

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

রবিবার, আগস্ট ২৮, ২০০৫

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

স্থানীয় সরকার, পল্লী উন্নয়ন ও সমবায় মন্ত্রণালয়

স্থানীয় সরকার বিভাগ

পৌর শাখা-২

প্রজ্ঞাপন

তারিখ, ১২ ভাদ্র ১৪১২/২৭ আগস্ট ২০০৫

এস, আর, ও নং ২৬৮-আইন/২০০৫।—Paurashava Ordinance 1977 (Ord. No. XXVI of 1977) এর section 146, section 25 এর সহিত পঠিতব্য, এ প্রদত্ত ক্ষমতাবলে সরকার the Paurashava (Election) Rules, 1977 এর নিম্নরূপ অধিকতর সংশোধন করিল, যথা ঃ—

উপরি-উক্ত Rules এর—

(ক) rule 2 এর—

(অ) clause (a) এর পর নিম্নরূপ clause (aa) এবং উহার বিপরীতে উল্লিখিত এন্ট্রিসমূহ সন্নিবেশিত হইবে, যথা ঃ—

“(aa) **“Committee”** means Electoral Enquiry Committee constituted under rule 65A ;”

(আ) clause (d) এর পর নিম্নরূপ clause (dd) এবং উহার বিপরীতে উল্লিখিত এন্ট্রিসমূহ সন্নিবেশিত হইবে, যথা ঃ—

“(dd) **“Election Commission”** means the Election Commission established by the Constitution ;”

(৮২০১)

মূল্য ঃ টাকা ৪.০০

(খ) rule 65 এর পর নিম্নরূপ নতুন rule 65A সংযোজিত হইবে, যথা: —

"65A. Electoral Enquiry Committee.—(1) The Election Commission shall establish a Committee to be known as the Electoral Enquiry Committee to ensure the prevention and control of pre-poll irregularities and offences under these rules.

(2) The Committee shall consist of a Chairman and such number of members as the Election Commission may deem fit to appoint.

(3) The Chairman and members of the Committee shall be appointed by the Election Commission from amongst Judicial Officers.

(4) The Committee shall, on the basis of information received by it, or on the direction of the Election Commission or of the Returning Officer, or complaints made to it, or on its own initiative, inquire into any matter or situation which in its view may constitute an offence under these rules, or any pre-poll irregularity including any situation or matter which, in its opinion, may involve, by any person whoever, all act or omission constituting intimidation obstruction, coercion or the publication of false information, or any other act or omission intended to or actually resulting in the obstruction of frustration of the preparation for, or the conduct of, free and fair election in accordance with these rules.

(5) In performing its function under these rules, and subject to the direction of the Election Commission, the Committee may conduct an enquiry, as it deems necessary, at any time before the election is over.

(6) The Committee, in conducting such inquiry, shall have the right to—

(a) require, in writing, any person to appear before it and give evidence under oath or affirmation to it; and

(b) require, in writing, any person to produce any documents or objects under his control to it.

- (7) The Committee shall complete an enquiry and submit its report to the Election Commission within three days and forward a copy of the report to the Returning Officer forthwith for his information.
- (8) The Committee may, in its report, make any recommendation it deems fit for the purpose of prevention and control of any offence under these rules or any pre-poll irregularity, including any recommendation for the issuance of any order, directive or instruction by the Election Commission to any person responsible for any act, irregularity, contravention or omission to stop such act, irregularity or contravention or to take any corrective or remedial measure specified therein within the time mentioned in the order, directive or instruction.
- (9) On receipt of the report of the Committee under sub-rule (8), the Election Commission shall consider the recommendations made therein and if agreed may accept the recommendations and issue such order, directive or instruction as deemed appropriate in the prevailing circumstances.
- (10) If a person to whom any order, directive or instruction issued under sub-rule (9) fails, neglects or refuses to comply with such order, directive or instructions, as the case may be, the Election Commission may impose fine not exceeding twenty thousand taka, after giving the accused person an opportunity of being heard, and such fine may be imposed even after the election is over.
- (11) In conducting an enquiry under this rule, the Committee shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (Act No. V of 1908), in respect of enforcing the attendance of any person and examining him on oath or affirmation and compelling the production of documents and material objects.

- (12) Any proceeding before the Committee shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Penal Code (Act No. XLV of 1960).
- (13) For the purpose of this rule, 'pre-poll irregularity' means any violation of the Code of Conduct made by the Government for holding election and includes such other act or omission as the Election Commission may, by notification in the official Gazette, specify. "।

রাষ্ট্রপতির আদেশক্রমে

A. H. M. Abul Qasem
Secretary.

মোঃ নূর-নবী (উপ-সচিব), উপ-নিয়ন্ত্রক, বাংলাদেশ সরকারী মুদ্রণালয়, ঢাকা কর্তৃক মুদ্রিত।
মোঃ আমিন জুবেরী আলম, উপ-নিয়ন্ত্রক, বাংলাদেশ ফরম ও প্রকাশনা অফিস,
তেজগাঁও, ঢাকা কর্তৃক প্রকাশিত।