and it has to be ensured that no one can cast false vote. The court directive is we have to prepare the voter list on the basis of 2000 voter list. We have to prepare a permanent voter list on database basis. We feel it should take maximum three months. The method of doing it is - firstly it must be done in a decentralised manner. Involve the local bodies. Secondly, the process must be transparent. It must be inclusive of political party representatives. Civil society members can also get involved in it. Our proposal is, the hub of this work should be upazila. There will be a committee in each upazila under the leadership of the UNO and the election officer will act as secretary. Members will be taken from civil society. This committee will oversee the work. There will be similar committee in every union with the chairman heading it. Political representatives will be members of the committee. Also a committee will be there at ward level. A group of 3/4 people will collect information. One will have a digital camera. They will go with the 2000 voter list.



In every ward there are 2000 voters. It is possible to collect their names and prepare an authentic voter list. The committee will sign it as authentic then it will go to union level and the union committee will give clearance. Our proposal is for 30 computers at upazila level. We can use the software already prepared by Suzan and include the names of 2 lakh voters in each upazila.

The whole thing will need about 45 days. And since political workers will be involved, since it will be done with transparency and accountability it can be an authentic voter list. A duplicate voter will be easily identified in this way. This will also prevent casting of fake vote. This will cost about Tk 175 crore.

Mahfuz Anam

Do we have so many computer operators in the country?

Badrul Alam Majumdar

That is the challenge at the moment. But it can be managed with the help from all sectors. This will be a voter list containing photograph of each voter.

I want to say that what has been left out in your list is disclosure issue. Through disclosure we may have meaningful choice. Under 44A, disclosure of some information are mandatory. But we are facing great difficulty in getting those.

Moudud Ahmed

First of all it is going to be decided by the Election Commission whether they will do it with ID card or voter ID card. It is their jurisdiction. Secondly, it is purely theoretical. My opinion is that 51 per cent of voters are female. Now their are many women who do not like to be photographed.

Mahfuz Anam

So, we may all accept that 20 per cent of the women voters will have no photo.

Moudud Ahmed

ID card or voter list with photo is an unending process, even if we want it eventually. For this only the reason election date cannot be pushed back.

Atiur Rahman

So far we have discussed about the challenges of the caretaker government that it would face in the future. But right now we are faced with a number of challenges on a day-to-day basis. We could not give attention to the problems of the administration.

The first challenge that this caretaker government of Bangladesh will face is electricity crisis. There will be ten new Kansat in Bangladesh in next two months unless we address this issue. I think immediately a national taskforce should be formed with all the relevant stakeholders to solve the problem. Otherwise all the good steps taken so far will become meaningless. That's number one issue. Number two issue is the syndicates and we have to address that problem. Unless prices of essentials are brought down to a tolerable level, if toll collection is not stopped, then that would lead to crisis. Thirdly, we always talk about national elections. Strengthening of other democratic institutions will be possible only through the election of local governments. We hardly talk about local governments.

To make democracy meaningful we have to pay attention to local governments. Therefore, shall we hold national, district and upazila elections on a single day? Or shall we hold national election a month after holding the local level elections so that we may find out what went right or wrong. I think we need to consider these issues.

Another point is - politician alone are not responsible for the criminalisation of society. Bureaucrats, businessmen and many others were also involved in the process. So, if we want the wealth statement of politician then why should not the joint secretaries and additional secretaries also declare their wealth, because they are the ones who are guiding the politicians in union with them? Lastly, about the window of opportunity, let's now go and review the rules and procedures of each and every ministry, which we started in 1990 under the leadership of Prof. Rehman Sobhan.

Some institutional innovations are required after thorough reviewing. Akbar Ali Khan once talked about a unique innovation while referring to the crisis surrounding the caretaker govt. He said an institutional mechanism could be developed regarding who would join the caretaker govt. Former advisers may from a panel to suggest names of people who could become advisers in the future. Similarly, I would like to propose a neutral commission to address the problem of the Election Commission. A similar neutral panel could be created with the non-controversial chief election commissioner, other respected people in society. This panel may suggest the names of people who could become EC commissioners. Can we think of such an innovation? And same goes for the Public Service Commission. We have not talked much about this organisation. Actually the Public Service Commission has done the most damage.

A neutral panel may also suggest names to be given for appointment as chairman and so on. Don't leave it to the political government, because a political government usually appoints people of their choice. PSC is the largest den of corruption. Then comes the question of who will become chairman of a nationalized bank? Who will decide this? A political government will do it according to its interest. There was a proposal regarding whether a blue panel could be created. There could be certain rules and guidelines regarding this so that just anybody could not be given appointment. I believe that we may form a strong Election Commission immediately and appoint a CEC.

Then we may prepare a voter list in 3 months in a transparent way. We may prepare a draft voter list and hang it at the union council and then we call a meeting and present the draft. It can be possible. The crisis is not so much in the rural areas as much as it is in the urban areas. Therefore the real emphasis should be given in the urban areas. Let's prioritise the problems. One tendency scares me. Maybe we are expecting too much from this caretaker government. They should not be too distracted from their main goal - the Election Commission because otherwise that will come back as a boomerang.

Lt Gen Haroon-ur-Rashid

I shall talk about voter ID card first. A lot of research has been done in the last one year on voter ID card by a number of organisations. Some of them said it is possible to prepare voter ID card in three months. I feel it is possible and the armed forces can play a very positive role in this regard. Since the armed forces are deployed in all parts of the country, from union to district level, they can be in the advisory group in the committee. The resources of the armed forces like computers and operators can be utilised, and they can also work as supervisors. They are talking of 75 days but if support from the armed forces comes then the credibility will increase. With this support it will be possible to prepare a voter list with ID in 75 to 90 days. For the ID card a national database should be prepared now which can be utilised later for preparing national ID card or for any other purpose. If it is done only for voter list then the money will be wasted. So I want to emphasise that the database could be used for many other purposes.

Regarding the challenges, I want to say that I agree with the comment that we are expecting too much. First of all I want to ask what is the mandate of the present government? My understanding is - the first and foremost mandate is to hold free, fair and acceptable election. But since they will have to govern the country till the holding of the election they will have to prioritise their tasks. We are asking for too many reforms - Election Commission, Public Service Commission, and Anti Corruption Commission. Well, all things can be done, but in what time frame? How much time will you give them? If it is expected within say 4 to 6 months then I think we should not wish them to do too much. If you want to give five years, then I have to say that the political parties come for five years with some political agenda.

Mahfuz Anam

Can we think of a 90 days time frame and by then reforms of EC, Public Service Commission and Anti Corruption Commission are done?

Lt. Gen. Haroon-ur-Rashid

The present government is run by 10 individuals whereas the previous government had 65 ministers. Now every human being has limitation of output.

My suggestion is whether 90 days or 120 days, if you have a priority of 5 to 6 items, is it possible to look after 5 or 6 committees to advise the CTG? You need some core people to come and give advice to the CTG. Ten men are not enough. You need more people to address the issues. Now let's talk about power. To my understanding no government can solve this problem in next three years. If you start today by the time you finish the job it will take 3 years. That's my understanding because in 1995-96 I was deeply involved in power crisis when the army was deployed. So it is not possible to make a miracle.

About democracy I have a question. Our MPs have to spend lots of money. I feel the reason is when you become MP you are a de facto administrator of the area. But you should be a lawmaker rather than an administrator. All contracts, all administrative activities, even the posting of DCs, SPs and OCs is done through the MP. A road construction project has to be approved by the MP. When you involve MPs in the activities of the local government the question of money comes up. Now, we have been talking about empowering the local government for years together. None of the past governments has given the local government authority or any power. If you give the local government authority and power to run their own administration, and the MPs take their hands off, I think half of the black money will be eliminated.

Lastly, if we look at the election of 2001 we have seen candidates going house to house in big processions carrying gifts like saris and lungees and cash money. These were reported to the authorities concerned, but either they did not take any action or they said they were unable to do anything. In the last election people even printed 5-colour posters, not only in thousands but half a million or more than that. So, how could that be possible? This was done in broad daylight but none took any action. If you have the rules and if rules are not implemented then what's the use? If there are pre-election and post-election rules then there has to be someone to implement them. Probably this is one area when you can use the services of the armed forces, that nobody violates the existing rules. If a candidate knows that he/she cannot spend more than 5 lac taka then he/she will not spend 5 crore taka.

Dr. Mustafizur Rahman

I want to talk about the voter list. I feel through a presidential ordinance the court stay order on disclosure of personal information should be lifted. To minimise cost of election government will allocate Tk. 3 lakh per constituency - in proportion to the votes earned by the candidates. What is the per capita income in the country that we talk of 3 lakh, 5 lakh or one crore? Billboards to be set up by the government with pictures of all candidates. The size and other details are given in the EC laws.

The places where candidates will want to deliver their speeches will have to be selected. And they will give speeches by rotation. Radio and TV will allow equal amount of time for all. This will help minimise election cost and those who cannot spend huge amount of money will be able to run for election. Now, how will you stop candidates coming with huge number of supporters? This problem will be tackled by the armed forces.

The voter list will never be perfect without the involvement of the local government. I personally met the CEC and he said that they have progressed a lot in the work of voter list with photographs. He said it is possible to complete it in three months. It was way before the caretaker government. Then why was it not completed? In reply he had said that someone was not interested.

Birth and death registration, marriage registration, demographic mapping, old age fund, health, primary school education, adult education - all come under the local government. I want to exclude the divisions. The number of districts can also be brought down. It should not be over 25. Many problems will be solved if the local government is strengthened. I also agree that registration of political parties is a must.

Barrister Tanjib-ul-Alam

We agree on one point, there are many laws but there is no implementation, as a result an environment of impunity exists in the country. There are many reasons for which our institutions are very weak. Political figures here have sidetracked the issue of reforms within the political parties but may be they do not want such reforms. We want to see an environment where a free and fair election could be held. But only reforms of the EC will not serve the purpose. There are three organs where reforms are essential. If institutional reforms do not take place then neither short term nor long term solution will be possible. This is a window of opportunity and the reforms that we are talking about today will never come from a political government because these reforms will be seen by them as conflict of interests. They will not be able to do the 'massacre' anymore.

What are those institutional reforms? One, permanent, independent Election Commission. At present the PMO is the ECs secretariat. As a result the government had influence on the election process for the last five years. If you appoint three Election Commissioners but give them 300 biased officers then it will never be possible for them to work efficiently. A new political government will appoint biased people. Therefore arbitrary appointment has to be stopped.

There are certain matters that are outside the mandate of the EC. For example, in case of election dispute it will go to the court. If the court is not equally equipped and strong then the matter will not be solved. Regarding Disqualification Commission, if we look at the whole thing as a chain then the strength of the chain will be the weakest link. You may have a strong EC and a strong Disqualification Commission but there is a weak judiciary where die-hard political cadres have been planted. In that case it will not be effective. Therefore we have to look at it in its totality. For permanent reform you have to go for long-term reform and we have to give more attention to institutional reforms so that in future politicians cannot corrupt them. Once we get the institutions in place implementation will be possible. Micromanagement is possible for strong institutions. To strengthen the institutions the immediate challenge before the caretaker government is to put up a legal framework. Unless a legal framework is done with full idea about its structure then nothing can be done. We are talking about a voter list with photographs. But the existing law does not support this. So firstly we have to look into the RPO as well as Electoral Votes Ordinance 1982. Under the 1982 Ordinance, it is written that voter ID card will be done but it was later discarded through amendment. The present ordinance does not support voter list with photograph. Then what do we need to do? If we take the decision to make a voter list with photos then we shall have to go for some law reform. Alongside, some other laws will need reform too. In many by-election we forced many candidates to submit affidavit but most were full of false information. But there is no punishment for giving false information. Therefore legal provision without any consequence is actually no legal provision. I said before that there is an environment of impunity and it has happened because we have weakened the institutions that are supposed to implement the laws.

Hafizuddin Khan

Holding of free and fair election is not possible without addressing all the other agenda of discussion here. Can any president dare to appoint a chief justice without discussing with the prime minister? Therefore something has to be done here. Regarding expenses of election I feel a mechanism could be developed to implement the guidelines given. It would be easier to do that rather than create a whole new system. We have never tried to implement everything under the RPO-so why don't we try?

Another point is as long as the MPs are not involved in the local level activities, the mad rush, the greed to become an MP will not diminish. Unfortunately, though MPs are supposed to make laws, they do everything else but that. Unless something done about that, the tendency to spend lakhs and crores in MP election will not stop. My experience during the tenure of the caretaker government is that we could not do some work such as registration of the political parties.

Do the two political parties actually mean it when they say that they want real democracy? Are they sincere about democracy? If the present caretaker government builds a foundation for the growth of real democracy with democratic norms and behaviour then I feel that it would be doing a good service. But this government cannot be here for an unlimited period. There has to be a timeframe and a road map.

Yasmin Morshed

I have been sitting here quietly listening to some very learned people talking about the different problems. The challenges faced by the government as well as various types of



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