

Status of electoral law reform



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BURHANUDDIN AHMED

At the moment, major tasks ahead of the Election Commission are, (a) preparation of voters list with photographs for use in the upcoming general election, (b) delimitation of constituencies and (c) reform of the electoral law that regulates the proceedings of the election to Parliament.

For enabling the Election

Commission to prepare voters list with photographs, an Ordinance (Ordinance No. 18 of 2008), on the recommendation of the Election Commission was promulgated by the President on August 9, 2007 in supersession of the Electoral Rolls Ordinance 1982.

Though it had been the tradition to prepare the voters list simultaneously throughout the country, a departure has been made this time by

the Commission from the traditional practice by adopting the policy of preparing the voters list on piece-meal basis. This is attributed to the complexity of the task this time around with the identity card aspect to the electoral roll.

The second important task as per law now ahead of the Commission is the delimitation of 300 territorial constituencies before the general election. The law provides that the task of delimitation must be

completed by the Commission after completion of each census. In fulfillment of this condition, the Commission has undertaken an exercise to delimit 300 constituencies and the draft list thereof is expected to be published shortly inviting objections and suggestions from the stakeholders.

The third and most important task now pending before the Commission is to finalize the recommendations aimed at amending the current electoral law which is no longer deemed efficient and effective for ensuring free, fair, credible and meaningful election. The law was enacted in 1972. With the passage of time it has become incapable of guarding against fraudulent practices in the process of election.

In view of the limitation, the Election Commission, keeping in view the requirement of the time and electorate and demand of the political parties, formulated a set of recommendations for amending the law. The recommendations include the following:

- i) the political parties seeking election must be registered;
- ii) an independent candidate shall have to submit with his nomination paper the signatures of at least one percent of the total voters in his constituency;
- iii) the officers of the government, semi-government, statutory bodies and the NGOs shall be disqualified for election for a period of 3 years following the date of their retirement;
- iv) the contest of a can-

didate shall be restricted only to 3 constituencies instead of 5;

v) a person seeking election from more than one constituency shall have to deposit Tk. 5,00,000/- (Five lakh) for each additional constituency;

vi) an appeal against the order of the Returning Officer accepting the nomination paper shall lie;

vii) the number of polling agents for a polling station with one booth shall be limited to two while the number of agents for a centre with more than 4 booths shall not be more than four;

viii) no fund can be raised by a political party from any foreign national or organization;

ix) a consolidated statement of election expenditure within 60 days of the publication of the results of an election shall have to be submitted to Election Commission by each Political Party participating in the election;

x) the time-limit has to be fixed in the law for the disposal of election petitions;

xi) the Election Commission must be empowered to cancel nomination of any candidate who is found to have violated the law;

xii) the provision enabling the Administrator, Deputy Administrator and Ward Commissioner of the City Corporation to contest the parliamentary election shall be omitted from the law;

xiii) the Speaker and Deputy Speaker in the explanation under clause (2A) of article 66 of the Constitution

shall have to be inserted.

The foregoing recommendations of the Commission were discussed in a dialogue with the leaders of the civil society on April 26, 2007. This was followed by a series of dialogues on different dates with the leaders of 15 political parties, namely IOS, KSJL, GP, JP, JSD, JL, NAP, JSD, JP, AL, CPB, WP, SD, BDB and LDP.

The leaders of different political parties while taking part in the dialogue went far beyond the recommendations formulated by the Commission.

The first dialogue was held with the Commission on September 12, 2007 with the Islamic Oikya Jote. They supported EC's proposal for disbanding student and overseas units of political parties and opposed the introduction of transparent ballot boxes. The condition for registration was also opposed by it.

The next dialogue was held on September 16, 2007 with Krishok Sramik Janata League. They supported the proposal of the Commission for banning student wings of the political parties, but opposed the proposal for curbing the right of the parties to have chapter abroad. The introduction of the transparent ballot boxes was also opposed by them.

The third dialogue was held on September 20, 2007 with the Ganatontri Party. This party supported most of the reform proposals of the Commission with a suggestion that parties based on religion should not be registered.

The fourth dialogue was held on October 4, 2007 with the Jatiya Party (Manju). The leader of the party supported the EC's proposal for compulsory registration of all political parties and suggested enactment of a separate comprehensive law for this purpose.

The fifth dialogue was held with JSD (Ziku) on October 22, 2007. The representatives of this party demanded waiving of the condition of submitting audit report with the application for registration.

The sixth dialogue was held with the Jamaat-e-Islami on October 25, 2007. The proposal of EC for securing at least 2% votes in the last election for registration was endorsed by it. They however opposed the proposal for holding upazila election before the parliamentary election. It also opposed the proposal for induction of 33 percent women representatives in all party committees.

The seventh dialogue was held with the National Awami Party. They supported the proposal of having 33 percent women representation in all party committees and demanded a ban on contesting election by the war criminals. Using of scale as an election symbol was also opposed by it.

The eighth dialogue was held with the JSD (Inu). They demanded a ban on political parties based on religion. Their other demands were use of transparent ballot box, separation of EC Secretariat from the PMO and direct

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