

The M.P. Paramedical Council (Election of Members) Regulations, 2001

MADHYA PRADESH

India

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Rule

THE-M-P-PARAMEDICAL-COUNCIL-ELECTION-OF-MEMBERS-REGULATIONS of 2001

- Published on 19 October 2002
- Commenced on 19 October 2002
- [This is the version of this document from 19 October 2002.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Paramedical Council (Election of Members) Regulations, 2001 Published vide Notification No. F. 5-46-2002-55-ME-1, dated 19-10-2002, M.P. Rajpatra (Asadharan), dated 18-10-2002, at pages 992 (58-66) In exercise of the powers conferred by clause (b) of sub-section (1) of Section 46 read with clause (xi) of sub-section (1) of Section 4 of the Madhya Pradesh Sah Chikitsiy Parishad Adhiniyam, 2000 (No. 1 of 2001), the Madhya Pradesh Paramedical Council, with the previous sanction of the State Government hereby makes the following Regulations namely :-

1. Short title and commencement.

(1) These regulations may be called the Madhya Pradesh Paramedical Council (Election of Members) Regulations, 2001. (2) They shall come into force from the date of their publication in the "Madhya Pradesh Gazette".

2. Definitions.

- In these regulations, unless the context otherwise requires :- (a) "Act" means The Madhya Pradesh Sah Chikitsiy Parishad Adhiniyam, 2000 (No. 1 of 2001); (b) "Council" means the Madhya Pradesh Paramedical Council established under Section 3 of the Act; (c) "Form" means a form appended to these regulations; and (d) "Retuning Officer" means an officer appointed by the Council for the proposes of elections of the members of the Council.

3.

The Returning Officer shall cause the Registrar of the Council to prepare a list of enrolled Paramedical Practitioners in Hindi in Devnagri script within a period of.....for the purpose of clause (xi) of sub-section (1) of Section 4 of the Act. Such list shall be prepared in Form I and shall be known as voters list.

4.

(1)Voter list so prepared shall be published by the Council in the "Madhya Pradesh Gazette" and the list so published shall be exhibited on the Notice Board of the Office of the Council along with a notice :-(a)Inviting objections thereto and claims in respect thereof to be presented within 30 days from the date of notice to the Registrar of the Council; and(b)Fixing a date and time for hearing of such objections and claims, if tiny, by the Registrar of the Council.(2)From the date of notice referred to in clause (1), such list shall also be open to inspection free of charge by the enrolled Paramedical Practitioners and others concerned with the profession for such days during office hours in the office of the Council.

5.

(1)Any person, whose name is not entered in the voters list or is entered in an incorrect place or with incorrect particulars or any person whose name is entered in the list and who objects to the inclusion of his own name or the name of any person in that list, may prefer a claim or objection by delivering to the Registrar of the Council an application in writing not later than 3 O'clock in the afternoon of the 30th day from the date of the notice under clause (1) of Regulation 4 and no claim or objection received after that time shall be entertained.(2)A claim or objection shall be accompanied by any documents on which the claimant or objector relies.

6.

(1)The Registrar shall, after holding such summary inquiry in to the claims or objection as he thinks fit record his decision in writing.(2)No person shall be represented by any legal practitioner in any proceeding under this regulation.(3)The decision of the Registrar shall be final and the voters list shall be amended in accordance with such decision.(4)The voters list so amended shall be final and a certified copy of the same shall be kept in the office of the Council for record.

7.

Every enrolled Paramedical Practitioner shall have the right to inspect the voters list referred to in clause (4) of Regulation 6 on payment of fee of Rs. Pen and attested copy of the same may be issued to an applicant on payment of the same fees as are prescribed for copies of revenue records.

8.

(1) Voters list referred to in clause (4) of Regulation 6 shall continue to be in force until revised in accordance with clause (2). (2) Voters list shall be revised and brought up-to-date whenever a General Election is due to take place and the provisions of Regulations 4, 5 and 6 shall apply to such revision.

9.

The preliminary voters list published under clause (1) of Regulation 4 and the claims and objections received under Regulation 5 alongwith the orders of the Registrar thereon shall be preserved in the record room of the Council until after the next revision of the said list and shall then be destroyed.

10.

(1) The Returning Officer may appoint such number of Government Officers and employees as he may deem fit for effectually conducting the election in the manner provided by these regulations. (2) The Government Officers and employees for the purpose shall be paid such remuneration and travelling allowance as may be determined by the Returning Officer from time to time. (3) The Council shall sanction such advance for the elections of the members of the Council as may be proposed by the Returning Officer for defraying the anticipated expenditure on this account.

11.

The Returning Officer shall appoint and shall notify in the Madhya Pradesh Gazette and in such other manner as he thinks fit, the date, time and place for each of the following proceedings, namely :- (a) The receipt of nomination papers in Form II and their scrutiny; (b) Sending of voting papers in Form III under clause (5) of Regulation 15; and (c) The receipt of voting papers and the Scrutiny and Counting of votes under Regulations 17 and 18.

12.

(1) Each nomination paper shall be subscribed by two electors as proposer and seconder; provided that no elector shall subscribe more nomination papers than one. The nomination papers shall be sent to the Returning Officer at his office : Provided 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 of such nomination papers shall be held to be invalid. (2) On receipt of such nomination paper the Returning Officer shall forthwith endorse therein the date and hour of receipt. (3) Every candidate shall along with the nomination paper, deposit with the Returning Officer a sum of Rs. 550/- (Rupees Five hundred fifty) by way of a demand draft or money order. 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 clause (4) be returned to the candidate, as soon as possible, after the result of the election is declared.(4)If a candidate is not elected and 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.

13.

Nomination papers which are not received by the Returning Officer on or before the date and time appointed therein for scrutiny of the same, shall be rejected.

14.

(1)On the date and at the time appointed by the Returning Officer for the scrutiny of nomination papers, every candidate and her or his proposer and seconder may attend at the office of the Returning Officer who shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.(2)The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may either on such objection or of his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds that is to say :-(a)that the candidate is disqualified for being chosen to fill the seat by or under the Act;(b)that the proposer or seconder is disqualified from subscribing a nomination paper;(c)that the signature of the candidate of the proposer on the nomination is not genuine; and(d)that on the date of scrutiny of nomination paper the name of the candidate does not exist in the State Register maintained under the Act and that he is not the resident of Madhya Pradesh.

15.

(1)If, in the case of an election under clause (xi) of sub-section (1) of Section 4 of the Act, the number of duly nominated candidates who stand for election does not exceed five i.e., the number to be elected under the said sub-clause the Returning Officer shall forthwith declare such candidates to be elected.(2)If the number of such candidates exceeds the number of five the Returning Officer shall forthwith publish their names and address in the Madhya Pradesh Gazette and shall further cause their names to be entered in the voting paper in Form III.(3)Any duly nominated candidate may withdraw her or his candidature by sending to the Returning Officer a written and signed withdrawal within seven days after her or his name has been published in the Madhya Pradesh Gazette and it shall not be permissible to her or him subsequently to cancel such withdrawal.(4)On receiving notice of such a withdrawal the Returning Officer shall publish the fact of withdrawal in the Madhya Pradesh Gazette.(5)In case of election, the Returning Officer shall send to all voters thirty days prior to the date fixed for election a notice by registered post alongwith a declaration in Form IV and a voting paper in Form III in which the names of all candidates shall be printed in alphabetical order in Hindi in Devnagri Script. The Returning Officer alongwith the above material also send to all voters the instruction for election in Form V one self addressed envelop printed thereon "Voting Paper Envelop" for returning the voting paper with one more envelop duly

addressed to the Returning Officer for covering the above envelop for delivery either by post or by person.(6)A voting paper alongwith other material referred to in clause (5) shall also be supplied to any elector on her/his applying to the Returning Officer for the same before the date fixed for election provided that the Returning Officer is satisfied that he/she has not been supplied the voting paper till then.(7)Such elector who has not received the voting paper and other material by post or who has lost them on receipt or who has inadvertently spoilt to the voting paper before sending to the Returning Officer may make request in writing for reissue of the same with such declaration as the case may be before seven days of the date fixed for election. He shall return, the spoilt to voting paper along with the above said request and the Returning Officer shall cancel such voting paper before issuing another voting paper.(8)In all such cases where voting paper has been issued twice, the Returning Officer shall make a sign on the name of such elector and record a note against his name of having issued another voting paper in the voters list.(9)No Election shall be invalidated by reason of the non-receipt by an elector of her or his voting paper.

16.

(1)Every elector desirous of recording her or his vote, shall fill in the declaration form and send her or his voting paper at his own cost by registered post to the Returning Officer recording her or his vote thereon in the manner prescribed therein. Voting paper handed over in person by a voter shall be accepted as valid, for which a receipt shall be given.(2)Voting paper which are not received by the Returning Officer before the date and time appointed for the scrutiny of votes shall be rejected.

17.

On receipt of the envelop intended for voting paper alongwith the declaration the Returning Officer shall endorse on the outer envelop the date and hour of its receipt.

18.

(1)The Returning Officer shall attend for the purpose of scrutiny and counting of votes on the date of election at 5 p.m. and at the place appointed.(2)The Returning Officer immediately after 5.00 p.m. on the date referred to in clause (1) above shall open the outer envelopes.(3)Every candidate may remain present in person or may send a representative duly authorised by her or him in writing to watch the process of counting.

19.

(1)The Returning Officer shall reject the envelop intended for voting paper, if :-(a)the declaration is not placed out of the envelop intended for voting paper, if;(b)the declaration has been received in another form than that was sent to the voter by the Returning Officer; or(c)the declaration has not been signed by the elector; or(d)the voting paper has not been kept in the envelop intended for the purpose and the same has been kept in the outer envelop: or(e)the outer envelop contains more than one declaration or the voting papers; or(f)the declaration of the elector does not carry the

registration number of the State Paramedical Council.(2)In such cases referred to in clause (1), the Returning Officer shall endorse "Rejected" on the envelop intended for voting paper as well as on the declaration.(3)The Returning Officer after his satisfaction that declaration is signed by the elector, shall keep all declaration in safe custody as per requirement of Regulation 20.

20.

(1)The Returning Officer shall personally remain present on the day at appointed time for scrutiny and counting of the voting papers :Provided that the day fixed for the purpose shall in no case be later than the three days of the date of election.(2)All envelopes containing voting paper, except those have been rejected under Regulation 16, shall be opened and all the voting papers shall be taken out and mixed together and after scrutiny, counting shall be done.(3)The voting paper shall be invalid if-(a)it does not bear the signature of the Returning Officer; or(b)it bears the signature of the voter or bears any mark or writing by which the voter can be identified; or(c)it does not bear the x mark against the name of any candidate in token of having exercised the right of franchise; or(d)it bears x mark against the names of more than five candidates or bears x mark so as to make it suspicious as to whom of the two candidates was the vote intended.

21.

(1)Every candidate may remain present in person or may send his representative duly authorised by her or him in writing to watch the process of counting.(2)The Returning Officer shall show the voting papers, if required to the candidates or their representatives.(3)If any objection is made to any voting paper on the ground that it does not comply with instructions therein, or to the rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decision shall be final subject to the provisions of Regulation 23.(4)The Returning Officer may appoint such number of gazetted officer as he may deem necessary for the purpose of scrutiny and counting of voting papers.

22.

(1)When the counting of votes has been completed, the Returning Officer shall forthwith prepare a list of contesting candidates and record the number of valid votes obtained by them against their names and declare among them who got largest number of valid votes in descending order as elected.(2)When an equality of votes found to exist between the candidates and the addition of a vote will entitle any of the candidates to be declared elected the determination of such candidate, to whom one such additional vote shall be deemed to have been given, shall be made, by lot to be drawn by the Returning Officer in such manner as he may determine.

23.

Upon the completion of the counting and after the result has been declared by the Returning Officer he shall seal up the voting papers and all other documents relating to the election and shall retain

the same for a minimum period of six months or thereafter for such time as he may deem fit and thereafter cause them to be destroyed.

24.

The Returning Officer shall communicate the result of the election to the Council and to the Secretary to Government of Madhya Pradesh, Medical Education Department and then publish it in the Madhya Pradesh Gazette.

25.

The Council may of its own motion or on objection made in writing by any candidate or candidates, declare any election, that has been held, as void on account of any corrupt practice or other sufficient cause may call on the electorate to make a fresh election. The decision of the Council under this regulation shall be final subject to the approval of the State Government.

26.

The decision of the Council on any question that may arise as to the intention, construction, or application of these regulations shall be final subject to approval of the State Government.

27.

Where any dispute arises regarding any election of an elected member of the Council, it shall be referred to the State Government within a period of thirty days and the decision of the State Government thereon shall be final. Form I [See Regulation 3] Voter List

Serial Number	Name and address of voters	Name offather/husband	Male/Female	Age	Enrolment Numbers of the voter
(1)	(2)	(3)	(4)	(5)	(6)

Form II [See clause (a) of Regulation 11] Form for Nomination

**1. Name of the
Candidate.....**

**2. Name of
Father/Husband.....**

3. Age.....[Years..... Months..... Days]

4. Qualification in paramedical subjects.....

5. Registration number of the State Register.....

6. Residential Address.....

7. Signature of the proposer.....

8. Registration number of the proposer.....

9. Residential address of the proposer.....

10. Signature of the Seconder.....

11. Registration number of the Seconder.....

12. Residential address of the Seconder.....

Declaration of the Candidate I hereby accept my candidature for the election of a member of the Council.....Signature of the Candidate
Received nomination paper on.....at.....hour.....Signature of the Returning Officer
Instructions

1. Nomination paper not received on or beforeupto.....hour at.....(place) shall be rejected.

2. The names and residential addresses of the proposer and seconder should be written as have been recorded in the State Register maintained by the Council.

Form III[See clause (b) of Regulation 11]Voting Paper

1.

S.No.....

2. Madhya Pradesh Paramedical Council.....

3. Number of Member to be elected.....five.

S.No.(1) Name of the Candidate and his address(2) Mark of voting(3)

1.2.3.4.5.6.7.8.

.....Signature of the Returning Officer

1. Sign of voting 'x' should be marked in column 3 above against any five of the candidates of the choice of the voter.

2. The voting paper shall be invalid if-

(a)it does not bear the signature of the Returning Officer; or(b)it bears the signature of the voter or bears any mark or writing by which the voter can be identified; or(c)it does not bear 'x' mark against the name of any candidate at appropriate place; or(d)it bears 'x' marks against the names of more than live candidates; or(e)it bears the 'x' mark so as to make it suspicious as to whom of the two candidates was the vote intended.Form IV[See clause (5) of Regulation 15]

1. Full name and address of the voter.....

2. Registration number according to the State Register.....

I (Name of the voter) hereby declare for the purpose of election of five members under clause (xi) of sub-section (1) of the Section 4 of the Madhya Pradesh Sah Chikitsiy Parishad Adhiniyam, 2000 (No. 1 of 2001) that I am a voter for such election and I have not signed on any other voting paper except one.....Signature of the VoterDate.....Form V[See Clause (5) of Regulation 15]Instructions for ElectionSir,

1. The candidate whose names have been listed in the voting paper are hereby declared as contesting candidates for the election of five members of the Madhya Pradesh Paramedical Council. In case you are desirous of exercising the right of your franchise, you are required to-

(a)sign the declaration form duly followed in;(b)put the mark 'x' at the appropriate place on the voting paper;(c)insert the voting paper in the envelop intended for the purpose and close the said envelop; and(d)put the envelop referred to in clause (c) into already sent another big envelop which is addressed to the Returning Officer alongwith the declaration and post it or deliver in person to the Returning Officer alongwith the declaration and post it or deliver in person to the Returning Officer on or before.....by 5 p.m. positively.

2. The voting paper shall stand rejected, if-

(a)the envelop containing the envelop intended for voting paper does not reach either by post or by personal delivery on the date, time and place fixed for election; or(b)the outer envelop does not contain the declaration form duly signed; or(c)the declaration received is in an another form then that was sent to the voter by the Returning Officer; or(d)the voting paper has not been placed in the envelop intended for the purpose and the same has been received in the outer envelop; or(e)more than one voting paper or declarations or both have been sent in the outer envelop; or(f)the voter has failed to enter his registration number of the Madhya Pradesh Paramedical Council.

3. Voting Paper shall be invalid, if-

(a)it does not bear the signature of the Returning Officer; or(b)it bears the signature of the voter or bears any mark or writing by which the voter can be identified; or(c)it does not bear the 'x' mark at the appropriate place; or(d)it bears 'x' mark against more than five contesting candidates; or(e)it bears the 'x' mark so as make it suspicious as to who of the two candidates was the vote intended.

4. If the voting paper and other enclosed papers which have been inadvertently be dealt in such manner that they cannot be conveniently used, can be returned to Returning Officer seven days before the date fixed for election with a written request for issue of the same again and in turn the Returning Officer may issue a new voting paper with other documents if he is satisfied with reason detailed by the voter.

5. At the time of scrutiny and counting of voting papers no person other than the candidates and their representatives shall be allowed by the Returning Officer, the Returning Officer may however allow the officers and servants appointed for his assistance in this behalf.

.....President of the Council