



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Block "A" Civil Secretariat Peshawar.

Dated Peshawar the 29-09-2017

NOTIFICATION

No.SO(B&T)E&SE/2-7/2017/Regulatory Authority. In exercise of powers conferred under Section-30 of the Khyber Pakhtunkhwa Private Schools Regulatory Authority Act, 2017, the Private Schools Regulatory Authority has been pleased to make regulations namely Private Schools Regulatory Authority Conduct of Election Regulations, 2017 as follows:-

1. **Short title, application and commencement:** - (1) These Regulations may be cited as Private Schools Regulatory Authority Conduct of Election Regulations, 2017.
(2) It shall come into force at once.
2. **Definitions:** - (1) In these regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say;
 - (a) "Act" means the Khyber Pakhtunkhwa Private School Regulatory Authority Act 2017.
 - (b) "BISE" means Board of Intermediate & Secondary Education Khyber Pakhtunkhwa,
 - (c) "Electoral College" means pool of electors;
 - (d) "Election Authority" means election authority declared by the Regulatory Authority;
 - (e) "Elector" means a person whose name is in the electoral lists and qualified to vote or become a candidate to be elected as a member of the Authority;
 - (f) "Polling day" means the day appointed by Election Authority for the purpose of polling.
 - (g) "Polling agent" means a person nominated by a contesting candidate to oversee the proceedings of polling.
 - (h) "Returning officer" means a person appointed by the Election Authority as such.
 - (i) "Regulatory Authority" means the Private Schools Regulatory Authority constituted under the Khyber Pakhtunkhwa Private Schools Regulatory Authority Act, 2017.
 - (j) "Consistent Candidate" means a candidate who is taking part in election for membership in the Regulatory Authority.
3. **Election Authority:** - The Regulatory Authority through a specific order, shall nominate a person or institution as deemed appropriate, the election Authority to conduct the election to the posts of members in the Regulatory Authority which are required to be filled in by way of election.
4. **Appointment of election staff.**---The Election Authority may appoint Returning Officers, Deputy Returning Officers, Assistant Returning Officers, Polling Officers or any other staff or Officers as deemed necessary to hold an election.
5. **Holding of Election:** - (1) The Election Authority nominated in Third Regulation shall hold election on the appointed date and time.
(2) First Election shall be held on the day as determined by the Regulatory Authority and subsequent elections shall be held after maximum of 45 days of the completion of the erstwhile elected members.

(3) In case a vacancy or vacancies fall vacant due to death, resign or any other reason before the completion of a term by concerned member or members as the case may be, a by-election shall be held on the appointed day for completion of remaining period.

6. Schedule of Election: - (1) The Election Authority shall by a general notification announce the program of elections.

(2) If the date announced under sub section (1) of the Fifth Regulation falls on a public Holidays or gazetted holiday, the next working day shall be deemed considered to be announced date.

Provided that Returning Officer may with written approval of Election Authority make such changes in the schedule of date as the circumstance may require.

7. Publication of Electoral lists and delimitation of Zones/constituencies : - (1) The Election Authority, one month prior to holding of elections, on the appointed day shall prepare the election lists and order delimitation of Zones. by a general notification which shall be circulated to all registered institutions and uploaded on website of the Authority.

(2) Objections on electoral lists and on the order of delimitation of Zones for want of any claim of entry or correction thereto shall be received by the Election Authority within seven days of its circulation and shall be decided within ten days after closing date for receipt of objection or claim of entry or correction as the case may be and the decision so taken shall be notified and uploaded on website of the Authority.

8. Appeal against the decision of EA:- (1) Chairperson of Regulatory Authority shall be the appellate Authority for appeals against the decision of Election Authority and its decision in respect of claims of entry or correction shall be final.

(2) All such appeal shall be preferred within 03 days after the decision of Election Authority.

(3) The appellate Authority shall decide all such appeals within seven days.

9. Qualification for Membership and Vote:- (1) Any person, whose name is in the electoral list, shall be qualified to vote, or become a candidate to be elected as member of the Authority subject to the following conditions;

- (a) is convicted of an offence involving moral turpitude or misappropriation of property or breach of trust under the Pakistan Penal Code 1860 (XLV of 1860); or
- (b) is found guilty of inefficiency, misconduct or corruption; or
- (c) is declared to be of unsound mind by a court; or
- (d) is adjudged as an undischarged insolvent; or
- (e) is incapable of discharging duties by reason of physical or mental infirmity and has been so declared by a Medical Board; or
- (f) fails to disclose to the Regulatory Authority any conflict of interest with the Regulatory Authority within six working days of his knowledge of the conflict of interest; or
- (g) stands disqualified by the order of a court to hold any public office; or
- (h) is dismissed from the service of Pakistan or a body or authority owned or controlled by any Government in Pakistan.

10. Nomination for Election: - (1) An Elector of a zone may propose or second the name of only one qualified person to be a candidate for that zone.

(2) Every such proposal shall be made by a separate nomination paper which shall be signed by the proposer and the seconder and shall contain a declaration signed by the candidate that he has consented to the nomination and that he is not subject to any disqualification on the basis of conditions laid down in Ninth Regulation of the Regulations.

(3) Nominations exceeding the number of vacancies in a constituency shall invalidate all

nominations made by an elector as proposer or seconder.

(4) Every nomination paper shall be delivered personally by the candidate or his proposer or seconder, to the Returning Officer, so as to reach him not later than the appointed date.

(5) The Returning Officer shall give serial number to every nomination paper and record therein the name of the person presenting it and the date of its receipt.

(6) The Returning Officer shall notify a list of nomination paper received by him containing particulars of the candidates and names of the proposers and seconders.

11. Scrutiny of Nomination Papers: - (1) On the appointed date the Returning Officer shall scrutinize the nomination papers received by him in view of the conditions laid down in Tenth Regulation of these Regulations. The candidates, their election agents, proposers or seconders may attend the scrutiny of nomination papers.

(2) The Returning Officer shall give the candidates, their election agents, Seconders and Proposers a reasonable opportunity for examining the nomination papers; and the objections raised, if any, shall be considered and decided by him on the spot.

(3) The Returning Officer shall, after a summary inquiry, if necessary, reject a nomination paper on any one of the following grounds:

- (a) The candidate is not qualified to be elected as member;
- (b) The proposer or seconder is not qualified to subscribe to the nomination paper;
- (c) The provisions of these Regulations have not been complied with, or that the signatures of the Proposer or the Seconder do not seem to be genuine or are alleged such;
- (d) The Returning Officer shall not reject a nomination paper on the grounds of any defect which is not of a substantial nature, and may allow any such difficulty to be removed forthwith;
- (e) The Returning Officer shall endorse on each nomination paper his decision about accepting or rejecting it, stating reasons in case of rejection; and
- (f) In case of rejection of a nomination paper, the candidate may file objections within three days with Election Authority or any other Authority appointed by him for the purpose.

12. Publication of List of Candidates: - (1) The Returning Officer shall, after scrutiny of the nomination papers, prepare and publish a list of candidates validly nominated.

(2) In case the objections against the rejection of a nomination paper are accepted by the Returning Office shall, accordingly, revise the list of validly nominated candidates.

13. Withdrawal of Candidature: - (1) any nominated candidate may withdraw his candidature by a notice in writing, signed by himself and delivered in person, or through his Agent duly authorized by him in writing to the Returning Officer, so as to reach the Returning Officer on or before the appointed date.

(2) A notice of withdrawal shall in no circumstance be open to revocation or cancellation.

(3) Copies of such notices of withdrawal shall be notified for general information by the Returning Officer.

14. Un-Contested Election:- Where, after scrutiny of nomination papers, only one person remains a validly nominated candidate for election in a Zone or constituency, or where after withdrawal only one person is left as a contesting candidate, the Returning Officer shall notify such candidates to have been elected un-opposed, provided no appeal is pending against the rejection of any nomination paper.

15. **Election Agent:-** The contesting candidate may appoint a person, qualified to be an elector, to be his Election Agent in writing to the Returning Officer.

16. **Polling Agent:-** The contesting candidate or his Election Agent may, before the commence of the polls, appoint for each Polling Station a Polling Agent and shall give notice thereof in writing to the Presiding Officer.

17. **Polling Hours.-** The Election Authority shall notify the day and hours of Polling.

18. **Stopping of the Polling: -** (1) The Presiding Officer of a Polling Station may stop the polling and inform the Returning Officer that he has done so, if the polling Station is at any time so interrupted and obstructed that it cannot, in the opinion of the Presiding Officer, be carried on.

(2) When the polling has been stopped, the Returning Officer shall immediately report the circumstances to the Election Authority, who shall take necessary measures as deemed appropriate or direct a fresh poll on a date to be fixed by him. The over-all result of the polling in a constituency shall not be announced until results of the fresh polling are known.

19. **Voting:-** (1) The elections shall be contested by secret ballot. No voting shall be allowed by mail or by post.

(2) Ballot paper, bearing cutting, scratching or over-writing or which does not bear the official mark, shall be rejected as invalid, the record of such invalid ballot papers shall be kept by Presiding Officer.

20. **Counting of Votes.---**(1) On the conclusion of polling, the Presiding Officer shall record the number of votes polled for contesting candidates and note down the total number of votes casted and rejected, and strike the balance.

(2) The candidate or his Poling or Election Agent shall be allowed to be present at the time of counting of votes.

(3) All the ballots and a copy of record shall be sealed by Presiding Officer immediately after counting in presence of staff and Polling Agents.

21. **Declaration of Results.---**(1) The candidate(s) who get(s) the highest number of valid votes shall be reported by the Presiding Officer(s) to the Returning Officer for total counting, in the presence of the candidates(s) or his/their Election Agent(s), and notifying the name(s) of successful candidate(s).

(2) In case of equality of votes between two or more candidates, the Returning Officer shall report the situation to the Election Authority who shall announce the schedule of re-election for particular constituency.

(3) If any candidate, Election Agent or Polling Agent objects to the counting, and the objection is reasonable, in the opinion of the Presiding Officer, he may order recounting of votes in the presence of the persons.

SECRETARY

