

# **Election Process Tracking: The Eleventh National Parliament Election 2018**

## **Executive Summary\***

**21 October 2019**

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\* Updated on the basis of information received after 31 March 2019.

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# **Election Process Tracking: The Eleventh National Parliament Election 2018**

## **1. Background and Rationale**

Good governance and integrity are pre-requisites for democracy, which is based on a free, fair and participatory election. For this kind of election, a proper process needs to be followed. Although the Election Commission (EC) is constitutionally responsible for conducting elections, other stakeholders including the government along with the administration, law enforcing agencies and other public entities, the political party/ alliance in power, the opposition party/ alliance, candidates, the civil society, the media, election observers, and voters play significant roles.

It is observed in earlier researches conducted by TIB in 2007 and 2009 on election processes that in the context of Bangladesh the political parties and the candidates nominated by them had a tendency to adopt unlawful means to win in the national parliament election, and to violate the electoral code of conduct at different stages. The recently organised 11<sup>th</sup> National Parliament Election is the first election after the cancellation of the provision of caretaker government for holding election where all the parties have taken part.

The role of the national parliament as one of the national integrity institutions is very important in establishing good governance and preventing corruption, as one of the major roles of the Parliament is to ensure accountability of the government. Reviewing the electoral process is equally important since the Parliament is formed through elections. This research has been undertaken as a continuation of previous researches conducted by TIB on the election commission and electoral system, and in consideration of the felt need for reviewing the electoral process of the 11<sup>th</sup> National Parliament Election.

## **2. Objectives and Scope of the Study**

The objective of this study is to review to what extent the electoral process of the 11<sup>th</sup> National Parliament Election is free, fair and compliant to the law. The specific objectives are:

1. To review to what extent the EC, political parties/ alliances, candidates, administration, law enforcing agencies and other relevant stakeholders comply with the laws regarding the electoral process;
2. To estimate the expenditure incurred by the candidates for electoral campaigns; and
3. To assess the roles played by the key stakeholders in the electoral process.

Issues included in this study are the events during the pre-election period, information on the roles played by the political parties and candidates during the period between the schedule and election, post-election events for one month from the day of election.

It should be noted that the observation and analyses made in this study may not be equally applicable to all constituencies, political parties/ alliances, candidates, law enforcing agencies and other stakeholders. However, this research provides an indication of the roles of the EC, administration and other relevant public bodies, political parties and other relevant stakeholders during the election.

## **3. Methodology**

The study followed a mixed method – both qualitative and quantitative information were collected. Specific methods for data collection included content analysis, interviews of information providers, and observations. Secondary sources of information like laws and regulation, published and unpublished research reports as well as newspaper reports were used to identify various steps of the electoral process. On the other hand information on the activities of some selected candidates in selected constituencies were collected through interviews and observation for reviewing local level scenario.

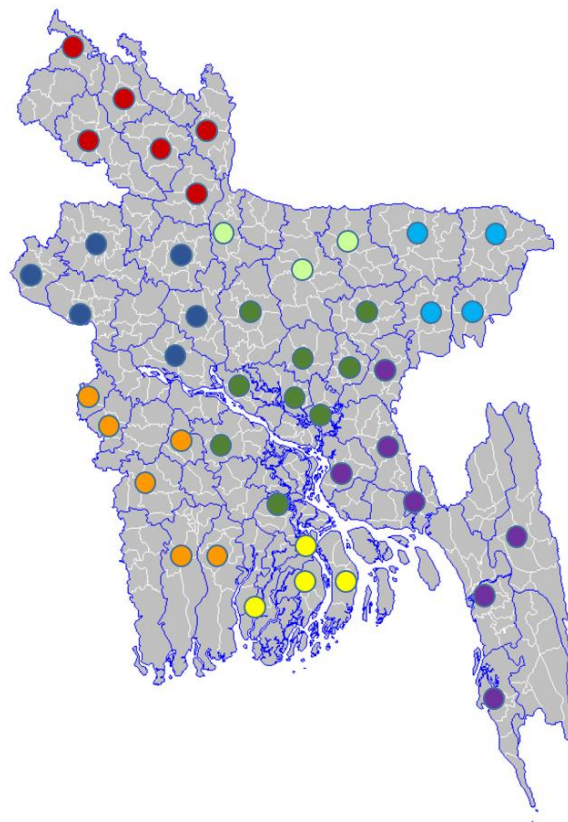
*Selection of Constituencies:* At first 50 out of 300 constituencies of the country were selected randomly. In each of the selected constituencies, based on the opinions of local community, two strongest candidates were selected for estimation of campaign cost and analysis of compliance. In some of the constituencies, however, a third candidate was also included when deemed strong enough based on community opinion. Thus a total of 107 candidates were included in this research. Information was collected from candidates, party activists, law enforcers, returning officers and other election officials including Electoral Tribunal officials, local journalists, and voters in these constituencies.

Recruitment and training of field enumerators, data collection, corroboration, edit and analyses, and report writing were completed during October 2018 to January 2019. Later this report was updated on the basis of information collected after 31 March 2019.

#### 4. Information on the Constituencies included in the Study

The 50 constituencies included in the study are spread over 45 districts. The highest number of constituencies is in Dhaka Division (22%), followed by Chattogram Division (18%). The lowest number of constituencies falls in Sylhet, Barishal and Mymensingh Divisions (four constituencies in each division).

**Figure 1: Districts where the Constituencies under this Study are located**



The total number of voters in these 50 constituencies are 1,68,76,674, among whom the female voters are 83,75,318 (49.63%). The total number of candidates in these constituencies were 297 (5.94 on average) of which 107 were included in the study.

**Table 1- Information on the Candidates: Covered by this Study vis-à-vis and All Candidates in 2018 National Parliament Election**

	Candidates included in this Study	Total Candidates in 299 Constituencies
<b>Total candidates</b>	107 (female 5, male 102)	1,861 (female 69, male 1,792)
<b>Party affiliation</b>	Awami League 41, BNP 43, Jatiya Party 8, Gono Forum 5, Independent 3, Others 7	Awami League 261, BNP 272, Jatiya Party 175, Gono Forum 27, Islami Andolon Bangladesh 298, Independent 128, Others 700
<b>Educational qualification</b>	Post-graduate or more 46%, graduate 38%, HSC 9.3%, others 6.7%	Post-graduate or more 33.4%, graduate 34.4, HSC 11.4%, SSC 3.3%, others 16.6%*

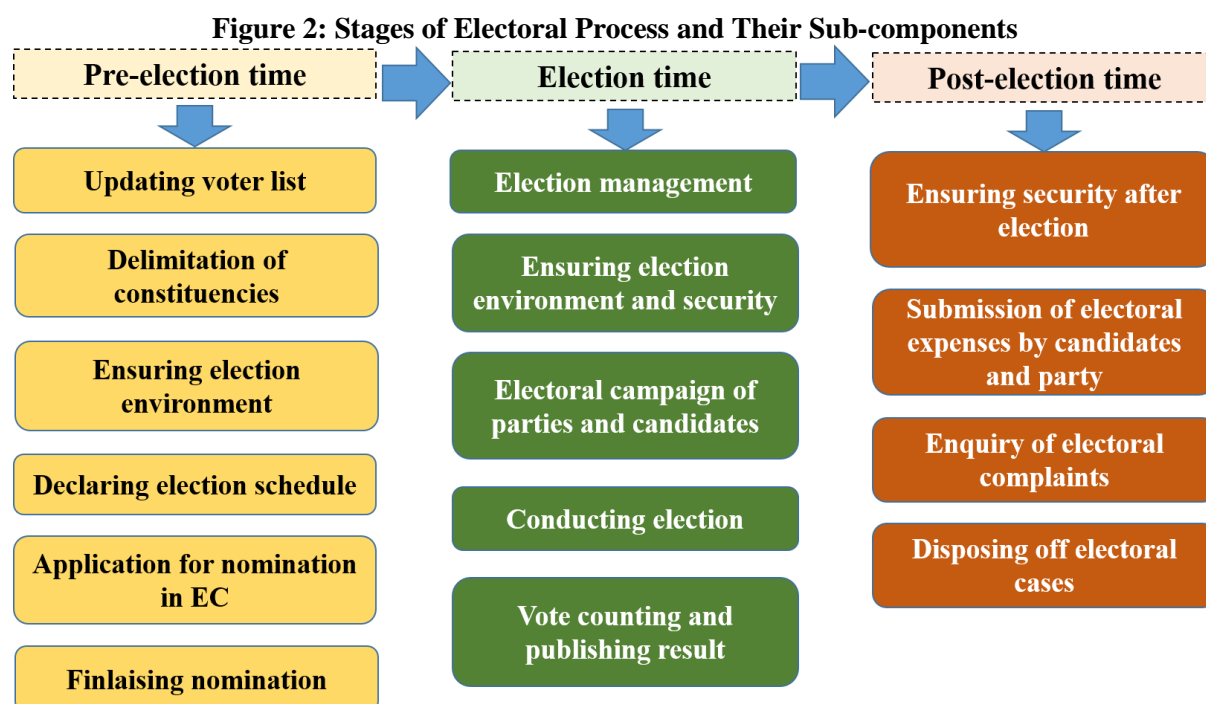
<b>Occupation</b>	Business 53.3%, lawyer 13%, teacher 6.5%, physician 5.6%, others 21.6%	Business 62%, lawyer 10%, agriculture 5%, teacher 2%, others 22% *
<b>Monthly income (average)</b>	BDT 6,26,591	Information not available

\*Based on information collected on candidates belonging to only Awami League and BNP alliances in 286 constituencies. Source: *The Daily Star*, 13 December 2018.

There are 5 females and 102 males among the candidates included in the study. Among them, by party affiliation 41 belonged to Awami League, 43 to BNP, 8 to Jatiya Party, 5 Gono Forum, 7 various other parties, and 3 were independent candidates. Forty six percent of them were postgraduates, and 38% were graduates among the candidates, while most of them were businessmen (53.3%) by profession followed by lawyers (13%), teachers (6.5%), physicians (5.6%), and others (21.6%). The average monthly income of the candidates are Tk 626,591.

## 5. Electoral Process

The electoral process in Bangladesh can be divided into three phases – pre-election time, election time, and post-election time. There are specific activities to be completed in each stage to conduct a free and fair election, for which the EC is mostly liable to perform. However, other stakeholders including the government have crucial roles at different stages of the process. Observations of the present study have been presented according to the different stages and their sub-components (Figure 2) in following sections.



### 5.1. Pre-election Time

#### 5.1.1. Updating the voter list

The EC started updating the voter list from July 2017. In the process, 3.332 million new voters were included and 1.748 million names of people who died since last update (2014) were excluded from the list. According to the final list the total number of voters in the country is 1,04,238,677, among whom female voters are 49.57% and male voters are 50.43%. However, although the updating process was more or less properly maintained, it was alleged that the concerned officials did not go to every household for updating.

#### 5.1.2. Delimitation of constituencies

In March 2018 the EC proposed changes of 38 constituencies through a gazette. According to this proposal, 14 constituencies had populations 25% higher or lower than the population of the concerned district, and accordingly 62 constituencies were imbalanced. Later 651 appeals were submitted to the EC by various political parties – 407 of them were against the EC's proposal while

244 were in favor. After hearing on the appeals against the EC's proposal, 24 constituencies were finally delimited, and the gazette was published in May 2018.

### **5.1.3. Ensuring a Congenial Election Environment**

Ensuring a congenial environment for conducting election is an important and integral part of the electoral procedure. For this purpose, the EC organized dialogues with the media, civil society and all registered political parties during July to October 2017 to have their opinions and views. Around 450 proposals were placed from the political parties. Some of the major issues discussed included the deployment of armed forces during election, election after the dissolution of the Parliament, election under a neutral or caretaker government, reintroduction of 'No Vote', and use of electronic voting machines (EVM). However, Awami League and Bangladesh Nationalist Party (BNP) differed on the issues of forming a neutral government, deployment of the armed forces, and use of EVMs. The EC pledged to implement the proposals under its jurisdiction, while it left the issues to the government's court with regard to the decision of providing judicial authority to the armed forces and conducting election under a neutral government. However, it did not take any initiative to refer formally those issues to the government.

The EC called for applications from unregistered political parties for registration. Although 76 political parties applied for registration, the EC, after scrutiny, did not give registration to any of them.

The EC decided to procure EVMs despite the opposition of most of the political parties. It procured 2,535 EVMs in June 2018 even before the formal approval of the project from the government. In October 2018, the Cabinet approved the use of EVMs. The Representation of the People's Order Act was also amended accordingly through issuing an ordinance.

Although different stakeholders emphasized on a participatory election by ensuring the participation of all political parties, the EC stated that "no dialogue with the political parties is required" and "a congenial environment to conduct the election prevails". From the beginning of 2018, the ruling party started its election campaign; while on the other hand, from mid-2018 cases were being filed against the political leaders and workers of the opposition especially BNP and they were being arrested. Up to October 2018 a total of 3,60,314 individuals were accused and 4,650 were arrested in 4,135 cases all over the country. BNP complained that mostly the leaders and workers of BNP at the grassroots and their would-be polling agents and members of different local level committees were accused in these cases. Some were arrested under previously filed cases, while some cases were filed without any incidents, which were popularly termed as "fake cases", where even dead or persons who were not physically present at the time of incident were also accused. Moreover, the opposition party was discriminated with regard to getting permission of holding public meetings. Yet expressions such as "a congenial environment to conduct the election prevails" came from both the government as well as the EC.

In October 2018 the *Jatiyo Oikkofront* was formed with some of the mainstream political parties, that include BNP, Gono Forum, Jatiyo Samajtantrik Dal (JSD), Krishak-Sromik Janata League and Nagorik Oikyo. Other parties and alliances along with the *Jatiyo Oikkofront* placed some demands including resignation of the government for free, fair and neutral election, dissolution of the 10<sup>th</sup> Parliament; formation of a neutral government through consensus ; restructuring the EC and prohibiting the use of EVMs; ensuring freedom of expression, person, newspaper, television, social media and public event arranged by all political parties; empower the EC by giving them the jurisdiction over the armed forces deployment with juridical power and placement and control over the law enforcing agencies 10 days before the election; engaging the national and international election monitors to ensure transparency in the election and not imposing restriction on their election process monitoring, not imposing control over the media, withdrawing political cases and refraining from filing new cases from the day of declaring the election schedule till the day of announcing final election result etc.

Without any initiative of the EC a dialogue was held between the leaders of the ruling alliance and the *Jatiyo Oikkofront* on 1 November 2018. In the dialogue, the *Oikkofront* placed a demand for the

dissolution of the present government before the election. However, the government did not agree with any demand, but the Prime Minister gave her assurance to refrain from filing new cases and not to obstruct in holding public meetings. The ruling party arranged dialogues with other political parties before election, but the issue of forming an election time government was ignored. Finally, the major opposition parties agreed to participate in the 11<sup>th</sup> Parliamentary Election.

#### **5.1.4. Declaring the Election Schedule**

The EC declared the first schedule on 8 November 2018, according to which the last date of nomination paper submission was 19 November, last date of withdrawal of nomination was 29 November and election on 23 December 2018. However, according to this schedule 23 days were given for election campaign, which was contrary to the existing law. Due to the decision of the *Oikkofront* for participating in the election, and in accordance with the demand of an opposition alliance named *Juktofront* an amended schedule was declared on 12 November, according to which the last date of nomination paper submission was 26 November, the last date of withdrawal was 9 December and election on 30 December 2018. It may be noted that to facilitate their participation, opposition alliance *Oikkofront* demanded to defer the election by at least one month.

After the declaration of the schedule all registered parties started to sell party nomination forms. Therefore traffic congestions were created near the party offices due to showdowns of the candidates coming with large number supporters and motorcades to purchase nomination forms. Two people died during a violent clash centering distribution of nomination between two fractions of a party in a constituency. The EC was on one hand generous to the ruling party regarding the showdown of the candidates, while it alleged BNP for violating the code of conduct on the other, and the police took strict measures against BNP. Even after the declaration of election schedule the arrest of the political leaders and workers continued. The BNP placed a list of 2,047 cases to the EC, and requested the Chief Election Commissioner to stop such arrests. However, no steps were taken.

On the other hand, the campaign of the aspirant candidates of the ruling party started a few months before the schedule was declared. It was found that in the constituencies included in this study, 52 candidates spent around BDT 553,698 on an average. Among them, one candidate in a constituency spent a maximum amount of BDT 8,257,000, while another candidate spent the lowest amount of BDT 2,985 in another constituency.

#### **5.1.5. Submission of Nomination Form and Finalizing Nomination**

A total number of 3,065 candidates of different parties submitted their nomination forms to the EC. Among them, a close relative of the CEC got nomination from the ruling party, however, the CEC failed to clear his stance regarding this issue.

The EC declared the nomination valid for 2,279 candidates, and cancelled 786 after scrutiny; among them, three were from Awami League and 141 were from BNP. This was the highest number of nominations cancelled than any of the previous elections. The main reasons for cancellation were loan defaulting and elected representative of the local government institutions. However, allegations of double standard in cancelling the nomination were raised. After the hearing of the appeals, the EC declared the candidacy of 202 among 234 candidates valid. However, even after their candidacy was declared valid, 23 candidates of the opposition parties were barred from electioneering due the verdict of the High Court. In the constituencies included this study such three candidates lost their nominations due to this decision.

Due to the death of a candidate in one constituency the total number of candidates in 299 constituencies was 1,861, contesting from 39 political parties and 5 alliances. It was found that no parties followed the process of nomination of the candidate on the basis of the recommendations from the grassroots, rather a top-to-bottom approach or selection by the top leadership through an interview process was followed.

Four candidates among those included in the study did not declare the source and the amount of their probable election expenses. Three of them showed the probable election expense more than the limit (maximum 30 lac BDT) fixed by the EC. Moreover, it was found in the constituencies included in the

study that during the schedule and finalization of nomination 105 candidates spent around BDT 2,14,775 on average. Among them one candidate spent a maximum amount of BDT 14,68,000, and another spent a minimum amount of BDT 37,500. The major areas of expenditure were poster, donation for different institutes, public relation events etc.

## **5.2. Election Time**

### **5.2.1. Election Management and Ensuring Security**

The total budget of the 11<sup>th</sup> Parliament Election was BDT 7 billion. The EC appointed 66 Returning Officers on 9 November, among whom 64 were the Deputy Commissioners of 64 districts and two Divisional Commissioners. Other election officers were 582 Assistant Returning Officers, 40,183 Presiding Officers, 2,07,312 Assistant Presiding Officers and 4,14,624 Polling Officers.

A total of 6,08,000 members of law enforcing agencies were deployed to ensure security during election. Among them 1,21,000 Police, 4,46,000 Ansar, 41,000 Gram Police, 600 platoon RAB, 983 platoon BGB, 414 platoon Army, 48 platoon Navy and 30 platoon Coastguards were deployed. One to two police and 12 Ansar were deployed in each center. The armed forces was deployed on 24 December as striking force.

To prevent electoral irregularities and receive election complaints 122 Electoral Enquiry Committees were formed on 25 November comprising Joint District Judge and Assistant Judge. A total of 1,382 Executive Magistrates and 640 Judicial Magistrates were responsible to monitor and handle the complaint management.

A total of 81 monitoring organizations got permission to monitor the 11<sup>th</sup> National Parliament Election. the total number of national level monitors was 25,900, while there were 38 foreign monitors, 64 foreign mission delegates, and 61 Bangladeshi delegates working in foreign missions. However, there was an allegation against the EC of not following the same standard in approving the permission for all election monitoring agencies. Although some of the national and foreign agencies did not get the permission due to the allegation of involvement with the opposition political parties, a couple of agencies who have the involvement with the ruling party, got permission. Besides, along with some important monitoring agencies the European Union could not be present at that time due to the lack of initiatives from the government.

Despite the security arrangement, two people died and 1,160 were wounded in around 250 collisions occurred in 149 constituencies of 56 districts. A total of 750 along with seven candidates were arrested in these incidents. After the schedule the arrest of the candidates and leaders and party workers of the opposition continued. The number was 11,586 during the period from 8 November to 28 December 2018.

### **5.2.2. Election Campaign**

In all the constituencies included in the study, the ruling party was found exclusively active in doing election campaign. In a few constituencies support was provided from the administration and the law enforcement agencies in campaign, involvement of the staff of the administration/law enforcement agencies in campaign of the candidates using the government resources for campaign events was observed.

On the other hand, filing cases against the leaders and party workers of the opposition parties especially BNP, threat or harassment by the police and administration, and arrest of candidates, leaders and party workers continued after finalization of nomination in 44 constituencies out of 50 (no information could be collected from six constituencies). In these constituencies cases were filed against 12,689 persons, among them 3,733 were arrested. The candidates and the leaders and workforces of the opposition failed to continue their campaign due to the harassment by the candidate/leaders/ workers of the ruling party, and the arrest and filing cases.

Incidents of violence were noticed in 38% constituencies included in the study. These include clashes between the leaders-workers of the contestant candidates, threatening supporters, leaders and workers of the opposition parties, violence, destroying election camps, burning down camps etc. In 36



constituencies the opposition party candidates were obstructed to hold campaign events such as public meetings.

In all constituencies included in the study, candidates violated at least any one of the electoral codes of conduct. Such violations include setting up more than one camp in one union/ward, showdown with motorbikes, continuing use of microphones beyond the scheduled time (2 pm to 8 pm), fixing posters and leaflets on walls and vehicles, not mentioning name of press/printers, phone number in the poster, lighting, wearing T-shirt/bandana/cap with the photograph of candidate and symbol, creating obstacles in campaign events of the opposition candidates. The administration imposed fine on the candidate/supporter/party workers for such incidents in four of the 50 constituencies included in the study. In rest of the constituencies there are allegations of not taking steps on the complaints by the administration/law enforcement agencies. In a few constituencies some candidates campaigned through social media, video conference etc.

**Table 2: Major Violations of Electoral Code of Conduct in 50 Constituencies included in the Study**

<b>Violation of Electoral Code of Conduct</b>	<b>Awami League (%)</b>	<b>Jatiya Party (%)</b>	<b>BNP (%)</b>	<b>Gono Forum (%)</b>	<b>Others (%)</b>	<b>Total (%)</b>
Public gathering/ procession (with motorcade, torch, show-down etc.)	95.1	87.5	30.6	40	57.1	58.88
Fixing posters on wall, pillar, vehicles	80.5	75	44.4	40	57.1	57.01
Providing food or drinks, gifts etc. to voters in camps	70.7	75	44.4	20	42.9	51.40
Submitting nomination form with accompany of more than five persons	63.4	50	47.2	20	42.9	47.66
Setting up more than one camp/office in a union/ ward in municipality or city corporation area	82.9	50	19.4	20	28.6	44.86
Campaign three weeks earlier of election day	65.9	25	27.8	40	57.1	42.06
Posters without the name of printers, address and date	63.4	25	30.6	20	28.6	39.25
Campaign using microphone beyond the allowed period of 2 pm – 8 pm.	63.4	62.5	22.2	0	28.6	38.32
Procession or show-down during submission of nomination paper	61	25	27.8	20	28.6	37.38
Putting obstacles in street meetings, domestic meetings or other campaign activities of contending candidate	78	50	2.8	20	28.6	37.38
Using shirt, jacket or dresses with slogans or picture of candidate	61	37.5	13.9	0	28.6	32.71
Pandal with more than 400 square feet area, lighting	56.1	37.5	13.9	20	28.6	31.78
Erecting gate, arches	65.9	12.5	8.3	0	14.3	29.91
Campaigning in prayer house of any religion	43.9	37.5	16.7	0	57.1	28.97
Obstructing public movement through gathering or building platforms	48.8	62.5	5.6	0	28.6	27.10
Electoral sign more than three meters in length, breadth or height	58.5	37.5	0	0	28.6	27.10
Posting poster or leaflet on the poster or leaflet of contending candidate, or tearing	41.5	50	13.9	20	28.6	27.10
Spending money or using force to influence voters	53.7	37.5	8.3	0	14.3	27.10
Giving speech that tarnishes personal image, bitter or provocation, or harm gender or communal harmony or religious sensitivity	39	37.5	13.9	20	28.6	25.23

<b>Violation of Electoral Code of Conduct</b>	<b>Awami League (%)</b>	<b>Jatiya Party (%)</b>	<b>BNP (%)</b>	<b>Gono Forum (%)</b>	<b>Others (%)</b>	<b>Total (%)</b>
Disrupting public sanity through chaos or uncontrolled behavior	48.8	25	5.6	20	28.6	25.23
Participation of any public official or person enjoying public facilities in electoral campaign or activity	53.7	25	8.3	0	0	25.23

Among the 107 candidates included in the study, 104 candidates spent around BDT 7,495,388 on average during the time between finalization of nomination and election. One candidate spent the maximum amount of BDT 45,048,500 and another spent the minimum amount of BDT 2,500. Around 57.9% candidates spent more than the expenditure limit during this period.

Altogether the average expenditure of the candidates of the sample constituencies is BDT 7,765,085 starting from before declaration of schedule till election, which is three times more than the allowed expenditure limit (BDT 2.5 million per constituency) (Table 3). During this time around 58.9% candidates spent more than the limit. The candidates of Awami League spent the highest (five times higher on average), and the independent candidates spent the lowest.

**Table 3: Average Estimated Expenditure from before Schedule up to Election by Candidates of Constituencies included in the Study**

<b>Political Party</b>	<b>Number of Candidates</b>	<b>Average Expenditure up to Declaration of Election Schedule (BDT)</b>	<b>Average Expenditure during Declaration of Election Schedule up to Finalization of Nomination (BDT)</b>	<b>Average Expenditure from Finalization of Nomination up to Election (BDT)</b>	<b>Average Expenditure from before Schedule up to Election (BDT)</b>
Awami League	41	7,52,801	4,00,832	1,23,77,130	1,33,65,515
BNP	43	3,58,410	96,989	28,04,990	27,85,122
Jatiya Party	8	55,975	58,325	62,60,198	63,46,511
Gono Forum	5	-	56,000	40,79,580	41,35,580
Independent	3	7,870	1,77,666	14,23,905	16,04,195
Others*	7	1,77,360	1,23,014	1,21,58,171	1,24,07,871
<b>Total</b>	<b>107</b>	<b>5,53,698</b>	<b>2,14,775</b>	<b>74,95,388</b>	<b>77,65,085</b>

\* Others include Jatiya Party (JP), LDP, JSD, BikolpoDhara Bangladesh, Bangladesh Khelafat Majlis, Bangladesh Islami Front, and Islami Andolon Bangladesh.

It may be mentioned that in 2008 in the report on the Review of the Ninth Parliament Election, TIB found that the candidates spent three times more than the expenditure limit, where the limit was BDT 1.5 million per constituency, whereas the candidates spent BDT 4,420,979 on average.

### **5.2.3. Conducting Election**

The vote casting was held on 30 December 2018 in 299 constituencies. On the election day, 18 people were killed and 200 injured due to violence in 24 districts. It was claimed that among them, eight (8) belonged to Awami League and four (4) to BNP supporters. Vote castings were postponed in 22 polling centers.

Allegations of election irregularities were raised in 94% constituencies included in the study. The main irregularities include sealed the ballot paper before the night of the election, interested voters threatened and compelled not to enter in the polling center, casting falls votes by occupying booths, forcing voters to give vote for a specific sign, ballot boxes filled up by casting fake votes before the vote begins, ballot papers finished, and the opponents' polling agent not being allowed to enter the polling center (see Table 4).

Allegation was raised that the maximum centers were in the custody of the ruling alliance including Awami League leaders and workers. It was alleged that polling agents of the *Jatiyo Oikkofront*

candidates were not present in most of the centers or in the morning the polling agent were forced to go out of the center. On the election day 76 candidates boycotted the election claiming irregularities, although the leaders of the *Jatiyo Oikkofront* decided to stay till the end of the election.

**Table 4: Irregularities Committed on Election Day in 50 Constituencies included in the Study**

Nature of Irregularity	Constituency (percent)
Silent role of administration and law enforcing agencies	91
Fake voting	89
Sealed ballot papers on the night before election	72
Casting false votes by occupying booths	65
Opponent polling agents were not allowed to enter the polling center*	63
Preventing voters going to the center	57
Force voters to give vote for certain signs	57
Ballot paper finished	48
Threatening interested voters	46
Ballot boxes filled up before beginning of vote	44
Leaders and workers of the opposition party candidates physically assaulted	24

\* Polling agents were prevented from going to the center in 29 constituencies, and there were no agents in 10 constituencies.

### 5.3. Post-Election Time

In the election Awami League won in 40, Jatiya Party in 6, BNP in 1, Gono Forum in 2, and other in 1 constituencies included in this study. At the national level, Awami League won in 257, Jatiya Party 22, BNP 5, Gono Forum 2, Independent 3, other parties won 9 seats. However, it was found that more than 80 percent votes were cast in 186 constituencies – out of which more than 90 percent votes in 13 constituencies, while on the other hand, below 50 percent votes were cast in three constituencies.

Several political parties and alliances such as the *Jatiyo Oikkofront*, CPB, Khelafat Majlis, BSD, Gono Sanghoti, Islami Andolon Bangladesh refused the election result by raising allegation of irregularities. The *Jatiyo Oikkofront* later submitted a memorandum to the EC on 3 January 2019 by raising allegation of irregularities in the election. Although various national and foreign observers expressed their satisfaction on the election being “participatory”, the election was criticized by various international organizations such as European Union, Human Rights Watch and international media for irregularities in the election.

Despite of these allegation, the EC claimed that the election was held fair and free. According to the CEC, the “overall situation is better except some sporadic incidents”, while according to the report of Returning Officers, ‘the situation was normal’. Later the EC declared that the election was participatory, fair and neutral.

The average expenses of the winning candidates in the seats included in the study were estimated at Tk. 12 million 733 thousand 877 only. Of these, one candidate spent a maximum of Tk. 45 million 569 thousand 500 only, while another candidate spent a minimum of Tk. 0.2 million 86 thousand 700 only.

#### 5.3.1 Submission of the Electoral Expenditure Statement

According to the law, all candidates participating in the election have to submit the return of electoral expenditure within one month after the election. In reality, though two months were already over after the election, no verified copy of the electoral expenditure statement of the candidates reached the EC. Even the EC did not send any letter to the ROs demanding the expenditure of the candidates.

While the information on how many of the candidates included in the study submitted their election expenditure returns on a certain date could not be collected, it is reported that 40 of the candidates submitted their election expenditure returns out of the 45 candidates in the 21 constituencies included in the study. After reviewing the expenditure return of these 40 candidates, it was found that no candidate showed more than Tk. 2.5 million on their return, although the study estimates that 57.9% of the candidates spent more than the limit during the stipulated time for the campaign. According to

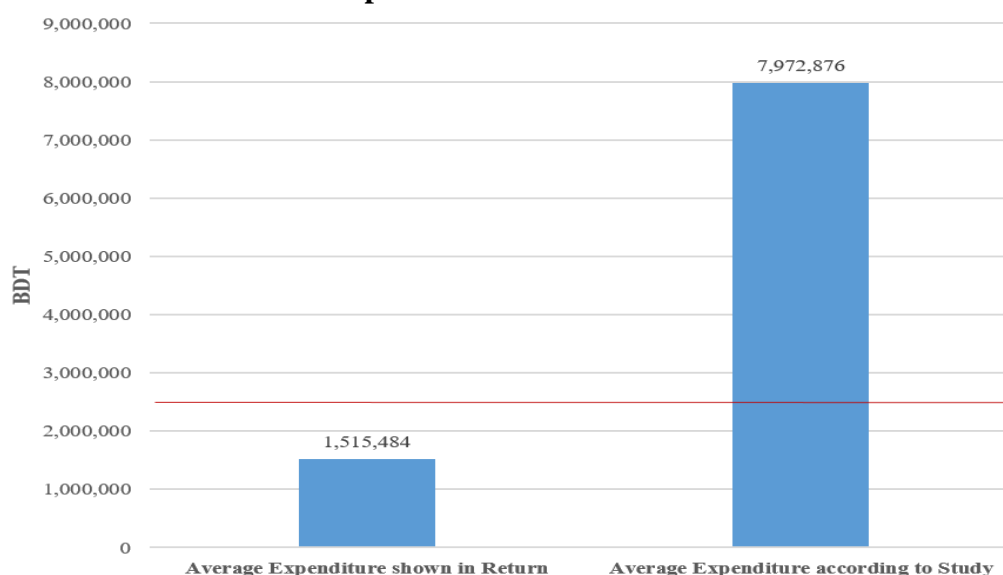
the return of expenditure, the average expenditure of the candidates concerned is Tk 1.5 million 15 thousand 484, which is far below the average of the maximum expenditure in those constituencies. Although according to the estimation of the study, the electoral expenditure of these 40 candidates is on average Tk. 7.9 million 72 thousand 876, which is three times more than the maximum average of those constituencies. Among the 40 candidates one candidate declared the minimum expenditure Tk. 71 thousand 300, while another candidate declared the maximum expenditure Tk. 2.5 million (Table 5). Thus, it is seen in most cases that candidates have concealed the actual electoral expenses.

**Table 5: Electoral Expenditure of the Candidates\* included in the study (Tk)**

	<b>Declared Electoral Expenditure in submitted Return</b>	<b>Estimated Electoral Expenditure during pre-Schedule up to Election</b>
<b>Average Expenditure</b>	15,15,484	79,72,876
<b>Minimum Expenditure</b>	71,300	65,000
<b>Maximum Expenditure</b>	25,00,000	4,55,69,500

\*The Declared Electoral Expenditure and the Estimated Electoral Expenditure are for 40 candidates.

**Figure 3: Comparison between the Declared Electoral Expenditure and Estimated Expenditure of Candidates**



\* The red line incates the maximum limit of expenditure per constituency set by the Election Commission.

## 6. Role of Different Stakeholders in the Eleventh Parliament Election

### 6.1 The Ruling Government

It is observed that some activities of the ruling party / coalition have significantly affected the election. Among these activities, financial and other incentives for the expansion of various supporting groups by the government, the announcement of several projects by the ruling government before the elections, election campaigns by the ruling party through different media since the beginning of the election year, and the politicization of the administration and police before the election are noteworthy. These activities played both positive and negative roles for holding a free, fair and neutral election. However, in many cases it is seen that the ruling party and the coalition had enjoyed some advantages.

### 6.2 Election Commission

The credit for successfully completing the Eleventh Parliamentary Election goes to the EC. The Commission was able to carry out all necessary activities in spite of various obstacles, including formulation of proper and accurate voter list, redefining boundaries of constituencies, revising the electoral rules applicable to candidates and political parties, return of candidacy through hearing after cancellation of nomination papers, voter list printing, transparent ballot box supplies, allocation of symbols for parties and candidates etc. However, the controversies that led to the election being held,

the cancellation of nomination papers, failure to create equal fields for everyone, the debate over the use of electronic voting machines (EVMs), lack of coordination among Commissioners, strict control over the flow of information, failure to control the maximum campaign expenditure of candidates, not disclosing the information about return of election expenditures of candidates, and appointment of election observers violating the policies and rules of conduct, etc. are mentionable.

### **6.3 Political Parties and Alliances**

None of the parties were observed to follow the process of getting the final nomination in the central committee from the local level committee in the nomination process. Allegations of nomination-trading were raised against various political parties for not allowing the grassroots' participation in the nomination. Besides, some electoral laws were violated from the party level, while the two major coalitions were accused of violating the electoral code of conduct by other parties.

### **6.4 Candidates**

Candidates spent more than the limit for each constituency set by the EC for campaign. Besides, they were accused of violating various electoral laws and rules in the election, which indicates that the potential lawmakers showed reluctance in complying with the law. In cases where candidates violated the electoral code of conduct include, for instance, not giving information on affidavits, spending more than the given expenditure, violating the rules of conduct in the campaign, and not submitting return on election expenditure etc.

### **6.5 Civil Society**

The civil society of Bangladesh continued to provide discussion, criticism and opinion on various issues of the Eleventh Parliament Election. The activities of the EC, the government, the ruling party and the alliance, roles of the opposition parties and alliances, irregularities and violation of laws and rules at different stages of the electoral process, the structure of the electoral government, the role of the EC were some of the key issues of discussion. However, shortly after the election, limited and controlled statements were made by the civil society against various irregularities in the elections, and very few direct protests were noticed.

### **6.6 Election Observers/ Monitoring Organizations**

The lowest number of international and domestic election monitoring bodies monitored election on the election day compared to previous elections. Foreign election observers expressed their views at the press conference on the day of the election, saying that the elections were fair and well-ordered. They also expressed satisfaction on the voters' spontaneity in a peaceful environment, and stated that the election was held keeping the international standards. However, significant observations were made in describing incidents of violence as sporadic. However, no observer's report was made public.

### **6.7 Media**

The media especially print and online media played a significant role throughout the whole process of the Eleventh Parliament Election. Different newspapers went beyond the traditional news regarding the campaigns of the parties and the candidates and published the analysis of the information disclosed through the affidavits. Election manifestos of various parties and the analysis, comment reports, special papers, complete list of candidates, and basic information on constituencies were published. Detail observation of the electoral conducts of the candidates in various constituencies were also published. In addition, regular news was published on various controversial activities and roles of the EC, the ruling government, opposition alliances and parties, and reports and columns were published in the Editorial and Commentaries. Irregularities of election day in different constituencies were collected, and details were released in the front line newspapers.

In addition to the constructive role, some controversial roles also was noted in publishing the election-related news, such as the lack of objectivity in the news and various events such as talk shows due to bias to different parties. Some private channels broadcasted politically bias news on violation on electoral code of conduct before and after the election. Each private channel publicized reports and news and election results on various areas including the remote areas across the country. On the day

of the election, the objectivity of the news has been largely interrupted due to the prohibition on broadcasting news directly from the polling station.

## **7. Overall Observation**

It is observed that the EC has not been able to play a proper role in many cases throughout the electoral process. The EC did not take active initiative for ensuring the participation of all parties in the election. The EC also failed to ensure a level playing field for all the parties for holding meetings and public gatherings. It could not ensure equal opportunities of campaigning for all parties and candidates and security for all the candidates, leaders and workers irrespective of their party affiliation. The EC could not make any example of significant action in the case of election irregularities and the violation of code of conduct especially against the ruling party candidates, leaders and workers. As a result, the EC could not ensure equal opportunities for all the parties and candidates. On the other hand, there was disagreement among the Election Commissioners about whether there is 'level playing field' which created a lack of confidence on the EC.

The EC's strict control on election observers and news media created obstacles for free flow of information. At the time of the election, the speed of the internet was reduced, and the 4-G and 3-G mobile networks were shut down. Besides, restrictions on motor vehicles were imposed except emergency. During the election, this kind of control has made the transparency of election questionable.

It is seen that some of the activities of the ruling party / alliance had influence on the election. It was easy for the ruling party to enjoy the conveniences of the administration and others while being in the government, as it did not dissolve the Parliament before election. Financial and other incentives were given for the expansion of various support groups by the government, and many projects have been approved before election. The campaign of the ruling party was noticed almost a year before the election, whereas in some cases the campaign was included in government activities. The involvement of the party's election campaign for the participation of the cabinet members is alleged, and the opposition parties were unable to campaign freely due to interruptions, attacks on candidates and workers, and violence by the ruling party-men.

In the 11<sup>th</sup> National Parliament Election, the tendency of violation of the election code of conduct is noticeable. In addition, candidates spent more money than the limit fixed by the EC and as a result, the potential lawmakers have been reluctant to obey the law.

Finally, it may be concluded that although the 11<sup>th</sup> National Parliament Election can be termed 'participatory' as a result of all registered political parties participating in the election, it failed to become 'competitive'.

## **8. Recommendations**

1. Honest, capable, brave and neutral people have to be appointed as the Chief Election Commissioner and other Election Commissioners. An act determining the process and eligibility of the recruitment of election commissioners must be enacted.
2. The EC, administration, law enforcing agencies and other stakeholders have to be neutral and free from the party influences in order to ensure fair, free and fair elections held under a party government.
3. A fair and neutral investigation must be taken in the 11<sup>th</sup> National Parliament Elections based on the multiple violations of the code of conduct including violence and use of force in elections.
4. The EC must declare publicly identifying their failure in taking effective measures in violation of the code of conduct. On the other hand, along the steps undertaken by the EC, initiatives should be taken for judicial inquiry by the government.
5. Digitalization should be initiated in different stages of the election process (such as updating the voter list, withdrawal and submission of application for nomination, verification of candidates' financial information, submission of return of election expenditure etc.). Political parties also have to be encouraged for digitalizing candidates' nomination process.
6. A free environment should be ensured for election observer and mass media.

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