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Quest for independent Election Commission

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IN structural patterns election management bodies (EMBs) vary in democratic systems where elections are regularly held. There are essentially three models of such bodies across the world. The first model is an election commission that is independent of the executive, permanent in tenure, and responsible for the direction and management of elections. This model is by far the most common in new democracies and accounts for more than half of EMBs in the world. Many EMBs in South and South-East Asia, Latin America and Sub-Saharan Africa represent this model.

The second model is the government running the elections under the oversight of an independent commission with some regulatory, supervisory and judicial authority. The second largest number of democracies falls into this category. This type of electoral body is in operation in continental Europe, some African countries (mainly former French Colonies) and in Argentina, Turkey, New Zealand and Japan. EMBs in the United States (Federal

Electoral Commission—a permanent and independent body originally responsible for party finance regulations), Germany, Canada, the United Kingdom and Ireland also represent, more or less, this type. The third model is the government managing the elections exclusively. We see this model at work in a number of countries in the Caribbean, the Middle East and Africa.

There appears to be an increasing recognition throughout the world, of the overriding merit of the first model of EMBs in a multi-party democratic system. There is thus a general trend now, worldwide, particularly in new democracies, to move towards an independent electoral commission. An electoral institution, independent of any executive control, is considered to be an essential element in the organisation of free and fair multi-party elections. The conclusion reached by various election observer groups, both domestic and international, is that the independence of the election management body is of critical importance for ensuring free and fair elections in any multi-party democratic society. The independence is considered imperative to

Above all, the core point that counts in relation to independence remains still unaddressed. It is about the members of Election Commission itself. It is not understood why the matter, so widely acknowledged, has been left unattended. We look forward anxiously to the present political government (which has come to power after a brilliant electoral victory) endorsing the recommended process of selection of the CEC and ECs and carrying out necessary amendments in the law.

ensure the neutral role of the electoral body and to safeguard the legitimate interests of opposition political parties.

Independence is thought to be crucial to ensure transparency in the entire electoral process and efficiency. It is imperative to see that the Election Commission is so constituted as to command respect from all and its image is in no way tarnished.

b. Amendment to the Constitution or law should be made providing that the CEC and ECs are appointed from amongst persons of proven administrative ability, unquestioned integrity and neutral-

ity. It is necessary to incorporate specific provisions in the law for qualifications and disqualifications and the procedure of selection of the CEC and ECs to avoid any possible controversy over them.

c. The President should consult the leader of the Opposition in Parliament and other political leaders and give due consideration to their opinion before he makes the appointment. Alternatively, there should be a Search Committee for the preparation of a panel of candidates for these offices and the recommended panel should be presented to the President through the Business Advisory of the election

machinery. Even in advanced democracies the importance of independence of the EMB is being increasingly recognised. As regards the legal status of an EMB, the general pattern all over the world is that it is embodied in a country's constitution along with its charter and powers as a mechanism to forestall the possibility of easy amendment by ordinary law or action by the executive.

In Bangladesh we have an election commission stipulated in our country's Constitution. The commission's composition, appointment, tenure of the Chief Election Commissioner (CEC) and Election Commissioners

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