
ANDHRA PRADESH MEDICAL COUNCIL (CONDUCT OF ELECTION) RULES, 1978

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ANDHRA PRADESH MEDICAL COUNCIL (CONDUCT OF ELECTION) RULES, 1978

In exercise of the powers conferred by sub section (1) of Section 31 of the Andhra Pradesh Medical Practitioners Registration Act, 1968 (A.P.Act 23 of 1968), the Governor of Andhra Pradesh hereby makes the following Rules for the Andhra Pradesh Medical Council (Conduct of Elections)

CHAPTER 1 **Preliminary**

1. Short title, application and commencement :-

(1) These rules may be called the Andhra Pradesh Medical Council (Conduct of Election) Rules 1978.

(2) They extend to the whole of the State of Andhra Pradesh.

(3) They shall come into force at once.

2. Definitions :-

In the rules, unless the context otherwise requires

(a) Act means the Andhra Pradesh Medical Practitioner Registration Act, 1968.

(b) Chairman means the Chairman of the Council.

(c) Executive Committee means the executive committee of the Council.

(d) Form means a form appended to these rules.

(e) Registrar means the Registrar appointed by the council under Section 13.

(f) Returning Officer means Returning Officer appointed by the Government for the First election of the members of the Committee, and the Registrar for the subsequent elections.

CHAPTER 2 **CHAPTER**

3. Procedure for election of Members of the Council :-

(a) The Returning Officer shall conduct the election of the Members of the Council.

(b) Electoral Roll:- The Medical Register, maintained under Section 15 of the Act, shall be electoral roll for the election and all the persons whose names are registered therein shall be eligible to vote and contest in the elections.

4. . :-

The Returning Officer shall address to the Registrars of Universities in the State which have got medical faculty to elect one member who holds a recognised degree, diploma or licence in modern scientific medicine of that University to a member of the Council.

5. . :-

No person shall be eligible for election to the Council unless he has been ordinarily resident in the State for not less than five years immediately before the date of election.

6. Notice of intended election and Poll, etc :-

The Returning Officer shall, for the election of the members of the Council, notify in the Andhra Pradesh Gazette and in such other manner as he thinks fit, the date, time and place for

- (a) receipt of nomination paper and their scrutiny;
- (b) despatch of voting papers to the electors;
- (c) the poll; and
- (d) the scrutiny and counting of votes.

7. Nomination paper :-

(1) Every person desiring to contest election shall submit a nomination paper in Form II. No Registered Medical Practitioner shall be eligible to stand for election to the Council unless he resides or carries on the business or profession of medicine in the State.

(2) Every nomination paper shall be signed by two electors as proposer and seconder and sent by post or otherwise so as to reach the Returning Officer on or before a date fixed by him which shall be not less than four weeks before the date appointed for the poll.

Provided that no elector shall sign more nomination papers than there are seats to be filled up.

Provided further that if more than the prescribed number of nomination papers are signed by the same elector, the prescribed number of nomination papers first received by the Returning Officer shall, if otherwise in order be held to be valid and if more than the prescribed number of nominations signed by the same electors are received later all 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.

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

8. Payment of fees :-

(1) On or before the date appointed for the receipt of nomination papers, each candidate wishing to stand for election shall pay to the returning Officer a fee of Rs. 100 (Rupees One hundred only) in cash, and no candidate shall be deemed to be duly nominated unless such fee has been paid.

(2) The fee so paid shall be credited to the Council and shall not be refunded in any circumstances.

9. Scrutiny of nomination papers :-

(1) On the date and at the time appointed by the Returning Officer for the scrutiny of nomination papers, the candidate and the proposer and seconder of each candidate may attend the Office of the Returning Officer, who shall allow them to examine the nomination papers of all the candidates which have been received by him.

(2) The Returning Officer shall examine the nomination papers and decide all questions which may arise as to the validity or any nomination and his decision thereon shall be final.

(3) Any candidate may withdraw his candidature by notice, in writing, signed by him and delivered to the Returning Officer, not later than twenty one clear days, before the date appointed for the poll. A candidate who has withdrawn his candidature shall not be allowed to be renominated as a candidate for the same election.

(4) The Returning Officer shall, on receiving a notice of withdrawal, cause it to be published in the Andhra Pradesh Gazette.

10. Publication of list of contesting candidates and declaration of result :-

(1) If the number of candidates who stand duly nominated does not exceed the number of members to be elected, the Returning Officer shall after the expiry of the time for withdrawal of candidature, declare such candidate or candidates to have been duly elected.

(2) If the number of such candidates exceeds the number of members to be elected, the Returning Officer shall forthwith public their names and addresses in the Andhra Pradesh Gazette and shall further cause their names to be entered in alphabetical order, in the voting papers in Form IV.

(3) If a poll becomes necessary, the Returning Officer, shall, two weeks before the date appointed therefor, send by post under certificate of posting to each elector a letter of intimation on Form V together with a numbered declaration paper in Form III, a voting paper in Form IV, containing the names of the candidates in alphabetical order and bearing the Returning Officer initials or facsimile signature, a voting paper cover addressed to him (Returning Officer and an outer cover also addressed to him.)

(4) An elector who has not received the voting and other connected papers sent to him by post or who has lost them or in case the papers, before they are returned to the Returning Officer, have been inadvertently spoiled may transmit a declaration to that effect signed by himself, with a request to the Returning Officer to send him fresh papers, and if the papers have been spoiled, the spoiled papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case fresh papers are issued, a mark shall be placed against the number relating to the elector name in the electoral roll to denote that fresh papers has been issued.

(5) No election shall be invalid by reason of the fact that an elector has not received his voting paper, if a voting paper has been issued to him in accordance with these rules.

11. Recording of Votes :-

Every elector desirous of recording his vote shall, after filling up the declaration paper and the voting paper according to the directions given in the letter of intimation, enclose the voting paper in the voting cover, stick up the cover, enclose the cover and the declaration paper in the outer envelope addressed to the Returning Officer, and send the outer envelope by registered post at the electors own cost to the Returning Officer, so as to reach him not later than 5 p.m. on the day fixed for the poll. All envelopes received after that day and hour or received by unregistered post shall be rejected.

12. . :-

On receipt of the envelopes by registered post containing the declaration papers and the closed cover containing the voting paper, the Returning Officer shall endorse on the other envelope the date and hour of receipt.

13. Time and Place for opening of Voting Papers :-

The Returning Officer shall open the outer envelopes immediately

after 5 P.M., on the day fixed for the poll at the place at which the envelopes are addressed to him. Any candidate may be present in person or may send a representative duly authorised by him in writing to attend at the time the outer envelopes are opened.

14. Rejection of Voting Papers :-

(1) A Voting Paper cover shall be rejected by the Returning Officer if;

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

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

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

(d) the voting paper is placed outside the Voting paper cover; or

(e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.

(2) After satisfying himself that the electors have affixed their signatures on the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody pending disposal under Rule 17.

15. Scrutiny and counting of Votes :-

(1) The Returning Officer shall attend, for the purpose of scrutiny and counting of the votes, at the date, time and place appointed by him in that behalf.

(2) All the Voting paper covers, other than those rejected under Rule 14, shall be opened and the voting papers taken out and mixed together. The Voting paper shall then be scrutinised and the valid votes counted. A voting paper shall be invalid if:

(a) it does not bear the Returning Officer initials; or

(b) a voter signs his name or writes a word or makes any mark on by which it becomes recognisable as his voting paper; or

(c) no vote is recorded thereon; or

(d) the number of votes recorded thereon exceeds the number of vacancies to be filled; or

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

Provided that where more than one vote can be given on the same voting 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 but not the whole voting paper, shall become invalid on that account.

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

(4) The Returning Officer shall show the voting papers, if requested to do so, to the candidates or their authorised representatives, at the time of scrutiny and counting of votes.

(5) If any objection is made to any voting paper on the ground that it does not comply with the specified requirements or to any rejection by the Returning Officer of a voting paper, it shall be decided at once by the Returning Officer whose decision shall be final.

(6) The Returning Officer shall nominate such number of scrutinisers not exceeding four as he thinks fit. In the case of elections held for the first time under the Act, the scrutinisers shall be officers of the Government of the grade of Civil Surgeons and in the case of other elections, members of the Council.

16. Declaration of result :-

(1) When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of valid votes has been given to have been duly elected and shall forthwith inform each successful candidate by letter of his having been elected to the Council. If any candidate thus shown to be elected has withdrawn from the election or refuse to accept election, then in the place of that candidate one of the remaining candidates to whom the next largest number of votes has been given shall be held to have been elected and so on for as many of the remaining candidates as there may be vacancies caused in this way.

(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 which candidate or

candidates, he shall declare to have been elected.

17. Disposal of election Papers :-

Upon the completion of the counting and after the results have been declared, 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 the Council shall not destroy or cause to be destroyed the records even after six months without the previous concurrence of the Government.

18. Publication of results :-

The Returning Officer shall publish the results of the election in Andhra Pradesh Gazette.

18A. . :-

Pending preparation of the Medical Register in accordance with the provisions of Section 15 of the said Act, the members referred to in clause (b) of sub section (2) of Section 3 of the said Act, shall be nominated by the Government instead of being elected as provided therein.

19. . :-

(1) Before setting aside an election in appeal under section the Government shall give an opportunity to all the parties concerned to show cause why the election should not be set aside.

(2) A decision under Section 25 may be given on the enquiry and report of the person appointed by the Government in that behalf.

20. . :-

The decision of the Government on any question arising out of the interpretation of these rules shall be final.