

The Punjab Ayurvedic and Unani Practitioners (Election) Rules, 1965

HARYANA

India

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Rule

THE-PUNJAB-AYURVEDIC-AND-UNANI-PRACTITIONERS-ELECTION-1965

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The Punjab Ayurvedic and Unani Practitioners (Election) Rules, 1965Published vide Notification No. GSR. 120/P.A. 42/63/S. 54/65, dated 1st June, 1965.

1. Short title and commencement.

- (i) These rules may be called the Punjab Ayurvedic and Unani Practitioners (Election) Rules, 1965.(ii)They shall come into force at once.No. GSR. 120/P.A. 42/63/S. 54/65. - In exercise of the power conferred by section 54 of the Punjab Ayurvedic and Unani Practitioners Act, 1963, the Governor of Punjab is pleased to make the following rules, the same having been previously published vide Punjab Government, Medical and Health Department, notification No. G.S.R. 82/P.A. 42/63/S. 54/65, dated the 21st April, 1965, as required by section 54 (1) of the aforesaid Act.

2. Definitions.

- In these rules, unless the context otherwise requires,(a)'Act' means the Punjab Ayurvedic and Unani Practitioners Act, 1963;(b)'Form' means a form appended to these rules;(c)'Chairman' means the Chairman of the Board;(d)'Elector' means the registered practitioner whose name is entered in the Register on the date as may be specified under rule 3;(e)'Government' means the Government of the State of [Haryana] [Substituted vide Haryana Adoption of Laws Order for words 'Punjab'.];(f)'Returning Officer' means the Chairman or any other person authorised by him to act as Returning Officer; and(g)'section' means a section of the Act.

3. Notification about election.

- [Sections 3, 4 & 54(2)(b)]. - Whenever election under clause (b) of sub-section (1) of section 3 becomes necessary the Chairman shall issue a notice calling upon the electors to elect a member or members by a date to be specified in the notice.

4. Prescribed date under section 3(4).

- [Sections 3 and 54 (2) (a)]. - 15th of October shall be the date on which the number of registered practitioners [residing in the State of Punjab] [See Ist Amendment Rules, 1971.] shall be counted under sub-section (4) of section 3.

5. Preparation of electoral roll.

- [Sections 4 and 54 (2) (b)]. - The electoral roll shall be prepared by the Registrar from the Register. It shall contain the name, father's name, address and registration number of every elector qualified to vote for the election of a member of the Board.

6. Publication of draft electoral roll.

- [Sections 4 and 54 (2) (b)]. - The Returning Officer shall publish in the manner stated in rule 8, the electoral roll along with a notice stating that any objection relating to entries in or omission from the said electoral roll may be preferred to the Returning Officer at his office during office hours, on or before the date to be specified in the notice.

7. Final publication of electoral roll.

- [Sections 4 and 54 (2) (b)]. - The Returning Officer shall soon after the objections have been heard and decided but not later than ten days after the date fixed for hearing of objections, publish in the manner laid down in rule 8, the final electoral roll and shall cause to be printed a sufficient number of copies of the electoral roll for supply on payment to such persons as may apply for the same.

8. Method of publication.

- [Sections 4 and 54 (2) (b)]. - Any order, notification or the electoral roll to be published for general information under these rules shall be deemed to be duly published if the same is placed at conspicuous places outside the offices of -(a)Deputy Commissioners, Tehsildars and Sub-Divisional Officers (Civil) in the State.(b)The Registrar of the Board.

9. [Election Programme. [Words Omitted vide Haryana Ist Amendment Rules 1972.]

- [Sections 4 and 54 (2) (b)]. - As soon as may be after the issue of the notice under rule 3, the Returning Officer shall frame the election programme. The scrutiny of nomination papers shall be held not later than the third day of the last date fixed for filing nomination papers and three days' time shall be allowed for the withdrawal of nomination papers after their scrutiny. He shall specify the date, time and place for the filing of nomination papers, the date by which ballot papers, after voting shall be received by him and the date of publication of names of persons declared to have been elected.

10. Amendment, variation or modification of election programme.

- [Sections 4 and 54 (2) (b)]. - The Chairman by an order in writing, may amend, vary or modify an election programme at any time :Provided that unless the Chairman otherwise directs no such order shall be deemed to invalidate any proceedings taken before the date of the order.

11. Publication of order under rule 10.

- [Sections 4 and 54 (2) (b)]. -Every order under rule 10 shall be published in the manner prescribed under rule 8.

12. Nomination of candidates.

- [Sections 4 and 54 (2) (b)]. - (1) Any registered practitioner whose name appears in the electoral roll published under rule 7 and who is not disqualified under the Act may be nominated as a candidate for election to the Board. Provided that the nomination paper complete in all respects is delivered by the persons nominated or by his proposer or seconder to the Returning Officer on the date, time and place fixed under rule 9.(2) The nomination of each candidate shall be made on a separate nomination paper in Form I and must be subscribed by the candidate himself as assenting to the nomination and by two persons as proposer and seconder whose names are included in the electoral roll published under rule 7.

13. Deposit.

- [Sections 4 and 54 (2) (b)]. - Each candidate filing a nomination paper under the provisions of rule 12 shall, at or before the time of delivery of his nomination paper, deposit or cause to be deposited a sum of fifty rupees in cash or by money order with the Registrar and enclose with the nomination paper the cash receipt issued by the Registrar or the money order receipt. No candidate shall be deemed to be duly nominated unless such deposit has been made.

14. Forfeiture of deposit.

- [Sections 4 and 54 (2) (b)]. - If a candidate by whom or on whose behalf the deposit referred to in rule 13 has been made is not elected and the number of votes polled by him is less than one half of the votes polled by the candidate who is declared to have been elected with least number of votes the

deposit shall be forfeited to the Board.

15. Refund of deposit.

- [Sections 4 and 54 (2) (d)]. - (1) The deposit in the following cases shall by an order in writing of the Chairman on the recommendation of the Returning Officer, be refunded to the candidate, or if not made by him to the person by whom it was made or where the candidate has died to his legal representatives -(a)where the nomination paper of the candidate has been rejected; or(b)where the candidate has withdrawn his nomination paper within the specified time; or(c)where the candidate has died before issue of the ballot-papers to the electors.(2)The deposit in the following cases shall be refunded after the declaration of the result of the election :(a)where the candidate though not elected does not forfeit his deposit under rule 14.(b)where the candidate is elected.

16. Scrutiny of nomination papers and decision of objections.

- [Sections 4 and 54 (2) (b)]. - The Returning Officer shall examine the nomination papers at the time appointed in this behalf, hear objections, if any, presented by the objectors in person, to the eligibility of any candidate and determine these objections after such enquiry as he may consider necessary. The decision, rejecting or accepting a nomination paper, and a brief statement of reasons thereof shall be endorsed on the nomination paper and signed by the Returning Officer :Provided that the Returning Officer may -(a)permit a clerical error, in the nomination paper, in regard to names or numbers, to be corrected in order to bring them in conformity with the corresponding entries in the electoral roll; and(b)where necessary, direct that any clerical or printing error in the said entries shall be ignored.(2)The person objecting under sub-rule (1) must be an elector.

17. Withdrawal of candidature.

- [Sections 4 and 54 (2) (b)]. - (1) Any candidate may withdraw his nomination by a notice in writing, which shall be subscribed by him and delivered to the Returning Officer, before the expiry of the time allowed for the withdrawal of nomination papers.(2)No person who has given a notice of withdrawal under sub-rule (1) shall be allowed to cancel the withdrawal or be re-nominated as candidate for the same election.

18. List of nominations to be posted.

- [Sections 4 and 54 (2) (b)]. - (1) The Returning Officer shall on the expiry of the time fixed for withdrawal or nomination papers prepare and publish by posting outside his office, in alphabetical order, a list of the names of each of the validly nominated candidates in Form II (hereinafter called the contesting candidates) and shall except where action is taken under rule 19 cause their names to be entered in the ballot paper in Form III.(2)The Returning Officer shall inform by registered post every candidate who has been duly nominated.

19. Procedure after publication of list of validly nominated candidates.

- [Sections 4 and 54 (2) (b)]. - (1) If the number of contesting candidates is equal to the number of persons to be elected, the Returning Officer shall declare all such candidates duly elected. (2) If the number of contesting candidates is less than the number of persons to be elected, the Returning Officer shall declare all such candidates duly elected, and shall forward a list of such persons to the Government through the Chairman, and if he is the Chairman then direct to the Government, together with a report, specifying the number of unfilled seats. The Chairman shall also take action to fill up the remaining vacancies.

20. Death of a candidate before election.

- [Sections 4 and 54 (2)(b)]. - If a candidate who has been validly nominated dies and a report of his death is received by the Returning Officer before the issue of ballot-papers to the electors the Returning Officer shall countermand the poll [-] [Words 'in respect of that constituency' omitted vide Haryana Notification dated 12.11.1971.] and report the matter to the Chairman and all proceedings with reference to the election [-] [Words 'in that constituency' omitted vide Haryana Notification 12.11.1971.] shall be commenced in all respects as if for a new election: Provided that no fresh nomination shall be necessary in the case of a candidate, whose name is entered in the list of validly nominated candidates published under rule 18.

21. Returning Officer to send ballot-papers by post.

- [Sections 4 and 54 (2) (b)]. - (1) The Returning Officer shall, as soon as may be, after the publication of the list of valid nominations under rule 18, send under certificate of posting to each elector a ballot-paper in Form III and shall enter on the counterfoil of each such ballot-paper the name of the elector to whom the ballot paper is sent and his serial number in the electoral roll. (2) Along with the ballot paper the Returning Officer shall also send -(a) a cover addressed to himself in Form IV-A, and (b) an envelope with the number of ballot paper entered on its face. The Returning Officer shall have the number of the ballot-paper entered at the left hand bottom corner of the cover in Form IV-B. (3) The ballot-paper together with the cover and envelope shall be sent to the address of the elector as shown in the electoral roll. (4) After all the ballot-papers have been issued under this rule, the Returning Officer shall seal up the packet of counterfoils of all such ballot papers and record on such packet the description of its contents and the election to which it refers. (5) No election shall be invalidated by reason that an elector has not received his ballot-paper provided that the ballot-paper has been issued to him in accordance with these rule.

22. Ballot-papers to be returned after recording votes thereon.

- [Sections 4 and 54 (2) (b)]. - (1) Every elector on receiving his ballot paper sent under rule 21, if he desires to vote at the election, shall record his vote thereon and sign the declaration in accordance with the instructions set out on the ballot-paper. (2) The elector shall place the ballot-paper in the envelope, close the envelope and enclose it in the cover and send the cover by post or messenger to

the Returning Officer in accordance with the instructions aforesaid so as to reach him before 3 p.m. on the date fixed in this behalf under rule 9. Any cover which is not received by the Returning Officer before 3.00 p.m. on the date so fixed shall be rejected. All such rejected covers shall be kept in a separate sealed packet by the Returning Officer, and a list thereof shall be prepared.

23. Attestation of the electors' signatures on the ballot-paper.

- [Sections 4 and 54 (2) (b)]. - An elector should obtain the attestation of his signatures but not of his vote by Sarpanch of a Gram Panchayat or [by a member of Local Authority, or of State Legislature or of Parliament] [Substituted for words 'or' by the Haryana Notification dated 12.11.1971.] by a gazetted officer of the Government of India or of a State Government.

24. Issue of undelivered and fresh ballot-papers.

- [Sections 4 and 54 (2) (b)]. - (1) When a ballot-paper and other connected papers sent by post under rule 21 are for any reason returned undelivered, the Returning Officer may re-issue them by delivery to the elector personally on his applying for the same. (2) In cases where any elector has inadvertently dealt with his ballot paper or any of the connected papers in such manner that the papers cannot conveniently be used, a second set of ballot-papers and other connected papers may be issued to the elector on the elector returning ballot-paper and other connected papers to the Returning Officer and satisfying him of the inadvertence. The papers so returned to the Returning Officer together with the counterfoil of the ballot-papers so returned shall be marked as cancelled by the Returning Officer. The papers so cancelled except the counterfoils of the ballot-papers shall be kept in a separate envelope set apart for the purpose.

25. Manner of recording votes.

- [Sections 4 and 54 (2) (b)]. - (1) Every elector in a constituency shall have as many votes as there are seats to be filled at the election. (2) Such an elector, when giving his votes shall place the mark 'X' in the space opposite the name of the contesting candidate or candidates for whom he desires to vote.

26. Counting of votes.

- [Sections 4 and 54 (2) (b)]. - (1) Counting of votes shall be done at the office of the Returning Officer on the day next following the date fixed under rule 9 for the receipt of ballot papers by the Returning Officer and shall commence at 10 a.m. (2) No person other than a contesting candidate and one agent for each such candidate authorised by him in writing in this behalf may remain present at the place of counting (besides the Returning Officer and the person assisting him under his order in the counting of votes).

27. Grounds for declaring ballot-papers invalid.

- [Sections 4 and 54 (2) (b)]. - A ballot paper on which - (a) no mark X has been placed against the name of any candidate; (b) the mark X has been placed opposite the names of more candidates than there are seats to be filled at the election; (c) any mark is made by which the elector may afterwards be identified; (d) the signature of the electors not duly attested; or (e) for any reason it is not certain for which candidate or candidates the elector intended to vote; shall be invalid; Provided that in a case under clause (e) if the total number of marks X does not exceed the number of seats and there is no uncertainty about a vote having been cast in favour of any candidate then the ballot-paper shall not be invalid as a whole and it will be valid in respect of each candidate in respect of whom there is no such uncertainty.

28. Procedure to be followed at the counting of votes.

- [Sections 4 and 54 (2) (b)]. - (1) On the date and at the time and place mentioned in rule 26, the Returning Officer shall open the cover containing the ballot-papers received by him under rule 22 before 3 p.m. on the date fixed for receipt of ballot-papers under rule 9 and take out and thereafter scrutinise the ballot-papers taken out from the cover and separate the ballot papers which he deems valid from those which he rejects, endorsing on the latter the word rejected and the ground of rejection. (2) the Returning Officer shall thereafter cause to be counted the valid votes given to each contesting candidate as recorded on the ballot papers which he has not rejected; (3) if the counting of votes be not completed by 6 p.m. on the day appointed, the Returning Officer may adjourn the proceedings until the following day at 10 a.m. and in such case shall place all the documents relating to the election, under his own seal and the seals of the candidates or their agents, if any, are present and desire to affix their seals and shall otherwise take proper precautions for the security of the document. The Returning Officer may in like manner adjourn the proceedings from day to day until the counting of the votes has been completed. (4) After the counting is completed the Returning Officer may on his own motion or at the request of any candidate from whom votes have been cast or his agent recount the votes.

29. Declaration of result.

- [Sections 4 and 54 (2) (b)]. - When the counting, or if there is recounting, the recounting of the votes has been completed the Returning Officer shall forthwith declare the contesting [candidates of whom not less than four be persons holding a diploma or degree in the Ayurvedic System or Unani System] [Substituted for the words 'candidate or candidates, as the case may be' by Haryana Notification dated 12.11.1971.] to whom the largest number of votes has been given to be duly elected and shall forthwith inform such successful contesting candidates by letters of their having been elected to the Board and shall also send a copy of the same to the Chairman and the Government.

30. Decision in case of equality of votes.

- [Sections 4 and 54 (2) (b)]. - When an equality of votes is found to exist between any candidates

and addition of one vote would entitle any contesting candidate to be declared elected, the determination of the contesting candidate to whom such additional vote shall be deemed to have been given shall be made by lot, to be drawn by the Returning Officer in the presence of such contesting candidates or their agents.

31. Sealing and preservation of election material.

- [Sections 4 and 54 (2) (b)]. - After the result 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 him for a period of six months [after the final disposal of the election petition, if any,] [Words added vide Haryana Notification dated 12.11.1971.] and thereafter cause them to be destroyed.

32. Amount of security to be furnished for filing election petitions.

- [Sections 37 (1) and 54 (2) (k)]. - Every registered practitioner filing an election petition to the prescribed authority shall deposit one hundred rupees in the State Bank of India in the current account of the Board or in the office of the Board and attach the receipt issued by the said Bank or the Chairman with the election petition.

33. Authority to whom election petitions may be presented.

- [Sections 37 (1) and 54 (c) (2) (1)]. - The election petition may be presented to the Chairman and the same will be referred for decision by the Chairman to the election Tribunal to be appointed by the Chairman by means of a notification in the Government Gazette.

34. Form of affidavit.

- [Sections 38 (1) and 54 (2) (m)]. - Where any corrupt practice is alleged, the petitioner shall submit alongwith the election petition an affidavit in Form VI in support of the allegation of such corrupt practice and the particulars thereof, which shall be attested by a Magistrate of the 1st Class. Form I[See rule 12]Nomination PaperElection of Members to the Board of Ayurvedic and Unani Systems of Medicine, Haryana.Particulars about the candidate nominated :

1. Name of the candidate (In Block Letters)

2. Registration Certificate No.

3. Father's name _____

4. Age _____ Sex _____ Community _____

5. System of Medicine practised

6. Registered qualification of the candidate

7. Address _____

8. Signature of the Proposer

9. Registered number of the Proposer

10. Address of the Proposer

11. Signature of Secunder

12. Registered number of Secunder

13. Address of the Secunder

Declaration by Candidate I hereby declare that I agree to this nomination. My name exists in the electoral roll at serial No. _____ Security of fifty rupees has been deposited by me, _____ vide, receipt No. _____ dated _____ which is attached herewith. Signature of the candidate This nomination paper was received by me at (date and hour). Returning Officer. Instructions Nomination papers which are not received by the Returning Officer before _____ will be invalid.

2. The name of the candidate should be as it appears in the electoral roll.

Receipt to be given to candidate. Received nomination paper of Shri _____ from the contesting candidate/the proposer/the seconder/the authorised agent of the contesting candidate at (date and hour). Signature of Returning

Officer. Form II [See rule 18] List of validly Nominated Candidates

S.No. Name of the Candidate Address of Candidate

1 2 3

1

2

3

4

5

6

7

etc.

Returning Officer Form III [See rules 18 and 21(1)] Front of Ballot-paper

Foil Outer

Counterfoil	Names of Candidates	Following Ayurvedic System	Following Unani System	Space for marking the ballot paper
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Election to the Board of Ayurvedic and Unani Systems of Medicine, Haryana, Chandigarh 19 .Sr. No. of

Ballot-paper No. on the roll of the election 1.2.3.4.5.6.7.8.9.

in the electoral roll Name of the elector Date

of despatch Initial of Despatching

Officer etc.....

Note - On the back of the ballot-paper the number of the elector on the electoral roll to whom it is sent should be noted. Serial No. Instructions

1. The number of contesting candidates for which the elector may vote is _____ of which _____ will be registered practitioners following Ayurvedic System and _____ will be registered practitioners following Unani System.

2. Out of _____ candidates to be returned _____ must be persons holding a diploma or degree in Ayurvedic/Unani Systems of Medicine.

3. The candidates whose names are marked * [are holding a diploma or degree in the Ayurvedic System or Unani System.

4. You shall vote by placing the mark X opposite the name or names of candidate whom you prefer. If you do not wish to use all your votes (in case where more than one vote is allowed) you need not do so, but more than one vote may not be given to any one candidate.

5. The Ballot-paper shall be invalid, if -

(a) the mark X is placed opposite the name of more candidates than are to be elected; or (b) the declaration is not properly signed by the elector; or (c) it does not bear the initials of the Returning Officer; or (d) no vote is recorded thereon; or (e) a voter signs his name or writes a word or makes any mark on it by which it becomes recognisable as his ballot-paper; or (f) the number of votes recorded thereon exceeds the number of vacancies to be filled; or (g) it does not conform to the Punjab Ayurvedic and Unani Practitioners (Election) Rules, 1965; or (h) it is void for uncertainty of one or more votes exercised; Provided that when more than one vote can be given on the same ballot-paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply the vote concerned and not the whole ballot paper shall be invalid on that account.

6. You should sign the declaration in Form V (enclosed) and write your number on the electoral roll and the place of your residence on it, in the presence of the Attesting Officer who shall be a Gazetted Officer or a Sarpanch. He shall attest only the elector's signatures but not his vote which should not be recorded in his presence. You should return this declaration along with the ballot-paper, which shall be put into the small envelope. Without such signature, entry and attestation, the ballot-paper shall be invalid.

7. In case you fill in more than one ballot-paper the first only of such, ballot-papers received by the Returning Officer shall, if otherwise in order be valid; and if the Returning Officer is unable to determine which of such ballot-papers was first received by him, both or all such ballot-papers shall be invalid.

8. The ballot-paper shall be sent to the Returning Officer, by Registered Post or handed over to him personally. Ballot-papers which are not received by the Returning Officer before the _____ day _____ 19____ shall be rejected.

Form IV-A[See rule 21 (2)]Envelope SmallToThe Returning Officer (Election),Board of Ayurvedic and Unani Systems of Medicine, Haryana,Chandigarh.Form IV-B[See rule 21 (2)]Envelope BigSerial No.ToThe Returning Officer (Elections),Board of Ayurvedic and Unani Systems of Medicine, Haryana,Chandigarh.Form V[See instruction No. 6 in Form III]I hereby declare that my name appears in the electoral roll, - vide entry, No.Signature of the Elector,ResidenceCertified that the above elector has signed the declaration in my presence.Name of the Officer.Signature of the Attesting Officer.Designation and complete address of the Attesting OfficerForm VI[See rule 34]AffidavitI, _____(mention here the name of the petitioner) son of Shri _____(mention here the name of the father) Age _____of _____(Complete address) make solemn affirmation/oath and say(i)that the respondent has been guilty of the corrupt practices of (mention here one or more of the corrupt practice) and particulars thereof;(ii)that the particulars stated in the paras No. _____ are true to my knowledge.Signature of the Deponent.Solemnly affirmed/sworn by Shri/Shrimati_____ at _____this _____day of _____19____before me.Name of the Attesting Magistrate.Date and place of Attesting withSeal of the Office.