

The Punjab Homoeopathic Practitioners (Election) Rules, 1975

PUNJAB

India

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Rule

THE-PUNJAB-HOMOEOPATHIC-PRACTITIONERS-ELECTION-RULES- of 1975

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The Punjab Homoeopathic Practitioners (Election) Rules, 1975Published vide Notification No. GSR/PA 16/65/S. 53/75. Dated 19th March, 1975.No. GSR/PA 16/65/S. 53/75. - 19th March, 1975. - In exercise of the powers conferred by section 53 of the Punjab Homoeopathic Practitioners Act, 1965, the Governor of Punjab is pleased to make the following rules, namely :

1. Short title and commencement.

- (i) These rules may be called the Punjab Homoeopathic Practitioners (Election) Rules, 1975.(ii)They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Punjab Homoeopathic Practitioners Act, 1965;(b)"Form" means a form appended to these rules;(c)"Constituency" means a class or circle for the representation of which a member or members is or are to be or has or have been elected under these rules;(d)"elector" means a registered practitioner residing in the State of Punjab whose name is entered in the Register;(e)"Government" means the Government of the State of Punjab;(f)"Returning Officer" means the Registrar or any other person authorised by the Chairman to act as Returning Officer;(g)"Section" means a section of the Act;(h)Words and expressions used but not defined in these rules shall have the meaning assigned to them in the Act.

3. Notification about election.

- [Sections 4 and 53 (2)(a) J. - Whenever election under clause (b) of sub-section (3) 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. Demarcation of constituencies and preparation of electoral rolls.

- [Sections 4 and 53(2)(a)]. - (1) For the purpose of rule 2(c), the State of Punjab shall be divided into territorial constituencies in such manner that the ratio between the electors of each constituency and the number of seats allotted to that constituency shall, as far as practicable, be the same throughout the State.(2)The Electoral rolls shall be prepared for each constituency 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 Council for such Constituency.

5. Publication of draft electoral roll.

- [Sections 4 and 53(2) (a)]. - The Returning Officer shall publish in the manner stated in rule 7, the electoral roll along with notice inviting any objection relating to entries in or omission from electoral roll which may be sent to the Returning Officer at such place, time or date as may as specified in the notice.

6. Final publication of electoral roll.

- [Sections 4 and 53(2)(a)]. - 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 7, the final electoral roll and shall cause it to be printed for supply on payment [of the fee specified by the Government from time to time] [Words added vide Legislative Supplement Part III dated 21.7.1979 P. 259.] to such persons as may apply for same.

7. Method of publication.

- Any order, notification of electoral roll required to be published for general information under these rules shall be published by placing the same at conspicuous places outside the offices of
-(a)The Deputy Commissioner, Tehsildars and Sub-Divisional Officers [Civil] in the State.(b)The Registrar of the Council.

8. Election programme.

- [Sections 4 and 53(2)(a)]. - (1) As soon as may be after the issue of a notice under rule 3, the Returning Officer shall frame the election programme.(2)The election programme shall specify the date or dates on by or within which-(i)the nomination papers shall be presented;(ii)the list of

nomination papers shall be posted;(iii)the nomination papers shall be scrutinised;(iv)a candidate may withdraw his candidature;(v)the list of valid nomination papers shall be posted;(vi)the poll shall be held;(vii)that ballot papers shall be counted; and(viii)the result of the election shall be declared.

9. Amendment, variation or notification of election programme.

- [Sections 4 and 53(a)]. - The Chairman may by an order in writing stating reasons thereof amend, vary or modify 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.[10. Publication of order under rule 9. - [Sections 4 and 53(2) (a)] [Substituted vide Legislative Supplement Part III dated 21.7.1979 P. 259.]. - Every election programme framed under rule 8 and every order made under rule 9 shall be published in the manner prescribed under rule 7.]

11. Nomination of candidates.

- [Sections 4 and 53(2)]. - (i) Any registered practitioner whose name appears in the electoral roll published under rule 6 and who is not disqualified under the Act may be nominated as a candidate for election to the Council:Provided that the nomination papers complete in all respects are delivered by the person nominated or by his proposer or seconder to the Returning Officer on the date, time and place fixed under Rule 8.(ii)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 6.(iii)A list of nomination papers received under sub-rule (i) shall be prepared in alphabetical order by the Returning Officer and shall be posted by him outside his office.

12. Deposits to be made.

(1)Each person filing a nomination paper under rule 11, shall at or before the time of delivery of the nomination paper, deposit or cause to be deposited with the Registrar a sum of rupees fifty in cash or by money order and enclose with the nomination papers the cash receipt issued by the Registrar or the money order receipt as the case may be, [and such a candidate shall not be deemed to have been duly nominated] [Substituted vide Legislative Supplement Part III dated 27.7.1979 p. 259.] unless such deposit has been made.(2)If a candidate withdraws his candidature within the time specified in rule 13, or if the nomination of any such candidate is [rejected] [Substituted for 'refused' vide Legislative Supplement Part III dated 27.7.1979 p. 259.], the deposit made under sub-rule (1) shall be returned to the person by whom it was made, and if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representatives and if not made by the candidate, shall be returned to the person by whom it was made.(3)If a candidate is not elected and the number of votes polled by him does not exceed one-third of the total number of votes polled, the deposit made under sub-rule (1) shall be forfeited to the Council.(4)If the deposit is not forfeited under sub-rule (3) it shall be returned to the candidate or to the person, who made the deposit, as the case may be, as soon as may be, after the

declaration of the result of election in the Gazette.

13. Scrutiny of and decision of objections, nominations.

(1) On the date fixed for the scrutiny of nominations the Returning Officer shall examine the nomination papers of all candidates presented to him under Rule 11 and shall decide all objections made to any nomination after such enquiry, if any, as he may deem necessary. (2) [The Returning Officer] [Substituted vide Legislative Supplement Part III dated 21.7.1979 p. 259.] shall endorse on all nomination paper his decisions accepting or rejecting it, and if he rejects it, he shall record in writing a brief statement of his reasons for so rejecting it.

14. Withdrawal of candidature.

- Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the [Returning Officer] [Substituted vide Legislative Supplement Part III, dated 21.7.1979 p. 259.] before the expiry of the time allowed for the withdrawal of nomination papers and no person who has thus withdrawn his candidature shall be allowed to cancel his withdrawal or to be renominated as a candidate for the same election in the same constituency.

15. List of nomination to be posted.

- [Sections 4 and 53(2) (a)]. - (1) The Returning Officer shall on the expiry of the time fixed for withdrawal of nomination papers prepare and publish by posting outside his office, in alphabetical order, a list, [in Gurmukhi script] [Inserted vide Legislative Supplement Part III dated 21.7.1979 p. 259.] of the names of each of the validly nominated candidates for each constituency in Form II [hereinafter called the contesting candidates] and shall, except where action is taken under rule 17, 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.

16. Death of a candidate before election.

- [Sections 4 and 53(2)(a)]. - 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, all proceedings with reference to the election of a member in the constituency in which he was a candidate shall be commenced afresh in all respects for a fresh 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 15.

17. Candidates deemed to be elected if their number is equal to or less than the number of vacancies.

- [Sections 4 and 53(2)(a)]. - (1) If the number of contesting candidates is equal to the number of the persons to be elected for the constituency, 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 from the constituency, the Returning Officer shall declare all such candidates duly elected and shall forward a list of such persons to the Government through the Chairman together with a report, specifying the number of unfilled seats. The Chairman shall also take action to fill up the remaining vacancies.

18. Poll to be taken if number of candidates is greater than number of vacancies.

- If the number of candidates validly nominated in any constituency is greater than the number of members to be elected for such constituency, a poll shall be taken on the date or dates specified in rule 8 in this behalf for election.

19. Returning Officer to send ballot papers.

- [Sections 4 and 53 (2)(a)]. - (1) The Returning Officer shall, as soon as may be after the publication of the list of valid nominations under rule 15 send [under registered post or deliver personally if requested for] [Vide Punjab Gazettee Legislative Supplement Part III dated 21.7.1979 P. 259.] 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 [or delivered] [Vide Punjab Gazettee Legislative Supplement Part III dated 21.7.1979 p. 259.] and his serial number in the electoral roll.(2)Alongwith the ballot paper the Returning Officer shall also send -(a)a cover addressed to himself in Form IV; 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 [envelope] [Vide Punjab Gazettee Legislative Supplement Part III dated 21.7.1979 p. 259.] in Form V.(3)The ballot papers together with the cover and envelope shall be sent to the address of 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 the counterfoils of all such ballot papers and record on it the description of its contents and the election to which it refers.(5)No election shall be invalidated by reason that an elector had not received his ballot paper provided that the ballot paper has been issued to him in accordance with these rules.

20. Ballot Paper to be returned after recording votes thereon.

- [Sections 4 and 53 (2)(a)]. - (1) Every elector on receiving his ballot paper sent [or delivered] [Vide Punjab Gazettee Legislative Supplement Part III dated 21.7.1979 p. 259.] under rule 18, if he [-] [Vide Punjab Gazettee Legislative Supplement Part III dated 21.7.1979 p. 259.] desires to vote at the election, shall record his vote thereon and sign the declaration in accordance with 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 Registered Post or through messenger to the Returning Officer in accordance with the aforesaid instructions so as to reach him before 5 P.M. on the date fixed in this behalf under rule 8. Any cover which is not received by the Returning Officer before 5 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] [Vide Punjab Gazettee Legislative Supplement Part III dated 21.7.1979 p. 259.] shall be prepared.

21. Issue of Undelivered and fresh ballot papers.

- [Sections 4 and 53(2)(a)]. - (1) When a ballot paper and other connected papers sent to the elector by post under rule 19 are, for any reason returned undelivered, the Returning Officer may, if the elector applies, reissue them to him personally. (2) An elector who has not received the ballot paper 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 to send 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 the electoral roll to denote that fresh papers have been issued and the original papers have been cancelled.

22. Manner of recording votes.

- [Sections 4 and 53(2)(a)]. - (1) Each elector in a constituency shall have the right to vote for as many candidates as there are seats to be filled for that constituency. The votes shall be non-transferable.

23. [Date and time of receipt of envelope to be recorded. [Substituted vide Legislative Supplement Part III dated 21.7.1979 p. 259.]

- On receipt by registered post of the cover containing the ballot paper, the Returning Officer shall endorse on the cover the date and hour of receipt.]

24. [Opening of covers and scrutiny of declaration papers, opening of envelopes and scrutiny of ballot papers. - [Substituted vide Legislative Supplement Part III dated 21.7.1979 p. 259.]

(1) On the date fixed under rule 8 for the counting of ballot papers, the Returning Officer shall commence the opening of covers, at 10.00 a.m. (2) Any candidate may be present in person or may send a representative duly authorised by him to watch the process of counting starting from the opening of covers. (3) As each cover is opened, the Returning Officer shall first scrutinise the declaration in Form VI contained therein. (4) If the said declaration is not found, or has not been duly signed and attested the envelope in Form V shall not be opened and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained. (5) The Returning Officer shall thereafter open one after another the envelopes in Form V in respect of which the declaration in Form VI has been found to be in order, shall scrutinise each ballot paper and decide the validity of the vote recorded thereon. He shall separate the ballot papers which he declares to be valid from those which he rejects, endorsing on the latter the word

"rejected" and the grounds for such rejection.]

25. Grounds for declaring the ballot papers invalid.

- [Sections 4 and 53 (2)(a)]. - A ballot paper shall be invalid if -(a)the mark X has not 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 in at the election in the constituency;(c)the mark X is made in such a manner that elector may afterward be identified:(d)the signatures of the elector is not attested; or(e)for any other reason it is not certain for which candidate or candidates the elector intended to vote:Provided that in a case under clause (e) if the total number of marks X does not exceed the number of seats to be filled in the constituency and there is no uncertainty about a vote having been cast in favour of any candidate then the ballot papers 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.

26. [Procedure to be followed at the counting of votes. [Substituted vide Legislative Supplement Part III dated 21.7.1979 p. 259.]

(1)The Returning Officer shall cause to be counted the valid votes given to each contesting candidate.(2)The Returning Officer shall, as far as practicable, proceed continuously with the counting and shall, during any intervals when the counting has to be suspended, keep the ballot papers and all other papers relating to the election sealed with his own seal and the seals of such candidates or their representatives who may desire to affix their seals and take sufficient precautions for their safe custody during such intervals.(3)After the counting is completed, the Returning Officer may, on his own motion or at the request of any candidate or his representative, recount the votes.]

27. Declaration of results.

- [Sections 4 and 53(2)(a)]. - (1) When the counting or [-] [Vide Punjab Gazettee Legislative Supplement Part III dated 21.7.1979 p. 259.] the recounting of votes [as the case may be] [Vide Punjab Gazettee Legislative Supplement Part III dated 21.7.1979 p. 259.] has been completed for a Constituency the Returning Officer shall forthwith draw up a list of candidates in the order of highest votes polled by each and shall declare the result of successful candidates in the order according to the number of seats to be filled up.(2)When an equality of votes is found to exist among any candidates and there is difficulty in declaring the result, the determination of the contesting candidate or candidates who shall be deemed to have been elected shall be made by lot to be drawn by the Returning Officer in the presence of such contesting candidates or their agents.(3)The Returning Officer as soon as the result is declared shall inform the successful candidate by letter of his having been elected to the Council and shall also send a copy of the letter to the Chairman and the Government.

28. Sealing and preservation of election material.

- [Sections 4 and 53(2)(a)]. - Upon the completion of the counting and after the result has been declared, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same with him for a period of six months or till the decision of the election petition, if any, whichever is later.

29. Authority to whom election petition may be presented.

- [Sections 4 and 53(2)(a)]. - The election petition accompanied by a receipt of the deposit of rupee one hundred in the office of the Council shall be presented to the Chairman which shall be forwarded by him to Election Tribunal appointed by the State Government.

30. Form of affidavit.

- [Sections 37 and 53(2)(A)]. - Where any corrupt practice is alleged, the petitioner shall submit along with the election petition an affidavit in Form VII in support of the allegation of such corrupt practice and the particulars thereof, which shall be attested by a [Judicial Magistrate of the First Class or an Executive Magistrate] [Vide Punjab Gazettee Legislative Supplement Part III dated 21.7.1979.]. Form I (See Rule 11) Nomination Paper Constituency

_____ Election of members to the Council of Homoeopathic System of Medicine, Punjab. Particulars about the candidate nominated :-

1. Name of the Constituency.

2. Name of the candidate (in block letters)

3. Registration Certificate No.

4. Father's Name.

5. Date of Birth.

6. Sex (Male/Female).

7. Qualification, if any, of the candidate as entered in the Register.

8. Address.

9. Signature of Proposer.

10. Registration Number of the Proposer.

11. Address of the Proposer.

12. Signature of the Secunder.

13. Registration Number of the Secunder.

14. Address of the Secunder.

Declaration By The Candidate I hereby declare that I agree to this nomination. My name exists in the electoral roll of the constituency at Serial No. _____ Page 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/hour). Signature of Returning Officer. Instructions

1. 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.

3. Receipt to be given to candidate.

4. Received nomination paper of Shri _____ the contesting candidate from the proposer/secunder/the authorised agent of the contesting candidate at _____ (place), date and hour.

Signature of the Returning Officer. Form II (See Rules 15) List of validly nominated candidates for each Constituency. Name of the Constituency _____

Serial No. Name of the candidate Registration number Address of the candidate

- 1
- 2
- 3
- 4
- 5
- 6
- 7

8

9

10

Returning Officer. Form III (See Rules 15 and 19) Council Of Homoeopathic System Of Medicine,
Punjab, Chandigarh Front Of Ballot Paper

1. Name of the Constituency _____

2. Serial No. of the Ballot Paper _____

3. No. of Elector on the Electoral Register _____

4. Name of the Elector _____

5. Date of Despatch _____

6. Initials of the Despatching Officer _____

Counterfoil

Name of the candidate	Part of the Register in which registered	Space for making (X) on the Ballot Paper
1	2	3
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

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 the contesting candidates for the constituency for which
the elector may vote is** _____

2. Out of _____ candidates to be returned _____ must be persons holding a diploma or degree in Homoeopathic System of Medicine.

3. The candidates whose names are marked X are holding a certificate, diploma or degree in the Homoeopathic System.

4. You shall vote by placing the mark X opposite the name or names of the candidates whom you prefer. If you do not want 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 names of more candidates than those which 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 recognizable as his ballot paper, or(f)the number of the votes recorded thereon exceeds the number of vacancies to be filled, or(g)it does not conform to the Punjab Homoeopathic Practitioners (Election) Rules, 1975, 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 the account.

6. You should sign the declaration in Form VI [enclosed] [Vide Punjab Gazettee Legislative Supplement Part III dated 21.7.1979 .] 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, a Sarpanch, President of Municipal Committee. He shall attest only the elector's signature but not his vote which should not be recorded in his presence. You should return this declaration along with the ballot paper, which should be put into the [-] [See Legislative Supplement Part III dated 21.7.1979 .] envelope. [Without such signature, entry and attestation on the declaration form] [Vide Punjab Gazettee Legislative Supplement Part III dated 21.7.1979 .] the ballot paper shall be invalid.

7. In case you fill in more than one ballot papers, the first only of such ballot paper 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 all such ballot papers shall be invalid.

8. The ballot papers 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 _____, 197 shall be rejected.

Form IV(See Rule 19(2)]Cover SmallToThe Returning Officer (Election),Council of Homoeopathic System of Medicine,Punjab, Chandigarh,Form V[See Rule 19(2)]EnvelopeToThe Returning Officer (Election),Council of Homoeopathic System of Medicine, Punjab,Chandigarh.Serial No.

_____ Form VI(See instruction No. 6 in Form III)I, hereby declare that my name appears in the Electoral Roll vide entry No. _____.Certified that the above Elector has signed the declaration in my presence.Signature of Attesting Officer.Residence.Name of the Office.Designation and complete address of the Attesting Officer_____.Signature of Elector.Form VII(See Rule 30)AffidavitI, _____ son/daughter of Shri _____(mention here name of practitioner).age _____ years resident of _____ make solemn affirmation on oath as under :-(mention here complete address)(i)That the respondent has been guilty of the corrupt practice(s) (mention here one or more corrupt practices and particulars thereof).(ii)That the particulars stated in para No. _____ are true to my knowledge.Signature of Deponent.VERIFICATIONVerified that the contents of the paras stated above are true and correct to the best of my knowledge and belief and nothing has been concealed.Signature of Deponent.Solemnly affirmed/sworn by Shri/Shrimati/_____ at this _____ day of _____ 197, before me.Name of the attesting MagistrateDate and place of attesting officer with seal of the office.