

# THE AREA WATER BOARD ELECTION (MEMBER) REGULATIONS, 2004

## Contents

### **Regulation.**

1. Short title and commencement.
2. Definition.
3. Qualification for a member.
4. Disqualification for a member.
5. Bar against dual membership.
6. Limitations.
7. Approval of schemes.
8. Voter's list.
9. Election Committee.
10. Small farmer membership.
11. Tail end member.
12. Members.
13. Phases.
14. Notification for Election.
15. Nominations.
16. Withdrawal.
17. Death of a candidate.
18. Uncontested election.
19. Canvassing.
20. Agent.
21. Secret Ballots.
22. Symbol.
23. Voting procedure.
24. Ballot Box.
25. Postponement of Elections.
26. Polling stations and hours of the polls.
27. Stopping of the Polls.
28. Admission to the polling station.
29. Voting after close of polls.
30. Counting.
31. Simple majority.
32. Communication of results.
33. Record.
34. Appeal.
35. Removal of difficulties.
36. Powers of election Committee.
37. Absence of candidate or its agent.
38. Conduct of election by a third party.



# THE NARA CANAL AREA WATER BOARD ELECTION (MEMBER) REGULATIONS, 2004

Notification No. [name] Canal AWB (SIDA) 1 [year] dated.....

In exercise of the powers conferred by section 104 (2) of the Sindh Water Management Ordinance, 2002, the Nara Canal Area Water Board, with the previous approval of the Regulatory Authority, is placed to make the following regulations for the elections of the chairman of the board.

## PART: A-GENERAL

1. **Short title and commencement:-** (1) These Regulations may be called the Nara Canal Area Water Board Election (Members) Regulations 2004  
(2). These Regulations extend to the whole of the area falling under the Nara Canal Area Water Board;  
(3). The regulations shall come into operation on such date, as the Nara Canal Area Water Board may, by notification, appoint 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 of Irrigation, Drainage and Flood protection established under the Ordinance
  - c) **AWB** means an Area Water Board established under the Ordinance;
  - d) **Candidate** means a person a person who has been nominated for election of chairman;
  - e) **Chairman** means the chairman of the Nara Canal Area Water Board.
  - f) **Constituency** means the whole area falling under the jurisdiction of AWB;
  - g) **DBG** means a drainage beneficiaries group established under the Ordinance.
  - h) **Election Committee** means a committee appointed by the authority to conduct the election;
  - i) **Election** means the election for chairman of AWB;
  - j) **Ordinance** means the Sindh Water Management Ordinance, 2002;
  - k) **Poling Station** means a place so designated by the election committee to hold polling for election;
  - l) **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;
  - m) **Returned Candidate** means a person who has been elected as chairman;
  - n) **Returning Officer** means a person so appointed by election committee for the conduct of elections;
  - o) **SIDA** means the Sindh irrigation and Drainage authority established under the ordinance.
  - p) **Validly nominated candidates** 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 a WCA or DBG as the case may be;
  - r) **Voters'** means a list consisting of all the chairmen of WCAs and DBG
  - s) **WCA** means a Watercourse Association established under the ordinance.

*Election Regulation for FO, WCA & DBG (recommended to RA/SIDA, March 31<sup>st</sup> 2004)*

Page 2 of 7

## PART: B- QUALIFICATION DISQUALIFICATION FOR CHAIRMAN

- 3. Qualification for a chairman:** (1) A person shall qualify to be elected as a chairman if he:
- a) Is a citizen of Pakistan;
  - b) Is not less than thirty five years of age;
  - c) Is resident of the area fall in under the AWB;
  - d) Is a practicing farmer in the area falling under the AWB and whose mainstay is farming;
  - e) Is a member of an WCA or a DBG within the AWB;
  - f) Is of good moral character, and
  - g) Has matric.
- 4. Disqualification for a chairman:** (1) A person shall be disqualified to be a chairman if he:
- a) Has been declared by a competent court to be of unsound mind;
  - b) Is in the service of the federal, a provincial or a local government or and statutory body or a 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 in the name 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, any body under this ordinance 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 insolvent by any court and subsequently has not been discharged;
  - i) Engages in any transaction involving pecuniary interest with the AWB of which he will be or is chairman.
  - 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 AWB of which he is a chairman; provided that such chairman shall not be disqualified if the absence was necessitated by a national emergency or force majeure.
- 5. Bar against dual membership:** (1) The chairman:
- a) Can not hold any other political office, provided that he or she resigns from that public office before filing his or her nomination papers for election as a member; and

*Election Regulation for FO, WCA & DBG (recommended to RA/SIDA, March 31<sup>st</sup> 2004)*

- b) Cannot be an office-bearer of a FO, WCA or DBG established under the Ordinance

### **PART: C-LIMITATIONS AND VOTERS' LIST**

- 6. Limitations:** (1) The authority shall prepare a scheme of division of the constituency into as many sun-constituencies as it may deem fit for the proper conduct of election;
- (2). A sub-constituency shall consist of sixteen to twenty FOs, as the case may be;
- (3). All the sub-constituencies, as far as practicable, shall consist of equal number of WCAs and DBGs, as the case may be;
- (4). The proposed scheme of sub-constituencies shall be published in the offices of all FOs;
- 7. Approval of schemes:** (1) The scheme of proposed 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 all FOs forming part of it.
- 8. Voters' List:** The authority shall prepare a voters' list consisting of all the chairman of WCAs and DBGs to be used for the election and the list shall be publicized for public benefit.

### **PART: D-ELECTION COMMITTEE**

- 9. Election committee:** (1) The authority shall appoint an 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-17 officer, for each sub-constituency;
- (4) The election committee shall appoint as many assistant Returning Officers as it may deem necessary for holding the election;
- (5) The election committee shall cause the preparation of voters' list and the list to be maintained at and made available by each sub-constituency, 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 AWB or the FOs, 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 PROCEDURE**

**10. Phases:** (1) The election shall have the following three phases:

- (a) Filling of nomination papers;
- (b) Scrutiny of nomination papers;
- (c) Election of chairman.

**11. Notification for Election:** (1) The election committee shall, by notification, call upon the voters to elect chairman;

(2). In the said notification, the election committee shall, in relation to 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 displayed prominently in the offices of AWB, and FOs,

**12. Nominations:** (1) Every candidate shall, in writing, file nomination papers before the Election Committee or Returning Officers, as the case may be;

(2). Every candidate shall deposit a non-refundable Rs. 2000/- at the time of filling the nomination papers;.

(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 circulated to all FOs.

**13. 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, withdrawal his candidature.

**14. Death of a candidate:** (1) If a validly nominated candidate for the election of chairman dies before the election, leaving the number of contesting candidate less than two, the Election Committee shall postpone the election until a revised schedule has been announced;

*Election Regulation for FO, WCA & DBG (recommended to RA/SIDA, March 31<sup>st</sup> 2004)*

Page 5 of 7

(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 a fresh nomination whereas a new candidate may file nomination papers according to the new election schedule;
- 15. Uncontested election:** If after scrutiny, the number of validly nominated candidates is one for the election of chairman, the election committee shall declare such candidate to be elected unopposed.
- 16. Canvassing:** (1) Every candidate shall have a right of canvassing before the election day.
- 17. 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.
- 18. Secret ballots:** (1) The election under these regulation shall be decided by secret ballot
- 19. Symbol:** (1) The election committee shall allot election symbol to all contesting candidates.  
(2). The symbols so allotted shall be printed on ballot papers.
- 20. Voting procedure:** (1) Every voter shall prove his identity, before casting vote by National Identity Card or passport, as well as certificate issued by his FO that he is a chairman of a WCA or a DBG;  
(2). Every voter shall be given a blank ballot paper where upon the symbols of candidates shall be printed and the voter shall tick one of the symbols.
- 21. Ballot Box:** (1) The ballot box to be used for the election of chairman shall be such as approved by the Election Committee.  
(2). The empty ballot boxes shall be shown to the candidate or their agents, as the case may be.
- 22. 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.
- 23. Polling stations and hours of the polls:** The Election Committee or Returning Officer shall establish the poling stations and fix the hours during which the polls shall be taken and give the public a notice of the hours so fixed.
- 24. Stopping of the Polls:** If at any time, the polls are interrupted any reason, the Election Committee or Returning Officer, as the case may be may by recording the reasons thereof, may stop the poll.

- 25. 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.

- 26. Voting after close of polls:** No person shall be given any Ballot paper, or 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.
- 27. Counting:** (1) Every candidate or its agent shall be present at the time and place of voting;
- (2). The ballots shall be counted in the presence of candidates or their agents;
- (3). All the candidates or their agents shall sign the result sheet indicating the number of votes secured by each candidate.
- 28. Simple majority:** (1) The Election shall be based on the principle of simple majority.
- (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.
- 29. Communication of results:** The Election Committee shall immediately communicate the names of returned candidates to the authority.
- 30. 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 chairman and the term of the chairman shall take effect from the date of said notification.
- 31. Record:** (1) The Election Committee or Returning Officer, as the case may be, shall immediately deposit the election record with the authority;
- (2). The authority shall preserve the record until the finalization of any appeal or other legal proceedings, if any, challenging the validity of elections;
- (3). Subject to (2), the authority may destroy the record after two years.

### **PART: F-APPEAL**

- 32. Appeal:** (1) any person aggrieved by limitations of sub-constituencies, voters' lists or elections of chairman shall have a right of an appeal to the governor.
- (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 case may be;

*Election Regulation for FO, WCA & DBG (recommended to RA/SIDA, March 31<sup>st</sup> 2004)*

Page 7 of 7

- (4). The decisions may be Governor on the appeal shall be final and no further appeal shall lie to may other forum.

### **PART G-MISCELLANEOUS**

- 33. Removal of difficulties:** The Authority may be order provide for the removal of any difficulty, which may arise in giving effect to these regulations.
- 34. Powers of Election Committee:** The Election Committee shall have the power to regulate the conduct of the 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.
- 35. 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.
- 36. 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 or to any other institution deemed fit by the authority, to conduct the election.  
(2). The procedure for the conduct of elections under these rules shall mutatis mutandis apply to so entrusted institution and the institution shall have all the powers of the Authority as detailed in these rules.

Dated:

CHAIRMAN AREA WATER BOARD

