THE KARNATAKA AYURVEDIC, NATUROPATHY, SIDDA, UNANI AND YOGA PRACTITIONERS REGISTRATION AND MEDICAL PRACTITIONERS MISCELLANEOUS PROVISIONS RULES, 1964

[As amended]

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HEALTH AND MUNICIPAL ADMINISTRATION SECRETARIAT

NOTIFICATION

Bangalore, dated: 20th January 1965

G.S.R.363.- In exercise of the powers conferred by Section 30 of the ..... Ayurvedic Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961 (Mysore Act 9 of 1962), the Government of Mysore 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 Mysore Gazette, dated: 9th April 1964.

RULES:

THE [1][KARNATAKA][1] AYURVEDIC [1][NATUROPATHY SIDDA UNANI AND YOGA][1] PRACTITIONERS REGISTRATION AND MEDICAL PRACTITIONERS MISCELLANEOUS PROVISIONS RULES, 1964.

1. Adapted by the Karnataka Adaptations of laws orders 1973, w.e.f. 01.11.1973.

1. Title.- These rules may be called the [1][Karnataka][1] Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Rules, 1964.

1. Adapted by the Karnataka Adaptation of laws orders 1973, w.e.f. 01.11.1973.

2. Definitions.- In these rules, unless the context otherwise requires,-

(a) "Act" means the [1][Karnataka][1] Ayurvedic [2][Naturopathy Sidda unani and yoga][2] Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961;

(b) "form" means a form appended to these rules;

(c) "Government" means the Government of [1][Karnataka][1];

(d) "Section" means a section of the Act.

1. Adapted by the Karnataka Adaptations of laws orders 1973, w.e.f. 01.11.1973.

2. Substituted by Act 11 of 1992 w.e.f. 24.4.1992.

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 in the official Gazette:

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 aranged in alphabetical order in respect of each systems 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][1]

1. Substituted by G.S.R.237, dated: 24th June 1968.

(2) The Returning Officer shall prepare and publish in the official Gazette 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 in the official Gazette 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 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 ordes and the rolls, as so

revised shall be published in the official Gazette as the final electoral roll for election of members to the seats allotted for that system of medicine.

4. Appointment of dates for nomination, etc.- (1) The Returning Officer shall by notice in

Form II publish 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

(d) the date or dates on, and the place or places at, which a poll shall, if necessary, be taken which or the first of which shall be a date not earlier than the seventh day after the last date for the withdrawal of the nomination;

(e) the date or dates on, and the place or places at, which the votes will be counted.

5. Qualifications for election as members.- Every person whose name is entered in each part of the register maintained under sub-section (2) of section 18 shall, unless disqualified under section 9 be qualified to stand for election as a member from the constituency of which he is an elector.

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 after noon 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.

(4) No elector shall subscribe whether as proposer or seconder more than one nomination paper at any election.

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

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,

(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 substantial character; or

(d) that the proposer or seconder has subscribed, whether as proposer or seconder any other nomination paper received earlier by the Returning Officer at the same election.

(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 bried statement of his reasons for rejecting it.

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 such candidate in person or by his proposer or seconder who has been authorised in this behalf in writing by such candidate.

(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 condidature 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 duty 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 take steps to elect the remaining vacancies;

(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 Board.

11. Votes to be taken at a specified place.- Where votes of the members is to be taken for the purpose of election, a notice of the date or dates, hours and place or places at which the poll will be held shall be published by the Returning Officer on the notice board of the Office of the Board and also in the official Gazette.

12. Procedure for the conduct of elections.- The following procedure shall be adopted in conducting the elections:-

(1) 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.

(2) The Returning Officer shall immediately before the votes are taken show the ballot box empty to such candidates 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.

(3) 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 nams of all the contesting candidates are printed or typed in English or Kannada. At the time of issuing a ballot paper to an elector, the Returning Officer shall record the serial number thereof against the entry relating to the elector in the copy of the list of members kept for the purpose.

(4) The elector to whom a ballot paper is issued under sub-rule (3) shall on receipt or the ballot paper proceed to the place set apart for the purpose and there 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.

(5) If owing to physical infirmity, an elector is unable to read the names of the candidates on the ballot paper or to place a mark thereon, 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.

(6) An elector 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 returned shall be marked "Spoilt, cancelled" by the Returning Officer. If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Returning Officer, and the ballot paper so returned shall be marked as "Returned" "cancelled" by the Returning Officer. All ballot papers cancelled under this clause shall be kept in a separate packet.

13. Counting of Votes.- (1) At the time and date fixed for the counting of votes, the Returning Officer shall open in the presence of the candidates 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 Returning Officer 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 the elector has given more than one vote to any one candidate, or

(d) if the number of votes recorded thereon is not equal to the number of votes which the elector is entitled to give, or

(e) 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

(f) 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 ballot paper under this rule, 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 vote:

Provded that nothing herein contained shall make it obligatory on the Returning Officer to recount the same votes 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 has been given 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 two or more 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.

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 therafter 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, all the contesting candidates other than the petitioner, 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 he himself or any other candidate has been duly elected.

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 rejection 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 candicdate 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 cardidate 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.- For election of President under sub-section (5) of section 3, a notice in Form II shall be published by affixture on the notice board appointing-

(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 the 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 other-wise, 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 subjectto the modification that for the words, brackets, letter and figure, "fixed under clause (c) of rule 4", the words and

brackets, letters and figures "immediately preceding the day fixed under clause (c) of rule 22", have 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 or 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 papers 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 instace 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 an 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 returned shall be marked "spoilt: cancelled" by the Returning Officer. If a member after obtaining a ballot paper decides not to use it he shall return it to the Returning Officer, and the ballot paper so returned shall be marked as "Returned: cancelled" by the Returning Officer. All ballot papers cancelled under this clause shall be kept in a separate packet.

26. (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 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 has been given 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 entail 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.

Form VII.

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

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.

[1][**30 Registrar 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.][1]

1. Sub by GSR 806 dated 3rd January 1966 retrospectively from 28th january 1965.

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, deputes 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 expresaly 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 with out 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 procedings 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 requried 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. Statement of income and expenditure.- The Registrar shall in the month of July each year prepare a statement of income and expenditure of the preceeding financial year and draw the attention of the Board to such matters as deserve notice.

46. Preparation of annual Accounts.- The annual accounts shall be prepared by the Registrar.

47. Budget.- 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.

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 a March in any particular year, the Government may sanction the same either without alterations or subject to such alterations as it deems fit.][1]

1. Added by Notification No. HMA 155 PIM 68, dated: 16th August 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 bock all money 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 Account 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 orginal of such copy when required to 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 registrar of names of medical practitioners maintained under the relevant enactments in the Bombay Area or in the Hyderabad Area or in the register maintained by the Central Board of Indian Medicine in the Madras Area. The applicant shall produce the original of such certificate when required to do so by the Registrar of the Board.

(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[his photograph of pass port size and]1 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 Mysore 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.

1. Ins by Notification No. PLM 24 PIM 66 dated: 16th May 1966.

(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 theRegistrar by the Registrar by virtue of sub-section (2) of Section 18 of the Act, he shall submit along with his application 1[his photograph of

passport size and]1 a copy of a certificate issued to him by the Deputy Commissioner or District Surgeon or the District Health Officer of the District 1[or by the Tahsildar having jurisdiction over the place]1 where he was last practising, to the effect that he has been in regular practice in the State of Mysore 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.

1. Inserted by Notification No. PLM 24 PIM 66 dated: 16th May 1966.

(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 intimate the Registrar in writing the fact of his having passed such examination giving the register number and year of the examination and also the name of the examination.

(g) Every person whose name is registered under the Act shall be granted a certificate in the form prescribed by the Board.

54. Change of address.- Every registered practitioner shall immediately give notice to the Registrar of any change in 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 suport 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 the year, (3) the number of persons renewed to the Registrar during the year, (4) the number of persons whose names were removed from the register during the year stating the particular section of the Act in pursuance of which the names were removed, (5) the number of persons whose names were removed on account of death.

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

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 register 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.

(b) Such an appeal shall be addressed to the President and shall contain a copy of the first application, the decision of the Registrar and other relevant documents as are in his possession which are required to be produced by the President.

(c) The appeal shall briefly state the points or arguments 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.

(f) The President shall prepare a summary of case, the arguments adduced in favour of both parties 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.

57. The following fees shall be levied by the Board:-

(1)	For registration of every additional qualification [Section 15 (1)]	Rupees five
(2)	For first registration [Section 16 (1)]	Rupees fifteen
(3)	For enrolment of names of persons referred to in the proviso to sub-section (1) of Section 16	Rupees two

(4)	For enrolment of names in the List under Section 18 (2)	Rupees ten
(5)	For renewal under [section 19 (1)]	Rupees ten
(6)	For restoration of name after its removal under Section 19 [2]	Rupees five
[1][(7)	For on application for registration	Rupees two

1. Ins. By G.S.R. 917 dated 21st April 1966.

"[1][58. FEES 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 Mysore 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 Mysore Civil Services Rules, when they are requred 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 Pravelling 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.][1]

1. Substituted by Notification No. PHS 85 PIM 66 dated: 4th September 1967.

[2][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:-

1. Sub by Notification No. PHS 85 PIM 66, dated: 4th September 1967.

2. Rule 59 omitted by No.PLM 357 PIM 64.

By Order and in the name of the Governor of Mysore, L.A. Dhamanigi,
Deputy Secretary to Government,
P.H., Labour and Municipal Administration Department.

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FORM - I

[See Rule 4(2)]

Preliminary electoral Roll containing lish of persons qualified to vote under clause (b) of sub-section (3) of Section 3 of the Mysore Ayurvedic and Unani Practitioner's Registration and medical practitioner's Miscellaneous Provisions Act, 1961.

Sl. No.	Reg No.	Name	Qualifications	Address	Remarks

Returning Officer.

FORM - II

[See Rules 4(2) and 22]

NOTICE OF ELECTION

Election / of members of the Board to the Office of the President.

Notice is hereby given that-

(1) an election is to be held for electing the members of the Board to the Office of the President/.....

(2) nomination papers may be delivered between the hours of 11 O' Clock in the morning and 3 O'Clock in the afternoon by the candidate or his proposer or seconder at the Office of the Returning Officer on any date not later than the .....(date) .....

(3) Nomination paper will be taken up for scrutiny at..... (hours) on ..... (date) at .....(place);

(4) notice of withdrawal of candidature, may be delivered by the candidate or by his proposer of seconder who has been authorised in this be half in writing by such candidate at the office of the Returning Officer before 3 O'Clock in the afternoon.....

(5) nomination papers and notices of withdrawal may be delivered to the Returning Officer or any other officer authorised by him in his behalf at his office;

(6) in the event of election being contested the voting will take place on ..... meeting of the Board of which notice will be sent separately.

FORM - III

[See Rules 6 and 23]

NOMINATION PAPER

Election / of members of the Board to the Office of President.

We hereby nominate..... ..... (name and particulars of the candidate), as *as a candidate for the election/of the members of the Board / to the office of the President.

We declare that both of us are electors / members of the Board.

.....
Signature of proposer.
Date.....

.....
Signature of Seconder.
Date.....

assent to this nomination.

.....
Signature of Candidate.
Date.....

*Particulars of the candidate will include the name of the father or husband of the candidate, his/her occupation and place of residence.

FORM - IV

[See Rules 9 and 23]

NOTICE OF WITHDRAWAL

Election / of members of the Board / to the Office of the President.

To

The Returning Officer,

.....

1. ..... a candidate nominated at the above election, do hereby give notice that I withdraw my candidature.

Place.....

Signature of candidate.

Date.....

This notice was delivered to me at my office at.....

(hour) on ..... (date), by the *.....

Date..... Returning Officer.

---

* Here insert one of the following alternatives that may be appropriate:- (1) candidate;
(2) candidate's proposer who has been authorised in writing by the candidate who delivered it;
(3) candidate's seconder who has been authorised in writing by the candidate who delivered it;

FORM - V

[See Rule 10(c) and 23]

LIST OF VALID NOMINATIONS

Election / of members of the / Board / to the Office of the President.

Sl. No. (1)	Name of candidate (2)	Name of *father/ husband (3)	Address of candidate (4)

Place.....

Returning Officer.

Date.....

*Strike of the inappropriate alternative.

FORM - VI

[See Rules 12 and 25]

Election/of members of the Board/to the Office of the President.

Counter foil Serial No. of the ballot paper	Foil		
	S.No.of the candidate	Name of the candidate	Voters Mark

1.

..... 2.

..... 3.

..... 4.

.....

Instructions to electors.

1. You have as many votes/One vote as there are seats to be filled.

2. The number of seats to be filled is..... 3. Place a cross mark (X) clearly opposite the name of the Candidate to whom you wish to give the vote.

4. You must not give more than one vote to any one candidate. If you do your ballot paper will be rejected.

5. The mark should be so placed as to indicate clearly and beyond doubt to which candidate/candidates you are giving your vote. If the mark so placed as to make it doubtful to which candidate/candidates you have given the vote, that vote will be invalid.

FORM - VII

RETURN OF ELECTION

[See Rules 13 and 25]

Election / of members of the Board/to the Office of the President RETURN OF ELECTION

Sl.No.	Name of candidats	Number of valid votes pilled

.....
.....
.....
.....
.....

Total number of valid votes polled.....

Total number of rejected votes.....

I declare that-

.....(name) of .....
.....(Address) I as been duly elected as the member of the Board / President of the Board.

Place.....
Date.....

.....
(Returning Officer).