

Rules for the Election of Members including the President and the Vice-President of the Rajasthan Pharmacy Council and the Members of the executive committee of the said council, 1968

RAJASTHAN

India

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Rule

RULES-FOR-THE-ELECTION-OF-MEMBERS-INCLUDING-THE-PRESIDENT-OF 1968

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Rules for the Election of Members including the President and the Vice-President of the Rajasthan Pharmacy Council and the Members of the executive committee of the said council, 1968Published vide Notification No. F. 2(8) MPH/59, dated 24-01-1968: Published in Rajasthan Gazette Part 4-C, Ordinary, dated 28-03-1968In exercise of the powers conferred by sub-section (1), in particular, by clause (b) of sub-section (2) of section 46 of the Pharmacy Act, 1948 (Central Act VIII of 1948), the State Government hereby makes the following rules for the election of the members, including the President and the Vice-President of the Rajasthan Pharmacy Council and of the members of the Executive Committee of the said Council, namely:-Rules for the election of members including the President and the Vice-President of the Rajasthan Pharmacy Council and of the members of the Executive Committee of the said Council.

Part I – Interpretation

1.

In these rules, unless there is anything repugnant in the subject or context-(a)"the act" means the Pharmacy Act, 1948 (Central Act VIII of 1948);(b)"the Council" means the Rajasthan Pharmacy

Council;(c)"Section" means a section of the Act;(d)"Registrar" means the Registrar of the Rajasthan Pharmacy Council and, in the case of the first election under clause (a) of section 19 or section 23 or section 27, the Registrar of the Registration Tribunal appointed under sub-section (1) of section 30;(e)"Returning Officer" means for the purpose of an election under clause (a) of section 19, the Registrar, and includes any officer deputed for the time being by the said Registrar to perform, or assist him in his duties under the Act;(f)"Registrar" means the register of Pharmacists prepared under the provisions of the Act.

Part II – Election under clause (a) of section 19

2.

(1)The Returning Officer shall publish in the Official Gazette and in such other manner, as he may think fit, a notification calling upon the pharmacists registered in the several parts of the State Register, to elect the requisite number of members to the State Council under clause (a) of section 19 and shall, by such notification, fix a programme of time for the various stages according to which the election shall be held, specifying in particular the following;-(a)Last date and hour of receiving nomination papers.(b)Date, hour and place for scrutiny of nomination papers.(c)Last date and hour for receiving voting papers, in case there be polling, i.e., if the number of candidates duly nominated exceeds the number of seats for which the election is held.(2)Such notification shall be published fourteen days before the date fixed in the programme of time to be the last date for receiving nomination papers and, except in the case of the first General Election under clause (a) of section 19, on a date not less than forty-two days and not more than seventy five days before the date on which the term of office of the outgoing members expires.

3.

(1)The Electoral Roll shall consist, where the election is under clause (a) of section 19, of the register in all its parts as printed and published under section 40 corrected up to the date immediately preceding the first day of the period fixed for receiving nomination papers:Provided that in the case of the first election under clause (a) of section 19, the Electoral Roll shall consist of the first register as prepared and published under section 30 and as amended under clause (5) of that section.(2)Copies of the Electoral Roll shall in each case be available to any person who desires to obtain such copies on payment of a fee of rupees five per copy.(3)A person whose name is not borne on the Electoral Roll shall not be entitled to participate in the election.

4.

(1)Nominations of candidates shall be made in Form 'A' annexed to these rules and there shall be a proposer and a seconder. Every nomination paper shall be filled in fully in all particulars as stated in the said form.(2)The proposer, the seconder and their nominee shall be persons whose names are borne on the Electoral Roll.(3)A proposer or a seconder may propose or second more than one candidate, provided that the number of candidates proposed does not exceed the number of seats

for which the election is held and that a separate nomination paper is used for each candidate proposed.

5.

(1) On the date and at the time as fixed for the scrutiny of nominations by the notification under rule 2, the Returning Officer shall examine all the nomination papers and decide which of them are in order and which are not? Nomination papers which do not comply with the requirements of rule 4 shall be rejected. If there be any objection by any candidate to the decision of the Returning Officer, it must be made forthwith, and Returning Officer shall hear and decide such objection. The decision of the Returning Officer accepting or rejecting a nomination paper shall be final. (2) Every nominee for whom nomination paper has been received and one representative duly authorised by him in writing, or his proposer or seconder, shall be entitled to be present at the time of the scrutiny of nominations.

6.

A person who has been duly nominated may at any time before the scrutiny referred to in rule 5 or within three days thereafter withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer and thereupon he shall cease to be a nominee or a candidate for the election, as the case may be.

7.

On the expiry of three days after the completion of the scrutiny of nominations:- (a) if the number of duly nominated candidates be equal to or less than the number of seats for which the election is held, the Returning Officer shall declare such candidates as duly elected; and (b) if the number of duly nominated candidates be greater than the number of seats for which the election is held, the Returning Officer shall proceed to obtain the votes of the constituency in the manner laid down in rule 8.

8.

In the case of an election where votes are to be taken:- (1) the names of the duly nominated candidates shall be published by the Returning Officer in the Official Gazette and in such other manner, as he thinks fit; (2) a voting paper in Form B annexed to these rules shall be issued to each person whose name is borne on the Electoral Roll referred to in rule 3, by registered post according to the address reported up to the date preceding the first day of the period fixed in the notification under rule 2 for receiving nomination papers. An identification envelope addressed to the Returning Officer with the particulars specified in Form C annexed to these rules printed on its back shall be sent along with every voting paper; (3) a person whose name is borne on the Electoral Roll and whose voting paper together with other connected papers has not already been despatched by post, or having been despatched has been returned by the post office undelivered, or whose voting paper

or any other connected paper been lost, or has been inadvertently spoilt in such manner that it cannot be conveniently used as such, may appear personally before the Returning Officer and make a statement to that effect to take his voting paper and identification envelope or duplicate copy of the voting paper or other connected papers, as the case may be, and the Returning Officer may, on being satisfied as to the facts of such statement to his identity and on a receipt given by him, handover to such person, his voting paper and identification envelope or a duplicate copy of the voting paper or other connected papers, as the case may be;(4)No duplicate copy of voting paper, or identification envelope shall be issued in any circumstances otherwise than under clause (3) and no election shall be invalidated by reason of the non- receipt by an elector of a voting paper, or identification envelope;(5)on receipt of the voting paper, and identification envelope, sent under clause (2), the elector shall, if he desires to vote in the election, record his vote on the voting paper in accordance with the instructions printed thereon and fill up the form printed on the back of the identification envelope and shall place the voting paper in the identification envelope, close the identification envelope and either hand it over to the Returning Officer personally or send it by post. Voting papers sent otherwise shall not be accepted;(6)voting papers received after the hour and date mentioned in the notification referred to in rule 2, or as the case may be, after such other subsequent date as may be fixed by the Returning Officer, shall be rejected. Votes recorded in any paper or form other than the voting paper supplied, shall not be accepted;(7)each elector has as many votes as the number of seats for which the election is held, and he shall record his vote by putting a cross-mark in ink against the name of each of the persons for whom he votes and in the column provided for it in the voting paper (Form B). If he records votes for more persons than the number of seats for which the election is held, his voting paper shall be rejected;Explanation. - An elector may record his votes for a lesser number of candidates than there are seats;(8)a voting paper shall not be signed by the elector, nor shall the elector write or mark anything on a voting paper other than the cross-marks to indicate his votes. A voting paper in which votes have been recorded in contravention of this sub-rule shall be rejected;(9)a voting paper in which a mark is placed in such a manner as to make it doubtful to which candidate the vote is given, or which the elector has placed any mark whereby he may be afterwards identified, or in which an alteration or erasure occurs indicating a change of vote, shall be invalid and shall be rejected;(10)the back of the identification envelope shall be filled up in all particulars mentioned in the form printed thereon. Identification envelopes not so filled up and the voting papers contained therein shall be rejected;(11)the counting of votes shall take place on the date and at the time and place fixed in the notification under rule 2 or on such other subsequent date, as may be fixed in this behalf by the Returning Officer and the Returning Officer shall be present at the time of the counting of votes;(12)Every candidate may be present in person or send representative duly authorised by him in writing to watch the process of the counting of votes; and may inspect the identification envelopes, whether rejected or accepted, or the voting papers when taken out of the accepted envelopes, but shall not see an identification envelope after the voting paper in it has been taken out;(13)the Returning Officer shall decide any objection that may be raised at the time of the counting of votes, regarding any identification envelope, or voting paper and endorse the word "rejected" and the ground of rejection on every voting paper or identification envelope containing voting paper declared invalid and rejected by him and shall-(a)count or cause to be counted the valid votes given to each candidate, and(b)seal up in the separate packets the counted and rejected voting papers and the rejected identification envelope containing voting papers, and record on each

such packet description of its contents and the date of the election which it refers;(14)when the counting of votes has been completed, the Returning Officer shall declare the candidate or candidature having large number of valid votes as duly elected;(15)when an equality of votes is found between two or more candidates and the addition of a vote will entitle any of these candidates to be declared elected, the determination of the person or persons to whom such an additional vote shall be deemed to have been given shall be made by lot to be drawn in the 'presence of the Returning Officer, and in such manner, as he may determine'.

9.

(1)After declaration of the result of the election, the Returning Officer shall-(a)prepare and certify a return in Form D annexed to these rules setting forth-(i)the names of the candidates for whom valid votes have been given;(ii)the number of valid votes given for each candidate;(iii)the number of votes declared invalid and rejected; and(iv)the name of or names of the person or persons and declared duly elected;(b)report the result of the election to the State Government for publication in the Official Gazette of the name or names of the person or persons who are duly elected; and(c)forward all papers relating to the election to the Secretary to the Government of Rajasthan in the Medical & Public Health Department for custody.(2)Papers referred to in clause (c) of sub-rule (1) shall be retained for a period of two years, and shall, subject to the provisions of sub-rule (3), be available for inspection. Attested copies of such papers shall be available on payment in the case of return, of a fee of Re. 1/- and in any other case of the fees laid down in the Rajasthan Records Manual.(3)While in the custody of the Secretary to the Government of Rajasthan in the Medical & Public Health Department, packets of voting papers or identification envelopes referred to in clause (13) of rule 8, shall not be opened and their contents shall not be inspected or produced except under orders of the State Government under section 24 of the Pharmacy Act, 1948.

Part III – Election in case of casual vacancies (section 25(4))

10.

In the case of an election under sub-section (4) of section 25, to fill a casual vacancy in the seat of a member elected under clause (a) of section 19, the same rules as laid down for a general election in part II of these rules, shall as far as may be, apply except that the notification referred to in sub-rule (1) of rule 2, shall be published within two months of the vacancy and that the election shall be only for the seat or seats that may become vacant.

Part IV – Election of member under clause (c) of section 19.

11.

For the election of a member under clause (c) of section 19, the Registrar shall, at least two months before the date on which the member is to take office, address the President of the Rajasthan Council of Medical Registration, requesting him to arrange for the election of a member under the

above mentioned clause, and the said President shall thereupon hold the election in the same manner, as laid down in the rules, which shall apply mutatis mutandis for the election of an elected office bearer of the Rajasthan Council of Medical Registration.

12.

The name of the member elected under clause (c) of section 19, shall be forthwith intimated by the President of the Rajasthan Council of Medical Registration to the State Government for publication in the Official Gazette.

13.

In the event of a vacancy occurring in the seat of the member elected in the manner provided in rule 11 on the happening of any of the contingencies, referred to in clause (2) or clause (3) of section 25, the Registrar shall, within thirty days of the occurrence of the vacancy, inform the President of the Rajasthan Council of Medical Registration of such vacancy and the President shall thereupon cause an election to be held in the manner as laid down in the rule 11 and shall report the result of the election to the State Government.

Part V – Election of President and Vice-President (Section 23).

14.

As soon as may be possible after the completion of election under clauses (a) and (b) of section 19 and after the appointments under clauses (b), (d) and (c) of that section have been made and notified in the Official Gazette by the State Government, the Registrar shall convene a meeting of the members of the Council for the purpose of electing a President and a Vice-President of the Council.

15.

The members present at the meeting so convened shall elect one amongst them, who is not a candidate for the office of the President or Vice-President, to be the Chairman of the meeting.

16.

The election of the Chairman of the meeting shall be conducted by the Registrar, who shall have no vote, by ballots taken in such manner, as the Registrar may determine. In the case of equality of votes secured by two or more persons proposed as Chairman, the selection of one of them shall be decided by lot in such manner, as the Registrar may determine.

17.

(1)The election of the President shall be held by ballots taken in such manner, as the Chairman of the meeting may determine.(2)The Chairman of the meeting shall not ordinarily exercise any vote in the election of the President, but shall in the case of an equality of votes, have and exercise a casting vote.

18.

When the President has been elected, he shall, if present at the meeting, conduct the election of the Vice-President. If he is not present at the meeting, the Chairman of the meeting elected under rule 16 shall conduct also the election of the Vice- President. The procedure for the election of the Vice-President shall be the same mutatis mutandis as laid down in rule 17.

19.

The proceedings of the meeting shall be signed by the President if he has been present at the meeting; otherwise it shall be signed by the Chairman of the meeting elected under rule 16. A copy of the proceedings together with the names of the elected President and Vice-President shall forthwith be forwarded to the State Government for publication of the names in the Official Gazette.

20.

In the case of a casual vacancy occurring in the office of the President or Vice-President, a fresh election shall be held in accordance with the provisions of rules 14 and 19.

Part VI – Election of members for the Executive Committee (Section 27).

21.

Three members of the Council (other than the President and the Vice-President) shall be elected as members of the Executive Committee under section 27 by the members of the Council at a meeting of the Council to be presided over by the President of the Council. It may be the same meeting at which the President is elected and is present, or a subsequent meeting, as may be convenient.

22.

The election of the members of the Executive Committee shall be held by ballots taken in such manner, as the President may determine and in the case of an equality of votes obtained by two or more persons proposed, the selection shall be made by lot drawn in such manner, as the President may decide.

Part VII – General.

23.

If any question arises as to the intention, construction application of these rules or the validity of any election, the question shall be referred under section 24 of the Act to the State Government whose decision shall be final. A petition questioning the validity of an election to the Council shall be sent to the Council within two months of the date of declaration of the result of the election and the Council shall refer such petition under section 24 of the Act to the Government within three months of the said date for the decision of Government.

24.

If any difficulty arises in holding an election and in carrying out the provision of these rules; it shall be lawful for the Registrar to take such action or pass such orders, as it may appear to him necessary or expedient.

25.

The State Government may of its own motion or on objection made within three months from the date of election declare any election to the Council to be void on account of corrupt practice (e.g. bribery; undue influence, personation, publication of false statements) or any other sufficient cause, and may call on the electorate affected to make a fresh election within a specified date and any decision of the State Government under this rule shall be final. Appendix Form 'A' Nomination Paper (Vide rule 4)

1. Name of Candidate (in full as registered).....

2. Father's Name.....

3. Age.....;

4. Registration number.....;.....in part.....

5. Qualification as registered.....

6. Address (professional address).....

*I.....a registered Pharmacist in Rajasthan with registration number.....in part..... propose the above named candidate for election, as member of the Rajasthan Pharmacy Council, under clause (a) of section 19 of the Pharmacy Act, 1948. *Name in full as registered. Signature (in full) of proposer. Dated the.....19... *I.....a registered

Pharmacist in Rajasthan with registration number.....in part..... second the above proposal.*Name in full as registered.Signature (in full) of Secunder.Dated the..... 19....Declaration by the Candidate NominatedI, the above-named*hereby declare that I agree to this nomination, that I am a registered Pharmacist in Rajasthan with registration number.....in part.....and that my address (professional address) is*Name in full as registered.Signature (in full) of the candidateDated the19....Form 'B'[Vide rule 8 (2)]Serial No.....

Serial No. of candidates duly nominated	Names, registered No. and registered qualifications of candidates duly nominated	Column for the voter's mark X
1	2	3

Voting PaperA voter may vote for.....candidates, and no more but he may vote for less, if he so wishes.A cross-mark (X) shall be put in ink in column 3 against the name of each person, the voter votes for. No other, writing or signature, shall be put on voting paper.The voting paper thus marked with cross-mark shall be put in identification envelope, and the envelope with the voting paper in it shall then be returned to the Returning Officer either by post, or by handing it over to him by the voter personally. It should reach the Returning Officer on or before the.....(p.m.)(See also rule 8 of the rule).Form 'C'[Vide rule 8 (2)]No*.....I.....(Name in full), the undersigned and the person to whom the enclosed voting paper was addressed, declare that my name is included in the register of registered Pharmacists in Rajasthan with registration number.....; and that I have not marked any other voting paper of this electorate for this election.*Same as the Serial Number stamped on the voting paper.Address.....Date.....Signature (in full)N.B. - Before return of each voting paper in the enclosed identification envelope, the instructions printed on the reverse of the voting paper should be followed completely. For the identification envelope see clause (9) and (10) of rule 8.Form 'D'[rule 9 (1)(a)]Election to the Rajasthan Pharmacy Council under clause (a) of section 19 of the Pharmacy Act, 1948.

Name of candidate Number of valid votes recorded in favour of the candidate.

1	2
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1

2

Etc.

Etc.

Total number of valid votesTotal number of invalid votesI declare that..... (Name).....(Address).....has been duly elected.(Signature)Returning Officer.day of.19Dated the.....