

# Bangladesh's Regulatory Framework for Election Standards: Highlighting and Addressing its Weaknesses

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## Abstract

*Elections provide a test of the political system in any country. Electoral rules and regulations set out legal constraints on the electoral process about what to do and not to do. The absence of any effective regulation contributes to a system in which parties and candidates are free to conduct business whatever they wish. Regulatory framework and its enforcement in Bangladesh challenge the credibility of election processes. In the research findings, it was concluded that a weak regulatory framework as well as its enforcement negatively affects the election process in order to ensure a free and fair election in Bangladesh.*

**Keywords:** Bangladesh; EVM; Free and Fair Elections; Regulations; Rules

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## Bangladeş'in Seçim Standartlarının Düzenleyici Çerçevesi: Bangladeş'teki Zayıflıklıkları

### Özet

*Seçimler her ülkede politik sistemi teste tabii tutarlar. Seçim sürecinde yapılması ve yapılmaması gereken noktaları seçim kuralları ve düzenlemelerinin oluşturduğu yasal sınırlar ile belirlenir. Etkin bir düzenlemenin bulunmadığı durumlar partilerin ve adayların istedikleri gibi hareket etmelerine olanak tanır. Bangladeş'teki düzenleyici çerçeve ve bu çerçevenin uygulanışı, seçimlerin güvenilirliğine tehdit oluşturmaktadır. Çalışmada ulaşılan sonuç zayıf düzenleyici çerçevenin kendisi ve uygulanışın Bangladeş'te özgür ve adil seçim süreci üzerinde olumsuz etkileri olduğudur.*

**Anahtar Kelimeler:** Bangladeş, Özgür ve Adil Seçimler, Düzenlemeler

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## Introduction

Election and democracy complements to each other. Tawanda (2010) says that elections represent an important dimension in the efforts towards democratic consolidation in any country.<sup>1</sup> Ernesto Zedillo, Vice Chair of the Global Commission argues that, “*As much as we see vibrant democracies in the world, we also see vulnerabilities in electoral systems—some countries that are trying to be democratic are suffering great failures in electoral processes. Democracy is becoming a universal value but you cannot have a strong democracy, if you do not have good rules and institutions, practices and culture to conduct electoral processes.*”<sup>2</sup> Taking into account Zedillo’s observation, Aliyu (2009) says that there is no doubt that election is a key strategy for promoting democracy; and he also added that genuine democracy requires substantially more than democratic elections.<sup>3</sup> However, a free and fair election is important in institutionalizing good governance; it is therefore argued that new democracies need to address fundamental challenges by organizing a free and fair election.

When parliamentary democracy was restored in Bangladesh during 1991, the citizens expected a credible election system; one that would be different from those systems that were previously instituted by the military and semi-military regimes. Simply put, everything has been the same like before. Observing this situation, Rahman (2006) argues that Bangladesh may have achieved electoral democracy through regular elections, but its ambition to organize a free and fair election is still a great challenge.<sup>4</sup> After the overthrow of military rule in 1990, Bangladesh faced the first challenge in its democratic transition; its challenge was how to organize a free and fair election very soon. The country witnessed many elections during the military and semi-military rule, but none was considered as free and fair. Such an electoral environment weakened the citizen’s trust over the Elec-

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1 Mutasah Tawanda, ‘*Beyond Southern Africa: Electoral Politics and the New Pan-Africanism*’, Media Institute of Southern Africa, *Outside the Ballot Box: Preconditions for Elections in Southern Africa*, EDIA, 2005/2006, 51, 51-52 (Jeanette Minnie, ed., 2006), Available at-<http://www.comminit.com/en/node/278921> (Last accessed on 26 May, 2012).

2 Global Commission Report, ‘*Global Commission on Elections, Democracy and Security*’, 2012, The Global Commission on Elections, Democracy and Security, jointly established in 2010 by International IDEA and the Kofi Annan Foundation, aims to promote and protect the integrity of the electoral process, which is fundamental to achieving a more secure, prosperous and stable world. Available at-<http://www.idea.int/news/deepening-democracy-a-strategy-for-improving-the-integrity-of-elections-worldwide.cfm> (Last accessed on 16 September, 2012).

3 Nasiru Adamu Aliyu, ‘*Concept of Democratic Elections under International Law*’, Research Journal of International Studies, April, 2009, Issue No. 10.

4 Taiabur Rahman, ‘*Problems of Democratic Consolidation in Bangladesh: A Cultural Explanation*’, NAPSIPAG Conference 2006, University of Sydney, Australia.

tion Commission (EC) that was responsible for overseeing the elections. Therefore, regaining the citizen's trust and creating a level playing field for all political parties in the elections became a serious challenge. So, a free and fair election requires removing any undue advantages to any of the political parties, and creating a peaceful institutional environment. The main purpose of this article is to assess to what extent the regulatory framework's weaknesses affect free and fair elections in Bangladesh.

### **Regulatory Framework and Elections**

Browsing through the literature on good governance in South Asia reveals that the nation-states that make up this region have been described by terms such as '*illiberal democracy*' (Zakaria, 1997; cited by Sobhan, 2009)<sup>5</sup> and '*fragmented democracy*' (Wagner, 1999; cited by Sobhan, 2009).<sup>6</sup> Despite the presence of many conditions that were thought to be conducive in ensuring a free and fair election, the system of governance failed to establish a sound democratic system. Therefore, it makes sense that a sound regulatory framework can improve the performance of the political institutions such as the Election Commission. In this way, it plays an important role in producing a free electoral environment.

Political experts found a relationship between regulations and credible election. Harrop and Miller (1987) observed that an electoral system is a set of rules and regulations for conducting an election.<sup>7</sup> IDEA (2002) also stressed that in order to foster conditions conducive to levelling the playing field; the government's legislative, judiciary and the executive arms, and other policy stakeholders must ensure the establishment of the following: (i) an effective electoral framework, including an independent EC and (ii) a comprehensive plan of administrative and procedural matters.<sup>8</sup> So, sound electoral regulations and its enforcement can guarantee electoral code of conduct, which can restrict aggressive speech and other activities that may advocate election violence.

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5 Farooq Sobhan, '*The European Union as a Partner in Promoting Democracy in Bangladesh*', International Institute for Democracy and Electoral Assistance, International IDEA SE-103 34 Stockholm, Sweden, 2009.

6 Ibid

7 Martin Harrop and William L. Miller, '*Elections and Voters: A Comparative Introduction*', The Macmillan Press Limited, Printed in Hong Kong, 1987.

8 International Institute for Democracy and Electoral Assistance, '*International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections*', IDEA, 2002.

It has been noted that without adequate regulatory procedures against those who break the electoral laws and those who undermine electoral practices the system will obviously fail. Let's take a few examples: Firstly, if elections are to be free and fair, the voter must be in a position to make his/her choices among the pool of candidates without any form of intimidation. So, the protection of the voter is very important according to Smith (1960); the latter noted that there are usually some regulatory restrictions on political propaganda on Election Day. Secondly, it may be an offence to give information regarding the names of those who have, and those who have not voted whilst polling is in progress. And thirdly, most countries list a number of corrupt, and illegal electoral practices that are punishable on conviction; they do so by way of a hefty fine or imprisonment, and in other instances the individual is deprived of his/her voting rights.<sup>9</sup> Hence, summing up, electoral regulations are undeniably necessary to conduct a free and fair election in any country.

Now I intend to discuss how this study was conducted methodologically.

### **Research Methodology**

It is known to all that every research requires methodology to execute a study. For this study the sources of data were collected from both primary and secondary sources. Silverman (2001) observes that it is very crucial for social science research to explain the criteria for the selection process of the respondents.<sup>10</sup> In this study eighteen participants were identified and selected for face-to-face interviews; this selection was determined according to the relevance of each one's contribution to the understanding of the research problem. The group of interviewees/respondents that were identified for this study came from the professional class. Among them were bureaucrats, social activists, social movement leaders, top level/retired professional and policy makers were the participants. Apart from these interviews, the secondary sources were drawn largely from documents that focused on the elections in Bangladesh.

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9 T. E. Smith, O. B. E. *"Elections in Developing Countries: A Study of Electoral Procedures Used in Tropical Africa, South-East Asia and the British Caribbean"*, London, Macmillan and CO. Ltd. New York, ST Martin's Press, 1960.

10 David Silverman, *'Interpreting Qualitative Data: Methods for Analyzing Talk, Text and Interaction'*, Second Edition, London, Thousand Oaks, New Delhi: Sage Publications, 2006.

## Weak Regulatory Framework in Elections: The Case of Bangladesh

In theory, weak regulatory framework and its enforcement can undermine the credibility of the electoral process. There have been a plenty of evidence about Bangladesh's government continues to disregard rules and regulations of the election process, insufficient attention by the government to administrative and procedural matters, however, negatively impact on free and fair elections. It is, therefore, important to know how the elections are organized. Are they acceptable enough in terms of free and fair voting and the correct counting of votes? Do electoral rules affect the credibility of an election? Through the following discussion I will intend to try and deal with these questions in the case of Bangladesh.

**Lack of Monitoring of Election Campaign:** The current election law in Bangladesh puts restrictions on campaign activities such as poster size and color, banners and use of microphones. The purpose of putting restrictions is largely targeted at reducing the need for candidates to spend a large amount of '*black money*'<sup>11</sup> during the election campaigning. Majority of the respondents noted that most candidates exceed their legal expenditure ceilings even before the election schedule is announced. However, the current legal mechanism requires all candidates to submit a detailed report of their election campaign financing. It also bars candidates from spending more than 1500,000 Taka (equivalent to EU € 15,000) on their election campaigns. Two election observers from my respondent lists viewed that it is no secret that most candidates, particularly the winners, spend far more than the limit. To meet the requirement, candidates use illegal sources to raise election expenses.

On the other hand, the current mechanism of the EC in Bangladesh fails both to ensure the accuracy of candidate's financial statements and to penalize those who overspend during the election campaigning. So, this environment has created an ideal condition for corrupt politicians to contest in the parliamentary elections. This environment has also strengthened the culture of election corruption in the country. JANIPOP (2009) estimates from different constituencies in the last parliamentary election held in 2008 that candidates spent much more than the campaign finance limit set by the EC.<sup>12</sup> It, thus, raises a serious question regarding the moni-

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11 The term '*black money*' refers to funds which is obtained or used illegally or whose source of money is not transparent. Many literatures show that '*black money*' is a major problem during the election campaigns, which corrupt candidates, political parties and voters.

12 JANIPOP, '*Ninth Parliamentary Election of Bangladesh*' Dhaka, 29 December, 2008, Part: 1, Ninth Parliamentary Election of Bangladesh 2008, Observation Report by JANIPOP, December 7, 2008-January 10, 2009.

toring of the election campaign financing in Bangladesh. Therefore, the EC in Bangladesh needs to be strengthened by introducing (revised/fresh) election laws and regulations as well as their enforcement. Without legal empowerment in the hands of the EC, it will remain an ineffective structure.

**Defective Election Law and its Consequences:** Cox (2002) argues by pointing that sometimes electoral law makes a problem that political actors must solve.<sup>13</sup> However, the Bangladesh parliamentary election law dates from 1972, a year after independence. It provides a logical and complete basis for the conduct of parliamentary elections. Akhter (2001) observes that electoral rules and regulations in Bangladesh are highly defective.<sup>14</sup> It has been noted that election law (1972) has a few unusual features that have created difficulties with respect to the electoral process. As observed by IFES (2000), three hundred MPs in Bangladesh are elected directly from three hundred geographic constituencies. The peculiarity is that candidates do not have to be residents of the constituency in which they run for election.<sup>15</sup> This peculiar provision allows political parties to fix prominent and popular candidates in the several numbers of constituencies so that they can obtain or get the maximum number of parliamentary seats. Afterwards, the parties tend to retain these seats, which are ultimately filled through parliamentary by-elections.

Apart from the above, Representation of the People Order (RPO), and some other Laws and Ordinances also apply to the conduct of parliamentary elections in Bangladesh. According to those provisions election system in Bangladesh, the EC has little authority in the exercise of election regulations.<sup>16</sup> One bureaucrat pointed out that the EC can hardly take any exemplary action against the violators of the election expense limits. Therefore, many of the objectives and functions of the EC remain meaningless. In addition to that, these laws are not transparent, particularly in the case of fraudulent electoral practices. And the EC does not have any effective mechanisms to take action against the election law violators. This means that the EC of Bangladesh can do nothing, if a candidate lies when he/she submits his/her election expenses and/or accounts.

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13 Gary W. Cox, *'Making Votes Count: Strategies Coordination in the Worlds Electoral System'*, Political Economy of Institutions and Decisions, Cambridge University Press, 2002.

14 Akhter, Muhammad Yeahia, *'Electoral Corruption in Bangladesh'*, Ashgate Publishing Company, UK., 2001.

15 IFES, *'Making Democracy Work: Pre-Election Technical Assessment: Republic of Bangladesh'*, International Foundation for Electoral Systems, September, 2000.

16 The Reporters Guide, *'Handbook on Election Reporting'* 1995, Published by the Society for Environment and Human Development (SHED), 44/8 North Dhanmondi, West Panthapath, Dhaka-1205, Bangladesh.

Another important challenge to a free and fair parliamentary election is about who are contesting. Majority of the respondents noted that the environment seems to be taking root in which contestants in elections views the position of MPs as avenues of private gain and making money. Now the question comes up as to whether the gate of participating in an election for criminals is closed. According Bangladesh's election law (1972), it is obligatory for candidates to declare whether they are accused of any criminal offences punished for two or more years. One social movement leader viewed that only introducing a law does not automatically create a political environment for curbing the participation of criminals in the election. It is necessary to move forward and to take all initiatives to debar criminals from contesting elections. Therefore, it is important to disqualify a person against whom the judicial authority in the country has framed charges due to heinous offences and corruption.

**Vote Buying and Corruption:** Vote buying is a very common practice in Bangladesh. But there are no authentic statistics available on how much money is spent by candidates for every voter during the parliamentary elections. During the election campaign period in Bangladesh, candidates offer distribution of goods such as wheat, clothing, cash money etc., with the purpose of influencing and/or attracting poorer voters, although collecting reliable information during election is not easy. Neither the government nor the political parties have developed an effective public relations department to provide a quick service of basic facts on elections.<sup>17</sup>

If the political party is involved with vote buying, it should have cancelled the registration of the political parties. But the EC of Bangladesh ignores such gross violations encouraging political parties to break election laws with impunity. The last parliamentary election held in 2008 became a game of money in Bangladesh. Candidates were found to be buying votes in many cases. For instance, the London-based *The Economist* magazine published a report in 2011 that '*bags of Indian cash and advice*' helped the current ruling party, Awami League (AL) to secure victory in the 2008 parliamentary election in the country.

On the other hand, in the last parliamentary election held in 2008, the JANIPOP (2009) observers reported violation of electoral laws, especially in terms of using campaign time and campaign equipment such as use of loudspeakers, motorized vehicles, and entertaining voters with snacks

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17 Ibid

to organize support for their respective candidate.<sup>18</sup> These were the clandestine efforts of the candidate's followers to influence voters during the election campaign.

It is well known that donation from business persons, extortion, party-based NGOs and donors are the main sources of a political party's income in Bangladesh. This claim has been substantiated by major respondents that political parties sell the lucrative positions or different facilities to business persons for the sake of funding election campaign in the country. One election expert noted that it is very usual for candidates who often exceed the financial ceiling set by the EC. Consequently, elections have become very costly. Apart from that, it has been noted that the auditing of the party income and expenditure has also become impossible in Bangladesh.

**Absentee Voters from Abroad:** The people who are temporarily living outside their home country, when an election takes place to exercise their right to vote has long been a critical issue in the election process.<sup>19</sup> The constitution and legal framework of many countries provides the right to vote for all citizens. Due to impact of globalization of political, personal and professional lives, an increase number of migration has led to an increasing demand in voting rights for refugees, members of the armed forces serving overseas and other people who are temporarily or permanently absent from their own country.<sup>20</sup> In reality, many voters who are outside their home country, when elections take place are often deprived of voting rights, since there is a lack of provisions to exercise the voting right. Furthermore, at any large scale election, there must be a number of registered electors who, for reasons of illness, absence on business or on holiday, or some other cause, are unable to vote in person at the particular polling station.<sup>21</sup> Some countries make special provisions for such voters and others do not.

Article 21 of the 1948 Universal Declaration of Human Rights sets out the basic premises for election rights, which were later developed in Article 25 of the 1966 Covenant on Civil and Political Rights;

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18 JANIPOP, '*Ninth Parliamentary Election of Bangladesh*', Dhaka, 29 December, 2008, Part: 1, Ninth Parliamentary Election of Bangladesh 2008, Observation Report by JANIPOP, December 7, 2008-January 10, 2009.

19 The International IDEA Handbook, "*Voting from Abroad*", International Institute for Democracy and Electoral Assistance and the Federal Electoral Institute of Mexico, 2009, Available at- [http://www.idea.int/publications/voting\\_from\\_abroad/upload/chap0-intro.pdf](http://www.idea.int/publications/voting_from_abroad/upload/chap0-intro.pdf) (Last accessed on 21 March, 2012).

20 Ibid.

21 T. E. Smith, O. B. E., '*Elections in Developing Countries: A Study of Electoral Procedures Used in Tropical Africa, South-East Asia and the British Caribbean*', London, Macmillan and CO. Ltd. New York, ST Martin's Press, 1960.



*“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:*

*(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;”*

Due to the massive consequences of globalization, a significant proportion of Bangladeshi people reside abroad. Does the parliamentary election give the voting rights to Bangladeshis who are currently living abroad and/or are unable to vote due to unavoidable circumstances? The current electoral provision says NO. It should be decided about whether the people of Bangladesh living abroad should be allowed to vote. JANIPOP (2009) argues that there is an argument that citizens of Bangladesh should be allowed to exercise their voting rights, it does not matter where they live.<sup>22</sup>

**Consequences of Electoral Symbols and Ballot Position:** Electoral symbols have an important role in elections. In practice, the EC issues symbols to competing political parties in Bangladesh. In an empirical study conducted by Akhter (2001) says that the high percentage of illiterate voters in Bangladesh knows the parties by means of their election symbols. These illiterate people have supported a particular symbol over generations and recognize only the symbols rather than the candidates.<sup>23</sup> It is found that electoral campaigns in Bangladesh shape surrounding symbols and acquire prominence in slogans, posters and graffiti. Nauka (boat) and Dhaner sheesh (sheaf of rice) are the symbols of two main political parties in the country.

Furthermore, it has received increased attention that has effect of the ordering of the candidates' names on the ballot paper. The findings of Bain and Hecock found a definite advantage for the candidate whose name appeared on the top row, compared with his opponent immediately below on the second row.<sup>24</sup> Analyzing the ballot paper in Bangladesh, I found that the EC of Bangladesh does not have any guidelines on the candidate's names for ballot position.

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22 JANIPPOP, 'Ninth Parliamentary Election of Bangladesh', 29 December, 2008, Part: 1, Ninth Parliamentary Election of Bangladesh 2008, Observation Report by JANIPPOP, December 7, 2008-January 10, 2009

23 Muhammad Yeahia Akhter, 'Electoral Corruption in Bangladesh', Ashgate Publishing Company, UK., 2001.

24 Bernard Grofman and Arend Lijphart, 'Electoral Laws and their Political Consequences', Agathon Press, Inc. New York, 1994.

### **Implementation Challenges of the Electronic Voting Machine (EVM):**

In a recent study by IDEA (2011), many countries are currently considering to introduce EVM systems with the aim of improving the transparent electoral process. It is also often seen as a tool for building public trust in elections management. It is argued that EVM adds credibility to the election results and increasing the overall efficiency of the electoral process.<sup>25</sup> However, some transitional countries are planning to introduce an EVM system, but the inherent challenges of EVM are linked to the complexities of electronic systems and procedures. Many EVM systems lack transparency for voters and even for election administrators. IDEA policy paper (2011) observed that most EVM systems are understood by a small number of experts. Therefore, an EVM electoral process depends on a small group of experts in the place of thousands of election officials. As observed by UNDP (2011), if not carefully planned and designed, the introduction of EVM can undermine public trust in the whole electoral process.<sup>26</sup> It is, therefore, important to provide adequate time, and resources to consider its introduction by learning from the challenges and experiences of the other countries.

The current government of Bangladesh claims that the EVM should be introduced for the next parliamentary election held in 2014. But all political parties (except the ruling political party) claim that before the introduction of the EVM it should publicize how to use of this machine. Furthermore, time is a critical factor at various levels. Operationally, EVM cannot be introduced overnight. But acceptance of it would be expected to take much longer than full implementation. Therefore, public trust should be built on the socio-political context in which EVM is introduced. For example, some factors can be directly addressed by a comprehensive EVM implementation strategy such as a general lack of trust in the EVM or fundamental political opposition will be more difficult to change.<sup>27</sup> So, the typical challenges to the introduction of the EVM in Bangladesh can be identified as below:

**A. Power:** The EVMs operate entirely by battery power, rather than using a battery as a backup. Battery should be charged by electricity. But

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25 The International Institute for Democracy and Electoral Assistance, *'Introducing Electronic Voting: Essential Considerations'*, IDEA Policy Paper, December, 2011.

26 UNDP, *'Understanding Electoral Violence in Asia'*, Asia-Pacific Regional Centre, Global Programme for the Electoral Cycle Support (GPECS), United Nations Development Programme, 2011.

27 The International Institute for Democracy and Electoral Assistance, *'Introducing Electronic Voting: Essential Considerations'*, IDEA Policy Paper, December, 2011.

many polling stations in Bangladesh are located in areas that lack electricity or have only a poor service.

**B. Natural Hazards:** EVMs must be handled in a difficult environment for a long time. An Indian Election Commission report cites dangers from “*attack by vermin, rats, fungus or due to mechanical danger, [that might cause] malfunction*”.<sup>28</sup> There are also a variety of climate issues in Bangladesh. There have extremes of temperature; for example very hot during the summer and cold in the winter, as well as other environmental hazards such as dust and pollution.

**C. Unfamiliar with Technology:** Voters in Bangladesh have very little experience with technology. Therefore, senior people may be intimidated by an EVM system. Not only that, the EC still does not have voter education campaigns for the EVM. In addition, opposition parties in Bangladesh also claim that there are some EVM challenges such as risk of manipulation by ruling party insiders with privileged access to the system or hackers from outside. Therefore, there is a need for additional voter education campaigns in the country, since there is a lack of public trust in EVM. In addition, weak social and political support hinders the implementation of the EVM, as opponents find it easier to undermine trust in this voting technology by pointing to some of its weaknesses in Bangladesh.

**Slowness of Election Complaints Resolution:** The results of parliamentary elections in Bangladesh are announced by the returning officers in each constituency. To gain public confidence, it is necessary to have a speedy adjudication of election cases. It has been noted by the majority respondents that resolution of election disputes in Bangladesh have not worked effectively in the previous elections. Election disputes referred to election tribunals have been extremely slow in Bangladesh. For example, many election disputes have not yet been judicially resolved.<sup>29</sup> It has been said that tribunals have a narrow scope of review of election complaints. Furthermore, a tribunal has several unrealistic standards for the production of evidence by contestants.

There also has called the Electoral Inquiry Commission (EIC), which is very small groups, who are supposed to oversee the elections in each dis-

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28 Hari K, J. Prasad, Alex Halderman, Rop Gonggrijp, Scott Wolchok, Eric Wustrow, Arun Kankipati, Sai Krishna Sakhamuri, Vasa Yagati, ‘*Security Analysis of India’s Electronic Voting Machines*’, University of Michigan, USA, 2010, Available at- [http://indiaevm.org/evm\\_tr2010.pdf](http://indiaevm.org/evm_tr2010.pdf) (Last accessed on 12 February, 2012).

29 IFES, ‘*Making Democracy Work: Pre-Election Technical Assessment: Republic of Bangladesh*’, IFES, September, 2000.

trict.<sup>30</sup> The EIC works mainly with complaints and disputes in the electoral process. Majority of respondents doubted about the EIC whether it has the power to review any election disputes in the country.

## **Conclusion**

In conclusion, parliamentary elections in Bangladesh have failed to give an equal opportunity to all political parties due to the absence of effective regulations and its enforcement about the electoral process. It is also said that dissatisfaction over the electoral process is mainly due to lack of implementation of the existing election regulations. Apart from that, there is a range of fraudulent regulatory electoral practices, which include non-cooperation of the political parties in introducing EVM. In addition, there is a slowness of resolution of election disputes, and lack of monitoring over election campaign. As a consequence, the combination of these factors hinders a free and fair election process in Bangladesh. From the above discussions, it can be said that the fragility of the regulatory framework in Bangladesh have proved that simply holding elections does not ensure free and fair elections. It is also found that EC cannot enforce regulations to electoral offenders which harm a free and fair election.

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30 Innovations for Successful Societies, An Interview given by Peter Eicher, Interviewer: Varanya Chaubey, Elections, Interview no.: J1, Date of Interview: 2 February, 2009, An initiative of the National Academy of Public Administration, and the Woodrow Wilson School of Public and International Affairs and the Bobst Center for Peace and Justice, Princeton University.

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