

REGISTERED No.1 302

L.-7646

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, AUGUST 18, 2013

PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN

GILGIT-BALTISTAN LEGISLATIVE ASSEMBLY SECRETARIAT

Gilgit, the 27th August, 2013

THE ELECTORAL ROLLS ACT, 2013

(ACT NO. III OF 2013)

An Act to provide for the preparation and revision of electoral rolls for elections to the Gilgit-Baltistan Legislative Assembly and to avoid the multiple, dual and bogus entries of voters.

WHEREAS it is expedient to provide for the preparation and revision of electoral rolls for elections to the Gilgit-Baltistan Legislative Assembly and Local Bodies and for matters connected therewith and incidental thereto:

It is hereby enacted as follows:—

Electoral Rolls Act, 2013.

(467)

Price Rs. 10.50

[1268(2013)Ex.Gaz.]

468 THE GAZETTE OF PAKISTAN, EXTRA., AUGUST 18, 2013 [Part I
ne ART I

1. Short title and commencement.— (1) This Act may be called the Electoral Rolls Act, No of II of 2013.

(2) It shall come into force at once.

(3) It extends to the whole of Gilgit-Baltistan.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context.—

(1) "Commissioner" means the Chief Election Commissioner appointed under the Gilgit-Baltistan (Empowerment & Self Governance) Order,

2009.—

(i) _ the person continuing in the office of Chief Election Commissioner by virtue of Article 82 of Gilgit-Baltistan (Empowerment & Self Governance) Order, 2009.

(2) "Commission" means the Election Commission of Gilgit Baltistan.

(3) "Electoral area" means—

(a) in rural areas, a village or a census block; and

(b) in urban areas,—

(i) where there is a municipal ward or census block, such ward or census block;

(ii) where there is no municipal ward or a census block, a well-defined Mohallah or a street; and

(iii) where the ward or census block, Mohallah or street is too big, a well-defined part thereof; or

(c) such other areas as may be determined by the Commissioner;

(4) "Prescribed" means prescribed by rules made under this Act;

PART I] THE GAZETTE OF PAKISTAN, EXTRA., AUGUST _18, 2013

(5) "Registration Officer" means a Registration Officer appointed under section 5, and includes an Assistant Registration Officer performing the functions of a Registration Officer; and

(6) "Revising Authority" means a person appointed under section 9 to hear and dispose. of claims and objections and applications for correction relating to the electoral rolls.

(7) "Person" means any person (male/female) who is resident of Gilgit-Baltistan.

3. Assistance to Commissioner.— (1) The Commissioner may require any person or authority to perform such function or render such assistance for carrying out the purposes of this Act.

(2) All executive authorities of the Provincial Government shall assist the Commissioner in the performance of his functions under this Act and for this purpose the Commissioner may issue such directions as he may consider necessary.

(3) The Federal Government and Provincial Government Gilgit-Baltistan shall make available to the Commissioner such staff as he may require 'for the performance of his functions under this Act.

4. Preparation and computerization of electoral rolls for election to the Gilgit Baltistan Legislative Assembly / Local bodies .— (1) The Commissioner shall cause to be prepared the electoral rolls for election to the Gilgit-Baltistan Legislative Assembly and Local Bodies, afresh or by revising the electoral rolls existing before 2009 and revised from time to time in the prescribed manner.

(2) The Commissioner . shall make arrangements for the computerization of the electoral rolls in the manner as he may determine and any printout of the computer maintained by, or with the authority of the Commissioner, shall be deemed to be an electoral roll published under this Act.

5. Appointment of Registration Officer, etc— (1) . The Commissioner shall appoint a Registration Officer for an electoral area or group of electoral areas for the purpose of preparation, revision, correction and amendment of the electoral rolls and may, for that purpose, appoint as many Assistant Registration Officers as may be necessary.

470 THE GAZETTE OF PAKISTAN, EXTRA.. AUGUST 18, 2013 (PART I)
==_— ee 0000vvvv700

(2) Subject to such instructions as may be given in this behalf by the Commissioner, —

(a) an Assistant Registration Officer may, under the control of the Registration Officer, perform the functions of a Registration Officer.

6. Preparation of preliminary electoral rolls, etc. — (1) Subject to the superintendence, directions and control of the Commissioner, the Registration Officer shall prepare the electoral rolls by including therein the name of every person entitled to be enrolled as voter in the electoral area under this Act.

- a) Is a resident in an electoral area in Gilgit-Baltistan.
- b) Is not less than eighteen years of age and possesses CNIC issued

by the National Database and Registration Authority constituted under the National Database and Registration Authority Ordinance, 2000 (VIII of 2000), or comes in possession of such National Identity Card on the last date fixed for inviting claims, objections and applications for corrections, if any, for the purpose of preparing or revising the electoral rolls:

Provided that CNIC issued ,by National Database and Registration Authority shall be deemed to be valid for the purpose of registration as voter or casting vote at a poll, notwithstanding the expiry of its validity period.

7, Meaning of resident.— (1) Save as hereinafter provided, a person shall be deemed to be resident in an electoral area if he ordinarily resides, or owns or is in possession of a dwelling house or other immoveable property, in that area.

(2) Where a person owns or possesses dwelling houses or other immovable property in more than one electoral area, he may, at his option, be enrolled in any one of such area.

(3) A person who is detained in prison or held in other custody at any place in Gilgit-Baltistan shall be deemed to be resident in the electoral area in which he would have been resident if he had not been so detained or held in such custody.

8. Preliminary publication— The preliminary electoral rolls prepared under section 6, together with a notice inviting claims and objections

PART I] THE GAZETTE OF PAKISTAN, EXTRA., AUGUST 18, 2013 471

and applications for corrections, if any, with respect thereto, shall be published and displayed in such manner and form as may be prescribed.

9. Appointment of Revising Authorities— The Commissioner shall appoint a Revising Authority for any electoral area or group of electoral

areas, for the purpose of receiving and deciding claims, objections and applications for corrections relating thereto.

10. Period for lodging claims and objection Every claim for inclusion of a name in the electoral roll, and every objection to, or application for correction of, any entry therein shall be made to the Revising Authority on the prescribed form within a period of twenty-one days or more as prescribed by the Chief Election Commissioner next following the date of the publication of the preliminary electoral rolls under section 8.

11. Transfer of name from one electoral area to another.— A person may apply for transfer of his name from the electoral roll of one electoral area to the electoral roll of another by filing—

(a) an objection to the inclusion of his name in the roll in which it has been included, and

(b) a claim for the inclusion of his name in the other,

With the appropriate Revising Authority or Revising Authorities, if it is preferred before the final publication of the electoral roll under section 16, or with the appropriate Registration Officer or Registration Officers, if it is" preferred after such final publication.

12. Rejection of claims and objections.— Any claim or objection or application for correction not made within the period specified in section 10 or in the prescribed manner shall be rejected.

13. Application by the Registration Officer for inclusion of name.— The Registration Officer may, within the period mentioned in section 10, apply to the Revising Authority,

(a) for the inclusion in the electoral roll of the name of any person ' left out due to inadvertence or the absence of timely information while preparing the preliminary electoral rolls; or

%

472 THE GAZETTE OF PAKISTAN, EXTRA., AUGUST 18, 2013

[Parry

(b) for the exclusion of any name from the electoral roll or an
correction of clerical, printing or other error which he is himself

authorized to make under sub-section (2) of section 15,

14. Enquiry into claims and objections, etc.—(1) Except where a
claim or objection or an application for correction is rejected under section 12,
or is decided without further inquiry being valid prima facie, the Revising
Authority shall, give its decision after holding a summary inquiry into each
claim, objection or application, after giving notice to the parties concerned,

(2) Every decision of the Revising Authority under sub-section (1) shall
be final and be communicated to the appropriate Registration officer.

15. Correction of electoral rolls.— The Registration Officer—

(i) shall correct the electoral roll in accordance with the
decisions of the Revising Authority under section 14:
and

(ii) may further correct any clerical, printing or other error

subsequently discovered in the roll, but not so as to
include therein, or exclude therefrom, the name of any
elector.

16. Final publication— After making additions, deletions,
modifications or corrections, if any, under section 15, the Registration Officer

shall publish in the prescribed manner and form the final electoral roll for each
electoral area.

17. Annual revision of electoral roll— An electoral roll shall be
revised and corrected annually in the prescribed manner and form—

(a) so as to include the name of any qualified person whose name
does not appear in such roll, or

(b) so as to delete the name of any person who has died or who is or
has become disqualified for enrolment, or

(c) for correcting any entry or for supplying any omission in such
roll:

Provided that, if, for any reason, the electoral roll for any electoral area

is not revised, the validity or continued operation of the electoral roll shall not
thereby be affected.

18. Enrolment and correction at a time other than the annual revision.— (1) Any person whose name is not included in an electoral roll for the time being in force and who claims that he was or is entitled to be enrolled on that roll, may apply to the appropriate Registration Officer alongwith a photostat copy of the identity card issued, or deemed to have been issued, to him under the National Database and Registration Authority Ordinance, 2000 (VIII of 2000)! for the inclusion of his name therein, and if the Registration Officer is satisfied after giving such notice and making such inquiry as he may consider necessary that the applicant was or is entitled to have his name enrolled, he shall for the purpose of further correcting the roll insert the name of such person in that roll:

Provided that if the name of applicant is already included in the electoral roll of any other electoral area of the same district or any other district, the Registration Officer shall strike off his name from the roll of that other electoral area of the same district and inform the Registration Officer of other district who shall, on receipt of the information, strike off the name of the applicant from that roll.

(2) Any person may apply to the Registration Officer for the correction of any entry in an electoral roll for the time being in force; and

(a) if the entry relates to the applicant and the Registration Officer is satisfied after giving such notice and making such inquiry as he may consider necessary that the entry relates to the applicant and is erroneous or defective for any particular reason, he shall correct the roll accordingly; and

(b) if the entry does not relate to the applicant and the Registration Officer is satisfied after giving notice to the person to whom the entry relates and after making such inquiry as he may consider necessary that the entry is erroneous or defective or should be deleted, he shall correct the electoral roll accordingly.

(3) Where the Registration Officer rejects application made under sub-section (1) or sub-section (2), he shall record in writing brief reasons of his decision.

(4) A person aggrieved by the order of the Registration Officer made under sub-section (1) or sub-section (2) may, within thirty days of such order, appeal to the appellate authority to be appointed by the Commissioner and the decision of such authority given thereon shall be final.

474 THE GAZETTE OF PAKISTAN, EXTRA., AUGUST 18, 2013 ae

19. Preparation of rolls afresh.— If the Commission on account of

any gross error or irregularity in or in the substance of an electoral roll, for any

electoral area or a part thereof, considers it necessary so to do, he may by order

direct that the roll for such area or part shall stand cancelled and that a fresh

electoral roll for that area or part be prepared in accordance with the Provision,
of this Act.

20. No correction to be made after constituency called upon to elect.— No revision or correction of any electoral roll for an electoral area shall be made nor shall any order under section 19 be made in respect of roll at any time after the constituency of which such electoral area has been called upon to elect its representative and before such representative has been elected.

PON to
Tea shall
any electoral
forms Part has
representative has

21. Maintenance of electoral rolls.— An electoral roll as revised and corrected shall be maintained in the prescribed manner and shall be kept open to public inspection; and copies of such roll shall be supplied to any person applying therefore, on payment of such fee as may be prescribed.

22. Departure from normal

procedure in exceptional circumstances.—

Where the Commissioner is satisfied that it is not possible to follow the procedure laid down for the preparation of an electoral roll in any electoral area, he may direct that an electoral roll for such electoral area be prepared in such manner as he deems fit.

respect of any
area shall be

23. Duration of the electoral roll.— An electoral roll for an electoral area prepared under this Act shall remain in force until its final publication and shall remain in force

rolls.— The electoral roll for any

shall come into force immediately upon its publication and shall remain in force until revised.

24. Access to register of births and deaths, etc—— (1) The person in charge of any register of births and deaths and any authority to whom an application for registration is to be made under the National Database and Registration Authority Ordinance, 2000 (VII of 2000), shall at the request of a

Registration Officer furnish him with such information, including extracts from

such register or as the case may be, application, as may be necessary for the purposes of this Act.

Fant

nN

~S

mn

oc

>

n

Q

Q

=.

[o)

Ss

=~

(TD

Ww

n

ia

5

' Ordinance, 2000 (VIN of 2000)

ry information to a Registration Officer

be liable to punishment under the rule

nc eas

in pursuance of the said sub-section shall
s framed under this Act..

nor

en

n.com

Boon

r

www.ez

parTI] __THE GAZETTE OF PAKISTAN, EXTRA., AUGUST 18, 2013 475
Saoanaeaeaeaeaeanaeaeesss~"\$—oa—sSs_—>—.m

25. No person to be enrolled more than once or in more than one electoral area.— No person shall be enrolled.—

- (a) on the electoral roll for any electoral area more than once; or
- (b) on the electoral rolls for more than one electoral area.

26. Validity of electoral rolls, etc., not affected by reason of any mistake.— An electoral roll shall not be: invalid by reason of any miss description of a person enrolled thereon or of omission of the name of any person entitled to be so enrolled or of inclusion of the name of any person not so entitled.

27. Commissioner's power to include a name in an electoral roll.— Subject to section 20 of this Act the Commissioner may, at any time, order—

- (a) the inclusion in an electoral roll of the name of any person entitled to be enrolled on such electoral roll, and such name shall from the date of such order, form part of the electoral roll;
- (b) the exclusion from an electoral roll of the name of any person who has died or has become disqualified to be a voter, and such name shall, from the date of such order, stand excluded from that roll; and i
- (c) the removal of the name of any person from an electoral roll where such removal becomes necessary due to the repetition of the name in the same electoral roll or in the electoral rolls of more than one electoral area

28. Power to make rules.— (1) The Commissioner may, with the approval of the Governor and by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Where a form has been prescribed for any of the purposes of this Act or the rules made thereunder, the Commissioner may, by notification in the official Gazette, make such modifications or additions in the form as may in his opinion be necessary:

Provided that the validity of an electoral roll prepared in the prescribed form for the time being in force shall not be affected by any modification or

www.eznanoonsaaition made in the form subsequent to the preparation of the roll.

476 THE GAZETTE OF PAKISTAN, EXTRA., AUGUST 18, 2013 [PART]

we

29. Removal of difficulties— If any difficulty arises in giving effect to any of the provisions of this Act, the Governor may make such provision for

the removal of the difficulty as he may deem fit.

30. Bar of jurisdiction — No court shall call into question the validity of the electoral rolls prepared or revised ,under this Act or the legality or propriety of any proceedings or action taken thereunder by or under the authority of the Commissioner or a Registration Officer.

31. Breach of official duty.— Information not to be divulged, any

person who:-

(a) Being an employee of the Commission publishes or communicates to any person, any information or data acquired by him in the course of such employment without being so authorized by the Commission;

(b) Breaches, in any manner, the security or integrity of the information or data contained in the electoral rolls database;

(c) Having possession of any information -or data which to his knowledge has been obtained or disclosed in contravention of this Act or in breach of security, secrecy or integrity thereof publishes or communicates that information or data to any other person; or

(d) Misuses or abuses, in any manner, the information or data contained in the electoral rolls database, shall be: punishable with imprisonment for a term which may extend to five years, or with fine which may extend to one million rupees, or with both.

32. Certain offences triable by Registration Officer— Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), the Registration Officer, if so authorized by the Commissioner in

this behalf, may—

(a) exercise the powers of a Magistrate of the first class under the said Code in respect of the offences punishable under sections 172,173, 174, 175, 177, 178, 179,180, 182, 186, 187, 188, 189; 191,196, 197,198,199,200,464 and 471 of the Pakistan Penal code, 1860 (Act XLV of 1860); and

(b) take cognizance of any such offence and shall try it summarily in accordance with the provisions of Code of Criminal Procedure, 1898 (Act V of 1898), relating to summary trials.

33. Repeal.— The Northern Areas Electoral Rolls Act, 1975, is hereby repealed.

WAZIR BAIG,
Speaker.

PIR SYED KARAM ALI SHAH,
Governor.

RESS, ISLAMABAD.

PRINTED BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN PRESS, .

PUBLISHED BY THE DEPUTY CONTROLLER, STATIONERY AND FORMS, UNIVERSITY ROAD, KARACHL.