

Indian Medicine Central Council (Election) Rules, 1975

UNION OF INDIA

India

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Rule

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Indian Medicine Central Council (Election) Rules, 1975Published vide Notification No. G.S.R. 2350,dated 14.8.1975Last Updated 17th October, 2018G.S.R. 2350. - In exercise of the powers conferred by section 4 and Section 35 of the Indian Medicine Central Council Act, 1970 (48 of 1970) the Central Government hereby makes the following rules namely:-

1. [Short title and commencement. [Substituted by S.O. 532 (E), dated 15-9-1979]

(1)These rules may be called the Indian Medicine Central Council (Election) Rules, 1975.](2)They shall come into force on the date of their publication in the official Gazette.

2. Definition.

- In these rules unless the context otherwise requires:(a)"Act" means the Indian Medicine Central Council Act, 1970 (48 of 1970);(b)"Form" means a form annexed to these rules;(c)"President" means the President of the Central Council of Indian Medicine;(d)["Returning Officer" means any officer of the State Government or the Union territory, as the case may be, who is from the administrative services of the State Government or the Union territory, not below the rank of a joint Secretary to the State Government or the Union territory concerned, appointed on the recommendations of the State Government or the Union territory as such by the Central Government for the purposes of these rules: [Substituted by G.S.R. 372 (E). dated 18-5-2012]Provided that the Registrar of the concerned Board, (by whatever name called) who maintains the register of Practitioners in the State shall not be appointed as the Returning Officer.](e)"Section" means a section of the Act.Election to

the Central Council Under Clause (A) of Subsection (1) of Section 3

3. Person entitled to vote.

- All persons whose names are enrolled on a State Register of Indian Medicine practitioners of Ayurveda, Siddha or Unani systems of Medicine shall be entitled to vote at the election of members to represent the Ayurveda, Siddha or Unani Systems of Medicine, as the case may be, under Clause (a) of sub-section (1) of section 3.

4. Posting of copies of State Register of Indian Medicine.

(1) Copies of the State Register of Indian Medicine shall be posted at the office of the Returning Officer of the State concerned. (2) The register shall be brought up-to-date before posting and for this purpose the Returning Officer shall give one month's notice to the Registrar (by whatever name called) of the Board concerned, who maintains the register in the State. (3) [After expiry of one month's notice as mentioned in sub-rule (2), the elections shall be conducted as per the names enrolled in the register available as on a date: Provided that the Central Government shall not entertain any dispute referred to it, before or after the election, with regard to any irregularities in the State register as made available to the Returning Officer by the Registrar of the concerned State Board who is responsible for maintaining the State Register, as defined as in clause 2 (j) of the Indian Medicine Central Council Act, 1970.] [Inserted by G.S.R. 372(E). dated 18-05-2012]

5. Returning Officer to hold the election.

- The Returning Officer shall call upon persons enrolled on the State Register of Indian Medicine as practitioner of Ayurveda, Siddha or Unani Systems of Medicine to elect such number or members, as is determined by the Central Government under clause (a) of subsection (1) of Section 3, to represent Ayurveda, Siddha or Unani System of Medicine, as the case may be.

6. Returning Officer to decide questions relating of right to 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 who shall decide the same.

7. [Fixation of dates of various stages of elections. [Substituted by Notification No. G.S.R.714)E), dated 27.7.2018.]

- The Returning Officer shall appoint and shall notify in the official Gazette and in such other manner as he thinks fit, the time, date and place for-(a) the receipt of the nomination papers and their scrutiny; (b) the mode of election and the venue of polling booth; (c) the poll; and (d) the scrutiny and counting of votes.]

8. Nomination of Candidates.

- Any person qualified to stand for the election under Section 5 may be nominated as a candidate for election and such nomination shall be made by means of a nomination paper 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 and shall contain a declaration signed by the person proposed signifying his consent to stand for the election: [***] [Omitted by S.O. 532 (E), dated 15-9-1979.] (1A) [No elector shall subscribe, whether as proposer or as seconder, more than one nomination paper at the same election, and if he does, his signature shall be inoperative on any paper other than the one first delivered.] (1B) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for the same election: Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer. [Inserted, by S.O. 532 (E), dated 15-9-1979.] (2) On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereupon 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 candidates and the proposer and the seconder of each candidate may attend the office of the Returning Officer, who shall allow them to examine the nomination papers of all the candidate which have been received by him as aforesaid. (2) [The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination paper on any of the following grounds, namely:-(a) that on the date appointed for the scrutiny of nomination papers, the candidate does not possess a recognized medical qualification for standing in an election; (b) that he is not enrolled on the State Register of Indian Medicine and does not reside in the State from which he stands for election" (c) [***] (d) that the nomination paper is not received by the Returning Officer on or before the appointed time and date; (e) that the signature of the candidate or the proposer or the seconder on the nomination paper is not genuine. (f) that the signature of the proposer or the seconder is contrary to the provision of sub-rule (1A) of rule 9; and (g) that the proposer or the seconder is not entitled to vote at such election." (h) [***] [Omitted by S.O. 532 (E), dated 15-9-1979.]

12. Withdrawal of candidature.

(1) Any candidate may withdraw his candidature within seven days after the scrutiny of nomination papers of notice in writing signed by him and delivered to the Returning Officer. (2) A Candidate who has withdrawn his [candidature] [Substituted by S.O. 532 (E), dated 15-9-1979.] shall not be allowed to cancel the withdrawal. (3) [the Returning Officer shall, on receiving a notice of withdrawal and on being satisfied as to the genuineness of the notice of withdrawal under sub-rule (1), cause the notice to be affixed in some conspicuous place in his office] [Substituted by S.O. 532 (E), dated 15-9-1979.].

13. [Poll. [Substituted by Notification No. G.S.R. 714(E), dated 27.7.2018.]

(1) Where the number of candidate duly nominated is equal to or less than the number of members to be elected to represent the Ayurveda, Siddha or Unani System of medicine, as the case may be, from the State concerned, the Returning Officer shall forthwith declare such candidates to be duly elected. (2) Where the number of such candidates is less than the number of members to be so elected the Returning Officer shall commence fresh proceedings for the election of the remaining members to be elected under clause(a) of sub-section (1) of section 3. (3) Where the number of such candidates exceeds the number of members to be elected to represent the Ayurveda, Siddha or Unani Systems of Medicines as the case may be, from the State concerned, the Returning Officer shall publish their names and addresses in the official Gazette for the purpose of the election. (4) If a poll is found necessary, the Returning Officer shall conduct the election, where mode of election is casting of votes in person by ballot in Form-II or Electronic Voting Machine (EVM). (5) The Returning Officer shall publish an advertisement, in one issue of the daily newspaper in the English language having circulation in the major part of the State and one issue of such daily newspaper in the regional language as the Returning Officer may consider suitable, about the date and time of the election and venue of the polling booth. (6) Casting of vote in person means, all persons eligible to exercise vote shall physically come to the polling booth on the date and time as notified by the Returning Officer along with the certificate of registration in the concerned State Board/ Council of Indian System of medicine and any photo identity card issued by the Central/ State / Union Territory Government to prove his identity before casting vote. (7) Each elector shall have as many votes as there are members to be elected from that State, but shall give only one vote to any one candidate.

14. Casting of vote.

(1) Every elector desirous of recording his vote shall, reach the nearest polling booth to cast his vote on the date and time fixed for the poll. (2) The ballot shall be issued only to the eligible members on producing the copy of certificate of registration in the concerned State Board/ [Council of Indian System of Medicine] [Substituted 'Council of Homoeopathy' by Notification No. G.S.R. 1020(E), dated 9.10.2018 (w.e.f. 14.8.1975).] and any photo identity card issued by the Central/ State / Union Territory Government. (3) A member who is unable to provide his / her Membership / Registration number or any such additional details which bonafide his / her right of exercising the vote shall not be allowed to exercise his vote. (4) The entire process of instructions will also be made available on the Central Council of Indian Medicine website under the Column "ELECTION PROCESS". The

member may look into the instructions and thereafter may cast their vote as per procedure.(5)A member shall not hold the Council or agency involved in the voting by responsible for any misuse thereof.

15.

Any voter who desire to vote shall sign in ink in the voter list, before casting his/her vote physically.

16.

Any candidate may be present in person or may send a representative duly authorised by him in writing to attend at the time of counting of votes.

17. Rejection of members from casting vote.

- A person may not be allowed to exercise his vote, if ,-(a)the person could not prove his identity; or(b)the person fails to show his valid proof of registration in the Register maintained by State Board/ Council; or(c)the person reaches the polling booth after the time specified by the Returning Officer; or(d)the person misbehaves or argue in the premises of polling; or(e)the person is trying to cause obstacles in performing duties of the polling officers.]

18. Scrutiny and counting votes.

(1)The Returning Officer shall attend, for the purpose of scrutiny and counting of the votes on the date and at the time and place appointed by him in this behalf:Provided that the date so appointed shall not be later than three days from the date fixed for the poll.(2)[All the ballot papers shall be mixed together and shall be scrutinised, and , valid votes counted.] [Substituted by Notification No. G.S.R. 714(E), dated 27.7.2018.](3)A 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 the name or writes any 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 of seats to be filled; or(e)There is uncertainty of the vote exercised.(4)Any candidate may be present in person or may send a representative duly authorized 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 authorized representatives at the time of scrutiny and counting of votes.(6)If any objection is made to any voting paper on the ground that it does not comply with the specified representatives at the time of scrutiny and counting of votes.(7)The Returning Officer shall nominate such number of scrutinizers, who shall be Gazetted Officer of the Government, as he thinks fit.

19. Declaration of result.

(1)When the counting of the votes has been completed, the returning Officer shall draw up a list of candidates in the order of highest votes polled by each candidates and shall declare the result of the

successful candidates in the order of the highest vote polled by each and shall declare the result of the successful candidates in the order according to the number of seats to be filled up and shall forthwith inform the successful candidates by post or by hand or in such other manner as he thinks fit, of his being elected to the Council.(2)[If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decided between those candidates by draw of lots and proceed as if the candidate on whom the lot falls had received an additional vote.] [Substituted by S.O. 532 (E), dated 15-9-1979.](3)When an equality of votes if found to exist among any candidates and there is difficulty in declaring the result, the determination of the person or persons, who shall be deemed to have been elected 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 Central Government.

21. Result of Election.

- The Returning Officer shall intimate the names of the elected candidates to the Central Government who shall take steps to publish the names of the elected persons in the official Gazette.Elections to the Central Council Under Clause (B) of Sub-Section (1) of Section 3

22. Representative of Universities.

(1)The president shall, not later than ninety days before the date of occurrence of a vacancy by the expiry of the term of office of a member from a University, send intimation thereof to the Central Government, who shall, not later than sixty days before the date of occurrence of the vacancy, forward a notice by registered post to the Registrar of the University concerned requesting him to hold an election by a date not later the date specified in the notice.(2)In the case of a vacancy occurring otherwise than as mentioned in sub-rule (1), the President shall notify the Central Government as soon as possible the occurrence of the vacancy and the Central Government shall thereupon forward a notice by registered post to the Registrar of the University concerned requesting him to hold an election by a date not later than the date specified in the notice.(3)For the purpose of the first election under clause (b) of sub-section (1) of Section 3, it shall be sufficient if the Central Government forward a notice by registered post to the Registrar of each University concerned requesting him to hold the election by a date not late than the date specified in the notice.(4)[The issues relating to the eligibility of the members of the faculty or Department (by whatever name called), of the Ayurveda, Siddha and Unani Systems of Medicines the Universities shall be decided by the University concerned as per its bylaws and Statutes.] [Inserted by G.S.R. 372(E) dated 18-05-2012]

23. Election by Faculty or Department.

- The members of the Faculty or Department (by whatever name called) of each of the Ayurveda, Siddha and Unani systems of medicine of the University shall elect one member of the respective system of medicine from amongst themselves in the following manner, namely:-(a)The date, time and place of the election shall be intimated to each of the members by the Registrar of the University at least thirty days before the date of meeting;(b)Any member present at the meeting shall be entitled to propose a name of any member present, for election as a member of the Central Council and such proposal shall be required to be seconded by a member other than the proposer or the one whose name is proposed:Provided that one member shall be entitled to propose or second only one name;(c)Any candidate may withdraw his candidature before the actual election;(d)If the name of only one candidate is duly proposed and seconded, the Registrar of the University shall forthwith declare, such candidate as duly elected;(e)If the number of candidates duly proposed and seconded exceeds one, an election shall be held by secret ballot;(f)Before the commencement of the actual election on the date so intimated, the Registrar of the University shall invite the members to inspect ballot box in case they may like to do so and he shall then lock the box;(g)On the date of actual election, the member present in the meeting shall, one by one sign against their names in the list which contains the names of all the members in alphabetical order and is placed along the side of the ballot box;(h)after a member has signed his name in the said list, he shall be given a ballot paper containing the names of all the candidates and signature of the Registrar of the University, which he shall drop into the ballot box after affixing thereon a cross (X) mark against the name of the candidate of his choice;(i)As soon as all the members present and wishing to exercise the right to vote have done so, the Registrar of the University, shall, in the presence of the candidates who may be present in person, open the ballot box and take out from it all the ballot papers, examine them and reject as invalid any ballot paper:- (A)If it does not bear the signature of the Registrar of the University; or (B)if the member signs his name or writes any word or makes any mark on it by which it becomes recognizable as his ballot paper; or (C)If no vote is recorded thereon; or (D)If there is uncertainty of the vote exercised; or (E)If the vote has been given in favour of more than one candidate;(j)The Registrar of the University shall then proceed to arrange the valid votes according to the candidates in whose favour they have been cast and count them separately for each candidate;(k)After the counting is over, the Registrar of the University shall make an announcement in the meeting about the votes secured by each of the candidates and he shall also declare the candidate securing the largest number of valid votes as duly elected to be a member of Central Council.(l)In the event of two or more candidates securing the same number of votes and that number being more than the number of votes secured by any candidate other than the two or more securing the same number of votes, the determination as between such candidates shall be by draw of lots and the candidates on whom the lot falls, shall be declared elected.]

24. Intimation of name of elected person to the Central Government.

- The name of the person elected shall be intimated by the Registrar of the University to the Central Government who shall take steps to publish the name of the elected person in the official Gazette.

25. [Power to declare any election void. [Added by G.S.R 151(E) dated 15-03-2012.]

(1)The Central Government may, on any election dispute referred to it under sub-section (2) of Section 4 of the Act, for an election, within a period of thirty days from the date of election of the elected candidate, declare the election to be void on account of bribery, undue influence or other corrupt practice which, in the opinion of the Central Government, has interfered with the free and fair conduct of the election and shall conduct a fresh election.(2)The decision of the Central Government under this rule shall be final.] [Substituted by S.O. 532 (E), dated 15-9-1979.]

26. [Observer. [Added by G.S.R 372(E) dated 18-05-2012.]

(1)The Central Government shall nominate an observer to monitor the conduct of election and to perform such other functions as may be entrusted to him by the Central Government.(2)The Observer shall be present at the designated venue on the day fixed for scrutiny of nomination papers and shall also be present at the designated venue on the day fixed for scrutiny and counting of votes and shall submit his report to the Central Government.

27. Returning officer or Registrar of Universities to inquire into disputes raised during election process.

- Notwithstanding anything contained in the rules, the Returning officer or the Registrar, as the case may be, shall decide into the disputes raised during the election process i.e. from date of receipt of the nomination papers till the date of declaration of result:Provided that the Central Government shall decide all such issues if referred to it within the time period specified in rule 25, irrespective of whether or not the same disputes raised before the Returning Officer or the Registrar has been decided or not.

28. Procedure for dealing with election disputes.

(1)The Central Government, after receipt of dispute under sub-section (2) of section 4 of the Act regarding any election, shall appoint an Inquiry officer not below the rank of Under Secretary to Government of India to inquire into that dispute.(2)The Inquiry officer within one week of his appointment shall send notice of hearing to the parties to the dispute asking them to submit statements in writing, if any, on the dispute within reasonable time as may be specified by him and shall also fix the date of hearing.(3)After the expiry of the time specified for submission of statement, the Inquiry officer shall hear the dispute on such date and at such time and place as has been specified irrespective of whether written statement have been received or not and shall give reasonable opportunity to the parties to be heard.(4)All parties to the dispute shall have the right to appear before the Inquiry officer, only in person.(5)Non-appearance of the parties to the dispute shall not be a ground for postponement of hearing on the date already fixed and the hearing shall proceed ex parte until circumstances of non-appearance are beyond the control of the parties.(6)During any stage of inquiry, the Inquiry officer shall have the right to examine such other

documents and persons as deemed necessary by him for conduct of inquiry.(7)After hearing all the concerned parties, the Inquiry officer shall prepare an inquiry report within a period of sixty days of his appointment and submit it to the Central Government for its consideration and decision.(8)The Central Government shall endeavor to take a decision on the Inquiry report as submitted by the Inquiry officer and communicate its decision on a dispute within thirty days of receipt of the Inquiry report.

29. Voting papers to be retained for six months by the Registrar.

- Upon the completion of the counting and after the result has been declared by him, the Registrar 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 Central Government.]