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FACTORS OF ELECTORAL PROCESS IN BANGLADESH: AN OVERVIEW

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Abstract: Electoral process is a necessary ingredient of every democratic political system. Democracy is inconceivable in absence of free, fair and credible election. The edifice of modern democratic political system is erected on the institution of election. It is the involvement of social and political groups and individuals at various levels in the political system. Electoral process is closely related to legal institutions as well as the nature of the polity and political culture. There are so many factors influencing the electoral process in Bangladesh. As a whole, the performance of the factors of the electoral process is not up to the mark in our country. The effectiveness of factors of electoral management is not satisfactory at all. In the present study the influencing factors of the electoral process have been explored and evaluated.

Keywords: Electoral Process, Electoral Law, Bangladesh

Introduction

The edifice of modern democratic political system is erected on the institution of election. Modern theorists of democracy prefer to confine democracy to a way of choosing the policy-makers through periodic elections. As MacIver writes: Democracy is not a way of governing, whether by majority or otherwise, but primarily a way of determining, who shall govern and broadly, to what ends. The only way in which the people, all the people, can determine who shall govern is by referring the question to public opinion and accepting on each occasion the verdict of the polls (MacIver, 1965: 148). Schumpeter has defined democracy as “competitive struggle for the people’s vote” among politicians to acquire the power to decide policies (Schumpeter, 1950: 259). The idea of representative system of democracy cannot be conceived without elections (Ali, 2001: 2). In representative democracy choice of proper representation depends on the choice of electoral system. Election in mature democracy is a means for the policy-makers to acquire legitimacy and for the electorates to exercise control over the policy-makers.

The purpose of the whole electoral process is to produce a legitimate government to ascertain the popular will, to decide policies and to bring the

decision-makers under popular control (Mayo, 1960: 72-106). Any political system that does not institutionalize these basic rights of its citizens cannot be labeled democratic (Muhammad, 1993: 41). However, in many developing countries, more often than not, elections are staged primarily to consolidate the power of the ruling coterie by institutionalizing a democratic facade. Election results are manipulated in favour of the ruling elite with active collaboration of the state apparatus.

As an institutional component, Bangladesh Constitution gives a provision to set up an Independent Election Commission to conduct elections in the country. In accordance with the Article 118 of Bangladesh Constitution, an IEMB (Independent Electoral Management Body), Bangladesh Election Commission, was established. The body operates the legal functions according to election law. For the success of Bangladesh Election Commission, it is essential that the election must be held in a free and fair manner. Since its inception in 1972, there has been an allegation against Bangladesh Election Commission, that it is having some irregularities in the way of holding election and it has partial attitude to the certain political parties. However, the BEC (Bangladesh Election Commission) still lacks an overarching law, which clearly states the powers of the BEC in relation to the government and an unambiguous mechanism if the Government fails to comply with or distorts the implementation of the BEC’s directives.

Moreover, it has been recognized that Election Commission alone cannot assure a free, fair and credible election. Here, different social intra-groups, socio-cultural, political and religious institutions and their social and political capital play pivotal role in the electoral process for holdings a credible election in our country. So, an independent, professional and inclusive electoral management body and influencing factors of electoral process can create democratic atmosphere where effective election becomes possible.

The Methodology

The methodology applied in this research is a combination of historical and analytical approaches. Data have been collected from secondary sources. In this research, analytical approach is used on the basis of both qualitative and quantitative data. Secondary sources that have been used in this research are various research reports and articles, official statistics, relevant books, published and unpublished study documents, reports, thesis/dissertations, daily newspapers, websites etc.

Objectives of the Study

This paper is designed to conduct a research on the electoral management process. The aim of this study is to present a brief idea about electoral process in Bangladesh.

The objectives of the study are:

- (i) To explore the factors of electoral process;

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- (ii) To evaluate the factors of electoral management process;
- (iii) To recommend how electoral management body can attain a viable electoral process for holding free, fair and credible election in Bangladesh.

Legal Framework of Electoral Process

Article 118 (1) of the Constitution mentioned that “there shall be an Election Commission for Bangladesh consisting of the Chief Election Commissioner and not more than four Election Commissioners and the appointment of the Chief Election Commissioner and other Election Commissioners if any shall, subject to the provisions of any law made in that behalf, be made by the President. Article 118 (4) of the Constitution stated that “The Election Commission shall be independent in the exercise of its functions and subject only to this Constitution and any other law. Article 118 (5) mentioned that “Subject to the provisions of any law made by Parliament, the conditions of service of Election Commissioners shall be such as the President may, by order, determine: Provided that an Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of the Supreme Court (The Constitution, 2011). Since 1972, the EC conducted a number of elections including 11th parliamentary election. However, the BEC has rarely been considered as a credible institution, right or wrong allegation against BEC is having some irregularities in the way of holding election and partial attitude to the political parties. Someone argues that despite a good number of laws and rules, the EC still lacks legal provisions in respect of enabling law for its establishment and structure like other constitutional bodies (Akram and Das, 2008: 2). Behind such lacking of the EC, they mention that the EC does not have authority to control over the political parties, financial independence and proper mechanism of processing electoral disputes (Hussain, 2008: 4).

Electoral Law and Procedures

Electoral law and procedures are vested in the Constitution and Representation of People Order (RPO), 1972. As per the Constitution and RPO, 1972, the power, functions and duties of the EC is described with the article 118 (4) and 126 of the Constitution and in the article 4 of the RPO, 1972 in different nature. Article 126 of the Constitution and Articles 4 and 5 of the RPO, 1972 also provide that “it shall be duty of all executive authorities to assist the EC in the discharge of its function.” The EC has a power to require any person or authority to perform such functions in the election.

Electoral Rolls

Electoral rolls means the final electoral rolls prepared under the existing Electoral Rolls Act 2008. According to the act, the EC appoints required numbers of AROs (Assistant Returning Officer) and one supervisor for every five enumerators and one enumerator for every 300-400 voters. The EC has to also appoints a registration officer for each electoral constituency for the

purposes of ‘preparation, correction, amendment and revision’ of the electoral roll (Ahmed, 2008: 188).

Delimitation of Constituencies

The delimitation of constituencies is prime function of the EC and it is executed in accordance with the Delimitation of Constituencies Ordinance 1976. In this ordinance, delimitation of constituency’s means, “the constituencies shall be so delimited having regard to administrative convenience that each constituency is a compact area and in doing so due regard shall be had as far as practicable to the distribution of population as given in the latest census report.” According to Article 6 (1) of this ordinance, the EC shall, for the purpose of elections to the seats in parliament, divide the country into as many as single territorial constituencies as number of members to be elected under Article 65 (2) of the Constitution (Article, 1976).

Registration of Political Parties

The registration of political parties with the EC is obvious in democratic process. In 2008, an ordinance was passed involving registration of political parties with the EC. According to this ordinance, registration of political parties in Bangladesh is voluntary. It may be mentioned here that political parties willing to take part in the parliamentary elections must be registered with Bangladesh Election Commission. In same way RP (Amendment) Act 2009 states that “if any political party desires to be registered, it shall fulfill one of the conditions” that laid down in Article 90 (B). However, this call for voluntary registration of parties did not make any impact among the political parties of Bangladesh (Hasanuzzaman, 2009: 30).

Delegation of Electoral Functions

The EC of Bangladesh appoints the RO (Returning Officer) for each of the parliamentary constituencies. In addition, the EC also appoints ARO (Assistant Returning Officer) for each constituency to assist the RO in the performance of his functions in connection with the conduct of elections. However, the EC has the power to withdraw any officer for the shake of neutral election. The RO prepares the list of Polling Stations and appoints the Presiding Officers, Assistant Presiding Officers and Polling Officers. The PO with the assistance of APO and Polling Officers conduct the poll at a polling station.

Institutional Structure

The EC’s Secretariat: An EC’s secretariat has been established under the provision of 118 (4) of the Constitution. Therefore, the EC has its own full-fledged secretariat headed by a secretary to the EC to render all assistance to execute the decisions and orders of the commission. The secretariat is situated in Dhaka with having field offices in regional level, district level and upazila level. The secretariat performs all the duties relating to election management.

There are ten Regional Election Offices located Dhaka, Chittagong, Khulna, Rajshahi, Barishal, Sylhet, Comilla, Mymensing, Rangpur and Faridpur region headed by Chief Election Officer (CEO).

The main function of this office is to communicate between the secretariat and the subordinate field level offices to co-ordinate the work of all types of electoral roles such as registration of voters and preparation of electoral rolls including day to day amendment and as time to time directed by the EC.

There are 64 District Election Offices in the 64 District Headquarters headed by Senior District Election Officer (SDEO)/District Election Officer (DEO). The SDEO/DEO has to carry out all works relating to registration of voters, printing of voters list, management of national and local level elections, training of polling personnel and all logistical arrangements for elections as directed by the ten regional election offices from time to time.

The lowest level of election offices are Upazila/Thana Election Offices. There are 508 Upazila/Thana Election Offices in the country. The main functions of the Upazila/Thana Election Officers are to assist regional and district offices in the discharge of functions relating to elections.

Electoral Enquiry Committee (EEC): The committee shall consist on the basis of complaints received from the contesting parties and candidates in the election about any matter or situation or any pre-poll irregularities by the EC's initiatives. After conducting an inquiring, the committee shall inform about the inquiry report to the EC within three days of the inquiry and may make a recommendation. According to clause (6a) of the RPO (Amendment) Act, 2009, after justifying this recommendation received from Inquiry Committee, under clause (6) the EC may give necessary order and instruction to the concern person or registered political party to implement the recommendation.

Social and Political Factors of Electoral Process

Recent years have shown that the EC alone cannot assure free and fair election in our country. Especially it is not possible in the developing democracy, where political process is not duly institutionalized. The environments in which the electoral management body performs their functions depend on various factors. The factors that affect the functioning of the electoral management process can be mentioned as state structure and democratic norms and values of the country. In fact, different social intra-groups, socio-cultural political and religious institutions and their social and political capital play pivotal role in the electoral process. The roles of such factors in the electoral process of Bangladesh are given below.

Political Party

A Political Party is considered as a vital mechanism to mold attitudinal and participatory behavior of the citizens. Parties replicate complex beliefs of the individual citizens into activism. They seek to educate, instruct and activate

the electorate. They also seek to mobilize and involve the population in politics (Ball, 2000: 99). They dramatize politics and keep the nation politically alive (Appadorai, 1982: 538). Sigmund Neuman has identified political parties as the 'life line' of modern politics (Neuman, 1996: 1). It is impossible to think the effectiveness of a democratic system without political parties. However, the role of political parties cannot be understood without taking into consideration the overarching political culture and societal characteristics of the country. The area that deserves significant consideration is democracy within the party. Without having democratically elected party leaders democracy is impossible within the party or in the state. In this respect, it is widely accepted notion that there is a little democracy in major political parties in Bangladesh. Respect and support for political leadership is an important feature of political culture of Bangladesh (Riva, 1999: 13). The people of Bangladesh by nature have emotional attachment and deep respect for the political leaders and their image play a great role in the electoral politics. The leaders of the political parties tend to be authoritarian in their style and nature. The authoritarian nature of leadership often harms the growth of parties as democratic and durable political institutions. The major parties are dominated by individual leaders and their families, such as Khaleda Zia of the BNP, Sheikh Hasina of the AL and General Ershad of the JP. In fact, there is no internal democracy exists in the major political parties in Bangladesh. Our politicians do not practice democracy within their political parties. Article 70 of the Bangladesh Constitution is another impeding factor that blockades party democracy. The article makes mandatory for the parliamentary members to be loyal to their parties (Mahiuddin, 2009: 110). This way the article snatched away the democratic right of the MP. Expecting free and fair election in such perspective is an elusive dream. This fact explains why democracy has not been institutionalized in Bangladesh.

Mass Media and Media Coverage

Mass media is a very powerful agent of electoral process. It is strongly related to political participation in every democratic country. It can play an important role in promoting a healthy electoral process. Mass media helps the individual to acquire information and to participate in electoral politics. By its 'watch dog' role, media can sharply analyze the merits of an issue in terms of national interest and can put the common ground acceptable to the mainstream parties (Ahmed, 1997: 231).

Media coverage is the very lifeblood of politics because it shapes the perceptions that form the reality on which political action is based. Media do more than depict the political environment; they are the political environment (Graber, 2001: 210). Media initiatives during the election in voluntary and responsible manner in generating voting awareness of the people are recommended. Ideal media need to have responsible and neutral approach in dealing with election coverage, specifically; state owned media must

maintain this principle strictly. It is unfortunate that almost all of the Bangladeshi media favored certain political parties or candidates. In this respect, Bangladesh Election Commission should prepare a clear guideline so that incumbent government could not abuse media in favor of particular candidates or political parties. The BEC also should maintain close and regular contact with the media seeking co-operation for non-partisan news coverage and editorial views encouraged to offer constructive suggestions for improvement of the overall election environment and to express views impartially before and after polling.

Civil Society and Civic Values

Every society has its social, cultural, economic, political and environmental aspects. A political system is the product of all these aspects of a social system and its external environment. The political process of a country also impacts upon the civil society or in building the civil society of a nation. It is obvious that civil society and political processes are closely interrelated. The term civil society denotes an umbrella of non-government institutions which have the common role of advocacy to the society according to their themes. It has become widely understood that there is a vital role of civil society in the electoral process of a democratic country. This is why most qualitative promotion of democracy depends largely on the qualitatively supportive civil society.

In Bangladesh, very few civil society organizations have been able to unite for free and fair election because they were mostly divided in party lines. Though the assigned duties of civil society is to help the people to distinguish between political propaganda and political reality through “educating people to understand and judge for themselves the opportunities and choices in the form of articulation of popular will (Mendis, 2008: 65). Civic values are decaying in our society in a progressive manner. Civil society does not have the capacity or power to force the political parties and the state apparatus to maintain civility in the civil society. Here civil society could not play its ideal role to assure government accountability as well as acceptable voting behavior.

Election Observation

As responsible institution, the Government and Bangladesh Election Commission (BEC) can involve several countries and international organizations as observers to monitor electoral process in the country in order to promote a free and fair election. Election observation is one of the methods by which the transparency of an election can be ensured. Neutral observation of the electoral process can also help ensuring the credibility and impartiality of the elections. In addition to ensure credible and impartial election, the presence of election observers builds voter confidence in the integrity of the process as well as the integrity of an electoral management body.

But there is a widespread disappointment and dissatisfaction in the election observation process in Bangladesh. Election Observation Groups focus on

election day only. Therefore, the observers' report is based on some selected polling stations. The pre-poll monitoring is limited in our country. The election observer groups in Bangladesh provided by NGOs are non-professional and allegedly partisan. Donors offer huge amount of fund to NGOs for educating voters on the electoral process. The observer groups are failed to this job because of their partisan activities. In light of this, the EC should have clear guideline to train observers for educating the voters and monitoring the election neutrally. Partisan election observation groups should be denied accreditation on the ground of such partisan activities. The EC should encourage election monitoring by neutral persons or groups in order to promote free and fair electoral process (Mendis, 2008: 66-67)

Bureaucracy and Bureaucratic Norms

Bureaucracy is an indispensable vehicle of political authority that is an essential part of the state machinery. Bureaucracy dominates most of the developing society's politics and administration. Modern democratic states, however, have evolved various means for controlling bureaucracy operating at the state level (Mukhopadhyay, 1977: 79). Despite the war of liberation, Bangladesh did not get rid of the grip of inheritably organized bureaucratic structure. Bureaucracy thus remained unaccountable to the political institutions since emergence of Bangladesh to till today. Bureaucratic accountability, impartiality and neutrality are more important to hold the free and fair election. Efficient conduct of elections depends on how the polling personnel conduct the poll efficiently. In holding a free, fair and efficient election, field level bureaucracy plays a significant role.

An effective bureaucracy can be ensured through critical and continuous changes. It is also thus imperative to find ways in which bureaucratic over participation should be reduced and political institutions can be institutionalized containing the representatives of the masses.

Judiciary and Justice Delivery System

Judiciary is one of the institutions that can help the EC in maintaining its independence, strengthening its function and interpreting electoral laws for the sake of conducting free and fair election. In election, judiciary can function where the electoral process is perverted either by the prevalence of corrupt practice in any form or the disqualification of a candidate etc. is likely to be questioned either by a defeated candidate or any elector (Ali, 1996: 337). It can bring back the public confidence in the electoral process. Therefore it is necessary to have a speedy and neutral adjudication of election disputes. Judiciary is one of the institutions which has the responsibility for adjudicating the election disputes prescribed by the electoral law.

Election Campaigns and Public Meetings

Like other democratic countries, it has been found that election campaigns and public meetings play an important role in the electoral process in Bangladesh. The general election campaigns take place at constituency

level. The participant political parties in the elections try to influence the thinking of the electorate by various means at their disposal. They distribute leaflets, hang banner and festoon, demonstrate procession and contract with miking. Major parties and alliances are recently provided with TV broadcasting to ventilate their programs to people. Infact, the awareness, consciousness and preference about the act of voting are done through election campaigns and public meetings. Some campaign techniques are most effective in stimulating citizens' participation in election. The most dramatic results, however, appear to be achieved through face-to-face communication with personal voters. This contract can be made formally, through designed party canvassers, or informally, through politically interested friends and opinion leaders (Philips, 1958: 171-179). In our country politicians and candidates hold public meetings as to explain their own party policy and program as well as criticize other parties. Usually party supporters attend those meetings nonetheless other than party supporters also attend. In Bangladesh, there raised enormous complaints frequently against the EC from all political parties for the failure of assuring level playing field in every election. In light of this the EC should have rigid neutral position for ensuring level playing field in the electoral activities among political parties.

Conclusion and Recommendations

Attaining an ideal electoral process and holding a credible election in Bangladesh is always a big challenge. Electoral politics is strongly related to socio-economic, cultural and political factors. Free and fair election mainly depends upon the efficient conduct of elections. Again, the efficient, conduct of elections largely depends on legal and institutional arrangements. The country's legal institutions as well as social and political agencies are incompetent for holding free and fair election, as they do not have enough strength to sustain their independence, integrity and credibility. Without institutionalization of social and political procedures it is impossible for loosely organized Election Commission to ascertain transparent electoral process and to sustain its independence and credibility. Here, the influencing factors of electoral process have to be strengthened to ensure a free, fair and credible election in Bangladesh.

Strengthening the factors of electoral process and ensuring neutral and credible election following reformatory measures and recommendations may be suggested:

A professional, neutral and transparent administration shall be maintained; Voters awareness must be promoted; Rule of law in the governmental process should be ensured; Democratic norms and values within political parties must be ascertained; Independence and integrity of Election Commission should be protected; The secretariat shall be accountable to the EC; Election Commission must be financially autonomous; Article 70 of the Constitution should be amended.

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