

Maiden Zila Parishad Election in the History of Bangladesh: an Analysis of People's Participation and Representative's Accountability

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Abstract: This paper evaluates the Zila Parishad(ZP) election in Bangladesh. It's all about forty seven years of independence but none of the successive governments took any initiatives to make the Zila Parishad elected but they used it politically. The present Awami league government played a big role to hold maiden Zila Parishad election in the history of local government in Bangladesh. The paper tries to examine the election system of Zila Parishad called Electoral College system. The system is totally contradictory to the constitution where constitution says about direct election, representatives shall be elected by the votes of general people. But the present system is disenfranchising the people to choose their representatives for Zila Parishad. This paper clarifies all the events of maiden Zila Parishad election of 2016. This paper also includes some important consequences of the last election of ZP. Finally this paper draws some suggestions for amending such laws relating to ZP election to improve the system.

Key Words: Zila Parishad Election, Electoral College, People's Participation and Accountability

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I. INTRODUCTION

Zila Parishad is one of the most significant local government institutions at the district level in Bangladesh. It has the history of 130 years from the British period (Ahmed, 2016). According to the constitution of the People's Republic of Bangladesh, authority of the local administration shall go to the hand of the elected local government units at the root level of Bangladesh (Sharmin, 2014). From the constitutional point of view, elected peoples' representatives shall run the Zila Parishad in Bangladesh. After the independence of Bangladesh, many governments had been giving their commitment to arrange the election of Zila Parishad and to strengthen the parishad, but none took any measures to hold the election. For the first time, present government has taken this remarkable event and arranged the Zila Parishad election on 28 December 2016. This was a welcoming initiative to make the Zila Parishad vibrant and fulfill the constitutional requirement.

Objective of the Study

1. To analyze first Zila Parishad election of Bangladesh including its transparency as well as effectiveness;
2. To suggest some amendments in the existing local government acts for free and fair Zila Parishad election and thus ultimately help to make an effective Zila Parishad system in Bangladesh.

II. RESEARCH METHODOLOGY

Data and information were collected from secondary sources through content analysis such as reviewing various national and international publications, books, journals, newspapers and related websites. However, considering its methods and purpose, this can be termed as a descriptive qualitative research.

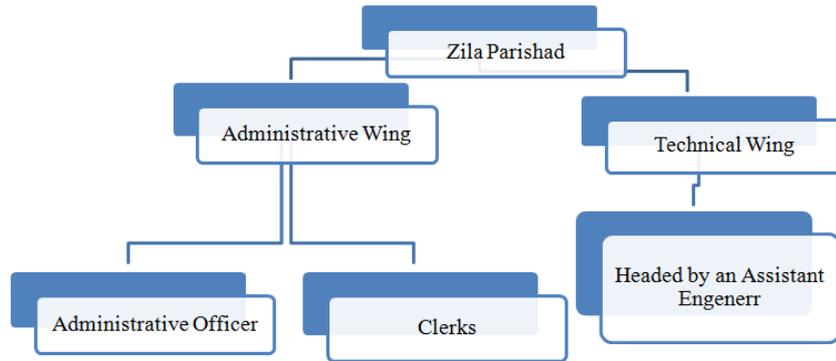
III. REVIEW OF RELATED LITERATURE

Zila Parishad

Zila Parishad or district council is the legacy of statutory local government (LG) introduced in the Indian sub-continent by the British rulers during the last four decades of them (1900 onward) (Ahmed, 2016). The Parishad

had so many names in different time periods of its duration of evolution. It had been going in many changes with its structures and functions and also in the area of rules and regulations (Siddiqui & Ahmed, 2016). There should have a chairman, 15 members and 5 reserved seats for women in Zila Parishad. All of them should be elected by the votes of elected representatives of other tiers of the local government namely upazila and union parishad in a district for five years (Talukdar, 2009:51). According to the Zila Parishad act 2000, it has 12 compulsory functions and 68 optional functions to perform at the district level. Bangladesh has 61 Zila Parishads and 3 hill tracts Zila Parishads at the 64 districts in Bangladesh.

Figure: Structure and Composition of ZP



Source: Adapted From Ullah and Rahman, 2018

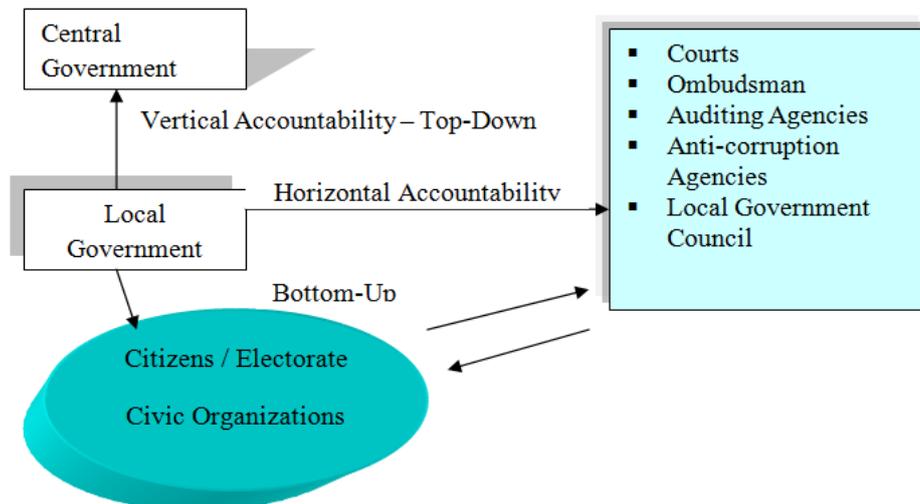
Peoples Participation

All man and woman should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests (UNDP, 1997). Various scholars have attempted to define it ranging from “token involvement of people,” to ‘autonomous decision making by popular bodies at local level’ and other viewed as “to take part”- this is very simplistic and implies that everyone is participating at some level in every actions. Zanna (2015) discusses some types of participation like Physical participation, mental participation, Participation by consultation, Self mobilization participation and Interactive participation. Participation can be top down and also bottom up.

Representative Accountability:

Transparency and accountability are the most important components of democratic government nationally and locally (Gabriel, 2017). In a well-functioning government structure, local representatives are subject to accountability to their voters (Bottom up), accountability to public agencies (Horizontal) and accountability to higher level government (Vertical). Bottom up accountability may include citizen acting through the electoral process or the news media, Horizontal accountability covers the range of public entities in order to check local government abuses and inefficiencies. Local government institutions are also held accountable to higher-level governments (Schaeffer, 2005).

Figure: Accountability Linkage



Legal Ground of Zila Parishad Election in Bangladesh: Constitution of the People's Republic of Bangladesh

Article 11: The republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured.

Article 59(1): Local government in every administrative unit of the republic shall be entrusted to bodies, composed of persons elected in accordance with law.

Zila Parishad Amendment Bill 2016 for Holding Election: Any elected chairman or members of Zila Parishad due to criminal offences can be suspended according to new Zila Parishad amendment bill 2016 passed at the cabinet on 29 August 2016 (The Daily Sun, August 30, 2016). And the Zila Parishad amendment bill was placed before the parliament on 4 October, 2016 empowering the government to suspend chairman and members if any charge sheet shall be made against them (The New Age, October 5, 2016). And on 6 October 2016, the parliament passed the Zila Parishad amendment bill 2016 to pave the way for running the Zila Parishad with elected representative through updating the existing Zila Parishad Act (The Daily Samakal, October 06, 2016). About the electoral process of the Zila Parishad, a minister told that the polls will not be held with party symbols. Anyone intends to participate in the election will be allowed to be a candidate.

Present Electoral System of Zila Parishad: The present electoral system of Zila Parishad is "Electoral College" system where the people's representatives are elected by the votes of those persons whose are the elected representatives of the others local government units (ZP Amendment Bill 2016). The system is violating the rights of the citizen to choose their representatives at the district level. General people have no access in the election process (Ahmed, 2016).

IV. ANALYSIS OF THE FINDINGS

- 1. Maiden Election of 2016:** It is the Zila Parishad election which plays vital role in our local administrative system in the context of Bangladesh. Because, Zila Parishad is one of the important and upper levels local government bodies to ensure a responsible government by bringing the bureaucracy under the people's representative which can assure the accountability and transparency of the activities among all the local administrative bodies (The Daily Observer, January 02, 2017). The first ever Zila Parishad election was held on 28 December 2016. In order to arrange the election, the parliament passed the Zila Parishad amendment bill 2016 on 06 October 2016 to remove some ambiguities in Zila Parishad Act of 2000 and clarifying about the Electoral College (The Daily Prothom Alo, October 11, 2016). There are 1281 post for election in entire Bangladesh (The Daily Prothom Alo, October 11, 2016). Balloting began 9 am to till 2 pm on 28 December in 2016 in 836 polling stations across the country except Feni, Bhola, Rangamati, Khagrachhari, Bandarban (The Daily Prothom Alo, December 29, 2016). The following table summarizes the election

Table: Summary of Zila Parishad Election

Election	61 districts
Voting	59 districts
Chairman aspirants	146
Chainman elected unopposed	21
Member posts	1220
Member aspirants	4792
Voters	63143
Voting hour	9am to 2pm

Source: The Daily Star, December 28, 2016

- 2. ZP Election: Far From Ebullience with Plenty of Contentions:** Although the Zila Parishad election is supposed to be held today already the result has been finalized (The Daily Star, December 28, 2016). Many renowned parties of Bangladesh for instance Bangladesh Nationalist Party (BNP) kept them far away from participating in the first ever Zila Parishad election (The Daily Star, December 28, 2016). 22 out of 61 elected uncontested (The Daily Observer, December 28, 2016). The most negative one in this election is that it has appeared as one party election (The Daily Star, December 28, 2016).
- 3. ZP Amendment bill made the AL to Win the Election:** According to the Zila Parishad amendment bill 2016, only the elected representatives of different local government bodies will vote to elect chairman and members of the parishad but most of the representative belongs to the ruling AL, so it was easy to win in the election (The Daily Star, December 04, 2016).
- 4. Result of the Zila Parishad Election 2016:** Due to having tremendous impact of Zila Parishad election on the fruitful functioning of Zila Parishad, the election of Zila Parishad was firstly arranged on 28 December

in 2016. Only Awami League (AL) candidates competed in the election in most of the districts which is most observable scenario of the election. Bangladesh Nationalist Party (BNP) and Jatyia Party (JP) boycotted the election because they said the concept of district council elections contradicts the constitution and is not fit for democracy, which is why the party didn't participate. The constitution speaks of people's direct voting in local government elections but Zila Parishad elections see voting by elected representatives (The Daily Star, December 29, 2016). And the result of this election is in the area of ruling party.

Chairmen Post: It was surprisingly found that AL-sponsored chairman candidates already won unopposed in 21 district councils, so there was no need for voting for the post in those districts (The Daily observer, December 29, 2016). AL dissidents beat 11 of their party men, who were backed by their high command. One JP leader and an independent contestant also defeated AL-backed chairman aspirants in two Zila Parishads. And AL backed got elected in 25 districts. In all, they have now secured the chairman post in 46 district councils.

Table: Final Result of Zila Parishad

Final Results (Chairman Posts in 38 Districts)	
Awami League	25
Awami League Rebels	11
Others	2
21 Chairmen were elected unopposed, polls postponed in 2 posts	

Source: The Daily Star, December 29, 2016

The result unveils that AL won in the 46 districts as chairmen post indicating 75% of the total posts of chairmen were won only by AL in the election of Zila Parishad (The Daily Prothom Alo, December 30, 2016).

5. Voters Chose Mostly Clean Chairmen: Those who have no criminal records or possess clean images are mostly elected. Among the 59 chairmen-elect, lion shares are graduates and very few only three are facing criminal cases, according to their affidavits submitted to the Election Commission. Of the newly elected chairmen, 35 are businessmen and nine lawyers. The others are physicians, teachers and private employees. It is a good sign that such candidates are being elected which would ultimately strengthen the local government bodies and contribute to qualitative improvement of politics (The Daily Star, December 30, 2016).

Member Post: AL men also bagged member posts in most districts. In Feni and Bhola, the ruling party men secured the member posts unopposed (The Daily Observer, December 29, 2016). There were no other party or rebel aspirants but AL backed candidates got elected in most of the districts in the post of members. Besides, 164 council posts and 68 reserved posts exclusively for women have gone uncontested (The Daily Prothom Alo, December 28, 2016).

Contentions of the Election of 2016: Some unlawful activities are seen during election campaign among these some Awami League (AL) lawmakers as well as some MPs have been found campaigning for their preferred candidates. Although the code provides for six months' imprisonment or a fine of Tk 50,000 or both for the violators no actions has been found taken against these violations without just warning few of them for eyewash (The Daily Star, December 27, 2016).

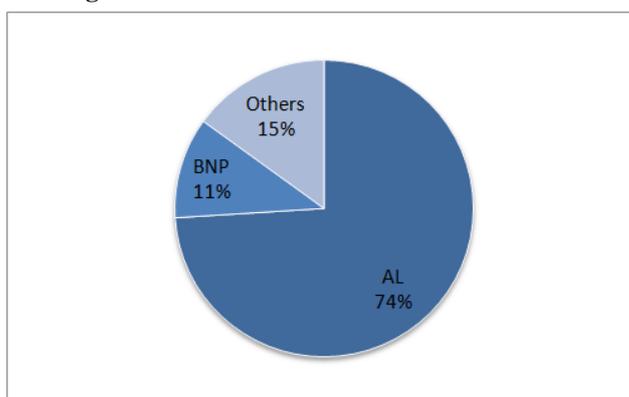
In Chandpur, A chairman aspirant yesterday said he filed a complaint with the RO against Disaster Management and Relief Minister also lawmaker from Chandpur-2 constituency, that he gave money to some voters to cast ballot for his favorite candidate (The Daily Star, December 27, 2016). In Pabna, three AL lawmakers campaigned for their party-backed chairman candidates around two weeks ago. Of them, lawmakers of Pabna-5 and Pabna-3 were served show cause notices by the RO on December 18 following complaints by a rival chairman candidate. The defeated candidates had some complaints about the election. Among them, an AL-backed chairman candidate was defeated in Pirojpur by 121 votes by party rebel, district unit organizing secretary. AL-backed chairman candidate alleged that local lawmaker and AL district unit President had worked for party rebel. He also accused party rebel of spending a huge amount of money to convince voters to vote in his favor (The Daily Star, December 29, 2016).

There are allegations that money is being distributed among voters by some candidates to get their votes. The police held a supporter of a member candidate with Tk 2.5 lakh at Doarabazar in Sunamganj just one day before the polling (The Daily Sun, December 29, 2016). There is another allegation about the election is that the vote-rigging, fights and injuries in the Zila Parishad election. In this regard, *The Daily Prothom Alo, December 29, 2016* said several violence occurred in four Zilas because of Zila Parishad election and it was between supporters of AL and AL rebel aspirants. For example, in madaripur, the battle between AL two parties for entering into polls center before starting election. In gaibanda, the supporters of AL aspirant made the allegation of vote-rigging in the election.

Upshots of the Maiden ZP Election of 2016:

- 1. Zila Parishad Got Elected Representatives:** Some persons may weaken the credibility of the election because of its one-sided election since a strong party like BNP was found absent in the election. Yet, the good news is that finally the government has just started the activation process of the Zila Parishad through an indirect election. In course of time, they will have to take a number of initiatives in order to make the Zila Parishad effective (The Daily Observer, January 2, 2017). For the first time in the history of Bangladesh, the elected representatives shall operate the body of ZP at the district level.
- 2. Completely one party election, it was:** Likewise the 10th national parliament election the Zila Parishad election was also another ridiculous one party election since major opposition parties namely BNP and JP did not participate in the election of Zila Parishad claiming that the election is unconstitutional and one sided which is fully contradictory to the constitutional instruction of local government election and can be recognized it as '*farce and mockery*' (The Daily Prothom Alo, November 04, 2016). According to Prothom Alo, January 1, 2017 that this was the first ever district council election in the country and should have evoked more enthusiasm and public participation than the Narayanganj city corporation polls. However, with no party other than the ruling Awami League in the fray, that did not happen. This was no competition, just a perfunctory exercise. The election commission and the authorities cannot evade responsibility. One-sided election won't consolidate democracy. The one-sided election also exacerbated the conflicts within Awami League itself at the grassroots. No action was taken against the persons involved in the violence during these elections, rendering the law enforcement more ineffective. This election was also marked by shady financial transactions, as even Awami League's general secretary remarked.
- 3. AL occupied most of the units of LG:** The lion share has been occupied by ruling AL which consists about 83% of the top positions of the local government bodies. According to election commission (EC), 74% of the total positions in the local government are holding by the AL. When we add the percentage of AL rebel position that will be 82.67% keeping very few amountfor BNP that grips less than 11% of the total position in the local government area. This statistics is made after the Zila Parishad election (The Daily Prothom Alo, December 30, 2016).

Figure: Local Government at the Hand of AL



Source: The Daily Prothom Alo, December 30, 2016

- 4. The Court has been ignored:**The government holding the Zila Parishad election despite the fact that the issue of indirect ballot in the local government body is still subjudice matter. No serious effort has been noticed to settle the case on the legality of indirect election in Zila Parishad. The court issued a rule upon the government, why the law shall not be unconstitutional (The Daily Prothom Alo, December 3, 2016). The High Court (HC) on Thursday issued a rule asking the authorities concerned to explain why sections 4 (2), 5 and 17 of the Zila Parishad Act 2000 will not be declared illegal and unconstitutional (Green Watch Dhaka, December 16, 2016).
- 5. Underestimating the democratic culture:** Election is an important issue in the democracy strategically, but when it would go through indirect election is breaking the essence of democracy. The present electoral system I mean last Zila Parishad election was held on the basis of Electoral College system not by the system of adult franchise. Where there is no connection of general people to choice their representative at the district level. And people are being ignored in giving their true opinion for electing chairman and members of the parishad. The system is directly contradictory to the constitutional provision of People's Republic of Bangladesh.
- 6. Absence of Peoples Participation:**Election is an important issue in the democracy strategically, but when it would go through indirect election is going to damage the essence of democracy (Ullah & Rahman,

2018). In the last election of ZP was held by the votes of the lower tiers' representatives under a district to elect the representatives at the district level which is called Electoral College system means indirect election. But direct election is the most important tool of people's participation in decision making that they are going to choose their representatives for the next five years where representatives will work on the interest of their voters. General peoples were totally ignored from their political rights of votes at the district level.

- 7. Weaker Accountability Mechanism:** Upazila or union parishad has some accountability but Zila Parishad doesn't have, because upazila and union parishad are constituted by the direct votes of local people. And they are closely connected to the people. General people know them and go to them when they face any problem. Normally general people have no access to Zila Parishad; normally they go municipalities like paurashava. For this reason, to whom, the parishad is accountable regarding downward accountability? There are two types of accountability 1. Downward 2. Upward. When accountability is missing in an organization, transparency is questionable because both are closely connected to each other.

Laws need to be amended; Election Concern: Bighands for present Awami league government that they started the system of election at Zila Parishad after long years of our independence. They tried to reshape the Zila Parishad where elected representative will lead the Zila Parishad. But there are some serious problems of electoral system of Zila Parishad that has been already mentioned in the part of consequences of election. Zila Parishad act 2000 needs to be amended in some areas of it. Direct election needs to be introduced instead of Electoral College system. Government should amend the law in order to give back the right to vote to the people. One party election is not the true representation of democracy. Participatory election is to be ensured where all parties have equal opportunities to participate in the election. Giving punishment in case of breaching any electoral code. We had seen in the last election that some ruling party law makers had been campaigning for their preferred candidates but none of them has been punished. Government needs to stop all the events that breach the electoral code like vote rigging, money distributing and occupying polls centers and make an environment that helps to hold a free and fair election.

V. CONCLUSION

A free and competitive election is an ultimate principle of democracy (Verba et al, 1978). According to an American author Gore Vidal (1996) "apparently democracy is a place where numerous elections are held at great cost without issues and with interchangeable candidates". Election is the most significant element in the area of democracy. The Zila Parishad election system in Bangladesh is not competitive what we have seen in the last election of 2016. It was a one party election where ruling party candidates participated. Leading opposition party did not participate in the election. General people are ignored in the system to choose their representative is called Electoral College system of election. But the system needs to be improved where general people get their right to vote and all parties get equal opportunities to participate in the election. It will make the election free and fair and help to make an effective Zila Parishad system in Bangladesh.

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