

An acid test for the EC

Former Election Commissioner Brig Gen (retd) M Shakhawat Hossain talks to The Daily Star's Naznin Tithi about the challenges of ensuring fair and inclusive city corporation elections.

Harsh realities of the city corporations' power Revamp city government

AMIDST the high hopes created by the exuberant mayoral campaigning comes a cold splash of reality. According to a report by The Daily Star, the providing of civic services by the city corporations is a virtually impossible task. This is because of the lack of coordination with innumerable other agencies, all of which are related one way or another, to various aspects of city development and execution of basic services. Internal corruption, according to urban planning experts, is another major bottleneck in the way of proper functioning of the city corporations.

The fact that the development activities of Dhaka city alone is carried out by 18 ministries and 56 government departments provides enough room for confusion and miscommunication. Experts have said that unless the city corporations are given precedence over other agencies it will be not possible for them to function effectively. Thus a revision of the city government system is crucial with the elected councillors working closely with the elected mayor in providing the services we, the taxpayers, pay for year after year. Supply of water, electricity and gas, for instance, are dependent on four different government bodies including WASA, and Titas Gas and Rajuk is responsible for construction of buildings.

A major revamping of the city's management is obviously crucial. The reforms should be aimed at making the city corporations stronger by freeing them from bureaucratic hurdles and corruption, providing them with adequate, competent manpower and a realistic budget to carry out their functions. The city corporation polls will bring about meaningful changes only if they result in better civic services to the taxpaying voters, something that has been lacking for decades.

Yet more deaths in road accidents When will we learn our lesson?

NOT a week goes by when we are not bombarded with the news of yet more deaths in road accidents. On Friday, five people were killed, including four members of a family, when a bus collided with a pick-up van at in Fakirhat upazila. Three others were injured and remain in critical condition. With the death toll from accidents rising with each passing day, are we to assume that human lives are so dispensable in this country that no amount of deaths and maiming of people will move us to implement effective measures to reduce traffic fatalities?

Unfit vehicles, driven by reckless drivers without licenses or fake licenses, continue to ply our roads, putting people's lives at risk. Hardly ever are the drivers responsible for the deadly accidents brought to book; even on the rare occasions when they are caught, they get out on bail or through bribes and resume their reckless driving.

If we are serious about minimising road accidents, we need to change our attitude of "rules are made to be broken" both on an institutional and individual level. We have to address the issue of licenses and vehicle witnesses, end the lack of oversight and culture of impunity enjoyed by reckless drivers, and conduct highway patrolling to keep our roads under constant monitoring.

In addition, we need an accessible legal framework through which victims and their families can press for compensation from drivers responsible for the accidents. Besides, owners of companies who employ such unfit drivers should also be held responsible.

The Daily Star (TDS): How would you evaluate the preparation of the election commission (EC) for Dhaka and Chittagong city corporations elections? M Shakhawat Hossain (MSH): This election was overdue. Dhaka City Corporation was divided into two in 2011. Although the government wanted to hold the elections immediately after the split, it could not because the then election commission had only one month left. Then a new commission took charge. But for some reason, the elections didn't happen. Although it was a good move on part of the election commission to have declared the election schedules, it seems that they are in a rush to hold the elections. Many have opined that there are political reasons behind this. Perhaps the government thought it would resolve the political crisis of the country by diverting the BNP-led alliance's attention to the elections.

TDS: During your tenure as an election commissioner, national as well as local government elections were held. What did the commission do to create a level playing field?

MSH: Before the 2008 national elections many laws were enacted and the electoral code of conduct was formulated after discussions with all the political parties. All the parties cooperated with the election commission at that time. That EC under Dr. Huda's leadership tried to implement the laws at any cost. It talked to people, telling them what to do and what not to do. All the candidates and voters followed the electoral code of conduct. And in all the local body elections, voter turnout was very good, especially the female voter turnout. I believe the turnout of female voters is an indicator of a free and fair election. The EC was innovative in electoral management and it took effective administrative measures regarding various issues. Therefore, more or less, one can say that there was a level playing field. The candidates or the voters were not scared.

TDS: As you know, Khaleda Zia's motorcade was attacked several times. Isn't it the duty of the EC to ensure security of

the candidates and campaigners once the election schedule is declared? During this period, shouldn't the law enforcement authorities follow the orders of the EC? MSH: When the schedule for an election is declared, the law enforcement agencies and the administration come within the purview of the EC. Let me give you an example: if there is a murder in any area, the police would do their routine job, but if the murder is related to the election, it becomes the EC's business to guide and ask the law enforcement authorities to do the needful regarding that murder. Similarly, if a candidate is harmed, chased or prevented from campaigning, it is the EC's duty to take action.

TDS: What do you have to say about the arrest of the councillor candidates of the BNP?



M Shakhawat Hossain

MSH: If they are wanted by the court, that's a different story. But if not, and they have been arrested on suspicion of doing something, this may scare the other candidates who are not supported by the government. This is intimidation, one of the elements of electoral corruption. If they are wanted by the court, the EC has little scope to do anything except to request the attorney general not to oppose bail sought by the candidates. If they are wanted by the police, the EC can ask the police not to arrest the candidates before the election.

Probably it will be very difficult to capture a booth on the election day, particularly in the capital city when everybody is watching, although some may try to stuff the ballot boxes. In Dhaka North there are 36 wards and 5892 election booths. So a mayoral candidate has to appoint 5892 agents. If the candidates are

harassed, it would scare their supporters and agents. And if their agents don't turn up at the booths on election day, anything can happen there. This kind of intimidation is one way to hinder a free and fair election.

TDS: Almost all the candidates are violating the electoral codes. What can the EC do to ensure that the code of conduct is not violated?

MSH: It is the business of the EC to oversee that the code of conduct is followed by all the candidates, be it government backed candidates or opposition candidates. The EC has deployed magistrates and thirty thousand members of law enforcement agencies. So any kind of violation should be stopped by the EC -- the magistrates, returning officers, and law enforcement agencies. If any candidate violates the electoral code of conduct, it

come under tremendous pressure if acceptable elections can't be held. Many international organisations are concerned about these elections. As you know, the United Nations has welcomed these elections, which means it wants to see a free and fair election for strengthening the democratic process in the country. And our internal politics may take a turn for the worse if the elections are not acceptable to all.

TDS: What is your view regarding army deployment during the elections?

MSH: Army is deployed on two accounts. One, if the law enforcement agencies do not do their job properly. And if people do not have faith in the law enforcers and the government institutions relating to the election. Since the army is a very disciplined force and considered a neutral body by people, they feel safe when the

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has the power to cancel their candidature. And if it fails to ensure an even-handed deal, then it will be difficult for the EC to conduct a free and fair election.

TDS: If these elections can't be held in a free and fair manner, what do you think the consequences will be?

MSH: In 2014 the first two phases of the upazila elections were held without any problems. But the last three phases of the elections were disastrous. The elections were marred by ballot box stuffing, booth capturing and intimidating the voters. The result is that the voters have lost their faith in the election process and the institutions. However, people heaved a sigh of relief when after three months of violent politics the election schedules for the three city corporations were announced. They want to participate in the elections. So the government will

army is deployed. The EC should consider all the factors before taking the decision of army deployment. And there has to be specific directions as to what will be the army's role during the elections. Because the army is not a part of the law enforcement agencies as far as the election rules are concerned.

TDS: How would you evaluate the participation of young candidates in these elections?

MSH: The mayoral candidates are all young, educated and well mannered. I believe, no matter who is elected, we will see a change. What amazed me is that 75 percent of the ward commissioners are young and most of them have a clean record. I think that is what matters. If the elections are not marred by corruption, our younger generation will be interested to join politics.

CITY CORPORATION ELECTIONS 2015

The right to be disillusioned

SHAMSUDDOZA SAJEN

"The challenge of modernity is to live without illusions and without becoming disillusioned."

— Antonio Gramsci

ELECTIONS in three city corporations might be 'a fight against anti-Bangladeshi forces', as declared by an AL-backed mayoral candidate or a 'dialogue' between the belligerent political giants AL and BNP, as opined by a BNP spokesperson in an interview or a 'historical opportunity to create an alternative beyond AL and BNP', as urged by a flamboyant leftist mayoral candidate. But most importantly it has ushered in a hope for governing the ever growing urban phenomena democratically. The real power of election, and ultimately democracy itself, is not that it can persuade people to elect candidates who break their promises more often than not but that it can inspire people to engage in collective political action to change their hopeless reality.

In the current electoral race, candidates have promised to solve various problems of the cities with their ingenious formulas. Their election manifestos cover a wide range of issues from mosquito control to digitalising the urban spaces. The city dwellers' passionate response to the election campaigns shows that those pledges, even if they go beyond a city corporation's mandate, are close to their hearts; they want those pledges to be realised by their elected representatives.

Now, the important question to ask is whether an elected city mayor has the authority to implement his election promises. According to the third schedule of the Local Government (City Corporation) Act 2009, there are, broadly, 28 types of activities under the authority of city corporations. It covers most of the basic needs related to city life. Unfortunately, the central government leaves little space for the city authority to undertake any major decision, even on the designated works of the city corporation, which may impact the lives of city dwellers in a greater way.

Section 42 (1) of the Act gives the central government

extraordinary authority to withdraw any institution or activity from the purview of the city corporation to its control. It can even abolish the formation of any City Corporation (Section 108). Applying this authority, the government split the DCC into two parts on November 29, 2011.

The Act allows city corporations to undertake any development plan and its implementation but the plan needs to be approved by the central government's Local Government Division. The central government has the power to make any changes to the Corporations' budget [Section 76(3)].

Dhaka and Chittagong are generally called 'cities of government' as the central government agencies control major urban services in these cities. For example, in Dhaka there are 56 government bodies responsible for providing various urban services. City corporations have to deal with these various institutions to implement their mandate. Getting in tune with so many institutions is a hectic task for which the city corporation does not even have the coordination authority. They can invite different agencies but the agencies are not obligated to attend the meetings.

In the presence of such an all powerful and interventionist central government, elected bodies of the city are pushed to the margin and the city is basically run by bureaucracy. The gap between bureaucracy and the urban people is filled up by an informal governance structure created by whichever ruling party is in power through its party loyalists. This is a patron-client relationship where both the government officials and party activists collude under the patronage of the ruling party and create an informal system of grievance resolution bypassing the formal complaint channels, particularly in delivering services. This gives scope for corruption of the whole urban government machinery imposing an unofficial system of charges and 'fees' for every service. On the other hand it creates a regressive political system in the city where local partymen including maastans act as middlemen with unscrupulous government officials, collecting 'tolls' and mobilising vote banks by distributing favours.

Their role grows as the formal institutions fail to deliver.

As a solution to this structural subservience of the city corporations some candidates as well as some experts have put forward the idea of 'city government'. But the proposal will remain elusive until and unless city corporations are given autonomy to govern city affairs. To do that, first, the Local Government (City Corporation) Act 2009 should be amended in the spirit of our Constitution which endorses effective autonomy of local governments [Article 59 (2)]. City governance is more than just city government. That's why citizen rights movements are very important to work as a guide for the city administration and break the patron-client structure of political domination in the city.

On a different note, city corporations should come out of the managerial approach, which remain wards of the central government and relies fundamentally on redistributions for survival. It has to be much more innovative and entrepreneurial. It needs to work on a sort of public-private partnership in which the traditional service delivery system will be integrated with the use of local government powers to try and attract external sources of funding, new direct investment and new employment sources.

Dhaka has been identified by the UN Habitat as the fastest growing mega city in the world. With an annual population growth rate of 4.4 percent it has been projected that by 2020 Dhaka would become the third largest mega city. The economic significance of Dhaka city is that it contributes 30 percent to the total GDP. Chittagong is also poised with the potential of becoming the business capital of Bangladesh. Without entrepreneurial and innovative city governance we will not be able to harness these potentials.

So, we the city people need to be a little more realistic about this election as a panacea to all the city's problems. The election should not be the goal but a beginning of a movement for a democratic and participatory future of city governance.

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COMMENTS

"Khaleda faces obstruction in campaign"
(April 20, 2015)

Mahadi Hasan
Awami league is setting up bad examples.

Akm Fazlul Bari
In election, hooliganism must be stopped. There should be peaceful process of election.

"Police see it, finally"
(April 19, 2015)

NR

"Most likely the youths are related to the girls," said Sub-Inspector of Shahbagh Police Station, Abul Kalam Azad, adding, "Above all no woman has complained of being sexually assaulted." Do they expect these victims to come to the filthy police stations to relive what has happened to them?

Dr. Arif

The youth should be punished beyond doubt but at the same time it reminds us of the weakness of law enforcement.

"BNP means destruction, says PM"
(April 19, 2015)

Zman7

More appropriately it means deceit and destruction.

Ahnaf Atef

Dear Prime Minister, for once please speak and address real issues like the one that happened at TSC on the 14th of April. Bring justice to the women who got abused. I was not born in 1971 but I am sure the father of the nation did not fight a war with this vision in his mind. A humble plead from the nation: please take action and keep the politics aside. This situation is more important than politics.

LETTERS TO THE EDITOR

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People want armed forces' members near polling stations

From the report published in The Daily Star on April 22, we learned that the Election Commission has asked the government for army deployment for four days alongside regular law enforcement agencies during the city polls. We were feeling very happy but it was short lived. We were crestfallen when the next day it was disclosed that the army will remain in cantonment and act only if the returning officers ask them to do so. It will not serve any purpose as the present atmosphere is not congenial. People will feel unsafe if the members of armed forces are not stationed near the polling stations. It is the sacred duty of the Election Commission to conduct an election in which people are able to cast their votes without any hindrance; we hope the EC fulfills its duty.

Nur Jahan
Chittagong

Horrific killing of a Bangladeshi woman in India

Recently a Bangladeshi woman was brutally killed by criminals in India. She had gone to India for her mother's treatment with legal documents. She was also molested before being murdered. We came to know from newspaper reports that Sonadanga police asked the victim's family to arrange money for bringing the body home. My question is, are they the police or hooligans? Why did they ask for money for doing their job? And why is the government silent about this issue?

It is also the responsibility of the Indian government to bring the criminals under trial. Bangladeshis are being killed every day by the hands of the Indians but we see nothing being done by international rights organisations in this regard. So unfortunate!

Pradip Das
On e-mail