

THE ELECTORAL ROLLS ORDINANCE, 1982**CONTENTS**

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THE ELECTORAL ROLLS ORDINANCE, 1982

ORDINANCE NO. LXI OF 1982

[30th December, 1982]

^An Ordinance to provide for the preparation of electoral rolls for the purpose of elections to different ¹[elective bodies and offices].

WHEREAS it is expedient to provide for the preparation of electoral rolls for the purpose of elections to different ²[elective bodies and offices;]

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

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|---|----------------------------------|
| <p>1. This Ordinance may be called the Electoral Rolls Ordinance, 1982.</p> | Short title |
| <p>2. This Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.</p> | Ordinance to override other laws |
| <p>3. In this Ordinance, unless there is anything repugnant in the subject or context,-</p> <p style="margin-left: 40px;">³[(a) “Commission” means the Election Commission within the meaning of the Constitution;]</p> | Definitions |

[^] Throughout this Ordinance the words “electoral area or constituency” wherever occurring were substituted for the words “electoral area” by the Electoral Rolls (Amendment) Ordinance, 1984 (XVIII of 1984).

¹ The words “elective bodies and offices” were substituted for the words “local bodies” by section 2 of the Electoral Rolls (Amendment) Ordinance, 1984 (Ordinance No. XVIII of 1984).

² The words “elective bodies and offices” were substituted for the words “local bodies” by section 2 of the Electoral Rolls (Amendment) Ordinance, 1984 (Ordinance No. XVIII of 1984).

³ Clause (a) was substituted by section 2 of the Electoral Rolls (Amendment) Act, 1994 (Act No. XXIV of 1994).

¹[(aa) “constituency” means a constituency delimited for the purpose of elections to Parliament;

(aaa) “elective body” means a local body or Parliament;]

²[(aaaa) “elector” means a person registered as voter and enrolled in the final electoral rolls prepared and published under this Ordinance;]

(b) “electoral area” ³[in relation to a local body,] means a village in the case of a rural area and a *mohalla* or a street in the case of an urban area;

⁴[(bb) “identity card” means an identity card issued under section 11A;]

(c) “local body” means ⁵[a Union Parishad, a Zilla Parishad, a Paurashava or a City Corporation];

(d) “prescribed” means prescribed by rules made under this Ordinance;

(e) “qualifying date”, in relation to the preparation, amendment or revision of every electoral roll under this Ordinance, means the first day of January of the year in which it is so prepared or revised; and

(f) “Registration Officer” means a Registration Officer appointed under section 6 and includes an Assistant Registration Officer performing the functions of a Registration Officer.

Assistance to
the Commission

4. The Commission may require any person or authority to perform such functions or render such assistance for the purposes of this Ordinance as the Commission may direct.

¹ Clauses (aa) and (aaa) were inserted by section 3 of the Electoral Rolls (Amendment) Ordinance, 1984 (Ordinance No. XVIII of 1984).

² Clause (aaaa) was inserted by section 2 of the Electoral Rolls (Amendment) Act, 1994 (Act No. XXIV of 1994).

³ The commas and words “, in relation to a local body,” were inserted by section 3 of the Electoral Rolls (Amendment) Ordinance, 1984 (Ordinance No. XVIII of 1984).

⁴ Clause (bb) was inserted by section 2 of the Electoral Rolls (Amendment) Act, 1994 (Act No. XXIV of 1994).

⁵ The words and commas “ a Union Parishad, a Zilla Parishad, a Paurashava or a City Corporation” were substituted for the words and commas “a Union Parishad, a Upazila Parishad, a Zilla parishad, a Paurashava or a Municipal Corporation” by section 2 of the Electoral Rolls (Amendment) Act, 1994 (Act No. XXIV of 1994).

¹[5. For the purpose of elections to different elective bodies, there shall be prepared electoral rolls for each electoral area or constituency, as the case may be, upon registration of the voters.]

Preparation of electoral rolls

6. (1) The Commission shall appoint a Registration Officer for each electoral area or constituency for the purpose of preparation, correction, amendment and revision of an electoral roll for that electoral area or constituency and may, for that purpose, appoint as many Assistant Registration Officers as may be necessary; and the same person may be appointed as Registration Officer or Assistant Registration Officer for two or more ²[electoral areas or constituencies].

Appointment of Registration Officer, etc.

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

- (a) an Assistant Registration Officer may, under the control of the Registration Officer, perform the functions of a Registration Officer; and
- (b) a Registration Officer may require any person to assist him in the performance of his functions.

7. (1) The Registration Officer for an electoral area or constituency shall, under the superintendence, direction and control of the Commission, prepare for that electoral area or constituency in the prescribed manner a draft electoral roll containing the name of every person who, on the qualifying date,-

Preparation and publication of electoral rolls

- (a) is a citizen of Bangladesh;
- (b) is not less than eighteen years of age;
- (c) does not stand declared by a competent Court to be of unsound mind; and
- (d) is or is deemed to be a resident of that electoral area or constituency.

¹ Section 5 was substituted by section 3 of the Electoral Rolls (Amendment) Act, 1994 (Act No. XXIV of 1994).

² The words "electoral area or constituencies" were substituted for the words "electoral areas" by section 5 of the Electoral Rolls (Amendment) Ordinance, 1984 (Ordinance No. XVIII of 1984).

(2) The draft electoral roll prepared under sub-section (1), together with a notice inviting claims and objections with respect thereto, shall be published in such manner as may be prescribed.

(3) The Registration Officer shall, in the prescribed manner, make such additions, modifications or corrections in the draft electoral roll as may be required by any decision on any claim or objection or as may be necessary for correction of any clerical, printing or other error.

(4) After making additions, modifications or corrections, if any, under sub-section (3), the Registration Officer shall, in the prescribed manner, publish the final electoral roll for a group of electoral areas ¹[or each constituency] and the final electoral roll so published shall be the electoral roll for those electoral areas ²[or that constituency].

(5) The final electoral roll published under sub-section (4) shall come into force immediately on such publication.

(6) An electoral roll shall be maintained in the prescribed manner and shall be kept open for public inspection; and copies of such roll shall be supplied to any person applying therefore on payment of such fee as may be prescribed.

(7) If the Commission, on account of any gross error or irregularity in or in the preparation of an electoral roll for any electoral area or constituency or draft thereof, considers it necessary so to do, it may by order direct that such roll or draft shall stand cancelled and that an electoral roll for that electoral area or constituency be prepared afresh.

(8) The Commission may cause the electoral rolls to be regrouped, if necessary, for the purpose of election to different ³[elective bodies].

¹ The words "or each constituency" were inserted by section 6 of the Electoral Rolls (Amendment) Ordinance, 1984 (Ordinance No. XVIII of 1984).

² The words "or that constituency" were inserted by section 6 of the Electoral Rolls (Amendment) Ordinance, 1984 (Ordinance No. XVIII of 1984).

³ The words "elective bodies" were substituted for the words "local bodies" by section 6 of the Electoral Rolls (Amendment) Ordinance, 1984 (Ordinance No. XVIII of 1984).

8. (1) Save as hereinafter provided, a person shall be deemed to be resident in an electoral area or constituency if he ordinarily resides in that electoral area or constituency. Meaning of resident

(2) A person who is in Government service or holds any public office, shall, unless he otherwise indicates in writing to the Registration Officer, be deemed to be resident in the electoral area or constituency in which he would have been resident if he had not been in such service or had not held such Office.

¹[(3) The spouse of any such person as is referred to in sub-section (2) and such of his or her 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.]

(4) A person who is detained in prison or other legal custody at any place in Bangladesh shall be deemed to be resident in the electoral area or constituency in which he would have been resident if he had not been so detained.

9. No person shall be entitled to be enrolled- Restriction on enrolment

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

10. The electoral rolls may be amended and corrected in the prescribed manner, as and when necessary, so as- Amendment and correction of electoral rolls

- (a) to correct any entry or supply any omission therein; or
- (b) to include the name of any qualified person whose name does not appear on such roll or who has since its preparation or its last revision become qualified to be enrolled on such roll; or
- (c) to delete therefrom the name of the person who has died, or who is or has become disqualified for enrolment on such roll.

¹ Sub-section (3) was substituted by section 4 of the Electoral Rolls (Amendment) Act, 1994 (Act No. XXIV of 1994).

Revision of
electoral roll

11. (1) The electoral roll shall-

- (a) unless otherwise directed by the Commission for reasons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date before each election to ¹[an elective body];
- (b) be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Commission:

Provided that if the electoral roll is not revised as aforesaid, the validity or continued operation of the electoral roll shall not thereby be affected.

(2) Notwithstanding anything contained in sub-section (1), the Commission may at any time, for reasons to be recorded in writing, direct a special revision of the electoral roll for any electoral area or constituency in such manner as it may think fit:

Provided that subject to the other provisions of this Ordinance, the electoral roll for the electoral area or constituency, as in force at the time of the issue of any such direction, shall continue to be in force until the completion of the special revision so directed.

Identity card

²**11A. (1)** The Commission shall issue an identity card to every elector.

(2) The identity card shall be laminated and bear-

- (a) a photograph of the elector;
- (b) the name and signature or thumb impression of the elector;
- (c) the serial number of the elector in the electoral rolls;

¹ The words "an elective body" were substituted for the words "a local body" by section 8 of the Electoral Rolls (Amendment) Ordinance, 1984 (Ordinance No. XVIII of 1984).

² Section 11A was inserted by section 5 of the Electoral Rolls (Amendment) Act, 1994 (Act No. XXIV of 1994).

- (d) the signature of an officer of the Commission authorised in this behalf;
- (e) the seal of the Commission; and
- (f) such other particulars, if any, as the Commission deems fit to specify.

(3) An identity card may be renewed after such period as the Commission may determine in this behalf.

(4) The form, shape and pattern of the identity cards and the manner of issuing them to the electors shall be such as may be prescribed by the Commission.]

12. The Registration Officer and any person authorised by him in this behalf shall have access to any register of births and deaths under the law for the time being in force and may collect such information and take such extracts from such register as may be necessary for the purposes of this Ordinance; and every person in charge of such register shall give such information and such extracts from the said register as the said officer or person may require.

Access to register of births and deaths

13. If a person whose name appears on an electoral roll ceases to be a citizen of Bangladesh or is declared by a competent Court to be of unsound mind his name shall stand deleted from the electoral roll.

Deletion of name from electoral roll

14. An electoral roll shall not be invalid by reason of any misdescription of a person enrolled thereon, or of omission of the names of any person entitled to be so enrolled or of inclusion of the name of any person not so entitled.

Validity of electoral rolls, etc.

15. The Commission may, at any time, order-

- (a) the inclusion in an electoral roll of the name of any person qualified to be enrolled on such electoral roll;

Commission's power to include in or delete from the electoral roll any name, etc.

¹ Section 15 was substituted by section 6 of the Electoral Rolls (Amendment) Act, 1994 (Act No. XXIV of 1994).

- (b) the deletion therefrom the name of the person who has died, or who is or has become disqualified for enrolment on such roll;
- (c) to correct any entry or supply any omission therein.]

Power to make rules

¹[**16.** The Government may in consultation with the Commission, make rules for carrying out the purposes of this Ordinance.]

Bar of Jurisdiction

17. No Court shall question the validity of the electoral rolls prepared under this Ordinance or the legality or propriety of any proceedings or action taken thereunder by or under the authority of the Commission or the Registration Officer.

Making false declarations

²[**18.** If any person makes in connection with-

- (a) the preparation, revision or correction of an electoral roll, or
- (b) the inclusion or deletion of any entry in or from an electoral roll, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true,

he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Taka one thousand, or with both.

Breach of duty in connection with the preparation, etc. of electoral rolls

19. (1) If any Registration Officer, Assistant Registration Officer or other person required by or under this Ordinance to perform any duty in connection with the preparation, revision or correction of an electoral roll or the inclusion or deletion of any entry in or from that roll is, without reasonable cause, guilty of any act or wilful omission in breach of such duty, he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to Taka five thousand, or with both.

¹ Section 16 was substituted by section 7 of the Electoral Rolls (Amendment) Act, 1994 (Act No. XXIV of 1994).

² Sections 18 and 19 were substituted for the previous sections 17A and 18 by section 8 of the Electoral Rolls (Amendment) Act, 1994 (Act No. XXIV of 1994).

(2) No suit or other legal proceeding shall lie against any such officer or other person for damages in respect of any such act or omission as aforesaid.

(3) No Court shall take cognizance of any offence punishable under sub-section (1) unless there is a complaint made by order of, or under authority from, the Commission.]

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