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PART I

Acts, Ordinances, President's Orders and Regulations

Islamabad, the 25th April, 1974

The following Act of Parliament received the assent of the President on the 22nd April, 1974, and is hereby published for general information :—

ACT No. XXI OF 1974

An Act to provide for the preparation and revision of electoral rolls for elections to the National Assembly and the Provincial Assemblies

WHEREAS it is expedient to provide for the preparation and revision of electoral rolls for elections to the National Assembly and the Provincial Assemblies and for matters connected therewith and incidental thereto ;

It is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Electoral Rolls Act, 1974.

(2) It shall come into force at once.

(3) It extends to the whole of Pakistan.

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 Election Commission Order, 1977 President's (P.P.) Order No. 4 of 1977, by virtue of Article 215 of the Constitution, 1973.

(ii) a Judge of the Supreme Court nominated under Article 217 of the Constitution to act as Chief Election Commissioner ;

(2) "electoral area" means—

(a) in rural areas, a village ; and

(b) in urban areas,—

(i) where there is a municipal ward, such ward,

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- (ii) where there is no municipal ward, a well-defined *mohalla* or a street, and
- (iii) where the ward, *mohalla* or street is too big, a well-defined part thereof; or
- (c) such other areas as may be determined by the Commissioner;
- (3) "prescribed" means prescribed by rules made under this Act;
- (4) "Registration Officer" means a Registration Officer appointed under section 5, and includes an Assistant Registration Officer performing the functions of a Registration Officer; and
- (5) "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.

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

(2) All executive authorities of the Federal Government, each Provincial Government, the Federal Capital and the Federally Administered Tribal Areas 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 each Provincial Government shall make available to the Commissioner such staff as he may require for the performance

4. **Electoral Rolls for election to the Assemblies.**— **The electoral rolls shall be prepared simultaneously under this Act on the principle of separate electorate for the Muslims and non-Muslims and revised annually.**

Explanation:—The "existing electoral rolls" in relation to the first electoral rolls to be prepared under this Act means the electoral rolls prepared under the Electoral Rolls Order, 1969 (P. O. No. 6 of 1969) and, notwithstanding anything contained in this Act, the electoral rolls to be so prepared may be in relation to the same electoral areas as under that Order.

5. **Appointment of Registration Officers, 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.

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

(1) **The Registration Officer for an electoral area shall, under the superintendence, direction and control of the Commissioner, prepared for that area in the prescribed manner a preliminary electoral roll including therein the name of every person entitled to be enrolled as a voter:**

Provided that the electoral roll in respect of an electoral area shall be prepared or revised, as the case may be, simultaneously but separately for the Muslims and non-Muslims on the principle of separate electorate."

- (ii) deleting therefrom the names of such voters as have died since the preparation of the existing electoral rolls; and
 - (iii) deleting therefrom the name of every person who is not entitled to be enrolled as a voter in any electoral area under this Act.
- (2) A person shall be entitled to be enrolled as a voter in an electoral area if he—
- (a) is a citizen of Pakistan;
 - (b) is not less than eighteen years of age on the first day of January in the year in which the preparation or revision of the electoral rolls commences under this Act;

~~(c) is not declared by a competent authority to be ineligible to vote.~~
"Provided that, for the purpose of the general election to the National Assembly or a Provincial Assembly to be held in pursuance of the Houses of Parliament and Provincial Assemblies (Elections) Order, 1977 [P(PP)O. No.5 of 1977], or an election to a seat falling vacant before the holding of the subsequent general election to the National Assembly or a Provincial Assembly, clause (b) shall have effect as if for the word "eighteen" therein the word "twenty-one" were substituted." ¹ [^]

~~(1) Subject to the provisions of sub-section (2), 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 immovable 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 such area.

(3) A person who is in the service of Pakistan or holds any public office shall be deemed to be resident in the electoral area where he is posted, unless he applies in writing to the Registration Officer for enrolment in the electoral area in which he would have been enrolled if he had not been in such service or had not held such office.

(4) The wife of any such person as is referred to in sub-section (3) and such of his children as are entitled to be enrolled shall, if they ordinarily reside with such person, be deemed to be residents in the electoral area in which such person is deemed to be resident under that sub-section.

(5) A person who is detained in prison or held in other custody at any place in Pakistan 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 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 objections.—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 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 names.—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
- (b) for the exclusion of any name from the electoral roll or any correction of clerical, printing or other error which he is himself authorised 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 on 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 for the inclusion of his **alongwith a photo-stat copy of the identity card issued to him under the National Registration Act, 1973 (LVI of 1973),**

(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 in any particular, 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.

19. Preparation of rolls afresh.—If the Commissioner, on account of any gross error or irregularity in or in the preparation 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 provisions 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 any electoral roll at any time after the constituency of which such electoral area forms part has been called upon to elect its representative and before such representative has been elected.

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 therefor, 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 respect of any electoral area, he may direct that an electoral roll for such electoral area shall be prepared in such manner as he deems fit.

23. Duration of the electoral rolls.—The electoral roll for any electoral area prepared under this Act shall come into force immediately upon its final 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

1. done by ord. XX of 1982.

for registration is to be made under the National Registration Act, 1973 (LVI of 1973), 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.

(2) Sub-section (1) shall have effect notwithstanding anything contained in section 10 of the National Registration Act, 1973 (LVI of 1973), and no person who furnishes any information to a Registration Officer in pursuance of the said sub-section shall be liable to any punishment.

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 misdescription 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 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
- (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 President and by notification in the official Gazette, make rules for carrying out the purposes of this Act.

29. Bar of jurisdiction.—No court shall 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.

30. Repeal of P. O. No. 6 of 1969.—The Electoral Rolls Order, 1969 (P.O. No. 6 of 1969), is hereby repealed ~~but, notwithstanding such repeal, an electoral roll for any electoral area prepared under the said Order shall continue in force until the electoral roll prepared under this Act for such area has come into force on final publication.~~

MUHAMMAD ILYAS,
Joint Secretary.