

## Proposed rules for election campaign

### Some good features but finalisation awaits further discussion

THE Election Commission has put across a set of draft amendment proposals to the existing code of conduct for the political parties and candidates for the parliamentary elections taking a step forward in carrying out electoral reforms as promised by July this year.

By previous standards, the proposals seek to introduce tougher provisions for the conduct of election campaign being actuated by the motives of bringing down the overall expenditure and prodigality of the election campaigns and preventing the political parties and candidates from being caught in the welter of confrontation. According to the existing rules, the code of conduct would be applicable following the announcement of the election schedule. But now compliance with the electoral code is sought to be made compulsory right from the time of dissolution of parliament to that of the announcement of the election results.

The fact that political parties by definition would mean those that are registered with the EC itself implies some obligations on their part to be disciplined in their conduct. The extreme punitive action for noncompliance is rightly suggested to be disqualification of the candidature, a power to be vested in the EC.

We are particularly supportive of the regulations against election campaign in mosques, temples and churches, prohibition of meetings and rallies that obstruct public movement, and character assassination and use of portraits of national leaders being tabooed.

But a balance needs to be struck between austerity and the need for not seriously watering down the mood of festivity and exuberance associated with election campaign in our parts.

On the face of it, the proposed code of conduct merits support and appreciation. It may not have gone all the way to square up with all the concerns but has provided a substantial basis for further discussion to plug any holes or remove any shortcomings in the proposals. It is good to note the election commission has plans to not only start a consultative process with the civil society and the media but also very relevantly with the political parties to arrive at a comprehensive and a consensual code of conduct. We in the media feel duty-bound to promote an enlightened discourse on the subject.

## A public park bulldozed!

Amidst a pressing need for breathing space

THE other day the only green space in block H of Mirpur section II, was bulldozed felling over one thousand trees. This place was earmarked as a "green space" in city's master plan. Apparently this has been done in order to construct a shopping centre under Dhaka Infrastructure Project. Shockingly, the massacre took place only three days after the concerned adviser to the interim government reportedly verbally assured the locals that the place would be conserved. We also wonder as to how this could happen when a Supreme Court decision is still pending on the issue? We fail to understand why the National Housing Authority (NHA) came up with the idea of constructing a shopping centre replacing the park showing it as a "ditch". It actually even approved a layout plan of the proposed shopping centre.

Media on several occasions ran reports on the matter exposing danger to the environment. The matter took such an acute turn that the correspondent who went to cover the incident was purportedly threatened by an engineer of the Mirpur Zone who went to the extent of warning the concerned reporter by saying that "he should not ask too many questions and that he should be careful."

We find the entire incident unacceptable in any modern day civilized society. This city has already become a veritable jungle of concrete. We already have too many shopping centres in the city; so why have one more at the cost of a public park? Day after day remaining open spaces are systematically being destroyed due to senseless acts of some influential people of society or by arbitrary actions of some government agency officials.

We urge the present government to take urgent measures to stop bulldozing of the "green space" and once again make it usable and accessible for the people of the locality.

SHEIKH HAFIZUR RAHMAN KARZON

THE caretaker government has successfully reconstructed the Election Commission, which constitutes the basic structure of democracy. The Anti-corruption Commission has been reconstructed to arrest the ongoing flow of corruption, thanks to the caretaker government which came to action for rescuing the image of Bangladesh as a developing nation.

Since the caretaker government has brought Bangladesh back on track, I highly laud their activities. Though reconstruction of the EC and ACC was required, it is also important to form a policy for education, which will promote research and specialized knowledge in all the sectors, giving a strong footing for the sustainable development of Bangladesh.

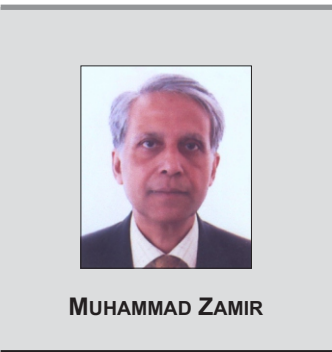
To promote the cause of education, the policymakers should reconstruct schools, colleges, universities, the University Grants Commission and the Public Service Commission.

The Public Service Commission

is a very important constitutional body, which recruits first class officers of the Republic. Previously, people had faith in the PSC, because a meritorious boy or girl, though coming from a poor family, could get a first class job of the Republic through fair examination.

But, during the last five years, the incumbents destroyed PSC, which is alleged to have recruited people on political consideration or through corruption. Now it is axiomatic that the seeds of the corruption of bureaucracy had been sown by unfair recruitment procedure of the PSC. The caretaker government may consider the following proposals for the reconstruction of the PSC.

First, Article 138 of the Constitution should be amended to curb the power of the president (in fact, prime minister) to appoint the chairman and members of PSC on political consideration. We may insert the provision of a select committee, consisting of the chief justice, two senior judges of the Appellate Division and secretary to the ministry of establishment, five educationists and five former



MUHAMMAD ZAMIR

HUMAN rights could be generally defined as those rights, which are inherent in our nature and necessary for us to live as human beings. Fundamental freedoms and human rights allow us to develop fully and use our human qualities, our intelligence, our talents and our conscience. It also helps to satisfy our spiritual and other needs.

Such rights have gradually evolved over the years and are based on our increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.

On the other hand, the denial of human rights and fundamental freedoms not only construe an individual and personal tragedy, but also create conditions of social and political unrest that sows the seeds of violence and conflict within and between societies, within a nation and between states.

Human rights in recent years have assumed special importance in the fabric of any democratic society. It is also universally acknowledged that the observance of such basic rights is the cornerstone of good governance. It is similarly believed that enjoyment of freedom of speech and belief and freedom from fear and want are associated with the highest aspirations of the common people.

As such, it is not strange that both the Bangladesh Constitution

and the Charter of the United Nations have underlined the importance of respect for human rights. The Preamble of our Constitution, discussing the creation of an exploitation-free society, stresses on respect for fundamental human rights and freedom. Similarly, Article 13, Chapter IV of the Charter of the United Nations urges realization of human rights and fundamental freedoms among all its member states.

It is this obligation that generates the need to not only create condi-

tions for the presence of human rights but also the need to monitor that such rights are being made available and that discrimination is not creating obstacles in this regard. It is also this requirement that urges the establishment of a monitoring mechanism for this purpose. Rationally, the end result is the presence of a National Human Rights Commission.

However, in my opinion, the mere establishment of a National Human Rights Commission can be viewed as only the first step in the exercise. The constitutional obligation can only be completed with the presence of the Office of the Ombudsman. Both are inter-linked and equally important to ensure fair and due process of law so that citizens can avail of equitable justice and equal opportunities, so necessary for the their protection and advancement.

It is however ironic that thirty-six years after independence, and nearly thirty-five years after the adoption of our Constitution, it has been finally decided by a non-elected government to put into effect the essence of a constitutional obligation. The other relating to the establishment of the office of the Ombudsman as contained in Article 77 of our Constitution still awaits the requisite decision and necessary political will.

Nevertheless I must thank God for small mercies and this latest example of wisdom. Over the last

initiated a move to enact an Act in 1997, pertaining to the setting up of such a National Commission. It was meant to be a human rights watchdog. The UNDP stepped in and provided funding support for the relevant authorities to carry out studies and visit other countries to find a suitable example that we could follow. Unfortunately, there were many visits, many seminars and many speeches, but the draft law in this regard, for unexplained reasons, was sent back to the Law Ministry by the Cabinet Sub-

committee. This initiative was shelved during the remaining period of the administration.

Efforts were revived during the BNP-led Alliance that also formed a Cabinet Committee to examine the dormant draft law. This raised expectations. Regrettably, disagreements surfaced within the different pressure points of the Alliance. Controversy surfaced over the possible impact of such a body in the tackling of domestic terrorist groups and a hyperactive opposition critical of the Alliance's mis-governance. The draft law never made it past the proverbial goal post.

As such, the decision of the Advisory Council, a non-elected body, without the fall-out of pressure groups, can only be construed as being consistent with the core principles of democracy.

A member of the UN Human Rights Council, Bangladesh through

such an initiative will also be able to demonstrate its commitment towards the upholding of the UN Charter and human rights.

The latest report on human rights in Bangladesh, for the period 2006, prepared and published by Ain O Salish Kendra, does not make pleasant reading. According to the report, 359 people were killed in 2006, allegedly by the police, the Rapid Action Battalion and other law-enforcement agencies, either in 'crossfire' during 'encounters' between the law enforcers and supposed members of the underworld or when the law enforcers opened fire on demonstrators. It has also been mentioned that 70 people have died in jail custody.

The authorities today, through their decision to set up such a commission, have sent out a correct signal that however compelling the evidence of crime against an individual, every criminal deserves

tives from civil society to suggest names for inclusion in this commission. It needs to be broader based.

We have very little time to lose. The latest report on human rights in Bangladesh, for the period 2006, prepared and published by Ain O Salish Kendra, does not make pleasant reading. According to the report, 359 people were killed in 2006, allegedly by the police, the Rapid Action Battalion and other law-enforcement agencies, either in 'crossfire' during 'encounters' between the law enforcers and supposed members of the underworld or when the law enforcers opened fire on demonstrators. It has also been mentioned that 70 people have died in jail custody.

The authorities today, through their decision to set up such a commission, have sent out a correct signal that however compelling the evidence of crime against an individual, every criminal deserves

the chance to defend himself in the court of law as opposed to being subjected to vigilante justice.

One can only hope that one of the first acts of this commission will be to try and stop extra-judicial killings.

I now come to a few other significant issues that will have to be sorted out at the very beginning. Unless these are resolved, the National Human Rights Commission will soon start getting blamed as a toothless institution and will be referred to as a paper tiger.

It must be seen to be neutral, bi-partisan, effective and efficient. It must also be accountable for any failure on its part. These factors will require the institution to be financially autonomous and independent from the executive. It must also have a clear organogram with assigned responsibilities, with clear rules and ability to exercise authority.

In many situations, it will have to undertake prosecution of important branches of the executive, and must not be discouraged in this regard due to political pressures. It is also for this reason that I have stressed earlier on the creation of the office of the Ombudsman. This will help both of them to work together in the significant areas affecting statutory public authority.

Human rights are a very sensitive area of governance. It will not be an easy task to put the requisite infrastructure in place. Nevertheless, I believe, we can, with the assistance of our development partners, create the necessary matrix and the paradigm for this purpose. Resources from external sources can also be mobilised for any capacity building that may be required. All that we have to do is to have the political will to move forward.

Muhammad Zamir is a former Secretary and Ambassador who can be reached at [mzamir@dhaka.net](mailto:mzamir@dhaka.net)

# Voter list with photo and national ID card

## Preparing simultaneously or sequentially?

S M LUTFUL KABIR

AFTER the declaration made on the other day by Chief Election Commissioner regarding their decision of preparing voter list with photograph and National ID card simultaneously, it is questioned from the various corners that what the estimated time for the completion of the job is. The EC has probably not estimated the time frame yet. In fact it all depends on the system that the EC is going to follow. Like others, I also exactly do not know which system the EC has decided for the preparation of Voter List and National ID Card. Since I am involved in the area of ICT for quite a long time, I shall make some points of precautions regarding the issue on the basis of my experience. The comments that I have been putting forward in this article is based on the system described by Prof. Jamilur Reza Chowdhury and the different comments made by CEC and EC on various occasions.

My first point is about the data collection procedure. If, the data collection system that the EC is going to follow is based on on-the-spot data entry using laptop computer, the system will put obstacle in completing the job within a reasonable time frame. The reason of going for the on-the-spot data entry that Prof. Chowdhury mentioned in an interview with BBC is to ensure the synchronization of photograph with the text data. Ideally, it sounds perfect but practically it is not feasible to materialize in our perspective. Whatever group may be in the data collection teams, be it army or be it the school

teachers or be it government officials, we have limited number of people who have the capability of data entry in the field level (door-to-door).

It will not only be extremely slow process and but it will also produce much more related difficulties. Only training for few days to a large number of such collection teams will not be effective to solve the problem. Even the operation of camera is a critical issue for the collection team. That will be a factor in slowing down the data collection rate with respect to

enter all the information (18 or 28 no. for national database) in a single go, the project is again likely to fail with respect to time of implementation. We should collect the full set of data necessary for a national database in a paper form, but make the data entry in the first phase for only 4 or 5 numbers of information which are necessary for voter list. The filled in paper forms should be preserved safely for a second phase of data entry within a time frame completely independent of election schedule.

My next point is about the national database and national ID. The preparation of national database can be started as soon as the voter list is finalised. This time the full set of data verification/collection and card

for delivery. During delivery the citizens will have to come again to the centre for the second time to produce their finger print for verification so that correct card is handed over to the right person.

The government will have to announce at different times a mandatory requirement of having national ID card for different purposes. Say, it may be declared that no student can appear in SSC or HSC or Graduation examinations if he/she does not have National ID card. Similarly, to have a passport,

Whatever may the system, if we go ahead producing the voter list with photograph and the National ID simultaneously for 10 crores of voters, the time required to complete the project will be at least four to five years. And if the EC follows the sequential system of preparing the voter list and then the national ID card, of course with a changed data collection system, the first phase of preparing voter list still will take one and half to two years to complete.

previous rate of mere text data collection. But under the present circumstances, it is unavoidable.

Then, what is the solution to the data entry problem? The solution is to collect the data in a paper form and take photo with a common tag. Finally integration of the photograph with the text information (after data entry) should be made using automatic tag recognition software for synchronization. From the management point of view and to have redundancy in all areas (equipment and manpower) the data entry task should be made at the district level, not below that.

The other reason why the data entry has to be off-line is that if you decide to

The most important part is to prepare a print out of the data with photograph and to make an echo checking for the entered data. Then, the data collection team will go door-to-door in the second round to have verification. This time the corrections on the printout will be made and some of the missing or wrong photos may be taken with the common tag, if necessary. The correction will be incorporated in the data entry centres. This verification phase is mandatory because, in a single go it is almost impossible to have 100 percent accurate data, if we are lucky, we can have data with 85 to 90 percent accuracy, but not 100 percent. With

delivery centres will have to be established at the Upazila/Thana level. [The data entry centres will remain functional at the district head quarters]. After entering the rest of the data from the filled in forms and having a printout, it will be sent to the centers at the Upazila/Thana level. Citizens will be called to those centres for verification of data and providing their finger prints. The verified data with correction and the finger print will be sent to the district centres. After necessary correction and incorporation of fingerprint the national ID card with security features will be produced at a central place and sent to the Upazila/Thana office

to open a bank account, to have a driving licence, to deposit Income Tax etc., National Card can be made mandatory. With different declaration a mass people will enter into the umbrella of national database. The job of preparing the national database should be entrusted to the Ministry of Home Affairs under a new department called "National Registration Department (NRD)". Since the national data registration is a perpetuating task, there should be a permanent establishment like NRD which will perform the job. Election commission in advance will help them by supplying the filled in form with full set of data of the citizens having age of and over 18.

Finally, I must stress on a very important point that we should design the system, develop the software and execute all levels of works by our own people. It will be hard to maintain such a huge system if it is developed by the foreigners. No doubt, we have to procure the hardware through international tender but not the system design and not the execution.

So, in summary, my suggestion is that the Election Commission should not make the preparation of voter list dependent on the completion of national database and to follow a feasible method of data collection and integration system. The forthcoming election should be held using voter list with photograph only, without the requirement of ID Card. We should not declare national ID card mandatory for the next voting. Of course, full set of bio-data may be collected for national database but we should go only for preparing voter list with photograph in the first phase.

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SM Lutful Kabir is a Professor and the Director of Institute of Information and Communication Technology (IICT), BUET.

## OPINION

# For reconstructing the PSC

If any ineligible person, my argument goes, gets the certificate to practise as a doctor, s/he will be causing the death of people who consult her/him. Similarly, if people who are not sufficiently qualified become officers of the cadre and non-cadre services of the Republic, they will be doing disservice to the people, which may make the whole state system non-functional.

secretaries, to do this.

The educationists and former secretaries should be selected with the aid of the print and electronic media, which, through objective journalism, have already been established as the fourth state.

Second, an ombudsman should be appointed. He will hold a constitutional office, and receive allegations and individual petitions relating to the anomalies in examination results, mark-tampering, and corruption and irregularities of the chairman, members, officers and staff of PSC. The ombudsman will look into the reports of irregularities published in newspapers.

Third, all the quotas of the BCS candidates should be immediately abolished. Under the existing scheme, 45 percent of the candidates are selected on merit, the rest

become first class officers of the Republic by taking the advantage of the quota system, which any rational polity should not recognise.

According to Article 27 of the Constitution, all citizens are equal before law, and are entitled to equal protection of law. According to Article 28(1), the state shall not discriminate against any citizen on grounds of religion, race, caste, sex, or place of birth. But the section does not debar the state from making special provision in favour of women or children, or for advancement of any backward section of citizens.

This article provides justification for the quota system, which the framers of the Constitutions incorporated into the supreme law of the land to ensure greater social justice. But after 35 years of the Constitution's coming into effect,

we have to review the justification of the quota system.

I believe that women, as a class, no more constitute a backward section of the community. Though women are still vulnerable in terms of financial condition, social position, and male abuse in our patriarchal society, and many of them are subjected to domestic violence, it pertains to something relating to the position of females determined by society and nature.

In course of time, hundreds of thousands of girls have come out of their homebound activities, enrolling their names in the official registers of schools, colleges, universities. Now the female can no longer be considered backward and, in the competitive market of job seekers, the boys sometimes lag behind the girls.

The provision of quota for women, therefore, is not tenable, and the same argument is applicable to the quota for indigenous people, many of whom efficiently compete with the mainstream community.

Once there was disparity among different districts, but that has been narrowed down due to the development of communication, infrastructure, and technology. The district quota, therefore, is not rational.

The worst quota system has been the 30 percent quota for the sons and daughters of freedom fighters. I am not undermining the contribution of freedom fighters, without whose sacrifice we would not be able to establish a geographical location in the world map.

The state has a lot of responsibility toward the children of the mar-

tyrs who laid down their lives for Bangladesh, and also those of the freedom fighters who took their lives in their hands for establishing a free land. The state should provide all sorts of support to the freedom fighters and their sons and daughters; it should ensure proper development of those children. If the state provides all-out support, they will get jobs of the Republic on their own merit.

The problem of determining who the children of the freedom fighters are lies in the absence of an authentic list of freedom fighters. The governments of Awami League and BNP made lists of freedom fighters in their own interest. Because of the partisan attitude, many people who were not actually freedom fighters had been included in the lists.

This makes the basis of the quota system very fragile.

The quota system is also discredited in another way. Why does the state give this privilege to the sons and daughters of freedom fighters? Does the state assume that they are not sufficiently qualified, for which they require a prop to

get first class job of the Republic?

If any ineligible person, my argument goes, gets the certificate to practise as a doctor, s/he will be causing the death of people who consult her/him. Similarly, if people who are not sufficiently qualified become officers of the cadre and non-cadre services of the Republic, they will be doing disservice to the people, which may make the whole state system non-functional.

Fourth, a presentation of 30 minutes should be introduced instead of viva voce. The presentation must be in English, as English is not only the international language, but is also the language of technology and international trade and commerce.

The first class officers represent Bangladesh in national and international forums, which requires efficient English speaking. There will be a board, consisting of public university teachers, officers of foreign service, army officers and editors of English dailies, which will evaluate the performance of the candidates.

Sheikh Hafizur Rahman Karzon is an Assistant Professor of Law Department, Dhaka University.