

**THE ELECTORAL ROLLS
ORDINANCE, 1982**

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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND LAND REFORMS

(Law and Parliamentary Affairs Division)

NOTIFICATION

Dhaka, the 30th December, 1982

No. 770/-Pub.-The following Ordinance made by the Chief Martial Law Administrator of the People's Republic of Bangladesh on the 30th December, 1982, is hereby published for general information:

THE ELECTORAL ROLLS ORDINANCE, 1982

Ordinance No. LXI of 1982

AN
ORDINANCE

*to provide for the preparation of electoral rolls for the purpose of elections to different
[elective bodies and offices]*

WHEREAS it is expedient to provide for the preparation of electoral rolls for the purpose of elections to different¹ [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 :-

1. **Short Title.** - This Ordinance may be called the Electoral Rolls Ordinance, 1982.

2. **Ordinance to override other laws** :- This Ordinance shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

¹ Substituted by ordinance No. XVIII of 1984

3. **Definitions** :- In this Ordinance, unless there is anything repugnant in subject or context,-

- ¹[(a) "Commission" means the Election Commission, within the meaning of the Constitution;]
- ²[(aa) "constituency" means a constituency delimited for the purpose of elections to parliament;
- ³[(aaa) "elector" means a person registered as voters and enrolled in the final electoral rolls prepared and published under this Ordinance;];
- (b) "electoral area, [in relation to a local body,]" means a village in the case of a rural area and mohalla or a street in the case of urban area;
- ³[(bb) "identity card" means an identity card issued under section 11A;];
- (c) "Local body" means a Union Parishad, a Zilla Parishad, a Paurashava or 1[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.

4. **Assistance to the Commission.** - The commission may require any person or authority to perform such functions or render such assistance for the purpose of this Ordinance as the "Commission may direct.

¹[5. **Preparation of electoral rolls.** - 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.]

6. **Appointment of Registration Officer, etc.** - (1) The Commission shall appoint a Registration Officer for each ⁴[electoral area or constituency] for their purpose of preparation, correction, amendment and revision of an electoral roll for that ⁴[electoral area of 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 of Assistant Registration Officer for two or more ⁴[electoral areas or constituencies].

(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.

¹ 1994 m̄tbi 24bs AvBb ōriv c̄iZ̄ m̄cZ̄ |

² Inserted by Ordinance No. XVIII of 1984

³ 1994 m̄tbi 24bs AvBb ōriv m̄ib̄t̄k̄Z̄ |

⁴ Substituted by Ordinance No. XVII of 1984

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

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

(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 ²[or each constituency] an the final electoral rolls 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 therefor 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 of any ³[electoral area of 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 ¹[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 ¹[elective bodies.]

¹ Substituted by ordinance No. XVIII of 1984

² Inserted by ordinance No. XVIII of 1984

³ Substituted by Ordinance No. XVII of 1984.

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

(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 ¹[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.

²[(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 ¹[electoral area or constituency] in which he would have been resident if he had not been so detained.

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

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

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

- (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 becomes qualified to be enrolled on such roll; or
- (c) to delete there from the name of the person who has died, or who is or has become disqualified for enrollment or such roll. –

11. Revision of electoral roll :- (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.

¹ Substituted by Ordinance No. XVIII of 1984.

² 1994 m̄bi 24bs AvBb ōiv cIZ ~wCZ |

(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 ¹[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.

²[11A. **Identity card** – (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 roll;
- (d) the signature of an officer of the Commission authorized 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. Access to register of births and deaths :- The Registration Officer and any person authorized 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.

13. Deletion of name from electoral roll :- 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.

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

¹ Substituted by Ordinance No. XVII of 1984.

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¹[15. **Commission's power to include in or delete from the electoral roll any name, etc.** – The Commission may, at anytime, order –

- (a) the inclusion in an electoral roll of the name of any person qualified to be enrolled on such electoral roll;
- (b) the deletion there from the name of the person who has died, or who is or has become disqualified for enrollment on such roll;
- (c) to correct any entry or supply any omission therein.

16. **Power to make rules.**- The Government may, in consultation with the Commission, make rules for carrying out the purposes of the Ordinance]

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

¹[18. **Making false declarations.** - 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, an 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.

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

(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.

(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].

Dhaka
The 30th December, 1982

H M ERSHAD, ndc, psc
Lieutenant General
Chief Martial Law Administration

SHAMSUR RAHMAN
Deputy Secretary

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