

Madhya Pradesh Health (Election) Rules, 1968

MADHYA PRADESH

India

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In exercise of the powers conferred by Section 141 read with clauses (j), (k) and (e) of sub-section (1) of Section 4 of the Madhya Pradesh Public Health Act, 1949 (No. 36 of 1949), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) Section 141 of the said Act, namely :-

1. Short title and commencement.-

(1)These rules may be called the Madhya Pradesh Public Health (Election) Rules, 1968.(2)They shall come into force from the date of their publication in the "Madhya Pradesh Gazette".

2. Definitions.-

In these rules, unless the context otherwise requires,-(a)'Act' means the Madhya Pradesh Public Health Act, 1949 (No. 36 of 1949);(b)'elector' means,-(i)in relation to the State Branch of the Indian Medical Association, a member of that Branch;(ii)in relation to the Mahakoshal Board of Ayurvedic and Unani System of Medicine, Jabalpur or the Madhya Bharat of Indian, Medicines, Gwalior, the member of such Board; and(iii)in relation to the Board of Homeopathic and Biochemic Systems of Medicine Madhya Pradesh, Bhopal, the member of the said Board;(c)'Form' means a form appended to these rules;(d)'President' means,-(i)in relation to the State Branch of the Indian Medical Association, the President of that Branch;(ii)in relation to the Mahakoshal Board of Ayurvedic and Unani Systems of Medicine and the Board of Indian Medicines, Madhya Bharat the officer appointed as President in this behalf by the State Government; and(iii)in relation to the Board of Homeopathic and Biochemic Systems of Medicine, Madhya Pradesh, Bhopal the president of the said Board.(e)'Returning Officer' means the officer appointed by the President under Rule 5 for purposes of these rules;(f)'Secretary' means the Secretary of the State Board of Health;(g)'Section' means a section of the Act.

3. Bodies prescribed for electing member.-

(1)The member practising the Ayurvedic or the Unani Systems of Medicine shall, under clause (k) of the sub-section (1) of Section 4, be elected by the Mahakoshal Board of Ayurvedic and Unani Systems of Medicine, Jabalpur and the Madhya Bharat Board of Indian Medicines, Gwalior.(2)The member practising the Homeopathic or the Biochemic Systems of Medicine shall, under clause (1) of sub-section (1) of Section 4, be elected by the Board of Homeopathic and Biochemic Systems of Medicine, Madhya Pradesh, Bhopal.

4. Notice for election.-

At least three months before the date of expiry of the term of office of members under sub-section (2) of Section 4 (hereinafter called the date of expiry) the Secretary shall give a notice in writing,-(a)to the State Branch of the Indian Medical Association to elect one member under clause (j) of sub-section (1) of Section 4, by a date not less than one month before the date of expiry;(b)to the president for the election of one member practising the Ayurvedic or the Unani Systems of Medicine in the State by the Mahakoshal Board of Ayurvedic and Unani Systems of Medicine, Jabalpur and the Madhya Bharat Board of Indian Medicines, Gwalior under clause (k) of sub-section (1) of Section 4, by a date not less than one month before the date of expiry;(c)to the Board of Homeopathic and Biochemic Systems of Medicine Madhya Pradesh. Bhopal to elect one member under clause (1) of sub-section (1) of Section 4, by a date not less than one month before the date of expiry.

5. Returning Officer.-

The President shall appoint a Returning Officer for every election under these rules, who shall call upon the members of the State Branch of the Indian Medical Association, the Mahakoshal Board of Ayurvedic and Unani Systems of Medicine, Jabalpur, the Madhya Bharat Board of Indian Medicine, Gwalior and the Board of Homeopathic and Biochemic Systems of Medicine, Madhya Pradesh, Bhopal, as the case may be, to elect one member to the State Board of Health as hereinafter provided.

6. Returning Officer to decide questions relating to right of persons to stand for or to vote at election.-

If any question arises as to whether a person is or is not entitled to vote in the election or to stand for the election, the question shall be referred to the Returning Officer whose decision shall be final.

7. Fixation of dates of various stages of election.-

As soon as the notice is given under Rule 4 the Returning Officer shall appoint and shall notify in the Official Gazette and in such other manner as he thinks fit, the date, time and place for,-(a)the receipt of the nomination papers and their scrutiny;(b)the despatch of voting papers to the electors;(c)the

poll; and(d)the scrutiny and counting of votes.

8. Nomination of candidates.-

Any person qualified to stand for election under the Act and these rules may be nominated as a candidate for election. Such nomination shall be made by means of a nomination in Form I which shall be supplied by the Returning Officer to any elector who may apply for the same.

9. Nomination paper.-

(1)Each nomination paper shall be subscribed by two electors as proposer and seconder :Provided that no elector shall subscribe more nominations than one :Provided further that if more than one nomination paper be subscribed by the same elector, the nomination paper first received by the Returning Officer shall, if otherwise in order, be held to be valid and if more than one nomination paper signed by the same elector be received simultaneously by the Returning Officer, all such nomination papers shall be held be invalid.(2)On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereon the date and hour of receipt.

10. Rejection of nomination paper.-

A nomination paper which is not received before the date and the time appointed in that behalf shall be rejected.

11. Scrutiny of nomination papers.-

(1)On the date and at the time appointed by the Returning Officer for the scrutiny of the nomination papers, the candidate and the proposer and seconder of each candidate may attend the office of the Returning Officer, who shall allow them to examine the nomination papers of all the candidates which have been received by him as aforesaid.(2)The Returning Officer shall examine the nomination papers and decide all questions which may arise as to the validity of any nomination and his decisions thereon shall be final.

12. Withdrawal of candidature.-

(1)Any candidate may withdraw his candidature before the time appointed for the scrutiny of nomination papers by notice in writing signed by him and delivered to the Returning Officer. A candidate who has withdrawn Iris candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.(2)The Returning Officer shall on receiving a notice of withdrawal, publish the fact of such withdrawal in the Official Gazette.

13. Poll.-

(1) If only one candidate is duly nominated, the Returning Officer shall forthwith declare such candidate to be elected. (2) If the number of duly nominated candidates exceeds one, the Returning Officer shall publish their names and addresses in the Official Gazette and shall further cause their names to be entered in the voting papers in Form II. (3) If a poll is found necessary, the Returning Officer shall, two weeks before the date appointed therefor, send by post to each elector a letter of intimation in Form IV together with a numbered declaration paper in Form III, a voting paper in Form II containing the names of the candidates in alphabetical order and bearing the Returning Officer's initials or facsimile signature, a voting paper cover addressed to him (the Returning Officer) and an outer cover also addressed to him. A certificate of posting shall be obtained in respect of each letter of intimation sent to an elector: Provided that the voting paper and other connected papers may also be sent to any elector on his applying to the Returning Officer for the same before the date appointed for the poll, if the Returning Officer is satisfied that the papers have not been sent to him. (4) An elector who has not received the voting and other connected papers sent to him by post or who has lost them or in whose case the papers before their return to the Returning Officer have been inadvertently spoilt, may transmit a declaration to that effect signed by himself and request the Returning Officer not later than seven days before the date appointed for the poll to send to him fresh papers and if the papers have been spoilt, the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case in which fresh papers are issued, a mark shall be placed against the number relating to the elector's name in a copy of the State Medical Register to denote that fresh papers have been issued. (5) No election shall be invalid by reason of the non-receipt by an elector of his voting paper.

14. Votes to be sent by registered post.-

Every elector desirous of recording his vote shall, after filling up the declaration paper and the voting paper according to the directions given in the letter of intimation, enclose the voting paper in the voting paper cover, stick up the cover, enclose the cover and the declaration paper in the outer envelope addressed to the Returning Officer, and send the outer envelope by registered post at the elector's own cost to the Returning Officer, so as to reach him not later than 5 p.m. on the date fixed for the poll. All envelopes received after that day and hour or received by unregistered post shall be rejected.

15. Endorsement by Returning Officer on registered cover.-

On receipt by registered post of the envelopes containing the declaration paper and the closed cover containing the voting paper, the Returning Officer shall endorse on the outer envelope the date and hour of receipt.

16. Candidates may be present when registered covers are opened.-

The Returning Officer shall open the outer envelopes immediately after 5 p.m. on the day fixed for

poll at the place to which the envelopes are addressed to him. Any candidate may be present in person or may send a representative duly authorised by him in writing to attend at the time the outer envelopes are opened.

17. Rejection of voting papers.-

(1)A voting paper cover shall be rejected by the Returning Officer, if,-(a)the outer envelope contains no declaration paper outside the voting paper cover, or(b)the declaration paper is not the one sent by the Returning Officer, or(c)the declaration paper is not signed by the elector, or(d)the voting paper is placed outside the voting paper cover, or(e)more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.(2)In each case of rejection, the word 'Rejected' shall be endorsed on the voting paper cover and the declaration paper.(3)After satisfying himself that the electors have affixed their signatures to the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody, pending disposal under Rule 20.

18. Scrutiny and counting of votes.-

(1)The Returning Officer shall attend, for the purpose of scrutiny and counting of the votes at the date, time and place appointed by him in this behalf provided the date so appointed shall not be later than three days from the date fixed for the poll.(2)All the voting paper covers, other than those rejected under Rule 17, shall be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinised and the valid notes counted.(3)A voting paper shall be invalid if,-(a)it does not bear the Returning Officer's initials, or facsimile signature, or(b)A voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable as his voting paper; or(c)no vote is recorded thereon; or(d)the number of votes recorded thereon exceeds the number to be filled; or(e)it is valid for uncertainty of the vote exercised.(4)Any candidate may be present in person or may send a representative duly authorised by him in writing to watch the process of counting.(5)The Returning Officer shall show the voting papers, if requested to do so, to the candidates or their authorised representatives at the time of scrutiny and counting of votes.(6)If any objection is made to any voting papers on the ground that it does not comply with the specified requirements or to any rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decision shall be final.(7)The Returning Officer shall nominate such number of scrutinizers as he thinks fit.

19. Declaration of result.-

(1)When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of valid votes have been given to be duly elected and shall forthwith inform the successful candidate by letter of his being elected to the State Board of Health. If any candidate thus shown to be elected, has withdrawn from the election or refuses to accept election, then in the place of that candidate, one of the remaining candidates to whom the next largest number of votes have been given shall be held to have been elected and the same procedure shall be followed as often as a vacancy is caused in this way.(2)When an equality of votes is found to

exist between any candidates and the addition of a vote will entitle any of the candidates to be declared elected, that determination of the person to whom such one 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.

20. Voting papers to be retained for six months.-

Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and he shall not destroy or cause to be destroyed the records even after six months without the previous concurrence of the State Government.

21. Result of election.-

The Returning Officer shall intimate the name of the elected candidate to the State Government. Form INomination Paper(See Rule 8) Election under clause (j)/(k)/(l) of sub-section (1) of Section 4 of the Madhya Pradesh Public Health Act, 1949

1. Name of the candidate
2. Father's name
3. Age
- Whether a member of the State Branch of the Indian Medical Association, if so the number of candidate in the register of the Branch/whether practising
4. the Ayurvedic or the Unani System of Medicine, the Homeopathic or the Biochemic System of medicine, if specify the name of the place with district where practising.
5. Address
6. Full name of the proposer with address
- Whether the member of the State Branch of Indian Medical Association/of the Mahakoshal Board of Ayurvedic and Unani Systems of Medicine Jabalpur
7. or of the Madhya Bharat Board of Indian Medicines, Gwalior or of the Board of Homeopathic and Biochemic Systems of Medicine, Madhya Pradesh, Bhopal.
8. Signature of the proposer
9. Full name of the Secunder with address
- Whether the member of the State Branch of the Indian Medical Association/of the Mahakoshal Board of Ayurvedic and Unani Systems of
10. Medicine, Jabalpur or of the Madhya Bharat Board of Indian Medicines, Gwalior or of the Board of Homeopathic and Biochemic Systems of Medicine Madhya Pradesh, Bhopal
11. Signature of the seconder

Declaration by the candidate I hereby declare that I agree to this nomination.....

Signature of the Candidate This nomination was received by me at hour on the.....(date)..... Returning Officer Instructions Nomination papers which are not received by the Returning Officer before (hour) of the.....(date) will be invalid. Form II Voting Paper (See sub-rule (2) of Rule 13) Serial No. One member is to be elected under clause (j)/(k)/(l) of sub-section (1) of Section 4 of the Madhya Pradesh Public Health Act, 1949 to the State Board of Health..... Returning Officer

Serial No. Names and Addresses of candidates duly nominated Vote

(1) (2) (3)

Instructions

1. Each elector has one vote.

2. He shall vote by placing the mark X opposite the name of the candidate whom he prefers.

3. The voting paper shall be invalid if,-

(a) it does not bear the Returning Officer's initials or facsimile signature; or (b) the voter signs his name or writes a word or makes any mark on it, by which it becomes recognisable as his voting paper; or (c) no vote is recorded thereon; or (d) the mark X is placed opposite the names of more than one candidate or if the mark is so placed as to render it doubtful to which candidate it is intended to apply. Form III (See sub-rule (3) of Rule 13) Declaration Paper Election to the State Board of Health Section 4 of the Madhya Pradesh Public Health Act, 1949 Serial Number..... Elector's name.....

Whether a member of the State Branch of Indian Medical Association (if so give the number of the Register) / whether a member of the Mahakoshal Board of Ayurvedic and Unani Systems of Medicine Jabalpur or of the Madhya Bharat Board of Indian Medicines Gwalior/ whether a member of
the Board of Homeopathic and Biochemic Systems of Medicine Madhya Pradesh, Bhopal

Elector's declaration I..... (Name in full, and designation, if any) declare that I am an elector for the election of a member, to the State Board of Health by the electorate under clause (j)/(k)/(l) of sub-section (1) of Section 4 of the Madhya Pradesh Public Health Act, 1949 and that I have signed no other voting paper at this election.

Station.....

Date..... Signature

*Strike out whichever is inapplicable. Form IV (See sub-rule (3) of Rule 13) Letter of Intimation Sir/Madam, The persons whose names are printed on the voting paper sent herewith, have been duly nominated as candidates for election to the State Board of Health. Should you desire to vote at the election, I request that you will, - (a) fill up and sign the declaration paper; (b) mark your

vote in the column provided for the purpose in the voting paper as directed on the voting paper;(c)enclose the voting paper in the smaller cover; and stick it up; and(d)enclose the smaller cover and the declaration paper in the outer envelope addressed to me and return the same to me by registered post so as to reach me not later than 5 p.m. on the day of 20.....

2. The voting paper will be rejected, if,-

(a)the outer envelope enclosing the voting paper cover is not sent by registered post or received later than the hour fixed for the closing of the poll; or(b)the outer envelope contains no declaration paper outside the smaller cover; or(c)the voting paper is placed outside the voting paper cover?(d)the declaration paper is not the one sent by the Returning Officer to the voter; or(e)more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope; or(f)the declaration is not signed by the election; or(g)the voting paper is invalid.

3. A voting paper will be invalid if,-

(i)it does not bear the Returning Officer's initials or facsimile signature; or(ii)a voter signs his name, or writes any word or makes any mark by which it becomes recognisable as his voting paper; or(iii)no vote is recorded thereon; or(iv)the number of votes recorded thereon exceeds the number to be filled; or(v)it is valid for uncertainty of the vote exercised.

4. If a voter inadvertently spoils a voting paper, he can return it not later than seven days before the date appointed for the poll to the Returning Officer who-will, if satisfied of such inadvertence, issue to him another voting paper.

5. The scrutiny and counting of votes will begin on (date) at...

6. No person shall be present at the scrutiny and counting except the Returning Officer, such other persons as he may appoint to assist him, the candidates or their duly authorised representatives.

..... Returning Officer.