

**KARNATAKA AYURVEDIC AND UNANI PRACTITIONERS
REGISTRATION AND MEDICAL PRACTITIONERS
MISCELLANEOUS PROVISIONS RULES, 1964**

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**KARNATAKA AYURVEDIC AND UNANI PRACTITIONERS
REGISTRATION AND MEDICAL PRACTITIONERS
MISCELLANEOUS PROVISIONS RULES, 1964**

In exercise of the powers conferred by Section 30 of the Karnataka Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961. (Karnataka Act 9 of 1962), the Government of Karnataka hereby makes the following rules, the draft of the same having been published as required by sub-section (1) of Section 30 of the said Act, in Notification No. PLM 42 PIM 63, dated 10th March, 1964 as GSR No. 81 in Part IV Section 2-C(i) of the Karnataka Gazette, dated 9th April 1964.

1. Title :-

These rules may be called the Karnataka Ayurvedic and Unani

Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Rules, 1964.

2. Definitions :-

In these rules, unless the context otherwise requires,

- (a) "Act" means the Karnataka Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961;
- (b) "Form" means the form appended to these rules;
- (c) "Government" means the Government of Karnataka;
- (d) "Section" means a section of the Act.

3. Electoral Roll for election of members :-

(1) The Registrar who shall be the Returning Officer for the purposes of election of members under Section 5, shall prepare the preliminary electoral roll. The names of registered practitioners of each system of medicine contained in the list of Practitioners published under Section 29 shall be arranged in alphabetical order in respect of each system of medicine. The names of such registered practitioners in respect of each system of medicine shall constitute the preliminary electoral roll for purposes of election of members representing that system of medicine and shall be published ¹[on the notice board of the office of the board, and at such other place or places as may be specified by the Returning Officer for the purpose]:

Provided that in the case of elections to be held for the first time under the Act, the names of registered practitioners of each system of Medicine contained in the register of practitioners maintained under Section 15 shall be arranged in alphabetical order in respect of each system of medicine. The names of such registered practitioners in respect of each system of medicine shall constitute the preliminary electoral roll for purposes of election of members representing that system of medicine and shall be published ²[on the notice board of the office of the Board, and at such other place or places as may be specified by the Returning Officer for the purpose] ³[and the fact that of such publication of the preliminary electoral roll on the notice Board shall be simultaneously announced by notice published in Kannada and in English in the newspapers having the largest circulation in the State, also specifying in such

notice the last date within which claims and objections relating to in entries or omissions in the preliminary electoral roll should be preferred].

(2) The Returning Officer shall prepare and publish ⁴[on the notice board of the office of the board, and at such other place or places as may be specified by the Returning Officer for the purpose] on a date to be fixed by the State Government, the preliminary electoral rolls in Form I containing the names of all the electors for the electorate as indicated in sub-rule (1).

(3) The Returning Officer shall simultaneously publish a notice ⁵[on the notice board of the office of the board, and at such other place or places as may be specified by the Returning Officer for the purpose] specifying the mode in which and the time within which claims and objections relating to the entries or omissions in the preliminary electoral roll shall be preferred.

(4) On or after the date fixed for the receipt of the claims and objections, the Returning Officer shall ⁶[after giving a reasonable opportunity of being heard to the persons concerned] pass orders in writing on each claim or objection and revise the preliminary electoral roll in respect of each system of medicine in accordance with such orders and the rolls, as so revised shall be published ⁷ [on the notice board of the office of the board, and at such other place or places as may be specified by the Returning Officer for the purpose] as the final electoral roll for election of members to the seats allotted for that system of medicine.

1. Substituted for the words "in the Official Gazette" by GSR 237, dated 24/25-6-1968

2. Substituted for the words "in the Official Gazette" by GSR 237, dated 24/25-6-1968.

3. Added by GSR 303, dated 31-10-1973.

4. Substituted for the words "in the Official Gazette" by GSR 237, dated 24/25-6-1968

5. Substituted for the words "in the Official Gazette" by GSR 237, dated 24/25-6-1968

6. Inserted by GSR 39, dated 27-1-1976.

7. Substituted for the words "in the Official Gazette" by GSR 237, dated 24/25-6-1968.

4. Appointment of dates for nomination, etc. :-

¹[x x x] The Returning Officer shall by notice in Form II published in the Official Gazette and on the notice board at the Office of the Board appoint for every election in respect of each of the

constituencies referred to in clause (b) of sub-section (3) of Section 3,

(a) the last date for making nominations which shall be a date not later than the eighth day after the date of publication of the notice in the Official Gazette;

(b) a date for the scrutiny of nominations which shall be a date not later than the third day after the last date for making the nominations;

(c) the last date for the withdrawal of the nominations which shall be the third day after the date of the scrutiny of nominations; and

2 [

(d) the last date for the receipt of the ballot papers which shall be a date not earlier than the seventh day after the last date for the withdrawal of the nomination; and

(e) the date for the counting of votes.

]

1. The brackets and figure "(1)" deleted by GSR 39, dated 27-1-1976.

2. Clauses (d) and (e) substituted by GSR 303, dated 31-10-1973.

5. Qualifications for election as members :-

Every person whose name is entered ¹ [in the final electoral roll published under sub-rule (4) of Rule 3] shall, unless disqualified under Section 9 be qualified to stand for election as a member from the constituency of which he is an elector.

1. Substituted for the words, brackets and figures "in each part of the register maintained under sub-section (2) of Section 18" by GSR 303, dated 31-10-1973.

6. Nomination of candidates :-

(1) Each candidate for election shall be nominated by means of a nomination paper completed in Form III and subscribed by the candidate himself as assenting to the nomination and by two electors as proposer and seconder.

(2) On or before the date appointed under clause (a) of Rule 4, each candidate shall either in person or by his proposer or seconder between the hours of 11 O'Clock in the forenoon and 3 O'Clock in the afternoon deliver to the Returning Officer or any other officer

authorised by him in this behalf (hereinafter referred to as the Authorised Officer) at the place specified in the notice a nomination paper signed by the candidate.

(3) Any nomination paper which is not received before 3 O'clock in the afternoon on the last date appointed under clause (a) of Rule 4 shall be rejected.

¹[

(4) An elector may subscribe whether as proposer or as seconder as many nomination papers as there are vacancies to be filled, in the election. ²

(4-A) Where an elector has subscribed whether as proposer or seconder a larger number of nomination papers than there are vacancies to be filled, only those of the nomination papers so signed which have been first received upto the number of vacancies to be filled shall be deemed to have been accepted.]

(5) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for the same election.

1. Sub-rule (4) substituted by GSR 39, dated 27-1-1976.

2. Sub-rule (4-A) added by GSR 39, dated 27-1-1976.

6A. 3Amount of deposit to be made :-

(1) Every Candidate shall along with the proposal for nomination, deposit with the Returning Officer a sum of Rupees Fifty in cash. A nomination paper not accompanied by such deposit shall not be accepted by the Returning Officer. The deposit shall (if it is not forfeited under sub-rule (2) be returned to the candidate as soon as may be after the declaration of the result of the election if

(a) the candidate is declared or is deemed to be duly elected, or

(b) the nomination of the candidate is declared invalid, or

(c) the candidate dies after the scrutiny of nomination papers and before the election is completed, or

(d) the candidate fails to be elected but secured valid votes as specified in sub-rule (2).

(2) If a candidate is not elected and the number of valid votes recorded in his favour is less than 1/8th of the total number of votes

recorded, or where the total number of valid votes recorded in his favour is less than 1/8th of the total number of votes recorded divided by the total number of members to be elected the deposit shall be forfeited to the Board.]

7. Procedure on receipt of nomination paper :-

On presentation of a nomination paper, the Returning Officer or authorised officer shall,

(a) sign thereon a certificate stating the date and time of the presentation of the nomination paper and enter thereon its serial number; and

(b) inform the person or persons presenting the nomination paper, of the date, time and place fixed in the scrutiny of the nominations.

8. Scrutiny of nominations :-

(1) On the date fixed for scrutiny of nominations under Rule 4, the candidate and one proposer and one seconder of such candidate shall be entitled to be present at the time of scrutiny of the nominations and the Returning Officer shall give them reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in Rule 6.

(2) The Returning Officer shall then examine the nomination papers and decide all objections which may be made to any of them.

(3) The Returning Officer may, either on such objection or on his own motion, and after such summary enquiry, if any, as he thinks necessary, reject the nomination paper on any of the following grounds, namely.

(a) that the proposer or the seconder is not qualified to subscribe a nomination paper; or

(b) that the signature is not genuine or has been obtained by fraud; or

(c) that the nomination paper has not been duly completed and the defect or irregularity is of a substantial character; or

1

[(d) x x x]

(4) The Returning Officer shall hold the scrutiny on the date

appointed in this behalf under Rule 4 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by open violence or causes beyond his control.

(5) The Returning Officer shall endorse on each nomination paper his decision either accepting or rejecting it and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for rejecting it.

1. Clause (d) deleted by GSR 39, dated 27-1-1976.

9. Withdrawal of candidature :-

(1) Any candidate may withdraw his candidature by a notice in writing in Form IV subscribed by him and delivered before 3 O' Clock in the afternoon on the day fixed under clause (c) of Rule 4 to the Returning Officer or the authorised officer either by

(2) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be entitled to cancel the notice.

(3) On receipt of a notice of withdrawal under sub-rule (1), the Returning Officer or the authorised Officer shall note thereon the date and the hour at which it was delivered.

10. Procedure in contested and uncontested elections :-

If after expiry of the period within which candidature may be withdrawn under sub-rule

(1) of Rule 9, the Returning Officer, finds,

(a) that the number of candidates who have been duly nominated but who have not withdrawn their candidatures is equal to the number of members to be elected, he shall forthwith declare all such candidates to be duly elected to fill those seats; or

(b) that the number of candidates who have been validly nominated and who have not withdrawn their candidatures is less than the number of members to be elected, he shall declare such candidate or candidates to be duly elected and shall ¹ [report regarding the number of vacancies to be filled;]

(c) that the number of candidates duly nominated but who have not withdrawn their candidature is more than the number of members to be elected, he shall, after the expiry of the time for

withdrawal of the candidature prepare and publish a list of contesting candidates in Form V entering the names of candidates in alphabetical order with their addresses and cause a copy of the list to be affixed to the notice Board of the Office of the Board.

1. Substituted for the words "take steps to elect the remaining vacancies" by GSR 39, dated 27-1-1976.

11. Despatch of voting papers to the voters :-

1

(1) If a poll is found necessary, the Returning Officer shall, two weeks before the date appointed therefore, send by post to each elector a letter of intimation in Form II-A together with

(i) a numbered declaration paper;

(ii) a ballot paper in Form VI containing the names of the candidates entered in alphabetical order and bearing the Returning Officer's initials or fausimile signature;

(iii) a small blank cover with the words 'Ballot Papers' printed thereon and addressed to the Returning Officer; and

(iv) a bigger outer cover on which are printed, on the left top corner; the serial alphabetical number and on the left lower

(2) An elector who has not received his ballot paper and other connected papers as provided in sub-rule (1) of whose papers, before they are returned back to the Returning Officer, have been advertently spoilt in such a manner that they cannot be conveniently used, or who has lost his papers, may on his transmitting to the Returning Officer a declaration to that effect signed by himself required the Returning Officer to send him duplicate papers in place of those not received, spoilt, or lost and if the papers been spoilt, the same shall be returned to the Returning Officer who shall cancel them. In every case, when duplicate papers are issued, a record thereof shall be kept by the Returning Officer and a mark 'Duplicate' shall be placed on the bigger cover which shall bear the same serial alphabetical number as was originally given on the bigger outer cover sent to the elector. The ballot papers issued in such cases shall also be marked "Duplicate".

1. Rules 11, 12 and 13 substituted by GSR 303, dated 31-10-1973.

12. Despatch of ballot papers to the Returning Officers :-

(1) Every elector desirous of recording his Vote shall, after filling up (the declaration paper and the Ballot paper in Form VI according to the direction given in the letter of intimation, encloses a ballot paper in the Ballot paper cover, stick the cover, enclose the declaration papers in the bigger outer cover addressed to the Returning Officer and sent it to the Returning Officer either by the post or deliver it in person so as to reach the Returning Officer not later than the hour specified on the day fixed for the poll.

(2) On receipt of the envelopes by post or in person containing the declaration paper and the closed cover containing the ballot paper, the Returning Officer shall endorse on the outer envelope the date and hour of the receipt".

13. Counting of Votes :-

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

(2) Any candidate may be present either in person or by his accredited representative at the counting of the Votes.

(3) The Returning Officer shall nominate as scrutinisers such number of the Staff of the Office of the Board as he thinks fit to assist him the counting of votes.

(4) The Returning Officer shall open the outer envelopes immediately after the hour fixed for the counting on the day fixed for the poll in the presence of any candidate or any other person representing the candidate and the ballot papers may be shown to the candidate or their representatives present at the time of scrutiny if a request is made on their behalf.

(5) A ballot paper cover shall be rejected by the Returning Officer, if

(a) the other 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) a declaration is not signed by the elector; or

(d) more than one declaration paper of ballot paper cover have been enclosed in one and the same outer envelope; or

(e) number of outer envelopes containing the declaration paper and the ballot paper cover are enclosed in a big Cover.

(6) In case of rejection, the word "Rejected" shall be endorsed on the ballot paper cover and the declaration paper and initialled by the Returning Officer.

(7) All the ballot paper covers other than those rejected under sub-rule (5) shall be opened and the ballot papers shall then be scrutinised and valid ones counted. A ballot paper shall be invalid, if

(a) It does not bear the Returning Officer's initials or facsimile signature; or

(b) a voter signs his name or writes a word or makes any mark on it which it is recognisable at his ballot papers; or

(c) no voting is recorded thereon; or

(d) the number of votes recorded thereon is not equal to the number of votes which the voter is entitled to give; or

(e) the Voter has given more than one Vote to any one candidate; or

(f) it is void for uncertainty on account of one or more votes being exercised:

Provided that where more than one Vote can be given on the same ballot paper, if one of the marks is so placed as render it doubtful to which candidate it is intended to apply, the vote concerned but not the whole ballot paper shall be invalid on that account.

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

(9) When the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be to whom the largest number of votes has been given, to have been . elected and shall forthwith inform the successful candidate by letter of his having been elected to the Board.

(10) When an equality of Votes is found to exist between any two

or more candidates, and the addition of a Vote will entitle any one or more of the candidates to be declared elected, the determination of the candidate or candidates to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn by the Returning Officer in such manner as he shall determine.

(11) The Returning Officer shall prepare and certify a return of the election in Form VII.]

14. Record of proceedings and publication of the result of election :-

Immediately after the counting of votes, the Returning Officer shall

(a) prepare a record of the proceedings and sign it, attesting with his initials every correction made therein; and also permit any candidate present to affix his signature to such record, if he expresses his desire to do so;

(b) forward the names of the persons elected as members to the State Government for publication in the Official Gazette.

15. Sealing and custody of election papers :-

(1) The Returning Officer shall then make up into separate packets the marked copy of the list of members, the ballot papers relating to each candidate whether counted or rejected, seal up each packet and note thereon the description of its contents, the election to which it relates and date thereof.

(2) The packets shall not be opened and their content shall not be inspected or produced before any person or authority except under orders of the State Government or of a competent Court.

(3) The packet shall be retained in safe custody by the Returning Officer in his office for a period of one year from the date of declaration of the results of election and shall thereafter be destroyed unless a direction to the contrary is given by a competent Court or by the State Government.

16. Dispute regarding election :-

(1) The validity of the election of a member may be called in question by a petition presented to the State Government by any candidate at such election within fifteen days from the date of publication of the declaration of the results by the State Government in the Official Gazette.

(2) Every petition under sub-rule (1) shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

(3) The petitioner shall join as respondents to his petition where the petitioner in addition to claiming a declaration that the election of the returned candidate is void claims a further declaration that he himself or any other candidate has been duly elected, ¹ [all the other contesting candidates] and where no such further declaration is claimed, the returned candidate.

(4) A petition under sub-rule (1)

(a) shall contain a concise statement of material facts on which the petitioner relies;

(b) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the verification of pleadings;

(c) any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(5) The petitioner may claim any of the following declarations:

(a) that the election of the returned candidate is void;

(b) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected.

1. Substituted for the words "all the contesting candidates other than the petitioner" by GSR 39, dated 27-1-1976.

17. Procedure on receipt of the election petition :-

On receipt of the election petition, the State Government may after calling for the records and after such enquiry as it deems fit and after giving an opportunity to the parties to the proceedings of being heard, make an order,

(a) dismissing the petition; or

(b) declaring the election of the returned candidate to be void; or

(c) declaring the election of returned candidate to be void and the petitioner or any other candidate to have been duly elected.

18. Grounds for declaring the election of the returning

candidate to be void :-

If the State Government is of opinion,

(a) that the result of the election has been materially affected,

(i) by the improper reception or refusal of a vote; or

(ii) by any non-compliance with the provisions of the Act or of any of these rules; or

(b) that the nomination of any candidate has been wrongly rejected or that the nomination of the successful candidate or of any other candidate who has not withdrawn his candidature has been wrongly accepted; the State Government shall declare the election of the returned candidate to be void.

19. Grounds for which the candidate other than the returned candidate may be declared to have been elected :-

If any person who has presented an election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the State Government is of opinion that in fact the petitioner or such other candidate received a majority of the valid votes, the State Government shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected:

Provided that the petitioner or such other candidate shall not be declared to be duly elected if it is proved that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election.

20. Casual vacancies :-

(1) When any vacancy occurs in the office of the members of the Board elected from any of the constituencies referred to in clause (b) of sub-section (3) of Section 3, it shall be filled by election of members from among practitioners whose names are entered in each part of the Register maintained under sub-section (2) of Section 15.

(2) The provisions of Rules 3 to 19 shall mutatis mutandis apply to an election to fill up a casual vacancy under sub-rule (1).

21. Returning Officer for election of President :-

The Registrar shall be the Returning Officer for the election of the President.

22. Appointment of dates for nomination, etc. 1[for election of President. :-

(1) The Returning Officer shall by notice in Form II published by affixture on the notice board of the office of the Board, appoint for every election of the President under sub-section (5) of Section 3.]

(a) the last date for making nominations which shall be a date not later than the eighth day after the date of publication of the notice;

(b) a date for the scrutiny of nominations which shall be a date not later than the third day after the last date for making the nominations;

(c) the date on which the votes of the members shall, if necessary, be taken which shall be a date not earlier than the seventh day after the last date for making the nominations.

(2) In the case of the election to fill a vacancy caused by the expiration of the term of Office of President, a notice under sub-rule (1) shall be published, as soon as conveniently may be, after the sixtieth day before the expiration of the term of office of the outgoing President and the dates shall be so appointed under the said sub-rule that the election will be completed at such time as will enable the President thereby elected to enter upon his office on the date following the expiration of the term of office of the outgoing President.

(3) In the case of an election to fill a vacancy in the Office of the President occurring by reason of his death, resignation, removal, disability or disqualification or otherwise, a notice under sub-rule (1) shall be issued as soon as may be after the occurrence of such vacancy.

(4) A copy of the notice published under sub-rule (1) shall be sent to every member of the Board by registered post.

23. Rules applicable for the conduct of election of the President subsequent to the date of nomination :-

The provisions of Rules 6, 7, 8, 9 and 10 and Forms III, IV and V, of these rules relating to election of members of the Board shall mutatis mutandis apply to an election of the President:

Provided that

(i) Rule 9 shall apply subject to the modification that for the words, brackets, letter and figure, "fixed under clause (c) of Rule 4", the words and brackets, letter and figures "immediately preceding the day fixed under clause (c) of Rule 22", has been substituted; and

(ii) the reference to any provisions of Rule 4 for the purpose of these rules shall be construed as a reference to the corresponding provision of Rule 22.

24. Votes to be taken at the Office of the Board :-

Where votes of the members are to be taken for the purpose of the election, the Returning Officer shall conduct the poll on the date appointed under clause (c) of sub-rule (1) of Rule 22 at the Office of the Board at such time as he thinks fit and a notice of the date and hour shall be sent to every member of the Board by registered post not less than five days before the date of the poll. A copy of the notice shall also be affixed on the notice board of the Office of the Board.

25. Procedure for the conduct of elections :-

The following procedure shall be adopted in conducting the elections.

(1) The Returning Officer shall read out the names of all the candidates who have been duly nominated as entered in Form V.

(2) At the place set apart for voting, the Returning Officer shall provide a ballot box which shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being opened.

(3) The Returning Officer shall immediately before the votes are taken, show the ballot box empty to such members as may be present, so that they may see that it is empty, and then shall lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal.

(4) Every member wishing to vote shall be supplied with a ballot paper in Form VI bearing the seal of the Board and the signature of the Returning Officer and on which the names of all the contesting candidates are printed, typed or written in English ¹ [and] Kannada. At the time of issuing a ballot paper to a member, the Registrar shall record the serial number thereof against the entry

relating to the member in the copy of the list of members kept for the purpose.

(5) The member to whom a ballot paper is issued under sub-rule (4) shall on receipt of the ballot paper proceed to the place set apart for the purpose and then place a mark (X) against the name of the candidate for whom he wishes to vote. He shall then fold up the ballot paper so as to conceal his vote and insert it into the ballot box.

(6) The Returning Officer shall cause such arrangements to be made as to prevent the members who have already voted from having access to the members who are yet to vote.

(7) If owing to any physical infirmity a member is unable to make a mark on the ballot paper, the Returning Officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it so as to conceal the vote and insert it into the ballot box. While acting under this clause, the Returning Officer shall observe such secrecy as is feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

(8) A member who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Returning Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so

1. Substituted for the word "or" by GSR 39, dated 27-1-1976

26. Opening of ballot box :-

(1) The Returning Officer shall open, in the presence of the members present, the ballot box, count the number of ballot papers taken out therefrom and scrutinise the ballot papers and separate those which in his opinion are valid from those which in his opinion are invalid endorsing on the latter the word "rejected" and the ground of rejection, and arrange all the valid ballot papers in a bundle.

(2) The Registrar shall reject a ballot paper

(a) if it bears any mark or writing by which the elector can be identified, or

(b) if no vote is recorded thereon, or

- (c) if votes are given on it in favour of more than one candidate, or
- (d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or
- (e) if it is a spurious ballot paper:

Provided that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under this rule, the Returning Officer shall allow each candidate a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) Every ballot paper which is not rejected shall be counted as one valid vote. After the completion of the counting the Returning Officer shall record in a statement the total number of votes polled by each candidate and announce the same.

(5) After such announcement has been made the Returning Officer may either on his own initiative or at the instance of any candidate recount the votes:

Provided that nothing herein contained shall make it obligatory on the Returning Officer to recount the same more than once. When a recount of votes is made under this sub-rule the Returning Officer shall amend the statement referred to in sub-rule (4), to the extent necessary after such recount and announce the amendment so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (4) or sub-rule (5), the Returning Officer shall declare the candidate to whom the largest number of valid votes ¹ [polled] to have been duly elected.

(7) 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 decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote. He shall thereafter declare the

candidate on whom the lot falls to have been duly elected.

(8) The Returning Officer shall then prepare and certify a return of the election in Form VII.

(9) Rules 14 and 15 shall mutatis mutandis apply to the election of a President.

1. Substituted for the words "has been given" by GSR 39, dated 27-1-1976.

27. President to enter upon his duties :-

The President elected under these rules shall enter upon his duties forthwith, in case there is no elected President and after the expiry of the term of the elected President in office, in other cases.

28. Election petitions :-

The provisions of Rules 16,17,18 and 19 shall mutatis mutandis apply to an election of the President and the reference to any provisions of Rule 13 shall be construed as a reference to the corresponding provision of Rule 26.

29. Casual vacancies :-

When any vacancy occurs in the Office of the elected President, it shall be filled up by election by the members of the Board and the provisions of Rules 21 to 28 and all other rules and forms applicable to the election of the President in this Part shall mutatis mutandis apply to an election to fill up a casual vacancy in the Office of the elected President.

30. 2Registrar to be Registered Practitioner :-

The Registrar to be appointed under sub-section (1) of Section 14 shall be a person who is a Registered Practitioner:

Provided that in the case of the first appointment of the Registrar under the Act, he shall be a person who, in the opinion of the Board, is eligible to have his name entered in the Register.

31. Registrar to be a full-time servant of the Board :-

The Registrar shall be a full-time and permanent servant of the Board, except where the Government, with the agreement of the Board, deposes a Government servant for such periods and upon such terms as may be agreed upon.

32. Salary of Registrar :-

The Registrar shall draw pay in the scale of Rs. 350-800 plus allowances determined by the Board and approved by the

Government.

33. Conditions of services of Registrar :-

The conditions of service applicable to the Registrar including leave, conduct, probation, travelling allowances, and Medical attendance shall, save as expressly provided in these Rules, be the same as those which are, for the time being in force, applicable in respect of Government servants holding corresponding appointments in the Medical Department.

34. Disciplinary authority :-

In respect of disciplinary matters the provisions of the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, for the time being in force, will be applicable to the Registrar, as it applies to a Government servant holding a corresponding post in the Medical Department subject to the modification that the President shall be the authority to impose the penalties and the Appellate Authority shall be the Government.

35. Registrar to subscribe to Contributory Provident Fund :-

(1) The Registrar shall not be entitled to any pension but shall after his confirmation in the post subscribe to the Contributory Provident Fund, with effect from the date of such confirmation in the service of the Board. The rate of subscription shall be 8 1/2 per cent of the monthly Pay exclusive of allowances and the amount so calculated shall be deducted from monthly salary bill of the Registrar. The Registrar shall be required to continue his subscription while absent on leave, other than extraordinary leave without salary, calculated on full pay at the rate drawn prior to proceeding on leave.

(2) The Board shall pay monthly contribution equal to the subscription realised from the Registrar in this behalf.

(3) The subscription paid by the Registrar and the contribution of the Board shall be credited monthly to a separate account in the State Bank of Mysore, Head Office, Bangalore.

36. Registers to be kept :-

The Registrar shall keep the registers in accordance with the provisions of the Act, the rules and the regulations of the Board.

37. Registrar to be present at meetings of the Board :-

The Registrar shall be present at every meeting of the Board and shall keep minutes of the proceedings of such meetings.

38. Registrar to carry on correspondence of the Board :-

The Registrar, as Secretary of the Board shall carry on the correspondence of the Board and shall issue all the notices prescribed in these rules.

39. Registrar to carry out duties required under the Act :-

The Registrar shall carry out such duties as are required of him by the provisions of the Act, the rules and regulations.

40. Control and management of the Office of the Board :-

The Registrar shall have general control over the management of the office and authority over the staff of the Board and superintendence of all the properties of the Board.

41. Custody of documents :-

The Registrar shall be responsible for the safe custody of all documents.

42. Maintenance of register containing the names of members of the Board and occurrence of vacancies :-

A register shall be kept containing the names of each of the members of the Board, the date of notification of his appointment or election, the term for which he was appointed and the date on which he ceased to be a member. The register which shall be maintained regularly shall also show the date within which the authority having power to appoint or cause an election to be held should make a new appointment or cause the election of a new member.

43. Opening of account on behalf of Board :-

An account shall be opened for and on behalf of the Board in the State Bank of Mysore, Head Office, Bangalore and all the funds of the Board shall be deposited in the said Bank.

44. Deposit of moneys :-

The Registrar shall receive all moneys payable to the Board and issue receipts for the same. He shall deposit such moneys in the Bank to the credit of the Board and he shall at no time keep with him a sum exceeding rupees one hundred.

45. 1Budget :-

The Budget estimates of the Board for every year commencing from the 1st day of April shall be laid before the Board at its meeting sufficiently in advance of the commencement of the year or circulated to the members of the Board in advance for being

considered and approved at a meeting of the Board.]

46. Preparation of annual Accounts :-

The annual accounts shall be prepared by the Registrar.

47. Statement of income and expenditure :-

The Registrar shall in the month of July each year prepare a statement of income and expenditure of the preceding financial year and draw the attention of the Board to such matters as deserve notice.

48. Consideration of Budget :-

The Board shall consider the estimate submitted to it and shall sanction the same, either without alterations or subject to such alterations as it deems fit. ¹

[Provided that if the budget estimates are not sanctioned by the Board before the fifteenth day of March in any particular year, the Government may sanction the same either without alterations or subject to such alterations as it deems fit.]

1. Proviso added by GSR 289, dated 16-8-1968.

49. Payment of Bills :-

A bill or other voucher presented as a claim for money shall be received and examined by the Registrar. If the claim be for a sum not exceeding rupees twenty and the bill or voucher is in order, he shall pay it. If the claim be for a sum exceeding rupees twenty but not exceeding rupees five hundred, payment may be made by the Registrar after obtaining previous sanction of the President. If the claim is above rupees five hundred, payment shall not be made until it has been examined and passed by the Board.

50. Cash Book :-

The Registrar shall immediately enter in the general cash book all moneys received or spent by the Board.

51. Signing of cheques :-

All cheques shall be signed both by the Registrar and the President.

52. Audit :-

The accounts of the Board shall be audited by such officer as the State Government may direct.

53. Registration of practitioners :-

(a) The applicant shall have to prove to the satisfaction of the

Registrar that he is entitled to be registered under the provisions of the Act.

(b) If the applicant claims to be registered by virtue of his having passed a qualifying examination held in pursuance of Section 23 of the Act, he shall submit along with his application for registration, copy of the degree, diploma or certificate issued to him by the appropriate authority duly attested by a Gazetted Officer and he shall produce the original of such copy when required to do so by the Registrar.

(c) If the applicant claims to be registered by virtue of the proviso to Section 16(1) of the Act, he shall submit along with his application for registration a copy of the Certificate issued to him by the Registrar or other appropriate authority competent to issue certificate that the name of any person, had been entered in the register of names of medical practitioners maintained under the relevant enactments in the Bombay Area

(d)

(i) If the applicant claims to be registered by virtue of sub-section (2) of Section 16 of the Act, he shall submit along with his application ¹[x x x] a copy of a certificate issued to him by the Deputy Commissioner or the District Surgeon or the District Health Officer of the District or by the Tahsildar having jurisdiction over the area where he has been last practising to the effect that the applicant has been in regular practice in the State of Karnataka for a period of not less than ten years preceding the date on which Chapter II of the Act has come into force. He shall produce the original of such copy when required to do so by the Registrar.

(ii) An applicant referred to in sub-clause (1) above shall also produce an affidavit duly sworn before a Magistrate to the effect that his name has not been removed from the register kept under any Central Act or State Act or from the Register of any country, where he had been practising, for infamous conduct in a professional respect.

(e)

(i) If the applicant claims to be included in the list prepared by the Registrar by virtue of sub-section (2) of Section 18 of the Act, he shall submit along with his application ²[x x x] a copy of a certificate issued to him by the Deputy Commissioner or District

Surgeon or the District Health Officer of the District³[or by the Tahsildar having jurisdiction over the place] where he was last practising, to the effect that he has been in regular practice in the State of Karnataka for a period of not less than five years prior to the date of commencement of Chapter II of the Act. He shall produce the original of such copy when required to do so by the Registrar.

(ii) An applicant referred to in clause (e) (i) shall also produce an affidavit duly sworn before a Magistrate to the effect that his name has not been removed from the Register kept under any Central Act or State Act or from the Register of any country where he was practising for infamous conduct in a professional respect.

(f) A practitioner whose name has been entered in the list under Section 18(2) shall after passing the qualifying examinations within the period prescribed in sub-section (3) of Section 18

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[(g)

(i) Every applicant who is qualified for registration and claims to be registered by virtue of

(a) the proviso to sub-section (1) of Section 16;

(b) sub-section (2) of Section 16;

(c) sub-section (2) of Section 18; and

(d) Section 23; shall also submit along with the application his two photographs of passport size.

(ii) Every person whose name is registered under the Act shall be granted a certificate in the form prescribed by the Board. The Photographs submitted under clause (i) shall be duly attested by the Registrar and one of them shall be affixed on such certificate and the other shall be affixed to the Register.

(iii) Every practitioner shall exhibit the certificate in some conspicuous place where he practices as a registered medical practitioner.]

1. The words "his photograph of passport size and" omitted by GSR 381, dated 19-12-1978.

2. The words "his photograph of passport size and" omitted by GSR 381, dated 19-12-1978.

3. Inserted by GSR 966, dated 16-5-1966.

4. Clause (g) substituted by GSR 381, dated 19-12-1978.

53A. 2. :-

(a) Practitioner who has been registered under the Act before the commencement of the Karnataka Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions (Amendment) Rules, 1978 shall ¹ [upto 31-12-1981] submit to the Registrar his two photographs of passport size and the certificate already issued to him.

(b) The Registrar shall attest the said photographs and affix one of them to the certificate and the other shall be affixed to the Register.

1. Substituted for the words "within three months from such date" by GSR 172, dated 13-7-1981.

54. Change of address :-

Every registered practitioner shall immediately give notice to the Registrar of any change in the name or change of permanent address for being entered in the Register. Whenever there is a request for entering a change of name, documentary evidence in support of change of name being recorded shall also be furnished to the Registrar.

55. Entries to be made in the register relating to the number of persons registered :-

(a) At the end of the Register, there shall be entered (1) the total number of persons in the published register, (2) the number of persons whose names were added to the register by registration during

(b) The Registrar shall mutatis mutandis make similar entries at the end of the list maintained under Section 18(2) of the Act.

55A. 1Communication of decision :-

The decision of the Registrar regarding the registration of any person or any entry in the register shall be communicated to the person concerned by Registered Post.]

56. Appeal to the Board :-

(a) Any person aggrieved by the decision of the Registrar regarding registration of any person or any entry in the registrar or list

referred to in Section 18, may within thirty days from the date of the communication of the decision of the Registrar to the person concerned, file an appeal to the Board.

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[(b) The memorandum of appeal shall be addressed to the President, and shall be accompanied with a copy of the first application, the decision of the Registrar communicated to him and other relevant documents, if any.]

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[(c) The memorandum of appeal shall set forth only the points which the appellant would like to urge against the decision of the Registrar.]

(d) On receipt of the appeal as aforesaid, the President shall call for the concerned records from the Registrar and also obtain the views of the Registrar in the matter.

(e) The President shall then direct the Registrar to include the appeal as an item for consideration at the next meeting of the Board.

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[(f) The President shall prepare a summary of case, the points stated in the appeal memo and submit the case to the Board.]

(g) The Board may after such enquiry as it deems fit in the circumstances of the case, shall give an opportunity to the person concerned of being heard on such date and time after giving him due notice. The Board may call upon such person to produce such documents as are necessary for coming to a decision in respect of the case and the decision of the Board whether to cancel or alter any entry in the register with the reasons therefor shall be communicated to the person in writing.

(h) After deliberations, the Board may by a resolution allow the appeal or uphold the decision of the Registrar or grant such reliefs as it considers necessary.

1. Sub-rule (b) substituted by GSR 39, dated 27-1-1976.
2. Sub-rule (c) substituted by GSR 39, dated 27-1-1976.
3. Sub-rule (f) substituted by GSR 39, dated 27-1-1976.

57. 1 following fees shall be levied by the Board, namely :-

- (1) For registration of every additional ¹[RupeesTen] qualification [Section 15(4)]
- (2) For first registration [Section 16(1)] Rupees fifteen
- (3) For enrollment of names of persons referred to Rupees two in the proviso to sub-section (1) of Section 16
- (4) For enrollment of names in the list under Rupees ten Section 18(2).
- (5) For renewal under Section 19(1) Rupees ten
- (6) For restoration of name after its removal ²[Rupees Ten] under Section 19(2)

3

[(7) For an application for registration ⁴ [Rupees Five]

1. Substituted for the words "Rupees Five" by GSR 282, dated 24-8-1976
2. Substituted for the words "Rupees Five" by GSR 282, dated 24-8-1976
3. Item (7) added by GSR 917, dated 21-4-1966
4. Substituted for the words "Rupees Two" by GSR 282, dated 24-8-1976

58. 6Fees and allowances payable to the members of the Board :-

For attending the meetings of the Board on the Executive Committee:

- (i) the Official members of the Board shall be paid Travelling Allowance and Daily Allowances to which they are entitled under the Karnataka Travelling Allowance Rules applicable to them for the time being in force; and
- (ii) the non-official members of the Board shall be paid a sitting fee of rupees ten only per day of sitting and Travelling Allowance and Daily Allowance at the rates specified in List "A" of the annexure to Annexure "A" to the Karnataka 'Civil Services Rules, when they are required to be present at a place in connection with the business of the Board or the Executive Committee:

Provided that no member whose ordinary place of residence is within the Corporation or Municipal or Panchayat limits of the place at which he is required to be present, shall draw Travelling

Allowance and Daily Allowance for attending the business of the Board:

Provided further that no member shall be entitled to both Daily Allowance and sitting fee for the same day].

59. For attending the meeting of the Board or the Executive Committee, allowances shall be payable to members from the funds of the Board as set forth below :-