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PREPARATION OF ELECTORAL ROLLS, ACT NO 10
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An ACT

Made to provide for the Preparation of Electoral Rolls

Act No. 10 of 2052

Preamble

Whereas it is expedient to make legal provisions for preparation of electoral rolls, for the issuance of Identity Cards to the voters and on other related matters in respect of election of the Members of the Parliament and local bodies;

Now, therefore, on the twenty fourth year of the reign of His Majesty King Birendra Bir Bikram Shah Dev, the Parliament has enacted this Act.

CHAPTER - I

Preliminary

1. Short Title and Commencement: *electoral roll related*
 - (1) This Act may be cited as "Voters' Registration Act, 2052".(1996)
 - (2) This Act shall come into force immediately.

2. Definition :

Unless repugnant to the subject or context, in this Act --

 - (a) "Commission" shall mean the Election Commission as provided in Article 103 of the Constitution of the Kingdom of Nepal, 2047.
 - (b) "Election" shall mean the general election and mid-term election to elect Members of the House of Representatives in accordance with the House of Representatives Members Election Act, 2047 and to elect the Members of the Village Development Committee and the Municipality in accordance with the Local Bodies (Election Procedures) Act, 2048 This expression shall also denote the by-election to elect such Members.
 - (c) "Electoral Constituency" shall mean any of the following constituencies.
 - (1) In respect of the election of the Members of the House of Representatives, the electoral constituency determined by the Electoral Delimitation Commission constituted pursuant to Article

- 105 of the Constitution of the Kingdom of Nepal, 2047, in accordance of the same Article.
- (2) In respect of the election of Chairman and Vice-Chairman of the Village Development Committee, the area of the concerned Village Development Committee designated pursuant to Sub-section (1) of Section 3 of Village Development Committee Act, 2048 and in respect of the election of other Members of the Village Development Committee, the area of wards of the concerned Village Development Committee as divided in accordance with Section 4 of the aforesaid Act.
- (3) In respect of the election of Mayor and Deputy Mayor of Municipality, , the area of the concerned Municipality designated pursuant to Sub-section (1) of Section 3 of the Municipality Act, 2048 and in respect of the election of other Members of the Municipality, the area of wards of the concerned Municipality as divided in accordance with Section 4 of the aforesaid Act.
- (d) **"Voters Registration Officer"** means the Chief Voters Registration Officer appointed or designated pursuant to Section 3 hereof and this expression shall also include the Voters Registration Officer and the Assistant Voters Registration Officer.
- (e) **"Voter"** means the voter as provided in Section 4
- (f) **"Electoral Roll"** shall mean the electoral roll of the concerned electoral constituency prepared pursuant to this Act.
- (g) **"Voters Identity Card"** shall mean the Voters Identity Card issued to the voter^s pursuant to Section 23 .
- (h) **"Prescribed"** or **"as prescribed"** means shall mean prescribed or as prescribed in this Act or the Rules made thereunder or prescribed in or as prescribed in the Orders issued by the Commission through notification published in the Nepal Gazette.

CHAPTER - II
Voters Registration Officer and
Electoral Roll

3. Appointment of Voters Registration Officer :

(1) The Commission may appoint or designate one Chief Voters Registration Officer for each district of the Kingdom of Nepal and, as and when necessary, such other Voters Registration Officers and Assistant Voters Registration Officers as may be required in such district to compile the names and other necessary particulars of the voters, to prepare Electoral Rolls, to update such Electoral Rolls and to perform all other necessary ancillary works relating thereto in the electoral constituency as mentioned in Clause (c) of Section 2.

(2) In order to assist the Voters Registration Officer in carrying out the functions mentioned in Sub-section (1), the Commission may depute such number of employees of His Majesty's Government or the employees of autonomous bodies owned by His Majesty's Government, as may be required, or may engage any other persons.

(3) The office of the Voters Registration Officer shall be located at concerned wards of the Municipality or the office of the concerned Village Development Committee.

4. Voter :

(1) Every citizen of Nepal permanently residing in any Electoral Constituency and who has completed eighteen years of age on the last date of the month of Chaitra of each year previous to the year of compilation of voters' name shall be a voter in the election to be held in accordance with this Act..

(2) The name of the voters, as mentioned in Sub-section (1), shall be included in the Electoral Roll of the Electoral Constituency of his permanent residence and he shall be entitled to vote only in the Electoral Constituency in which his name has been registered.

(3) No person, whose name is not registered in the Electoral Roll of the concerned Electoral Constituency, shall be entitled to vote in the election.

5. Voters Disqualification :

Notwithstanding anything contained in Sub-section (1) and (2) of Section 4, the following persons shall not be eligible to become a voter and his name shall not be registered in the Electoral Roll of any Electoral Constituency --

- (a) Who is not a citizen of Nepal;
- (b) Who has not completed the age of eighteen years;
- (c) Who is certified by a recognised physician as mentally retarded;
- (d) Who is convicted with imprisonment under the Election (Crime and Punishment) Act, 2047 and is undergoing the sentence or who having convicted with a sentence of imprisonment for one year or more and a period of one year has not elapsed from the date of release after serving such sentence.

6. **To Be Deemed as Permanently Residing :**

For the purposes of Sub-section (1) of Section 4, any residency of the following nature shall be deemed to be permanent residence :-

- (a) While he is ordinarily residing in any Electoral Constituency,
- (b) Person registered in the Electoral Roll of any Electoral Constituency, being a Member of the Parliament, remains absent from the Electoral Constituency during the period of his tenure.
- (c) Any person who remains absent from his Electoral Constituency for the purpose of trade, profession/study, teaching, government or non-government service, medical treatment or for any other works or reason or due to being in imprisonment or under detention.

7. **Not To Be Deemed as Permanently Residing :**

For the purpose of Sub-section (1) of Section 4, persons under the following conditions shall not be deemed as permanently residing in the concerned Electoral Constituency :-

- (a) Notwithstanding any person owns or holds any rights over any house situated within any Electoral Constituency, such person and his family if the person ordinarily does not reside therein.
- (b) If any house is possessed in rent for the purposes of operating any industry, trade or profession or to run an office, such person and his family, simply on grounds that the person has rented such house.

- (c) Persons residing in an office of any governmental, semi-governmental or non-governmental organisations or in a residential quarters built for the employees working in such offices; military or police barracks or residential quarters; or residing in any office of any industrial enterprise or in any residential facilities built for the purposes of residence of the employees and workers of such enterprises; or residing in any hospital, clinic, nursing home, school, campus, hostel, orphanage, old-age homes, prisons or in similar other places

8 Preparation of Electoral Roll :

- (1) The Commission shall, under its own supervision, control and direction, get the Electoral Roll of each Electoral Constituency prepared in the manner prescribed.
- (2) While preparing the Electoral Roll pursuant to Sub-section (1), the names of the following persons shall be included in such Electoral Constituency --
- (a) Persons eligible to become voter pursuant to Section 4; and
- (b) Persons who have permanently migrated from another Electoral Constituency, due to marital or any other reasons, in the present Electoral Constituency;
- (3) It shall be the duty of each Nepal citizen, who is eligible to become a voter, to have his name enrolled, in the prescribed manner, in the Electoral Roll of the Electoral Constituency of his permanent residence.
- (4) The name of a person shall not be enrolled in the Electoral Roll of more than one Electoral Constituency nor at more than one place in the Electoral Roll of the same Constituency.
- (5) For the purposes of registering the names in the Electoral Roll pursuant to Sub-section (3), the Voters Registration Officer or his authorised Officer may, if he deems necessary to peruse, require any person to produce relevant documents of evidence relating to his date of birth, age, residence and

citizenship, and, whenever so demanded, the Voters Registration Officer may refuse to enrol his name in the Electoral Roll if he is not able to produce such documents.

Explanation : For the purposes of this Sub-section, the Citizenship Certificate, or the Land Title Deeds, or any identity card issued by a government office or an enterprise owned by the government or an educational institution, or a recommendation letter issued by Village Development Committee or a Municipality, may also be taken in evidence.

(6) If a voter, who upon marriage or transfer of residency for any reason from another Electoral Constituency, intends to register his name in the Electoral Roll of the Electoral Constituency where he is presently residing, he shall have to submit the Marriage Certificate or the Certificate of Transfer of Residence issued in accordance with the provision of existing laws. His name shall not be enrolled in the Electoral Roll of the present Electoral Constituency till he submits such evidence.

9. **Compilation of Names of Voters :**

(1) The functions relating to compilation or up-dating of the names of the voters, in the format as prescribed by the Commission, shall be commenced from the beginning of the month of Baisakh every year and completed by the end of the same month.

(2) For the purposes of compilation of names pursuant to Sub-section (1), it shall be the duty of principal person of the concerned family to make available to the Compiler the name and other particulars of each voter residing in each house.

10. **Publication of Electoral Roll :**

The Voters Registration Officer shall publish the electoral roll prepared on the basis of the names and other particulars compiled in accordance with Section 9, at the concerned ward of Municipality and in the Office of Village Development Committee, in the manner as prescribed, within the last date of the month of Jestha every year.

11. Application for Inclusion of Name in the Electoral Roll :

If the name of any voter is missing in the Electoral Roll published pursuant to Section 10, he may file an application, together with the relevant documents of evidence with the Voters Registration Officer within fifteenth day of the month of Ashad every year.

12. Application for Correction of Name in the Electoral Roll :

If any mistake or wrong entry or some variation exists in the name or any other description of any voter in the Electoral Roll published pursuant to Section 10, the concerned voter or his guardian may file an application in the prescribed format for correction thereof within the fifteenth day of the month of Ashad every year.

13. Scrutiny and Publication of Amended Electoral Roll :

Where any application is filed pursuant to Section 11 or 12, the Voters Registration Officer shall conduct an inquiry in respect of such application in the prescribed manner, and if he is satisfied that the name of the voter is missing or any mistake or variation or wrong entry exists in the description of such voter, he shall include the name of such voter in the Electoral Roll in the manner as prescribed or make necessary correction therein and again prepare the revised Electoral Roll in the prescribed manner and publish it within the last day of the month of Ashad.

14. Complaint on Electoral Roll :

If any voter of an Electoral Constituency considers that the revised Electoral Roll published pursuant to Section 13 contains the name of certain person who is not eligible to be included therein according to this Act, he may file a complaint with the Voters Registration Officer, objecting with justified reasons thereto, within the fifteenth day of the month of Shrawan every year. The Voter Registration Officer shall, upon receipt of such application, conduct an inquiry on the complaint in the prescribed manner and if he finds the complaint to be correct, he shall remove the name of such person from the Electoral Roll.

15. Notice on Removal of Duplication of Name :

Where the name of any voter is included in the Electoral Roll of more than one Electoral Constituency or in more than one place of the same Electoral Constituency, the concerned voter shall inform the concerned

respective

Voters Registration Officer in writing declaring to retain his name in the Electoral Roll of any one Electoral Constituency or at any one place of the same Electoral Constituency of his choice and to remove his name from the Electoral Roll of other Electoral Constituency or from other places of the same Electoral Constituency.

16. **Removal of Duplication of Names :**

If any voter, whose name is included in more than one Electoral Constituency or more than one place, does not inform in respect of his choice as to the retention of his name in any particular Electoral Constituency or at any place of such Constituency in accordance with Section 15, if the Commission receives an information of such status, it shall issue an order to the concerned Voters Registration Officer to retain the name of such voter at the Electoral Constituency or place of his permanent residence and to remove his name from the Electoral Roll of other Electoral Constituency or from other places of the same Constituency. If the Voters Registration Officer on his own receives such information, he may remove the name of such voter from the Electoral Roll of other Electoral Constituency or other places of the same Constituency excepting the Electoral Constituency or place of his permanent residence.

17. **Removal of Name from Electoral Roll :**

(1) If any voter whose name is included in the Electoral Roll dies or leaves permanently the place of his residence in the concerned Electoral Constituency or renounces his citizenship or loses minimum qualification to retain his name in the Electoral Roll, any voter may notify the fact to the Voter Registration Officer within the fifteenth day of the month of Shrawan every year.

(2) The Voter Registration officer shall, upon receipt of such notice, conduct an inquiry into the matter in the manner as prescribed, and if he finds the notice correct, he shall remove the name of such voter from the Electoral Roll in the prescribed manner.

(3) Where the name of any voter is to be removed from the Electoral Roll pursuant to Sub-section (2), and if there exists any possibility for him

to offer his explanation, his name shall not be removed without giving him reasonable opportunity to submit his explanation.

18. **Publication of Final Electoral Roll:**

(1) Upon completion of the process relating to claim, objection and inquiry and amendments pursuant to this Chapter, the Voter Registration Officer shall prepare the final Electoral Roll of the concerned Electoral Constituency and publish it in the prescribed manner within the last date of the month of Shrawan every year.

(2) The Voter Registration Officer shall forward the final Electoral Roll published pursuant to Sub-section (1) to the Commission within the fifteenth day of the month of Bhadra every year.

19. **Review of Electoral Roll :**

(1) The Commission may review the final Electoral Roll received to it pursuant to Sub-section (2) of Section 18. During the review, if it finds any massive and severe mistakes in the final Electoral Roll, the Commission may issue necessary directives to the concerned Voters Registration Officer to rectify such mistakes. Where such directives have been issued, the concerned Voters Registration Officer shall cause necessary rectification as directed. The Electoral Roll so rectified shall be subject to the process of publication.

Explanation : For the purposes of this Sub-section, the expression "massive and severe mistakes" shall mean the factors having significant effect upon the election results or other matters of similar nature due to omission of names of persons required to be included in the Electoral Roll or the inclusion of names of persons not eligible to be included in the Electoral Roll pursuant to this Act.

(2) Except as otherwise directed by the Commission pursuant to Sub-section (1) or as required pursuant to Section 17, no one shall alter or make any deletion or addition or correction in any manner in the final Electoral Roll published pursuant to Sub-section (1) of Section 18.

20. **Validity of the Existing Electoral Roll:**

Where the Commission, due to any reason beyond its control, had been unable to update the existing Electoral Roll in any year by undergoing the

process provided in this Chapter, it may, through an order issued to this effect, continue the validity of the final Electoral Roll published in the preceding year with the same effect also for the succeeding year in which no updating has been possible.

21. **Power of Deferment of Time Schedule :**

Notwithstanding any provision contained in various sections of this Act as to accomplishment of any specific activity within the specified month or time, if the Commission deems that such activity cannot be accomplished on the specified time due to incidence of natural calamity or arising out of any other situation beyond the control of the Commission, it may, through an order issued to this effect, alter such time schedule.

Provided that while altering such time schedule, it shall not be fixed ordinarily in such manner which would be less than three months prior to the date of impending election.

22. **No Question to be Raised in a Court:**

No question may be raised in any court of law in respect of the following matters :-

- (a) On matters of inclusion or exclusion of any name or about the propriety of inclusion or removal of such name in or from the Electoral Roll of any Constituency;
- (b) On matters relating to preparation of the Electoral Roll by the Voters Registration Officer or by any authorised person deputed by him or on any alteration made in the Electoral Roll by the concerned Officer in accordance with this Chapter.

Provided that nothing contained in this Section shall be applicable in respect of the Election Tribunal constituted in accordance with the prevailing Act.

CHAPTER - III

Provisions Relating to Voters Identity Cards

23. **Powers of the Commission to Implement Provisions Relating to Identity Card :**

The Commission may, through notification published in the Nepal Gazette, implement the provisions requiring the dispensing of Identity Card to the voters of the Electoral Constituency designated in the notice. While designating the Electoral Constituency, wherein the Identity Card system is to be implemented, priority shall be given to the Municipalities and to the electoral constituencies with district headquarters.

Provided that for the purposes of by-election, nothing in this Section shall be deemed to inhibit the implementation of the Identity Card system in all electoral constituencies where such by-elections are being held.

24. **Dispensing of Identity Cards :**

Each voter of the Electoral Constituency designated by the Commission pursuant to Section 23 or of the Municipalities or Village Development Committees within such Electoral Constituency, whose name is registered in the Electoral Roll shall be issued, in the prescribed manner, with an Identity Card in the format prescribed by the Commission, which shall be valid only for the purpose of voting.

25. **Mandatory Presence with Identity Card :**

It shall be mandatory for each voter to be present at the time of voting with his Identify Card issued pursuant to Section 24.

26. **Other Provision Relating to Dispensing of Identity Card :**

Other provisions relating to dispensing of Identity Card to the voters pursuant to Section 24 and the terms and conditions to be observed in respect thereof and other provisions relating to procedures shall be as prescribed.

CHAPTER - IV

Penal Provisions

27. **Offences and Punishment :**

(1) Any commission of the following act shall be deemed to be an offence under this Act :-

(a) If any person, during the compilation of essential particulars towards preparation of Electoral Roll in accordance with this Act, deceitfully registers his name, surname, address, age, citizenship and other particulars in the Electoral Roll or submits application to

be registered as such or files any complaint in such deceitful manner

- (b) If any person intentionally inserts, deletes, corrects or removes any entry in the Electoral roll published in accordance with this Act or the Identity Card issued hereunder or if he tears off or defaces, damages or destroys in any manner such Electoral Roll or the Identify Card;
- (c) If any person uses any kind of threat, intimidation or temptation to any employee, who is assigned with the task of compilation and preparation of Electoral Roll, or dispensation of Identity Card, pursuant to this Act or causes to deviate from fulfilling his legal duties by the use of force;
- (d) If any person breaches the confidentiality of any document or particular which is required to be kept confidential.

- (2) Any person who commits an offence mentioned in Sub-section (1), or who attempts to commit such offence, or assists or abets others to commit such offence, shall be liable to a fine up to two thousand rupees or with an imprisonment of up to one month or both

CHAPTER - V

Miscellaneous

28. **No Effect upon Matters of Citizenship :**

Nothing contained in this Act shall cause any adverse effect upon the matters of citizenship as regulated by the prevailing laws, only on grounds of inclusion or omission of the name of any person in the Electoral Roll in accordance with this Act.

29. **Certification of Voters :**

If any voter, whose name is registered in the Electoral Roll of any Electoral Constituency, submits an application, in the prescribed manner, requesting an attested copy of his name, the Commission or an Officer authorised by the Commission shall attest the relevant particular in the manner as prescribed.

30. Rendering Assistance:

It shall be the duty of all concerned persons and organisations to render requisite assistance to the Voters Registration Officer when sought by him for preparation of Electoral Roll in accordance with this Act.

31. Prosecution by His Majesty's Government

His Majesty's Government shall prosecute the cases punishable under this Act.

32. Powers of Adjudication :

The designated court of law shall have the powers to try and decide cases under this Act.

33. Power to Frame Rules:

The Commission may frame necessary Rules in order to carry out the objectives of this Act.

34. Framing of Guidelines :

The Commission may, subject to the provisions of this Act and the Rules made hereunder, frame and implement necessary Guidelines.

35. Power to Issue Orders and Directives:

(1) The Commission may, in order to implement the provisions of this Act and the Rules and Guidelines made hereunder, issue necessary Orders and Directives.

(2) It shall be the duty of all concerned to abide by the Orders and Directives issued under Sub-section (1)

36. Deferment of Period and Dates:

Notwithstanding anything contained elsewhere in this Act, in respect of the first election to be held after the commencement of this Act, the Commission may carry out the tasks of compilation of Electoral Roll at such date and with such time schedule as it may prescribe.

37. Prevalence of Act :

The provisions of this Act shall prevail on matters provided in this Act and on other matters not provided herein, the provisions of prevailing laws shall apply..

38. Validity of Existing Electoral Roll:

The Electoral Roll prepared in accordance with the prevailing laws prior to the commencement of this Act shall continue to remain valid till a new Electoral Roll is prepared in accordance with this Act.

39. Savings:

(1) All acts and procedures performed by the Commission in conformity to the provisions of this Act prior to the commencement of this Act shall be deemed to have been performed according to this Act.

(2) Nothing in this Act shall be deemed to inhibit the gradual accomplishment of the acts which were commenced by the Commission pursuant to Sub-section (1) and pending the completion thereof.

DATE OF ROYAL SEAL OF ENACTMENT : 2052/10/25/5 (Thursday, 8 February 1996)
