

Bangladesh

Background	Name of EMB:	Election Commission Bangladesh
	Status:	Permanent
	Number of commissioners:	Five commissioners including the Chief Election Commissioner
	Number of full-time EMB staff:	2,700
Establishment of the EMB	Constitutional and/or legislative provisions for establishment of the EMB:	According to Articles 118 to 126 of the Constitution of Bangladesh, there shall be an independent Election Commission of Bangladesh. Functions of the Election Commission are well defined in those articles.
	EMB's mandate:	According to Article 119 of the Constitution, the superintendence, direction and control of the preparation of the electoral rolls for elections to the Office of President and to Parliament and the conduct of such elections vested in the Election Commission which shall, in accordance with this constitution and any other law – (a) hold elections to the Office of President; (b) hold elections of Members of Parliament; (c) delimit the constituencies for the purpose of elections to the Office of President and to prepare electoral rolls for the purpose of elections to the Office of President and to Parliament. According to the Constitution and other relevant laws, the Election Commission Bangladesh also conducts different local government elections like city corporation elections, municipality elections, <i>upazila</i> (sub-district) elections and <i>union parishad</i> (union council) elections.
Appointment, tenure and removals	EMB model:	Independent
	What standards are established in the constitution or other legislation for democratic legitimacy?	The Republic of Bangladesh shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed and in which effective participation by the people through their elected representatives in administration at all levels shall be ensured.
	Provisions for the appointment of commissioners:	The President appoints the Commissioner. A search committee is formed and the committee recommends a panel of prospective election commissioners to the Honourable President. The Honourable President appoints the Chief Election Commissioner and other election commissioners from the panel.

	<p>Political status of commissioners: Non-political</p> <p>Chair qualifications: Appointments are based on expertise. Generally retired chief justice/secretary to the government etc.</p> <p>Commissioner qualifications: Generally retired justice/secretary to the government/defence personnel, etc. are appointed as commissioner.</p> <p>Tenure of chair and commissioners: Five years. 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 otherwise eligible for appointment in the service of the Republic.</p> <p>Provisions for the removal of commissioners: The conditions of service of the election commissioners are determined by the order of the President. An election commissioner shall not be removed from his office except in like manner and on the like grounds as a judge of the Supreme Court (Article 118(5) of the constitution). That is, he shall not be removed from his office except by an order of the President passed pursuant to a resolution of Parliament supported by a majority of not less than two-thirds of the total number of Members of Parliament, on the ground of proved misbehaviour or incapacity.</p> <p>Provisions for the appointment of EMB senior staff: Appointment by the government</p> <p>Tenure of EMB senior staff: 59 years of age</p> <p>Provisions for the removal of EMB senior staff: Senior staff are subject to the Commission's disciplinary process set out under the Public Servants (Dismissal on Conviction) Ordinance, 1985, the Government Servants (Special Provisions) Ordinance, 1979, Election Officer (Special Provisions) Act 1991.</p>
<p>Funding arrangements</p>	<p>Setting and control of EMB's budget: Section 7(1) of the Election Commission Secretariat Act, 2009, provides that the government shall allocate funds on the basis of the requirements of the Election Commission.</p> <p>Financial autonomy: Section 7(2) of Election Commission Secretariat Act, 2009, provides that, once the amount is granted, the Election Commission does not need to ask permission from the government to spend.</p>

	Legal provisions for financial autonomy:	Article 88(b) and (c) of the Constitution of Bangladesh provides that the remuneration payable to the election commissioners and their administrative expenses, including remuneration payable to officers and servants of the election commissioner, shall be charged upon the Consolidated Fund.
Electoral system	Number of chambers/houses within the legislature:	Unicameral
	Voting system:	Majoritarian (FPTP)
	Amendments to electoral laws:	The Election Commission drafts the law and Parliament approves it.
	Drafting of electoral regulations:	Yes, and forward to Parliament for adoption.
Electoral disputes	Electoral dispute resolution mechanisms:	Under Article 49 of the Representation of the People Order, 1972, an election petition shall be presented to the High Court Division within such time as may be prescribed. Every election petition and every schedule or annex to that petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings. Any person aggrieved by a decision of the High Court Division may, within 30 days of the announcement of the decision, appeal to the Appellate Division, if it grants leave to appeal.
Other issues:		
Secretariat	Administrative autonomy:	Article 126 of the Constitution and Articles 4 and 5 of the Representation of the People Order, 1972, provide that it shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions. The commission has the power to require any person or authority to perform such functions or render such assistance for the purpose of election as it may direct.
	Women in senior positions:	All commissioners are male. At the Secretariat, there is only one woman at senior staff level.
	Administrative structure:	The commissioners are the policy organ of the Election Commission. The Secretary heads the Secretariat, while the Director-General heads the Electoral Training Institute. At field level, there are ten regional election offices, each headed by a regional election officer (REO) and 64 district election offices, each headed by a district election officer. At the lowest tier of the field offices, there are 514 <i>upazila/thana</i> election offices headed by <i>upazila/thana</i> election officers.