10th Parliamentary Election and Destruction of Electoral Governance in Bangladesh

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Abstract

The 10th parliamentary election of Bangladesh, held on 5 January 2014 under a strange 'all-party government', failed to express the will of the people as it was boycotted by 18 opposition political parties in protest against the abolishment of the caretaker government provision. As a result, a total of 154 seats were uncontested, mostly going to the ruling Awami League. Voter turnout was low, due to both the boycott and violence. Although 'constitutionally correct', this election's credibility has been seriously questioned due to its lack of inclusiveness. Several unacceptable reforms were made ahead of the 10th parliamentary election, which have destroyed the credibility of the electoral process. The overall objective of this paper is to analyse those initiatives taken by the government as well as the Election Commission, which have destroyed the electoral governance of Bangladesh.

Introduction

Since its independence in 1971, ten general elections have been held in Bangladesh (between 1973 and 2014). Not all of them are considered free, fair, and credible, though. Out of these ten general elections, four were conducted under non-partisan caretaker governments, while the rest were held under outgoing political governments. The first parliamentary election held in 1973 under a political government "was marred by violence and accusations of voter intimidation, although the voting day was relatively quiet."[1] The second parliamentary election held once again under a political government in 1979 "was rigged in favour of BNP [Bangladesh Nationalist Party] candidates: corrupt and irregular practices had been perpetrated by BNP candidates, their supporters and polling agents and assigned

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government officials when things turned difficult for the ruling party candidates. The electoral voice was turned by manipulation in favour of BNP candidates."[2]

The third and fourth parliamentary elections were also held under political governments. The third one, held in 1986, was marred by widespread violence. According to *The New York Times*, "Voter intimidation and fraud appeared to favour the political party supported by a martial-law government. There were no reliable counts of the casualties."[3] Journalists in different parts of the country found widespread evidence that gangs, most of them working for the government-backed party, stole ballots or prevented people from voting, often by force. The 1988 parliamentary election, the fourth, "proved instrumental in destroying the acceptability of election to obtain people's mandate. At every stage, [Hussain Muhammad] Ershad[4] implemented the blueprint of farcical election."[5]

In these circumstances, after the collapse of Ershad's government amidst a united opposition movement in 1991, a caretaker government[6] was established to do routine work as well as to hold free and fair elections through the 12th amendment to the constitution. The fifth parliamentary election held under this temporary caretaker government in 1991 is considered free and fair.[7] In 1996—following the failure of the two main political parties BNP and Awami League to reach agreement on the form of the caretaker administration—the BNP-led government proceeded with the scheduled February 1996 parliamentary election.

Although the ruling BNP decisively won the election, the credibility of the electoral process was undermined by non-participation of Awami League and other opposition parties. Moreover, there were "allegations of unfairness in election administration, and public perception that in the highly polarised political environment that existed, fair elections could not be held under regular governmental processes."[8] After this election, continued opposition boycotts and strikes finally combined with a strike of civil servants, bringing the civil administration to a halt. This forced the ruling BNP government to agree to the adoption of the 13th amendment to the constitution in 1996, which required the formation of a caretaker government after the end of the mandate of a parliament and during the election period. Through the 13th amendment,

the caretaker government system was established as a permanent mechanism to do routine work as well as to ensure the neutrality of the government and the Election Commission (EC) during elections.

According to international and most of the domestic observers, all the four parliamentary elections held under caretaker governments were reasonably free, fair, and peaceful. A pre-election assessment conducted in 1996 stated, “Till 1991 no general election in Bangladesh has been universally considered or acclaimed to be free and fair. All the general elections held between 1973 and 1988 had been more or less characterised with large-scale manipulation, rigging, massive exercise of coercion and muscle power, bribery, expenditure of unusually high amount of money by the governments, political parties, groups and individuals.”[9] But the “caretaker government is a unique institution in the development of democracy. Bangladeshis have reason to take pride in this innovation. The caretaker government arose out of the specific conditions of the 1991 and 1995/96 elections. Its purpose is to ensure [that] no one party has access to state resources, physical and human, in such a way as to influence the outcome of the election. The caretaker government model in the past has succeeded in instilling public confidence in the electoral process and results.”[10]

The 9th parliamentary election was also held under an army-backed caretaker government. This election was originally scheduled for 22 January 2007, but due to a variety of reasons the first attempt to hold a vote “fell victim to a growing political crisis, spawned by an array of systemic problems with roots extending back many years.”[11] After completing the full five-year term, the four-party alliance government led by BNP left office constitutionally and a caretaker government was formed rather dramatically, led by the president[12] himself. The administration under this government proved “nakedly partisan to a certain quarter.”[13] The government and its activities were severely criticised by the opposition and civil society of Bangladesh. It, nevertheless, firmly moved towards a ‘fraudulent’ election, which was scheduled for 22 January 2007. Several protests were staged by the opposition led by Awami League, which had announced that it would not only boycott the upcoming election but would also try to stop the holding of them altogether through street agitations. There was political chaos, unrest, and disorder in the society. More than 40 people were killed and

hundreds injured in political violence after the president-led caretaker government assumed power at the end of October 2007.[14]

The country was thus thrown into a deep abyss of political chaos and confrontation. Large-scale unease with the status quo led to political violence, which in turn disrupted public life and shattered people's confidence in the election. Political analysts feared that the election might not be accepted nationally and internationally, and the country would plunge into anarchy. So fears grew that the future of the country and its 150 million people was at stake. In this situation, a state of emergency was imposed according to the constitution.[15] President resigned from the chief adviser's position and dismissed the self-led caretaker government. A new government led by Dr Fakhruddin Ahmed[16] took over the responsibility of the government, which reconstituted the EC. The new Commission led by Dr A.T.M. Shamsul Huda undertook huge reforms to ensure propriety in the electoral process. Therefore, the 9th parliamentary election held on 29 December 2008 is known as the 'best election in the history of Bangladesh'.[17]

However, the 10th parliamentary election held on 5 January 2014, under a strange 'all-party government' 'failed to express the will'[18] of the people. Perceptions of Electoral Integrity (PEI) Index put it in the red zone and termed it a 'failed election' as it was "boycotted by 18 opposition parties, led by the BNP, in protest against the abolishment of the CG [caretaker government] provision. As a result, a total of 154 seats were uncontested, mostly going to the government led by AL [Awami League]. Voter turnout was low, due to both the boycott and violence. At least 21 people were killed, over 100 polling centres were set on fire, and the Electoral Commission suspended voting at over 300 polling stations due to the conflict."[19]Although 'constitutionally correct', this election's credibility has been seriously questioned due to its lack of inclusiveness.[20] Moreover, electoral governance of the country has, on the lines practised during elections under partisan governments, got back on track.

Through the establishment of the caretaker government, an effort was undertaken to make the electoral process in Bangladesh free, fair, and credible. The most important reforms were made in 2007-08 before the 9th parliamentary election. A number of post-election reforms were also carried out during 2008-12 to institutionalise the EC and build

confidence in the electoral process. But several unacceptable reforms were made ahead of the 10th parliamentary election, which have destroyed the credibility of the electoral process. The overall objective of this paper is to analyse those initiatives taken by the government as well as the EC, which have destroyed the electoral governance of Bangladesh.

How electoral governance was shattered before the 10th parliamentary election

Before the 10th parliamentary election, the government, as well as the EC, took the following initiatives to destroy electoral governance:

1. Surgery of the constitution against the will of the people;
2. Abolition of critical electoral reforms before the 9th parliamentary election;
3. Establishment of control over the administration through abuse of state facilities;
4. Constitution of a weak EC through a more controlled recruitment process; and
5. Establishment of government's authority over the EC.

Surgery of the constitution against the will of the people

Abolition of the caretaker government

In January 2000, a lawyer of the Supreme Court challenged the 13th amendment to the constitution saying that the revision distorted the principle regarding governance of the republic by an elected government only.[21] After hearing the petition, on 4 August 2004, the High Court issued a ruling in favour of the amendment. In June 2005, another lawyer of the Supreme Court filed another appeal in the Supreme Court against the verdict of the High Court.[22] In May 2011, the Supreme Court declared caretaker government system unconstitutional. At the same time, the apex court said that the next two parliamentary elections might be held under caretaker governments for the sake of 'safety of the state and its people'. The court also suggested to the parliament to amend the constitution to ensure that former chief justices or any other judges of the Supreme Court were not chosen as heads of caretaker governments if the next two elections would be held under this system.[23] In order to

implement this judgment, under prime minister's directive, a 15-member parliamentary committee was formed to amend the constitution.

Over a period of eight months, the committee, consisting of all top-ranking leaders of the ruling alliance, consulted former chief justices, lawyers, members of the civil society, and representatives of political parties. The committee came to a unanimous decision to keep the caretaker system intact for two terms. Moreover, during the hearing, the Supreme Court also took the opinions of 11 Emirates Curie, 10 of them advised for the continuation of caretaker government system.[24] But unfortunately, in June 2011, the parliament amended the constitution and abolished the caretaker government system ignoring the judgment of the apex court, decision of the parliamentary committee, as well as opinions of the Emirates Curie, and made provisions to conduct elections under a political government. This constitutional amendment was also made against the will of the people, as 77 percent people demanded to hold the 10th parliamentary elections under a caretaker government as surveyed jointly by The Asia Foundation and *The Daily Star*.[25] A similar result was found by another survey, which stated, "The country appears to have a united opinion about the election time government as a staggering majority of 90% respondents voicing support for caretaker/neutral government for holding the next [10th parliamentary] national election."[26]

Abolition of the provision for referendum

The original constitution of Bangladesh (promulgated in 1972) did not have any provision for referendums. In 1978, however, through the Second Proclamation Order No. IV of 1978, such provision was added. From 1977 to 2011, three referendums—Bangladesh Presidential Confidence Referendum 1977, Bangladesh Military Rule Referendum 1985, and Bangladesh Constitutional Referendum 1991—were held in Bangladesh. It was evident that the provision of the referendum was abused in 1977 and 1985 by the military rulers. Through the 15th amendment to the constitution, which was made before the 10th parliamentary election, the provision of the referendum was repealed. It thus snatched the right of direct participation from the people. One of the motives of the amendment was that the people would have opted for the caretaker government overwhelmingly if a referendum had been held over it. This amendment thus undermined the spirit of direct democracy.

Formation of a one-sided all-party political government to oversee elections

In late 2013, an 'all-party' poll-time government was formed with the incumbent Prime Minister and the President of Awami League Sheikh Hasina as its head. Most of the members (69 percent) of the 29-member cabinet were recruited from its predecessor cabinet and consisted of leaders from the 14-party alliance led by Awami League. BNP was asked to join this poll-time government, but it declined by stating that "the all-party cabinet was nothing but a reconstitution of immediate past cabinet."[27]

Gonotrantrik Bam Morcha, one of the eight left-leaning parties, said that the Awami League-led election-time government was just reconstituted in the name of formation of an all-party government.[28] *The Economist*, in its 20 November 2013 issue, wrote, "It is merely a slimmed down version of the existing government of Sheikh Hasina, made up of the AL [Awami League] and assorted smaller allies, including Jatiya Party of a former dictator, Mohammad Ershad."[29] Civil society criticised the argument that the interim cabinet would break the then political impasse, whilst others said that the poll-time government could not be called an all-party government since the main opposition party BNP did not join it.

Formation of the poll-time cabinet was thus a strategy of Awami League to make the grand alliance more organised as well as to ensure prime minister's unlimited power to override any decisions by any minister.

Parliament was not dissolved during elections

The 15th amendment to the constitution made a provision that general elections would be held "within 90 days preceding the expiry of the tenure of parliament."[30] This provision created the following mal-governances in the electoral process:

1. Members of parliament (MPs) contesting in the election got a scope to interfere in the electoral process as they were still MPs;
2. It created inequality among the contestants, which is in contravention of Article 19[31] of the constitution, read with

Article 27,[32] which affirms equality of all citizens as one of the fundamental rights;

3. As per Article 66 of the constitution, an MP is disqualified from contesting the election if he or she holds an office of profit. Although the provision exempted the president, prime minister, the speaker and deputy speaker of the house, ministers, ministers of state, or deputy ministers from holding the office of profit, but not an MP;
4. A disgruntled existing MP who had not been nominated as the candidate of the party had three options in such a situation:
    a. Support the party's candidate;
    b. Contest as an independent candidate; or
    c. Work discreetly against the party's candidate for his/her defeat.

In Australia, Canada, Great Britain, and New Zealand, the parliament is dissolved before the new parliamentary election. The governments assume a caretaker role and no policy decisions are taken by them.[33] In India, the same practice is followed.[34] This provision in Bangladesh created anarchy in the campaign. On the polling day, MPs were found influencing the electoral process, which resulted in an unlevelled playing field.

Abolition of critical electoral reforms brought before the 9th parliamentary election

Provision of 'no votes' was wiped out

Before the 9th parliamentary election, through revision of the Representation of People Order (RPO),[35] a provision was made that if a voter "does not wish to vote any of the contesting candidates, shall put the prescribed mark on the ballot paper at the place within the space containing the symbol of 'none of the above candidates'."[36] Although only 0.55 percent vote was cast for this option in the 9th parliamentary election,[37] it was highly praised by voters, international and domestic observers, and civil society organisations. But it is unfortunate that this provision was wiped out in 2009, just after the 9th parliamentary election and no initiative was taken by the EC or the government to reinstate this,

even though it was demanded by various stakeholders. This discouraged the voters who wanted to go to the polling stations to cast a 'no vote' in the 10th parliamentary election.

Mandatory provision of grassroots involvement in candidate nomination was abolished

Article 90B(b)(iv) of the 2008 version of the RPO[38] provided for the political parties to make a provision in their constitutions to finalize nomination of candidates by central parliamentary boards of the parties from the panels prepared by the Ward, Union, *Thana*, *Upazila*, or District Committees of the concerned constituencies. This initiative not only aimed at bringing internal party democracy but also at ensuring that real politicians got nominated. "The aim of the EC was to get better people to be nominated by the political parties. The political culture of Bangladesh was corrupt by the investment of a lot of money, particularly the business people find politics as the best investment. The Commission tried to stop corruption in the nomination process through the direct involvement of the grass-roots."[39] So it was clear that the objective of this provision was to do the following:

1. Ensure intra-party democracy in candidate selection;
2. Stop selling of nominations by the parties or party leaders;
3. Prevent non-politicians such as civil servants and army officials from becoming candidates just after retirement;
4. Prevent non-political businessmen from becoming candidates from a political party; and
5. Stop nominations of politicians switching from other parties.

Unfortunately, this provision was also discarded by the Awami League-led government.

Provision of three years' party membership dropped for being a candidate

The 2008-09 version of the RPO provided that a person could only be a candidate from a registered political party if he or she had been its member for at least three years.[40] In 2013, this provision was dropped

to allow anyone joining a party any time to be nominated as a candidate. This revision created scope for business people to buy party nominations, which was a common practice before the 2008 parliamentary election.

Provisions made for unlimited spending by party chief for the election campaign

In 2013, the electoral legal framework included that "the expenditure incurred by a party chief for travelling to various constituencies for the purposes of election campaign shall be excluded"[41] from the election expenditure reported by the political parties. This provision has allowed party chiefs to spend unlimited amounts of money during their travel to various constituencies for campaigning. Additionally, this expenditure no longer needs to be disclosed to the EC. This non-transparent provision allowed the parties, especially the major ones to impact election results through the spending of unlimited money by their party chiefs.

Proper initiatives were not taken for levelling the field

As the parliament was not dissolved before the election, all 300 MPs remained so during the process, and many of them participated as candidates. This means that all lawmakers were holding office and seeking re-election when the nation went to polls in 2014. The campaign code of conduct did not have any strong provisions against the use of official power by the MPs participating in the 10th parliamentary election. This resulted in a non-level playing field for all candidates during the election campaign.

Establishment of control over administration through abuse of state facilities

Creation of the post of senior secretary

In mid-2013, the government took an initiative to promote eight secretaries to the posts of 'senior secretary', equivalent to the rank of lieutenant-general in the army, by amending the organisational structure of the Ministry of Public Administration. The government insisted that the new post in the civil bureaucracy was created to reward secretaries who

had shown outstanding performance in their respective ministries and divisions.[42] It obviously was, however, a political decision by the government to control the top bureaucrats to avoid their defiance during the election, as this decision was taken just six months ahead of it. Moreover, this initiative was highly criticised by the opposition, civil society organisations (CSOs), and the media. It was termed as an award to civil servants with a view to controlling the civil administration during the election.

Mass promotions of government officials

At the end of the term of the outgoing government, the whole or a portion of civil administration has usually always tried to show its dissatisfaction through some kind of agitation. But in 2013, just before the end of the term of the Awami League-led government, several mass promotions to the government officials were initiated. Several rounds of promotions just before the election not only set a rare precedent—as it destroyed the ideal pyramid structure of the administration and made it top-heavy—but also came across as an initiative by the outgoing government to stop them from rising against it ahead of and during the election.

Constitution of a weak election commission through a better recruitment process

Although there is no law in Bangladesh describing the recruitment process of the election commissioners, the president initiated a dialogue with the political parties and sought their suggestions to form the EC with a political consensus as the tenure of the then commission was going to end in late 2011. A total of 24 political parties were invited out of the 38 registered ones.[43] Most of the parties suggested to the president to form a 'search committee' to appoint the election commissioners. On 22 January 2012, the president formed a four-member 'search committee' headed by a judge of the Bangladesh Supreme Court.[44] The other three members were a judge of the High Court, the chairman of the Public Service Commission, and the Comptroller and Auditor General of Bangladesh. Without any consultation with the political parties, the search committee, on 7 February 2012, recommended two names for each of the five posts including the post of the Chief Election Commissioner (CEC) to the

president. The following day, the president formed the EC led by Kazi Rakib Uddin Ahmad from the list of 10 persons recommended by the search committee.[45] BNP, however, rejected the new commission by terming it illegal.[46]

Although the EC was recruited following a better process,[47] the commissioners proved weak, demotivated, and biased towards the party in power while taking actions or decisions. In mid-2013, at the time of an ongoing discussion over its reinvigoration, the EC suddenly decided not to retain its authority to cancel one's candidature in parliamentary polls for violation of the electoral code of conduct. In line with the decision, the EC asked its secretariat to send a proposal to the Law Ministry for taking steps to scrap the authority by amending the RPO.[48] This provision was incorporated in the law in 2008 with a view to bringing discipline to the polls, which ensured a better environment during campaign period with less violence and violation of the electoral code of conduct by the candidates. Moreover, the previous EC led by Dr A.T.M. Shamsul Huda drafted a proposal aiming to make it mandatory for the Cabinet Division and Ministries of Home, Public Administration Affairs, and Local Government, Rural Development and Cooperatives (LGRD) to consult the EC before taking any decision related to elections during the parliamentary polls period. The rationale behind this proposal was to allow the EC to have more clout in government administration during the polls. But the EC led by Kazi Rakib Uddin Ahmad dropped this proposal when it sent back the amendment proposals to the Law Ministry in late July 2013.[49]

The EC was also found silent on many critical actions undertaken by the government. The amended RPO dropped a significant provision that a person must spend at least three years as a member of a political party to qualify for contesting in the national election, which was incorporated in 2008. People hoped that it would be fully effective from the 10th parliamentary polls.[50] The EC was also found silent when the government incorporated the provision related to unlimited spending by the party chief for the election campaign. Furthermore, the EC, in 2013, also rejected some crucial electoral reform proposals, including restoration of the armed forces' authority to arrest anybody without a warrant for maintaining peaceful atmosphere at the parliamentary polls, which was drafted by the Huda-led commission.

Moreover, the 2014 electoral process lacked meaningful consultation with stakeholders as the EC did not conduct any consultation with political parties, media, CSOs, and others. Initiatives such as revision of legal framework, constituency delimitation, use of 'candidate management system' (CMS) and 'result management system' (RMS)[51] etc. were not consulted with any stakeholders, despite the fact that one of the prime responsibilities of the election management body is to establish trust of all stakeholders in the electoral process. Additionally, the EC was not found supportive in ensuring participation of all registered political parties in the elections even though it was urged by the governments of the US and the UK, and international organisations like the EU and UN, as well as the CSOs of Bangladesh. Due to the silence of the EC as well as its failure to take proper initiatives to control electoral administration, questions were asked about its performance by the opposition as well as members of the ruling coalition. Rashed Khan Menon, chief of Workers Party, which was part of the Awami League-led alliance, said that the EC lacked efficiency and guts. "They should work independently," he said.[52] Anisul Islam Mahmud, praesidium member of Jatiya Party, another component of the ruling alliance, said that people would lose confidence in the EC over its 'controversial' move of not retaining the authority to cancel one's candidacy in the parliamentary polls for electoral law violation.[53] "The commission could not perform its duties the way it was supposed to. It could not properly demonstrate its neutrality and efficiency in its work," said Noor-Ul-Alam Lenin, praesidium member of Awami League.[54]

Establishment of government's authority over the EC

After the 15th amendment to the constitution, the government started exercising its power to interfere in and/or control the activities of the EC. There was both direct and indirect interference by the government. As per existing provisions, the prime minister is the head of the government, the leader of the parliament, and the chairperson of her own party. She is also the head of the parliamentary party. By virtue of being the head of the cabinet, the executive power of the Republic is "exercised by or on the authority of the Prime Minister."[55] The Cabinet Division is responsible for the appointment, resignation, and

determination of conditions of service of the CEC and other election commissioners as well as their removal. The Cabinet Division is also responsible for making available to the EC on its request, such staff as may be necessary.[56] These legal provisions established the authority of the prime minister on the EC.

A lot of indirect interference by the party in power was also observed in 2013, the year before the 10th parliamentary elections. In July 2013, Sayed Ashraful Islam, Awami League Secretary General and LGRD Minister said, "Free and fair elections are possible without deployment of army."[57] He also ordered the deputy commissioners (DCs) to make "preparations for the next parliamentary polls"[58] even though the issue of deployment of the army and recruitment of DCs as returning officers is the decision of the EC. Prime Minister Sheikh Hasina was also found saying, "Polls would be held on schedule, whether anyone participates or not."[59] She never urged for an inclusive election. During the election, the EC was found biased towards Awami League, the party in power. During the campaign period, the co-chairman of Awami League Central Election Management Committee met the CEC and asked the EC to stop publishing the wealth statements on its website. The EC did so for about a week although it was denied both by Awami League and the EC when journalists asked about it.[60]

The January 2014 election

In late 2013, the number of registered political parties was 40, but only 12 took part in the 2014 election. Although about 1,000 candidates submitted nomination papers, only 390 ultimately competed in the 10th parliamentary election, which is the lowest number in the history of Bangladesh. The number of candidates decreased as the EC paved the way for the 'withdrawal' of nomination papers of certain candidates by putting an earlier date on the nomination withdrawal papers than the actual one so that the ruling party's preferred candidates could win 'uncontested'. On the other hand, in order to ensure participation of Jatiya Party candidates, the EC rejected withdrawal applications of its candidates on lame grounds such as 'absence of the candidate in person while withdrawing', even though the same candidates' nominations were accepted without their physical presence when the papers were originally submitted. Jatiya Party officially and

publicly confirmed that they were boycotting the election. The ruling party, which was scared of not having a formal opposition in the parliament—as all the contestants and winners would belong to the government—detained the chief of Jatiya Party General Ershad in the Combined Military Hospital in Dhaka cantonment and created a faction out of Ershad's party to contest the election. The ruling party used the intelligence agencies, law-enforcement agencies, and armed forces to keep Ershad 'hospitalised', even though he claimed that he was not sick at all.

The election was held on 5 January 2014 amidst *hartal* (strike) and blockade by the opposition. Out of the 300 parliamentary seats, 153 were uncontested and had thus already been won by ruling alliance candidates. There were violent clashes between opposition activists and police amidst a boycott by the opposition. At least 18 people were killed on election day and more than 200 polling stations were torched or trashed by the opposition.[61] More than 180 people were killed between the day the election schedule was announced and the election day. Due to opposition boycott and violence, the election day experienced a very low turnout with no votes cast in 41 polling stations of 11 districts. Among those polling stations, 27 were in Lalmonirhat, four in Jhenidah, two in Satkhira, and one each in Feni, Sylhet, Cox's Bazar, Chuadanga, Dinajpur, Naogaon, Rajshahi, and Sirajganj.[62] *The Economist* wrote that over 500 people were killed in political violence in 2013, making it "one of the most violent years since independence."[63]

Although all the international observers' missions withdrew their observers, the media found the election suffering from suppressed voter turnout and violence against civilians, activists, and electoral officials. *The New York Times* characterised the election as 'bizarre' and noted that "at least 19 people were reported to have been killed in political violence, and 440 polling places were closed early because of security concerns." The newspaper further noted on the day following the election, "Official counts from Dhaka suggested that the turnout here averaged about 22 percent—a steep decline from the last general elections, when more than 87 percent voted."[64] The UN secretary-general was "saddened by the loss of life and incidents of violence that marred [the] parliamentary elections in Bangladesh, which were characterised by polarisation and low participation."[65] The United States

was also disappointed by the parliamentary elections. “With more than half of the seats uncontested and most of the remainder offering only token opposition, the results of the just-concluded elections do not appear to credibly express the will of the Bangladeshi people,” said a statement released by the US Department of State in January 2014.[66] Unsurprisingly, Awami League and its alliance won a landslide victory—a predictable and hollow one. In this election, the party won, but electoral governance and democracy lost.

Credibility of local bodies elections 2014-16

After the 10th parliamentary election, the EC conducted four major rounds of election:

1. Upazila election 2014;
2. City Corporation election 2015;
3. Municipal election 2015;
4. Union Parishad (UP) election 2016.

The Upazila election experienced significant incidences of violence, low voter participation, a significant level of electoral violations, and ballot stuffing, as observed by Election Working Group (EWG).[67] The city corporation election held on 28 April 2015 was marred by a significant level of electoral fraud and violence, as was stated in a report of the EWG:

> “Numerous incidents of ballot stuffing, intimidation, booth capture and violence were reported. Despite adequate polling operations in many of the stations observed, the integrity of the overall process was undermined by the scale of violations observed. The transparency of the process was damaged by the significant hurdles observation groups faced in receiving accreditation and deploying observers. Based on the extent of malpractice and irregularities observed, EWG evaluates these elections to be not credible.”[68]

The municipal election was also marred by a “significant number of electoral incidences,”[69] while the UP election, held between 22 March and 4 June 2016, left 126 people dead[70] and more than five thousand

injured.[71] The election resulted in the unopposed election of more than 200 persons from the party in power. This election was marred by "widespread irregularities—like capturing of polling centres and stuffing ballot boxes and violence"[72] along with new types of election irregularities. For instance, "ballots of chairmen candidates were not given to the voters"[73] in many polling stations. A CSO by the name Citizens for Good Governance (SHUJAN) termed the UP election "a ghostly democratic election because many people did not go to cast their votes due to fear, but the dead people cast votes becoming demons."[74] In conducting these elections the EC did "not move, or budge."[75] Its role became only to provide logistic support instead of taking policy decisions, which caused the failure to establish EC's authority over the election administration. In reality, elections were conducted by the government on the ground.

Conclusion

The 10th parliamentary election in Bangladesh might be 'constitutionally correct'[76] but it was 'managed systematically'[77] by Awami League as it "had a clear and well laid out strategy to retain the state power."[78] This election is described as the 'biggest rigged', non-inclusive, meaningless, and the most violence-prone election in the history of Bangladesh. It failed to express the will of the people, who did not have trust in the electoral process because its credibility was diminished by government control. All the elections held in Bangladesh between 2014 and 2016 could not be called free and fair either, and the 10th parliamentary election was the foundation of all these non-credible elections. The 10th parliamentary election not only destroyed the electoral governance of the country but also brought back bad electoral governance in Bangladesh, which was practised in the elections during political as well as military governments.

Notes and References

1 See the Parline database available at: <http://www.ipu.org/parline-e/reports/arc/ BANGLADESH_1973.PDF>.

2 Weekly *Bichitra*, 7-30, 2 March 1979.

3 *The New York Times,* 8 May 1986.

4 Former chief martial law administrator and president of Bangladesh. Currently he is the chairman of Jatiya Party.

5 See the Parline database, op.cit.

6 This caretaker government was established before the 5th parliamentary election as an ad hoc arrangement and it was applicable to run the 5th parliamentary election only; it was not incorporated in the constitution as a permanent mechanism.

7 IFES, 2000, *Issues and Priorities for Bangladesh: The 2000 IFES National Survey*, p.11.

8 Ibid, p.8.

9 Quoted in *Democracy Report for Bangladesh*, prepared for International IDEA, 1996.

10 NDI's pre-election delegation to Bangladesh's 2006/2007 parliamentary elections, 11 September 2006.

11 UNDP, 2010, *Turning Failure into Success*, Dhaka, p.9.

12 Iazuddin Ahmed was the president and he was elected when BNP was in power.

13 UNDP, 2010, op.cit.

14 Ibid, p.12.

15 Article 141A of the Constitution of Bangladesh has the provision to proclaim state of emergency.

16 Fakhruddin Ahmad was selected as the chief advisor of the caretaker government by the army in early 2007.

17 IRI: *Election Observation Mission Final Report,* <http://www.iri.org/sites/default/files/fields/field_files_attached/resource/bangladeshs_2008_parliamentary_elections.pdf>.

18 See *The Daily Star*, 6 January 2014.

19 Pippa Norris, Ferran Martínezi Coma and Max Grömping, 2014, *The Year in Elections*, 2014, p.3, The Electoral Integrity Project, <https://www.dropbox.com/s/lkskwf9h6ahmbmu/The%20Year%20in%20Elections%2C%202014%20Final%2011_02_2015.pdf?dl=0>.

20 Election Working Group. 2014. *Tenth Parliamentary Election Observation Report*, Dhaka, p.50.

21 See *The Daily Star*, 11 May 2011

22 Ibid.

23 Ibid.

24 Ibid.

25 The Daily Star-The Asia Foundation Survey: The National Perception Study, September 2013, Dhaka, p.2, <http://asiafoundation.org /publication/national-public-perception-study/>.

26 See Opinion Survey on Current National Issues conducted by *Daily ProthomAlo,* April 2013.

27 See *The Daily Star,* 25 November 2013.

28 See *The Daily Star,* 26 November 2013.

29 *The Economist*, 20 November 2013.

30 Article 123(3)(a) of the Constitution of Bangladesh.

31 Article 19(1) of the Constitution tells that the 'State shall endeavour to ensure equality of opportunities to all citizens'.

32 Article 27 states that "all citizens are equal before law and are entitled to equal protection of law".

33 Dr. Md. Abdul Alim, "Credible Elections and Caretaker Government," *The Daily Star,* 18 August 2015.

34 "Credible Elections and Caretaker Government," article in *The Daily Star*, 18 August 2015.

35 Representation of People Order (the main electoral legal framework).

36 Article 31(5)(bb) of the Representation of People Order (RPO), 1972.

37 "Bangladesh Election Commission, 2009," Statistical Report on the Ninth Parliamentary Elections, Dhaka, p.8.

38 The revision of RPO was done as ordinance as no parliament was existed in 2008.

39 UNDP, 2010, op.cit p.37.

40 Article 12(1)(j) of the 2009 version of the RPO.

41 Article 44(CC)(d) of the RPO.

42 See *The Daily Star*, 12 May 2013.

43 No explanation was given from the President's Office on the criteria to select 24 parties.

44 Election Working Group, 2014, "Tenth Parliamentary Election Observation Report," Dhaka, p.33.

45 See *The Daily Star*, 9 February 2012.

46 Ibid.

47 The selection committee was formed for the first time in Bangladesh to recruit the election commissioners.

48 See *The Daily Star*, 29 July 2013.

49 See *The Daily Star*, 30 July 2013.

50 See *The Daily Star*, 30 July 2013.

51 CMS= Candidate Monitoring System, and RMS=Result Monitoring System.

52 See *The Daily Star*, 30 July 2013.

53 Ibid.

54 Ibid.

55 Article 55 of the Constitution of Bangladesh.

56 Schedule IV of the Rules of Business (1996) of Bangladesh.

57 See *The Daily Star*, 25 July 2013.

58 Ibid.

59 See *The Daily Star*, 4 December 2013.

60 See *The Daily Star* 27 September 2013.

61 See *Dhaka Tribune*, 6 January 2014.

62 See *The Daily Star*, 6 January 2014.

63 "Bangladesh's Elections – Another Beating," *The Economist*, 11 January 2014.

64 Barry, Ellen, "Low Turnout in Bangladesh Elections Amid Boycott and Violence," *The New York Times,* 5 January 2014.

65 See *The Daily Star*, 7 January 2014.

66 See <http://www.state.gov/r/pa/prs/ps/2014/01/219331.htm>, accessed 13 October 2016.

67 Preliminary statements of EWG released on various phases of the Upazila election.

68 Preliminary statement of EWG released on 29 April 2015.

69 Preliminary statement of EWG released on 31 December 2015.

70 See *The Daily Star*, 5 June 2016.

71 See *Daily Prothom Alo*, 5 June 2016.

72 See *The Daily Star*, 25 March 2016.

73 See *The Daily Star*, 5 June 2016.

74 Press release published by *SHUJAN* on 16 June 2016.

75 See *The Daily Star*, 1 April 2016.

76 Election Working Group, 2014, “Tenth Parliamentary Election Observation Report,” Dhaka, p.50.

77 See *The Daily Star*, 4 January 2015.

78 Ibid.