

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, ফেব্রুয়ারি ২৪, ২০০৯

বাংলাদেশ জাতীয় সংসদ

ঢাকা, ২৪শে ফেব্রুয়ারি, ২০০৯/১২ই ফাল্গুন, ১৪১৫

সংসদ কর্তৃক গৃহীত নিম্নলিখিত আইনটি ২৪শে ফেব্রুয়ারি, ২০০৯ (১২ই ফাল্গুন, ১৪১৫) তারিখে রাষ্ট্রপতির সম্মতি লাভ করিয়াছে এবং এতদ্বারা এই আইনটি সর্বসাধারণের অবগতির জন্য প্রকাশ করা যাইতেছে :—

২০০৯ সনের ১৩ নং আইন

Representation of the People Order, 1972 এর অধিকতর
সংশোধনকল্পে প্রণীত আইন

যেহেতু নিম্নবর্ণিত উদ্দেশ্যসমূহ পূরণকল্পে Representation of the People Order, 1972 (P.O. No. 155 of 1972) এর অধিকতর সংশোধন সমীচীন ও প্রয়োজনীয় :

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :

১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন।—(১) এই আইন Representation of the People Order (Amendment) Act, 2009 নামে অভিহিত হইবে।

(২) ইহা ১৯ আগস্ট ২০০৮ তারিখে কার্যকর হইয়াছে বলিয়া গণ্য হইবে।

২। P.O. No. 155 of 1972 এর Article 2 এর সংশোধন।—Representation of the People Order, 1972 (P.O. No. 155 of 1972), অতঃপর উক্ত Order বলিয়া উল্লিখিত, এর Article 2 এর—

(ক) clause (xi) এর পরিবর্তে নিম্নরূপ clause (xi) প্রতিস্থাপিত হইবে, যথা :—

"(xi) "electoral roll" means the final electoral roll prepared under the Electoral Rolls Ordinance, 2007 (Ord. No. XVII of 2007);";

(১২৬৯)

মূল্য : টাকা ১২.০০

- (খ) clause (xia) বিলুপ্ত হইবে; এবং
- (গ) clause (xiaa) এর পরিবর্তে নিম্নরূপ clause (xiaa) প্রতিস্থাপিত হইবে, যথা :—

"(xiaa) "law enforcing agency" means any Police Force, Armed Police Battalion, Rapid Action Battalion, Ansar Force, Battalion Ansar, Bangladesh Rifles and Coast Guard Force ;" ।

৩। P.O. No. 155 of 1972 এর Article 8 এর সংশোধন।—উক্ত Order এর Article 8 এর—

- (ক) clause (1) এর পরিবর্তে নিম্নরূপ clause (1) প্রতিস্থাপিত হইবে, যথা :—

"(1) The Commission shall maintain a list of polling stations for the purpose of election of a member for every constituency.";

- (খ) clause (2) এর "The Commission may make such alternations in the list of polling stations submitted under clause (1) as it may consider necessary and shall, at least fifteen days" শব্দগুলি, সংখ্যা ও বন্ধনীর পরিবর্তে "The Commission may make such alterations in the list of polling stations as it may consider necessary and shall, at least twenty five days" শব্দগুলি প্রতিস্থাপিত হইবে; এবং

- (গ) clause (4) এর পর নিম্নরূপ নূতন clause (5) সংযোজিত হইবে, যথা :—

"(5) At any time after the finalization of candidature, if it is found that any polling station published in the Official Gazette under clause (2), belongs to, or is under the control of any candidate, the Commission may alter such polling station." ।

৪। P.O. No. 155 of 1972 এর Article 10 এর সংশোধন।—উক্ত Order এর Article 10 এর clause (1) এর "that constituency" শব্দগুলির পর "immediately after the publication of notification under clause (1) of Article 11" শব্দগুলি, বন্ধনীগুণি ও সংখ্যাগুলি সন্নিবেশিত হইবে।

৫। P.O. No. 155 of 1972 এর Article 11 এর সংশোধন।—উক্ত Order এর Article 11 এর clause (1) এর sub-clause (d) এর "a day" শব্দগুলির পর "or days" শব্দগুলি সন্নিবেশিত হইবে।

৬। P.O. No. 155 of 1972 এর Article 12 এর সংশোধন।—উক্ত Order এর Article 12 এর—

(ক) clause (1) এর পরিবর্তে নিম্নরূপ clause (1) প্রতিস্থাপিত হইবে, যথাঃ—

"(1) Any elector of a constituency may propose or second for election to that constituency, the name of any person qualified to be a member under clause (1) of Article 66 of the Constitution :

Provided that a person shall be disqualified for election as or for being, a member, if he—

- (a) is not listed in the electoral roll of any constituency;
- (b) is not nominated by any registered political party or is not an independent candidate;
- (c) is a person holding any office of profit in the service of the Republic or of a statutory public authority;
- (d) is a person who is convicted of an offence punishable under Article 73, 74, 78, 79, 80, 81, 82, 83, 84 and 86 and sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since the date of his release;
- (e) is a person whose election to a seat is declared void on any of the grounds mentioned in sub-clauses (c), (d) and (e) of clause (1) of Article 63, unless a period of five years has elapsed since the date of such declaration;
- (f) has resigned or retired from the service of the Republic or of any statutory public authority or of the defence service, unless a period of three years has elapsed since the date of his resignation or retirement;
- (g) has been dismissed or removed or compulsorily retired from the service of the Republic or of any statutory public authority on the ground of corruption, unless a period of five years has elapsed since the date of such dismissal, removal or compulsory retirement;

- (h) has been appointed on contract to the service of the Republic or of any statutory public authority or of the defence service immediately after his retirement from such service, unless a period of three years has elapsed since the expiry or termination of such contract;
- (i) is holding or has resigned or retired or has been discharged from an executive post of any non-government organization, which receives grant or fund from any foreign state or organization, unless a period of three years has elapsed since such resignation retirement, or discharge;
- (j) not being an independent candidate, has not been a member of a registered political party for three years:

Provided that this provision shall not apply to a nominated candidate of any political party during the period of three years from the date of its first registration with the Commission;

- (k) whether by himself or by any person or body of persons in trust for him or for his benefit or on his account or as a member of a Hindu undivided family, has any share or interest in a contract, not been a contract between a co-operative society and Government, for the supply of goods to, or for the execution of any contract or the performance of any services undertaken by Government;
- (l) being a loanee, other than a loanee who has taken small loan for agricultural purposes, has defaulted in repaying before seven days from the day of submission of nomination paper any loan or instalment thereof taken by him from a bank;
- (m) is a director of a company or a partner of a firm who has defaulted in repaying before seven days from the day of submission of nomination paper any loan or any instalment thereof taken by him from a bank;

- (n) personally has failed to pay the telephone, gas, electricity, water or any other bill of any service providing organization of the Government before seven days from the day of submission of nomination paper;
- (o) has been convicted as a war criminal by any national or international Court or Tribunal.

Explanation I.—“office of profit” means holding any office, post or position in the full-time service of the Republic or any statutory public authority or company in which government has more than 50% (fifty percent) share.

Explanation II.—The disqualification under sub-clause (k) shall not apply to a person

- (i) where the share or interest in the contract devolves on him by inheritance or succession or as a legatee, executor or administrator, until the expiration of six months after it has so devolved on him or such longer period as the president may, in any particular case allow; or
- (ii) where the contract has been entered into by or on behalf of a public company as defined in the Companies Act, 1994 (Act No. XVIII of 1994), of which he is a share-holder but is neither a director holding an office of profit under the company nor a managing agent; or
- (iii) where he is a member of Hindu undivided family and the contract has been entered into by any other member of that family in the course of carrying on a separate business in which he has no share or interest.

Explanation III.—“bank” means—

- (a) any “bank company” as defined in Bank Company Act, 1991 (Act No. XIV of 1991);

- (b) "Bangladesh Shilpa Rin Sangstha" established under Bangladesh Shilpa Rin Sangstha Order, 1972 (P.O. No. 128 of 1972);
- (c) "Bangladesh Shilpa Bank" established under Bangladesh Shilpa Bank Order, 1972 (P.O. No. 129 of 1972);
- (d) "Bangladesh House Building Finance Corporation" established under Bangladesh House Building Finance Corporation Order, 1973 (P.O. No. 17 of 1973);
- (e) "Bangladesh Krishi Bank" established under Bangladesh Krishi Bank Order, 1973 (P.O. No. 27 of 1973);
- (f) "Investment Corporation of Bangladesh" established under Investment Corporation of Bangladesh Ordinance, 1976 (Ord. No. XI of 1976);
- (g) "Rajshahi Krishi Unnayan Bank" established under Rajshahi Krishi Unnayan Bank Ordinance, 1986 (Ord. No. LVIII of 1986);
- (h) "Basic Bank Limited" (Bangladesh Small Industries and Commerce Bank Limited) established under Companies Act, 1994 (Act No. XVIII of 1994).

Explanation IV.— "small loan for agricultural purposes" means all crops loan excepting tea and tobacco and includes short-term loan for development of fishery and marketing of agricultural produce and long-term loan for irrigation equipment, animal husbandry, development of fishery, agricultural equipment, nursery and horticulture, betel-leaf plantation, management of Jalmahal and for the purpose of producing silk worm, tuth tree, lakhkha tree, catechu tree, etc. the amount of which shall not exceed taka one lakh aggregating with interest and capital against every loan.

Explanation V.— A person or a company or a firm shall be deemed to have defaulted in repaying a loan or an instalment thereof referred to in sub-clauses (1) and (m) of Article 12(1) if he or it is a defaulter within the meaning of the expression 'defaulter loanee' as defined in

Bank-Company Act, 1991 (Act 14 of 1991) and for financial institution, as defined by Bangladesh Bank under Financial Institution Act, 1993 (Act 27 of 1993). The list of defaulter may be obtained from CIB of Bangladesh Bank or from the concerned bank or financial institution.

Explanation VI.—“financial institution” means a non-banking financial institution as defined in Financial Institution Act, 1993 (Act 27 of 1993).

Explanation VII.—‘chief executive’ referred to in sub-clause (i) of Article 12 (1) means a person holding full time post of a chief executive of any non-government organisation who receives monthly salary and other emoluments in that capacity.

(খ) clause (2) এর—

(অ) sub-clause (a) এর প্রাপ্তস্থিত “and” শব্দটি বিলুপ্ত হইবে ;

(আ) sub-clause (b) এর প্রাপ্তস্থিত ফুলস্টপের পরিবর্তে সেমিকোলন এবং “and” শব্দ প্রতিস্থাপিত হইবে ; এবং

(ই) sub-clause (b) এর পরে নিম্নরূপ নূতন sub-clause (c) সন্নিবেশিত হইবে, যথা ঃ—

“(c) a declaration signed by the candidate that he is not a candidate for more than three constituencies.”; এবং

(গ) clause (3) এর পর নিম্নরূপ নূতন clauses (3a) এবং (3b) সন্নিবেশিত হইবে, যথা ঃ—

“(3a) Every nomination paper under clause (2) shall be delivered along with the following documents, namely—

(a) in the case of an independent candidate, a list of signatures of one percent electors of the concerned constituency:

Provided that such list need not to be delivered if the independent candidate has previously been elected in any parliamentary election ;

- (b) a certificate signed by the chairman or secretary or a person holding the same rank on behalf of the registered political party stating that the candidate has been nominated by that party:

Provided that any registered political party may primarily nominate more than one candidate and if more than one candidate are nominated, the name of one nominated candidate shall be sent to the Returning Officer in writing before the scrutiny of the nomination papers.

- (3b) Every nomination paper under sub-clause (2) shall be delivered along with an affidavit signed by the candidate which shall include the following information and particulars, namely—

- (a) an attested copy of the certificate of his highest educational qualification;
- (b) whether at present he is accused of any criminal offence or not;
- (c) whether he has any past criminal record, and, if any, the judgement of the case;
- (d) description of his profession or business;
- (e) probable sources of his income;
- (f) a statement of property or debt of his own or his dependents;
- (g) what promises he made before an election in which he was elected as a member in the past, and how many of those promises were fulfilled, and
- (h) the amount of loan received by him alone, or jointly or by his dependents from any bank or financial institution, and the amount of loan received by him from any bank or financial institution as a Chairman, Managing Director or Director thereof.”

Explanation.—“dependent” means the wife or husband of a candidate and includes son, daughter, father, mother, brother or sister of the candidate who are fully dependent upon him.

৭। P.O.No. 155 of 1972 এর Article 13A এর সংশোধন।—উক্ত Order এর Article 13A এর—

(ক) clause (1) এর “five” শব্দের পরিবর্তে “three” শব্দ প্রতিস্থাপিত হইবে;

(খ) clause (2) বিলুপ্ত হইবে; এবং

(গ) clause (3) এর “five” শব্দের পরিবর্তে “three” শব্দ প্রতিস্থাপিত হইবে।

৮। P.O.No. 155 of 1972 এর Article 14 এর সংশোধন।—উক্ত Order এর Article 14 এর—

(ক) clause (4) এর “it” শব্দটির পর কমাটি এবং অতঃপর “shall” শব্দটির পর কমাটি ও “in the case of rejection,” শব্দগুলি ও কমা বিলুপ্ত হইবে; এবং

(খ) clause (5) এর পরিবর্তে নিম্নরূপ clause (5) প্রতিস্থাপিত হইবে, যথা ঃ—

“(5) If a candidate or any bank is aggrieved by the decision of the Returning Officer, he may prefer an appeal to the commission within the prescribed period and any order passed on such appeal shall be final.”।

৯। P.O.No. 155 of 1972 এর Article 17 এর সংশোধন।—উক্ত Order এর Article 17 এর clause (1) এর “dies,” শব্দ ও কমার পরে “or if his candidature is cancelled under clause (2) of Article 91E,” শব্দগুলি, সংখ্যাগুলি, বন্ধনী ও কমা সন্নিবেশিত হইবে।

১০। P.O.No. 155 of 1972 এর Article 20 এর সংশোধন।—উক্ত Order এর Article 20 এর clause (1) এর—

(ক) sub-clause (a) এর প্রাপ্তস্থিত সেমিকোলনের পরিবর্তে “কোলন” প্রতিস্থাপিত হইবে এবং অতঃপর নিম্নরূপ proviso সন্নিবেশিত হইবে, যথা ঃ—

“Provided that the Commission may, on an application made to it in this behalf within three days after the publication of the notification under clause (1) of Article 11, allot one of the prescribed symbols to the candidate of a combination of two or more registered political parties who have agreed to set up joint candidates for election;

(খ) sub-clause (aa) এর—

(ক) "in the case of other" শব্দগুলির পরিবর্তে "in the case of independent" শব্দগুলি প্রতিস্থাপিত হইবে; এবং

(খ) প্রাপ্তস্থিত সেমিকোলনের পর "and" শব্দটি সন্নিবেশিত হইবে;

(গ) sub-clause (b) এর প্রাপ্তস্থিত সেমিকোলনের পরিবর্তে "ফুলস্টপ" প্রতিস্থাপিত হইবে এবং "and" শব্দটি বিলুপ্ত হইবে; এবং

(ঘ) sub-clause (c) এবং অতঃপর প্রথম, দ্বিতীয় ও তৃতীয় শর্তাংশসমূহ বিলুপ্ত হইবে।

১১। P.O.No. 155 of 1972 এর Article 22 এর সংশোধন।—উক্ত Order এর Article 22 এর clause (1) এর পরিবর্তে নিম্নরূপ clause (1) প্রতিস্থাপিত হইবে, যথা :—

"(1) The contesting candidate or his election agent, may, before the commencement of the poll, appoint for each polling booth of a polling station not more than one polling agent and shall give notice thereof in writing to the Presiding Officer."

১২। P.O.No. 155 of 1972 এর Article 27 এর সংশোধন।—উক্ত Order এর Article 27 এর clause (1) এর পরিবর্তে নিম্নরূপ clause (1) প্রতিস্থাপিত হইবে, যথা :—

(1) The following person may cast their votes by postal ballot in such manner as may be prescribed, namely :—

(a) a person referred to in sub-sections (3) and (5) of section 8 of the Electoral Rolls Act, 2009 (২০০৯ সনের ৬ নং আইন);

(b) a person appointed for the performance of any duty in connection with an election at a polling station other than the one at which he is entitled to cast his vote; and

(c) a Bangladeshi voter living abroad.

১৩। P.O. No. 155 of 1972 এর Article 31 এর সংশোধন।—উক্ত Order এর Article 31 এর—

(ক) clause (1) এর "his identity card" শব্দগুলির পরিবর্তে "the electoral roll" শব্দগুলি প্রতিস্থাপিত হইবে;

(খ) clause (1A) এবং (1B) বিলুপ্ত হইবে; এবং

(গ) clause (8) বিলুপ্ত হইবে।

১৪। P.O. No. 155 of 1972 এর Article 36 এর সংশোধন।—উক্ত Order এর Article 36 এর clause (5) এর sub-clause (b) এর “upon the request” শব্দগুলির পরিবর্তে “upon the request in writing” শব্দগুলি প্রতিস্থাপিত হইবে।

১৫। P.O. No. 155 of 1972 এর Article 44AA এর সংশোধন।—উক্ত Order এর Article 44AA এর—

(ক) clause (1) এর—

(অ) “Every contesting candidate shall submit to the Returning Officer, within seven days next following the withdrawal day,” শব্দগুলি ও কমাগুলির পরিবর্তে “At the time of submitting the nomination paper, every contesting candidate shall submit to the Returning Officer,” শব্দগুলি ও কমাগুলি প্রতিস্থাপিত হইবে; এবং

(আ) sub-clause (c) এর প্রাপ্তস্থিত ফুল স্টপ এর পরিবর্তে কোলন প্রতিস্থাপিত হইবে এবং অতঃপর নিম্নরূপ শর্তাংশ সংযোজিত হইবে, যথাঃ—

“Provided that the provisions of sub-clauses (a) to (e) shall not apply to a case where the amount of such sum is not more than taka five thousand to be received as voluntary contribution or grant.”; এবং

(খ) clause (4) এর “within three days after receipt of such sum” শব্দগুলির পরিবর্তে “with the return under clause (1) of Article 44C” শব্দগুলি, সংখ্যাগুলি ও বন্ধনী প্রতিস্থাপিত হইবে।

১৬। P.O. No. 155 of 1972 এর Article 44B এর সংশোধন।—উক্ত Order এর Article 44B এর—

(খ) clause (3) এর—

(অ) “five lakh” শব্দগুলির পরিবর্তে “fifteen lakh” শব্দগুলি প্রতিস্থাপিত হইবে; এবং

(আ) প্রাস্তস্থিত ফুল স্টপের পরিবর্তে কোলন প্রতিস্থাপিত হইবে এবং অতঃপর নিম্নরূপ নূতন শর্তাংশ সন্নিবেশিত হইবে, যথা :

“Provided further that the election expenses of a contesting candidate shall be determined per capita on the basis of total number of electors in a constituency and a notification to that effect shall be published in the official gazette.”; এবং

(গ) clause (3A) এর sub-clauses (b) ও (c) বিলুপ্ত হইবে; এবং

(ঘ) clause (m) এর প্রাস্তস্থিত ফুল স্টপের পরিবর্তে সেমিকোলন এবং “or” শব্দটি প্রতিস্থাপিত হইবে এবং অতঃপর নিম্নরূপ clause (n) সন্নিবেশিত হইবে;

“(n) to operate camps on the polling day.”।

১৭। P.O. No. 155 of 1972 এর Article 44C এর সংশোধন। উক্ত Order এর Article 44C এর clause (1) এর “fifteen days” শব্দগুলির পরিবর্তে “thirty days” শব্দগুলি প্রতিস্থাপিত হইবে।

১৮। P.O. No. 155 of 1972 এর Article 44CC এর সংশোধন।—উক্ত Order এর Article 44CC এর

(ক) clause (1) এর “taka one thousand” শব্দগুলির পরিবর্তে “taka five thousand” শব্দগুলি প্রতিস্থাপিত হইবে;

(খ) clause (3) এর

(অ) sub-clause (a) এর “taka one hundred and fifty lakh” শব্দগুলির পরিবর্তে “taka four crore and fifty lakh” শব্দগুলি প্রতিস্থাপিত হইবে;

(আ) sub-clause (b) এর “taka one hundred lakh” শব্দগুলি ও ক্রম পরিবর্তে “taka three crore” শব্দগুলি প্রতিস্থাপিত হইবে; এবং

(ই) sub-clause (c) এর “not more than one hundred taka seventy five lakh” শব্দগুলির পরিবর্তে “more than fifty but not more than one hundred, taka one crore and fifty lakh” শব্দগুলি প্রতিস্থাপিত হইবে এবং উক্ত sub-clause এর প্রাস্তস্থিত ফুল স্টপ এর পরিবর্তে ক্রম

প্রতিস্থাপিত হইবে এবং অতঃপর নিম্নরূপ sub-clause (d) সংযোজিত হইবে, যথা :

“(d) where the number of such candidates is not more than fifty, taka seventy five lakh :

“Provided that the amount mentioned in sub-clauses (a), (b), (c) and (d) shall be subject to maximum taka one lakh and fifty thousand per candidate.”;

(গ) clause (4) এর “taka one thousand” শব্দগুলির পরিবর্তে “taka twenty thousand” শব্দগুলি প্রতিস্থাপিত হইবে।

১৯। P. O. No. 155 of 1972 এর Article 44CCC এর সংশোধন।—উক্ত Order এর Article 44CCC এর

(ক) clause (1) এর “Returning Officers concerned, for their scrutiny, within sixty days” শব্দগুলি ও কমাগুলির পরিবর্তে “Commission, for its scrutiny, within ninety days” শব্দগুলি ও কমাগুলি প্রতিস্থাপিত হইবে;

(খ) clause (3) এর “Every political party shall furnish to the Commission a separate statement, certified to be correct and complete by the secretary to the party, showing” শব্দগুলি ও কমা পরিবর্তে “Every statement submitted under clause (1) shall be certified to be correct and complete by the secretary to the party, showing” শব্দগুলি ও সংখ্যা প্রতিস্থাপিত হইবে;

(গ) clause (4) বিলুপ্ত হইবে; এবং

(ঘ) বিলুপ্ত clause (4) এর পর নিম্নরূপ নূতন clause (5) সংযোজিত হইবে, যথা :—

“(5) If any registered political party fails to submit its expenditure statement within the time specified in clause (1), the Commission shall issue a notice of warning directing it to submit the statement within thirty days and if the concerned registered political party fails to submit it within that period of time, the Commission may, subject to payment of a fine of taka

ten thousand, extend the time for another fifteen days, and if such registered political party fails to submit its statement within that extended time, the Commission may cancel its registration.”।

২০। P. O. No. 155 of 1972 এর Article 44D এর সংশোধন। — উক্ত Order এর Article 44D এর পরিবর্তে নিম্নরূপ Article 44D প্রতিস্থাপিত হইবে, যথা :

“44D.(1) The statement, return and documents submitted under Articles 44AA, 44C and 44CCC shall be kept by the Returning Officer or the Commission, as the case may be, in his or its office or at such other convenient place as he or it may think fit and shall, during one year from the date of receipt, be open for inspection by any person on payment of the prescribed fees.

(2) The Commission or the Returning Officer shall, on an application made in this behalf and on payment of the prescribed fees, give any person copies of any statement, return or document or any part thereof kept under clause (1).

(3) The copies of the statements, return or documents under clause (1) shall be published in the website of the Commission.”।

২১। P. O. No. 155 of 1972 এর Article 44E এর সংশোধন। — উক্ত Order এর Article 44E এর

(ক) clause (1) এর sub-clause (a) বিলুপ্ত হইবে এবং উহার পর, নিম্নরূপ নূতন sub-clause (aa) সন্নিবেশিত হইবে, যথা :

“(aa) Metropolitan Police Commissioner;”;

(খ) clause (2) এর “A Deputy Commissioner” শব্দগুলির পরিবর্তে “A Metropolitan Police Commissioner or a Deputy Commissioner” শব্দগুলি প্রতিস্থাপিত হইবে।

২২। P. O. No. 155 of 1972 এর Article 78 এর সংশোধন। — উক্ত Order এর Article 78 এর clause (1) এর “during a period of forty-eight hours ending at midnight following the conclusion of the poll” শব্দগুলির পরিবর্তে “during the period beginning at forty-eight hours prior to start of the poll and ending at forty-eight hours after conclusion of the poll” শব্দগুলি প্রতিস্থাপিত হইবে।

২৩। P. O. No. 155 of 1972 এর Article 81 এর সংশোধন।— উক্ত Order এর Article 81 এর clause (1) এর—

- (ক) “ten years” শব্দগুলির পরিবর্তে “seven years” শব্দগুলি প্রতিস্থাপিত হইবে;
- (খ) sub-clause (b) এর পর নিম্নরূপ নূতন sub-clause (bb) সন্নিবেশিত হইবে, যথা ঃ—

“(bb) is found in possession of any ballot paper or ballot paper book or is seen exhibiting them before the members of the public outside the polling station;”।

২৪। P. O. No. 155 of 1972 এর Article 87A এর সংশোধন।— উক্ত Order এর Article 87A এর clause (1) এর sub-clause (d) বিলুপ্ত হইবে।

২৫। P. O. No. 155 of 1972 এর CHAPTER VIA এর প্রতিস্থাপন।— উক্ত Order এর CHAPTER VIA এর পরিবর্তে নিম্নরূপ CHAPTER VIA প্রতিস্থাপিত হইবে, যথা ঃ—

“ CHAPTER VIA

REGISTRATION OF POLITICAL PARTIES WITH THE COMMISSION

90A. For the purpose of this Order, any political party may be registered with the Commission subject to the conditions laid down in Article 90B.

90B. (1) If any political party desires to be registered, it shall—(a) fulfill one of the following conditions, namely—

- (i) secured at least one seat with its electoral symbol in any parliamentary election held since the independence of Bangladesh; or
- (ii) secured five percent of total votes cast in the constituencies in which its candidates took part in any of the aforesaid parliamentary elections; or

(iii) established a functional central office, by whatever name it may be called with a central committee (as a base for the organizing structure of the party in various administrative level in the country, effective) district offices in at least in one-third administrative districts, offices and at least one hundred Upazilas or Metropolitan Thana having a minimum number of two hundred voters as its members in each of them; and

(b) In addition to comply with the terms and conditions referred to in clause (1), political party, desiring to be registered with the commission, shall have the following specific provisions in its constitution, namely—

(i) to elect the members of the committees at all levels including members of the central committee ;

(ii) to fix the goal of reserving at least 33% of all committee positions for women including the central committee and successively achieving this goal by the year 2020;

(iii) to prohibit formation of any organization or body as its affiliated or associated body consisting to the teachers or students of any educational institution or the employees or labourers of any financial, commercial or industrial institution or establishment or the members of any other profession :

Provided that nothing shall prevent them from organizing independently in their respective fields or forming association, society, trade union etc. and exercising all democratic and political rights, and individual, subject to the provisions of the existing laws, to be a member of any political party.

(iv) to finalize nomination of candidate by central parliamentary board of the party in consideration of panels prepared by members of the Ward, Union, Thana, Upazila or District committee, as the case may be, of concerned constituency.

(2) If an independent member of parliament joins any unregistered political party, the fact of his joining shall not qualify that party for registration with the commission.

90C. (1) A political party shall not be qualified for registration under this Chapter, if—

(a) the objectives laid down in its constitution are contrary to the Constitution of the People's Republic of Bangladesh ; or

(b) any discrimination regarding religion, race, caste, language or sex is apparent in its constitution ; or

(c) by name, flag, symbol or any other activity it threatens to destroy communal harmony or lead the country to cessation; or

(d) its constitution reflects the objectives of maintaining and nourishing party-less or one-party system; or

(e) there is any provision in its constitution for the establishment or operation of any office, branch or committee outside the territory of Bangladesh.

(2) No political party shall be registered under a name, under which another political party has already been registered :

Provided that where more than one party apply for registration with the same name and no party has already been registered under such name, the Commission may, after giving the parties reasonable opportunity of being heard, register any of the parties with such name.

(3) Commission shall not register any political party banned by the Government.

90D. Any political party complying with the conditions laid down in Article 90A, Article 90B and not disqualified under Article 90C may apply for registration in the prescribed manner under the signature of its Chairman and General Secretary or any other person holding the equivalent rank :

Provided that the Commission may allow any political party to apply for registration which has a provisional constitution containing provisions as specified under sub-clauses (b)(i), (b)(ii), (b)(iii) and (b)(iv) of clauses (1) of Article 90B as well as complying with the provisions under Article 90C along with a resolution of the highest policy-making body of the party, by whatever name it may be called, to the effect that the party shall submit a ratified constitution within six months from the date of first sitting of ninth parliament.

90E. (1) The Commission shall, after taking a decision to register a political party, issue a registration certificate in the prescribed form and shall publish it in the Official Gazette.

(2) If the application for registration of a political party is cancelled, the Commission shall, within seven working days, inform the concerned party of it in writing.

(3) The decision on registration by the Commission shall be final.

90F. (1) Subject to the provision of clause (2), a registered political party shall be entitled to—

- (a) receive donation or grants from any person, company, group of companies or non-government organization except the sources mentioned in clause (1) of Article 44CC :

Provided that such amount of donation or grants shall not exceed the following limits, in a calendar year—

- (i) in the case of a person, taka five lakh or property or service equivalent to it ;

(ii) in the case of a company or organization, taka twenty five lakh or property or service equivalent to it ;

(b) one of the prescribed symbols for all the candidates set up by it in any election under this Order or rules according to the preference indicated by it and the symbols so allotted shall be kept reserved for it, unless it indicates its preference for any other prescribed symbol available ;

(c) one set of election rolls in compact disk (CD) or digital versatile disk (DVD) or any other electronic format at free of cost ;

(d) broadcasting and telecasting facilities in the state-owned media during the general election to Parliament according to the principles and guidelines prescribed by the Commission ; and

(e) be consulted with by the Commission in respect of any matter relating to election, particularly problems of and measures for holding election fairly, peacefully and in accordance with this Order and rules.

(2) No registered political party shall receive any gift, donation, grant or money from any other country, or non-government organization assisted by foreign aid or from any person who is not a Bangladeshi by birth or any organization established or maintained by such person.

90G. A registered political party shall inform the Commission in the prescribed manner about the compliance of the provisions in clause (2) of Article 90B.

90H. (1) The registration of a political party may be cancelled for the following reasons, namely—

(a) if the party is declared dissolved according to the constitution of the party by the highest decision making body, by whichever name it is called, or an application is made to the Commission along with the minute for dissolution of the party under the signature of the chairman and general secretary of the party or any other person holding equivalent rank;

- (b) if the political party is declared banned by the Government;
- (c) if the political party fails to provide any information under this Order and rules to the Commission for consecutive years;
- (d) if the political party violates the provision of clause (2) or (4) of Article 90B; or
- (e) if the political party does not participate in the parliamentary elections for two consecutive terms.

(2) The Commission shall, prior to cancellation of registration under clauses (c), (d) and (e), give the concerned political party an opportunity of being heard in the prescribed manner.

(3) No political party shall be registered in the name of a political party which has been declared dissolved.

(4) The name of the dissolved and cancelled political parties shall be published in the Official Gazette.

90I. If a registered political party is aggrieved by an order of cancellation of registration by the Commission, it may prefer an appeal to the High Court Division."

২৬। P.O. No. 155 of 1972 এর Article 91 এর সংশোধন।—উক্ত Order এর Article 91 এর clause (a) তে "polling station" শব্দগুলির পর "or entire constituency, as the case may be," শব্দগুলি ও কমাগুলি সন্নিবেশিত হইবে।

২৭। P.O. No. 155 of 1972 এর Article 91A এর সংশোধন।—উক্ত Order এর Article 91A এর—

(ক) clause (6) এর পরিবর্তে নিম্নরূপ clause (6) সংযোজিত হইবে, যথা—

"(6) After conducting an inquiry, the Committee shall inform the Commission within three days of the inquiry and may make a recommendation which may include—

- (a) proposals for any order, directive or instruction to be made by the Commission to any person responsible for any act to stop such act forthwith; or

(b) in the case of any omission, to perform any specific act, including, if necessary, the appropriate correction of any false information.”;

(খ) clause (6) এর পর নিম্নরূপ clauses (6a), (6b) এবং (6c) সন্নিবেশিত হইবে, যথা ঃ—

“(6a) After receiving the recommendation under clause (6), the Commission may issue necessary order or instruction to the concerned person, or registered political party to implement the recommendation.

(6b) Where, any order or instruction is issued under clause (6a), the concerned person or registered political party shall carry out the same instantly.

(6c) In the event of non-compliance of an order or instruction made under clause (6a), the Commission may impose a fine not exceeding taka one lakh but not less than taka twenty thousand upon the concerned person or registered political party, and by a notification published in the Official Gazette, cancel the candidature of the candidate.”।

২৮। P.O. No. 155 of 1972 এ নূতন Article 91E এর সন্নিবেশ।—উক্ত Order এর Article 91D এর পর নিম্নরূপ নূতন Article 91E সন্নিবেশিত হইবে, যথা ঃ—

“91E. (1) Notwithstanding anything contained in this Order or rules, if it appears to the Commission on receiving an information from any source or written report that, any contesting candidate or his agent or any other person on his behalf, by his order or under his direct or indirect consent, engages or attempts to engage in any serious illegal activity or violates or attempts to violate any provision of this Order or rules or Code of Conduct for which he may be disqualified to be elected as a member,

the Commission may pass an order for an investigation of the matter giving the contesting candidate a reasonable opportunity of being heard.

- (2) After receiving the investigation report under clause (1), if the commission is satisfied that, the report was true, the Commission may, by a written order, cancel the candidature of such candidate and in that event the election shall be held among the other contesting candidates of the concerned constituency; and where only one person remains as a contesting candidate because of cancellation of candidature of the other contesting candidate, election shall be held under Article 17 for that constituency.
- (3) Any order made under clause (2) shall be sent to the concerned candidate or his election agent by hand or by fax or by e-mail or by courier service or by any another possible means.
- (4) The order made under clause (2) shall immediately be sent to the Returning Officer, Presiding Officer and other contesting candidates and the political party that has nominated such candidate.
- (5) The order made under clause (2) shall be notified in the Official Gazette and in any other manner which the Commission thinks fit."

২৯। P.O. No. 155 of 1972 এ Article 94A এর সন্নিবেশ।—উক্ত Order এর Article 94 এর পর নিম্নরূপ নতুন Article 94A সন্নিবেশিত হইবে, যথা ঃ—

94A. The Government shall publish an authentic text in Bangla of this Order in the Official Gazette after promulgation of his Ordinance:

Provided that in case of conflict between the Bangla and the English text, the English text shall prevail.

৩০। রহিতকরণ ও হেফাজত।—(১) Representation of the People (Amendment) Ordinance, 2008 (২০০৮ সনের ৪২ নং অধ্যাদেশ), Representation of the People (Amendment) Ordinance, 2008 (২০০৮ সনের ৪৫ নং অধ্যাদেশ) ও Representation of the People (Amendment) Ordinance, 2008 (২০০৮ সনের ৫২ নং অধ্যাদেশ) এতদ্বারা রহিত করা হইল।

(২) উপ-ধারা (১) এর অধীন রহিতকরণ সত্ত্বেও, রহিত অধ্যাদেশসমূহ দ্বারা সংশোধিত Representation of the People Order, 1972 (P.O. No. 155 of 1972) এর অধীন কৃত কোন কাজকর্ম বা গৃহীত কোন ব্যবস্থা এই আইন দ্বারা সংশোধিত উক্ত Order এর অধীন কৃত বা গৃহীত হইয়াছে বলিয়া গণ্য হইবে।

আশফাক হামিদ
সচিব।