

THE SIDA ELECTION (MEMBERS) REGULATIONS, 2004.

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THE SIDA ELECTION (MEMBERS) REGULATIONS, [Year]

Notification No. SIDA) 1/2004 dated.....

In exercise of the powers conferred by section 104 (2) read with section 5 (2) of Sindh water management ordinance, 2002, the SIDA, with the previous approval of regulatory authority, is placed to make the following regulations for the elections of elected members of SIDA.

PART: A GENERAL

1. **Short title and commencement:** - (1) these regulation may be called SIDA Election (Members) Regulation, 2004.
 - 2 These regulations extend to the whole of the area falling under the SIDA;
 - 3 The regulation shall come into operation on such date, as the SIDA may, by notification, fix in this behalf.
2. **definition:** In these regulations, unless there is any thing repugnant in the subject or context:
- a) **Agent** means a person authorized in writing by a candidate;
 - b) **Authority** means the regulatory authority if irrigation, drainage and flood protection
 - c) **Candidate** means a person who has been nominated for election of member;
 - d) **Constituency** means the whole area falling under the jurisdiction of the SIDA;
 - e) **Election Committee** means a committee appointed by the authority to conduct the election;
 - f) **Election** means the election of elected members of SIDA;
 - g) **Member** means the elected members of sida;
 - h) **Ordinance** means the Sindh water management ordinance, 2002;
 - i) **Political office** includes an elected, appointed or nominated membership or a post in national, provincial and local political institution, organization or party except being an ordinary member of a party.
 - j) **Poling Station** means a place so designated by the election committee to hold polling for election;
 - k) **Returned Candidate** means a person who has been elected as member;
 - l) **Returning Officer** means a person so appointed by an election committee for the conduct of elections;
 - m) **SIDA** means the Sindh irrigation and Drainage authority established under the ordinance.
 - n) **Small Farmer** means a small farmer as defined under the ordinance;
 - o) **Tail Ender** means the water user from the tail end as defined under the ordinance;

- p) **Validity Nominated Candidate** means a person whose nomination has been accepted by the Election Committee or Returning Officer, as the case may be;
- q) **Voter** means the chairman of the farmers' organization, or any other member of the board of management authorized by him to vote on his behalf;
- r) **Voters' list** means a list of chairman of the farmers' organization in the

PART: B- QUALIFICATION DISQUALIFICATION FOR A MEMBER

- 3. Qualification for a member:** (1) a person shall qualify to be elected as a member if he:
 - a) Is a citizen of Pakistan;
 - b) Is not less than thirty five years of age;
 - c) Is resident in the command area of the SIDA;
 - d) Is a practicing farmer in the area falling under the SIDA and whose mainstay is farming;
 - e) Is of good moral character, and
 - f) Has academic qualification of not less than a Bachelor Degree or an academic qualification equivalent to or higher than a Bachelor Degree.

- 4. Disqualification for a Member:** (1) A person shall be disqualified to be a member if he:
 - a) Has been declared by a competent court to be unsound mind;
 - b) Is in the service of the federal, a provincial or a local government or a statutory body or body which is controlled by any such government;
 - c) Has been dismissed, removed or compulsorily retired from public service on the ground of moral turpitude;
 - d) Possesses assets which are not consistent with his declaration of assets or justifiable means, whether held in his own name or of his dependents or any other person;
 - e) Has been adjudged a willful defaulter of any tax or other financial dues owed to the federal, provincial, or a local government or any financial institution;
 - f) Has been convicted by a court of competent jurisdiction on a charge of corrupt practice involving moral turpitude or misuse of power or authority under any law for the time being in force;
 - g) Has been sentenced to imprisonment for more than three months for an offence under any law unless a period of not less than five years has elapsed since his release;
 - h) Has been declared an un-discharged insolvent by any court;
 - i) Engages in any transaction involving pecuniary interest with the SIDA of which he will be or is member.
 - j) Hold a political office;

- k) Has been and is involved, in activities prejudicial to the ideology, interest, security, unity, solidarity, peace, and integrity of Pakistan and its people, and the good order and harmony of society.
 - l) Absents himself without reasonable cause from three consecutive meetings of the SIDA of which he is a member; provided that a member shall not be disqualified if the absence was necessitated by a national emergency or force majeure.
5. Bar against dual membership: (1) A member:
- a) Can not hold any political office, provided that he or she resigns from that public office before filing his or her nomination papers for election as a member.

PART: C-LIMITATIONS

6. (1) The regulatory authority shall divide the constituency into three sub-constituencies in the following manner:
- a) One sub-constituency shall consists of FOs receiving water from the Guddu Barrage and shall be called the Guddu sub-constituency;
 - b) One sub-constituency shall consists of FOs receiving water from the Kotri Barrage and shall be called the Kotri sub-constituency; and
 - c) One sub-constituency shall consists of FOs receiving water from the Sukkur Barrage and shall be called the Sukkur sub-constituency;
7. **Approval of schemes:** (1) The proposed scheme of sub-constituencies shall be publicized through media and other means;
- (2). the authority shall appoint a committee of its staff members to hear objection on the proposed scheme;
 - (3). The authority shall complete the process of hearing of complaints and the approval of the scheme within 15 days of submission of the scheme;
 - (4). The authority shall notify the approval scheme of each sub-constituency to SIDA and all FOs forming constituency.
8. **Voters' List:** The authority shall prepare a voters' list to be used for the election and shall give the public a notice of the list so prepared.

PART: D-ELECTION COMMITTEE

- 9. Election committee:** (1) The authority shall appoint a election committee of three independent and neutral persons to conduct the election;
- (2) All the decisions of the election committee shall be expressed and taken in terms of the opinion of the majority.
- (3) The election committee shall appoint a returning officer, not below the rank a grade-18 officer, for each sub-constituency;
- (4) The election committee may appoint as many assistant returning officers as it may deem necessary for holding the election of electors;
- (5) The election committee shall cause the preparation of voters' list and the list to be maintained at and made available by each FO, provided that no change should be made in the list after announcement of election schedule.
- (6) the election committee, returning officers, assistant returning officers, as the case may be shall have a voters' list;
- (7) The election committee may solicit the services of the staff of AWBs, FOs, WCAs, DBGs, as the case may be, for assistance in the election process and such staff shall be duty bound to assist the election committee.

PART: E-ELECTION OF MEMBERS

- 10. Number and type of members:** (1) the SIDA shall have one member representing the Guddu sub-constituency.
- (2). The SIDA shall have one member representing the kotri sub-constituency; and
- (3). The SIDA shall have three members representing the sukkur sub-constituency; out of these three members, one member shall be a small farmer and one member shall be a farmer on the tail end of a FO which is situated on the tailo end of an AWB command area.

PART: F-ELECTION PROCEDURE

- 11. Phases:** (1) the election shall have the following three phases:
- (a) Filling of nomination papers for election of members;
- (b) Scrutiny of nomination papers;
- (c) Election of members
- 12. Notification for Election:** (1) The election committee shall, by notification, call upon the voters to elect members;
- (2). In the said notification, the election committee shall, in relation to each election, specify:-
- a) A day on or before which nomination of candidates is to be made.
- b) A day when scrutiny of nomination papers is to be made ;
- c) A day on or before which a candidate may be withdrawn; and
- d) A day for the taking of the polls.
- (3). The notification shall be given wide publicity and shall be affixed in the offices of SIDA,AWB and FOs.

- 13. Nomination:** (1) every candidate shall, in writing, file nomination papers before the election committee or returning officers, as the case may be;
- (2). Every candidate for a member shall deposit a non-refundable Rs. 5000/- at the time of filling the nomination papers, at the office of SIDA.
- (3). The election committee or returning officers, as the case may be, shall scrutinize the nomination papers as per schedule;
- (4). The election committee or the returning officers, as the case may be, shall publish a list of validly nominated candidates and the list shall be widely circulated.
- 14. Withdrawal:** (1) a validly nominated candidate may, by notice in writing, by himself or by its agent, delivered to the election committee or returning Officers, as the case may be, on or before the withdrawal day, withdraw his candidate.
- 15. Death of a candidate:** (1) If a validly nominated candidate for the election of a member dies before the election, leaving the contesting candidate less than two, the election committee or returning officer shall postpone the election till the announcement of another schedule;
- (2). The revised schedule shall be announced within fifteen days of the postponement of the election;
- (3). The validly nominated candidate shall be required to file fresh nomination whereas a new candidate may file nomination papers according to the new election schedule;
- 16. Uncontested election:** If after scrutiny, the number of validly nominated candidates is not more than number of members to be elected, the election committee shall declare such candidate to be elected unopposed for the seat.
- 17. Canvassing:** (1) Every candidate for the election of a member shall have a right of canvassing before the election day.
- 18. Agents:** (1) Every candidate shall have right to appoint its agent;
- (2). The agent so appointed could exercise all the power under these regulations to represent the candidate.
- 19. Secret ballots:** (1) The election under these regulations shall be decided by secret ballots
- 20. Symbol:** (1) The election committee shall allot election symbol to all contesting candidates.
- (2). The symbols so allotted shall be printed on ballot papers.
- 21. Voting procedure:** (1) every voter shall prove his identity by National Identity Card or passport, as well as certificate by his FO that he is a voter, before casting a vote;
- (2). Every voter shall be given a blank ballot paper when upon the symbols of candidates shall be printed and the voter shall tick one of the symbols.

- 22. Ballot Box:** (1) The ballot box to be used for the election of members shall be such as approved by the election committee or returning officer.
- (2). The empty ballot boxes shall be shown to the candidate or their agents, as the case may be.
- 23. Postponement of Elections:** when any proceedings relating to any stage of the election under these regulations cannot , for reason beyond the control of the Election Committee or Returning Officer, take place on the day so as appointed, the Election Committee or Returning Officer shall postpone such proceedings and a new schedule shall be announced thereafter.
- 24. Polling stations and hours of the polls:** The Election Committee or Returning Officer shall establish the pooling stations and fix the hours during which the polls shall be taken and give the public a notice of the hours so fixed.
- 25. Stopping of the Polls:** If at any time, the polls are interrupted by any reason, the Election Committee or Returning Officer, as the case may be may by recording the reasons thereof, stop the poll.
- 26. Admission to the polling station:** The Election Committee or Returning Officer may regulate the conduct of polling at the polling station and may exclude from the polling station all such persons whom he considers unnecessary.
- 27. Voting after close of polls:** No person shall be given any Ballot paper, or to be permitted to vote after the hour fixed for close of the poll, except the persons who at that hour present within the polling station and are waiting to vote.
- 28. Counting:** (1) Every candidate or its agent shall be present at the tinme and place of voting;
- (2). The ballots shall be counted in the presence of candidates of their agents;
- (3). All the candidates or their agents shall sign the result sheet indicating the number of votes secured by each candidate.
- 29. Simple majority:** (1) The Election shall be based on the principle of simple majority.
- 30. Communication of results:** The Election Committee shall immediately communicate the names of returned candidates to the authority.
- 31. Notification to be issued:** The Authority shall issue the notification of the result of the election within the three days of the election of a member and the term of the member shall take effect from the date of said notification.

- 32. Record:** (1) The Election Committee or Returning Officer, as the case may, shall immediately deposit the election records within the authority;
- (2). The authority shall preserve the record till the finalization of any appeal or other legal proceedings, if any, challenging the validity of election;
- (3). Subject to (2), the authority may destroy the record as and when it deems fit.

PART: G-APPEAL

- 33. Appeal:** (1) any person aggrieved by limitations of sub-constituencies, voters' lists or elections of members shall have a right of an appeal to the government under section 79(2) of the ordinance.
- (2). The appeal shall be in writing, stating all the factual details, legal points and prayers sought;
- (3). The limitation for an appeal shall be 30 days from the notification of delimitation or election, as the may be;
- (4). The decisions may be Governor on the appeal shall be final and no further appeal shall lie to may other forum.

PART H-MISCELLANEOUS

- 34. Conduct of election by a third party:** (1) The Authority may in the interest of transparency and fairness entrust the Election Commission of Pakistan, the Election Commission of Sindh or the Government of Sindh to conduct the election.
- (2). The procedure for the conduct of elections under these regulations shall mutatis mutandis apply to so entrusted institution shall have all the powers of the Authority as detailed in these regulations.
- 35. Removal of difficulties:** The Authority may be order provide for the removal of any difficulty, which may arise in giving effect to these regulations.
- 36. Powers of Election Committee:** The Election Committee shall have the power to regulate the conduct of elections by giving administrative directions, provided that these are not inconsistent with the ordinance, the regulations made there under and any other law for the time being in force.
- 37. Absence of Candidate or its agent:** The absence of a candidate or its agent shall not invalidate any act or thing done if candidate or its agent was required to attend but fails to attend the same.

Dated:

Managing Director
SIDA