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# IFES Bangladesh: Bangladesh Election Commission

## A Constitutional Body

The Constitution of Bangladesh provides for the establishment of an election commission, consisting of the chief election commissioner and not more than four election commissioners.<sup>1</sup>

## Appointment and Tenure of the Bangladesh Election Commission (BEC)

The appointment of the chief election commissioner and any other election commissioners shall be made by the president.<sup>2</sup> When the BEC consists of more than one person, the chief election commissioner acts as its chairperson.<sup>3</sup>

Although there is a provision in the Constitution for creating rules for the appointment election commissioners,<sup>4</sup> no such rules have been drafted for this purpose. Hence, the criteria for selecting election commissioners are not specified in any legislation.

Election commissioners enjoy the same status and receive the same level of compensation and benefits as judges of the Supreme Court of Bangladesh. The term of office of an election commissioner is five years from the date on which she or he assumes office.<sup>5</sup> The current commissioners assumed office on February 15, 2017.

## Search Committee for Appointment of Commissioners

In the absence of a specific law for the appointment of election commissioners, the president of Bangladesh introduced a search committee to appoint the present commission on January 25, 2017. The committee was headed by an appellate division judge, who drafted a list with two names for each election commissioner post. The president appointed five commissioners, including one chief election commissioner and the first female election commissioner in the history of Bangladesh, from this list on February 15, 2017.

## Election Commissioners' Eligibility to Serve the Republic

A person who has held office as chief election commissioner shall not be eligible for appointment in the service of the Republic. Any other election commissioner shall, on ceasing to hold office as such, be eligible for appointment as chief election commissioner but shall not be eligible for appointment in the service of the Republic.<sup>6</sup>

## Removal and Resignation of Election Commissioners

Election commissioners can be removed following the process specified for the removal of Supreme Court judges.<sup>7</sup> An election commissioner may resign her or his office with a letter addressed to the president.<sup>8</sup>

1 Constitution of the People's Republic of Bangladesh, Article 118(1).

2 Ibid., Article 118(1).

3 Ibid., Article 118(2).

4 Ibid., Article 118(1).

5 Ibid., Article 118(3).

6 Ibid., Articles 118(3) (a) and (b).

7 Ibid., Article 118(5). However, Parliament passed the 16th amendment to the Constitution in 2014, which allowed the Parliament to impeach judges and by extension, election commissioners. Later, the Supreme Court declared the 16th amendment unconstitutional and reinstated the Supreme Judicial Council for the removal of judges. For more information, see 16th amendment debate: "Here is what you need to know", Dhaka Tribune, August 18, 2017. <https://www.dhakatribune.com/bangladesh/2017/08/18/16th-amendment-debate-need-know>.

8 Ibid. Article 118(6).

## Current Election Commission

Position	Name	Career highlights
Chief Election Commissioner	KM Nurul Huda	Chief executive officer of Dhaka City Corporation, joint secretary for the Environment and Forests Ministry, additional secretary for Parliament Secretariat
Election Commissioner	Mahbub Talukder	Additional secretary for Parliament Secretariat, assistant press secretary and speech writer to President Sheikh Mujibur Rahman, author of 40 books
Election Commissioner	Kabita Khanam	District and sessions judge (retired), Chapainawabganj and Rajshahi
Election Commissioner	Rafiqul Islam	Additional secretary for the BEC Secretariat, secretary at the Science and Technology Ministry
Election Commissioner	Shahadat Hossain Chowdhury	Brigadier general (retired), adviser for United Nations Development Programme Afghanistan elections project, director of voter registration and national ID card project at the BEC

## Powers of the BEC

The BEC is an independent constitutional body in the exercise of its functions and subject only to the Constitution and any other law. The Constitution provides that it shall be the duty of all executive authorities to assist the BEC in the discharge of its functions.<sup>9</sup> The BEC has the power to, under its direction, require any person or authority to perform such functions or render such assistance for the purpose of conducting an election.

## Functions of the BEC

The BEC's specific responsibilities are the following:

- Holding presidential elections;
- Holding parliamentary elections;
- Delimiting the constituencies for parliamentary elections;
- Preparing electoral rolls for presidential and parliamentary elections; and
- Other functions as may be prescribed by the Constitution or by any other law.<sup>10</sup>

## BEC Operations

The BEC holds regular meetings and circulates papers, and all election commissioners have equal say in its decision-making. The BEC may delegate some of its executive functions to its officers in the Secretariat.

9 Ibid., Article 126.

10 Ibid., Article 119.