



Dhaka North, Dhaka South and Chittagong City Corporation Elections 2015: Tracking the Process

Executive Summary

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Executive Summary

1. Introduction

Electing people's representatives through free, fair and neutral elections is one of the prime pre-requisites for establishing good governance. Through this, the pace of socio-economic and human development of a country is accelerated alongside strengthening of the democratic process. The people of Bangladesh reflect their opinions through casting ballots directly in the national and local government elections. Appropriate roles of the participating candidates along with the Election Commission, the administration assigned with election-related tasks and the ruling party are very important in holding these elections. Although the tenure of the undivided¹ Dhaka City Corporation had expired on 15 May 2007, elections to the subsequently bifurcated Dhaka North and Dhaka South City Corporations were stalled for a long time and they were therefore run by unelected officials.² Administering Dhaka City Corporation through unelected administrators for a prolonged period was in effect unconstitutional. However, hopes were generated among the countrymen regarding resolution of political rifts in the backdrop of a confrontational political scenario after the announcement of elections for Dhaka North, Dhaka South and Chittagong City Corporations. As part of its programs, TIB had conducted a number of researches on the national election process and the Election Commission in the past. As a part of the continued effort to track the development of the electoral culture, an initiative was taken for conducting this research by observing the election process in the three city corporations.

1.1 Objectives of the Research

The main objective of this research was to track the election process of Dhaka North, Dhaka South and Chittagong City Corporation Elections held in 2015. The specific objectives were to review the election-related laws and rules, to observe to what extent the contesting candidates were adhering to the laws, regulations and rules, and to review the roles of other stakeholders involved in the election process.

1.2 Methodology of Research

This research is based on both qualitative and quantitative data, gathered from both primary and secondary sources. For collection of data from primary sources, 28 wards out of 134 (20.90%) from the three city corporations were selected as sampling areas on the basis of the number of voters and geographical dispersion. All the 28 wards were randomly selected from the respective city corporations. Three mayor candidates backed by the Awami League (AL), the Bangladesh Nationalist Party (BNP) and Jatiya Party (JP) respectively were included in the sample considering the fact that maximum competition was likely to take place among them. In case of councillor candidates for the general and reserved seats, a total of 101 candidates³ backed by the Awami League and BNP were chosen as the sample with four candidates (two general and two reserved) in each ward.

Data were collected based on a checklist from a total of 872 individuals who were related to and well-aware about the election process and had consented to provide information directly. They included mayoral and councillor candidates, workers of candidates, election agents, political leaders, voters and local citizens, professionals of the print and electronic media, members of the law

¹ The grand alliance government bifurcated the former Dhaka City Corporation into Dhaka North and Dhaka South on 30 November 2011.

² Dr Badiul Alam Majumdar, 'City Corporation Election: Some Questions and Apprehension', *Daily Jugantor*, 6 April 2015.

³ 56 general candidates, 45 candidates for reserved seats.

enforcing agencies, officials of military and civil intelligence agencies, election officials, experts on election and other individuals. The indirect sources of information included laws and rules on election, relevant research reports, essays, books, electronic and print media, and the internet.

All information covered by this research were collected and verified from more than one source. The information included in this research covered the period starting from 16 February to 28 April 2015, and data for the research were gathered from 8 to 28 April 2015. It may be mentioned that the observations in this research may not be equally applicable for all candidates and centres in the three city corporations.

2. Research Findings

2.1 Limitations of the Concerned Laws and Rules

The city corporation elections are regulated by the Local Government (City Corporation) Act, 2009 (amended up to 2011), the Local Government (City Corporation) Election Rules, 2010, and the City Corporation (Election Conduct) Rules, 2010. It is found that in the rules sector-wise (for example the number of posters, leaflets, handbills, and banners) election expenditure of candidates for general and reserved seats is not mentioned. The provision for monitoring election expenditure of candidates as well as punishment for excess expenditure and the provision for updating expenditure ceiling after a certain period are absent. There is no provision related to scrutinising the submitted returns on election expenditure by the candidates. There is a provision for the election of a reserved councillor against every three wards, which creates unequal burden on the contestants. There is also an absence of a separate rule on their age limit. Moreover, the 'City Corporation (election conduct) Rules, 2010 does not mention about the use and expenditure for internet-based social media, electronic and print media, which creates the opportunity to spend through these media without adequate monitoring. Overall, the limitations of the existing legal framework in reality create scope for additional expenditures in excess of stipulated ceilings.

2.2 Election-related Information about Candidates according to their Affidavits

All the nine (9) mayoral candidates and 56 general councillor candidates included in the research are males. The average age of mayoral candidates was 54 years, while the average age of councillor candidates for general and reserved seats were 52 years and 45 years respectively. Although the mayoral candidates fared better in terms of higher education, i.e. five out of nine had graduate/post-graduate degrees, almost one-third of the councillor candidates for general and reserved seats declared them illiterate or self-educated. All the mayoral candidates mentioned 'business' as their main profession in the affidavit; while on the other hand, most of the councillor candidates for general and reserved seats mentioned business (73.2%) and household-work (46.7%) respectively as their main professions. The average monthly income of the mayoral candidates is Tk 2.852 million, whereas the average monthly incomes of the councillor candidates for general and reserved seats are Tk 494 thousand and Tk 169 thousand respectively. Out of the nine mayoral candidates, there are cases against three; there are as high as 37 cases against one of the candidates. Cases related to criminal offence are in progress against 41.07 percent of the councillor candidates for general seats, and 11.1 percent of the councillor candidates for reserved seats.

The mayoral and the councillor candidates for general and reserved seats mentioned Tk 3.346 million, Tk 283 thousand and Tk 345 thousand respectively as their probable expenditures for electoral campaign.

2.3 Observations on Election Expenditure

Financial transaction for getting party support: There were allegations that some of the mayoral candidates spent money for getting party support for their candidature. It was alleged that the amount the Chittagong City Corporation candidates had to part with ranged from Tk 2 million to Tk 70 million. However, no such allegations were raised in case of candidates for Dhaka North and Dhaka South City Corporation. On the other hand, there were allegations that a section of councillor

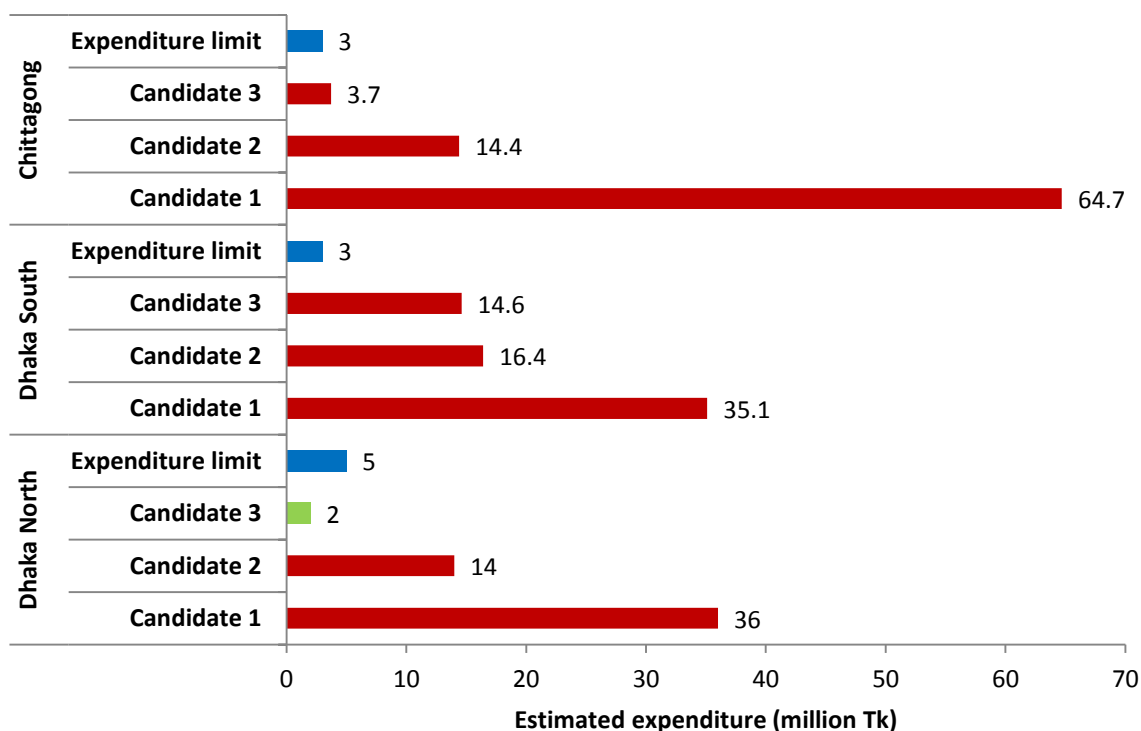
candidates spent money for getting party backing, which ranged from Tk 200 thousand to Tk 500 thousand, while the amount spent by female councillor candidates ranged from Tk 100 thousand to Tk 800 thousand. Although there were similar complaints against a section of councillor candidates for reserved seats in Dhaka, the amount could not be known.

In case of the mayoral candidates, it is alleged that either the candidate himself or a section of local contractors, businessmen and industrialists on his behalf paid this money to different government functionaries, party funds and top level leaders and advisers of the respective political parties. In case of councillor candidates, it is alleged that payments were made either by the candidates themselves, or their family members, relatives and friends to the local Members of Parliament, mayoral candidates and a segment of local influential leaders.

2.3.1 Estimated expenditure of mayoral candidates

It is seen that all except one candidate crossed the expenditure limit set by the rule. It may be noted that according to the rules, the expenditure limit for Dhaka North was Tk 5 million and for Dhaka South and Chittagong it was Tk 3 million. From the estimations, it is seen that all the three mayoral candidates of Chittagong City Corporation had crossed the expenditure ceiling. Of them, one spent the maximum amount of Tk 64.70 million. On the other hand, although the three mayoral candidates of Dhaka South crossed the expenditure limit, one candidate in Dhaka North remained within the limit. It may be mentioned that one mayoral candidate of Dhaka North spent the highest amount worth Tk 36 million, while a candidate of Dhaka South spent Tk 35.1 million. If the average expenditure of mayoral candidates is examined, it is seen that the candidates of Chittagong City Corporation spent Tk 27 million on an average. On the other hand, the candidates of Dhaka North and Dhaka South spent Tk 16 million and Tk 22 million respectively on an average.

Figure 1: Estimated expenditure of mayoral candidates (million Tk)

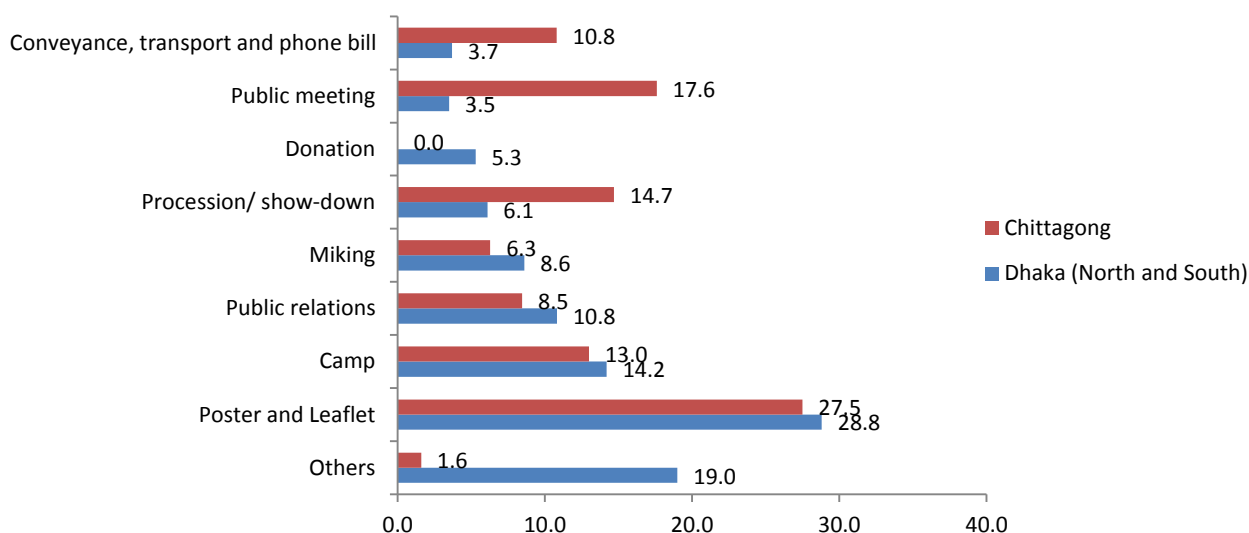


If the data related to election expenditure of mayoral candidates are examined irrespective of their party affiliations, it is seen that the AL-supported candidates spent more money compared to the candidates of BNP and JP. The AL-supported candidates spent Tk 35.60 million on an average in

Dhaka North and Dhaka South, and Tk 64.70 million in Chittagong City Corporation election. On the other hand, the BNP candidates spent Tk 13.40 million on an average in Dhaka and Tk 14.40 million in Chittagong. The Jatiya Party candidates spent Tk 8.30 million in Dhaka and Tk 3.70 million in Chittagong.

Expenditure heads of mayoral candidates in election campaign: It is seen that maximum expenditure was incurred for posters and leaflets. The expenditure incurred by mayoral candidates of Dhaka in this area was 28.8 percent and the proportion was 27.5 percent in Chittagong. Besides, the Chittagong mayoral candidates spent money for travel and transportation (10.8%), public meetings (17.6%), and meetings/showdowns (14.7%) by violating electoral rules. But in Dhaka, expenses under these heads were 3.7%, 3.5% and 6.1% respectively.

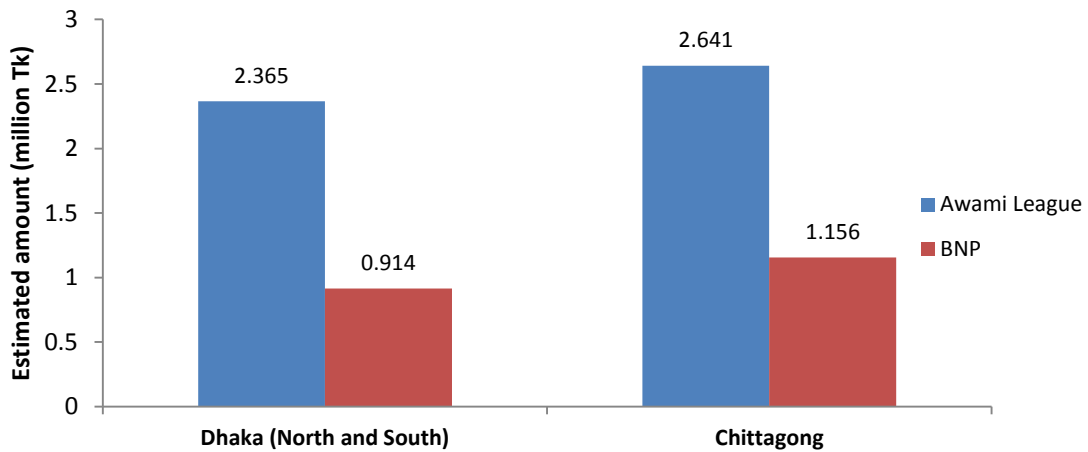
Figure 2: Expenditure heads of mayoral candidates in election campaign (%)



2.3.2 Estimated election expenditure of general councillor candidates

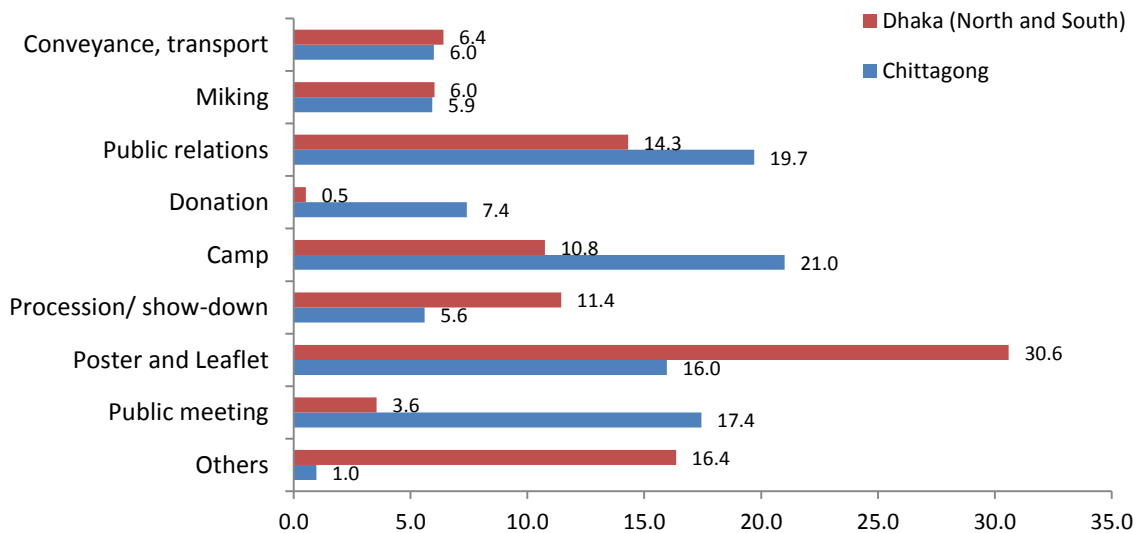
It is seen that the general councillor candidates of Chittagong incurred the highest average expenditure worth Tk 2.373 million. On the other hand, the councillor candidates of Dhaka North and Dhaka South spent Tk 1.639 million on an average. The AL-backed councillor candidates in the three city corporations spent Tk 2.641 million in Chittagong and Tk 2.365 million in Dhaka, which was higher than the BNP candidates (Tk 1.156 million in Chittagong and Tk 914 thousand in Dhaka). It should be noted that the highest expenditure ceiling for general councillor candidates in the city elections was Tk 600 thousand.

Figure 3: Estimated expenditure of general councillor candidates (million Tk)



Expenditure heads of general councillor candidates: The highest expenditures incurred by the councillor candidates in Chittagong were for setting up camps (21%) and public relations (19.7%). On the other hand, the highest expenditures were incurred for posters/ leaflets/ placards (30.6%) by candidates in Dhaka.

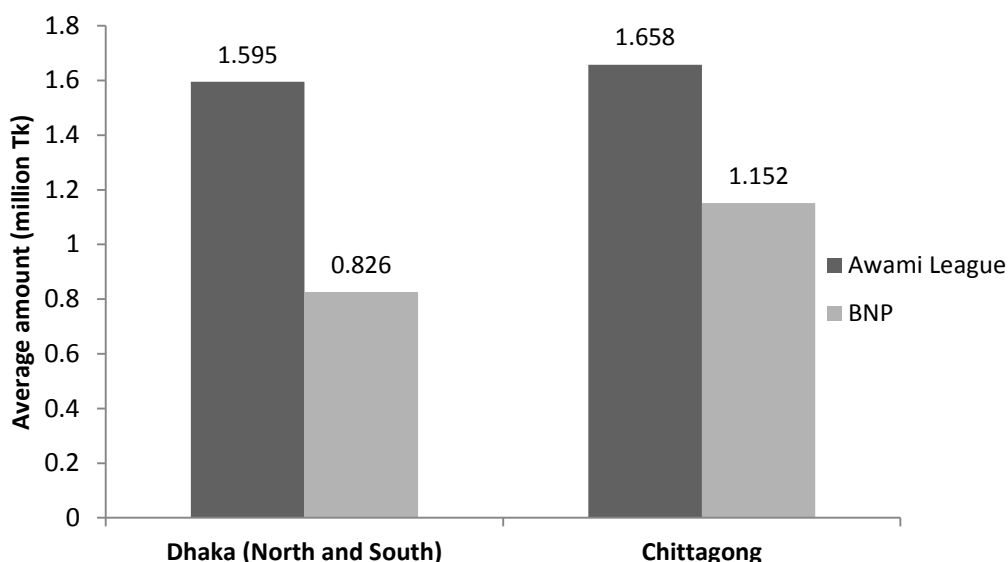
Figure 4: Expenditure heads of general councillor candidates (%)



2.3.3 Election expenditure of councilor candidates for reserved seats

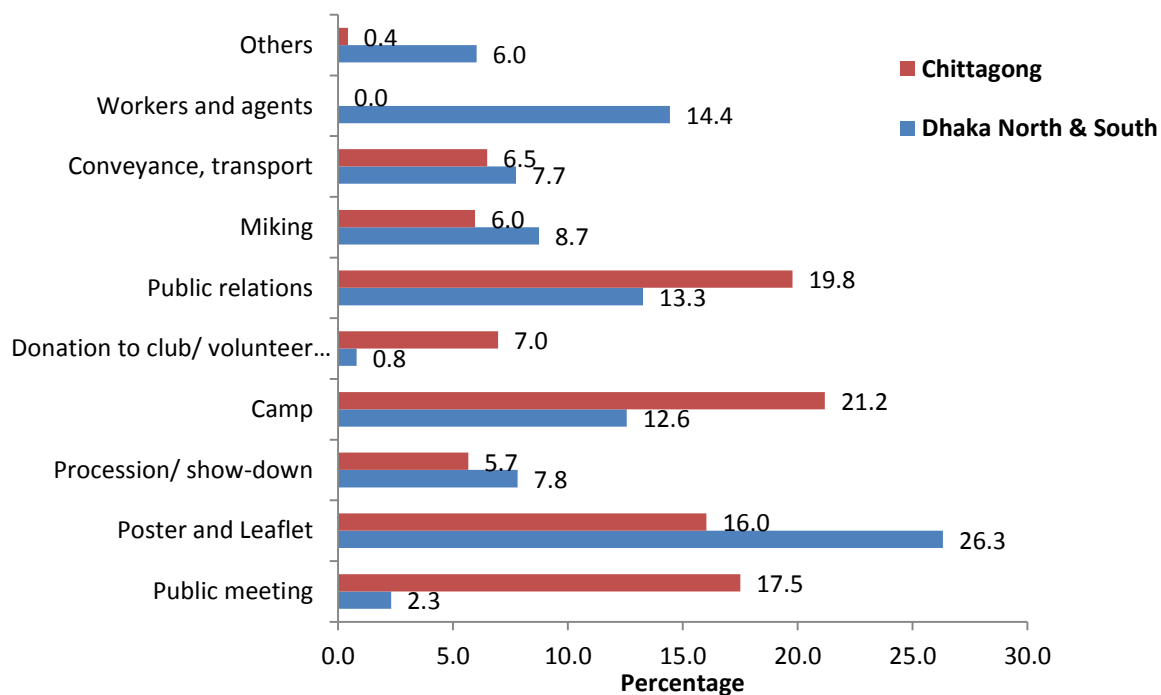
It was noticed that the average election expenditures of AL-backed councillor candidates for reserved seats were higher than the BNP-backed ones in the three city corporations. In Chittagong, the election expenses on an average for AL and BNP-supported candidates were Tk 1.658 million and Tk 1.152 million respectively. On the other hand, the estimated election expenditures on an average for AL and BNP-backed candidates in Dhaka were Tk 1.595 million and Tk 826 thousand respectively. It may be noted that the expenditure ceiling for councillor candidates of reserved seats in city elections were Tk 905 thousand in Dhaka and Tk 1.08 million in Chittagong.

Figure 5: Estimated expenditure of councillor candidates for reserved seats (million Tk)



Expenditure heads of councillor candidates for reserved seats: The highest expenses were incurred by the councillor candidates for reserved seats in Dhaka for posters and leaflets (26.3%), and workers and agents (14.4%). On the other hand, the candidates in Chittagong spent the highest amounts for setting up camps (21.2%), public relations (19.8%), public meetings (17.5%), and for poster and leaflet (16%).

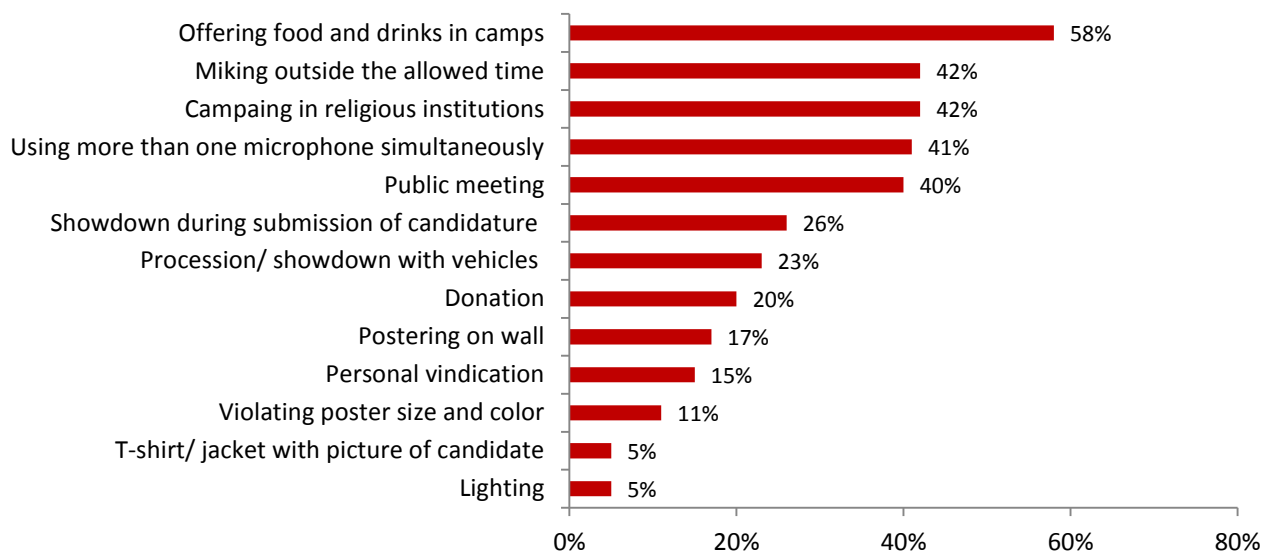
Figure 6: Expenditure heads of councillor candidates for reserved seats (%)



2.3.4 Types and frequency of violating code of conduct by all candidates

It is seen that 58% of the candidates violated the code by offering food and drinks in camps and by giving away gifts and tips. Microphones were used in publicity by 42% of the candidates before and after the stipulated time, and 41% of the candidates used more than one microphone simultaneously. Besides, violations like holding public meetings (40%), showdown during submission of nomination paper (26%), processions cum showdowns with vehicles (23%), offering donations on behalf of candidates openly or in secret (20%) took place contravening the electoral code of conduct.

Figure 7: Types and frequency of violating code of conduct by all candidates (%)



2.4 Role of Other Stakeholders

The Election Commission (EC): The role of the EC is the most vital for holding a free, fair, and neutral election that is acceptable to all. However, it was seen that the role of the Commission was limited to publishing the information on affidavits submitted by candidates on its website, issuance of warning notices to the AL, BNP and JP-backed mayoral candidates and some councillor candidates of general and reserved seats for violating election law, and imposing fines on them. Although the Commission has adequate authority, no stringent measures like cancellation of candidature were taken by the EC. An environment conducive to holding a free, fair and neutral election was not materialised due to the weak stand of the EC. A confusing situation was created amid allegations of partisan role due to the weak stand of the Commission on the issue of army deployment. Appropriate actions were not taken against direct participation of election officials in vote stuffing in some polling centres, capture of centres on the election-day, vote-rigging, putting seals on ballot papers without hindrance, etc. Although the attention of the EC was drawn to the absence of polling agents of candidates backed by parties other than the ruling AL, inadequate safety of polling agents, hindering entry of media workers in polling centres, attacks on the journalists etc., no instantaneous actions were taken by the EC.

Political Parties: It is observed that the political parties influenced the election process directly. Alongside openly extending party-support to the candidates directly, the candidates were also forced to withdraw their candidature by AL. For ensuring the victory of AL-supported candidates, the leaders and workers (local and from outside) of the party including MPs took control of the polling centres on a significant scale. There were vote riggings and clashes centring on these incidents between the supporters of the AL-backed and other candidates. Besides, observation of election expenditure and other activities of the candidates showed that although the BNP participated in the election, they were deficient in undertaking competitive activities. BNP did not deploy agents or workers despite the environment being peaceful in some instances, opinions of the mayoral

candidates were not sought when the decision was taken to boycott the election on the polling day, and it forced the candidates to boycott the election which altogether hindered the election process.

Law Enforcing Agencies: In many instances, the law enforcing agencies did not take measures against violations of code of conduct by the supporters of different candidates at the polling centres on the election-day. In some cases the law enforcers directly participated in vote rigging and played a supportive role for the AL-backed candidates.

Civil Society & Organizations: As much hope was generated centring the three city corporation elections, the civil society members discharged their responsibility by taking these elections seriously. They published and publicised analytical reviews on the information provided in affidavits and election manifestos of the candidates, the roles played by the political parties, etc. They conducted activities like deliberations on selection of appropriate candidates, direct talk-shows and 'face-to-face with the people' programmes, round-table discussions etc. However, two factions of the civil society waged campaigns for the candidates of two political parties, which generated much controversy in public mind.

Voters: A review of participation of voters in the election process show that although some voters could cast their votes, many could not due to casting of false votes and obstructions. Besides, arrangements were made to bring voters to the polling centres for casting votes in favour of certain candidates. Money was distributed among low-income people on the night before the election day.

News Media (electronic and print): The news media played a crucial role in the three city corporation elections. Notable among these roles were publishing and publicising the information provided by the candidates in affidavits and election manifestos. Besides, various activities like election campaigns, different incidents of code of conduct violations, activities of participating organizations including the EC, etc. were publicised. Programmes like direct talk-shows, 'face-to-face with the people' and similar events were broadcast by the private TV channels. Although the mayor candidates supported by the two major parties were initially given prominence compared to the campaigns by other mayoral candidates, later other candidates were also given importance by the media.

3. Conclusion and Recommendations

An overall analysis shows that the three city corporation elections in effect have become a partisan election. The selection and extension of support to candidates by political parties, efforts for getting party backing by candidates, forcing candidates either to withdraw candidature or to boycott election by the parties, utilisation of government institutions, exercise of powers of MPs and influence-peddling on behalf of the government for ensuring victory of the ruling party-backed candidates - all are manifestations of this trend. The EC failed to discharge its responsibilities independently, as it failed to create equal opportunities for all candidates due to the lack of firmness in conducting the election, non-application of election law equally for all, and partiality in taking actions for violation of electoral code of conduct. In many instances, the Presiding Officers, magistrates, officials of the law enforcing agencies failed to perform their professional responsibilities. There was also a trend among the candidates to disobey the code of conduct. Crossing the stipulated expenditure ceiling by the candidates and violations of the electoral code of conduct were noticeable. Overall, the three city corporation elections cannot be termed as free, fair and neutral.

Recommendations

1. The city corporation election laws should be amended and updated that must include the following:
 - The expenditure ceiling of all candidates should be stipulated under different heads (including electronic and print media);

- There should be provision for monitoring the election expenses of candidates during election campaign;
 - The ceiling of election expenditure should be regularly updated;
 - The expenditure ceiling of candidates for reserved seats should be specified separately;
 - There should be provision for the scrutiny of submitted returns on election expenditures by the candidates;
 - The use of social communication media should be brought under the purview of election rules.
2. The reliability of information provided in the affidavit of candidates should be ensured by the EC and actions should be taken in line with law in case of deviations.
 3. Modern technology such as use of electronic voting machines (EVM) and close-circuit cameras should be applied for curbing vote rigging.
 4. The scope for discharging responsibility in an environment free from political influence should be created for election officials (presiding, returning and polling officers) and the law enforcement agencies.
 5. Adequate measures should be taken for facilitating easy access of journalists to polling centres and for ensuring the security of election observers.
 6. Qualified people having resolute personality and capable of ignoring political influences and external pressures should be appointed to the EC.
 7. The EC should apply its constitutional powers properly in order to hold free, fair and neutral elections.