

**ANDHRA PRADESH (ANDHRA AREA) AYURVEDIC AND
HOMOEOPATHIC MEDICAL PRACTITIONERS REGISTRATION
RULES, 1959**

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HOMOEOPATHIC MEDICAL PRACTITIONERS REGISTRATION RULES, 1959

In exercise of the powers conferred by sub-section (1) of section 45 of the Andhra Pradesh (Andhra Area) Ayurvedic and Homoeopathic Medical Practitioners Registration Act, 1956 (Act XXVI of 1956), the Governor of Andhra Pradesh hereby makes the following rules, the same having been previously published for general information as required under sub-section (2) of that section.

PART 1

Preliminary

1. . :-

(1) These rules may be called the Andhra Ayurvedic and Homoeopathic Medical Practitioners Registration Rules, 1959.

(2) These rules extend to the whole of the territories comprised in the State of Andhra Pradesh as it existed immediately before the 1st November, 1956.

(3) These rules shall come into force with effect on and from the date of publication in the Gazette.

2. . :-

In these rules, unless the context otherwise requires, -

(1) "The Act" means the Andhra Pradesh (Andhra Area) Ayurvedic and Homoeopathic Medical Practitioners Registration Act, 1956 (Act XXVI of 1956) ;

(2) "Registers" means the Register of Practitioners maintained under section 28 and the register of pharmaceutical laboratories, herbaria, firms and vendors of Ayurvedic and homoeopathic medicines maintained under section 32 of the Act ;

(3) "Gazette" means the Andhra Pradesh Gazette ;

(4) "Returning Officer" means the person or officer appointed by the Government to do any act or perform any function in connection with the conduct of elections to the Board under these rules ;

(5) "Form" means the Form specified in these rules.

PART 2

Conduct of Elections of Members to the Board

3. . :-

In the case of an election of a member for the first time under section 4 of the Act, the Returning Officer shall issue a separate precept in respect of the Board for Ayurveda and the Board for Homoeopathy to the electorate apprising it of the election and requiring it to elect members within a date mentioned in the precept. Such precept shall be published in the Gazette and in such other manner as the Returning Officer thinks fit. The Returning Officer shall also publish in the Gazette, a notice in Form 1 inviting the submission of nominations. The Returning Officer shall also send a copy of the precept to the Government requesting them to nominate the members of the Board :

Provided that such of the practitioners who are provisionally registered with the Board for Ayurveda or the Board for Homoeopathy to the fulfilment of the conditions prescribed in clause (c) of sub-section (1) of section 27 of the Act shall be entitled to the rights of franchise only if they qualify themselves fully for the registration by the date of publication of the electoral rolls.

4. . :-

(1) The Returning Officer shall prepare and publish in the Gazette in consultation with the Principals of the institutions giving instruction in the Ayurvedic or Homoeopathic system of medicine in the State recognised by the Government, the Chairman of the Chamber of Municipal Chairmen, the Chairmen of the Zilla Parishads and the Presidents of the Panchayat Samithis on a date to be fixed by him, preliminary rolls of all electors in Form II in each of the electorates specified in clauses (c), (f) and (g) of sub-section (1) and clause (c) and (f) of sub-section (2) of section 4 of the Act.

(2) The Returning Officer shall simultaneously publish separately a notice in the Gazette specifying the mode in which and the time within which claims or objections relating to entries or omissions in the preliminary rolls are to be preferred in respect of each of the Board.

(3) On or after the date fixed for the receipt of the claims and objections the Returning Officer shall pass orders in writing on each claim or objection and revise the electoral rolls in accordance with the orders and the rolls as so revised shall be published in the

Gazette as the final electoral rolls.

(4) The Register of Practitioners prepared under section 28 of the Act together with the list or lists, published by the Returning Officer in the Gazette, of practitioners registered under the Act subsequent to the publication of the said Register shall be the final electoral roll for the electorate specified in clause (h) of sub-section (1) or clause (g) of sub-section (2) of section 4 of the Act for the Board.

5. . :-

(1) The nomination of every candidate shall be made by means of a nomination paper in Form III, which shall, on application, be supplied free of cost by the Returning Officer to any elector.

(2) Every nomination paper shall be signed by two electors as proposer and seconder :

Provided that no elector shall sign more nomination papers than there are vacancies to be filled in :

Provided further that if a person has signed a larger number of nomination papers than there are vacancies to be filled, those of the papers so signed which have been first received by the Returning Officer shall upto the number of vacancies if otherwise in order, be deemed to be valid and if such papers so signed by the same elector be received simultaneously by the Returning Officer, all of such nomination papers shall be held to be invalid.

(3) On receipt of each nomination paper the Returning Officer shall forthwith endorse thereon the date and hour of receipt.

6. . :-

Nomination papers which are not received by the Returning Officer before the date and the time appointed in that behalf shall be rejected.

7. . :-

(1) On or before the date appointed for the receipt of nomination papers each candidate wishing to stand for election under clauses (c), (f), (g) and (h) of sub-section (1) and clauses (c), (f) and (g) of sub-section (2) of section 4 of the Act shall deposit with the Returning Officer a sum of rupees fifty in cash, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) If a candidate by whom the deposit referred to in sub-rule (1) had been made, withdraws his candidature in the manner within the time specified in sub-rule (3) of rule 9, or if the candidate dies before the counting of votes, the deposit shall be returned to his legal representative.

(3) If a candidate by whom the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled in his favour does not exceed one-eighth of the total number of votes polled, the deposit shall be forfeited to the Board.

(4) For the purpose of sub-rule (3), the number of votes polled shall be deemed to be the number of ballot papers, counted as valid by the Returning Officer.

(5) The deposit made in respect of a candidate, whether he is elected or not, shall if it is not forfeited under sub-rule (3), be returned to the candidate as soon as may be after the publication of the result of the election in the Gazette.

8. . :-

(1) On the date and at the time appointed by the Returning Officer for the scrutiny of nomination papers every candidate and his proposer and seconder may attend 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 may, either of his own motion or on objection made, decide all objections which may arise as to the validity of any nomination and his decision in this regard shall be final.

9. . :-

(1) If the number of duly nominated candidates who stand for election is less than that of the vacancies, the Returning Officer shall forthwith declare such candidates to be duly elected.

(2) If the number of such candidates exceeds that of the vacancies the Returning Officer shall forthwith publish their names and addresses in the Gazette and shall further cause their names to be entered in the ballotpaper in Form V.

(3) Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Returning Officer not

later than fourteen clear days before the date appointed for the poll. A candidate who has withdrawn his candidature as aforesaid shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

(4) The Returning Officer shall, on receiving a notice of withdrawal under sub-rule (3) cause it to be published in the Gazette.

(5) On or before the date appointed by the Returning Officer in this behalf, he shall send by post to each elector a letter of intimation in Form VI together with a numbered declaration paper in Form IV and a ballot paper in Form V on which the names of the candidates shall be arranged in alphabetical order and which shall bear on it the Returning Officer's initials or facsimile signature. A certificate of posting shall be obtained in receipt of each such letter of intimation sent to an elector.

(6) An elector who has not received his ballot paper and other connected papers sent by post or who has lost them or whose papers before their despatch back to the Returning Officer have been inadvertently spoilt, may transmit a declaration to that effect signed by himself and require the Returning Officer to send him new papers in lieu of those not received, lost or spoilt; 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 when new papers are issued a mark shall be placed against the number of the elector's name in the electoral roll to denote that new papers have been issued in lieu of those not received, lost or spoilt.

(7) No election shall be invalidated by reason only that an elector has not received his ballot paper, if the ballot paper has been issued to him in accordance with these rules

10. . :-

Every elector desirous of recording his vote shall after filling up the declaration paper and the ballot paper according to the directions given in the letter of intimation, enclose the ballot paper in the ballot paper cover, stick it up, enclose this cover and the declaration paper in the outer envelope addressed to the Returning Officer and send it by registered post at his own cost to the Returning Officer so as to reach him before the appointed time on the date appointed for the poll. All envelopes received after such hour on the day and those received by unregistered post shall be

rejected:

Provided that at his option, the elector may in person or by messenger deposit the envelopes in the ballot box which shall be provided at the office of the Returning officer during the hours on the day fixed for the poll.

11. . :-

On receipt of the envelopes by registered post containing the declaration paper and the closed cover containing the ballot paper the Returning Officer shall endorse on the outer envelope the hour and date of receipt.

12. . :-

(1) A ballot paper shall be rejected by the Returning officer, if -

(a) the outer envelope contains no declaration paper outside the ballot paper cover ; or

(b) the declaration paper is not the one sent by the Returning Officer ; or

(c) the declaration is not signed by the elector ; or

(d) the ballot paper is placed outside the ballot paper cover ; or

(e) more than one declaration or ballot paper cover have been enclosed in one and the same outer envelope. In each case of rejection, the word "Rejected" shall be endorsed by the Returning Officer on the ballot paper cover or the declaration paper.

(2) After satisfying himself that the electors have affixed their signatures to the declarations the Returning Officer shall keep all the declaration papers in safe custody pending disposal under rule 15.

13. . :-

(1) The Returning Officer shall be present for the purpose of scrutiny and counting of the votes at the time, date and place appointed in this behalf.

(2) All the ballot paper covers, other than those rejected under rule 12, shall be opened and the ballot papers taken out and mixed together. The ballot papers shall then be scrutinized and the valid votes counted.

(3) A ballot paper shall be invalid if it -

(a) does not bear the Returning Officer's initials or facsimile signature as per sub-rule (5) of rule 9 ; or

(b) bears any mark by which the elector can be identified ; or

(c) does not record vote thereon ; or

(d) records more number of votes than the number of vacancies to be filled ; or

(e) is void for uncertainty of one or more votes exercised :

Provided that where more than one vote can be given on the same ballot paper, if any of the marks is so placed as to render it doubtful to which of the candidates it is intended to apply, that part of the ballot paper alone shall be invalid on that account.

(4) Every candidate may be present in person or may send a representative duly authorised by him in writing to watch the process of counting.

(5) The Returning Officer shall show the ballot paper if so desired by the candidates or their authorised representatives at the time of scrutiny and counting of votes.

(6) If any objection is made as to the validity of the ballot paper or of the rejection by the Returning Officer of a ballot paper, it shall be decided at once by the Returning Officer whose decision shall be final.

14. . :-

(1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare that the candidate or candidates to whom the largest number of valid votes have been given, has or have been duly elected.

(2) If there is an equality of votes between any two or more candidates, the Returning Officer shall, after notice to the candidates concerned, decide by drawing lots in the presence of the candidates which candidate or candidates he shall declare to have been elected.

15. . :-

Upon the completion of the counting after the result has been declared by him, the Returning Officer shall seal up the ballot

papers and all other documents relating to the election and shall retain the same for a period of six months and thereafter cause them to be destroyed with the approval of the Government.

16. . :-

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

17. . :-

The Government may, of their own motion, or on objection made, declare any election held, to be void on account of corrupt practice or any other sufficient cause and may call upon the electorate to make a fresh election. The decision of the Government under this rule shall be final.

18. . :-

If any question arises as to the interpretation of these rules, it shall be referred to the Government whose decision shall be final. Election of members to the Board under clauses (a) and (b) of sub-sections (1) and (2) of section 4 of the Act.

19. . :-

On receipt of a precept under rule 3, the Senate of the Andhra University or Sri Venkateswara University, as the case may be, shall call upon the Academic Council of that University to elect a member of the Board from among the members of the Faculty of Medicine of that University in accordance with the procedure specified for election of President of the Faculty, with the modification that the Registrar of the University shall exercise the powers of the Vice-Chancellor conferred by the Statutes of the University.

20. . :-

On receipt of the precept mentioned in rule 3, the Government in the Medical and Health Department shall take action to nominate the members to the Board under clause (d) of sub- sections (1) and (2) of the Act.

21. . :-

The Returning Officer shall send a precept under rule 3 to the Secretary to the Andhra Pradesh Legislative Assembly and request him to move the Speaker to take necessary action for the election of one member of the Board by the Members of the Andhra Pradesh

Legislative Assembly.

22. . :-

When a vacancy on the Board occurs or at any time within sixty days of the date when such vacancy will occur in the ordinary course of events, the President of the Board, shall in the case of a nominated member, inform the Government of the vacancy and, in the case of an elected member, issue a precept to the electorate apprising them of the said vacancy and requiring them to nominate or elect a person to fill up such vacancy within a date mentioned in the precept. Such precept shall be published in the Gazette and in any three daily newspapers having wide publicity in the State.

23. . :-

The vacancy referred to in rule 22 shall be filled in accordance with the relevant rules relating to the electorate concerned. Rules for the conduct of election of President and Vice-President of the Board.

24. . :-

The President and the Vice-President of the Board shall be deemed to have vacated his office as such on the expiry of his term as member or on his otherwise ceasing to be a member.

25. . :-

The President and the vice-president of the Board shall be elected at a meeting of the Board. The meeting for the election of the President, shall be presided over by a member chosen by the members present by a ballot if necessary, which ballot shall be taken by the Registrar. The meeting shall then proceed to elect the president by a ballot.

26. . :-

(1) A candidate for the office of the President or vice-President shall be proposed by one of the members of the Board and seconded by another. The names of all candidates proposed and seconded shall be read out by the president of the meeting.

(2) The president of the meeting may stand as a candidate at the election and for the purpose of voting he shall also have the right to vote but he shall not have any casting vote.

27. . :-

(1) If there is only one duly nominated candidate, there shall be no ballot and he shall be declared to have been elected.

(2) If there are two or more candidates, an election shall be held by secret ballot and the votes of the members of the Board present at the meeting shall be taken.

28. . :-

Every member of the Board wishing to vote shall be supplied with a ballot paper, initialed on the back side of the paper by the president of the meeting, and containing the names of all candidates in the following form:- Name:

(1)

(2)

(3)

(4) The voter shall then proceed to the place set apart for the purpose and there place mark 'X' on the ballot paper against the name of the candidate for whom he wishes to vote. He shall then fold up the ballot paper as to ensure the secrecy of his vote and show the initials of the president of the meeting and deposit the same in a ballot box placed in the view of the president of the meeting and so constructed that the ballot-paper may be placed therein but not removed therefrom without the box being opened. The president of the meeting shall then open the box and count the votes in the presence of the members of the Board present and declare the result of the election in accordance with the following instructions:-

(1) If there are only two candidates, the one who secures the larger number of votes shall be declared to have been elected. In the event of there being an equality of votes between the two candidates, the president of the meeting shall draw lots in the presence of the members of the Board and the person whose name is first drawn shall be declared to have been elected.

(2) If there are more than two candidates, the one who obtains the smallest number of votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates or if two or more candidates lowest on the list have obtained an equal number of votes, the president of the meeting shall ascertain by casting lots in the presence of the members of the Board which of them shall be eliminated. The elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate who secures the larger number of votes,

shall be declared to have been duly elected. In the event of three being an equality of votes at the final stage between the two remaining candidates, the candidate whose name is first drawn shall be declared to have been duly elected as the President of the Board.

29. . :-

Any ballot paper which bears the signature of the voter or on which the mark is placed against more than one name shall be invalid.

30. . :-

Upon the completion of the counting and after the result has been declared by him, the president of the meeting shall seal up the ballot papers and all other documents relating to the election and hand them over to the Registrar who shall retain the same in safe custody for a period of six months and thereafter cause them to be destroyed with the approval of the Government .

31. . :-

The Government may, of their own motion, or on an objection received from any person interested may declare any election that has been held to be void on account of corrupt practice or any other sufficient cause and may call on the Board to make a fresh election. The decision of the Government under this rule shall be final.

32. . :-

The President so elected shall take the chair and the members shall propose to elect a vice-president, in the manner laid down in rules 24 to 31 subject to the modification that if there is an equality of votes, the President shall have a casting vote.