

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, ফেব্রুয়ারি ২৮, ২০১৯

বাংলাদেশ জাতীয় সংসদ

ঢাকা, ১৬ ফাল্গুন, ১৪২৫/২৮ ফেব্রুয়ারি, ২০১৯

সংসদ কর্তৃক গৃহীত নিম্নলিখিত আইনটি ১৬ ফাল্গুন, ১৪২৫ মোতাবেক ২৮ ফেব্রুয়ারি, ২০১৯ তারিখে রাষ্ট্রপতির সম্মতিলাভ করিয়াছে এবং এতদ্বারা এই আইনটি সর্বসাধারণের অবগতির জন্য প্রকাশ করা যাইতেছে :—

২০১৯ সনের ০৪ 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 করা সমীচীন ও প্রয়োজনীয়;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :—

১। **সংক্ষিপ্ত শিরোনাম ও প্রবর্তন।**—(১) এই আইন Representation of the People (Amendment) Act, 2019 নামে অভিহিত হইবে।

(২) ইহা অবিলম্বে কার্যকর 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 বিলুপ্ত clause (xia) এর পর নিম্নরূপ নূতন clause (xia1) সন্নিবেশিত হইবে, যথা :—

“(xia1) “Electronic Voting Machine” or “EVM” means an electronic voting machine approved by the Commission under Article 26B;”।

(৭৪০৩)

মূল্য : টাকা ৮.০০

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

(ক) clause (1) এর sub-clause (m) এ উল্লিখিত “seven days from” শব্দগুলি বিলুপ্ত হইবে;

(খ) clause (3) এর পরিবর্তে নিম্নরূপ clause (3) প্রতিস্থাপিত হইবে, যথা :—

“(3) Every nomination paper shall either be—

(a) delivered by the candidate, or his proposer or seconder, to the Returning Officer or the Assistant Returning Officer who shall acknowledge the receipt of the nomination paper specifying the date and time of receipt; or

(b) submitted through online by the candidate and receipt of such submission shall be acknowledged in such a manner as may be prescribed.”।

৪। P.O. No. 155 of 1972 এর Article 26 এর সংশোধন।—উক্ত Order এর Article 26 এ উল্লিখিত “secret ballot” শব্দগুলির পর “or by using EVM or by both” শব্দগুলি সন্নিবেশিত হইবে।

৫। P.O. No. 155 of 1972 এ নূতন Article 26A, 26B, 26C এবং 26D এর সন্নিবেশ।—উক্ত Order এর Article 26 এর পর নিম্নরূপ নূতন Article 26A, 26B, 26C এবং 26D সন্নিবেশিত হইবে, যথা :—

“26A. (1) Notwithstanding anything contained in any other provision of this Order or rules made thereunder, to verify the identity of elector with reference to the electoral roll and to cast, record and count vote, EVM may be adopted in one or more or all polling stations of such constituency or constituencies as the Commission may, having regard to circumstances of each case, specify.

(2) Where EVM is adopted under clause (1), the verification of identity of elector with reference to the electoral roll and the casting, recording and counting of votes by EVM shall be in such a manner as may be prescribed.

(3) Any reference to the expression “ballot box” or “ballot paper” in this Order or any rules made thereunder shall, save as otherwise provided, be construed as including a reference to such EVM wherever such EVM is used.

26B. (1) The Commission may approve an EVM which—

(a) is stand-alone non-networked;

(b) is neither computer controlled nor connected to the internet or any network and cannot be hacked;

- (c) is electronically protected to prevent any tampering or manipulation;
- (d) cannot be altered or tampered when approved programme (software) is used;
- (e) does not have any radio frequency (RF) receiver and data decoder;
- (f) accepts only specially encrypted and dynamically coded data ;
- (g) is developed by a selected group of Engineers appointed by the Commission;
- (h) ensures the secrecy and security of the source code of programme (software);
- (i) adopts the device or devices specified by the Commission; and
- (j) fulfils any other criteria specified by the Commission.

(2) The Commission may approve a programme (software) which is so designed that—

- (a) it allows a voter to cast the vote only once;
- (b) the vote can be recorded by a voter only after the Assistant Presiding Officer enables the ballot on the Control Unit;
- (c) the next vote can be recorded only after the Assistant Presiding Officer enables the ballot;
- (d) the machine does not receive any signal from outside at any time;
- (e) the proper use of the programme would give the same result in the counting of votes in an election as would be obtained if the counting were conducted without EVM assistance;
- (f) the programme gives an elector an opportunity to correct any mistakes before processing the elector's vote;
- (g) the programme will not allow a person to find out how a particular elector cast his or her vote;
- (h) the programme is designed to pause while the Presiding Officer makes a determination when it is required;
- (i) the programme can produce indicative distributions of candidate wise votes at any time after the close of the poll and before the declaration of the poll; and
- (j) any other criteria specified by the Commission is fulfilled.

(3) The Commission shall determine processes which shall be followed in relation to the use of an approved programme in the casting and counting of votes in an election.

(4) Subject to clause (3), the Commission may approve a process—

- (a) for casting vote shown on ballot paper into the approved programme;
- (b) for counting votes using the programme to work out the number of electronic ballot on which a vote is recorded for each candidate; and
- (c) for verifying of identity of elector with reference to the electoral roll.

26C. (1) All electronic devices and programmes used or intended to be used for or in connection with EVM shall be kept secured from interference at all times in such a manner as may be prescribed.

(2) The Commission shall prescribe security measures, procedural checks-and-balances for the prevention of any possible misuse or procedural lapses.

(3) The safeguards prescribed under clause (1) shall be implemented by the Commission transparently with the active and documented involvement of candidates and their representatives at every stage, so as to build their confidence on efficacy and reliability of EVMs.

(4) The Commission shall retain the chip of EVM in which electronic data is produced at a polling station for one year, and thereafter the Commission shall, unless otherwise directed by the High Court Division, cause them to be deleted or destroyed.

26D. The Commission may, for ensuring the accuracy, security and transparency of EVM, conduct Random Testing and Verification of EVM at any stage.”।

৬। **P.O. No. 155 of 1972 এর Article 31 এর সংশোধন।**—উক্ত Order এর Article 31 এর clause (1) এ “a ballot paper” শব্দগুলির পর “or allow him to cast his vote by using EVM” শব্দগুলি সংযোজিত হইবে।

৭। **P.O. No. 155 of 1972 এর Article 81 এর সংশোধন।**—উক্ত Order এর Article 81 এর clause (1) এর sub-clause (c) এর পর নিম্নরূপ নূতন sub-clause (cc) সন্নিবেশিত হইবে, যথা :—

“(cc) without due authority and reasonable excuse destroy or interfere with any device, accessories or software programme that is used, or intended to be used, for or in connection with EVM.”।

৮। **রহিতকরণ ও হেফাজত।**—(১) Representation of the People (Amendment) Ordinance, 2018 (২০১৮ সনের ১ নং অধ্যাদেশ) এতদ্বারা রহিত করা হইল।

(২) উক্তরূপ রহিতকরণ সত্ত্বেও উক্ত Ordinance এর অধীন কৃত কোনো কাজ বা গৃহীত কোনো ব্যবস্থা এই আইনের অধীন কৃত বা গৃহীত বলিয়া গণ্য হইবে।

আ. ই. ম গোলাম কিবরিয়া
দায়িত্বপ্রাপ্ত সচিব।