

## Parliamentary By-Election in Bangladesh: The Study of Bhola-3 Constituency

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### Abstract

This analytical study based on the secondary sources examines the nature of the by-election in the Bhola-3 constituency held on April 24, 2010. The ruling party Awami League (AL) took this by-election as a prestige issue and chance for a renewed mandate in favour of the Hasina government, while the opposition Bangladesh Nationalist Party's (BNP) plan was to create an issue by saying that the by-election was rigged. The Election Commission (EC) and the ruling party claimed that the poll was free and fair, while the BNP rejected the electoral outcome for widespread corruption. The analysis shows that the election was not free, fair and peaceful and the role of EC was controversial. The EC didn't deploy the army, although BNP demanded this several times to maintain law and order. Moreover, the EC didn't take any action against the violation of electoral laws by the ruling party's candidate. Widely shared anecdotal evidence of voter intimidation and physical violence besmirched the election.

**Key words:** By-election; AL; BNP; Election Commission

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### 1. BACKGROUND

Elections are considered to be one of the key elements of the democratic system that enables citizens to exercise their choice in running the system (Huque & Hakim, 1993). Through elections political parties can measure

their strength and support. At the same time, it is a means to assess the response of the electorate to the issue raised by the political parties (Boruah, 1998). The scholars (Jahan, 1980; Khan & Zafarullah, 1979; Baxter & Rashiduzzaman, 1981; Baxter & Rahman, 1991; Hakim, 1991; Zafarullah & Akhter, 2000; Mizi, 2004; Razi, 2005a; Razi, 2005b; Akhter, 2009; Kadir, 1991) have made the attempts to analyse the parliamentary elections to the *Jatiya Sangsad* (parliament) in Bangladesh from the special academic attention. A by-election is an election held to fill a political office that has become vacant between regularly scheduled elections. In democratic political systems, especially in parliamentary systems, a by-election is often treated as a barometer for testing an incumbent government's degree of popularity (Hakim, 1994) and is remarkable for the almost invariable loss of support experienced by governments relative to the preceding general election (Mughan, 1986). Unfortunately, the history of by-election of Bangladesh is not impressive. Of the by-elections which were held in the past time, the Magura (held on March 20, 1994) one was marked for being most abusive. This election was grossly unfair and marked by widespread violence (Gain, 1995). The research work's regarding by-election in Bangladesh is not available. Only a few researchers (Hakim, 1994; Mashreque & Rashid, 1995) have given their attention in this regards. A single constituency can acquire special significance for various reasons like its strategic importance, its socio-economic and cultural characteristics, its voting patterns in the preceding general election, and the current national sentiment. The present study in this respect intends to know about the obstacles towards a free and fair by-election recently held in Bhola.

Bhola-3, a parliamentary constituency in southern Bangladesh, was an Awami League (AL) seat that fell vacant for violating the electoral code of conduct by Maj. (retd.) Jasim Uddin. Bangladesh electoral law stipulates that none can enter for national election within three years

from the date of retirement and within five years after forced retirement from any public office. Jasim Uddin was forced to retire from the army on August 31, 2004 and contested the general election in December 2008. He won the seat with around 12,000 votes more than his rival Maj. (ret.) Hafizuddin Ahmed, who went on to challenge the validity of Jasim's candidacy in the High Court. The Election Commission (EC) on February 3 published a gazette notification vacating AL lawmaker Maj. (ret.) Jasim Uddin's membership in parliament following a Supreme Court verdict, which declared him disqualified for contesting the December 29, 2008 polls. According to Bangladesh constitution, a new election must be held within 90 days of vacation of any parliamentary seat. EC on March 18, 2010 announced that election to the vacated Bhola-3 constituency will be held on April 24. The deadline for submission of nominations was March 29 and for withdrawals was April 8. Many analysts saw this by-election as a prestigious battle of ballots between the ruling party and the opposition, as the voting takes place after 15 months' rule of Prime Minister Sheikh Hasina's "Grand Alliance" government.

## 2. POLITICAL PARTIES AND CANDIDATES

There were only two political parties in the fray. Nurunnabi Chowdhury Shawon, a new comer in electoral politics, was the ruling AL candidate. On the other hand, ex-minister Maj. (ret.) Hafizuddin Ahmed was nominated by the main opposition Bangladesh Nationalist Party (BNP). Hafizuddin was running with *dhaner sheesh* (sheaf of paddy) in the by-poll. On the contrary, Shawon's electoral symbol was *nouka* (boat).

**Table 1**  
**Highlights of Bhola Parliamentary By-Election**

No. of polling stations	86
Total voters	2,34,926
Male voters	1,14,880
Female voters	1,20,046
Total Candidates	2

Source: *The Daily Star*, April 24, 2010.

## 3. ELECTORAL CAMPAIGN & ISSUES

The purpose of an election campaign is to enlighten the electors about the programs and policies of political parties and individual merits and demerits of candidates. The new code of conduct issued by the EC on 18<sup>th</sup> September 2008 imposes reasonable restrictions on election campaign so as to serve the true purpose of campaign. AL candidate was consistently breaching the electoral code of conduct and hindering the election campaign of the BNP candidate. The ruling candidate was

campaigning using more than two mikes and was hanging large party symbols and colourful banners, which are in breach of the code of conduct. But, the EC did not take any action against the ruling party candidate for violations of the election code of conduct one after another.

The BNP considered this by-election as a test case to weigh the government's popularity in the wake of acute crises of electricity, water and gas as well as soaring prices of essentials. Ruling AL also takes the by-election as a prestige issue and chance for a renewed mandate in favor of the Hasina government. The BNP was worried about the prospects of a free and fair election, and repeatedly demanded deployment of the army to ensure a fair and peaceful vote. On March 22, a four-member BNP delegation led by M.K. Anwar MP met with Chief Election Commissioner (CEC) A.T.M. Shamsul Huda, and sought army deployment during the by-election in Bhola-3. The EC, however, refused to comply. As a result, the BNP accused the EC of acting like "an agent of the government" to ensure the ruling party candidate's victory in the by-poll and warned of waging a movement against it if the poll is not held in a free and fair manner.

## 4. ELECTORAL GOVERNANCE

An election always necessitates electoral machinery (Ali, 1996). Under the constitution of Bangladesh, the conduct of elections and the arrangements for free and fair elections are the responsibility of the EC. Given the magnitude of the Bhola-3 by-poll, the EC took some innovative measures, including use of video cameras, deployment of "silent observers", setting up check posts at launch and bus terminals to prevent outsiders from entering the constituency.

**Table 2**  
**The Arrangements of EC for Bhola By-Election**

Innovative measures	Number
Magistrates	26
Judicial Magistrates	2
Police, Armed Force and Ansar	1629
Local Observers (Permitted by EC)	88
Own Observers	35
Presiding Officer	86
Assistant Presiding Officer	344

Source: *Amerdesh*, April 24 & 25, 2010.

Hundreds of security personnel were deployed as part of the security measures. Mobile courts were set up to hold trials of electoral offences. Executive magistrates were also deployed to assist the mobile courts and strike forces. Some Rapid Action Battalion (RAB) members were on duty. CEC claimed deployment of the law enforcers was six times higher for the by-elections. Unfortunately, this machinery was not neutral to ensure a credible election.

## 5. ELECTORAL OUTCOME

This seat was won by Maj. (Retd.) Hafizuddin in 1991, 1996, and 2001. In 1991, he ran as an independent candidate and won 44.9% votes. His nearest rival, the AL candidate, won 32.3%. In 1996, Hafizuddin, as a BNP candidate, picked up 59%. In that election, AL nominated Nazrul Islam, who took 36.6%. In 2001, Hafizuddin won 65.8% against the AL's heavy-weight candidate Tofayel Ahmed's 33.7%. In 2008, Hafizuddin lost the seat. Hafiz got 45.7% against 52.8% taken by AL's Maj. (Retd.) Jashim.

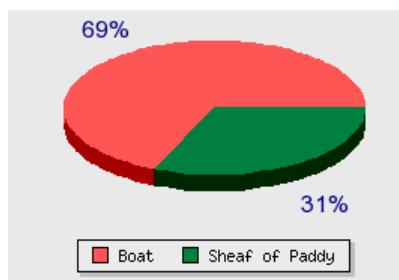
From this analysis, it is clear that the BNP candidate won traditionally in this constituency. In the by-election 2010, Hafizuddin, ex-minister, was a heavy-weight candidate, while the AL nominated a young man who was not experienced in the electoral politics. Moreover, he was known to the countryman as a terrorist person (Rahman, 2010). So, it was expected that Hafizuddin will win in the by-election.

**Table 3**  
Trend of Results of Bhola-3 Electoral Constituency

Year of election	Elected candidate	Lone contestant candidate
1991	Hafizuddin (Independent) Obtained Vote-36,925	M.A. Kasem (AL) Obtained Vote-26,515
1996	Hafizuddin (BNP) Obtained Vote-70,843	A.K.M. Nazrul Islam (AL) Obtained Vote-44,007
2001	Hafizuddin (BNP) Obtained Vote-98,659	Tofayel Ahmed (AL) Obtained Vote-50,588
2008	Jasim Uddin (AL) Obtained Vote-96,234	Hafizuddin (BNP) Obtained Vote-83,123

Source: Kibria, 2010.

The actual result was far from the people's assumptions. AL candidate Nurunnabi Chowdhury Shawon won the Bhola-3 constituency beating his rival, BNP's Hafizuddin Ahmed by a margin of 51,000 votes in the April 24 by-election. In this by-election, 67.17 percent out of the 234,926 registered voters cast their vote in 77 polling centres out of 86 – with Shawon receiving 93,873 votes and his rival Hafiz receiving 42,658 votes. AL candidate Shawon bagged more than double the votes of what his contestant Hafiz of BNP got. The newly elected member has already taken the oath of office.



**Figure 1**  
The Results of Bhola-3 Electoral Constituency  
Source: Bangladesh Election Commission

The incumbent AL is fast becoming unpopular for unprecedented electricity crisis, extreme scarcity of gas affecting all manufacturing, water shortage, etc. making people's life miserable; but the polling result suggests that the Government has suddenly become more popular (four times more) than it was during the 2008 elections!

## 6. ELECTORAL VIOLENCE

Bangladesh has a long history of electoral violence. Undoubtedly, the atmosphere in the constituency was far from ideal, and the situation was vitiated by clashes, which has marred the election, and for which the AL must also take the blame. Reports of widespread intimidation and opposition polling agents were forced out and there were clashes through the day, in most cases instigated by ruling party exponents. As feared earlier, BNP supporters and voters were beaten up and attacked allegedly by AL men when they tried to reach different polling centers of Lalmohan and Tajumuddin upazilas (sub districts), which left at least 100 people injured. A total of 218 people were injured in Bhola by-election, of which 109 were in pre-election, 46 were during election and 46 were in post-election violence.

**Table 4**  
Electoral Violence in Bhola By-Election

Duration of violence	Number of incidents
Pre-election violence	109
Violence in election day	46
Post-election violence	63
<b>Total</b>	<b>218</b>

Source: Odhikar, Dhaka, May 1, 2010.

Some of the ruling party terrorists blocked the roads preventing the opposition agents from entering the polling centers. Despite complaints, RAB did not take any action. The EC was compelled to suspend voting at nine centers for violence and electoral irregularities. The nine centres were Lalmohan Public Library and Women's College, Azharuddin Primary School, Bheduria Sherazia Senior Madrasa, Shatani Primary and Secondary School, Kishoreganj Primary School, Maheshkhali Ashrafia Primary School, North Annada Prashad Primary School, Lord Hardinge Fazil Madrasa and Syedabad Forkania Madrasa. In the lead-up to the polling, allegations had it that the ruling party even abused the state machinery to intimidate and harass its rivals. After the polls alleged incidents of gang rape by AL cadres have been reported. Countless numbers of BNP workers have been critically injured only because of the CEC's intransigence on the question of army deployment.

## 7. REACTION

The CEC claimed that the election was "by and large free and fair" and that "a fully fair election is not practically

possible anywhere in the world". The ruling AL also claimed the election was held in a free, fair and credible manner, while the main opposition BNP claimed that the AL and the EC had broken all records of polls rigging by what they had done in the Bhola-3 elections. BNP candidate Hafizuddin Ahmed demanded the elections to be declared null and void, due to widespread irregularities, violence and intimidation by the ruling party activists. He alleged that the law enforcers, EC and the ruling party of colluding each other to defeat the BNP candidate. According to him 40 polling centers were captured by AL workers forcibly evicting his agents. He called the election as farcical. The BNP rejected the electoral outcome and demanded that a fresh election be scheduled. Moreover, BNP also demanded immediate resignation of CEC and two other commissioners.

## 8. CONCLUDING REMARKS

Election is universally recognised as the first step towards the democratic governance (Husain, 2003). But it has been common trend in the politics of Bangladesh that during the election period the party in power makes the worst abuse of public purse and properties to get the victory in their favour (Islam, 2006). Under tremendous pressure from the opposition, "The Constitution (Thirteenth Amendment) Act, 1996" was enacted by sixth parliament and the mechanism of Caretaker Government (CTG) for conducting national parliamentary elections was institutionalised by the constitution. The CTG's first and foremost task is to assist the EC in holding free and fair election in a peaceful condition (Ahmed, 1998). The parliamentary elections conducted under the CTG are said to have been unprecedentedly free, fair and peaceful. The CTG was widely acclaimed for its impartiality and fairness. On the other hand, in most of its characteristics by-election is very much different from the general election in Bangladesh. All general parliamentary elections are conducted by a non-party CTG, while a by-election is held when a political government runs the country (Ahmed, 2003). Traditionally, it is the ruling party that has taken the vacant seat in the by-elections in most cases in Bangladesh. Statistics show that since 1991 the opposition has won but only 20 percent of the by-elections.

The people also witness the malpractice during Bhola-3 by-election under a political government. The ruling party's attitude, of win at all cost, predisposed them towards bellicosity that has clouded the results. No body will complain or accept grumbling of the defeated candidate if in their eyes election is held with bare minimum norm. EC did not bother to listen to opposition candidate. He had all the power and opportunity to create a level playing field by deploying army then voters would have turned out with enthusiasm. This by-election was considered the bell-wether event to signal the strength

and deftness of political gamesmanship of the two main opposing parties. Widely shared anecdotal evidence of voter intimidation and physical violence besmirched the election. This election was just another Magura. We can learn the following lessons from the Bhola by-election: (1) During by-elections when a political government runs the country, the EC has failed to play its constitutional role in conducting the elections in a free and fair manner. Only when there has been a non-party CTG has the EC been able to play a relatively neutral role. (2) The full independence of EC as a constitutional body must be ensured by separating the EC secretariat from the Prime Minister's secretariat. (3) It is now necessary to frame a separate provision in the existing law for by-elections. (4) The honest, efficient and neutral persons have to be appointed as the CEC & other commissioners. (5) If the party in power has brut majority in the parliament, they can sacrifice at least three by-elections for the oppositions as a symbol of courtesy. In this case ruling party will not give the candidate in the by-elections.

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