

The Maharashtra Council of Indian Medicine (Election) Rules, 1967

No. MMP. 1066/66594-Unification: In exercise of the powers conferred by clause (a) of sub-section (2) of section 30, read with subsection (1) of section 4 of the Maharashtra Medical Practitioners' Act, 1961 (Mah. XXVIII of 1961) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 30, namely :-

PART — I

Preliminary

1. **Short Title.** - These rules may be called the Maharashtra (Council) of Indian Medicine (Election) Rules, 1967.
2. **Interpretation.** - In these rules, unless the context requires otherwise:-
 - a) "Act" means the Maharashtra Medical Practitioners' Act, 1961;
 - (b) "Election to the Council" means an election to the Council under clauses (c) and (d) of sub-section (1) of section 3A;
 - # c) * * * * *
 - d) "Form" means a Form appended to these rules;
 - e) "Section" means a section of the Act.

Deleted by G. N. dated 21-3-1985.

PART II

Electoral Roll for Elections to (Council)

3. **Electoral roll for elections to (Council).-**
 - 1) The medical list referred to in section 23 (including the addenda and the corrigenda thereto duly made, if any) 2 and in force on the date *notified under the proviso to sub-section (1) of section 4 of the Act, shall be the electoral roll for the purpose of an election to the (Council).
 - 2) The Registrar shall maintain the electoral roll for the purposes of any election to the (Council) in such manner as the State Government may, from time to time, direct in this behalf, regard being had to the provisions of the said section 23, and the relevant rules thereunder including the Maharashtra Medical Practitioners' (Publication of Medical List) Rules, 1966 and the orders of the (Council), if any.

* 1st day of December 1966.

3A. Preparation of list of voters. –

- 1) For the purpose of elections under clause (d) of sub-section (1) of section 3A, the Registrar shall prepare a list of voters of —

- a) Principals or Heads of Colleges or Institutions affiliated to or, as the case may be, recognized by any statutory University in the State of Maharashtra and which are imparting education in Indian Medicine for appearing at the examinations held by any such University ; and
 - b) Teachers (other than Principals or Heads) of such colleges or institutions who are registered practitioners possessing any of the qualifications specified in the Schedule of the Act and for a period of not less than three years engaged in teaching in any of the systems of Indian Medicine in any such colleges or institutions, showing against the name of each voter included in the list of voters his qualifications and address.
- 2) The Registrar may call upon the principals or the heads of such Colleges or institutions to furnish such information as may be required for the purpose of preparing the list of voters, under sub-rule (1).
 - 3) The Registrar shall, on a date not earlier than six months from the date of expiry of the term of members of the Council, publish the list of voters by exhibiting copies thereof in the office of the Council and also send copies of the list of voters to the Principals or Heads of such Colleges or institutions calling for objections within fifteen days from the date of the publication of such list. All objections received within the specified period shall be considered by the Registrar, who shall after making such inquiries as he deems fit, amend the list of voters as far as possible by making such alterations in, and additions to, the said list as found necessary, within a period of seven days after the expiry of the period of fifteen days referred to above.
 - 4) The list of voters shall, subject to the alterations and additions made under sub-rule (3), if any, be the final and conclusive list of voters for the purpose of election to the Council.
 - 5) The Registrar shall forward to the Returning Officer five copies each of the list of voters as soon as after the notification, calling upon principals or heads or teachers referred to in sub-clauses (i) and (ii) of clause (d) of sub-section (1) of section 3A, has been issued under these rules.

PART III

Elections to the (Council)

- 4. Elections to (Council) to be by postal ballot.** – Elections to the (Council) shall be held by postal ballot.
- 5. Notification for election.** –
 - 1) A general election to the (Council) shall be held for constituting a new (Council) on the expiration of the term of office of the members of the existing (Council) or otherwise under the provisions of the Act.
 - 2) The State Government shall, by notification published in the Official Gazette call upon the registered practitioners to elect members under clause (c) of sub-section (1) of section 3 (A) from amongst themselves in accordance with the provisions of the Act and these rules.

6. Appointment of Returning Officer and provision for assistance. –

- 1) On the publication of a notification under rule 5, the State Government shall, in consultation with the President of the (Council) , by notification in the Official Gazette, forthwith appoint a Returning Officer for every election to the (Council).
- 2) Where a person other than the Registrar is appointed as a Returning Officer, the staff of the (Council) all work under him for the purposes of the election.
- 3) Five copies of an electoral roll, maintained under rule 3 with, reference to the date notified for the purpose of an election to the (Council) shall, on the appointment of a Returning Officer, be forwarded by the Registrar to the Returning Officer.

7. Appointment of dates for nomination etc. –

- 1) As soon as possible after the notification calling upon the medical practitioners to elect members is issued, the Returning Officer shall, by notice in the Official Gazette, appoint:-
 - a) the last date and time for receipt of nomination papers such date not being later than fifteen days from the date of such notice under this rule;
 - b) the date, time and place for the scrutiny of nomination papers such date being not later than the fourth day after the last date for the receipt of nomination papers, counting the last date for receipt of nomination papers as the first day for the purpose;
 - c) the last date and time for the withdrawal of candidature, which shall be not later than the third day from the day on which the scrutiny of nomination papers is completed, counting the date of which the scrutiny of nomination papers is completed as the first day for the purpose;
 - d) the last date for sending the voting papers to the electors which shall not be later than twenty-one days after the publication of names of contesting candidates under sub-rule (8) of rule (9);
 - e) the last date and time for the receipt of voting papers by the Returning Officer from the electors, such date being not later than twenty one days after the last date for sending of voting papers to the electors, counting the last day for sending of voting papers as the first day for the purpose;
 - f) the date, time and place for the commencement of scrutiny and counting of votes, which shall not be later than five days after the last date for receipt of voting papers by the Returning Officer, counting the last date for receipt of voting papers as the first day for the purpose.
- 2) The Returning Officer shall, as far as possible fix the election programme in such a manner as to complete the whole election before the expiry of the term of the members.
- 3) The notice under sub-rule (1) shall be in Form 'A' and shall be published in at least four newspapers selected by the Returning Officer.

8. Nomination of candidates. –

- 1) Every practitioner whose name is entered in the electoral roll shall, unless disqualified 'under the Act, be qualified to be elected as a member by the electors in the electoral roll in which his name appears.
- 2) Candidates qualified for being elected shall be proposed and seconded by persons qualified as, electors in the same electoral roll in which the names of such candidate appear. No elector shall propose or second the nomination of more candidates than are required to fill-up the vacancies.

Provided that, if the same elector subscribes either as proposer or seconder more nomination papers than there are seats to be filled, all such nomination papers shall be deemed to be invalid.

- 3) The nomination paper shall be in Form 'B'. The candidate shall sign the nomination paper declaring that he is willing to serve on the Council, if elected. In the absence of such declaration, the nomination paper shall be treated as valid.
- 4) Every nomination paper duly completed and signed by the candidate, the proposer and the seconder shall be sent by post or otherwise, so as to reach the Returning Officer on or before the date and time fixed under clause (a) of sub-rule(1) of rule 7. Any nomination paper, received after the time so fixed shall be rejected. The Returning Officer shall immediately on receipt of a nomination paper record thereon the date and the time of its receipt by him.
- 5) Every candidate shall, along with the nomination paper, deposit with the Returning Officer a sum of two hundred rupees. If the amount of deposit is remitted by money order, the money order receipt shall be attached to the nomination paper. A nomination paper not accompanied by such deposit or such receipt shall not be accepted by the Returning Officer. The deposit shall, unless it is forfeited to the Council under sub-rule (6), be returned to the candidate as soon as possible, after the result of the election is declared.
- 6) If a candidate is not elected and if the number of valid votes recorded in his favour is less than one-eighth of the total number of votes recorded divided by the total number of members to be elected, the deposit shall be forfeited to the Council.

9. Scrutiny of nomination papers and withdrawal of candidature. –

- 1) The nomination papers received by the Returning Officer at or before the time fixed under clause (a) of sub-rule (I) of rule 7 shall be scrutinised by the Returning Officer on the day, at the time and place appointed by him under clause (b) of sub-rule (1) of rule 7. A candidate and not more than one representative duly authorized by him may remain present at the time of scrutiny of the nomination papers. The Returning Officer shall give reasonable facilities to the candidate or his representative or to both to examine the nomination papers which have been delivered to the Returning Officer within the time fixed under clause (a) of sub-rule (1) of rule 7.
- 2) The Returning Officer shall examine the nomination papers, and may, on his own motion, or on an objection raised by any person present, at the time of the scrutiny of the nomination papers and after such summary enquiry, if any, as he may think necessary, treat as invalid any nomination paper for any of the following reasons, namely :-

- a) that the nomination paper does not comply with the requirements of sub-rule (1), (2) and (3) of rule 8;
 - b) that the candidate or his proposer or his seconder is not an elector;
 - c) that the nomination paper has been proposed or seconded by an elector who has subscribed either as proposer or seconder, more nomination papers than there are seats to be filled in;
 - d) that the candidate is disqualified for being elected under section 8;
 - e) @[*****]
- @ Deleted by G.N. dated 26-4-1969.
- f) that the signature of the candidate or his proposer or his seconder is not genuine or has been obtained by fraud, coercion or misrepresentation; or
 - g) failure to comply with such other conditions as may be provided by or under the Act.
- 3) The Returning Officer shall endorse on each nomination paper his decision whether the nomination paper has been accepted or rejected and in case the nomination paper has been rejected, the reasons therefore.
 - 4) Any candidate may withdraw his candidature by sending to the Returning Officer a notice in writing signed by him, so as to reach the Returning Officer on or before the day and time fixed for the withdrawal of candidature under clause (c) of sub-rule (1) of rule 7.
 - 5) On completion of the scrutiny of the nomination papers and after the expiry of the period within which a candidate may withdraw his candidature under sub-rule (4), the Returning Officer shall forthwith publish on the notice board at the office of the 1 Council the names of all the contesting candidates.

Explanation. — In these rules "contesting candidate" means a candidate whose nomination paper is held to be valid and who has not withdrawn his candidature under sub-rule (4).

- 6) If at any election to the 1 Council the number of contesting candidates, is equal to the number of seats to be filled in, the Returning Officer shall forthwith declare all such candidates to be duly elected to fill such seats and report the names of such candidates to the State Government for publication in the Official Gazette.
- 7) If the number of contesting candidates is less than the number of seats to be filled in, the Returning Officer shall forthwith declare all such candidates to be duly elected and report to the State Government —
 - a) the names of such candidates for publication in the Official Gazette, and
 - b) the number of vacancies left for being filled by nomination under sub-section (2) of section 3A.
- 8) If the number of contesting candidates is more than the number of seats to be filled in, the

Returning Officer shall forthwith publish the names and addresses of the contesting candidates in the Official Gazette and on the notice board at the office of the Council.

10. Printing of voting papers. – The Returning Officer shall arrange for the printing of voting papers in Form 'C' with the names of the contesting candidates entered therein in alphabetical order, the alphabetical order being settled according to Devnagari alphabets. The particulars on the voting paper and the directions on the back of the outer foil of the voting paper shall be printed in Marathi, Hindi (in Devnagari script) and English.

11. Despatch of voting papers to electors. –

- 1) As soon as possible after the names and addresses of contesting candidates are published in the Official Gazette, under sub-rule (8) of rule 9, and in any case by the last date fixed for the sending of voting papers to the electors under clause (d) of sub-rule (1) of rule 7, the Returning Officer shall send to every elector by post under certificate of posting:-
 - a) a voting paper in Form 'C'.
 - b) a smaller cover in Form 'D'.
 - c) a larger cover addressed to himself in Form 'E'.
- 2) An elector, who has not received his voting paper and other connected papers as provided in sub-rule (1) or whose papers, before they are returned to the Returning Officer have been inadvertently spoilt in such a manner that they cannot be conveniently used, or who has lost his papers, may on his transmitting to the Returning Officer a written communication to the effect signed by himself and when the papers have been spoilt also such spoilt papers, require the Returning Officer to send him duplicate papers in place of those, not received, spoilt or lost. In every case, when duplicate papers are issued, a record thereof shall be kept by the Returning Officer and a mark "Duplicate" shall be placed on the larger cover which shall bear the same serial alphabetical number as was originally given on the larger cover sent to the elector. The voting paper issued in such cases shall also be marked "Duplicate". The Returning Officer shall cancel any spoilt papers received back from the elector.
- 3) When a voting paper is returned, undelivered, and the elector to whom it was sent applies in person for such voting paper before the last date fixed for receipt of voting papers under clause (e) of sub-rule (1) of rule 7, the Returning Officer may, if he is satisfied about the identity of the elector, deliver such voting paper to the elector after obtaining an acknowledgement from the elector.
- 4) The Returning Officer shall, in the electoral roll place a mark against the name of every elector to whom a voting paper and other connected papers specified in sub-rule (1) have been sent. Such marked copy of the electoral roll and the counterfoils of the voting papers sent to the electors shall be kept in a packet and the packet shall be sealed immediately after the last date and the time fixed for the receipt of voting papers from the electors. This packet shall not be opened except by the orders of a Court.
- 5) No election shall be invalid by reason of the non-receipt by an elector of his voting paper.

12. Recording of votes by electors. –

- 1) Every elector desirous of voting shall, subject to the provisions

hereinafter appearing, record his votes on the voting paper.

- 2) Every elector shall have as many votes as there are members to be elected.
- 3) No elector shall give more votes than he is entitled under sub-rule (2) or vote for more candidates than there are members to be elected. If any elector gives more votes than he is entitled to or votes for more candidates than there are votes, the whole voting paper shall be rejected.
- 4) An elector shall record each vote by placing clearly a mark (X) in column 3 of the voting paper opposite the name of the candidate to whom he wishes to give his vote. The mark shall be so placed as to indicate clearly and beyond doubt to which candidate the elector has given his vote. If the mark is so placed as to make it doubtful to which candidate the elector has given his vote, that vote will be deemed to be invalid.
- 5) No elector shall give more than one vote to any candidate; if he gives more than one vote, then subject to the provisions of this rule, only one vote will be deemed to be valid.
- 6) The elector shall not put his signature on the voting paper or make any other mark on the voting paper which will reveal the identity of the elector. If any elector does so, the whole voting paper will be deemed to be invalid.
- 7) After the elector has recorded his vote, he shall place the voting paper in the smaller cover supplied to him by the Returning Officer. The elector shall close the smaller cover and secure it by seal or otherwise. The smaller cover containing the voting paper shall then be placed in the larger cover supplied by the Returning Officer. The elector shall close the larger cover, write his full name and put his signature in the left hand corner of the larger cover in the printed column therefor. The elector shall then send to the Returning Officer the larger cover in which the smaller cover containing the voting paper is kept, so as to reach the Returning Officer at or before the time fixed for the receipt of voting papers under clause (e) of sub-rule (1) of rule 7:

Provided that, if any elector, on account of blindness or any other physical cause, is incapable of recording his votes or signing the large cover, it shall be competent for such elector to record his votes with the help of a Gazetted Officer or a Magistrate. Such Officer shall, in such case record on the back of the larger cover a certificate in the following form, namely:-

"I hereby

(Name of the Officer)

certify that Being

(Name of the Elector)

incapable of recording his votes due to

(Cause of incapacity)

requested me to record his votes and I have recorded his votes according to his desire and in his presence."

Signature

Designation

- 8) On receipt of every larger cover containing the voting paper, the Returning Officer shall immediately keep all such covers which were received in time fixed under clause (e) of sub-rule (1) of rule 7 collected in a sealed box. The larger covers containing voting papers received after the time so fixed shall be kept in a separate sealed box and shall not be opened.

13. Scrutiny and counting of votes. –

- 1) The scrutiny and counting of votes shall be undertaken by the Returning Officer at the time, on the day and at the place appointed by him under clause (f) of sub-rule (1) of rule 7.
- 2) The Returning Officer shall, for the purpose of helping him in the scrutiny and counting of votes, nominate as scrutineers persons not exceeding six in number.
- 3) A candidate or not more than one representative duly authorised by him may remain present at the time of counting of votes.
- 4) The whole voting paper shall be treated as invalid –
 - a) if the elector has failed to write his full name and make his signature on the larger cover in which the smaller cover containing the voting paper is kept;
 - b) if the Mark X is placed opposite the names of more candidates than the number of seats to be filled or if more votes are given than he is entitled to under sub-rule (2) of rule 12;
 - c) if the elector has put his signature on the voting paper or has made any other mark thereon which may reveal his identity.
- 5) If the Returning Officer receives more than one voting paper from one smaller cover, or more than one small cover in any large cover all such voting papers shall be treated as invalid.
- 6) If the mark (X) is so placed as to make it doubtful to which candidate the elector has given his vote, the vote shall be deemed to be invalid.
- 7) If any elector has given more than one vote to any candidate, only one of such votes given shall be taken to be valid, provided that the voting paper is otherwise not invalid.
- 8) When an equality of votes is found to exist between any two or more candidates and the addition of a vote will entitle any one or more of the candidates to be declared elected, the determination of the candidate or candidates to whom such additional vote shall be deemed to have been given, shall be made by a lot to be drawn by the Returning Officer in such manner, as he shall determine.

14. Declaration of result of election. –

- 1) When the counting of votes is completed the Returning Officer shall forthwith declare the candidates to whom the largest number of votes have been given, to have been elected, and shall forthwith inform —

- a) the successful candidates by letter of their having been elected to Council; and
 - b) the State Government of the result of the election for publication in the Official Gazette,
- 2) After the result of the election has been declared by him, the Returning Officer shall seal the voting papers and all other documents relating to the election and shall retain the same with himself in safe custody for a period of six months, and thereafter cause them to be destroyed.

PART IV

Casual Vacancies

15. Filling of casual vacancies of elected members of Council. – The President shall inform the State Government of every vacancy in the office of an elected member of the Council within a period of thirty days from the occurrence thereof.

PART V

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PART VI

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PART VII

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% deleted by G.N. dated 21st March 1985.

FORM 'A'

See Rule 7(3)

Notice of Election

Election to the Maharashtra Council of Indian Medicine

Notice is hereby given pursuant to the provisions of rule 7 of the Maharashtra Council of Indian Medicine (Election) Rules, 1967 that —

- 1) an election is to be held of * members of the Maharashtra Council of Indian Medicine, elected by the from amongst themselves;
- 2) nomination of + eligible to fill the seat/seats# are invited;
- 3) forms of nomination paper may be obtained from the undersigned on application;

- 4) Nomination papers may be sent so as to reach the undersigned at or before.....
 (hours)
 on the ;
 (date)
- 5) nomination papers will be taken up for scrutiny at on
 the at
 (date) (place)
- 6) notice of withdrawal of candidate may be sent so as to reach the undersigned at or
 before on the ;
 (hours) (date)
- 7) in the event of the election being contested —
- a) the voting papers will be sent to the electors by post by the
 (date)
- b) the voting papers duly completed may be sent by the electors so as to reach the
 undersigned at or before
 (hours)
- c) the votes will be taken up for scrutiny and counting at on the
 (hours)
 at
 (date) (place)

Date:

Address :

Returning Officer

* Here insert the number of pending vacancies.

+ Here insert-

- a) registered practitioners included in part I of the Register; or
- b) registered practitioners included in 2 part II and part III of the Register; or
- c) qualified principals or head of the recognised institution; or
- d) qualified teachers in the recognised institutions as may be necessary.

Strike off the alternative not required.

FORM 'B'
See Rule 8(3)
Form of Nomination Paper
Election to the Maharashtra Council of Indian Medicine, Bombay
(To be filled in by the Proposer)

Election to the Maharashtra Council of Indian Medicine (of) as candidate for the forthcoming election to the Maharashtra Council of Indian Medicine, Bombay.

1. Full name of the proposer
2. Full postal address of the proposer
3. Serial number of the proposer in the electoral roll
4. Full postal address of the candidate
5. Serial number of the candidate in the electoral roll

Date:

Signature of Proposer

(To be filled in by the Seconder)

I, the undersigned, hereby second the above proposal for the nomination ofas candidate for the forthcoming election to the Maharashtra Council of Indian Medicine.

1. Full name of the Seconder
2. Full postal address of the Seconder
3. Serial number of the Seconder in
the electoral roll.

Date:.....

Signature of Seconder

(To be filled in by the Candidate)

I, the above mentioned candidate, assent to this nomination and hereby declare that I am willing to serve on the Maharashtra Council of Indian Medicine, if elected.

Date:

Signature of candidate

(To be filled in by the Returning Officer)

Serial No. of Nomination paper

This nomination paper was delivered to me at my office at

(hours)

on

(date)

Date:

Returning Officer

Decision of Returning Officer accepting or rejecting the Nomination papers.

I have examined this nomination paper in accordance with the provisions of the Maharashtra Council of Indian Medicine (Election) Rules, 1967, and the paper is accepted/rejected for the following reasons :-

Date:

Returning Officer.

FORM 'C'

See Rules 10 and 11

Maharashtra Council of Indian Medicine

Voting Paper

Counter foil

Outer foil (Front)

	Serial No. 1	Name of Candidate 2	Vote 3
1. Serial number of voting paper.			
*2. Constituency :			
3. Number of elector on the electoral roll to whom the voting paper has been sent.			
Returning Officer.			

* Here insert-

- a) registered practitioners included in part I of the Registers; or
- b) registered practitioners included in part II of the Register; or
- c) principals or heads of the recognised institution; or
- d) qualified teachers in the recognised institution, as the case may be.

***Directions to Elector**

Before recording your vote, read carefully the following directions: -

- 1) the number of members to be elected is +
- 2) You have vote (s).
- 3) Record each vote by placing clearly a mark (X) in column 5 of the voting paper opposite the name of the candidate to whom you wish to give that vote.
- 4) The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.
- 5) You must not vote for more than * candidates. If you do so, your voting paper will be rejected.
- 6) You must not place more than one mark (X) opposite the name of any candidate. If you do so, only one vote will be taken to be valid.
- 7) Your vote is secret. You must not put your signature on the voting paper or make any other mark on it which reveal your identity. If you do so, your voting paper will be rejected.
- 8) After you record your vote(s), place the voting paper in the smaller cover supplied to you by the Returning officer. Close the cover and secure it by seal or otherwise. Place the smaller cover containing the voting paper in larger cover supplied to you by the Returning Officer. Close the larger cover. Write your full name and put you signature in the left hand corner of the large cover in the printed column therefor.
- 9) Despatch the larger cover to the Returning Officer, so as to reach him before

+ The particulars shall be filled in by the Returning Officer

* To be printed on the back of the counterfoil of the voting paper.

† The particulars shall be filled in by the Returning Officer.

‡ Here enter the time and the date at or before which the voting paper must reach the Returning Officer.

FORM 'D'
(See Rule 11)
Smaller cover

(Not to be opened before counting)

Election to the Maharashtra Council of Indian Medicine, Bombay.

VOTING PAPER.

FORM 'E'
See Rule 11
Larger Cover

Election to the Maharashtra Council of Indian Medicine, Bombay.

ELECTION-IMMEDIATE (STAMP)

(Not to be opened before counting)

To
The Returning Officer for election to the
Maharashtra Council of Indian Medicine.

No. of elector in the electoral Roll

Constituency: †

Full name of the elector.

Signature of the elector.
.....

*. Here insert the full address of the Returning Officer.

† Here insert-

- a) register practioners included in part I of the Register; or
- b) register practioners included in part II of the Register; or
- c) principals or head of the recognised Institutions; or
- d) qualified teachers in the recognised institutions, as may be necessary.

* * * * *