

'The EC can't hold elections if it probes all the electoral allegations'

Election Commissioner Md. Rafiqul Islam talks to **Mohiuddin Alamgir** of *The Daily Star* about various issues and allegations that marked the five-year tenure of the outgoing Election Commission, which ends on February 14, 2022. This is the first part of a two-part interview series intended to mark the occasion.

As the tenure of the present Election Commission comes to a close, how would you evaluate your performance?

We cannot assess ourselves; in fact, no one can assess themselves as they cannot see their mistakes. But this much I can say that we've tried our utmost to carry out our tasks as guided by the constitution and our oath.

It has been alleged that the five-year tenure of this EC has brought our electoral system to the verge of collapse. What would you say?

We came to know of such allegations from the media. But they never informed us in detail how the electoral system was destroyed, or which part of it. We cannot take steps based on a vague picture.

There are also allegations that the EC has failed to earn the confidence of many political parties and voters?

If this is so, I want to say that they don't represent the whole population, only a portion of it. We have to understand that Bangladesh is sharply divided on almost all issues, so earning the confidence of the whole population is a very tough job.

About the national election, we have had opposing views in which one quarter said that we destroyed the electoral system while the other quarter said the electoral situation was excellent. We don't consider anyone in terms of their affiliation with the ruling party or opposition—we consider all as candidates and voters.

Many praised the EC for holding the Cumilla City Corporation polls at the beginning of its tenure and the Narayanganj City Corporation polls towards the end of it. But the EC faced heavy criticism for other local government elections, which witnessed violence and irregularities. How do you reconcile these two situations?

We did not take any extra measures while holding the CCC and NCC elections. And there was no fault on our part while conducting the other elections. In all elections, we act according to law. We create a conducive atmosphere and provide logistical support. Election officials conduct the election on the ground and law enforcers assist them on behalf of the EC. Our duty is to supervise the matter. We have a similar arrangement for all elections.

What would you say about the allegations about ballot boxes being stuffed on the night before the last national election in December 2018?

I have already said that polling officials and presiding officers conduct the election on behalf of the EC. And many forces are called in to control the law and order situation. There were national and international observers covering the election on December 30, 2018. We were glued to the TV on that day. Neither the media nor the returning officers, or even observers, reported such irregularities during the election. We don't have divine power to know about all the 42,000 or so polling centres. But no political parties directly talked to us about irregularities.

Then the returning officers announced the unofficial results. According to clause 39(4) of the Representation of the People Order, the EC takes steps to publish the names through an official gazette. We followed the law to a tee.

After several days, some allegations started to surface but by then, our hands were tied. After publishing the names of the winners in gazettes, the EC cannot do anything on the issue, and an aggrieved candidate can go to the court.

Didn't you get any complaint on December 30?

No, we didn't get any complaint until January 1, even January 2.

BBC made a report on ballot stuffing on the previous night of the election.

The news was on one centre. Can we take action without any evidence?

But BBC showed pictures.

Look at the picture carefully, evaluate where it was taken from. We stopped voting at 29 centres across the country on election day. Was the picture taken from any of these centres? Can we take a decision on the whole election based on the news of ballot box stuffing in one centre?

Jatiya Oikya Front did allege electoral irregularities on the voting day. Did they make any written complaint about night-time ballot stuffing?

They did not provide any evidence. We cannot do anything based on what

someone is saying. We need evidence.

But you can probe such claims, right? If there were complaints presented with evidence, we would have probed that. Moreover, by the time we received written complaints, we also received consolidated results from returning officers for publishing the gazette. From there our hands were tied by law, as the next step was under the jurisdiction of the court. But I believe if someone went to the court, it might have given the instruction to probe the matter.

Hundreds of allegations are being submitted even during the Union Parishad elections. Can we probe all of them without any evidence? If we had to probe all the allegations, we would not be able to conduct any election.

What about the allegation over 100 percent votes being cast?

It is abnormal that 100 percent votes were cast in some centres. The reason could be that the presiding officers added names of absent voters with the cancelled votes, while preparing the results.

A returning officer could have probed this kind of clerical mistakes. But they did not do so as the difference of votes between the winning candidates and their nearest rivals was so big. If anyone deducts the number of absent voters where 100 percent votes were cast, there would be no reflection of that on the overall election results.

Forty-two distinguished citizens have urged the President to constitute a Supreme Judicial Council (SJC) to investigate the allegations of election-related misconduct and financial irregularities against the EC. What would you say about that?

I don't know what they said in the letter, but I heard about the allegations from the media. We are entitled to have one car for home use and a jeep for official purpose. When we started our tenure, we were informed that there were no such allocations. We got the cars after two years and eight months. We never used three cars.

Regarding the appointment process, I can say that it was an administrative issue and no election commissioner has any connection with it. The Chief Election Commissioner and EC Secretary oversee the matter. We commissioners were not aware of when the recruitment test was held or the results published. We also issued an unofficial note saying how commissioners were kept in the dark about it.

Isn't it hilarious if the eminent citizens still allege that we have been involved in corruption?

We didn't take honorarium by giving speech but by giving training. The practice of taking honorarium for giving training has been there since 2008. As a joint secretary of EC, I processed the honorarium for former Chief Election Commissioner ATM Shamsul Huda, former Election Commissioners M Sakhawat Hossain and Sohul Hussain for providing training. We took honorariums as per the rule.

The Office of the Comptroller and Auditor General raised audit objections on the EC's expenditure in paying many of its trainers ahead of the last national election and upazila polls in March and June 2019.

Well, there are allegations that I gave more than one training in a day. Yes, I took four classes in a day. I took the first class at Tentulia and the last class at Gaibandha. I took the pain for the sake of election.

When I was returning from Gaibandha, I took a break at the Bagura Circuit House. They requested me to provide a training to the trainers so that the training programme remains a uniform one. The district election official assumed that I would get honorarium for that class. I refused to take that money. It was his responsibility to deposit the money back to the treasury.

Another thing is, there are seven officials with the name of Rafiqul Islam working at the EC. In several cases, the audit objection for one Rafiqul Islam is faced by another Rafiqul Islam.

You have to understand that these trainings took place in three days. Only two or three persons working at the upazila election offices had to prepare necessary papers and bills for about 14 lakh people. So there could be some lapses and gaps. Auditors might have found those lapses and gaps. All audit objections will be settled as per the rules. If needed, we will refund the money.

What would you say about the news of violence in different elections? What have you done to stop it?

You are talking about violence centering the polls. I have a question for you:



▲
**Election
Commissioner Md.
Rafiqul Islam.**

PHOTO: STAR

doesn't violence take place when there are no elections?

I know about several police probes about polls violence. In one such report, we came to know that there was a long-term animosity between two cousins over land. During the election, they supported rival candidates, and one died in a clash. You can say that one was killed in polls violence but the root cause was family feud. We have also seen that people of two villages or two unions clashed with each other.

Voting using the electronic voting machine (EVM) in the last local elections was slow, as many faced problems over matching finger prints. What you would say about it?

Yes, voting was slow but not that much. During the UP elections, we have seen that 70 to 75 percent of vote was cast within the stipulated time in many UPs using EVMs. In most local government elections, a voter needs to cast three votes, so it requires time. In case of the national election, a voter needs to cast only one vote, so not much time is required there.

Polling officials are also facing trouble over finger print matching of voters of old age. There are some other options to identify voters, like using their smart cards or NID card number and voter number. If polling officials use these options, we can get rid of the problem of the mismatch of finger prints.

<p style="text-align: center;">গণপ্রজাতন্ত্রী বাংলাদেশ সরকার আইন ও বিচার বিষয়ক মন্ত্রণালয় বিচার শাখা-৫ বাংলাদেশ সচিবালয়, ঢাকা www.lawjusticedive.gov.bd</p>		
নং: ১০.০০.০০০০.১২৫.০৭.০১১.২১-১২৩		তারিখ: ২৭ মার্চ, ১৪২৪ বঙ্গ ১০ মেজুরাতি, ২০২২
<p style="text-align: right;">আইন ও বিচার বিভাগ, আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়, ঢাকা এর সরকারি কাজে ব্যবহারের জন্য ২০২১-২০২২ অর্থ বছরে কমিউনিটের (ডেক্টপে) সামগ্রী সরবরাহের লক্ষ্যে প্রস্তুত কিন্তু দ্বিতীয় সরবরাহকারীদের নিকট হতে সীলনোদ্ধারকৃত দরপত্র আবেদন করা যাচ্ছে।</p>	টেক্সট দরপত্র বিজ্ঞপ্তি	
<p style="text-align: right;">(১) মন্ত্রণালয়/বিভাগ/সংস্থা (২) সংযুক্তকারী জেলা (৩) কি জন অজ্ঞান (৪) আর্থিক অবস্থা (৫) সংযুক্ত পদ্ধতি (৬) বাণিজ্য এবং সোসাইটি অব ফান্ড (৭) দরপত্র প্যাকেজের নাম (৮) দরপত্র প্যাকেজের তারিখ (৯) দরপত্র বিভিন্নের শেষ তারিখ (১০) দরপত্র গ্রহণের স্থান তারিখ ও সময় (১১) দরপত্র খোলার তারিখ ও সময় (১২) দরপত্র দলিল বিজ্ঞয়কারী অফিসের নাম (১৩) (ক) দরপত্র দলিল গ্রহণকারীর নাম (খ) দরপত্র দলিল খোলার নাম (১৪) দরপত্রের সাথে হালনাগাদ ট্রেড লাইসেন্স, আয়োজক সনদ ও ব্যাংক থেকে আর্থিক ব্যক্তিগত সনদগ্রহণ করে এবং জাতীয় সরবরাহের সাথে সংশ্লিষ্ট করে আর্থিক পত্র (কম্পিউটেড ডিটিপি) বছরের অভিজ্ঞতার সনদপত্র। ভাটো রেজিস্ট্রেশন সার্টিফিকেটের সংযোগিত অনুলিপিগ্রহ দরপত্র দলিলে উল্লিখিত যোগাযোগ প্রয়োজনের দাখিল করতে হবে।</p>	(১) দরপত্রের সাথে হালনাগাদ ট্রেড লাইসেন্স, আয়োজক সনদ ও ব্যাংক থেকে আর্থিক ব্যক্তিগত সনদগ্রহণ করে এবং জাতীয় সরবরাহের সাথে সংশ্লিষ্ট করে আর্থিক পত্র (কম্পিউটেড ডিটিপি) বছরের অভিজ্ঞতার সনদপত্র। ভাটো রেজিস্ট্রেশন সার্টিফিকেটের সংযোগিত অনুলিপিগ্রহ দরপত্র দলিলে উল্লিখিত যোগাযোগ প্রয়োজনের দাখিল করতে হবে।	
<p style="text-align: right;">(১৫) মালামাল সংযুক্ত ও কাজের সংযুক্ত বর্ণনা (১৬) দরপত্র দলিলের মূল্য (১৭) সংযুক্ত মালামাল/কাজের বর্ণনা</p>		(১) কমিউনিটের মূল্য (ভিত্তি টাকা) মাত্র (যথেষ্টতমোগ্য)। সিডিউলের মূল্য টাকার মাধ্যমে আইন ও বিচার বিভাগ, আইন ও সংসদ বিষয়ক মন্ত্রণালয়, ঢাকা কোর্ট নং-৪, কক্ষ নং-৭০৭, ৮ম তলা। (২) কমিউনিটের মূল্য (ভিত্তি টাকা) মাত্র (যথেষ্টতমোগ্য)। সিডিউলের মূল্য টাকার মাধ্যমে আইন ও বিচার বিভাগ, আইন ও সংসদ বিষয়ক মন্ত্রণালয়, ঢাকা কোর্ট নং-৪, কক্ষ নং-৭০৭, ৮ম তলা। (৩) কমিউনিটের মূল্য (ভিত্তি টাকা) মাত্র (যথেষ্টতমোগ্য)। সিডিউলের মূল্য টাকার মাধ্যমে আইন ও বিচার বিভাগ, আইন ও সংসদ বিষয়ক মন্ত্রণালয়, ঢাকা কোর্ট নং-৪, কক্ষ নং-৭০৭, ৮ম তলা। (৪) কমিউনিটের মূল্য (ভিত্তি টাকা) মাত্র (যথেষ্টতমোগ্য)। সিডিউলের মূল্য টাকার মাধ্যমে আইন ও বিচার বিভাগ, আইন ও সংসদ বিষয়ক মন্ত্রণালয়, ঢাকা কোর্ট নং-৪, কক্ষ নং-৭০৭, ৮ম তলা। (৫) কমিউনিটের মূল্য (ভিত্তি টাকা) মাত্র (যথেষ্টতমোগ্য)। সিডিউলের মূল্য টাকার মাধ্যমে আইন ও বিচার বিভাগ, আইন ও সংসদ বিষয়ক মন্ত্রণালয়, ঢাকা কোর্ট নং-৪, কক্ষ নং-৭০৭, ৮ম তলা। (৬) কমিউনিটের মূল্য (ভিত্তি টাকা) মাত্র (যথেষ্টতমোগ্য)। সিডিউলের মূল্য টাকার মাধ্যমে আইন ও বিচার বিভাগ, আইন ও সংসদ বিষয়ক মন্ত্রণালয়, ঢাকা কোর্ট নং-৪, কক্ষ নং-৭০৭, ৮ম তলা। (৭) কমিউনিটের মূল্য (ভিত্তি টাকা) মাত্র (যথেষ্টতমোগ্য)। সিডিউলের মূল্য টাকার মাধ্যমে আইন ও বিচার বিভাগ, আইন ও সংসদ বিষয়ক মন্ত্রণালয়, ঢাকা কোর্ট নং-৪, কক্ষ নং-৭০৭, ৮ম তলা। (৮) কমিউনিটের মূল্য (ভিত্তি টাকা) মাত্র (যথেষ্টতমোগ্য)। সিডিউলের মূল্য ট