

# Constituting & Strengthening the Election Commission : Proposals of BNP

## Begum Khaleda Zia

Chairperson, Bangladesh Nationalist Party-BNP  
Former Prime Minister, Peoples Republic of Bangladesh



**Bangladesh Nationalist Party-BNP**

---

---

## **Constituting & Strengthening the Election Commission : Proposals of BNP**

---

---

**Begum Khaleda Zia**  
Chairperson  
Bangladesh Nationalist Party-BNP  
Former Prime Minister  
People's Republic of Bangladesh  
Dhaka, 18 November 2016

## **Constituting & Strengthening the Election Commission: Proposals of Bangladesh Nationalist Party-BNP**

---

Election is a crucial event in a democracy. The people express their opinion regarding different issues through election. People elect their representatives to manage the affairs of the state through election. This is the reason why election is an indispensable element of democracy.

The persons who are entrusted with this responsibility must be neutral, capable, and strong willed. The contesting candidates, the voters and the outside world watch the National Election of a country speaking either ill or good of it.

The confidence of the people in the electoral system has got shattered. They have been shocked and dismayed by the controversial and partisan role of Election Commission in the last two National and Local Body Elections. In keeping with greater national interest and democracy, this kind of situation cannot be allowed to continue. People want a positive change. They want institution of a neutral and capable Election Commission that will firmly discharge its responsibilities with fairness and justice. They want a free, fair, credible and participatory election where they can exercise their constitutional right to franchise unhindered, so that, their verdict is not changed through any crafty or unfair means.

To overcome the current political crisis, it is desirable to arrive at a permanent arrangement for an independent Election Commission to conduct national elections acceptable to all under an election time neutral government.

The present controversial Bangladesh Election Commission will complete its tenure early February 2017. In order to hold a free, fair and impartial election, there is no alternative to constituting an impartial, honest, brave and efficient Election Commission.

Bangladesh Nationalist Party (BNP), in order to meet the just and constitutional aspirations of the people, hereby offers some recommendations to the nation for constituting and strengthening the

new Election Commission, and ensuring neutrality of all election related ministries and institutions during election time:

1. The Election Commission is to be constituted on the basis of 'consensus' of all the political parties.
2. Initially the Hon'ble President of Bangladesh will hold separate meetings with Secretary General or General Secretary or representative of all registered political parties of Bangladesh, and or, with representative of all political parties who over different periods had representation in the National Parliament since the liberation of Bangladesh. Since there are at present two major political alliances (Bangladesh Nationalist Party led 20 Party Alliance and Awami League led Grand Alliance) in the country, there can be 1 (one) representative each from the party leading the alliances and 2 (two) others assisting each of them.

The President may involve honest, qualified and impartial representatives of the civil society as well.

- 2.1. The Election Commission is to be constituted upon 'consensus' of all registered political parties of Bangladesh, and or, of all political parties who over different periods had representation in the National Parliament since the liberation of Bangladesh. The President will continue talks on the qualification, disqualification and nomination of the Chief Election Commissioner and the Election Commissioners until 'consensus' is reached among all registered political parties of Bangladesh, and or, with all political parties who over different periods had representation in the National Parliament since the liberation of Bangladesh.
- 2.2. The President's Office will publish 'Agreed Meeting Minutes' and 'Unanimous Decisions' taken in the meeting with the President, containing signatures of respective representatives of all registered political parties of Bangladesh, and or, of all political parties who over different periods had representation in the National Parliament since the liberation of Bangladesh.

### **3. Constitution of Search Committee:**

The Hon'ble President will constitute a Search Committee on the basis of consensus among all registered political parties of Bangladesh, and or, among all political parties who over different periods had representation in the National Parliament since the liberation of Bangladesh.

#### **3.1. Structure of Search Committee:**

The President will constitute a Search Committee consisting of 5 (five) honest, impartial, experienced, wise and widely respected persons possessing high moral standard and strong will.

##### **Convener of the Search Committee:**

3.1.1. An active and physically capable retired Chief Justice of Bangladesh (according to order of seniority), who is above any controversy and who did not ever hold nor presently holding any office of profit of the Govt.

##### **Member of the Search Committee:**

3.1.2. One retired Judge of the Appellate Division of the Supreme Court who is above any controversy and did not ever hold nor presently holding any office of profit of the Govt.

3.1.3. An honest and non-partisan retired Secretary to the Government who is above any controversy and who did not ever hold nor presently holding any office of profit of the Govt.

3.1.4. An honest and non-partisan renowned educationist, who is a retired Professor of a University, and who is not holding any office of profit of the Govt; or a widely respected neutral eminent citizen.

3.1.5. A widely respected honest, non-partisan, efficient, and capable senior woman.

4. All registered political parties of Bangladesh, and or, all political parties who had representation in the National Parliament since the liberation of Bangladesh, as per procedure stated in section 2 above, will hold separate

meetings with the President and each party will make specific written proposal for the appointment of the members of the Search Committee, and recommend 2 (two) specific names and their details for each post.

## **5. Qualifications of Chief Election Commissioner and Election Commissioners:**

### **5.1. Qualifications of Chief Election Commissioner:**

The Chief Election Commissioner will be an honest, talented, skilled, brave, wise, impartial, experienced and widely respected person possessing high moral standard and strong will who is above any controversy and non-partisan in every measure. A former head of any constitutional body, or an honest and non-partisan retired Secretary to the Government, who did not ever hold nor presently holding any office of profit of the Government, or an eminent citizen shall be eligible for appointment as Chief Election Commissioner; provided that a retired Cabinet Secretary and an officer who had at any time worked in the office of the Prime Minister shall not be eligible for appointment as Chief Election Commissioner; and a Secretary to the Government who has not completed 3 (three) years after retirement, or resignation, or dismissal, or has not completed a span of 3 (three) years after completion of contractual appointment, or cancellation thereof, shall not be eligible for appointment as Chief Election Commissioner.

### **5.2. Qualification of the Election Commissioners:**

- 5.2.1. Four persons, including a woman, can be appointed as Election Commissioner from among honest, talented, skilled, brave, wise, impartial, experienced and widely respected persons possessing high moral standard and strong will, non-partisan in every yardstick and above any controversy.
- 5.2.2. A retired judicial officer not below the rank of a District Judge or equivalent, a retired defense personnel not below the rank of a Brigadier General or equivalent, a retired government official not below

the rank of Joint-Secretary or equivalent, a senior advocate of the Supreme Court, an educationist with administrative experience or a widely respected eminent citizen can be appointed as Election Commissioner. But an employee of the Republic or statutory government authority or defense personnel, who has not completed 3 (three) years after retirement, or resignation, or dismissal, or has not completed a span of 3 (three) years after completion of contractual appointment, or cancellation thereof, shall not be entitled to be Election Commissioner.

- 5.2.3. All registered political parties of Bangladesh, and or, all political parties who had representation in the National Parliament since the liberation of Bangladesh, as per procedure stated in section 2 above, will hold separate meetings with the President and each party will make specific written proposal for the appointment of Chief Election Commissioner and Election Commissioners and recommend 2 (two) specific names and their details for each post (Chief election Commissioner & Election Commissioners) of the Election Commission.
6. The President will send to the Search Committee the recommended names for Chief Election Commissioner and Election Commissioners received from different political parties. The Search Committee will choose 2 (two) persons for the post of Chief Election Commissioner and 8 (eight) persons for the post of Election Commissioners from among the names sent by the President. The Search Committee will initially analyze and scrutinize the recommended names and pick up the common names recommended by the political parties for finalizing the names to be sent to the President. In this process, if 2 (two) names for the Chief Election Commissioner and 8 (eight) names for Election Commissioner are not found to be common, the Search Committee will discuss, if required repeatedly, with all registered political parties, and or, with all political parties who over different periods had representation in the National

Parliament since the liberation of Bangladesh. At this point, if any political party intends to submit new names for consideration, the Search Committee will entertain it for the sake of consensus. The Search Committee, in this manner, will finalize the remaining name(s) on the basis of consensus of the political parties. The Search Committee will finally recommend to the President a total of 10 (ten) names, 2 (two) for Chief Election Commissioner and 8 (eight) for Election Commissioners.

7. The President will finalize 1 (one) Chief Election Commissioner from the 2 (two) names recommended by the Search Committee, and finalize 4 (four) Election Commissioners from the 8 (eight) names recommended by the Search Committee. The President will arrange to obtain consent of the finally selected persons and make public their resume and wealth information and appoint them. If any of the finally selected person(s) disagree(s) or any inconsistency found, the President will follow the same process and procedure to finalize the appointment(s) from among the remaining person(s) nominated by the Search Committee.

If both the persons recommended by the Search Committee for the post of Chief Election Commissioner disagree, the same selection process and procedure as above will be repeated. If the selected persons for the post of Election Commissioner disagree in such a number that there is none left among the Search Committee nominees for consideration, the same selection process and procedure as above will follow.

## **Empowering and strengthening the Election Commission**

In order to strengthen the Election Commission, the Election Rules and Regulations and, the Representation of People Order (RPO) must be amended and rationalized to cater to the needs of the time. In order to achieve this objective, following measures are to be taken:

### **Proposed Amendments to Representation of People Order (RPO):**

1. “Defense Services of Bangladesh” must be reinstated as a ‘*Law Enforcing Agency*’ along with other forces, in Article 2 (XIaa) of “Definition Clause”.
2. A new sub clause (e) is to be added after Article 28(4)(d) in the RPO:  
*(e) “after distribution of empty ballot boxes to the polling booths, place the remaining empty ballot boxes, if any, at a secure place within the sight of the contesting candidates or election agents or polling agents”.*
3. The last portion of Article 28(5) of the RPO, is to be amended in the following manner:  
*“..... and keep it at the relevant booth within the sight of the concerned Assistant Presiding Officer and election agents or polling agents and use another ballot box in the manner laid down in clause (4).”*
4. The word ‘only’ is to be inserted between the words ‘open’ and ‘the used ballot box’ in Article 36 (4)(a):  
*“.....open only the used ballot box or ballot boxes and count the entire lot of ballot papers taken out therefrom ;”)*
5. The following line is to be added after Article 36 (11):  
*“..... And the Presiding Officer shall not leave the Polling Station without implementing article 36 (11)”.*

## **Strengthening the Election Commission**

### **1. Bangladesh Election Commission must have its own Secretariat:**

1.1. According to Article 79 of the Constitution, Bangladesh National Parliament has its own secretariat. Like way, Bangladesh Election Commission must have its own secretariat as well. Bangladesh Election Commission must have financial freedom.

### **2. Ensuring neutrality of the Election Commission:**

2.1. The newly constituted Election Commission must ensure neutrality of the officials and staff members of its own secretariat and its field level officers. It must ensure neutrality of election officials at all levels i.e. returning officers, assistant returning officers, appellate authority, presiding officers, assistant presiding officers, polling officers, law enforcing officers, registration officer, assistant registration officer, revising authority, and judicial officers engaged in election duty.

2.2. The newly constituted Election Commission will form a committee soonest possible to identify officials and staff members of its own secretariat and field officers who are manifestly partisan to political parties and will immediately withdraw them from their duties and refrain them from any kind of election duty in future.

2.3. The newly constituted Election Commission will identify officers and staff members of the Election Commission secretariat and its field officers who had violated the RPO and other election rules and regulations during the National Elections held in 2008 and 2014 and in subsequent Local Government Elections at different levels and will refrain them from any kind of election duty in future.

### **3. Identify partisan election officials working on deputation:**

3.1. The newly constituted Election Commission will form a committee soonest possible to identify the officers who

had worked on deputation at field level i.e. returning officers, assistant returning officers, appellate authority, presiding officers, assistant presiding officers, polling officers, law enforcing officers, registration officer, assistant registration officer, revising authority, and judicial officers engaged in election duty, and who were manifestly partisan to political parties during the National Elections held in 2008 and 2014 and in subsequent Local Government Elections. The Election Commission will refrain them from any kind of election duty in future.

**4. On appointment of Returning Officers, Assistant returning Officers and some other election related officials:**

- 4.1. To ensure free, fair and credible election, the Election Commission will arrange to withdraw the Deputy Commissioners (DC) and the Superintendents of Police (SP) working at the field level at the time of announcement of election schedule and arrange to post a new set of Deputy Commissioners (DC) and Superintendents of Police (SP). Any officer working in a district in any capacity for the last 5 (five) years shall not be posted as Deputy Commissioner (DC) and Superintendent of Police (SP) in the same district.
- 4.2. Similarly, to ensure free, fair and credible election, the Election Commission will arrange to withdraw all Upazilla Nirbahi Officer (UNO) and Officer-in-Charge (OC) of Police Station working at the field level at the time of announcement of election schedule and arrange to post a new set of Upazilla Nirbahi Officers (UNO) and Officers-in-Charge (OC) of Police Station. Any officer who had earlier worked in any capacity in the Upazilla / Police Station shall not be posted as Upazilla Nirbahi Officer (UNO) / Officer-in-Charge (OC) in the same Upazilla / Police Station.

**5. Relevant ministries to act upon requirement of the Election Commission during election time:**

- 5.1. Some relevant ministries pertaining to election such as Home, Finance, Information, Public Administration, Local

Government, Education, Primary & Mass Education, Foreign Affairs and Health & Family Welfare, shall act upon as per requirement of the Election Commission as per Article 126 of the Constitution and Article 5 of the Representation of People Order (RPO), 1972, commencing on and from the announcement of the Election Schedule till the newly elected government takes over.

- 5.2. During election period (on and from the announcement of the Election Schedule till the newly elected government takes over) transfer and posting of all the field-level election related officials (such as the Divisional Commissioner, Additional Divisional Commissioner, Deputy Commissioner, Additional Deputy Commissioner, Upazilla Nirbahi Officer, and Deputy Inspector General of Police, Additional DIG, Metropolitan Police Commissioner, Additional Police Commissioner, Deputy Police Commissioner, Assistant Police Commissioner, Superintendent of Police, Additional SP, ASP, Police Inspector, Sub-Inspector of police, Asst. Sub-Inspector of Police, RAB officials of all level, Ansar, BGB and Coast Guard officials and concerned others) shall be under exclusive jurisdiction of the Election Commission.

## **6. Delimitation of the Constituencies of the National Parliament:**

- 6.1. The newly constituted Election Commission will arrange to hear the complaints / cases of the political parties regarding delimitation of the constituencies of the National Parliament and take necessary action to rearrange/recast the boundaries of the constituencies as per laws, rules and regulations pertaining to delimitation of the constituencies of the National Parliament.

## **7. Deployment of the Defense Forces during election time:**

- 7.1. During National Election the Election Commission will arrange to deploy Defense Forces with magisterial power, especially, at the polling centers and other strategic places including patrolling across the constituencies. This deployment will come into force 7 (seven) days ahead of Election Day till gazette notification of the election results.

## **8. Updating the voter list and registration of new voters:**

- 8.1. The expatriate Bangladeshis are very eager to be enlisted as voters. At present they cannot enlist themselves as voters. Considering their long time demand and their contribution to our national economy, the expatriate Bangladeshis must be enlisted as voters. In many democratic countries there is scope for the expatriates to be enlisted as voters.
- 8.2. Every person eligible to be enlisted as voters must be registered as voters in the voter list. Registration as voters in the voter list must be ensured of all the political leaders and workers who are eligible to be voters, but are presently languishing in prison being implicated in false and fabricated cases.
- 8.3. The voter list containing photographs of the voters which lie with the election officials at the polling station, the same voter list containing photographs of the voters must be provided to the candidates or the election agents on the day of scrutiny of candidature.
- 8.4. There are complaints that, in many cases, photographs of the voters in the voter list are hazy and obscure. While updating the voter list, these complaints must be taken into cognizance and cross checked, and appropriate action taken to correct it.
- 8.5. All the voters enlisted in the voter list must be allowed to cast their votes without any hindrance on the basis of voter list enlistment alone.
- 8.6. Polling agent from each and every booth, appointed by the candidate, must be kept present during counting of the votes.
- 8.7. Counting of votes must begin immediately after vote-casting is over, without any break in-between.

## **9. Training of Election Commission's own officers and employees:**

- 9.1. Intensive training must be arranged to increase efficiency of the officers and employees presently working with the

Election Commission. This training must include election rules & regulations, voter registration rules & regulations, citizens' rights, conduct, security, public relation, human resource management, voter training etc.

- 9.2. The institutional capacity of the Election Training Institute under Bangladesh Election Commission has to be increased e.g. establishment of Regional Training Institute, increase of manpower, enhancement of efficiency and capacity.
- 9.3. The Election Commission will arrange to impart training to the District and Upazilla level workers / prospective polling agents of the political parties on Election Laws and Rules & Regulations.
- 9.4. The Election Commission will direct the District and Upazilla administration to extend necessary assistance and cooperation to the political parties in holding training to their election agents and polling agents. The election Commission will take effective measures to ensure necessary security of the training programs arranged by the political parties.
- 9.5. The Election Commission will conduct wide Voter Education Campaign. Assistance of the political parties, Election Training Institute, social media, mass media and NGOs shall be taken in conducting the Campaign.

#### **10. Vesting of magisterial power with the Election Commission Officials:**

- 10.1. The Election Commission, during election time, will arrange to vest magisterial power with its own officials by a Special Order under Article 89 of Representation of People Order (RPO), 1972.

#### **11. Any violation of election Laws, rules and regulations to be dealt with immediately:**

- 11.1. Any complaint regarding violation of election law, conduct rule, and other election rules and regulations and regarding any other issue relating to election has to be accepted and acknowledged in writing, dealt with immediately and

remedial measures are to be made public on a daily basis, immediately following the declaration of election schedule till official announcement of the election results.

## **12. On national & Local level election observers:**

- 12.1. The election observing bodies have to be registered with appropriate authorities as per law of the land at least 3 (three) years prior to the declaration of the election schedule.
- 12.2. Any leader or worker of a political party or any person demonstrating open loyalty to any political party, or any organization or body under his / her control or any person working under that organization shall not be eligible to be enlisted and appointed as election observer.
- 12.3. The Election Commission shall enlist election observer bodies or election observing persons at least 30 (thirty) days prior to the announcement of election schedule.
- 12.4. The Election Commission will publish the names and identity of all enlisted national and local election observer bodies and also the names of their nominated observers within 7 (seven) days of announcement of election schedule.

## **13. International election observers:**

- 13.1. The Election Commission will publish the names and identity of all enlisted international bodies, foreign observer bodies and observers from foreign countries at least 7 (seven) days prior to the Election Day.

Considering the realities obtaining in the present day Bangladesh, mere constituting a neutral Election Commission on consensus basis is not sufficient to hold a free, fair, participatory, inclusive, acceptable and credible election. A free and fair election cannot be ensured without all-out administrative and logistic support of the Government and complete support and assistance of the law enforcing agencies including the defense forces.

Without a neutral election time government, co-operation of the key ministries mentioned above cannot be ensured and it is not possible to hold a free, fair and credible election. To enable the Election Commission offer the nation a free, fair and credible election, facilitative role of an election time neutral government is a must. We shall spell out the framework of a neutral election time government before the nation at an appropriate time.

— o —

Some picture of violence, irregularity and reckless rigging in some recent elections held under partisan Election Commission :



People want a free, credible, participatory and inclusive election under an honest, strong, brave, efficient and non-partisan neutral Election Commission.



People want to get back their right to franchise, a congenial environment to choose their representative without hindrance.

**Let Democracy Stage a Come-Back.....**