

‘Reforms are crucial to strengthen the Election Commission’

Badiul Alam Majumdar, secretary of SHUJAN: Citizens for Good Governance, speaks with Naznin Tithi of The Daily Star about the changes needed in our electoral system and related laws before the next election.

The chief adviser is supposed to present a roadmap for state reforms soon. What kind of reforms should be prioritised before the election, and how long should it take to implement them?

What I learned from the people who participated in the mass uprising is that they wanted justice for the criminal acts such as the killing of students and civilians, enforced disappearances, extrajudicial killings, violation of human rights, etc. They also wanted accountability for the financial crimes committed over the past 15 years. Another key demand of the students is state reform or *raastro meramot*. So, we are glad that the chief adviser is going to declare a roadmap after ongoing dialogues with the political parties. Once that roadmap is laid out, we will know what reforms they intend to undertake and how far they are willing to go.

Broadly speaking, I see two key areas where reform is required. One is the need to revise various laws, including those governing the appointment of members of the Election Commission (EC), the Anti-Corruption Commission, the Human Rights Commission, Information Commission, the local government, laws for appointing the judges, etc. These laws need to be updated and amended to reorganise both constitutional and statutory institutions. Another need is reforming the constitution, which is the most important and yet most difficult task.

Now, there are two alternative views. While some are opting for completely rewriting the constitution, others want changes in some key areas. These include bringing a balance between the powers of the president and the prime minister, reforming or abolishing Article 70, deciding on whether or not we should have a proportional representation system and bicameral legislation, establishing term limits for the prime minister, and setting the duration of the legislative term, etc. These are some of the major things that need to be addressed if we are not rewriting the constitution. We hope to get some sort of guidance on this from the chief adviser's forthcoming roadmap.

There are two ways to institute these

reforms. One is by declaring the 15th amendment unconstitutional. In that case, the provision for referendums will come back. If that happens, it could be used for adopting some of the desired constitutional changes. Some laws could also be reformed, and the president could issue an ordinance to turn these into laws. But they will have to be approved in the first session of the parliament when it is formed. But you cannot change the constitution with an ordinance, so that will have to wait.

Now, the first round of dialogue is going on. There may be a second and even third round. After the chief adviser declares the roadmap, there will be further dialogues, through which an agreement among the political parties, government and other stakeholders can hopefully be reached. That agreement could be signed into a document, which can be called a National Charter. After the political parties sign the document, there could be a free and fair election. Then, whoever comes to power will be obliged to implement those reforms. However, our political parties don't have a good track record of keeping their commitments. So, there will have to be a body which will stand guard. I think our students could probably play this role.

But if we go for rewriting the constitution, then there has to be a constituent assembly through which a new constitution could be adopted.

What, in your view, can be a reasonable timeframe for polls?

The timeframe for the election will depend on what the political parties and the interim government agree on doing. It will depend on what milestones the interim government would like to achieve first. The good thing is that discussions are currently underway, which we hope will result in a timeframe agreed upon by all stakeholders involved.

The political parties have also proposed to hold the local government elections before the national polls.

Our local government system is in a bad shape. Also, some of the local government bodies that are very important for providing



Badiul Alam Majumdar

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services to the people have been dissolved. So, elections to these bodies should be held as soon as possible for practical reasons. This will give the interim government, and a reconstituted EC, the experience required for holding the national election. The local elections will not be as contentious, because they will not cause changes in power. But before these elections are held, the local government laws should be reformed.

What kind of reforms are needed in our electoral system and in the Election Commission laws to make the system foolproof, so that the EC can hold elections independently in the future?

There is nothing we can do to make the electoral system foolproof because it does not depend fully on the EC, even though it is the biggest and most important stakeholder in case of elections. The other stakeholders are the political parties and their candidates,

law enforcement agencies, bureaucracy, civil society, and media. If political parties and their candidates do not abide by the laws, and if the law enforcing agencies and bureaucracy are partisan, then the EC cannot really do much. Having said that, the EC can prevent/stop bad elections because its constitutional mandate is to hold an inclusive and competitive election.

However, there are quite a few areas where reform is vital to strengthen the Election Commission. First, we need to reform the law enacted in 2022 for appointing election commissioners. This law was basically recycled from the old circulars that the Awami League government used in the last few elections to appoint the commissioners of their choice. We need to do away with this law. Incidentally, the legality of the appointment of the now-former Election Commission is in serious question. Because the 2022 law calls for only political parties and professional bodies to propose names to the search committee for the appointment of election commissioners. But the search committee, in violation of the law, allowed all citizens to propose names, including their own. For example, Kazi Habibul Awal's name was proposed by the late Zafrullah Chowdhury. Although he was a distinguished person, he was not qualified as per law to nominate anybody. A similar thing happened in the case of other commissioners. Therefore, we need to reform this law to reconstitute the EC. However, because of the unusual situation caused by the mass upsurge, the interim government should be able to appoint a new EC without following the existing law or enacting a new one.

We also need to make quite a few changes in the Representation of the People Order (RPO). For example, according to section 90B of the RPO, political parties registered with the EC must not have provisions for associated and affiliated bodies in their constitutions. This was intended to disband such bodies. Our political parties removed such provisions from their constitutions but kept those affiliated bodies by terming them as "brotherly" organisations so as to use them as their *lathiyal bahinis*. Thus, our political

parties adhered to the letter but not the spirit of the law. To remedy this, section 90B of the RPO needs amendment.

Moreover, the nomination trade has become a big concern as it allows people to buy nominations in exchange for money. Consequently, more than two-thirds of our parliamentarians were businessmen. As a result, we now have the "best" democracy money can buy. Redressing this will require amending section 90B of the RPO, requiring the nomination of candidates for parliament elections to be determined by the votes of the activists of each constituency.

In addition, a few more changes are needed with regards to the candidates' affidavits, which must be scrutinised. There must also be provisions for counter-affidavits so that one can challenge the affidavit of a candidate. Furthermore, the present outdated affidavit form needs to be updated, and election expenses should be scrutinised and monitored. All these must be included in the law.

Additionally, we need a constitutional change if we want a proportional representation system. We will need constitutional changes for women's representation in parliament, to hold direct elections for the women's seats, and to preserve at least a third of the seats for women. Constitutional changes will also be needed if we want to go for a bicameral legislature and set term limits for the prime minister.

What's your thoughts on the proportional representation system that some parties have suggested?

Proportional representation means that political parties will get the seats based on the proportion of votes they get. So, if a party gets 50 percent of the votes, it will get 50 percent of the seats. If we go for this system, it will prevent the monopoly and tyranny of the majority. In 2008, the BNP received about 33 percent of the votes but got only 10 percent of the seats. In a proportional system, the BNP would have had more seats. So, this system should be seriously considered.

OUR MIGRANT WORKERS IN UAE

Bound by borders, freed by conscience



BLOWIN' IN THE WIND

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Bangladeshi migrant workers dedicate all their labour to host countries, but their hearts seem to be rooted in their homeland. They became the unsung heroes of a mass movement that witnessed the downfall of the previous regime. With all the focus on students and the general public who came to their aid, we often overlook the courageous acts of diasporic nationalism by our overseas workers. Their decision to stop sending money through official routes caused a financial shockwave for the then government, causing a shortage of foreign currencies. They took part in a series of protests, both on the streets and in cyberspace, showing their loyalty to the people's fight for justice at home. For some, this came with a high personal cost.

The United Arab Emirates (UAE) sentenced 57 Bangladeshi migrant workers to 10 years to more of imprisonment (three were sentenced for life) for staging protests against the Awami League government. The oil-rich country, which hosts around 10 lakh Bangladeshis, also constricted the issuance of new employment visas. We saw similar protests in front of other Bangladeshi missions abroad. But the swift judgement by the UAE and the equally quick intervention by the interim government of Bangladesh is a moment worth reflecting upon from multiple angles: diplomatic, humanitarian, and human rights. The incident underscores the delicate balance between upholding the rule of law in host countries, the soft power of individual leaders, and the enduring vulnerability of migrant workers, who are the lifeblood of our economy.

Central to this issue is the conscience of migrant workers—individuals who, despite their distance from home, carry with them the sociopolitical struggles of their homeland. Their conscience-driven participation in the protests and loyalty towards their country violated the UAE's strict laws prohibiting public protests, particularly by non-citizens. They faced detention, an expedited trial, and prison sentences as a result. The former prime minister cited the sentencing order to vindicate her government's position, but they made little to no effort to aid our citizens abroad.

Soon after the interim government assumed power, it appointed a legal adviser to assist the detainees. Chief Adviser Dr

Mohammad Yunus raised the issue and requested clemency for the jailed workers when UAE President Sheikh Mohamed bin Zayed Al Nahyan phoned him on August 28. A general pardon was granted less than a week later. From a diplomatic perspective, the release of workers represents an early win for the interim government. The positive response to this appeal demonstrates the strength of Bangladesh-UAE relations and the persuasive power of diplomatic negotiations. The UAE's goodwill towards Bangladesh goes beyond mere economics—it reflects an acknowledgement of the contribution these workers have made to the development of the UAE itself, a country that is home to 90 percent non-Emirati.

The humanitarian intervention elevates the status of migrant workers from mere economic agents and demonstrates the empathetic sides of both governments. However, the incident underscores the necessity of educating our workers about the legal frameworks and political rights of their host countries. Any ignorance leaves them vulnerable to arbitrary detention and harsh legal consequences. The commendable diplomatic engagement of the interim government of Bangladesh in securing the release of jailed workers also highlights the fundamental need for safeguarding our migrant workers from unjust punishment for their acts of conscience.

The negotiation, quite possibly, got through because of the individual influence of Bangladesh's Nobel laureate. *The Washington Post* recently speculated that Dr Yunus's soft power may have indirectly influenced the UAE's decision to grant clemency. The UAE, mindful of its international reputation and relationships with key global figures like Dr Yunus, may have found itself inclined to show mercy, particularly given the international outcry from human rights organisations like Human Rights Watch over the harsh sentences. Dr Yunus represents the kind of moral leadership that transcends borders and governmental affiliations. Years of advocating for the poor and marginalised have built his personal diplomacy, making him a figure of influence that the UAE could not ignore. This has come as sheer joy for all Bangladeshis. So much so that one Gen Z member commented

on Instagram, "Dr Yunus is cooking!"

The UAE, like many Gulf nations, faces persistent criticism over its human rights record, particularly in relation to migrant labour. The controversial kafala system, which binds migrant workers to their employers and limits their freedom, is often considered a form of modern day slavery. International observers saw Bangladeshi workers' sentences for peaceful protests as an example of the

only from a position of strength, but also with cultural and political sensitivity.

The media coverage of this event captures the diplomatic nuance. An editorial in this newspaper framed the pardon as a diplomatic success, focusing on the economic implications. The narrative of diasporic nationalism took precedence over a critical examination of the workers' rights violations. The international press, particularly outlets like Al Jazeera

As Bangladesh looks to the future, it must recognise the vulnerability of its migrant workforce. While diplomatic victories like this are important, they do not address the systemic issues that lead to such incidents in the first place. We must tackle the ignorance of legal rights, the repressive labour conditions under the kafala system, and the lack of effective protections for migrant workers head-on. Civil society organisations and the



The release of 57 Bangladeshi nationals who were sentenced to prison by a UAE court demonstrates the strength of the two countries' relations and the persuasive power of diplomatic negotiations.

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repressive laws governing public dissent in the UAE. However, the UAE president's decision to intervene reflects a balancing act between enforcing the rule of law and demonstrating a humanitarian impulse. We should view the president's clemency within the broader context of the UAE's efforts to manage its global reputation while maintaining internal security. He upheld the law in this case, punishing the workers for breaking it, while simultaneously demonstrating mercy, a key value in religious and Gulf leadership traditions. This can be a learning dashboard for our foreign, labour, and expatriate welfare ministries. We need to learn to negotiate not

and *The Washington Post*, focused more on the human rights dimension—highlighting the excessive nature of the sentences, the arbitrary detention of peaceful protesters, and the systemic oppression faced by migrant labourers in the Gulf. This divergence in reporting reflects a broader tension between national economic interests and the universal advocacy for human rights. While local media may be inclined to present such events in a manner that maintains favourable diplomatic relations, international outlets often take a more critical stance, examining the implications of these events for global human rights norms.

government must work together to educate workers heading to the Gulf about their rights and responsibilities in their host countries. They must also advocate for labour rights reforms in these countries to protect workers from exploitation and arbitrary detention. Respecting migrant workers' conscience necessitates legal awareness that enables them to navigate the complex realities of life in countries such as the UAE. Only then can Bangladesh truly ensure the safety and dignity of its diaspora, not just as economic contributors but as human beings deserving of rights and protections both at home and abroad.