

# Policy Brief

National Integrity  
System Assessment  
Bangladesh

**ELECTION COMMISSION**



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*Social movement against corruption*

## Election Commission

The Constitution of Bangladesh (Article 118) provides for the establishment of an Election Commission (EC) for the superintendence, direction and control of the preparation of electoral rolls for election to the office of the President and the Parliament, and the conduct of such elections in accordance with the Constitution. According to the Constitution, the EC is independent in the exercise of its functions and subject only to the Constitution and applicable laws.

Since independence of Bangladesh, the EC has conducted a number of elections that include eight parliamentary elections, three presidential elections with direct voting by the people, three referendums, and several local body elections. Among these, 13 were held under military governments (five local, three referendums, two presidential and three parliamentary), and the remaining under civilian governments. Three parliament elections were held under non-party caretaker governments in 1991, 1996 and 2001. Since 1972, nine Chief Election Commissioners (CEC) have been appointed; among them, seven were from the Judiciary. Only three of the CECs completed their tenure of five years as CEC. The Election Commission has never undergone significant reforms, except the provision of relative autonomy of the Commission through the promulgation of the Election Commission Secretariat Act, 2009 and the introduction of a voter identity card.

The EC's neutrality has been questioned due to capricious appointment of CECs and Election Commissioners without wider political consensus. The predominant confrontational politics have made election management quite difficult in Bangladesh. The EC so far played a passive role in the election process to avoid such difficulties. Such laissez-faire policy followed by the EC has contributed to commercialisation and criminalisation of politics. Elections held under different CECs were criticised for gross violation of electoral rules and termed 'un-free' and 'unfair'. Resolution of election petitions is another issue of concern as very few of the election petitions were resolved within the duration of the concerned parliament.

### Strengths

- Independent Secretariat controlled by the EC.
- Strong administrative set-up (central database, infrastructure up to Upazila level).
- Institutional capacity to hold elections (human resource, skill and expertise).
- Considerable financial independence.
- Role and responsibility (e.g. preparing voter list, delimiting constituencies, holding elections, monitoring candidates and political parties)

## Weaknesses

- Independence of CECs/ECs debatable.
- Constrained by legal limitations:
  - dependence on government for holding local government elections.
  - devoid of authority to-- cancel MP membership even if found ineligible, scrutinise electoral expense returns, disclose financial statements of political parties, penalise breaches of electoral Code of Conduct, etc.)
- The law is silent on issues of asset declaration, financial gratification, political activities, gifts and hospitality in relation to Commissioners.
- Redress for electoral irregularities slow and indefinite.
- EC seemingly weak in living up to its mandate evident from its failure to withstand pressure of the ruling party and local administration in the electoral management process.

## Recommendations

- A law specifying the eligibility criteria for appointments of EC members must be enacted.
- A framework for monitoring compliance with electoral laws, rules and regulations must be developed.
- Legal provisions must be introduced to ensure mandatory asset declaration by Commissioners and prohibition on financial gratification, partisan political activities, gifts and hospitality.
- Election disputes must be resolved fairly and expeditiously. The law must mandate the establishment of an adequate number of High Court benches to ensure quick disposal of election related cases.
- Election Commission must engage with stakeholders including political parties, civil society and media in all matters related to reform of the electoral law as well as policies relevant to conduct of elections.

## About Policy Brief Series

One of the key strategic areas of TIB's research has always been the institutions of democracy and specialized pillars of governance and accountability, which constitute the National Integrity System (NIS), a collective of institutions and practices that are crucial to maintaining integrity and accountability in government, non-government and private sector. The NIS in Bangladesh broadly consists of the following institutions: Parliament, Executive, Judiciary, Public Administration (bureaucracy), Local Government, Police (law enforcement agency), Comptroller and Auditor General (supreme audit institution), Election Commission, Anti-Corruption Commission, National Human Rights Commission, Information Commission, Political Parties, Civil Society, Media, and Business.

TIB has conducted a series of research, surveys and diagnostic studies on many such institutions, by which it has not only created demand, but also catalysed a number of significant legal, institutional and policy changes. Against this background, this policy brief series attempts to diagnose and analyse the strengths and weaknesses of the NIS in Bangladesh and recommend implementable measures to strengthen these institutions.

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This policy brief draws on *National Integrity System Assessment Bangladesh 2014* available at: <http://ti-bangladesh.org/nicsa/2014/en/>

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