

# Rajasthan Para-medical Council Rules, 2014

RAJASTHAN

India

## Rajasthan Para-medical Council Rules, 2014

### Rule RAJASTHAN-PARA-MEDICAL-COUNCIL-RULES-2014 of 2014

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Rajasthan Para-medical Council Rules, 2014 Published vide Notification No. G.S.R. 44, dated 5.12.2014 G.S.R. 44. - In exercise of the powers conferred by sub-section (1) and (2) of section 42 of the Rajasthan Para-medical Council Act, 2008 (Act No. 25 of 2008), the State Government hereby makes the following rules for the purpose of carrying out the provisions of the said Act, namely: -

## Part I – Preliminary

### 1. Short title and commencement.

(1) These rules may be called the Rajasthan Para-medical Council Rules, 2014. (2) They shall come into force with immediate effect.

### 2. Definitions.

(1) In these rules, unless the context otherwise requires, - (a) "Act" means the Rajasthan Para-medical Council Act, 2008 (Act No. 25 of 2008); (b) "Council" means the Rajasthan Para-medical Council established under section 3 of the Act; (c) "Fees" means any fees determined and chargeable by the Rajasthan Para-medical Council; (d) "Form" means Form appended to these rules; (e) "Government" means the Government of Rajasthan; (f) "Member" means member of the Rajasthan Paramedical Council established under the Act; (g) "President" means President of the Rajasthan Paramedical Council; (h) "Registrar" means the Registrar of the Rajasthan Paramedical Council appointed under section 15 of the Act; (i) "Register" means the Register of the Para-medical Professionals maintained by the Council under section 16 of the act; (j) "Returning Officer" means any officer appointed by the Government for the purpose of an election under section 4 and 5 of the Act; (k) "Recognized Institution" means any institution permitted by Rajasthan Para-medical Council to run any Para-medical course; (l) "Registered Para-medical Professional" means any person registered by

Rajasthan Para-medical Council under section 17 or 32 of the Act:(m)"Section" means a section of the Act; and(n)"Vice President" means Vice President of the Rajasthan Para-medical Council.(2)Words and expressions used but not defined in these rules but defined in the Act shall have the same meaning as assigned to them in the Act.

## **Part II – Election of Members**

### **3. Appointment of Returning Officer.**

- For the purpose of the election to the office of President, Vice-President and Members, the State Government shall appoint any officer of the Rajasthan Administrative Service as a Returning Officer. The Returning Officer shall be appointed not later than sixty days before the completion of the term of existing President, Vice-President and Members.

### **4. Publication of Notification for election.**

- The Returning Officer shall publish in one State level Hindi newspaper and website of the Council or in such other manner, as he may think fit, a notification calling upon the registered Para-medical Professionals of the State to elect the requisite number of members to the Council under clause (i) or teachers of the recognized institutions under clause (iii) of section 4 and shall by such notification, fix a program/time schedule for the various stages according to which the election shall be held, specifying, in particular the following : -(a)First date, time and place of receiving nomination papers.(b)Last date, time and place of receiving nomination papers.(c)Date, time and place for scrutiny of nomination papers.(d)Last date and time for withdrawal of nomination.(e)Last date and time for receiving ballot papers in case of polling, i.e. if the number of candidates who have filed their nomination papers, exceeds the number of seats for which the election is to be held.(f)Date, time and place for counting of ballot papers.

### **5. Time of Publication of Notification.**

- Such notification shall be published at least fourteen days before the date fixed in the program, to be the first date for receiving nomination papers.

### **6. Electoral Roll.**

(1)The Electoral Roll shall consist of, -(i)where the election is under clause (i) of section, 4, the list of registered Para-medical Professionals in all its parts, as printed and published under section 27 of the Act corrected up to the date immediately preceding the day on which notification for election is published.(ii)where the election is under clause (iii) of section 4, the list of teachers of the institutions recognized by the Rajasthan Para-medical Council. Every recognized Para-medical Institution shall intimate to the Registrar, Rajasthan Para-medical Council the names of the teachers and their contact information on roll of the institution at the beginning of the academic session every year within seven days of beginning of the academic session. The Registrar shall hand

over consolidated list of all the lists, so received, to the Returning Officer on the day on which notification for election is published.(2)Copies of the Electoral Roll shall be made available to any person who desires to obtain copies on payment of a fee of rupees ten per page.(3)A person whose name is not borne on the Electoral Roll shall not be entitled to participate in the election.

## **7. Nomination Paper.**

(1)Every nomination for election of member shall be made in Form-A. Every nomination paper shall be duly filled in and signed by the proposers and candidate.(2)Proposers shall be persons whose names are borne on the Electoral Roll.(3)A proposer may propose more than one candidate. A separate nomination paper should be used for each candidate proposed.(4)A Demand Draft of rupees 3000/- (rupees three thousand), in favour of Registrar, Rajasthan Para-medical Council, shall be enclosed with every nomination paper as security money. The security money shall be forfeited in favour of the Rajasthan Paramedical Council, if the contesting candidate gets less than 5% of the total votes casted.(5)Every candidate filing nomination shall be required to submit an affidavit to the effect that no criminal case is pending against him in any court of law. If any enquiry pending against him before any authority of the Government, than details of such pending enquiry shall also be stated in the like manner.(6)The Returning Officer shall issue a receipt of every nomination paper received by him stating time and date of receipt of such nomination paper.(7)Nomination form shall be issued by Returning Officer on payment of rupees one hundred and record of such nomination papers shall be kept serial wise.(8)A candidate can fill more than one set of nomination paper.

## **8. Scrutiny of Nomination papers.**

(1)On the date and at the time as fixed for the scrutiny of nomination papers, by the notification issued under rule 4, the Returning Officer shall examine all the nomination papers and decide all objections which may be made to any nomination and may, either on such objection or on his own motion, alter such enquiry, if any as he think necessary, and after giving the candidate a reasonable opportunity of being heard decide such objection. The decision of the Returning Officer accepting or rejecting a nomination paper shall be final.(2)Every candidate, for whom nomination paper has been received, himself or his one representative duly authorized by him in writing, shall be entitled to be present at the time of the scrutiny of nominations papers. The authorization letter shall bear the photo of the person so authorized.

## **9. Withdrawal of Nomination.**

(1)A Person who has been duly nominated at any time before the last date and time, so fixed, may withdraw his candidature in writing and thereupon he shall cease to be a candidate for the election.(2)If more than one set of nomination papers have been filed by a candidate, withdrawal of one set shall be considered withdrawal of candidature and all the nomination papers shall be treated withdrawn.

## 10. Uncontested election.

- On the last date fixed for withdrawal of nomination, if the number of duly nominated candidates is equal to or less than the number of seats for which the election is to be held, the Returning Officer shall declare such candidates as duly elected and if the number of duly nominated candidates is greater than the number of seats for which the election is being held, the Returning Officer shall proceed to obtain the votes in the manner laid down in rule 11.

## 11. Election and declaration of result.

(1) In the case of an election, where votes are to be taken, the Returning Officer shall prepare a final list of contesting candidates immediately after the last date fixed for withdrawal of nomination is over and affix it on the notice board of the office of the Rajasthan Para-medical Council. The names of the duly nominated contesting candidates shall also be published by the Returning Officer in the State level Hindi newspaper or in such other manner, as he thinks fit. (2) The list referred in sub-rule (1) above shall be prepared in the alphabetical order of English Language. (3) The Returning Officer shall get ballot papers printed with serial number and names of the contesting candidates in the alphabetical order of English language. If there is more than one candidate of the same name, the father's name shall also be printed and their names shall be arranged in the alphabetical order of father's name. (4) A ballot paper in Form-B shall be issued to each person whose name is borne on the Electoral Roll referred to in rule 6, by registered post. An identification envelop addressed to the Returning Officer with the particulars specified in Form-C printed on its back shall also be sent along with every ballot paper. (5) No duplicate copy of ballot paper or identification envelope shall be issued in any circumstances and no election shall be invalidated by reason of the non-receipt of a ballot paper by an elector, or identification envelope. (6) On receipt of the ballot paper and identification envelope, the elector shall, if he desires to vote in the election, record his vote on the ballot paper in accordance with the instructions printed thereon and fill up the information printed on the back of the identification envelop and shall place the ballot paper in the identification envelope, close the identification envelope and either hand over it to the Returning Officer personally or send it by post. Ballot papers sent otherwise shall not be accepted. (7) Ballot papers received after the time and date mentioned in the notification referred to in rule 4 or after such other subsequent date as may be fixed by the Returning Officer shall be rejected. Votes recorded in any paper or form other than the ballot paper supplied, shall not be accepted. (8) Each elector has as many votes as the number of seats for which the election is held, and he shall record his vote by putting a cross-mark in ink against the name of each of the persons for whom he wants to vote in the column provided for it in the ballot paper (Form-B). If he records votes for more persons than the number of seats for which the election is held, his ballot paper shall be rejected. An elector may record his votes for a lesser number of candidates than the number of seats for which the election is held. (9) A ballot paper shall not be signed by the elector nor the elector shall write or mark anything on a ballot paper other than the cross-marks to indicate his votes. A ballot paper in which votes have been recorded in contravention of this sub-rule shall be rejected. (10) A ballot paper in which a mark is placed in such a manner as to make it doubtful to which candidate the vote is given, or in which the elector has placed any mark whereby he may afterwards be identified, or in which an alteration or erasure occurs indicating a change of vote, shall be invalid and shall be rejected. (11) All particulars

mentioned on the back of the identification envelope shall be filled in Identification envelopes not so filled up shall not be opened and ballot paper shall not be taken out of it and shall be treated as rejected. The Returning Officer shall put a note on the identification envelop to this effect and sign.(12)The counting of votes shall take place, in the presence of the Returning Officer, on the date and at the time and place fixed in the notification issued under rule 4 or such other subsequent date as may be fixed in this regard by the Returning Officer.(13)The contesting candidate may be present in person or send a person authorized by him in writing, to watch the process of the counting of votes but he shall not be authorized to see an identification envelope after the ballot paper in it has been taken out.(14)After opening the identification envelop, if the ballot paper is not found in it. Returning Officer shall put a note to this effect on the identification envelop and sign.(15)The Returning Officer shall decide any objection that may be raised at the time of the counting of votes regarding any identification envelope or ballot paper and endorse the word "rejected" and the ground of rejection on every ballot paper or identification envelope containing ballot paper declared invalid and rejected by him.(16)The Returning Officer shall Count or cause to be counted the valid votes given to each candidate.(17)When the counting of votes has been completed, the Returning Officer shall declare the candidate or candidates having higher number of valid votes as duly elected.(18)When two or more candidates get equal votes and the addition of one vote shall entitle any of these candidates to be declared elected, the determination of the person or persons to whom such an additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.(19)The Returning Officer shall seal up in separate packets the counted and rejected ballot papers, rejected identification envelopes due to non filling of complete information by the voter on the back side of the identification envelop and the rejected identification envelopes containing ballot papers, and record on each such packet description of its contents and the date of the election which it refers.

## 12. Certificate of election.

(1)After declaration of the result of the election, the Returning Officer shall -(a)prepare and certify a return in Form D setting forth. -(i)the names of the person or persons declared duly elected;(ii)total number of identification envelopes received;(iii)total number of identification envelopes not opened due to non filling up the particulars on the back side of it;(iv)total number of identification envelopes opened but ballot papers not found in it;(v)total number of valid votes; and(vi)total number of rejected votes.(b)submit the result of election in Form-D to the Government for publication in the Official Gazette;(c)as soon as may be possible, after a candidate has been declared elected, grant to such candidate a certificate of election in Form-E and obtain from the candidate an acknowledgment of its receipt duly signed by him. It is essential that this acknowledgment is signed by the candidate himself and his signature is attested by the Returning Officer personally. The acknowledgment shall be in the form shown below : -I..... acknowledge the receipt of the certificate of election in Form E in respect of my election result, as member of Rajasthan Para-medical Council, declared on.....Date.....Signature of the Candidate(d)cause the candidates so elected to take oath in the Form-F and shall give the candidate a certificate to this effect; and(e)forward all papers relating to the election to the Principal Secretary to the Government in the Medical and Health Department for custody. The Principal Secretary, Medical and Health to the Government shall ensure safe custody of the papers for twelve calendar

months.(2)While in the custody of the Principal Secretary to the Government in the Medical and Health Department packets of ballot papers or identification envelopes referred to in sub-rule (19) of rule 11, shall not be opened and their contents shall not be inspected or produced except under orders of the Government under section 7.

### **13. Completion of election process.**

- The whole election process shall be completed before the expiry of term of existing member.

### **14. Election for casual vacancies of member.**

(1)Any vacancy occurring otherwise than by efflux of time shall be filled in by holding bye-election in accordance with the provisions of the foregoing rules contained in this part of these rules.Part-III  
Election of President and Vice President

### **15. Meeting for election of President and Vice President.**

(1)As soon as may be possible, after the completion of election under section 4 and after the results have been notified in the Official Gazette by the Government, the Registrar shall convene a meeting of the members of the Council for the purpose of election of a President and of a Vice-President of the Council. The members elected to the council and present in the meeting shall bring the certificate of election in Form-E and certificate in Form-F issued by the Returning Officer.(2)The members present at the meeting, so convened, shall elect one amongst them, who is not a candidate for the office of the President or Vice-President, to be the Chairman of the meeting.(3)The election of the Chairman of the meeting shall be conducted by the Registrar, who shall have no vote, by ballots taken in such manner as the Registrar may determine. In the case of equality of votes secured by two or more persons proposed as Chairman, the selection of one of them shall be decided by lot in such manner as the Registrar may determine.

### **16. Election of President.**

(1)The election of the President shall be held by ballots taken in such manner as the Chairman of the meeting may determine.(2)The Chairman of the meeting shall not ordinarily exercise any vote in the election of the President but shall, in the case of an equality of votes, exercise a casting vote.

### **17. Election of Vice-President.**

- When the President has been elected, he shall, if present at the meeting, conduct the election of the Vice-President. If he/she is not present at the meeting, the Chairman of the meeting elected under rule 15 shall conduct the election of the Vice-President. The remaining provisions of rule 16 shall apply mutatis mutandis in relation to the conduct of the election of the Vice-President.

## **18. Proceeding of meeting for the purpose of election.**

- The proceedings of the meeting shall be signed by the President if he/she is present at the meeting otherwise, it shall be signed by the Chairman of the meeting elected under rule 15. A copy of the proceedings together with the names of the elected President and Vice-President shall forthwith be forwarded to the Government for publication of the names in the Official Gazette.

## **19. Election for casual vacancies of the President or Vice-President.**

- Any vacancy occurring otherwise than by efflux of time shall be filled by holding bye-election in accordance with the provisions of the foregoing rules contained in this part of these rules. Part-IV Powers, duties, casual vacancies and re-election

## **20. Powers and duties of President.**

- The President shall exercise such powers and perform such duties as are laid down in the Act and these rules, regulations and standing orders of the Council. He shall also perform such duties as he considers necessary in the furtherance of the objects for which the Council is established.

## **21. Vacancy of office of President.**

- If the Office of the President is vacant or if the President for any reason, is unable to exercise the powers and perform the duties of his office the Vice-President shall perform the duties and exercise the powers of the President. Part -V Management of the property of the Council and maintenance and audit of accounts

## **22. Purchase and Disposal of Assets.**

- The Council shall have power to purchase, acquire or hold immovable assets as well as movable assets. The Council may also dispose-off the assets, in the interest of the Council.

## **23. Registrar to be in charge of properties.**

- The Registrar shall be in-charge of the all properties of the Council and he shall be responsible for proper management of the properties of the Council.

## **24. Opening of account in Bank.**

- The Council shall open accounts in the scheduled banks as per requirement. The Council may decide to receive payments through online gateway of bank.

## **25. Signature on Cheques.**

- All the payments except payment for imprest, shall be made through cheques and cheques up to rupees one lac shall be signed by Registrar only and all cheques above rupees one lac shall be signed by Registrar and Chairman both.

## **26. Transactions generally by cheque.**

- Generally all receipts and payments shall be made by cheque/demand draft/ online gateway only. In exceptional cases, decided by Registrar, transactions can be made in cash also.

## **27. Surplus funds.**

- Any surplus funds with the Council shall be kept in fixed deposit in any scheduled bank.

## **28. Accounts of the Council.**

- Accounts of the Council shall be prepared from 1st April to 31st March every year and -(i)books of accounts as per relevant accounts rules shall be maintained with appropriate heads and all receipts and expenditure shall be entered therein.(ii)the Registrar shall be allowed a permanent advance of a certain amount as may be decided by the Council as imprest cash for petty expenses, for which a separate book shall be maintained.(iii)the expenditure incurred on account of such petty expenses shall be recouped from time to time by drawing from the Bank, and shall be entered in the Cash Book and the Ledger. Bills for such recoupment shall be passed by the appropriate authority specified in rule 25.

## **29. Expenditure to be as per budget.**

- No expenditure shall be incurred unless it has been provided for in the Budget approved by the Council and unless the necessary funds are available. Emergency expenditure necessitated by circumstances not foreseen may be allowed by the President to be incurred in anticipation of the approval of the Council, provided funds are available to meet the expenditure.

## **30. Budget of the Council.**

- In the month of September every year, the Registrar shall prepare a statement of receipts and expenditure during the first five months of the financial year and an estimate for the next 7 months, and also an estimate for the budget for the year commencing on the 1st April next. These shall be placed before the Council and the Council forthwith shall decide what financial aid from the Government, if any, shall be asked for in order to enable it to carry on the functions of the Council.



### **31. Supplementary estimate.**

- The Council may at any time during the year for which any estimate had been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and sanctioned by the Council, in the same manner as if it were an original annual estimate.

### **32. Audit of accounts.**

- The accounts of the Council shall be audited once in every year by auditors appointed by the Council, and the Audit Report shall be considered by the Council, in its meeting following the submission of the Report. The audit report shall be submitted to the Council by the Auditor appointed on or before the date, so fixed by the Council. A copy of the audit report shall also be sent to the Government by the Council. Part- VI General

### **33. Logo of the Council.**

- The Rajasthan Para-medical Council can get a logo prepared and after adopting, this LOGO can be used on the official papers of the Council.

### **34. Reference to the Government.**

- If any question arises as to the interpretation or application of these rules or the validity of any election, the same shall be referred to the Government whose decision thereon shall be final.

### **35. Note of dissent by registrar.**

- The Registrar shall put a note of dissent on the decision taken by the Council and send it to the State Government for decision, if he/she feels that the decision taken by the Council is contrary to the financial rules and provisions of the Act and prevailing laws or against the interest of the council.

### **36. Appointment of employees.**

- The Council shall appoint employees on the permanent basis with the prior approval of the Government. The Council may obtain staff from any Government Department or any autonomous body on deputation, or on casual basis through any placement agency authorized by the State Government. The services of retired government employees may also be hired by the Council with the approval of the Government.

### **37. Perks to President and Vice President and Members.**

- President, Vice-President and Members of the Council shall not be entitled to receive any salary or remuneration including house rent allowance but they shall be entitled to get allowances as may be

fixed by the Council for attending the meetings of the Council or committee. Form -A Nomination Paper (See rule 7)

1. Name of proposer (in full as registered)..... Passport Size Colour Photo (Self attested)

2. Father's Name.....

3. Age.....

4. Registration number.....

5. Residence Address.....

6. Office Address.....

7. Name of the Candidate Proposed.....

I..... (Name in full) a registered Para-Medical Professional in Rajasthan with registration number..... propose the above named candidate for election as member of the Rajasthan Para-medical Council \*from registered Para-medical professionals/teachers of the recognized institutions. Date..... Signature (in full) of proposer (FIRST) \_\_\_\_\_

1. Name of proposer (in full as registered)..... Passport Size Colour Photo (Self attested)

2. Father's Name.....

3. Age.....

4. Registration number.....

5. Residence Address.....

6. Office Address.....

7. Name of the Candidate Proposed.....

I..... (Name in full) a registered Para-Medical Professional in Rajasthan with registration number..... propose the above named candidate for election as member of the Rajasthan Para-medical Council \*from registered Para-medical professionals/teachers of the recognized institutions. Date..... Signature (in full) of proposer (SECOND) \*Score out the words not applicable. \_\_\_\_\_

by the candidate nominated

Passport Size Colour Photo (Self attested)

I..... hereby declare that I agree to this nomination. I am a registration Para-Medical Professional in Rajasthan with registration number..... and that my address is

-Residence.....Office.....Date.....Signature (in full) of the candidate  
 Name (in full) of the candidateReceipt for Nomination Paper and Notice of Scrutiny(To be handed  
 over to the person presenting the Nomination Paper)Serial No. of nomination paper.....The  
 nomination paper of.....a candidate for election was delivered to me at my  
 officeat.....(hour) on..... (date) by the candidate/proposer.All nomination papers  
 will be taken up for scrutiny at..... (hour) On.....(date)  
 at.....Signature of Returning OfficerForm-BBallot Paper[See rule 11(4)]Serial No. ....  
 S. No. Name and Registration no. of contestingcandidate Mark by Voter  
 1 2 3

Directions for voters: -

- 1. Every voter should put a cross mark (X) in ink in column 3 against the name of each person, the voter wants to votes for No other mark, writing or signature, shall be put on ballot paper.**
- 2. Every voter can record vote to a maximum number of .....contesting candidates. If you record vote more than.....contesting candidates your vote will be rejected.**
- 3. Every voter can vote for less than .....candidate, if he so wishes.**
- 4. The ballot paper thus marked with cross mark should be put the identification envelop and envelop with the ballot paper shall then be returned to the Returning Officer either by post, or hand over it to the Returning Officer personally. Ballot paper sent otherwise shall not be accepted. It shall be reached to the Returning Officer on or before the.....(time).....(date)**
- 5. The information on the back of the identification envelope shall be filled up in all particulars mentioned in the form printed thereon. Identification envelopes not so filled up, the ballot papers contained therein shall be rejected;**

Form-CInformation on the back of identification envelop[See rule 11(4)]Number.....(As stamped on the ballot paper).I.....(Name in full of the Undersigned and the person to whom the enclosed ballot paper was addressed), affirm that my name is included in the register of

registered Para-Medical Professional in Rajasthan Para-medical Council with registration number.....; and that I have not marked any other ballot paper of this electorate for this election.

Address..... Signature (in full)

Date.....

Form-D Result sheet [See rule 12(1)(a)] Result Sheet of election as member of the Rajasthan Para-medical Council \*from registered Para-medical professionals/teachers of the recognized institutions. \*(Score out the words not applicable)

S. No	Name of candidate with registration No.	Number of valid votes recorded in favour of the candidate
1	2	3

**1. Total no of identification envelops received.....**

**2. Total no of identification envelops not opened due to non filling up the particulars on the back side of it.....**

**3. Total no of identification envelops opened but ballot papers not found in it.....**

**4. Total number of valid votes.....**

**5. Total number of rejected votes.....**

I declare that -

**1.**

.....(Name).....(Registration no.)

**2.**

.....(Name).....(Registration no.)

**3.**

.....(Name).....(Registration no.)

**4.**

.....(Name).....(Registration no.)

**5.**

.....(Name).....(Registration no.)

**6.**

.....(Name).....(Registration no.)have been duly elected as the member of Rajasthan Para-medical Council.(Signature)Returning OfficerDate.....Form-ECertificate of Election[See rule 12(1)(c)]This to certify that Mr./Mrs/Ms .....(Name) S/O, W/o, D/o.....(Address) bearing registration no.....has been duly elected as Member of Rajasthan Para-Medical Council under section clause (i)/clause(iii) of section 4 of the Act on .....(date).(Signature)Full NameReturning OfficerForm-FFrom of Oath or Affirmation[See rule 12(1)(d)]I ..... having been elected as Member of Rajasthan Para-medical Council do swear in the name of the God/Solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will uphold the sovereignty and integrity of India and will bear all the responsibilities given by law as member of Rajasthan Para-medical Council.Signature and name of the MemberSworn in the name of God/Solemnly affirmed by Mr./Mrs./Ms.....at .....(Place) at.....(hour) this the..... day of .....20 .....before me.Signature of Returning Officer Name and Seal