

Role Of Election Commission In Ensuring Free And Fair Election In Bangladesh: A Critical Analysis

Researcher

Name: Asif Zaman

ID: 181-38-231

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Department of Law

Daffodil International University

Supervisor

S.M.Saiful Hoque

Assistant Professor

Department of Law

Daffodil International University



Daffodil
International
University

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Letter of Transmittal

S.M.Saiful Hoque

Assistant Professor

Department of Law

Daffodil International University

Dear sir,

After my utmost endeavor we have been able to make a research on "**Role Of Election Commission In Ensuring Free And Fair Election In Bangladesh**". Thereby it's a great pleasure for us to submit this research paper on the above stated topic. During concluding this research we have made all attempts to make this research useful and up-to-date by gathering all the relevant information in this paper so that it can fulfill one's thirst for knowledge and your expectation.

Therefore, we will remain grateful to you if you go through this research paper for your evaluation and we would be happy if any valuable suggestion is made from your part in this matter.

We are always available for any clarification of any part of this paper at your convenience.

Thanking you.

Name: Asif Zaman

ID: 181-38-231

Program: LLM

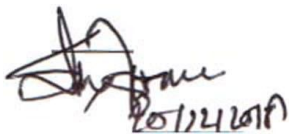
Department of Law

Daffodil International University

Certification of supervisor

This is to certify that the work entitled “**Election Commiession, Free And Fare Election**”, **An Analysis.**” is an original work by **Asif Zaman**, ID No: 181-38-231, Department of Law, Daffodil International University, completed under my supervision and submitted in the partial fulfillment of the requirement for the award of Master of Laws degree,LLM (final), from the Daffodil International University.

I wish him success.

A handwritten signature in black ink, appearing to read 'S.M. Saiful Hoque', with the date '20/12/2019' written below it.

S.M.Saiful Hoque
Assistant Professor
Department of Law
Daffodil International University

Declaration

I am **Asif Zaman**, ID No: 181-38-231, a student of Law Department of Daffodil International University, hereby declaring that, this Research Monograph is the outcome of the investigation and supervision done by me and also prepared by myself under the supervision **S.M.Saiful Hoque**, Assistant Professor of the Law Department of Daffodil International University.

I also confirm that, the paper is only prepared to my academic requirement not for my other purpose.

(Asif Zaman)
ID: 181-38-231
Program: LLM (final)
Department of Law
Daffodil International University.

Acknowledgements

Firstly we offer millions of heartfelt thanks to almighty ALLAH, who has given me strength to complete of this Research Monograph successfully. We are very much grateful to our Research supervisor **S.M. Saiful Hoque**, Assistant Professor of the Law Department of Daffodil International University who has given proper guideline to complete this research paper. Eventually, we remember our parents as well as classmates and other senior students for their great assistance for this research. We have always used the Library and Computer Lab of daffodil International University to complete our Report. So we express my heartfelt gratitude to all librarians and lab assistant. We also use the Library of Press Institute of Bangladesh. So we are equally thankful to all of their authority and their staff.

Abstract

Election, for the citizens of a democratic nation, is one of the most awaited events of their lives. It gives them a perfect opportunity to exercise their right to speech and expression as well as their right to vote. As described by our nationalist leaders election is a mammoth task in a country like Bangladesh which has such a huge population. However, this task has been undertaken by an independent body to ensure free, fair and democratic election- the Election Commission of Bangladesh. This paper attempts to analyze the journey of this independent body since its inception. It tries to trace the development that has been made in the process of election and compares the time of the origin of the commission with the present functioning of the commission. It puts light on the membership and the process for selection of member in the Election Commission. With the development of technology in this tech-savvy world new forms and methods of malpractices are emerging before the election commission, thus posing constant challenges for them. However, the steps taken by the Election Commission are continuously trying to curb such practices with stronger security measures and technological advancements. As far as the public at large is concerned, the Election Commission has to build a stronger fiduciary relation based on mutual trust by ensuring transparent procedures in the conduct of elections. The paper concludes with a few suggestions that should be inculcated by the commission to ensure a smooth functioning of democracy.

Keywords: Democracy, Election, Bangladesh, Vote.

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Chapter 1

1.1 Introduction

“Election” is a very common and famous word In Bangladesh. We will not find a single person in Bangladesh who did not heard the word Election., “An election is a formal decision –making process by which a population chooses an individual to hold public office”. “An election commission is a body charged with overseeing the implementation of election procedures”. So ,we can say that, election means the process by whom a group of people chose their own person or own candidate and the authority who control the whole election process from first to last maintaining the rules and regulations of the state, following /fulfill the terms and conditions of the institution is called Election Commission. The most important thing is that ,An election commission can be independent ,mixed ,judicial and executive. The term election refers to the act of choosing. As far as its political understanding goes it means the method of selecting one's leaders or representatives by casting votes.¹ The main importance of an election can be felt in a democratic nation and where the government practices democracy. Democracy means a government in which people rule over themselves. Hearn Shaw, while giving the meaning of a democratic state, has said, " A majority rule state, to put it plainly, is basically one in which the network all in all has sovereign specialist, keeps up extreme authority over issues and figures out what kind of legislative apparatus will be set up on the grounds that vote based system as a type of State isn't simply a method of government; however is just a model of delegating, controlling and expelling the government."² The race is a path through which individuals can express their dispute towards a political pioneer who has not satisfied his obligations amid his term by not voting in favor of him in the following decisions. Subsequently, a race can be named as a mechanism of correspondence between the natives and their chose agents. There are essentially two sorts of majority rules systems that exist to be specific: immediate and circuitous popular government. In the primary sort, individuals express there will straightforwardly of themselves on open undertakings and it was begun from the antiquated Greek City States. Another type of majority rule government is a backhanded popular government where the desire of the state is defined and communicated not specifically by the general population themselves, but rather by their agents to whom they delegate the intensity of pondering and choice making.³ There is a need to choose an agent. The agent might be chosen by the general population through the activity of the privilege known as the privilege to cast a ballot. Without this, it is difficult to choose agents in a vote based state. Parliamentary vote based system as visualized in the Constitution of India is ordered through a parliamentary Government which is of the British kind which implies that parliament isn't an official body. It is a deliberative body managing and superseding the exercises of the Government which is subordinate to it i.e., the Lok Sabha is chosen frequently after at regular intervals specifically by the general population based on grown-up establishment

1.2 Object of study

According to the constitution of People Republic Of Bangladesh, election commission is an independent and free organization but if we see and consider the history of last 47 years ,after independence any election commission get a lots of reputation and fame But as well as they had to bear some disrepute.

The main objectives of the study are to:

- Know and analyze the ways to organize the free and fare election.
- Focus on the constitutional duties of Election Commission .
- Duties of the responsible journalism.

1.3 Importance of studies

Bangladesh adopted its Constitution in 1972. However in 1973, the first initiative was taken for amending the Constitution and from than to till today under different regimes the Constitution has been amended .It has taken an attempt to closely analyze the sixteen amendment 2014 to the Bangladesh constitutionin this study.The study covers the impeachment of judges and open up an opportunity to make a comparative analysis.The findings of the study are helpful to the students, researchers, academics, constitutional experts and others.

1.4 Question of research

In my research paper my most emphasized questions are as following,

- a) If the "Election Monitoring Observer" is ordered to observe as like as "Tuneless Statue", then if they really needed ?
- b)The demand of giving the option of "No Vote" is not Important ?
- c) If candidates has no "institutional education", then how they will make law for the literate people ?
- d)Spend a lot of money for a non-participating election is seriously needed ?
- e) For a free and fare election is not essential to organize the national election in separate days not in one day ?

1.5 Methodology

To purchase books relating to the given topics i have gone some books shops and library . However, the information was not sufficient. Then to find out relevant materials about the topic i have started searching the World Wide Web and internet through Google search engines. I have also found some other study materials from some important books. I prepared the research paper on Role Of Election Commission In Ensuring Free And Fair Election In Bangladesh after studying the all document. At the beginning of preparing this research paper we have follow the instruction of my honorable teacher and supervisor S.M.Saiful Hoque, Associate Professor of the Law Department of Daffodil International University. Then i inquired the library of our university and asked for some reference books relating to the election and election commission .

1.6 Literature Review

This research paper is prepared in a manner only for Problem analysis and not focused on recommendations. This paper shows 16th Amendment is the Violation of Basic Philosophy of the Constitution: A Critical Analysis. Firstly, we read whole verdict has been written by the chief justice, Surendra Kumar Sinha, and the other six judges of the Appellate Division. The Supreme Court's decision to scrap the 16th amendment to the constitution, nullifying parliament's power to remove sitting judges, has given rise to a heated debate about the respective powers of the judiciary and the legislature. In light of the State vs. Masdar Hossain case verdict, the judiciary was separated from the executive and legislative organs on November 1, 2007. The Supreme Court scrapped the 16th amendment on the ground that it undermined the independence of the judiciary. Nullifying parliament's power to remove judges, the apex court reinstated the Supreme Judicial Council for the removal of errant judges.

The higher judiciary of Bangladesh is not totally free from the executive while performing its functions. Because under articles 95(1) and 48(3) of the Constitution, the President after prior consultation with the Chief Justice and on advice from the Prime Minister would appoint judges in the Supreme Court. Under Article 94, 95 of the Bangladesh Constitution judges are appointed and hold their offices during good behavior. Under Article 96 of the constitution they are impeached. According to the Commonwealth Latimer House Principles and, proceedings to determine whether a judge should be removed from office 'should include appropriate safeguards to ensure fairness'. The Latimer House Guidelines further indicate that a judge facing removal 'must have the right to be fully informed of the charges, to be represented at a hearing, to make a full defense and to be judged by an independent and impartial tribunal'. Article III federal judges are appointed to life terms while serving "during good Behavior," as stated in Section 1 of Article III of the United States Constitution.

1.7 Limitation of Study

Although this research was carefully prepared, researcher is still aware of its limitations and shortcomings. In this study it is tried to analyze various documents, books, journals, etc. I was not able to meet any person who is form the election commission or and election commissioner. I think that, the materials are not sufficient and very few pertinent research works are found in this regard. Moreover, web documents on the research area are limited; even their downloading or reading subscription is too high to have. So the non-availability of relevant materials was a limitation to this work.

Chapter: 2

Models Of Election Commission

In this part as a researcher I try to describe all over the world how many models of election process is practiced.

All over the world ,Election Commissions(EC) are performing their duties in Five types of models .They are,

2.1) Independent model

In the free model the decision commission is autonomous of the official and deals with its own financial plan. Nations with a free decision commission incorporate Australia, Canada, India, Indonesia, Jordan, Nigeria, Pakistan, Poland, Romania, South Africa, Sri Lanka, Thailand and the United Kingdom.

2.2) Branch model

In the branch demonstrate the decision commission is regularly called a discretionary branch, and is typically an unavoidably perceived separate part of government, with its individuals named by either the official or the administrative branch. Nations with a discretionary branch incorporate Bolivia, Costa Rica, Panama, Nicaragua and Venezuela.

2.3) Mixed model

: In the blended model there is an autonomous board to decide strategy, yet usage is generally an issue for an official office with shifting degrees of supervision by the free board. Nations with such a model incorporate Cameroon, France, Germany, Japan, Senegal and Spain.

2.4) Executive model

: In the official model the decision commission is coordinated by a bureau serve as a feature of the official part of government, and may incorporate neighborhood government experts going about as operators of the focal body. Nations with this model incorporate Denmark, Singapore, Sweden, Switzerland, Tunisia. In the United States, decisions for bureaucratic, state, and neighborhood workplaces are controlled by the official part of each state government - see, for instance, the Division of Elections of the Florida Department of State.

2.5) Judicial mode

In the legal model the race commission is firmly directed by and at last dependable to a unique "constituent court". Nations with such a model incorporate Argentina, Brazil and Mexico.

2.6) The Election Commission of Bangladesh

The Election Commission of Bangladesh" is an autonomous established body of the country of Bangladesh. Section 7" Of the Constitution Of Bangladesh Is about "Elections".Article-118 to Article - 226 is about the Election, Election Commission ,Election Commissioners ,its capacities and so on.

Chapter: 3

What is a Free, Fair and Credible Election

In this part as a researcher I try to describe the scholars who are working on election process give their statement about the free , fare and credible election.

3.1)free

'Free' implies that every one of those qualified for vote have the privilege to be enlisted and to cast a ballot and should be allowed to settle on their decision. In South Africa each subject beyond 18 years old is qualified for vote. A decision is considered 'free' when you can choose whether or not to cast a ballot and vote openly for your preferred hopeful or gathering without dread or terrorizing. A 'free' race is additionally one where you are sure that who you vote in favor of remains your mystery.

'Reasonable' implies that all enrolled political gatherings have an equivalent appropriate to challenge the races, crusade for voter support and hold gatherings and revitalizes. This gives them a reasonable opportunity to persuade voters to vote in favor of them. A reasonable race is additionally one in which all voters have an equivalent chance to enlist, where all votes are checked, and where the reported outcomes mirror the real vote aggregates.

Along these lines, we can undoubtedly say that, the race procedure which is finished with no enormous slip-up or issue and the voters give their vote independent from anyone else with no weight and nervousness then the decision will be known as a free and toll race.

So ,it is the obligation of the race commission to sort out a free and toll race.

3.2)Fair

The race is one of the key segments in guaranteeing vote based system since they "improve nationals' cooperation in administration, guarantee government responsibility and support political rivalry" . The free, reasonable and valid decision is one of the fundamental and vital requirements and components of majority rule government and administration . The decision would be solid, when principles, controls and laws administering the constituent procedure will be trailed by and eventually, the believable competitor will be openly and genuinely chosen to speak to the electorate . As per Diamond , free and reasonable decisions have significant four parts. These are: (I) Independent political gatherings will contend in appointive process in openly and reasonably; (ii) Individual must be allowed to take an interest in legislative issues and race process dependent on their own decision; (iii) Election process would be free and reasonable so every grown-up establishment can apply their casting a ballot right similarly with equivalent weight; and (iv) Finally, result of the race or tallying vote would be precise and genuine.

In this way, when all the four factors referenced above will be accessible all the while, lead and result of a decision, that race could be viewed as free, reasonable and dependable.

Rajasingham , have referenced three components of free, reasonable and trustworthy race:

- 1) An empowering authoritative structure,
- 2) The fair and unbiased organization including race commission, and
- 3) Competitive discretionary process acknowledged to all the political gatherings.

3.3)Credible

Subsequently, free and reasonable races mean widespread and measure up to access to the constituent procedure and to tallies which are mystery and free. This requires a nonappearance of extortion and dangers and that the votes are connected reasonably into decisions in a straightforward way and as per the law.

From the above talk the accompanying general highlights of free and reasonable race have been distinguished:

- A compelling lawful structure;
- To guarantee level with casting a ballot privileges of all inclusive grown-up establishment;
- Direct and mystery casting a ballot framework;
- Election commission would be free;
- Security of voters must be guaranteed when race;
- The reasonable play of decision organization;
- Competitive decision among all gatherings;
- Access to media and decision spectators in race process;
- Free discourse and affiliation;
- Counting cast a ballot precisely;
- Impartiality of acting government.

In this investigation, how far these highlights have been guaranteed in directing races in Bangladesh has been analyzed.

Chapter 4

Legal Framework of Electoral Process in Bangladesh

4.1) Election Process

The constitution of Bangladesh has a long discussion about the election process, about the election related persons, authority and the legal power of the authority. So, I try to bring the legal reflection of the election process in Bangladesh.

Race commission of Bangladesh is a sacred body. The structure and elements of the decision commission (EC) are counted partially vii (Articles 118-126) of the constitution of Bangladesh and some different laws. The key legitimate instruments for the lead of the races are

4.2) Legal Framework

- Constitution of Bangladesh (COB, 1972 up to fifteenth amendment 2011);
- Representation of individuals arrange (RPO, 1972, changed up to 2008);
- Code of direct for political gatherings and hopefuls (2008);
- Delimitation of voting demographics law (1976);
- Election move law (2007);
- Election move rules (2008).

Chapter – 5

Brief analysis of Elections held in Independent Bangladesh (1971-2014)

Since autonomy, 10 national decisions held in Bangladesh under different routines. These are March 1973, February 1979, May 1986, July 1988, January 1991, February 1996, June 1996, October 2001, December 2008 and January 2014.

5.1) Independent Bangladesh

1. The main national race was held on seventh July 1973 under the Prime Minister Sheikh Mujibur Rahman. In this election, Awami League (led by Sheikh Mujib) won with a landslide majority (293 out of 300 seats, 73.2% of the vote) and shaped the parliamentary type of government. This time, Awami League (led by Sheikh Mujib) had the huge notoriety and no other solid political gatherings were to contend in the race. Along these lines, the election was free and reasonable, however not aggressive and it was tastefully acknowledged by Bangladeshi individuals and worldwide networks. Then again, the most unfortunate event occurred inside two years of decisions. The administration corrected the constitution in January 1975 (fourth amendment) and changed the parliamentary arrangement of government into the presidential type of government. The multiparty framework was supplanted by a solitary gathering the Bangladesh Krishak Sramik Awami League (BKSAL). Subsequently, the intensity of parliament was reduced and the legal executive lost quite a bit of its freedom through this correction of the constitution.

The country lost its larger part democratic framework inside four years of opportunity and in August 1975, Mujib was mercilessly murdered by mid-level military power officers, and another administration was formed headed by Khandaker Moshtaque Ahmed. Two succeeding military coups have happened on November 3 and 7 that drive the exceptionally touchy circumstance announced by armed force head of staff General Ziaur Rahman (ZIA), yet later ZIA reintroduced a multiparty political structure.

2. The second national race was held on eighteenth February in 1979 under President Zia who likewise established another political gathering named Bangladesh Nationalist Party (BNP led by ZIA). In this race, BNP got greater part of the votes (207 out of 300 seats and anchored 41.16% votes) and Awami League got 41 seats (27% votes). In this race, add up to members were 29 political gatherings and 422 were autonomous competitors outside of any political gatherings. However, this race was aggressive, be that as it may, inquiries of decency and validity explained from the different corners as it was controlled by the organization under military ruler president ZIA.

Furthermore, consequent to executing of Sheik Mujib the Awami alliance as a political gathering was greatly weak. Anyway, the state again returned to the multiparty presidential sort of government; anyway inside two years (in 1981) ZIA was moreover executed by dissident segments of the military . As such, the well known government again destroyed by a military oust and finally the state control moved to the hand of another military ruler general H.M. Ershad in on March 24, 1982 . Following several years, H.M. Ershad also formed another political gathering like ZIA which has seen as Jatio get-together.

5.2)National Election

3. The third and fourth national race were held under H.M. Ershad government in 1986 and 1988 additionally, got a lion's offer in the two decisions (251 seats and 68.44% votes) by his gathering (jatio party) anyway it was certainly not engaged as all the huge limitation parties declined to participate in these races. Notwithstanding the way that al partakes in the third decision and got simply 26.15% votes yet in 4 the opposition both al and BNP decrease to participate in the race. Despite the confinement by restriction, the organization proceeded. The whole time of Ershad (1982-1991) was spoken to like a tyrannical ruler and saw as the severe administration of Bangladesh . In any case, protection from Ershad's standard began to recover drive, raising before the finish of 1990 in consistent general strikes, extended grounds difficulties, open restores, and a general issue of harmony and concordance.

4. The fifth national race was hung on 13 January 1991 under a between time overseer government. An impromptu delegated break government was formed by the heaviness of as three political affiliation (AL, BNP, and Jamaat) to make a trip from oppression to lion's share rule government by coordinating a sensible choice under a nonparty overseer government headed by the then boss equity Shahabuddin ahmed . In this decision, the BNP got 140, al got 88, Jatio party got 35 and Jamaat got 18 and the straggling leftovers of the seats went into packs of two or three unique gatherings . Most by far of the major political gatherings appreciate this decision additionally; it was seen by overall observers as a free, reasonable and solid race. BNP framed the legislature in alliance with Jamaat. Regardless, the huge opposition al affirmed that the race was not sensible and free and most by far of the parliamentary sessions were boycotted by them.

5. The 6th national decision was held under the BNP government in February 1996; be that as it may, the real resistance al and Jatio party boycotted this race due to the nonattendance of trust in the BNP administering gathering and enthusiasm for a non-party guardian government . Thus, the arrangement of guardian government (CTG) was received by the thirteenth amendment of Bangladesh constitution by the 6th parliament of BNP government in March 1996 through weight of restriction (AL and others) .The CTG will outline inside 15 days of the breaking down of the parliament and will involve the main advice as its head with ten distinct advocates chosen by the president to coordinate a free, sensible and dependable general decision inside 90 days and will outline an as of late picked government for quite a while . Afterward, three parliamentary decisions were held in June 1996 (seven), October 2001 (eight) and December 2008 as opposed to 2006 (nine) under this CTG.

6. The seventh national decision was hung on 12 June in 1996, CTG headed by quick resigned boss equity Habibur Rahman according to constitution of Bangladesh embedded by thirteenth amendment. In this decision, out of 300 seats, al got 146 (37.4% throwing cast a ballot), BNP got 116 (33.6%), Jatio party got 32(16.6% throwing cast a ballot), Jamat got 3(8.6) and others got 3 seats. This race was exceptionally focused, free, reasonable and trustworthy as indicated by national and global decision spectators. This decision was particularly centered, free, sensible and reliable according to national and overall race onlookers. In this race, the voter turnout was exceptionally high, where 75 percent of qualified voters cast their votes . In this decision, al drives union including Jatio party, got a dominant part and framed an administration and gathering pioneer Sheik Hasina turned into the PM. In any case, the washout party BNP guaranteed that it was not free and reasonable.

7. The eighth national decision was held in October 2001 under the CTG of Justice Latifur Rahman. In any case, BNP fussed that the provoke past government, the al had posted partitioned specialists. In any case, the eighth parliamentary race was hung on 1 October 2001. In this race, voter turnout was 75.5 percent . In the eighth parliament, BNP lead association together won and shaped the legislature, nonetheless, al lead collaboration stated against the choice to occur that it was manufactured and BNP supported by the CTG and association. To the extent the free and sensible race, it was recognized and expanded in an incentive by the national and worldwide decision eyewitnesses and medias .

Three progressive races, January 1991, June 1996 and October 2001, were held under the non-party ctg. In any case, the CTG structure itself got the opportunity to be questionable after the 2001 race; the choice BNP-drove alliance government took a couple of exercises to act the CTG for them like the extension of retirement time of boss equity to ensure a designated outcome . The decision government (BNP) on 26 October 2006, an overseer government (CTG) was presented headed by boss equity K. M. Hasan ahead of time of the ninth parliamentary decisions planned for 22 January 2007 . Chosen possibility for arrangement in the EC and the authority of the CTG who were inadmissible to the al-drove 14 party restriction collusions and claimed that these competitors were not nonpartisan and non-fanatic . Be that as it may, the BNP-drove government declined to go into any discourse with the resistance to conquer these distinctions .

8. The ninth national decision held under Fakhruddin Ahmed in December 2008. In any case, the logbook of the ninth parliamentary race was 22 January 2007, yet the conflicting condition and distinction between critical two political coalitions BNP and al continued for over two years.

The BNP drove alliance government wandered down on 27 October 2006, in any case, its named head of CTG surrendered boss equity K. M. Hasan, declined to expect obligation of CTG office .

By then, the BNP-drove government presented President Iajuddin Ahmed as the CTG head without considering another surrendered supervisor value which was an obvious encroachment of the acquirement of Bangladesh constitution .

It was exceptionally questionable and bargained with the lack of bias of CTG and no political gathering aside from BNP lead coalition accepted this . What's more, on 11 December 2006, four unique advisors of CTG furthermore surrendered unmistakably implying President Iajuddin uneven exercises and factional lead . In this way, the CTG was tainted and questionable by the then government, which was a creative arrangement of holding a free, reasonable and valid decision in Bangladesh.

A large portion of the political gatherings aside from BNP lead collusions denied to take an interest the race under this CTG. All through this circumstance, the ninth national decision did not occur in planned time on 22 January 2007 . The nation was quick heading towards a common war.

The leader of the military, naval force and aviation based armed forces on 11 January 2007 (that is 11 days before the booked general race on 22 January 2007) oblige

Chapter: 6

ORIGIN OF THE ELECTION COMMISSION IN BANGLADESH

As indicated by the composers of the Indian constitution, there was a requirement for an autonomous apparatus for leading decisions in a free and majority rule way in the nation and for that to end up a reality it was critical to have an autonomous hardware. Amid the surrounding of the key rights and the idea of the widespread grown-up establishment coming into the image, it was likewise commonly concurred that the races ought to be directed in a free and reasonable technique. Further, it was additionally concurred that there ought not be any impedance with the working of this apparatus by any of the organs of the administration hardware. A perusing of the pertinent arrangements of the Constitution identifying with decisions uncovers that the designers of Indian Constitution in their tension to guarantee a free position for such race expert made the intensity of Parliament and the State Legislatures to make Laws as for different constituent issues. Reasonable and free decisions, opportunity of thought, articulation and press and autonomy of the legal executive are the three columns on which the structure of majority rule government stands. On the off chance that the races are not reasonable and free the other two columns, opportunity of thought, articulation and press, and autonomy of the legal executive can be demolished through sacred means.

6.1)Justice M. Idris commission(1972-1977)

This race commission is the primary commission ever of. This decision commission was framed by Shekh Mujibur Rahman .After the demise of Sheakh Mujibur Rahman, this race commission worked still two(2) years.This commission was specifically control and checked by the despot rulers .Any sorts of National race was not composed by this first race commission of Independent Bangladesh.

6.2))Chowdhury A.T.M Masud Commission (1985-1990

This commission was shaped by President Hussain Muhammad Arshad. A country race was held under this race .But,any enormous gathering or national gathering was not taken part in the decision.

6.3) Abdur Rouf Commission (1990-1996)

Justice Abdur Rouf assumed the liability of the decision commission when the tyrant HUSSAIN Muhammad Arshad was the leader of Bangladesh. To state reality Justice Rouff was utilized by the administration however he could not be composed as free and toll and furthermore a taking an interest decision. The two celebrated political gathering Bangladesh Awami League and Bangladesh Nationalist Party BNP first participated in the race .National race of 1991 was a standout amongst other decision in the historical backdrop of Bangladesh Election Commission. Be that as it may, the celebrated race of fifteenth February, was likewise held under this commission. Yet, without B.N.P ,some other political gathering did not take an interest in the race .

Thus, inside multi month of the framing of government , the legislature of B.N. P was broken by the of president and political issue . Therefore , the commission needed to sorted out a national race . By this race awamileague government got the larger part and shaped government .

6.4) Shamsul Huda commission (2007-2012)

This was made or shaped by an overseer government ,however this legislature was coordinated by military. Principle achivement of this commission is sorted out the country decision of 2008.This commission could composed the Upozila Chairman race all the more then 350 Sub-District ,Union Parishad electon more than 1000(one thousand) association parishad,Mayor race more than 700(seven hundred) metropolitan region.

6.5) Kazi Rakibuddin Commission (2012-2017)

This decision commission is broadly known as " roki b commission". This race commission was shaped in the decision time of awamileague . This commission was framed By President Muhammad Abdul Hamaid .The most essential thing is that,a board of trustees named Search Committee was shaped by the president . President masterminded meeting with the political party .President gather the name from the political party of the magistrates as their desire . In any case, when the commission was framed ,numerous political gathering was not content with the commission .This decision commission sorted out the most renowned fifth January ,2014.The others race like Upozilla ,Municipal, Union parishad race was additionally held under this race .But, a large portion of them was brimming with slip-ups, uncalled for . A great deal of applicants prohibition or voykot the decision ,even the competitors of decision party.

After the analyze the historical backdrop of Bangladesh decision commission we can state that, with the end goal of a passage end free race is required the great wish of ruler.

Chapter: 7

Democracy agenda

Along these lines, we can undoubtedly say that, the race procedure which is finished with no enormous slip-up or issue and the voters give their vote independent from anyone else with no weight and nervousness then the decision will be known as a free and toll race.

7.1)observe Elections

Unprejudiced, sound race eyewitnesses assume a key job in deciding discernments about the quality and legitimacy of appointive procedures. The Carter Center has been a pioneer of decision reconnaissance, screen in excess of 100 races in Africa, Latin America, and Asia since 1989 and manufacture a significant number of the system now basic to the field. To ensure a significant, unprejudiced position for its race perception exercises, The Carter Center must be welcome by a nation's race foundation and invited by the major political gatherings.

Decision perception mission begin some time before vote day, with master and long haul onlooker examine race laws, survey voter training and enlist, and assessing equity in crusade. On race day, spectators evaluate the throwing and checking of tickets. In the days and weeks after the decision, observer screen the classification strategy, discretionary contention goals, and the production of last outcomes. Previously, amid, and following a decision, the Center's answer are accounted for from side to side gathering of individuals articulations.

7.2)Rising Guidelines for Election surveillance

To hold up unprejudiced, sound race reconnaissance, The Carter Center, in joint effort by methods for the U.N. Discretionary Assistance Division and the National Democratic Institute, molded the Declaration of Principles for International Observation, which perceived proficient rules for decision reconnaissance. The presentation has been approved by in excess of 50 association, which currently get together every year to discuss key difficulties.

7.3)Building agreement on principles for Democratic Elections

The Carter has assumed a most essential job in building agreement on standards for popularity based decisions. In 2010, the Center dispatch the Election Obligations and Standards Database, which solidify in excess of 150 wellsprings of worldwide law associated with human rights and decisions. It is old by The Carter Center and other race spectator to evaluate decisions against worldwide and nearby laws and principles.

The Center is likewise one of nine association that together run the ACE Electoral Knowledge Network. Pro is an online network and data archive that gives finish data and altered proposal to constituent administration bodies, political gatherings, common society association, and scientists.

7.4)Strengthening Democratic supremacy

A couple of self-overseeing decisions can't change a nation's political human progress. Perceiving that self-administering advances are long process, the Center works in focused nation to fortify the fundamentals of popularity based administration through a scope of program: conveying worldwide onlooker to screen political changes, established drafting, and harmony execution forms; giving preparing and support to residential vote spectators and human rights screen; and upholding for key self-overseeing and appointive changes.

Chapter: 8

Ensuring free and fair elections In India

India is gotten in the race fever, sitting tight to cast votes in favor of the sixteenth lok Sabha. The parliamentary survey is a standout amongst the most cyclopean wonder that any majority rules system in the cutting edge world has ever seen. It is this everyday practice, pursued once like clockwork, that rises the nation overall, and the world similarly, to the vision of virtuosos who outlined and jotted the Constitution of India.

8.1) Situation of India

The main Election Commissioner in 1950 accommodated 176 million qualified natives, for the most part unlettered, to cast their votes. Today, the electorate is roughly 800 million. It is the Election Commission of India which empowers India to win the unconceivable and demonstrate the unrealistic as far as popularity based strength.

This general decision is notable in more routes than one. While the strength of the youthful voter is obvious, the centrality of this decision, as far as India's status in the network of countries, will to a great extent rely upon the sort of Government the voters convey to the country.

The ECI merits recognition for featuring three objectives — giving less demanding access to voters to benefit conveyance, more prominent straightforwardness and better race the executives. It has started the constituent procedure to empower the nation of around a billion people to offer shape to another Government.

8.2) Fair Election

The ECI has issued rules for this general race under Article 324 of the Constitution, which has depended the Commission with the intensity of "superintendence, course and control". The present stretch of liquid country has seen incidental gaps between the ECI and the political gatherings over the forces and elements of the commission and the selectiveness of arrangement matters in the hands of lawmakers and the Government.

The Supreme Court has tried to reestablish the status of the ECI and defeat endeavors to scorn the essential structure of the Constitution. Governments, present and past, have been hesitant to start constituent change to help the poise and straightforwardness of the appointive procedure in India. The authorization to preclude competitors accused of egregious offenses is no place seemingly within easy reach.

The new estimates reported by the Chief Election Commissioner have maybe gone unnoticed. In the period of data innovation, the ECI has endeavored to expand straightforwardness by transferring on its web-based interface the oaths of hopefuls and discretionary jobs in PDF shape. It will likewise be webcasting from surveying stations. Moreover, electronic casting a ballot machines will be followed and there will be SMS-based survey observing.

Two earth shattering decisions of the Supreme Court have the right to be referenced here. The first is the July 5, 2013, arrange coordinating the ECI to outline rules for directing the substance of decision proclamation especially identifying with complimentary gifts. The second is the September 13, 2013, decision which held that if an applicant neglects to outfit all the important subtleties when documenting his assignment paper, even after updates from the Returning Officer, his designation paper is fit to be rejected. As needs be, the ECI has issued rules to Returning Officers for strict consistence.

Chapter: 9

Fair Elections and Responsible Journalism

As a wellspring of data, examination and remark on recent developments, the news media play out a few capacities in present day social orders. The fundamental objective of most expert columnists, in any case, is to serve society by educating people in general, investigating the manner in which control is worked out, animating just discussion, and consequently propelling the procedure of political, financial, social and social advancement.

A just race must be free and reasonable as well as observed to be free and reasonable. The media have a key task to carry out in this: giving data and investigation, working as guard dogs and being a course for voters' voices.

A race is something other than a noteworthy, exceptional, long-running news story. Races are about political gatherings seeking prevalent help so as to pick up power and the privilege to administer. Most races include pivotal choices about the eventual fate of the country (or state/area, city/town, town/rustic homes) concerned and their result depends, as it were, on how the media provide details regarding them.

The word media is gotten from the word medium connoting mode or bearer. The media are in charge of giving data, instruction and stimulation. The word media was first utilized in reference to books and papers, that is the print media, and with the approach of innovation, media currently incorporates TV, motion pictures, radio and the web. In this day and age, the media have turned out to be extremely fundamental since they assume extraordinary jobs in the general public. Aside the customary three key jobs of the media, they have a more noteworthy duty regarding guaranteeing free and reasonable decisions in any nation. Coming up next are manners by which the media can add to free and reasonable decisions in Ghana.

Right off the bat, the media go about as guard dogs to secure open intrigue. Media assume a guard dog job over every incredible organization in the public eye and guarantee that their choices and activities are in light of a legitimate concern for the bigger society. Jimmy Reid, a Scottish exchange unionist contends that the assignment of the media in a vote based system isn't to facilitate the way of the individuals who administer yet to make life troublesome for them by steady cautiousness with respect to how they practice the power they just hold in the trust of the general population. In perspective of this, the media are said to be the fourth bequest of the domain or the fourth arm of government on the grounds that the media help to put lawmakers and every single incredible establishment under control. The media ought to thusly teach the electorate on the functions of the Electoral Commission with the goal for all to value the obligation that has been put on the shoulders of the commission to extend our law based certifications by and by.

The more prominent duty regarding guaranteeing valid races lies with the media than government officials as in most Ghanaian electorate find out about issues, occasions and individuals from the media, including the now extremely famous online life. In this manner, the media need to communicate tenable data without being one-sided and emotional.

Likewise, since the media are seemingly the most imperative wellsprings of data and information, they have the colossal capacity to set society's motivation. The media ought not enable legislators to occupy the general population's consideration far from their records of execution and different issues applicable to harmony, congruity and advancement of the general public. Without the media, vote based races are relatively incomprehensible since the media are fundamental to vote based system that is the reason the administration's capacity to control the press was canceled for the press to stay allowed to rebuff the legislature. This is on the grounds that free and reasonable races are not just about the opportunity to cast a ballot and the learning of how to make a choice, yet a participatory procedure where voters take part out in the open discussion and host satisfactory data about gatherings, strategies, applicants and the race procedure so as to settle on educated decisions. The media must be striking to report precisely on whatever can crash the law based process.

Besides, the media are a fundamental organ of the popularity based set-up, a critical vehicle of correspondence and instrument in the production of general supposition. This has earned the media the trust to serve open premium. The media need to give genuine, itemized, reliable and believable record of occasions concerning the decisions. Columnists need to go to the surveys to report live-talking eyewitnesses, Electoral Commission authorities at the surveying stations and general society to guarantee everything is going admirably. They additionally need to write about inconsistencies, extortion, dangers of viciousness to inspire specialists to react. Additionally, gatherings of hooligans who are plotting to disturb the vote can be captured and managed if the media can give an account of it. Also, the TV and radio stations and online media need to make a point to give live outcomes so the electorate are appropriately educated about the result of races they have taken a section in.

At long last, races bear witness to the correct working of the popularity based framework in Ghana which is the reason the media must assume their vital job in guaranteeing that the surveys are free and reasonable. This is imperative to extend the law based certifications of Ghana and to demonstrate to the world that given the correct condition, we are fit for overseeing basic issues, for example, the lead of decisions. The media can't come up short Ghana on this.

The media assume three basic jobs in a decision:

1. First, they give data about the decision to subjects. Since individuals' mindfulness about the race depends to a huge degree on media content, columnists must report truly and decently on the stages and crusades of all the taking an interest political gatherings and additionally hopefuls with the goal that the electorate can separate among them and settle on educated choices. The media should likewise give understanding and investigation of occasions and issues, frequently by making space for the different sentiments of a scope of editorialists and pundits. Another critical undertaking includes passing on data from the decision commission to teach natives on the fundamental realities and procedure of races: the rights and duties of voters, how to enlist themselves as voters, where to cast a ballot, how to guarantee the mystery of their vote, who the applicants representing race from their electorate are, and so forth. What's more the

media can fill in as a connection between political gatherings and voters via conveying political notices, arranging banter among competitors, etc.

2. Secondly the media work as guard dogs in the interest of the general population, keeping close tabs on the decision crusade and the casting a ballot procedure. It is the media's business to provide details regarding any infringement of the privileges of competitors or voters (counting the privilege to free discourse), any defilement in race and casting a ballot methodology, any wrongdoing by political gatherings, or potentially any transgressions of oversight or commission by the decision the executives experts.

3. And, thirdly, the media need to fill in as the voice of the voters. Races are not only for lawmakers; they are, remarkably, an open door for common individuals to talk up, to recognize the issues they think require featuring and why. Writers must go out into the network to look for and give a gathering to the voices of normal voters who have a comment, particularly the individuals who falter to voice their conclusions on open issues in people in general circle or have been disregarded or even kept from doing so in the past.

As each columnist knows, at the most basic dimension, a great story contains the responses to the inquiries: who, what, when, where, why, and how? In decision announcing, these inquiries help characterize the essential substance of a news story. Who is the possibility for which party where? What are the gathering's ideological base, history and special moving point (assuming any)? What are the applicant's forerunners and accreditations? What guarantees is the competitor making? How does the hopeful mean to keep the guarantees? At the point when does the applicant hope to respect his or her guarantees? Who is paying for the competitor's battle? How could that influence the competitor's choices in the event that he/she is chosen? What is the competitor's reputation as a chosen agent or in his/her other field of work (assuming any)?

9.1) Ethical practice

Inclusion of races puts indistinguishable kind of duty on expert columnists from inclusion of some other subject. It's implied that they should regard proficient morals. At the most essential dimension they should avoid barefaced infringement of morals, for example, twisting of realities, over-accentuation on specific parts of a story, features that distort the substance of the story and, obviously, by and large creation of stories, statements, individuals and occasions.

At another dimension they should utilize just legitimate, lawful strategies to acquire data and assessment. They should abstain from announcing anything without checking the actualities – regardless of whether the data has been accounted for somewhere else. While unverified claims and hostile addresses are normal amid race battles, columnists must not intentionally rehash them without empowering the opposite side to remark or react. Just dependable news coverage can make it feasible for all around educated voters to openly make up their own personalities.

Decency and parity are imperative parts of journalistic duty. Reasonable and adjusted decision inclusion implies that singular stories, and in addition the example of stories over some stretch of time, contain perspectives from various gatherings and additionally applicants. It isn't constantly conceivable to make each story similarly adjusted however a reasonable or agent balance between the contending gatherings and competitors can be accomplished in the numerous accounts liable to be distributed or circulated amid the race time frame.

Proficient columnists shouldn't support any hopeful. Their errand is to make inquiries for the benefit of the general population, think about answers, present and clarify different perspectives, and include foundation data, with the goal that the general population knows about the unique circumstance and approaches diverse feelings. By doing this they would offer voters a chance to make sense of whose perspectives and stands sound good to them. Parity is something beyond an obligingness; it is a need for dependable news-casting in general society intrigue.

9.2) Parties and candidates

Most gatherings make a specific pioneer or pioneers the focal point of consideration on the supposition that voters who like the anticipated pioneer will vote in favor of the gathering's different competitors. Appropriately race crusades generally contain addresses, arouses and question and answer sessions including the gathering leader(s). However, the media's activity isn't to simply rehash every one of the words expressed by political pioneers. For instance, a news story dependent on a specific discourse ought to incorporate data about where it was made, what number of individuals were available, what the responses of individuals in the city were, and what political adversaries needed to state about the primary concerns in it. Voters need to know this in the event that they are to assess the discourse and the speaker in an educated way.

Political addresses are commonly planned to stir the devotion of customary supporters and pull in new supporters by promising to take care of their issues and improve life for them. They are frequently intended to make different gatherings look frail or degenerate or in different courses ugly to voters. At times such addresses contain vicious dialect and incorporate assaults on different legislators which can arouse interests. While columnists can't blue pencil such comments, they should guarantee that they are accounted for precisely and dependably. News containing such provocative material must be adjusted beyond what many would consider possible by including snappy responses from the opposite side (i.e., those under assault) and in addition from common voters, who may have their very own conclusions on such political strategies.

The words writers use while announcing can impact whether the news assembles understanding or strengthens misperceptions, doubts and dread. Dialect, which is the most grounded device accessible to writers, must be utilized with consideration to abstain from doing hurt. This is especially valid amid races, when a few competitors may endeavor to increase additional consideration by putting forth candidly charged expressions.

Political applicants clearly attempt to utilize the media to pass on their own messages to the general population. So columnists must assemble realities as well as stay careful about conceivable endeavors to control them. For instance, government officials regularly use words,

for example, new, dynamic, new, forward-looking, visionary, dynamic, or enhanced in their battles since they all mean something positive. Columnists ought not rehash these words without autonomously verifying the case aside from while straightforwardly and obviously ascribing the words to the individual who utilized them.

9.3) Issues and background

Numerous lawmakers rival each other on close to home and personality related stages (identified with race, position, ethnicity, and so on.) as opposed to based on their thoughts and plans. Since this isn't extremely helpful to voters endeavoring to figure out who might best serve the general population intrigue, writers should endeavor to move the concentrate far from identity and character legislative issues towards the proposed approach positions and projects for activity of the competitors.

News and current undertakings projects should, most importantly, illuminate people in general of race issues. For this a scope of gathering spokespersons, and in addition specialists regarding the matter, ought to be looked for input and clarification of the imperative issues that should be examined amid the battle. Inclusion of gathering pioneers and media-accommodating hopefuls ought not be to the detriment of the primary issues of concern or enthusiasm to the general population.

In the event that the news media are to acceptably play out their numerous jobs, particularly amid a race, writers need to know fundamental actualities about the political history and condition of the nation. For instance, they should be comfortable with the date of the nation's freedom, the structure of the administration framework, the names and different subtleties of driving political figures and the principle political gatherings, including their focal belief systems, their essential authoritative reaches and their relative quality and notoriety.

9.4) Watchdog role

In many majority rule governments the race expert (commission/official) should be a totally autonomous office accused of setting and actualizing tenets to keep the decision free and reasonable. Be that as it may, the news media's guard dog job reaches out to examination of the lead of the race and the race commission itself. Since the assignment of running a free and reasonable race is genuinely confounded, columnists need to acquaint themselves with the race commission and its method of working. They additionally need to realize the race decides so they can uncover any infringement of the tenets and give an account of move made to both authorize principles and manage infringement.

Chapter: 10

Challenges of Free, Fair and Credible Election in Bangladesh

What are the difficulties of free, reasonable and tenable races in Bangladesh has been assessed dependent on the investigation of past races.

10.1) Role of EC

The job of the race commission (EC) is the most significant in guaranteeing free, reasonable and valid decision in a nation. Notwithstanding, the job of the EC relies upon the degree of freedom as an organization. In Bangladesh, the EC is a protected body and totally free. Part VII (Articles 118-126) of the Bangladesh Constitution specified all the essential arrangements for EC should be a free organization in Bangladesh. Among a few laws the portrayal of people groups arrange (RPO) 1972 (which has been altered time to time) is the fundamental decision law in Bangladesh which gives the subtleties of the constituent framework in Bangladesh. Consequently, the EC of Bangladesh is autonomous in principle however by and by, it has been confronting various difficulties since the freedom of Bangladesh.

To guarantee the security of the appointive partners, for example, voters, competitors, survey specialists, media and the decision spectators and to keep up peace the EC needs to rely upon government offices and security suppliers. In an investigation, Momen and Begum referenced the greater part of the respondents of their examination noticed that security powers in Bangladesh amid the decision are believed to be either factional or degenerate. Recapturing nationals' trust and making a dimension playing field for all hopefuls political gatherings to contend in the constituent procedure is a major test for the EC in Bangladesh .

10.2) Role of political parties

The job of political gatherings is exceptionally urgent to guarantee a free, reasonable and dependable decision in a nation. Be that as it may, in Bangladesh fierce governmental issues and absence of trust among political gatherings are incredible issues which are extraordinary deterrents to guarantee free and reasonable decision. Fault and case to one another are a culture of governmental issues in Bangladesh which makes a confused circumstance and enriches peace. Subsequently, level playing field and sound air for holding free, reasonable and valid decisions are damaged in Bangladesh from its voyage as an autonomous state . Furthermore, the free and reasonable race is hampered by the political gatherings by cash and muscles. In an examination, it has been discovered that two noteworthy political gatherings (the BNP and the AL) choose those applicants who are fit for contributing a lot of cash to the gathering reserve, and to spend an immense measure of cash amid the race battle . In the long run, representatives got the assignment rather than genuine legislators. In this way, the job of political gatherings is additionally confronting difficulties to guarantee a reasonable race and just combination .

10.3) Role of government

In the setting Bangladesh, the job of the administration is the most compelling which has been demonstrated by the past talk. Without reasonable and nonpartisan managing of government, no decision can be free and reasonable as everything is controlled by the legislature in Bangladesh. In any case, the legislature has numerous difficulties. To start with, each officeholder government hosts neglected to pull in restriction political gatherings to go after decisions. Subsequently, a large portion of the races held under decision or chose government were not aggressive, reasonable and out of discussion. Another enormous test of chose government is party faithful pioneers and named hopefuls do overpowering exercises when decisions. In this way, the race climate has hampered and damages nature of a free, reasonable and valid race. Aside from these, a large portion of the cases the decision government controlled everything by the official branch and law implementing organizations.

The Election Commission isn't the selecting expert for these workers. Lawfully, just the designating specialist can make a move after due request (which may not be finished inside a short decision period) against reprobate officers on race obligation . The local officials will, subsequently, dependably be progressively amiable to the control of officeholder government than to the Election Commission. Moreover, if the officeholder government declines to actualize the order of the Commission, there is no successful cure .

10.4) Role of nonparty caretaker government

With regards to Bangladesh, it has been found in the investigation of past races that nonparty guardian government is exceptionally successful to hold decision unreservedly and decently. From 1991 to 2014 four races were held under the overseer government in Bangladesh which were progressively aggressive, free, reasonable and trustworthy and increased in value by the national and International people group. In any case, the washout gathering or partners did not acknowledge those races cheerfully and guaranteed that those races were controlled by the Election Administration and CTG for champ gathering or partners. In this manner, a non-party overseer government is the best and characteristic for a free EC.

10.5) Role of multi-dimensional factors and actors

All through the talk, it has been discovered that majority rule administration depends right off the bat on free, reasonable and aggressive decisions yet adjacent to these, numerous different elements identified with this. In addition, a free and reasonable race likewise relies upon numerous other assistant performing artists and components. The nonpartisan and unbiased elements of the EC, occupant government, political gatherings, media, law implementing offices, exact voter list, when the security of electorates to guarantee level with casting a ballot rights lastly precise vote tallying. Absence of solid observing intensity of EC is likewise in charge of out of line and nontransparent decision in Bangladesh.

Chapter: 11

The way towards free, fair and meaningful elections.

Article 11 of Bangladesh Constitution expresses that "The Republic will be a democracy..." Democracy perpetually requires the assent of the general population, got through decisions. In this way, races are exceptionally fundamental introductory strides for majority rules system, despite the fact that they are by all account not the only advances. Actually, races are essential yet not adequate conditions for majority rule government.

Decisions must be held at all regulatory dimensions to guarantee individuals' standard in all circles of the general public. Be that as it may, the minor holding of races of the lawmaking body and nearby government bodies isn't sufficient for vote based system to thrive and work successfully - decisions must be free, reasonable and significant. Free and reasonable decisions clearly necessitate that nationals have unhindered rights, subject to law, and are allowed to pick different natives to speak to them and act to their greatest advantage. As Justice H.R. Khanna, in the celebrated Indira Nehru Gandhi versus Raj Narayan case contended in the Indian setting, the guideline of free and reasonable race is a basic propose of vote based system which thusly is a piece of the essential structure of the Constitution of India [AIR (1975) SC 2299].

Races are significant just when they make open doors for people who are straightforward, spotless and devoted - committed to individuals' prosperity. Such open doors emerge just when there are clear exposure necessities by competitors, satisfactory investigation of the unveiled data and the strengthening of voters with the examined data. The Indian Supreme Court, in PUCL and others versus Administration of India [(2003) 4 SCC] even went above and beyond and saw that decisions are not by any means free and reasonable except if the forerunners of competitors are known and the voters have the chance to settle on significant options in throwing cast a ballot.

The challenges that are faced are as follows:

11.1) Criminalization of Politics

Criminalization of politics has many forms, but perhaps the most alarming among them is the significant number of elected representatives with criminal charges pending against them. In 2005 elections of Bihar, out of 385 candidates, 213 were found to be alleged of non-bailable and cognizable offenses. Obscuring of the facts and criminal records acts as an impediment to the fair election process. The National Election Commission proposed that candidates alleged of serious crimes whose punishment exceeded 5 years shall be disqualified by the Court of law.

11.2) Money Power

The issue of financing of election exceeding the legal limit has adverse repercussion creating several high-profile politicians involved in the perpetrating booth capturing, rigging of elections and aiding dreaded criminals and muscle men. The 2004 report of the Election Commission acknowledged that political parties were required to make public their financial statement.

11.3) Booth Capturing

The issue haunting the electioneering process is Booth capturing, by which the parties patrons try to manipulate and the number votes in their votes. The tampering of electoral rolls in the elections is done on large scale. To curb such activities the election commission has laid down guidelines to ensure if any booth capturing is going on the returning officer is to notify it to the election commissioner and apt decisions would be taken to declare the polling in that area to null and void.

11.4) Abuse of Caste and Religion

The question of abuse of caste and religion is of greater magnitude. The political parties tend to allow only those candidates to fight elections who can muster the minority groups and castes to their favor. Communal loyalties are used at the time of election campaigning to attract the minority voters. And it is very well observed that the electorate to cast their vote taking into consideration the case and religious prejudices.

Be that as it may, which way are free, reasonable and significant decisions? What conditions must be satisfied for such decisions? Do those conditions win in Bangladesh for the following Parliament decisions?

The requirements for nothing, reasonable and important races are: (an) a proper legitimate structure, (b) a successful race expert, (c) lack of bias of the administration amid decisions, (d) participation of the political gatherings, and (e) activism of the common society. The Parliament through its administrative activity and the Judiciary however its intercessions additionally assume imperative jobs for making, or not making, decisions solid, tranquil and important.

11.5) Appropriate Legal Framework

Free, reasonable and important races require a suitable arrangement of constituent laws covering the whole procedure of race. The motivation behind such a legitimate structure is to make a domain in which the electorate can pick their agents by the activity of their unrestrained choice with no obstacle, weight and undue impacts from any quarter. The earth should likewise be helpful for settling on significant decisions by the voters. The lawful structure incorporates both protected arrangements and statutory prerequisites.

Article 65 of Bangladesh Constitution requires the foundation of a Parliament and Article 66 sets out the capabilities and preclusions of competitors running for Parliamentary races. The Fifteenth Amendment of the Constitution, sanctioned in June 2011, accommodates Parliamentary decisions to be held under the legislature of the day - i.e., a gathering based government - and

amid the 90 days before the expiry of the Parliament. Moreover, it limits the expert of the Judiciary to mediate in Parliamentary races after the decision plan is announced by the Election Commission.

11.6) An Independent Election Authority

The holding of decisions must be doled out to an autonomous expert that can work unbiasedly and be free from weights from the gathering in power or officials of the day. In Bangladesh, the Election Commission, a protected body, is endowed with the duty of holding decisions. The Bangladesh Constitution awards autonomy, including monetary freedom of the EC, in spite of the fact that on account of bureaucratic methodology, it isn't in every case simple for the EC to apply its money related autonomy. The Bangladesh Supreme Court likewise, in *Altaf Hossain versus Abul Kashem* [45 DLR (AD)(1993)] perceives the EC's relatively supreme power, even the ability to add to statutory principles, to guarantee free and reasonable races. Furthermore, amid the residency of the last CTG, the secretariat of the EC was delinked from the Prime Minister's secretariat and made autonomous.

11.7) Neutrality of the Government

Article 126 of our Constitution commands that "it will be the obligation of every single official expert to help the Election Commission in the release of its capacities." However, party-based governments amid races are not constantly receptive to this prerequisite, as free and reasonable decisions may not be in their best personal circumstance. We have witnessed that again and again in our nation.

In Bangladesh, political gatherings likewise control races. It isn't along these lines astonishing that verifiably managing gatherings have dependably come back to control when decisions were held under gathering based government. Then again, it isn't likewise astounding that parties in power constantly lost when races were held under a CTG. Along these lines there appears to an irrefutable connection between an unbiased government amid decisions, and a progressively level playing field for all contenders.

Since 1991 we have had an arrangement of impartial government amid national decisions (aside from the February 1996 races) which helped the race results at last increase boundless agreeableness. A national agreement, including all sections of the general public, additionally rose for proceeding with the framework. In any case, utilizing the affection of a short request of the Appellate Division of the Bangladesh Supreme Court announcing the CTG as unlawful, the present government expelled it from the Constitution, notwithstanding the Court's perception that the Parliament, with regards to more noteworthy national intrigue, could keep the framework set up for another two terms.

The restriction political gatherings have officially announced its aim to blacklist the following Parliamentary decisions except if the CTG is restored, putting our majority rule framework in danger of crumple again.

11.8) Cooperation of the Political Parties

Verifiably, even in America, political gatherings were viewed as abhorrent as they encouraged factionalism. Be that as it may, throughout the years they ended up being motors of vote based system. Indeed, encounters demonstrate that majority rules system can't support and take profound roots without political gatherings that are vote based, straightforward and responsible.

Indeed, even free, reasonable and significant decisions are unrealistic without the help and collaboration of political gatherings. In the event that political gatherings are twisted after winning decisions at any expense, participate in monnoyon banijya (i.e., assignment exchange), purchase cast a ballot with cash or different favors, resort to viciousness or generally take part in degenerate practices, it is exceptionally troublesome, if certainly feasible, for an autonomous Election Commission to hold free, reasonable and tenable races. In a nation like our own where unite and debasement are widespread and establishments of responsibility are feeble or non-utilitarian, winning a race implies winning a kind of "rent" to plunder and loot amid the following five years. This clearly makes solid motivating forces to win decisions by snare or by criminal. In such a circumstance, political gatherings act increasingly like syndicates advancing the interests not of the majority, but rather of the few.

The chances to receive such undue rewards makes solid motivators for political gatherings, particularly the decision gathering to fix races and do everything conceivable to fend off the contenders from power. Such undesirable rivalry encourages a culture of narrow mindedness, showdown and even restraint of political adversaries, keeping the making of a convention of multi-party majority rule government, described by resilience and shared regard and collaboration in our nation

11.9) Civil Society Activism

Common society, as particular from the political society and private organizations, assumes a noteworthy job in making majority rule government work viably. As the familiar aphorism goes, even opportunity isn't free, it requires the interminable watchfulness of subjects. In free social orders, common society plays out a terrifically essential guard dog job. Truth be told, the more fiery common society is in communicating dispute, the more liberated and increasingly vote based the bigger society is.

In Bangladesh, common society has customarily played the "decision observing" job. Amid the imperious Ershad routine, when decisions were generally voterless because of terrorizing and brutality authorized by experts or different types of control practiced in and around the surveying focuses, such race day perception of casting a ballot was basically vital. Be that as it may, with the coming of the nonpartisan Caretaker Government, the supposed race observing as a methods for guaranteeing free and reasonable decisions has turned out to be considerably less vital. Truth be told, amid the most recent two decades, checking the law based framework from suitability of the lawful system, to the conduct of the functionaries, to political gatherings have turned out to be increasingly critical for guaranteeing free, reasonable and important races. For instance, SHUJAN - Citizens for Good Governance - has been assuming such a job over the previous decade.

Chapter: 12

Conclusion

12.1) Recommendation

There has no chance to arise question that, with out a free and fare election the peoples opinion can not be establish. It is also true that democracy can not be establish with out a participating election . The job of the election commission (EC) is the most urgent in guaranteeing free, reasonable and valid race in a nation. In any case, the job of the EC relies upon the degree of autonomy as an organization. In Bangladesh, the EC is a sacred body and totally autonomous. Columnists need to investigate the likelihood that the political clash being referred to may stretch out past and underneath the surface elements to some more profound difference inside the nation or society. Attention to and affectability to the fundamental underlying foundations of contention – regardless of whether it's anything but a rough clash – can give columnists significantly more data and understanding to impart amid a decision than the shallow discussions that the media frequently will in general spotlight on. A free, reasonable and sound decision implies the vast majority of the political gatherings will have the chance to take an interest in all the national and nearby races with no dread and obstacle. This kind of race is outright people groups' interest without dread and control of any gatherings to choose their picked applicants. To guarantee straightforwardness and believability, both national and universal press, media, and decision onlookers have the entrance to watch and assess the race procedure. I want give some recommendations which will help to organize a free and fair election in Bangladesh as follows:

- 1)Try to organize the election in separate days .It can be divided in the divisions. In a single day election can be organize in a specific division.
- 2)The law end enforcing agencies can be give the magistracy power for some specific offences.
- 3)Finger print device machine can be seat in the election centre. At the time of entrance only the voters can entry in the area of voting zone.
- 4)The option of giving the "No Vote" can be bring .By this option the right to give can be ensure .
- 5)It is not important to spend a lot of money to buy the expensive electronic voting machine. The EVM machine which was manufacture by the engineers of BUET was modern and cheap .
- 6)The election commission can give a minimum requirement for the institutional education to the persons who are participating in the election .
- 7)The election commission can bring the all voting booth and the voting centre under the CCTV camera. And in this time it is not costly and hard .

8) In every area there must have the chance and necessary elements by whom the common people and the voters can complain and give information to the authority .

9) The media and the journalist person must have the chance to entry in the election centre and take photos and videos .

10) After the election process the election commission can take the information about who gives their vote and who did not .It will help to collect the real percentage of the vote. Though this process is hard but not impossible .

11) The election commission can identify the voters who are sick or who are not physically able to reach the voting centre .The election commission can give them the chance in online or other ways .

12) Millions of people live in the foreign sates of their livelihood .They also has the right vote .So the government can takes they steps and the foreign embassy plays a very important role in this sector.

12.2) Conclusion

Throughout the years, the Election Commission has led various commendable electro changes to fortify majority rules system and upgrade the decency chances races by making productive utilization of its forces. Be that as it may, our framework is still tormented by numerous indecencies. To win cast a ballot, political gatherings resort to foul technique and degenerate practices.

He foregoing discussion reveals that election has a link between the legitimacy of democratic governance and liberty of human beings. Khan also mentioned that “mere voting is not enough for election. Making them free, fair, independent, ‘virtuous’ and ‘pure’ continues to be a challenge to all democratic societies”. A free and reasonable decision is an essential necessity of fair administration. Nonetheless, if the race isn't led in a focused and comprehensive way, the administration loses the authenticity and certainty of residents that lead to the difference and common issue in the public eye. Hereford, a sound popular government needs free, reasonable and tenable decisions and dynamic parliament where both position and resistance will assume a reasonable job to mirror the desire of the general individuals. In this examination, it has been discovered that the greater part of the races held in Bangladesh are deficient and not free, reasonable and trustworthy. Limb the races held under overseer government were acknowledged by all and nearly reasonable, in any case, the arrangement of the guardian government additionally abrogated by the fire fighters change of Bangladesh Constitution. He keep going decision hung on fifth January 2014 under an occupant government, however the resistance partners lead by BNP boycotted this race and MPs of 153 electorates chose without challenge. It is considered by the race eyewitnesses, general individuals and common society associations that beyond what half voters couldn't practice their casting a ballot rights; in this manner, the decision has neglected to mirror the desire of the general population. Thus, the present government and administration can't be considered as fair by in nature and practice. He current parliament is created by AL and its partners. HDt implies both the position and resistance of parliament are

having a place from decision partners. A large portion of the criteria of free, reasonable and believable race referenced above have not been satisfied in the last race in Bangladesh. In this investigation, it has additionally been demonstrated that unimportant the job of EC isn't sufficient for holding a free, reasonable and sound decision in Bangladesh. Branch a few arrangements of the constitution and race related laws exist in Bangladesh yet practically speaking the job of officeholder government is most importantly. Hereford, the unbiased job of government and EC for holding free, reasonable and valid decisions is confronting an extraordinary test in Bangladesh from its commencement. Voter turnout is an incredible factor for a tenable decision, yet the fifth January race drove a low (30%) turnout all through the nation. Branch, past two decisions held in 2001 and 2008 the turnout were 74.37% and 85.93% individually. Additionally, the standard eagerness and happy mind-set from voters and different subjects were not discovered this time. He job of the political gatherings has likewise discovered exceptionally uncooperative and absence of trust among them. No single gathering trust and depend on other political gatherings so an aggressive race can be held under them. Doubt and differences among political gatherings make disappointment and low certainty to the subjects. Indeed, even the residents additionally don't depend on the occupant government to hold a free and reasonable race. Since, previously and Deer the last decision held in 2014 a ton of rates has been taken places everywhere throughout the nation, which harmed the national economy and numerous individuals lost their lives. Hese occurrences may happen by the boycotted political gatherings. Thus, political pioneers and frameworks have a place outside the decision partners are nearly confined for political exercises and many have been captured for postelection occurrences. Branch, the present government is administering great now and increased in value by the universal association for administration and strategy activities, for example, the Prime Minister Sheik Hasina as of late won "Heroes of the Earth" grant of the United Nations in the arrangement authority class. Nonetheless, fierce exercises by obscure activist gatherings and infringement of human rights are as yet proceeding. As of late inside seven days, two nonnatives one Japanese named Kunio Hoshi in Rangpur and an Italian guide specialist Tavella Cesare were killed in Dhaka in September 2015. His is extremely disturbing for the standard of law and great administration. It is seen and expected by the academician, common society individuals, lawmakers and general individuals that every one of these occurrences are going on for the response of the wrongness of government as it did not depend on free, reasonable and aggressive decision among all enlisted political gatherings. In an investigation, Alum referenced that in the fifth January decision just 12 political gatherings out of 41 participated; thus under half enrolled political gatherings are taking part]. Herefore, the fantasy of free, reasonable and tenable race and equitable administration is as yet delicate in Bangladesh.

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- 2) <http://www.civicsacademy.co.za>.
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