

PART VII
ELECTIONS

118. (1) *There shall be an Election Commission for Bangladesh consisting of a Chief Election Commissioner and such number of other Election Commissioners, if any, as the President may from time to time direct, and the appointment of the Chief Election Commissioner and other Election Commissioners (if any) shall, subject to the provisions of any law made in that behalf, be made by the President.*

*Establishment of
Election Commission.*

(2) *When the Election Commission consists of more than one person, the Chief Election Commissioner shall act as the chairman thereof.*

(3) *Subject to the provisions of this Constitution the term of office of an Election Commissioner shall be five years from the date on which he enters upon his office, and—*

- (a) *a person who has held office as Chief Election Commissioner shall not be eligible for appointment in the service of the Republic;*
- (b) *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.*

(4) *The Election Commission shall be independent in the exercise of its functions and subject only to this Constitution and any other law.*

(5) *Subject to the provisions of any law made by Parliament, the conditions of service of Election Commissioners shall be such as the President may, by order, determine;*

Provided that 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.

(6) *An Election Commissioner may resign his office by writing under his hand addressed to the President.*

119. (1) *The superintendence, direction and control of the preparation of the electoral rolls for all elections to Parliament, the conduct of such elections and of elections to the office of President, shall vest in the Election Commission which shall, in accordance with this Constitution and any other law—*

Functions of Election Commission.

- (a) *hold elections to the office of President;*
- (b) *hold elections of members of Parliament; and*
- (c) *delimit the constituencies and prepare electoral rolls for the purpose of elections to Parliament.*

(2) *The Election Commission shall perform such functions, in addition to those specified in the foregoing clauses, as may be prescribed by this Constitution or by any other law.*

120. *The President shall, when so requested by the Election Commission, make available to it such staff as may be necessary for the discharge of its functions under this Part.*

Staff of Election Commission.

121. *There shall be one electoral roll for each constituency for the purposes of elections to Parliament, and no special electoral roll shall be prepared so as to classify electors according to religion, race, caste or sex.*

Single electoral roll for each constituency.

122. (1) *The elections to Parliament shall be on the basis of adult franchise.*

Qualifications for registration as voter.

(2) *A person shall be entitled to be enrolled on the electoral roll for a constituency delimited for the purpose of election to the Parliament, if he—*

- (a) *is a citizen of Bangladesh;*

- (b) is not less than eighteen years of age;
- (c) does not stand declared by a competent court to be of unsound mind;
- (d) is or is deemed by law to be a resident of that constituency; and
- (e) has not been convicted of any offence under the Bangladesh Collaborators (Special Tribunals) Order 1972.

123. (1) In the case of a vacancy in the office of President occurring by reason of the expiration of his term of office an election to fill the vacancy shall be held within the period of ninety days prior to the date of expiration of the term:

Time for holding elections.

Provided that if the term expires before the dissolution of the Parliament by the members of which he was elected the election to fill the vacancy shall not be held until after the next general election of members of Parliament, but shall be held within thirty days after the first sitting of Parliament following such general election.

(2) In the case of a vacancy in the office of President occurring by reason of the death, resignation or removal of the President, an election to fill the vacancy shall be held within the period of ninety days after the occurrence of the vacancy.

(3) A general election of members of Parliament shall be held—

- (a) in the case of a dissolution by reason of the expiration of its term, within the period of ninety days preceding such dissolution; and
- (b) in the case of a dissolution otherwise than by reason of such expiration, within ninety days after such dissolution:

Provided that the persons elected at a general election under sub-clause (a) shall not assume office as

members of Parliament except after the expiration of the term referred to therein.

(4) An election to fill the seat of a member of Parliament which falls vacant otherwise than by reason of the dissolution of Parliament shall be held within ninety days of the occurrence of the vacancy.

124. Subject to the provisions of this Constitution, Parliament may by law make provision with respect to all matters relating to or in connection with elections to Parliament, including the delimitation of constituencies, the preparation of electoral rolls, the holding of elections, and all other matters necessary for securing the due constitution of Parliament.

Parliament may make provision as to elections.

125. Notwithstanding anything in this Constitution—

Validity of election law and elections.

- (a) the validity of any law relating to the delimitation of constituencies, or the allotment of seats to such constituencies, made or purporting to be made under article 124, shall not be called in question in any court;
- (b) no election to the office of President or to Parliament shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by Parliament.

126. It shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions.

Executive authorities to assist Election Commission.