

In search of clean and honest candidates

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IT is now generally accepted that the breakdown of our democratic system on January 11, 2007 was due to systemic failures as well as the failures of our democratic institutions. Efforts are now underway toward instituting major reforms in our electoral system, political parties, and also rebuilding the relevant democratic institutions such as the Election Commission. Hopefully we will make significant headways on these fronts before the coming parliamentary elections. However, if dishonest, self-interested and incompetent individuals are elected to run the affairs of the state, all may be in vain and they may roll back whatever progress has been achieved. Thus, it is imperative that along with electoral and institutional reforms, serious efforts are made to ensure the election of clean, honest and competent candidates in the coming parliamentary elections.

Nominating clean candidates

In order to ensure the election of clean and honest candidates, individuals with such credentials must first be nominated by political parties or they must be encouraged to stand as independent candidates. Electorates must be given the opportunity to vote for such candidates. Unless the voters are given a choice, they will have no alternative but to cast their votes in favour of less desirable candidates. Thus, the nomination process is critically important for electing clean candidates.

At present, there are few restrictions on the nomination of candidates with questionable backgrounds. Article 66(2)(d) of the Constitution provides: "A person shall be disqualified for election as, or for being, a member of Parliament who... has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release." In addition, The Representation of People Order, 1972 (RPO) provides additional disqualifications, which includes disqualification of loan defaulters and those who or whose defendants have a direct business relationship with the government.

Unfortunately, these disqualifications do not prevent criminals, corrupt persons, black marketers, land grabbers, or black money owners from standing in elections. To be eligible for contesting elections, they will have to just avoid conviction or ensure that if convicted their sentence is for less than two years. In case of longer term sentences, they will have to wait for five years once out of jail. Thus, relatively petty criminals and even big criminals after a certain time period can contest elections there is no legal provision to permanently bar them from elected offices. There are also no barriers against those who were removed from employment, or from an association, or organization, for criminal breaches. In order to ensure the



Clean and honest candidates can also be given fair chances of being elected if the disclosure requirements mandated by the higher judiciary are strictly and scrupulously enforced. On November 20, 2007, the Supreme Court confirmed a earlier High Court judgment requiring the disclosure of educational qualifications, income, criminal antecedents of candidates, and assets and liabilities of candidates and their dependents in the form of Affidavits.

nomination of only clean candidates, these legal loopholes must be removed and individuals convicted of a crime of any length by a competent court or found guilty of committing criminal malfeasance by a committee of inquiry in the place of employment, or in an organization should be barred from contesting and holding any elected offices.

To ensure clean candidates, the nomination process of political parties must also be changed. According to the constitution of most political parties, some sort of nomination boards, consisting of senior leaders, collectively decide on nominations based on interviews of candidates and the recommendations of their local committees. However, the reality is different. Nominations are often decided on the basis of personal connections of potential candidates with party leaders. Many times the party chief unilaterally hand-pick candidates. The ability of candidates to spend large sums of money for elections and mobilize muscle power to match the capabilities of opponents, rather than the qualities and competence of candidates, are usually the considerations for nominating candidates.

Nominations are also at times bought with money, which is now popularly known as mononoyan banijya. For example, it is alleged that prior to the elections to be held on January 22, 2007, Awami League nominations in 50 seats were sold for a minimum of Tk. 50 lac to a maximum amount of Tk. 20 crore, resulting in illegal transfers of huge sums of money. (Prothom Alo, 14 January 2007) Similar allegations are also abound against BNP. Such practices must stop to facilitate the nomination of

clean candidates.

In order to ensure the nomination of clean and honest candidates, the primary members of political parties must be given real say in the nomination process. A system of party primaries may be introduced or party members may formally meet to recommend a panel of candidates which the nomination board then narrows down based on a set of clear criteria. Requirements of party membership for a length of time (say three years) may also be imposed for anyone seeking nominations.

Nomination boards must be required to be transparent in their criteria for finalizing nominations. They must seek disclosures of pertinent information from candidates and make the disclosed information public. Such transparency would prevent party higher ups from making under-the-table deals and they may also be held to account for nominating undesirable candidates

Encouraging clean candidates

Attracting clean and competent candidates to run for elected office is one of the biggest challenges we as a nation face today. The widespread perception today is that politics is a dirty game and it is not for honest people. It is for people with questionable backgrounds who look at politics as business and make huge investments with the intention of recouping it after the election. Consequently our parliament has gradually become a sort of "private club" for businessmen of questionable repute. It is no wonder then that good people invariably stay away from the political arena. This situation must be remedied if we are to improve

the quality of our political leadership.

One way to attract clean and honest individuals to elected offices is to restrict the role of MPs to law making, as required by Article 65 of our Constitution. Law making broadly involves enacting

laws, policymaking and oversight roles. Such roles require different qualities and competence than are normally seen in our elected leaders. Our MPs have been allowed to indulge in local affairs and intervene in the functioning of local bodies, defying the con-

stitutional demarcation of roles. Such interventions in the past, have made local government bodies, especially the Union Parishad, totally ineffective. In order to spread their influence, MPs, normally the ruling party MPs, created a patronage network involving

their party functionaries, subverting the existing administrative structure. Such a system, with the MPs as kingpins, has come to be known as "MP sarkars" giving rise to rampant graft, corruption and defiance of

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