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Amended RPO: A groundbreaking reform



Bangladesh Nationalist Party registration.

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LACK of transparency has long been a feature of country's political parties' collection of fund and their expenditure patterns, particularly during the elections. There was, in fact, no effective legal mechanism to hold them accountable. There was no one to ask them to disclose the sources of their election funds and how those were spent.

In the absence of accountability, some top leaders of major political parties including the Awami League and BNP had engaged in what came to be known as nomination business. They allegedly took large amounts of money from mostly businessmen ostensibly for the purpose of filling the election coffers and awarded them with party tickets to contest parliamentary elections. Such beneficiaries would claim unethical favours when the party assumed power through elections. Keeping most of the party rank and file in dark, only a few top leaders of the parties used to deal with election funds. In fact, the entire process of collection and utilisation of finances were never discussed at any party forum.

Therefore, there had been a crying need for legal mechanism to bring an end to this political culture that save birth to corruption and favouritism. Civil society members and many politicians also were demanding for long the enactment of laws to end the culture for the sake of institutionalising democracy and good governance. But none of the successive governments heeded the demands as both ruling and opposition parties seeming had a common stake in the continuation of the practice.

Amidst such a gloomy political situation, the incumbent Election Commission (EC), reconstituted in February 2007 following the failure of erstwhile EC to hold the parliamentary election in the previous month, moved

But we can't still say everything has been achieved. The EC will have many things to do to improve the political culture and the government will have to extend allout cooperation to the EC with an open mind to bring an end to the nasty legacy of our political culture. Future of the country's democratic process largely depends on the EC and behaviour of the political parties. If the election administration is strengthened enough to conduct the polls freely and independently, and political parties come out of the hang-ups of the past culture of mistrust that gave birth to the caretaker government system, then the wind of change might ultimately blow and place democracy on a sounder footing.

to bring sweeping reforms in the electoral laws, and electoral system as well as.

Under the leadership of ATM Shamsul Huda, the EC held a series of talks with the political parties seeking their opinion on reforms and sent proposals to the caretaker government to translate those into laws. The immediate past caretaker government brought amendments to the Representation of the People Order (RPO) in August last year in efforts to bring changes in the procedure of country's national elections.

Of the changes brought to the RPO, political parties' mandatory registration has been a vital reform measure. The parties which in the past had vehemently opposed any registration system however agreed to get registered with the EC for being qualified to contest the parliamentary elections and also brought necessary changes in their constitutions to meet the criteria for registration.

As per the RPO, the parties which contested the December 29 parliamentary election were required to submit reports to the EC in three months, specifying the sources of election funds and their expenditure. The registered political parties must

have their funds audited annually and submit copies of the audit reports to the EC.

The new electoral laws allow the parties to receive a certain amount of donations from individuals and institutions, by way of giving a legal cover to collection of funds. In absence of specific legal mechanism, there was no transparency in collection of political parties' funds in the past.

Similarly, the new electoral laws fix a ceiling on parties' expenditure on the basis of number of candidates they nominated in the election.

According to the electoral laws, the EC will make public the political parties' reports on election expenditure and of their sources, and also their yearly expenditure, giving people an unprecedented opportunity to have a close look into their finances.

The new laws curtailed the absolute authority of the parties' parliamentary boards to pick up candidates for the Jatiya Sangsad elections. The laws empowered party's grassroots level committees to prepare panels of nominees and forward those to the central parliamentary boards that will pick one for each constituency from the panels.

The provision was aimed to end the

political culture of the central parliamentary boards giving party nominations by taking donations from aspirants. The new provisions imposed restrictions on newcomers to contest the parliamentary elections before three years since their joining a registered political party.

Similarly, ex-civil and military bureaucrats lost the undue advantage of being able to contest the parliamentary elections immediately after retirement from the services. The new laws say they must wait for three years after their retirement to be qualified for the polls. In the past, the bureaucrats misused their offices at the fag end of their tenure for preparing grounds to contest elections immediately upon retirement.

In the wake of a massive campaign and persistent demand for keeping the war criminals away from contesting the elections, the new laws have imposed a permanent ban on them. Now, if the AL-led government moves to hold trial of war criminals of 1971, the new electoral laws will enable the EC to keep the convicted war criminals out of the electoral process.

Moreover, all the candidates are to submit information about their educational qualifications and police records to comply with the new laws. The EC is

to make their details public enabling voters to know about the candidates contesting parliamentary elections. The new laws provide the voter with the option to cast 'no vote' if they do not like any of the contesting candidates in a constituency.

The provision for disclosure of candidates' particulars was also introduced in the elections to city corporations, municipalities and upazila parishads.

To register with the EC, the parties had to scale down their links to front organisations like those of students, teachers and labours. They had to pledge to allow running of the latter's activities as per the provisions stated in their respective charters, which were ignored to a great extent in the past. The efforts aimed at ensuring democratic practices in political parties.

Besides, the new electoral laws discourage political parties that exist only in name from contesting national elections. In the past, participation of a large number of political parties, most of them name-only, made election management and other jobs in the run-up to the election difficult for the election officials. The small political parties had failed to win any seat and they got a meagre number of votes in previous elections. It has been alleged many a time that such parties often sell out to major political parties' candidates during elections. It is some kind of a status symbol for some people to head such parties.

The EC had initiated steps to discourage the political parties that exist only on paper from taking part in 2001 general election. But the efforts fell through, as the commission could not make the provision of registration mandatory in the face of fierce opposition from the major political parties. Actually, registration was then made optional and thirty minor political parties applied for registration while