The Karnataka Board of Homoeopathic Medicine and Court of Examiners (Election) Rules 1964

PART I

PRELIMINARY

Rule No.

1. Title .....
2. Definitions .....

PART II

ELECTION OF MEMBERS OF THE BOARD

3. Returning Officer for election of members by the registered practitioners .....
4. Appointment of dates for nominations, etc. .....
5. Qualifications for election as members .....
6. Nomination of candidates .....
6A Amount of Deposit to be made .....
7. Procedure on receipt of nomination paper .....
8. Scrutiny of nominations .....
9. Withdrawal of candidates .....
10. Procedure in contested and un-contested elections .....
11. Votes to be taken at a specified place .....
12. Procedure for the conduct of elections .....
13. Counting of votes .....
14. Record of proceedings and publication of the result of election .....
15. Sealing and custody of election papers .....
16. Dispute regarding election .....
17. Procedure on receipt of the election petition .....
18. Grounds for declaring the election of the Returning candidate to be vote .....
19. Grounds for which the candidate other than the returned candidate may be declared to have been elected .....
20. Casual vacancies .....

PART III

ELECTION OF PRESIDENT

Rule No.

21. Returning Officer for election of President .....
22. Appointment of dates for nomination, etc. For election of President .....

23. Rules applicable for the conduct of election of the President subsequent to the date of nomination .....
24. Votes to be taken at the Officer of the Board .....
25. Procedure for the Officer of the Board .....
26. Counting of votes .....
27. President to be enter upon his duties .....
28. Election petitioners .....
29. Casual vacancies .....

PART IV

ELECTION OF MEMBER OF THE COURT OF EXAMINERS BY THE BOARD

30. Registrar to be Returning Officer .....
31. Application of rules for the election of members to the Court of Examiners .....

Form VI .....

NOTIFICATION

Bangalore, dated 20th January 1965

G.S.R. 362.- In exercise of the powers conferred by section 35 of the Karnataka Homoeopathic Practitioners Act 1961 (Karnataka Act 35 of 1961) the Government of Karnataka hereby makes the Karnataka Board of Homoeopathic System of Medicine and Court of Examination (Election) Rules, 1964, the draft of the same having been previously published as required by sub-section (1) of the said section in Notification No. PLM 228 PIM 64 Part 1 dated there 10th March 1964, published as GSR 82 in Part IV-Section (i) of the Karnataka Gazette, dated 09th April 1964.

THE KARNATAKA BOARD OF HOMOEOPATHIC SYSTEM OF MEDICINE AND COURT OF EXAMINERS (ELECTION) RULES 1964

PART I

PRELIMINARY

1.**Title.-** These rules may be called the Karnataka Board of Homoeopathic System of Medicine and Court of Examiners (Election) Rules, 1964.

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

(a)"Act" means the Karnataka Homoeopathic Practitioners Act, 1961. (b)"form" means a form appended to these rules.

(c)"section" means a section of the Act.

PART II

ELECTION OF MEMBERS OF THE BOARD

[3. Election Roll for election of Members.- (1)The Registrar who shall be the Returning Officer for the purposes of election of members to the Board under sub-section (2) of section 3 shall prepare the preliminary electoral roll. The names of Registered Practitioners entered in part A and part B contained in the list of practitioners published under section 34 shall

1. Substituted by Notification G.S.R.7 dated:4-12-1973.

be arranged in alphabetical order in respect of each part. The names of such registered practitioners in respect of part A and part B shall constitute the preliminary electoral for the purposes of election of members from among the practitioners whose names are entered in part A or part B as the case may be and shall be published in the Officer Gazette:

Provided that in the case of elections to be held for the first time under the Act, the names of registered practitioners found in part A and part B of the register of practitioners maintained under section 22 shall be arranged in alphabetical order in respect of each part. The names of such registered practitioners in respect of part A and part B shall constitute the preliminary electoral roll for purposes of election of members from among the practitioners whose names are entered in part A and

part B in the register as the case may be and shall be published on the notice board of the officer of the Board and at such other place or place, as my be specified by the Returning Officer for the purpose; and the fact of such publication of the preliminary electoral roll on the notice board shall be simultaneously announced by notice published in Kannada and English in the newspapers having the largest circulation in the State also specifying in such notice the last date within claims and objections relating to the entries or omissions in the preliminary electoral roll should be preferred.

(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 roll in

Form I containing the names of all the electors for the electorate as indicated under 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 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 part A and part B of the Register in accordance with such orders and the rolls as so revised shall be published in the Official Gazette as the final electoral roll for the election of members to the seats allotted to practitioners whose names are entered in part A part B of the register, as the case may be.]

4.Appointment f dates for nominations, etc.- (1) The Returning Officer shall be by notice in

Form I 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 sub-clauses (a) and (b) respectively of clause (iii) of sub-section (2) of section 3.-

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

(b) a date for 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 scrutiny of nominations; and

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

(e) the date for the counting of votes.]

5.Qualifications for election as members.- Every person whose name is entered in [the final Electoral Roll published under Sub-Rule (4) of Rule 3] shall unless disqualified under Section 10 be qualified to stand for election as a member from the constituency of which is an elector.

6.Nominations of candidates.- (1) Each candidate for election shall be nominated by means of nomination paper completed in Form II and subscribed by the candidates himself as assenting to the nominations and by two electors as proper 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 11o' 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 authorized 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. Substituted by Notification G.S.R.7 dated:4-12-1973.

(4) No elector shall subscribe whether as proposer or seconder more than more 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.

1**[6A. Amount of deposit to be made**-(1) Every candidate shall be along with the proposal for nomination, deposit with the Returning Officer a sum of Rupees Fifty in cash. A nomination paper not accompanies 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 candidates as soon as may be after declaration of the result of the election if,

(a)the candidates is declared or is deemed to be duly elected or;

(b)the nomination of the candidates is declared invalid or;

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

(d)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 voters recorded, or where the total number of members to be elected istwo or more, the number of valid votes recorded in his favour is less than 1/8th of the total numbers 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 authorized 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 then nomination paper of the date, time and place fixed for 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 candidates shall be entitled to be present at the time of scrutiny of the nominations and Returning Officer shall give them reasonable facilities.

1. Substituted by Notification G.S.R.7 dated:4-12-1973.

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

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 security 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 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.

9. Withdrawal of candidature:- (1) Any candidate may withdraw his candidature by a notice in writing in Form III 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 authorized officer either by such candidate in person or by his proposer or seconder who has been authorized 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 authorized officer shall note thereon the date and the hour at which it was delivered.

10. Procedure in contested and un-contested elections:- If after the 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 be elected, he shall forthwith declare all such candidates to be duly elected to fill these 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 report to the State Government that the electors have failed to elect members to the remaining vacancies for taking action under section 4; or

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 IV entering the names of candidates in alphabetical order with their addresses and cause a copy of the list to be affixed on the notice board of the Office of the Board.

11. Despatch of voting papers to the voters:- (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.ballot paper in Form IV containing the names of the candidates entered in alphabetical order and bearing the Returning Officer's initials or fascimile signature;

iii.a small blank cover with the works "Ballot Papers' printed thereon and addressed to the Returning Officer; and

iv.a biggest outer cover on which are printed, on the left top comer, the serial alphabetical number and on left lower comer, the name and signature column and in the centre, the address of the Returning Officer printed as under:-

To,

The Returning Officer,

Karnataka Homoeopathic Practioner's Board,

Bangalore.

A certificate of posting shall be obtained in respect of such letter of intimation sent to an elector.

(2) An elector who has not received his ballot paper and other connected papers are provided in sub-rule (1) or whose papers, before they are returned back to the Returning Officer have been inadvertently 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 to send him duplicate papers in place of those not received, spoilt, or lost and if the papers have been spoilt, the same shall be returned to 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 when 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'.

12. Despatch of ballot papers to the Returning Officer:- (1) Every elector desirous or 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, enclose 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 send it to the Returning Officer either by post or deliver it in person so as the reach the Returning Officer not later that 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 the scrutiny and counting of votes on the date and at the time and place appointed by him in his behalf for purposes 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 scrutinizers such number of members of the staff of the Officer of the Board as he thinks fit to assist him in the counting of votes.

(4) The Returning Officer shall open the outer envelopers immediately after the hours 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 outer envelope contains no declaration paper
outside the ballot paper cover; or

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

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

d)More than one declaration paper or 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 initialed 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 scrutinized and valid ones counted. A ballot paper shall be invalid, if-

a)it does not bear the Returning Officers initials of facsimile
signature; or

b)a Voter signs his name, or writes a word or makes any mark on it
by which it is recognizable at his ballot paper; or

c)no voting is recorded thereon; or

d)the number of Voters 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 Votes can be given one the same ballot paper, if one of the marks is so placed as render, is doubtful to which candidate it is intended to apply, the vote concerned but not the whole ballot paper shall be invalid on the 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 entitled 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 a manner as he shall determine.

(11). The Returning Officer shall then 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 Officers 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.

15. Sealing and custody of election papers:- (1) The Returning Officer shall then made 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 contents shall not be verified inspected or produced before any person or authority except under of the State Government or of a competent court.

(3) The packets 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) 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 reliefs,

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 any 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.

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; of

(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 of 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 has been the returned candidate and a petition has 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 sub-clause (a) or sub-clause (b) of clause (iii) of sub-section (2) of

section 3, if shall be filled by election of member from among practitioners whose names are entered in part A or part B of the Register, as the case may be.

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

PART III
ELECTION OF
PRESIDENT

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:-

(1) The Returning Officer shall by notice in

Form 1 published by affixture on the notice board of the Office of the Board appoint for every election of the president under clause (b) of the proviso to sub-section (2) 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 dates on which the votes of the members shall if necessary, be taken which shall be a date for 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 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 of 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 II, III and IV of these rules relating to election of members of the Board shall mutates 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 figures, “fixed under clause (c) of rule 4” the words, 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 constructed 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 hte 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 candidate who have been duly nominated as entered in

Form IV.

(2) At the place set apart for voting, the 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 there from 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 the 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 Form V 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, ped or written in English or Kannada. At the time of issuing a ballot paper a member, the Register 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) all on receipt of the ballot paper proceed to the place set apart for the propose and there place a mark (X) against the name of the candidate for whom he wishes to vote. He shall then fold up the paper so as to conceal vote and insert it into the ballot box.

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

(7) If owing to any physical infirmity a member is unable to make a mark 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 vote and insert it into the ballot box. While acting under the clause, the Returning Officer shall observe such secrecy as is feasible and shall keep of record of each such instance but shall not indicate there in the manner 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 being it to the Returning Officer and on satisfying him of the inadvertence, even another ballot paper and the ballot paper so returning shall be marked ----- 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. Counting of Votes:- (1) After voting by all the members present and wishing to vote, 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 scrutinize the ballot papers and separate those which in his opinion are valid 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 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 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 VI.

(9) Rules 14 and 15 shall mutatis 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, ----- 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 ----- 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.

PART IV

ELECTION OF MEMBERS OF THE COURT OF EXAMINERS BY THE BOARD

30. Registrar to be Returning Officer:- The Registrar shall be the Returning Officer for the election of three persons from amongst members of the Board to the Court of Examiners under clause (ii) of sub-section (1) of Section 16.

31. Application of rules for the election of members to the Court of Examiners:- The provisions of Part II of these rules and the Forms relating to election of Members of the Boards shall mutatis mutandis apply to the election of Members by the Board of the Court of Examiners under clause (ii) of sub-section (1) of Section 16.

1961:KAR.ACT 35] the Karnataka Board of Homeopathic System of Medicine 67
And court of Examiners (Election) Rules 1964

[FORM 1]

[See Rule 3 (2)]

Preliminary electoral roll containing the list of persons qualified to vote under Sub-clauses (a) and (b) respectively of clause (III) of sub-section (2) section 3 of the Karnataka Homeopathic Practioner's Act 1961.

PART A

Sl.no:
Reg.No:
Names:
Qualifications:
Address:
Remarks:

PART B

Sl.no:
Reg.No:
Names:
Qualifications:
Address:
Remarks:

Inserted by notification GSR 7 Dated 4.12.1973

1**[FORM 1 A]**

(See Rules 4(1), 22 and 31)

NOTICE OF ELECTION

Election of Members of the Board/to the office of the President / To the court of Examiners

Notice is hereby given that:-

(1) An Election is to be held of the members of the Board/to the office of the President /to the Court

Of Examiners ……..

(2) Nomination papers may be delivered between the hours 0 to 11 o' clock in the morning and 3 o' clock in the afternoon by a candidate of his proposer at the office of the Returning officer on any date not later than the

……(date)

(3) Nomination papers will be taken up for security at ……. (Hours) on …….(date) at

……..(Place)

(4) Notice of withdrawal of candidature, may be delivered by a candidate or by his proper or seconder who has been authorised in this behalf in writing by such candidate at the office of the Returning Officer before 3 o' clock in the afternoon

on ……..

(5) Nomination papers and notices of withdrawal may be delivered to the returning officer or any other officer authorised by him in this behalf an office.

(6) In the event of election being contested the voting will take place on …… at

a……..

(X X X) of which notice will be sent separately.

Here enter the name of the place

1. Relettered by Notification of GSR-7 Dated 4.12.1973.

2. Omitted by Notification GSR 7 Dated 4.12.1973.

[FORM 1B]

Declaration Paper

Election to the Karnataka Board of Homeopathic System of Medicine And Court of Examiners under clause (b) of Sub-section (2) of section 3 Of the Karnataka Homeopathic practitioners act, 1961

Serial Number

Electors Name

Name of Electoral Roll
If any,

ELECTOR'S DECLARATION

I……. (Name in full designation if any.) Declare that I am an elector for the election of a member to the Karnataka Board of Homeopathic System of Medicine and court of Examiners, by the Electorate specified under clause (b) of Sub-section (2) of Section 3 of the Karnataka Homeopathic Practioner's Act, 1961.and that I have signed no Other voting paper at the election.

Station……. Signature

Date……. Address:

(No.H.M.A.493 PIM 72)

1. Inserted by Notification G.S.R 7 Dated 4-12-1973

FORM II

[See Rules 6, 23, and 31]

NOMINATION PAPER

Election of Members of the Board /to the office of the President / to the Court of Examiners

We hereby nominate……..... (name and particulars of the candidate) as a candidate for the election of the members of the Board/to the Office of the President to the court of Examiners.

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

……

Signature of Proposer

Date:

…….

……

Signature of Proposer

Date: …….

I assent to this nomination

……

Signature of Proposer

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 III

(See Rule 9,23, 31)

Notice of Withdrawal

Election of members of the Board / to the office of the President / to the court of Examiners

To

The Returning Officer,

.....

I .....a candidate Nominated at the above election, do hereby give notice that i withdraw my candidate.

Place: .....

Date: ..... Signature of Candidate

This notice was delivered to me at my office at..... (Hours) on..... (Date) by the.....

Date: ..... Returning Officer

Here insert one of the Following alternate that may be appropriate:

1. Candidate
2. Candidates proposer who has been authorised in writing by the candidate who delivered it. 3. Candidates seconder who has been authorised in writing by the candidate who delivered it.

FORM IV

[See Rules 10(c), 23, 31]

LIST OF VALID NOMINATIONS

Election of members of the Board/to the office of the President /to the Court of Examiners

Sl	Name of Candidate	Name of Father/Husband	Address of Candidate	No
1	2	3	4	

Place…….

Date……..... Returning Officer

Strike of the inappropriate alternative

FORM V

[See Rules 12, 25 and 31]

LIST OF VALID NOMINATIONS

Election of members of the Board/to the office of the President /to the Court of Examiners

Counterfoil		Foil	
Serial Number of the Ballot Paper	Sl No. of the Candidate	Name of the Candidate	Voters Mark

1. ……..…… …….
2. …… ……
3. …… ……
4. ……..……

INSTRUCTIONS TO ELECTORS

as many votes a there are seats to be filled

1. You have one vote.

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 is so placed as to make it Doubtful to which candidate / candidates you have given the vote that vote will be invalid.

FORM VI
[See Rules 13,26 and31]
RETURN OF ELECTION
Election of Members of the Board / to the Office of the President / to the Court of Examiners

Sl	Name of Candidate	No	Number of Valid Votes Polled

Total Number of valid votes Polled……. Total number of rejected votes……..

I declare that

……

…….. (Name) Of

……

…. (Address)

Has been duly elected as the member of the Board/ President of the Board /Member of the Court of Examiners

Place: .....

Date: .....

.....

Returning Officer
(No.PLM 356 PIM 196)