Executive Summary

Introduction

In a parliamentary form of Government, the Parliament or the legislative body occupies the central position in the national integrity system. Parliament plays the most important role in institutionalization of democracy and promoting good governance. The extent to which the parliament can discharge this key role and meet public expectation depends on the transparency and integrity of the process through which the Members of the Parliament get elected. It goes without saying that free, fair, neutral and credible election is indispensable for democracy, democratic institution-building and democratic practice. It is through elections of this nature that true reflection of voters’ choice is reflected in the election of their representatives empowered to form the government and at the same time holding the government accountable.

Like in many other developing countries of the world, there is much to be desired in terms of the degree of transparency and neutrality of elections in Bangladesh. Among factors that undermine credibility of election is the failure to fully and effectively comply with and enforce the relevant laws and rules in the process leading to the date of the election, which remains a predicament against progress towards democracy. In a study conducted by Transparency International Bangladesh (TIB), it was revealed that in preparation for the election to the Parliament scheduled on 22 January 2007, which was later postponed, candidates aspiring to be nominated had already spent 3 times higher than the permissible spending limit even before the date of withdrawal of nominations, in other words before the formal commencement election campaign, when spending for election was illegal. But the Election Commission or any other relevant authority could not take any action to prevent it, nor to take any action against such violations.

Against this backdrop, TIB has undertaken this study to track the process from leading to the national election for the 9th Parliament due on December 29, 2008 and for a month thereafter. This report is the first in a series of three, based on findings up to December 11, which was the date of withdrawal on nominations following which formal campaigning would have started. A second report will be released soon after the election based on data collected during December 12 till the date of the election (December 29). A final report will be released within 3 months of the election analyzing the findings of the research for the whole period including one month after the election.

The post-January 11, 2007 government initiated a reform process that included the reconstitution of the Bangladesh Election Commission undertook completed the preparation of a fresh voter list along with national ID, delimitation of constituencies,

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1 This report, co-authored by Shahzada M Akram, Senior Research Officer, and Shadhan Kumar Das, Research Officer of TIB, was released through a Press Conference held in Dhaka on 24 December 2008. For full report (in Bangla) please visit: www.ti-bangladesh.org.
amendment of the Representation of the People Order (RPO) 1972, updating of the electoral code of conduct.

Among activities banned under the Electoral Code of Conduct for Political Parties and Candidates 2008 are the following:

- Any electoral campaign three weeks prior to the date of election;
- Any donation or promise thereof to any organization or commitment for particular local developmental scheme located in the constituency by the concerned candidate;
- Using any government establishment such as government bungalows or offices for the campaign by any candidate;
- Public meeting on any road obstructing public movement;
- Posting posters, leaflets and other printed material on any installation including walls, trees, electric or telephone polls, transports, government or privately owned buildings;
- Printing multi-color posters and bigger than 23” x 18”; using pictures other than the candidate and his/her party leader;
- Graffiti;
- Displaying symbols larger than 3 meters;
- Procession using any sort of motorized vehicle such as truck, bus, train, water vehicle or air-borne vehicle;
- Show-down during submission of nomination paper;
- Erecting gates;
- Using shirt or jacket for campaign material;
- Decorative-lighting for campaign using electricity;
- Electoral campaign in any place of prayer of any religion; and
- Crossing the upper limit of expenditure as determined by the EC (i.e., maximum Tk 15,00,000 for any constituency)

Methodology
In this study, information has been collected from both primary and secondary sources. Primary sources of information include observation and investigation in 40 constituencies selected through a purposive sampling based on the lowest difference of vote cast between the top two contestants in the last national election in 2001. The constituencies are located in 32 districts as shown in the map while their divisional distribution is shown in the chart below.

Chart 1: Divisional distribution of selected constituencies.
Secondary sources of information include election related laws and rules, reports, publications, and reports published in the media and websites.

**Key Findings**

In the 40 constituencies covered by the study a total number of 142 candidates conducted election campaigns during the period. Among them 51 (35.9%) were from Bangladesh Awami League (AL), and 44 (31%) from Bangladesh Nationalist Party (BNP), while others were from Jamaat-e-Islami (4.2%), Jatiya Party (Ershad) (8.5%) and independent candidates (5.6%). Most of these candidates started their campaign two months prior to the declaration of election schedule.

The study reveals that up to the last date of withdrawal of nomination (11 December 2008), in other words before commencement of legally permissible campaign and spending for the same, the candidates spent a total amount of Tk 43,227,400. Accordingly on an average each candidate spent Tk 304,418.

Major heads of such expenditure included donation and gift, organising meetings, public relations activities, and expenses for party workers including their transportation. For donations and gifts candidates spent a total amount of Tk 13,865,000, whereas Tk 9,814,000 for organising meetings.

A total amount of Tk 17,135,400 (Tk 389,441 on an average) was spent by the 44 BNP candidates, whereas Tk 15,779,200 (Tk 309,396 on average) was spent by 51 AL candidates. Among the BNP candidates, the highest amount spent by one candidate was Tk 1,978,000, while the highest amount spent by an AL candidate was Tk 1,602,500. However, independent candidates spent the highest amount as individuals – Tk 329,714 on an average while the highest amount spent by one independent candidate was Tk 3,850,000.

**Chart 2:** Party-wise average estimated expenses prior to formal opening of campaigns

(Figures in Taka)

Violation were in the nature of holding public meetings (55.9% of the candidates), gifts and donations (28.2%), motor cycle rally or show-down (23.2%), printing posters (9.2%), printing leaflets, banner or festoons (4.9%), maintaining camps (3.5%), using mikes (2.8%), and graffiti (1.4%), which are violation of the electoral code of conduct even within the legitimate period of campaign. Other violations include giving promises for local development, using religious institutions and festivals for campaign, and posting posters on walls and other installations.
Improvement over 2007

Notable improvement has been observed this year over situation observed prior to the postponed election of January 22, 2007. The average spending violating the code in 2007 was well over Taka 1.5 million compared to little over Taka 300,000. The comparative picture is shown in the Table below. In 2007 it was observed that before the commencement of legitimate campaigning for the postponed election, a total number of 122 candidates conducted election campaigns in the 40 selected constituencies, and spent a total amount of Tk 185,545,350 up to the last date of withdrawal of nomination (3 January 2007). Accordingly each candidate spent more than Tk 1,520,000 on an average. In these constituencies, 15 candidates of AL (35.7%) and 31 candidates of BNP (50.8%) spent more than Tk 500,000. Major heads of such expenditure included organising rallies and processions, establishing and maintaining election camps, expenses for workers and transportation.

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<thead>
<tr>
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<th>Postponed Election 2007</th>
<th>National Election 2008</th>
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<tbody>
<tr>
<td>No of Political Parties</td>
<td>7</td>
<td>19</td>
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<tr>
<td>No of Nomination Seekers</td>
<td>122</td>
<td>142</td>
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<td>Total spending before the permissible period (Tk)</td>
<td>185,545,350</td>
<td>43,227,400</td>
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<tr>
<td>Average spending (Tk)</td>
<td>15,20,864</td>
<td>304,418</td>
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<tr>
<td>Average spending by BNP Candidates (Tk)</td>
<td>17,51,204</td>
<td>389,441</td>
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<tr>
<td>Average spending by AL Candidates (Tk)</td>
<td>13,95,912</td>
<td>309,396</td>
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<tr>
<td>Average spending by JP Candidates (Tk)</td>
<td>5,79,300</td>
<td>182,958</td>
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<tr>
<td>Average spending by Jamaat Candidates (Tk)</td>
<td>5,85,313</td>
<td>236,217</td>
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<tr>
<td>Average spending by Independent Candidates (Tk)</td>
<td>55,000</td>
<td>329,714</td>
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Other Key Observations

Political Parties: The political parties and candidates have demonstrated an improved tendency to abide by the electoral code of conduct. However, the political parties have not fully complied with the rule of nominating candidates from the list sent from the grassroots committees. On the other hand, there have been reports of money spent to satisfy party workers at the grassroots for nomination. There were also reports of transaction of money for securing nomination. In addition, in violation of the code, parties were found to hold public meetings obstructing roads.

Election Commission: The Election Commission made a commendable effort in engaging stakeholders including political parties, civil society organizations and media in reforming the RPO and the code. However, that the reformed RPO was relaxed in many ways like making room for participation of bill and loan defaulters. The Commission has

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yet to develop the capacity to enforce the laws and provisions it has made as evidenced by findings of this report.

**The Media:** The media – both print and electronic - has played a very significant role in contributing to the creation of conditions for free fair and credible elections. Both print and electronic media have brought public notice information on candidates, comparative analyses, electoral conducts by candidates, and the importance of electing credible, capable and honest candidates.

**Non-governmental Organizations:** Non-governmental organizations have been actively engaged with the Election Commission in amending electoral laws and rules. Many of them have campaigned for honest and credible candidates. Others taking part in voter education programs, training of electoral officers, and creating public opinion, have also been active. They have also made preparations for election monitoring under new regulations introduced by the Election Commission.

**Recommendations**
1. Action should be taken by the EC to observe and investigate incidences of violations of electoral conduct rules and limit of expenditure for campaigning by the candidates, and take necessary actions.
2. Media can play more proactive role in making investigative reports on election spending.
3. Political parties should exercise self-regulation and adopt strictly enforceable policies and guidelines to prevent campaign spending before permissible limits both in terms of timing and amount of expenditure.
4. The civil society organizations working on advocacy for promoting democratic institutionalization and democratic practice should continue to be vocal against the violation of electoral codes of conduct by the candidates.