

"The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed, and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured".
(Article 11 Constitution of Bangladesh)

Introduction

Article 59(1) of the Constitution states that, "Local Government in every administrative unit of the republic shall be entrusted to bodies, composed of persons elected in accordance with law." The city corporation is the biggest institution among the local government organizations. On 25 April 2002, the City Corporation Elections were held. However, the major opposition party, Awami League, did not take part in it. They refused to recognize this election.

Odhikar arranged a total of 11 mobile observation teams throughout Bangladesh. Among these teams, 7 worked in Dhaka and there were 2 teams in Khulna and 2 were in Rajshahi. These teams observed the pre-election preparation on 24th April and the election process on Election Day. The primary election observation report was presented right after the event to the country by press release. Finally, on 26th April Odhikar published the summary report by arranging a press conference.

The observers of the Odhikar mobile teams kept their eyes upon 110 polling centres in 90 wards in Dhaka. They similarly observed 46 centres in Rajshahi in 23 wards, and 31 centres in 22 wards in Khulna.

The Election Process

By Act of Law the Election Commission usually maintain the electing process. The Election Commission employs different government employees as human resource for this purpose. According to Election Commission rules, the presiding officer has to show the empty ballot boxes to the candidates, polling agents and then seal those. He has to inform them about the quantity of ballot papers and other election material.

Polling agents identify the voters at the time of election. There has to be at least one polling agent at the booth representing one candidate. After identifying the voter he/she is supplied with one ballot paper and a seal. A place is kept to make sure the privacy and security of the voters are ensured. The voter casts the vote and puts it into the ballot box.

After all the votes have been collected, the counting starts. The presiding officer has to perform this task in front of all polling agents and election observers (if there are any observers present). He has to empty the ballot box first and then start counting all the ballot papers. First comes all the legal votes. Secondly, the ballot papers are counted separately for the individual competitors. Then a report has to be prepared explaining the details of this process and a copy also has to be supplied to any one asking for it.

After the counting all the ballot papers have to be sent to the Election Commission in sealed boxes again as soon as possible.

3. The Observation of Odhikar

3.1 The Candidates and the Voters

In this election, 28 candidates competed for the position of Mayor from three different city corporations. Due to the fact that the major opposition refused to participate, there was no active contest except in Rajshahi City Corporation. These three major cities have 151 posts for general commissioners, and 1054 candidates competed for these. There were 50 posts for female candidates as well and 26 candidates contested for those.

34 lakh, 50 thousand and 498 voters (34, 50, 498) cast their votes. 20 lakh, 27 thousand 270 (20, 27, 270) were male and 14 lakh 23 thousand, 228 (14, 23, 228) were female.

Cities	Voter			Mayor		Commissioners		Female Commissioners	
	Total	Female	Male	Position	Candidate	Position	Candidate	Position	Candidate
Dhaka		1147795	1711233	1	20	90	570	30	103
Rajshahi		101966	108514	1	05	30	270	50	267
Khulna		173467	207523	1	03	31	214	10	61

3.2 Pre-Election Observation

There was a lot of violence before the election. Many known terrorists became candidates by submitting the nomination paper. As a result, the chance of violence increased. Everyone doubted the extent of free and fair elections. The Election Commission was committed to arrange a fair election but it could not ensure the public any further. The government and the Election Commission included the name of the terrorist candidates into the list. Moreover the rapidly corrected lists of candidates made people confused. For example, the detention of 18 candidates for the post of commissioner, just 4 days before elections was such an incident. But none were arrested though they kept on campaigning.

The day of the polls went peacefully. In many places it was really hard to believe that there was a commissioner election being held. There was no major incident of violence in Dhaka, Rajshahi or Khulna. Police, Ansar, BDR and the Bangladesh army maintained peace. There were three thousand army personnel more than half a lakh Police, BDR, Armed Police and Ansar deployed, who made this preparation a unique security system. 550 magistrates were engaged in election duty activity. The mobile court was introduced for the first time to control act any kind of situation instantly. There were 45 courts in Dhaka and 10 each for Khulna and Rajshahi.

Due to the fear of violence and insecurities and as the major opposite party did not participate in this election; there was a good chance of less voter attendance. This information emerged from Odhikar's pre-election observation. During pre-election observation, it was found that a number of Awami League leaders and active workers were taking part in this election as individual candidates. There were many of them who introduced themselves as Awami League candidates and that their leaders were working for them.

Most of the centres did not get necessary election material till the afternoon of 24 April despite the Election Commission claim of efficient election preparation. Only one or two government presiding officers were present at their own centres. They said that the other presiding officers went to collect election material.

Since the declaration of the election schedule, one ward commissioner candidate was shot and killed, two were shot injured and one was arrested. A candidate was shot on 23rd April at Sonargaon road, Dhaka but there was not much violence on 24th.

There has been a fight between the supporters of two commissioner candidates, in Rajshahi on 24th April. Both of them are the members of the city BNP committee. A case has been filed in this regard.

Many commissioner candidates filed general diary in police stations regarding threats on their life in Rajshahi.

Vote buying from the poor in the three cities, especially in Rajshahi, was the biggest complaint during election time.

3.3. Observation on the Election Day

Although the election was peaceful in all the three cities of Dhaka, Rajshahi and Khulna, the attendance of the voters was less. We have never heard about such little attendance in any election before. According to the observation data, the rate of casting vote in Dhaka was only 30% to 35%, and 35% to 40% in Khulna at most. Rajshahi got the highest percentage of voters which was 60% to 65%. The Election Commission showed figures of 34.37% in Dhaka, 64.40% in Khulna and 71.41% in Rajshahi.

Furthermore in Badda Primary School, Dhaka, there were two centres. In one centre the number of votes cast was only 7 till 3:06 pm. On the other hand, the other centre had only 54 votes till 3:15 pm. The Election Commissioner himself cast his own vote in a centre without voters. Similarly the voter turn out in Khulna was also less. Although there was a queue in the morning in some centres, this decreased after 11 o' clock. But the attendance was quite positive in the industrial areas.

The attendance of female voters was not satisfactory either, though this was the first time woman commissioners were directly elected. There was no news of preventing the voters from coming to the centres. Even the vote casting process did not stop anywhere.

Fazley Hossain Badsha, the mayor candidate from the 11 Party alliance informed Odhikar that he was surrounded by 4 party alliance supporters of in Nawdapara Girls' School and was later rescued by the army. There was a little hassle between two contesting candidates in a centre at Dhaka. But there was no other incident like this.

In spite of the law that using transportation for helping any voter by candidates is illegal, it was seen to happen by the use of rickshaws decorated with campaign posters. It took place in all the three cities.

The boundary of 400 yards was not there in many centres. In some cases, it was not possible to do so because there was a road that went along the centre, which could not be closed.

There were many centres in the very same school or institution. Even one room had more than one booth. As a result, there was insufficient room for the election staff and polling agents.

The campaign posters, banners, wall text of many candidates were inside the 400 yards limit. The election staff said that those were there from the very beginning but no one cleaned them.

People with disabilities and the pregnant and aged were helped to the centres to cast their votes. But the process was not efficient for them because they had climb stairs in many polling centres.

Some of the booths brought up the question of privacy as they were enclosed with strips of cloth.

The rate of irregularity and other inefficient systems among the agents of different centres was 39.34% in the observed areas in Dhaka. All the agents representing the candidates were

not present in the centres. Many of them did not have their identity cards with them. Again polling agents were seen to leave the centres frequently, which is against the law.

Presiding officers and polling officers were seen to be sharing food, meals and tea with the polling agent, which was supplied by the candidates. According to law, no candidate can offer any kind of food or drink. This happened in most of the centres observed. Many of the election staff did not come to observe their centres the night before election.

Among the observed areas, Rajshahi had 7% and Khulna had 5 % of tender votes in different centres. Some centres in Dhaka had this complaint as well. While trying to cast tender vote, after being identified the culprits were not allowed to cast vote anymore. 52 persons were arrested in Dhaka, 17 in Rajshahi and 19 in Khulna for casting tender vote and others election irregularities.

This was the first time the mobile summary court was used. In these courts 39, persons were punished with different kinds of penalty and jail sentence.

The voters complained against the voter list at the centres. There were 3% of such complaints in Dhaka, 20% in Khulna and 35% in Rajshahi. Main complaints were misspelt or missing names, mistakes in addresses, age and occupation etc.

There was no strong complaint against the election staff or the security staff. But the quality of the seal, stamp and pad that was supplied from the Election Commission was not up to mark. As a result, the locks on the boxes broke. Similarly, the ink faded out. We got complaints about the ballot book, which had bad binding, so the pages ripped out automatically.

Though the election went peacefully. The attendance of the voters was negligible. The observation team really thinks that the refusal of taking part into the election by the major opposition party Awami League and the absence of contests in mayor elections for Dhaka and Khulna region were responsible for this low rate of attendance. Because of strong contest in Rajshahi for the mayor election there was an optimistic attendance of voters. Still this rate should be much higher.

On the other hand, Awami League candidates did contested in three cities as individual candidates. Even local Awami League leaders campaigned for them. Many of them were elected as well. So it is not totally true that the voter attendance rate was low only because of lack of participation of the Awami League in this election. General people lost their interest when finding identified terrorists as candidates and the confusing attitude of the Election Commission towards the candidate list by including the terrorists into the candidates list. Besides these reasons there was a good chance of violence because of these terrorist candidates.

Table : At a glance the Result of the Commissioners of the 3 City Corporation Election:-

City	Seate	Alliance (4 Party)	Defiant (BNP)	Awami League	Independent Candidate / Others
Dhaka	90(General)	(1 Jamat-E-Islami) 64	4	9	13
	30(Female)	20	2	1	7
Rajshahi	30(General)	17	1	6	4 Independent + 2 (Jatiyo Party)
Khulna	31(General)	11	0	12	8
	20(Female)	10	2	4	4

The biggest issue of the time was the taking part of the terrorists in this election as candidates. Five identified terrorists were elected as ward commissioner in this city corporation election with preventive detention. At present 18 terrorists have been elected in this commissioner election, including those who are in the terrorists list made by the previous government. Among them, 11 took part in the election as the candidates of the 4 party alliances. 3 identified terrorists were elected in both in Khulna and Rajshahi as well. The government issued the "advanced arrest warrant at sight for these 18 candidates right before four days of election. Five of them were elected though police could not arrest any of them.

3.4 Post Election Situation

The total post election atmosphere was quite peaceful in both Dhaka and Khulna. There was no noticeable violence relating to the election except a few unrelated incidents. But Rajshahi was a little different. Mizanur Rahman Minu representing the 4 party alliances won over the candidate of the 11 party alliance Fazley Hossain Badsha. Refusing this result, Badsha called for a hartal. He argued for an investigation and re-election. Though the Election Commission mentioned investigating the irregularities of Rajshahi, no judicial inquiry committee was formed as yet. There were lots of lives lost during the hartal in Rajshahi relating this election result.

4. Conclusion and Suggestions

- Making several booths in the very same room creates crisis for space and a problem for casting votes freely and comfortably. So the Commission should avoid placing several booths in the same room and several centres in the same institute.
- There should be different alternatives for the pregnant, aged and disabled people by letting them cast their votes on the ground floor.
- Much concentration is needed while preparing the voter list. Before making it final the verification process should be more transparent and neutral.
- The voter ID system should be introduced to avoid the casting of tender votes.
- The election material should be up to mark.
- There should be an amendment in laws to prevent the terrorists and bank defaulters from contesting in any election.
- The Election Commission had to under go lots of trouble presenting the detailed result of the polling. However lack of enthusiasm was seen from members of the Election Commission, which is an offence. It should be compulsory to present a detail result and this system should be much clear and effective.
- The Election Commission should be independent and much stronger, to be able to conduct a free and fair election.