

## NOTIFICATION

In exercise of the powers conferred by section 28 of the Chhattisgarh Medical Council Act, 1987 the State Government hereby makes the following rules, namely: -

<b><u>Short title</u></b>	1. These rules may be called the Chhattisgarh Medical Council Rules, 1987.
<b><u>Definitions</u></b>	2. In these rules, unless the context otherwise requires, - (a) 'Act' means the Chhattisgarh Medical Council Act, 1987 (b) 'Form' means a form annexed to these rules; (c) 'President' means the President of the Chhattisgarh Medical Council (d) 'Returning Officer' means any officer appointed as such by the State Government for the purposes of these rules; (e) 'Section' means a section of the Act.
<b><u>ELECTIONS TO THE COUNCIL UNDER OF SECTION 4(1)(a)</u></b>	
<b><u>Persons entitled to Vote and to stand for election</u></b>	6. All persons whose names are borne on the State Medical Register and who possess the medical qualifications included in the First or the Second Schedule or in Part II of the Third Schedule to the Act shall be entitled to vote at the election of a member under Section 4(1) (a) and to stand as candidates for such election. He should be a citizen of India. He should not have been punished or sentenced for a criminal act, by the court of Law. A person, whose registration has been suspended for any misconduct or medical negligence, will not be entitled to either vote or stand for the election.
<b><u>Posting of copies of State Medical Register</u></b>	7. Copies of the State Medical Register shall be posted at the offices of the Returning Officer and of the State Medical Council. The register shall be brought up-to-date before posting. For this purpose, the Returning Officer shall give fifteen day's notice to the Registrar, State Medical Council concerned who maintains the register in the State.
<b><u>Returning Officer to hold the election.</u></b>	8. The Returning Officer shall call upon persons enrolled in the State Medical Register and possessing the medical qualifications referred to in section 4(1)(a) to elect five members to the Council as hereinafter provided.
<b><u>Returning Officer to decide questions relating to right of persons to stand for or to vote at election.</u></b>	9. If any question arises as to whether a person is or is not entitled to vote in the election or to stand for the election, the question shall be referred to the Returning Officer whose decision shall be final.
<b><u>Fixation of dates of</u></b>	10. The Returning Officer shall appoint and shall notify in the Official Gazette and in such other manner as he thinks fit the date,

	<p>time and place for –</p> <p>(a) The receipt of the nomination papers and their scrutiny;</p> <p>(b) The dispatch of voting papers to the electors;</p> <p>(c) The poll; and</p> <p>(d) The scrutiny and counting of votes.</p> <p>(e) The Returning officer shall, in the case of the first election at any time ,and in (In case of any subsequent election not less than sixty days before the day on which the time of office of the state council or the members elected will expire, and as soon as conveniently may be , but not later than two months; after the occurrence of any casual vacancy , by a notification in the Gazette in form II; call upon the electors to elect a member of members</p> <p>(f) a date not later than the fifteen day from the date of publication of the notification as the last date of the nomination of candidates</p> <p>(g)a date not later than the third day from the date fixed for nomination ,as the date for scrutiny of nominations:</p> <p>(h) a further date not later than forty two days from the date fixed for scrutiny, on which poll if taken, shall be closed, and a further date for the counting of votes and time and place at which counting shall take place.</p> <p>(i) Copies of the notification shall be affixed in some conspicuous place in the of the state council and published in two or more newspapers printed and published in the state.</p> <p>(j) Any person, who is an elector, may be nominates as a candidate for election to rill a seat.</p> <p>(k) On or before the last date appointed for nomination of candidates each candidate shall either personally or by messenger or by registered post, deliver to the Returning Officer a nomination paper in a sealed cover completed in From III and subscribed by the candidate himself as assenting to the nomination and by two elector s as proposer and seconder. No elector shall propose or second more- candidates than there are seats to be filled.</p>
	<p>11. Any person qualified to stand for election under these rules may be nominated as a candidate for election. Such nomination shall be made by means of a nomination papers in Form No.1 which shall be supplied by the Returning Officer to any elector who may apply for the same.</p>
	<p>12. (1) Each nomination paper shall be subscribed by two electors as proposer and seconder:</p>

	<p>Provided that no elector shall subscribe more nominations than one;</p> <p>Provided further that if more than one nomination paper be subscribed by the same elector, the nomination paper first received by the Returning Officer shall, if otherwise in order, be held to be valid and if more than one nomination paper signed by the same elector be received simultaneously by the Returning Officer, all such nomination papers shall be held to be invalid.</p> <p>(2) On receipt of each nomination paper, the Returning Officer shall forthwith endorse thereupon the date and hour of receipt.</p>
	<p>13. A nomination paper which is not received before the date and the time appointed in that behalf shall be rejected.</p> <p>(a) If nomination papers of more than the prescribed number of candidates are subscribed as proposer seconder by the same elector the prescribed number of nomination papers received first in serial order by the Returning officer shall if otherwise in order, be held to be valid, and the rest shall be rejected</p> <p>(b) Any nomination paper not received by the returning officer by 3 PM on the last date fixed for nomination shall be rejected.</p>
	<p>14. (a) On the date and the time appointed by the Returning Officer for the Scrutiny of the nomination papers, the candidates 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 as aforesaid.</p> <p>(b) The Returning Officer shall examine the nomination papers and decide all questions which may arise as to the validity of any nomination and his decision thereon shall be final.</p> <p>(c) On receipt of a nomination paper, the returning officer shall forth with endorse thereon, the serial number and the date and hour of receipt under his signature.</p> <p>(d) Each candidate shall offer or cause to be offered to the Returning officer by way of deposit a sum of Rs.500/-in cash forward such to be returning officer by money order or insured registered post along with his nomination paper and no candidate shall be deemed to be duly nominated unless such sum has been received as deposit on h is behalf 8PM on the last date fixed for nomination.</p> <p>(e) if a candidate by whom or on whose behalf the deposit referred to in rule 14 (d) has been made, withdraws his candidature in the matter and within the time specified in rule 16 or if the nomination of any such candidate is rejected, the deposit shall be returned to the person by whom it was made, and if any candidate dies before</p>

	<p>the commencement of the pool any such deposit, if made him shall be returned to his legal representative or, if such deposited is made by some other person on behalf of the candidate, it shall be returned to the person by whom it was made.</p> <p>(f) If a candidate, by whom or on whose behalf the deposit referred to in rule 14(d) has been made, is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, the deposit shall be forfeited to the State Council.</p> <p>Explanation : For the purposes of the election process the total number of votes polled means the total number of voting papers, other than rejected voting papers, counted.</p> <p>(g) The deposit made in respect of a candidate who is elected also the deposit made in respect of a candidate who is not elected as and whose deposit is not forfeited shall be returned to the person by whom it was made as soon as may be after the publication of the result of the election in the Gazette.</p>
	<p>15(1) Any candidate may withdraw his candidature within seven days after the scrutiny of nomination papers by notice in writing signed by him and delivered to the Returning Officer. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.</p> <p>(2) The Returning Officer shall, on receiving a notice of withdrawal, publish the fact of such withdrawal in the Official Gazette.</p> <p>(3) On the date and at the time appointed for the scrutiny of nomination papers, every candidate and either his proposer or seconder or his authorized representative but no other person may attend at the office of the Returning officer whom shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid</p> <p>(4) The returning officer shall examine the nomination papers and may, either on an objection made or on his own motion, after such summary enquiry, if any, as he thinks necessary decide all questions which may arise as to the validity of any nomination and his decision on such question shall be final. The returning officer may refuse any nomination on any of the following grounds: -</p> <ul style="list-style-type: none"><li>(a) That the candidate for election is ineligible under the provisions of the act.</li><li>(b) That the proposer or seconder is disqualified from subscribing to a nomination paper on account of his not being duly qualified elector.</li><li>(c) That there has been any failure to comply with any of the provisions laid down in these rules for presentation of nomination papers.</li><li>(d) That the signature of the candidate or of his proposer or</li></ul>

	<p>seconded is not genuine or that the, same has been obtained by fraud.</p> <p>(5) After examining the nomination papers, the Returning officer shall declare the candidate whose nomination papers are in order to be duly nominated candidate.</p> <p>(6)The Returning officer shall cause the list of duly nominated candidates to be published in not less than three newspapers printed and published in the state and in the gazette and also cause to be affixed in some conspicuous place in the office of the State Council a notice of nomination specifying the names of duly nominated candidates and containing details as given in the nomination papers.</p> <p>(7) The Returning Officer shall nominate such number of scrutinizers as he thinks fit.</p>
	<p>16(1) Any duly nominated candidate may withdraw his candidature by notice in writing signed by him and delivered to the Returning Officer either personally or by registered post so as to reach him not later than 3 O'clock in the afternoon of the 30<sup>th</sup> Day preceding the day fixed for closing the poll.</p> <p>(2) The Returning officer shall on receiving the notice of withdrawal cause a notice of the withdrawal to be published in the Gazette and also to be affixed in some conspicuous place in the office of the State Council.</p> <p>(3) A Candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal to be re nominated as a candidate for the same election.</p>
	<p>17(1) If after the period allowed for withdrawal, the number of duly nominated candidates is less than equal to the number of seats to be filled, the Returning Officer shall forth with declare such a candidate to be elected and cause their names to be published in the Gazette.</p> <p>(2) If the number of duly nominated candidates for election exceeds the number of seats to be filled, the Returning Officer shall forthwith publish their names and address in the Gazette.</p> <p>(3) If the number of such candidate is less than the number of members to be elected, all such candidates shall be declared to be elected and the Returning Officer shall, by a notification in the Gazette, call upon the elector to elect a member or members, as the case may be within such time as may be fixed in that behalf to fill up the vacancy of vacancies in the number of members to be elected.</p> <p>Provided that when the electors after having been called upon this sub rule fail to elect a member or requisite number of members, as</p>

	<p>the case may be, the matter shall be referred to the State Government, and the electors shall not be called upon to elect a member or members thereafter until such time as the State Government may appoint in that behalf.</p>
	<p>18 (1) If a poll is found necessary, the Returning Officer shall, not later than 21 day before the date fixed for the closing of the poll, send, in a closed cover under certificate of posting, voting paper in Form IV duly signed by the Returning Officer, a declaration paper in Form V and three Covers, A, B and C in Forms VI, VII and VIII, respectively, to every elector. The election shall not be invalidated by reason of the non-receipt by an elector of his voting paper if a voting paper has been issued to him in accordance with these rules. The counter foils of the voting papers sent to electors shall be placed in a packet, and the packet shall be sealed immediately. This packet shall not be opened except for the purpose of an election petition.</p> <p>(2) An elector who does not receive the voting paper, the declaration paper and covers sent to him within seven days from the date fixed for sending the voting paper to every elector or who has lost them or in whose case the voting paper, declaration paper or any cover before their return to the Returning Officer has been inadvertently spoiled, may on declaration to that effect signed by himself, request the Returning Officer to send him fresh paper and, if the papers have been spoiled, he shall return the spoiled papers to the Returning Officer who shall cancel them on receipt. In every case in which fresh papers are issued, a distinguished mark shall be placed the number relating to the elector's name in a copy of the register to denote that fresh paper have been issued.</p> <p>(3) Every elector desirous of recording his vote, shall send the voting paper received by him either by registered post or under certificate of posting to the Returning Officer after recording his vote thereon in the manner specified therein. Voting Papers shall be sent directly by every voter to the Returning Officer. Voting papers handed over personally by a voter will be accepted as valid for which a receipt shall be given.</p> <p>(4) On receipt of a voting paper cover from an elector, the Returning Officer shall endorse thereon the date hour of receipt and it in a locked box provided for the purpose. Any voting paper cover received after the time fixed for the closing of the poll shall be kept in a separate pocket, and shall not be opened.</p>
	<p>19 (1) The returning Officer shall on the date and at the time and place fixed for counting of votes, open the box containing the covers of voting papers and shall reject a voting paper, if :</p> <p>(a) the cover 'C' is not duly signed by the elector or:</p> <p>(b) the cover "B" does not contain separately the declaration paper and cover 'A', or</p>

	<p>(c) the declaration paper is not the one sent by the Returning Officer to the elector; or</p> <p>(d) the declaration paper is not signed by the elector; or</p> <p>(e) the Cover 'A' is not duly sealed.</p> <p>(2) All the voting Paper Covers, other than those rejected under sub-rule (I), shall then be opened and voting papers taken out and mixed together. The voting papers shall then be scrutinized and valid votes counted.</p> <p>(3) A candidate any attend in person in or may send a representative duly authorized by him in writing to watch the process of counting of votes.</p> <p>(4) The Returning Officer shall show the voting papers, if requested to the candidates or their representatives.</p> <p>(5) If any objection is made to any voting paper on the ground that it does not comply with the instructions therein, or to the rejection by the Returning Officer of a voting paper is shall be decided at once by the Returning Officer, whose decision shall be final.</p>
	<p>20(1) when the counting of votes has been completed, the Returning Officer shall forthwith declare elected the candidates, to whom the largest number of votes has been give.</p> <p>(2) When an equality of votes is found to exist between any candidates, the candidate to be declared elected shall be chosen by lot to be drawn in the presence if the Returning Officer arid in such manner as he may determine.</p>
	<p>21 Upon the completion of the count in and after the result has been declared by him, the Returning officer shall seal the voting paper 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.</p>
	<p>22. The Returning officer shall, if he is not the President, communicate the result of the election to the president. On receipt of the communication or when he himself is the returning officer, immediately after the declaration of the result, the President shall cause the same to be published in the Gazette it shall also be published in at least two news papers printed or published by the state and a copy thereof shall be affixed at a conspicuous place in the office of the state council.</p>
	<p>23. In the event of a bye-election, the Returning officer shall, by a notification in form-1 published in the Gazette call upon the electors to elect a person to fill the seat within such time as may be specified in the notification and these rules shall apply as far as may be to the election of a member to fill such vacancy.</p>

#### **CHAPTER n -IV NOMINATION OF MEMBERS**

The Register shall, at the time of the first constitution of the State Council or when any vacancy occurs in the ordinary course of events or at any time not more than three months prior to the date, on which the term of office of the members specified expires, move the state government for nomination of a member or members, as may be necessary.

#### **CHAPTER - V ELECTION OF MEMBER**

The Registrar shall, not less than three months before the date on which a vacancy under clause (c) of section 19 is to be filled in, request the C.G. state medical council to elect a member at the meeting of the council held in accordance with its own rules and regulations and communicate the result of the election to the Registrar not later than one month before the date mentioned above.

