

THE ELECTION (FO, WCA, DBG) REGULATIONS, 2004.

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THE ELECTION (FO, WCA, DBG) REGULATIONS, 2004

Notification No. FO. No. 1/2004 dated: _____

In exercise of the powers conferred by section 43,47, 57 and 63 of the Sindh Water Management Ordinance, 2002, (Ordinance) the ---- Farmers' Organization, with the previous approval of Regulatory Authority, is pleased to make the following Regulations.

CHAPTER I **GENERAL**

- (1) Short title and commencement:- (1) These Regulations may be called the Election (FO, WCA, DBG) Regulations, 2004.
- (2) These Regulations extend to the whole of the area falling under the --- Farmers Organization.
- (3) The Registrations shall come into operate on such date as the --- Farmers organization may by notification, appoint on this behalf.

2. Definitions: in these Regulations, unless there is anything repugnant in the subject or context:

- (a) Agent means a person so authorized in writing by a candidate for the election.
- (b) Board means Board of a WCA or a DBG, as the case may be
- (c) Board of Management means Board of Management of the FO.
- (d) Candidate means a person who has been nominated for election as a member of Board of Management of the FO, or a person who has been nominated for the elections to a WCA or DBG, as the case may be.
- (e) Chairman and Vice Chairman mean the Chairman and Vice-Chairman of the Board of Management of the FO.
- (f) Constituency means the whole area falling under the jurisdiction of the FO.
- (g) DBG means a Drainage Beneficiary Group established un the Ordinance.

- (h) Election Committee means a Committee appointed by the FO or the social contractor when there is no FO in place, as the case may be, to conduct the election.
- (i) Elections means the election or members of the Board of Management of the FO, or the elections for the members of a Board, or representative of a WC or a DBG, as the case may be.
- (j) FO means the Farmers Organization.
- (k) General Body means the General Body of the FO.
- (l) Member means member of the Board of Management of the FO, or Board of a WCA or DBG, as the case may be.
- (m) Ordinance means the Sindh Water Management Ordinance, 2002.
- (n) Political Office includes an elected, appointed or nominated membership or a post in national, provincial or local political institution, organization, or party except being an ordinary member of a party.
- (o) Polling Station means a place so designated by the Election Commission of the FO to hold polling for election.
- (p) Regulatory Authority, or RA, means the Regulatory Authority established under the Ordinance.
- (q) Returned candidates means a person who has been elected as a member of the Board of Management of the FO.

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- (r) Returning Officer means a person so appointed by the Election Committee of the FO, or by the WCA or DBG, as the case may be, for the conduct of elections.
- (s) Secretary means the Secretary of the Board of the Management of the FO, or of the WCA or DBG as the case may be.
- (t) SIDA means the Sindh Irrigation and Drainage Authority established under the Ordinance.
- (u) Small farmer means a small farmer as defined in the Ordinance.
- (v) Social Constructor means any person, agency, organization or institution entrusted by the SIDA, or an AWB, to mobilize the farmers for the formation of a FO.
- (w) Tail and means the tail and as defined in the Ordinance.
- (x) Treasury means Treasurer of the Board of Management of the FO, or of the Board of the WCA or DBG as the case may be.
- (y) Validity nominated candidate means a person whose nomination has been accepted by the Election Committee or Returning Officer, as the case may be.
- (z) Voters mean the elected representatives of the WCAs or DBGs as the case may be, who are members of the General Body, or the members of the WCAs or the DBGs as the case may be.
- (aa) Voters list means a list consisting of elected representative of the WCA or DBGs who are members of the FO's General Body, or of all members of a WCA or a DBG, as the case may be.
- (bb) WCA means a Watercourse Association established under the Ordinance.

3. Qualifications for Members:

- (1) A person shall qualify to be elected as a member, if;
 - (a) He/ She is a citizen of Pakistan.
 - (b) Is not less than eighteen years of age.
 - (c) Is a practicing farmer in the area falling under the FO or of a WCA or the DBG, as the case may be, for which elections are to be held.
 - (d) Is a member of a WCA or a DBG within the FO or of the WCA or DBG for which election are to be held, as the case may be.

(e) Is of good moral character.

4. Disqualification from being a member:

- (1) A person shall be disqualified to be a member if he / she.
 - (a) Has been declared by a competent court to be of unsound mind.
 - (b) Has been dismissed, removed or compulsorily retired from public service on the grounds of the moral turpitude.
 - (c) Has been adjudged a willful defaulter of any tax or other financial dues owed to the Federal, Provincial, or a Local Government, or any body under this Ordinance or any financial institution.
 - (d) 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.
 - (e) 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.
 - (f) Has been declared an insolvent by any court.
 - (g) Is already a member of the Board of Management of any other FO, or of the Board of any other WCA or DBG, as the case may be.
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 - (h) Has been involved in any transaction involving pecuniary interest with any FO of which he / she will be or is a member.

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5. Bar against holding dual office:

- (1) If a candidate for election as a member of the Board of Management of a FO holds any political office, or is a member of the Board of Management of any other FO, he or she shall resign from such office before filling his or her nomination papers for election as a member.
- (2) If a candidate for the election of a member of the Board of a WCA or DBG holds any political office or is a member of the Board of any other WCA or DBG, he or she shall resign from such office before filling his or her nomination papers for election as a member.

6. Validity of elections:

- (1) The first elections for the Board of Management of a FO and for a WCA and / or DBG shall be for a period of two (2) years from the date of registration. Subsequent elections will be valid for a period of four (4) years.
- (2) Any FO which does not hold elections at the appropriate time will become null and void. If an FO becomes null and void it will have to conduct new elections. If the FO has been registered before the promulgation of this Ordinance, it will also have to be re-registered with the RA.

7. Bar against holding dual office:

- (1) If a candidate for election as a member of the Board of Management of a FO holds any political office, or is a member of the Board of Management of any other FO, he or she shall resign from such office before filling his or her nomination papers for election as a member.
- (3) The Chairman and members of the Board of Management of a FO and of the Board of a WCA and / or DBG may only hold office for a maximum of two consecutive terms.
- (4) Any elected member of a FO Board of Management or the Board of a WCA and / or DBG who absents themselves from there (3) consecutive Board of Management or Board meetings, without written notice to the Chairman, or his nominated Deputy, at least one week in advance of any such meeting, will automatically be regarded as being incapable

of discharging his responsibilities under the Ordinance and his continuance in the office will be regarded as a against the Public interest. He will therefore be disqualified from continuing in office. The FO and WCA and / or DBG may immediately inform the RA of new elections to replace any such disqualified member. The same regulations shall apply when it is necessary to replace any other such member who resign, expires or is found not to be in accordance with sections 3 and 4 of these Regulations.

CHAPTER II

ELECTIONS FOR BAORD OF MANAGEMENT of a FO

PART A : ELECTION OF BOARD OF MANAGEMENT

8. Board of Management:

- (1) The Board of Management shall consist of six elected members consisting of Chairman, Vice Chairman, Secretary, Treasurer and two additional members.
- (2) The elected members of the Board of Management shall be elected by the General Body of the FO under the General Superintendent of the RA.
- (3) At least three members shall be representatives of WCAs and DBGs falling at the tail end. At least one of these must be a small farmer.

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PART B: ELECTION COMMITTEE

9. Election Committee:

- (1) The existing General Body of a FO, or the social contractor, as the case may be, shall appoint an Election Committee consisting of three independent and neutral persons, not being members of the General Body of the FO, to conduct the elections. If there is no General Body, then the Election Committee shall be appointed by the RA
- (2) The election committees shall be notified to the RA and if the RA does not object in writing within 12 days, the constitution of the Election Committee shall be deemed to be approved.
- (3) The Election Committee shall prepare a voters list of be used for the election and shall give the public a notice of the list so prepared
- (4) The Election Committee shall appoint a Returning Officer for the conducting of elections.
- (5) All the decisions of the Election Committee shall be expressed and taken in terms of the opinion of the majority.

PART – C ELECTION PROCEDURE

10. Election:

- (1) The election shall be conducted in the General Body meeting especially convened for this purpose and for which a written notice has been served upon all members of the General Body at least seven days before the election. the notice shall state the agenda and that the meeting is being held for the purpose of holding elections for the Board of Management of the FO.
- (2) The Returning officer shall receive nominations a week before the election meeting and shall receive separate nominations for the three representatives falling at the tail end, or small farmers, and of members of a DBG.

- (3) The Chairman, Vice Chairman, Secretary and Treasurer shall be elected by the General Body from amongst the six elected members.

11. Secret Ballot:

- (1) The election under these Regulations shall be decided by secret ballot if the General Body is unable to elect members unanimously.

12. Counting:

- (1) The ballots shall be counted in the presence of candidates or their agents.
- (2) All the candidates or their agents shall sign the result sheet indicating the number of votes secured by each candidate.

13. Simple Majority:

- (1) The election shall be based on the principle of simple majority where one candidate receives, 50% of the votes plus one.
- (2) Where there are more than two (2) candidates for election for any given position and none receives the necessary 50% plus one of the votes, the two candidates who received the most votes will contest a second election and one receives a simple majority.

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14. Notifications to be issued:

The FO shall issue the notification of the result of the election within three days of the election of a member and the term of the member shall take effect from the date of said notification.

CHAPTER III

ELECTIONS IN WCAS AND DBGS

PART – A : RETURNING OFFICER

15. Returning Officer:

- (1) The General Body of the FO or the social contractor, as the case may be, shall appoint a Returning Officer to conduct the elections:-
- (2) The Returning Officer shall be notified to the Regulatory Authority and if the Regulatory Authority does not object in writing within 15 days, the appointment of the Returning Officer shall be deemed to be approved.
- (3) The Returning Officer shall prepare a voters list to be used for the election and shall give the public & notice of the list so prepared

PART – B : ELECTIONS

16. The Board

- (1) The Board shall consist of not less than three and not more than five elected members.
- (2) The elected members shall be elected from amongst the members of each WCA or a DBG, as the case may be.

17. The office bearers

- (1) The board shall elect, from amongst its elected members, its Chairman, Secretary and Treasurer

18. The Representatives

- (1) The Members of every WCA and / or DBG shall elect one representative to the General Body of the FO, Provided that if the number of WCAs and DBGs together is less than 21, they shall each elect an equal number of representatives to the General Body to make it comprise at least 21 members.

PART – C ELECTION PROCEDURE

19. Election:

- (1) The elections shall be conducted in the meeting of a WCA or DBG, or its board, as the case may be, especially convened for this purpose and for which a written notice has been served upon all the members, at least seven days before the election.
- (2) The returning officer shall receive nominations a week before the election meeting.

20. Secret Ballot:

The election under these Regulations shall be decided by secret ballot if the WCA or DBG or its Boards, as the case may be, are unable to elect members of the Board, office bearers or representatives, as the case may be unanimously.

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21. Counting:

- (1) The ballot shall be counted in the presence of candidates or their agents.
- (2) All the candidates to their agents shall sign the result sheet indicating the number of votes secured by each candidate.

22. Simple Majority:

The election shall be based on the principle of simple majority (Section 12.2., above, is mutatis mutandis applicable).

23. Notifications to be issued:

The FO shall issue the notification of the result of the election within three days of the election and the term of the member or office-bearers, or a reprehensive, as the case may be, shall take effect from the date of said notification.

CHAPTER IV APPEAL

24. Appeal:

- (1) Any person aggrieved by the voters list or elections of members shall have a right of an appeal to the RA under Chapter VII of the Ordinance.
- (2) The appeal shall be in writing, stating all the factual details, legal points and the prayers sought.
- (3) The limitation for an appeal shall be 30 days from the notification of delimitation or election, as the case may be.

CHAPTER V MISCELLANEOUS

25. Conduct of election by a Third Party

- (1) The RA may, in the interest of transparency and upon the written request of the concerned FO, conduct the election.
- (2) The procedure for the conduct fo elections under these Regulations shall mutatis mutandis apply to the RA if it conducts the elections

26. Record

- (1) The Election Committee or Returning Officer, as the case may be shall immediately deposit the election record with the FO.
- (2) The FOs hall preserve the record till the finalization of any appeal or other legal proceedings, if any, challenging the validity of elections.
- (3) Subject t (2), the FO will send the record to the RA,

27. Powers of Election Committee:

The Election Committee or Returning Officer 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.

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