KARNATAKA MEDICAL REGISTRATION RULES, 1963

(As amended by GSR 316, dated 31-8-1970 and GSR 173, dated 21-6-1979)

In exercise of the powers conferred by Section 31 of the Karnataka Medical Registration Act, 1961 (Karnataka Act No. 34 of. 1961), the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published in Notification No. PLM 251 MDA 61, dated 22nd May, 1963, in Part 1V, section 2-C(i) of the Karnataka gazette, dated 1st June, 1963as required by sub- section (1) of section 31 of the said Act, namely :

PART - I General

1. Titles—These rules may be called the Karnataka Medical Registration Rules, 1963

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

(a)"ACT" means the Karnataka Medical Registration Act, 1961

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

(c) "Government" means the Government of Karnataka;

[(cc) "Member" means a member of the Karnataka Medical Council;

(d) "President" means the president of the Karnataka Medical Council;

(e) "Register" or "State Medical Register" means the register kept under section 12;

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(f) "Registrar" means the Registrar appointed as such under Section 11;

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

PART 11

Appointment to Council

3. Election of the President and Vice-President of the Council—The Election of the President and Vice-President shall be held at the office of the Medical Council by the Registrar who shall be the Returning Officer.

2. Clause (cc) inserted by GSR 316. dated 31-8-1970, w.e.f. 10-9-1970.

3. Rules 3, 3-A to 3-P to 3-P substituted for Rule 3 by GSR 316, dated 31-8-1970, w.e.f. 10-9-1970

3-A. Appointment of dates for nominations, etc— (1) The Registrar shall, by notice in form 'A' published by affixture on the notice board of the office of the Medical Council appoint for every election of the President or Vice-president, as the case may be—

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

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

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

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

(3) In the case of an election to fill a vacancy in the office of the President or the Vice-President occurring by reason of his death, resignation, removal 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 by registered post.

(5) In the case of elections held under sub-rule (3) the election shall ordinarily be held before the expiry of four weeks from the date of occurrence of a vacancy referred to in sub-rule (3)

3-B. Nomination of Candidate— (1) Each candidate shall be nominated by a nomination paper completed in Form B and subscribed by the candidate himself as assenting to the nomination and by two members as proposer and seconder.

(2) On or before the date appointed under clause (a) of sub-rule (1) of Rule 3 each candidate shall, either in person or by his proposed or seconder, between the hours of 11 O'clock in the forenoon and 3 O'clock in the afternoon, deliver to the Returning Officer at the place specified in this behalf in the notice, the nomination paper.

(3) Any nomination paper which is not received before 3 O' clock in the afternoon on the last date appointed under clause (a) of sub-rule (1) of rule 3 shall be rejected.

(4) No member shall subscribe whether as proposes 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 election.

3-C Procedure on receipt of nomination paper—On presentation of a nomination paper, the Returning 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 for the scrutiny of the nominations.

3-D Scrutiny of nomination—

(1) The Candidates and one proposer and one seconder of each candidate shall be entitled to be present at the time of scrutiny of nominations, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in Rules 3-B and 3-C

(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 seconder is not qualified to subscribe a nomination paper under sub-rule (1) of Rule 3-B; or

(b) that the signature of the candidate, proposer or seconder 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 scrutiny on the date appointed in this behalf under clause (b) of sub-rule (1) of Rule 3-A and shall not allow any adjournment to the proceedings except when such proceedings are interrupted or obstructed by causes beyond his control.

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

3-E. Withdrawal of candidature—(1) Any candidate may withdraw his candidature by a notice in writing in Form“C” subscribed by him and delivered before 3 O’clock in the afternoon on the date immediately preceding the date fixed under clause (c) of sub-rule (1) of Rule 3-At the Returning Officer either by such candidate in person or by his proposer or seconder who has been authorised in his 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 shall note thereon the date and the hour at which it was delivered.

3-F. Procedure in contested and uncontested elections—If after the expiry of the period within which candidatures may be withdrawn under sub-rules (1) of Rules 3-E—

(a) there is only one candidate who has been validly nominated and has not withdrawn his candidature in the manner and within the time specified in that sub-rule, the Returning Officer shall forthwith declare such candidate to be duly elected to the office of the President or the Vice-President, as the case may be;

(b) the number of candidates who have been duly nominated but have not so withdrawn, their candidatures exceeds one, the Returning Officer shall prepare in

Form D, a list of valid nominations containing the names in alphabetical order of the validly nominated candidates which are given in the nomination papers and cause a copy of the list to be affixed to the notice board of the office of the Medical Council.

3-G Votes to be taken at the Office of the Medical Council— Where votes of the Members are to be taken for the purpose of the election; a notice specifying the date and hour at which the poll will be held at the Office of the Medical Council shall be sent to every members of the Medical Council by registered post not less than five days before the date of the meeting and a copy of the notice shall also be published by the Returning Officer on the notice board of the Office of the Medical Council.

3-H. Procedure for the conduct of elections— The following procedure shall be adopted in conducting the elections, namely—

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

Form D

(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 introduce 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 is empty and then shall lock it up, and place his seal upon it in such manners as to prevents its being opened without breaking such seal;

(4) every member wishing to vote shall be supplied with a ballot paper in Form E bearing the seal of the Medical Council 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 Returning officer 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 proceed to the place set a part for the purpose and there place a mark (X) against the name of the candidate for who he wishes to vote; and he shall then fold up the ballot paper so as to conceal his vote and insert it in to 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) a member who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may on returning it to the Returning Officer and

on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so 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.

3-I 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 there from 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; on

(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 a manner as to make it doubtful to which candidate the vote has been given; or

(e)if it is a surplus 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 paper 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 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 recorded 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 candidates recount the vote.

Provided that nothing herein contained shall make it obligatory on the Returning Officer at 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 extend 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 candidate, 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 candidates on whom the lot falls had received an additional vote. He shall thereafter declare the candidate on whom the lot falls to have been duly elected.

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

3-J Record of proceedings—Immediately after the election the Returning Officer shall—

(a)prepare a record of the proceeding of the election and sign it, attesting with his initials every correction made therein; and

also permit any member present at the election to affix his signature to such record, if he expresses his desire to do so;

(b)forward the name of the person elected as president or Vice-president to the Government for publication in the Official Gazette

3-K. Sealing and custody of election paper— (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 the date thereof.

(2) These packets shall not be opened and their contents shall not be inspected or produced before any person or authority except under the orders 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 result of election, and shall thereafter be destroyed unless a direction to the contrary is given by the State Government or a Competent Court.

3-L. President and Vice-president to enter upon his duties— The President or Vice-president elected under these rules shall enter upon his duties forthwith, in case there is no elected President or Vice-President as the case may be and after the expiry of the term of elected President or Vice-president in his offices or other cases.

3-M 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 candidates 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 candidates 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.

3-N. Procedure on receipt of the election petition—On the receipt of the election petition, the State Government may after calling for the records and after such enquiry as deems fit and after giving an opportunity to the parties to the proceeding 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.

3-O. Grounds for declaring the election 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.

3-P. Grounds for which the candidate other than the returned candidate may be declared to havebeen 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 each candidate would have been void if he had been the returned candidate and a petition had been presented calling and question his election.]

4. Electoral roll for election of members by the registered practitioners— (1) In the case of election of members by the Medical

Practitioners registered under the Act referred to in clause (a) of sub-section of Section 3, the Registrar shall be Returning Officer. The list of Medical practitioners published under sub- section (1) of section 26 in the year in which elections are to be held shall, constitute the preliminary electoral roll for the purpose of election of members under clause (a) of sub-section (2) of section 3}.

2) The returning Officer shall2 {xxx} publish a notice in the Official Gazette Specifying the mode in which and the time within which claims and objections

1. Sub-rule (1) substituted by GSR 173, dated 7-6-1979. w.e.f. 21-6-1979. 2. The word simultaneously" omitted by GSR 173. dated 7-6-1979, w.e.f. 21-6-1979

relating to the entries or omissions in the preliminary electoral roll shall be preferred.

(3) 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 objections and revise the preliminary electoral rolls in accordance with such Orders and the rolls, as so revised, shall be 1{xxx} the final electoral roll. {The additions or deletions made while revising the rolls shall be published in the Official Gazette}

5. Electoral Roll for election of members by the Faculties of Medicine of the Universities.— (1) In the case of election of members by the Members of the Faculties of Medicine of the Universities, referred to in clause (b) of sub-section (2) of section 3, the Registrar who shall be the Returning Office, shall address the Registrars of the Universities established by law in force in the State Karnataka to furnish a list of members of the Faculties of Medicine of the University as at date to be specified and other receipt of such list arrange the names of the members in alphabetical order. Such a list shall constitute the preliminary electoral roll for the purpose of election of members under clause (b) of sub-section (2) of section 3 and it shall be published in the Official Gazette 3 {xxx}.

(2) The procedure indicated in sub-rules (2) and (3) of Rules 4 shall *muta mutandis* apply in respect of the preliminary electoral roll published under sub-rule (1).

6. Electoral Roll for election of members by the members of the staff of the Medical Colleges :- (1) In the case of election of members by the members of the staff of the medical colleges in the State referred to in clause of sub-section (2) of Section 3, the Registrar who shall by the Returning Officer, shall address the Principals of the colleges of all the medical colleges in the State of Karnataka to furnish to him a list of members of the staff of such colleges who are medical practitioners and whose names are registered under the Act as on a date to be specified and after receipt of such list, arrange the names of such members in alphabetical order. Such a list shall constitute the preliminary electoral roll for the purpose of election of members under clause (c) of sub-section (2) of Section 3 and it shall be published in the Official Gazette 4 (xxx).

1.The words "published in the Official Gazette as'omitted by GSR 173, dated 7-6-1979. w.e.f 21-6-1979 2. Inserted by GSR 173, dated 7-6-1979 w.e.f 21-6-1979 3. The words, brackets and figures 'in form I on the fixed by Government for purpose of sub-rule (1) of rule 4 'omitted by GSR 173, dated 7-6-1979. w.e.f 31-6-1979 4. The words brackets and figures 'in form 1 on the date fixed by Government for the purpose of sub-rule (1) of Rules 4'Omitted by GSR 173, dated 7-6-1979, w.e.f 21-6-1979

(2) The procedure indicated in sub-rules (2) and (3) of Rules 4 shall mutatis mutandis apply in respect of the preliminary electoral roll published under sub-rule (1).

7. Programme of elections: - The Returning Officer shall notify in the Official Gazette and on the notice board at the office of the Council in respect of each of the constituencies referred to in clause (a), (b) and (c) respectively of subsection (2) of section 3, the dates for each of the following stages of election, namely:

(a)the last date for making nominations, which shall be a date not later than sixty days before the date fixed for the counting of votes;

(b) the date for the scrutiny of nomination which shall be the date falling on the third or fourth day from the date of making nominations counting the last date for making the nominations as the first day for the purpose;

(c)the last date for the withdrawal of the candidature, which shall be the third or fourth day after for the scrutiny of nominations;

(d) the last date for the receipt of the voting papers;

(e)the date for the counting of votes;

8. Qualification for election as members—Every person whose name is entered in the {final electoral rolls} published under Rules 4,5 and 6 respectively shall, unless disqualified under Section 7 be qualified to be elected as a member from the constituency to which the electoral roll relates.

9. Nomination of candidates— (1) Every candidate for election shall be nominated by means of a nomination paper in Form II which shall be supplied free of cost by the Returning Officer to any elector applying for the same.

(2) Every candidate for election shall be proposed and seconded by the persons whose names are entered in the electoral roll of the constituency concerned.

(3) No elector shall propose or second the nomination of more candidates that are required to fill up the vacancy or vacancies. If more nominations than are required to fill up the seat or seats be subscribed for the same elector, all nominations subscribe by him shall be invalid.

(4) The candidates shall sign by the nomination paper declaring that he is willing to serve on the Council if elected, In the absence of such declaration the nomination shall be treated as invalid.

(5) The candidate shall deliver to the Returning Officer in person or send by registered post, the nomination paper duly signed and completed so as to reach the Returning Officer, before or on the last date fixed for nomination up to 12 O' clock in the noon.

(6) On receipt of the nomination paper, the Returning Officer shall forth with endorse thereon the date and hour of its receipt. Any nomination paper which is not received by the Returning Officer on or before the aforesaid date and time shall be rejected.

10. Amount of deposit to be made— (1) Every candidate shall, along with the proposal for nomination, deposit with the Returning Officer a sum of rupees fifty in cash. A nomination paper not accompanied by such deposit shall not be accepted by the Returning Officer. The deposit shall if it is

not forfeited under sub-rule (2) be returned to the candidate, as soon as may be after the declaration of the result of the election if—

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

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

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

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

(2) If a candidate is not elected and the number of valid votes recorded in his favour is less than 1/8th of the total number of votes recorded, or where the total number of members to be elected is two or more, the number of valid votes recorded in his favour is less than 1/8th of the total number of votes recorded divided by the total number of members to be elected, the deposit shall be forfeited to the Council.

11. Scrutiny of nomination papers —On the date fixed for the scrutiny of nomination papers, the Returning Officers shall scrutinise at 12 NOON the nomination papers received by him, at a place appointed by him in this half if. Any candidate may be present either in person or by an accredited representative at the time of such scrutiny. The Returning Officer shall create all question regarding the validity of a nomination and his decision person shall be final. On completion of the scrutiny of nominations and after the expiry of the period within which the candidate may withdraw his candidature under Rules 12, the

1. Substituted for the words "electoral rolls as finally" by GSR 173, dated 7-6-1979, w.e.f. 21-6-1979

Returning Officer shall forthwith declare the names of the candidates whose nomination papers are held valid by him.

12. Withdrawal of Candidature—Any candidates may withdraw his candidature by sending a notice in writing signed by him to the Returning Officer not later than 12 NOON on the date fixed for the withdrawal. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal.

13. Publication of valid nominations— (1) On completion of the scrutiny of the nomination papers received and after the expiry of the time for withdrawal of candidature, if the Returning Officer finds that the number of valid nominations is equal to the number of members to be elected, he shall forthwith declare all such candidates to be elected to fill those seats.

(2) If the number of valid nominations is less that the number of members to be elected, the Returning Officer shall, after the expiry of the time for withdrawal declare the candidate or candidates to be duly elected and the President shall take steps to fill up the remaining vacancies.

(3) If the number of valid nominations is more that the number of the members to be elected, the Returning Officer shall, after the expiry of the time for withdrawal of candidature, publish their names and addresses in the Official Gazette and shall further cause their names to be entered in alphabetical order in the voting papers in

14. Dispatch of voting papers to the voters—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 1Vtogether with—

(i)a numbered declaration paper;

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

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

(iv) a bigger outer cover on which are printed, on the left top corner, the serial alphabetical numbers, and on the left lower corner, the name and signature column and, in the centre, the address of the Returning Officer printed as under—

To

The Returning Officer, C/o Karnataka Medical Council, Bengaluru"

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

(2) An elector, who has been received his voting paper and other connected papers as 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 a declaration to that effect signed by himself require 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 the Returning Officer who shall cancel them. In every case, when duplicate papers are issued, a record thereof shall be kept by the Returning Officer and a mark "Duplicate" shall be placed on the bigger cover which shall bear the same serial alphabetical number as was originally given on the bigger outer cover sent to the elector. The voting papers issued in such cases shall also be marked"Duplicate".

15. Dispatch of voting papers to the Returning Officer—(1) Every elector desirous of recording his vote shall, after filling up the declaration paper and the voting paper according to the direction given in the letter of intimation,

enclose a voting paper in the voting paper cover, stick the cover, enclose the cover and the declaration paper 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 to reach the Returning Officer not later than the hour specified on the day fixed for the poll.

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

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

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

(3) The Returning Officer shall nominate as Scrutinisers such number of members of the staff of the Office of the Council as he thinks fit to assist him in the counting of votes

(4) The Returning Officer shall open the outer envelopes immediately afterthe hour fixed for the counting on the day fixed for the poll in the presence of any candidate or any other person representing the candidate and the voting 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 voting paper cover shall be rejected by the Returning Officer if—

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

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

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

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

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

(6) In case of rejection, the word “rejected” shall be endorsed on the voting paper cover and the declaration paper and initialled by the Returning Officer.

(7) All the voting paper covers other that those rejected under sub-rule (5) shall be opened and the voting papers shall then be scrutinised and valid ones counted.

A voting paper shall be invalid if—

(a)it does not bear the Returning Officer’s initials or facsimile signature; or

(b)a voter signs his names, or writes a word or make any mark on it by which it is recognizable as his voting papers; or

(c)no voting is recorded thereon; or

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

(e)the voter has given more than one vote to any one candidate; or

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

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

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

17. Declaration of the result of election—(1) 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 Council.

(2) When an equality of votes is found to exist between any two or more candidates and the addition of a vote will entitle any one or more of the candidates to be declared elected, the determination of the candidate or candidate to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn by the Returning Officer in such manner as he shall determine.

(3) After the result of the election has been declared by him, the Returning Officer shall seal the voting papers and all other documents relating to the election and shall retain them in safe custody for a period of six months, and thereafter shall cause them to be destroyed.

18. Publication of the result of election—The Returning Officer shall publish the declaration of the result of the election in the Official Gazette and simultaneously forward such declaration of the results to the state Government.

19. Disputes regarding election— (1) An election petition challenging the validity of any election shall be presented to the Returning Officer by any candidate at such election within fifteen days from the date of publication of the results under Rule 18 in the Official Gazette. An election petition—

(a)shall be accompanied by as many copies 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;

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

(c)shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the verification of pleadings.

(2) Any Schedule or Annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(3) The petitioner shall join as respondent 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 that the petitioner, and where any such further declaration is claimed, the returned candidate.

(4) The petitioner may claim any of the following declaration—
(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;

(5) An election petition shall be presented to the Returning Officer in person by the person making the petition or by a person authorised by him in writing in his behalf or sent by Registered post with acknowledgement due. The Returning Officer shall give a written acknowledgement for every petition presented in person.

(6) The Returning Officer shall forward the election petition to the Government together with his remarks thereon within a week of its receipt by him.

20. Orders of Government on the election petition— On receipt of election petition from the Returning Officer, the Government may after such enquiry as it need 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 the returned candidate to be void and petitioner or any other candidate is duly elected.

21. Casual vacancies— (1) When any vacancy occurs in the office of a member of the Council from any of the constituencies referred to in sub-section (2) of section 3 it shall be filled up as soon as conveniently may be by the election or nomination of a member, as the case may be.

(2) The provisions of Rules 7 to 20 shall apply to a by-election from any constituency subject to the modification that the electoral roll current at the date of the notification calling upon the constituency to elect a member at such by election shall be deemed to be of the electoral roll for purposes of by-election from such constituency.

PART III

(As amended by GSR 316, dated 31-8-1970 and GSR 173, dated 21-6-1979)

Registrar

22. **Registrar to be the registered practitioner**—The Registrar to be appointed under sub-section (1) of section 11 shall be a person who is a registered practitioner under the Act.

23. **Maintenance of the State Medical Register and other registers**— The Registrar shall keep the State Medical Register and such other registers required to be kept under the Act, rules and the regulations in accordance with the relevant provisions of the Act, rules and regulations as the case may be.

24. **Registrar to be present at the meetings of the Council**— The Registrar shall be present at every meeting of the council and shall keep minutes of the proceeding of such meetings.

25. **Registrar to carry on the correspondence of the Council**—The Registrar as secretary of the Council shall carry on the correspondence of the Council and shall issue all notices prescribed in the rules and regulations.

26. **Registrar to carry out duties under the Act**—The Registrar shall carry out such duties as are required of him by the provisions of the Act and the rules and the regulations.

27. **Custody of documents**— The Registrar shall be responsible for safe custody of all documents.

28. **Maintenance of registrar containing the names of members of the Council and occurrence of the vacancies—-**A register shall be kept containing the names of each member of the Council, the date of notification of his appointment or election, the terms for which he was appointed and the date on which he ceased to be 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 shall make a new appointment or cause the election of a new member.

29. **Opening of account on behalf of the Council—**An account shall be opened for and on behalf of the Council in the State Bank of Mysore, Head Office, Bangalore and all the funds of the Council shall be deposited in the State Bank.

30. **Deposit of Moneys**—The Registrar shall receive all moneys payable to the Council and issue receipts for the same. He shall deposit such moneys in the Bank to the credit of the Council and he shall at no time keep with him a sum exceeding Rs.100

31. **Statement of Income and Expenditure**—The Registrar shall in the month of July each year prepare a statement of Income and Expenditure of the preceding financial year and draw the attention of the council to such matters as deserve notice.

32. **Preparation of annual accounts**—The annual accounts shall prepare by the Registrar.

33.**Budget**—The Budget estimates of the Council for every year commencing from the first day of April shall be laid before the Council at its meeting sufficiently in advance of the commencement of the year or circulated to the members of the Council in advance for being considered and approved at a meeting of the Council. Such estimate shall provide for

meeting the liabilities of the Council for effectually carrying out its objects. It shall include on its revenue side, besides all revenue ordinarily anticipated, such grants as the Government may be pleased to allot and all fees received from registration or other sources.

34. **Consideration of Budget**—The Council shall consider the estimates submitted and shall sanction the same either without alteration or subject to such alteration as it deems fit.

35. **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 Rs.20 and the bill or voucher is in order, he shall pay it. If the claim be for a sum exceeding Rs. 20 but not exceeding Rs.500, payment shall be made by the Registrar after obtaining previous sanction of the President. If the claim is above Rs.500, payment shall not be made until it has been examined and passed by the Council.

36. **Cash Book**—The Registrar shall immediately enter in the general cash book all moneys received or spent by the Council.

37. **Signing cheques**—All cheques shall be signed both by the Registrar and the President.

38. **Audit**—The accounts of the Council shall be audited by such officers as the State Government may direct.

PART IV

Registration of Medical Practitioners

39. Registration of Medical Practitioners under sub-section (1) of Section 13.— (1) Every person whose name is not included in the registers maintained in accordance with the provisions of the enactments as adapted by the Karnataka Adaptation of Laws Order, 1956 and repealed by Section 34, and who claims to hold any of the medical qualifications included in the Schedule to the Indian Medical Council Act, 1956 shall apply to the Registrar for his name being entered in the State medical Register. Along with his application, he shall furnish such particulars as are referred to in sub-section (1) of section 13 and also pay a fee of rupees fifteen.

(2) Persons whose names are found in any of the registers maintained in accordance with the provisions of the repealed enactments as adapted by the Mysore Adaptation of Laws Orders, 1956,referred to in Section 34 and who claim to be registered under this Act shall apply to the Registrar enclosing a copy of the certificate indicating that the name of such person had been entered in the Register of Names of Medical Practitioners maintained under the repealed enactments and also pay a fee of rupees two. Such persons should produce the original certificates when required to do so by the Registrar.

(3) An applicant referred to in sub-rule (1) and sub-rule (2) shall also furnish information along with his application as to whether he has been convicted of a cognizable offence as defined in the Code of

Criminal Procedure, 1898 (Central Act 5 of 1898) or any other law for the time being in force, or whether he has been found guilty by the Indian Medical Council or the Karnataka Medical Council or by the Medical Council of

any other State in India, of infamous conduct in any professional respect.

40. Maintenance of list of provisionally registered medical practitioner— The Registrar shall maintain a list of provisionally registered medical practitioner and shall issue to such practitioners a certificate in the form prescribed and approved by the State Medical Council.

41.Qualifications for registration under Section 13—Any person applying for registration under Section 13 shall state in his application that he possesses any of the recognised medical qualifications included in the Schedule to the Indian Medical Council Act, 1956, as one of the qualifications entitling him for registration. He shall also furnish a certificate from the Medical Officer in charge of an institution where he underwent a period of training which is included in the course of study for obtaining the recognized medical qualification.

42.Certificate of Registration— Every person whose name is registered under the Act shall be granted a certificate in the form prescribed by the Medical Council.

43. Renewal of Registration— Each Medical Practitioner registered under the Act shall apply to the Medical Council well in time with a renewal fee of rupees two paid on or before the 31st day of December of every year for the continuance of his name in the register.

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

45.Entries to be made in the Karnataka Medical Register relating to the number of persons registered—At the end of the State Medical Register there shall be entered—

(1) the total number of persons whose names have been publishes;

(2) the number of persons whose names were added to the register by registration during the year;

(3) the number of persons whose names have been renewed during the year;

(4) the number of persons whose names were removed from the register during the year stating the particular section in pursuance of which the names were removed;

(5) the number of persons whose names were removed on account of death;

(6) the number of persons who are accorded provisional registration for clinical practice.

46. Appeal to the Karnataka Medical Council against the decision of the Registrar— (1)

(a) Any person aggrieved by the decision of the Registrar respecting a first registration or any subsequent alteration may within thirty days from the date of communication of the decision of the Registrar to him, file an appeal to the Medical Council.

(b) The appeal shall be addressed to the President and it shall briefly indicate the facts of the case and the points for arguments which the applicant wishes to urge in support of his claim. A copy of the application made to the Registrar in respect of which a decision has been given by the Registrar and a copy of the communication of the Registrar, containing his decision, shall also be enclosed to the appeal petition.

(c)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.

(d)The President shall then direct the Registrar to include the appeal as an item for consideration at a meeting of the council.

(e) The President shall prepare a summary of the case and the arguments advanced and submit the same to the Council.

(2) The Medical Council, 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 Council may call upon such person to produce such documents as are necessary for consideration of the case before coming to a decision. After consideration of all the factors, the Council may decide the question at a meeting and decision of Council in respect of the appeal shall be communicated to the person concerned in writing.

47. Fees—The following fees shall be levied by the Council, namely—

(1) For first registration {section 13 (1) } Rupees fifteen.

(2) For first registration of persons already Registered under repealed enactments [proviso to sub-section (1) of section 13] Rupees two.

(3) For annual renewal {Section 19 (1)] Rupees two

(4) Certified copy of entries in the register Rupees three

4. Insertion of new forms—In the Appendix to the principal rules, the following forms shall be inserted before

Form I.

APPENDIX

FORM A

[see Rule 3-A]

Election to the Office of the President/Vice-president of the Karnataka Medical Council.

Notice is hereby given that—

(1) An election is to held to the office of the President/ Vice-President of the Karnataka Medical Council.

(2) Nomination papers may be delivered between the hours of 11'O clock in the forenoon and 3'O clock in the afternoon by a candidate or his proposed or seconded at the Office of the Returning Officer on any date not later that the…….(date)…….

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

(4) Notice of withdrawal of candidature may be delivered by a candidate, or by his proposed or seconded who has been authorized in his behalf in writing by such candidate at the office of the Returning Officer before O' clock in the afternoon on……

(5) Nomination papers and notice of withdrawal may be delivered to the Returning Officer at his office;

(6) In the event of election being contested, the voting will take place on…..of the office of the Karnataka Medical Council of which notice will be sent separately.

Place.....…

Date..... Returning Officer

1. Forms A to F inserted by GSR 316, dated 31-8-1970, w.e.f. 10-9-1970

FORM B

[see Rule 3B(1)]

Nomination paper Election to the Office of the President/ Vice-President of the Karnataka Medical Council.

We here by nominate……..(name and particulars of the candidate) as a candidate for the election to the office of the President/Vice-president.

We declare that both of us are members of the Karnataka Medical Council

…….....…

Signature of the Proposer

Date…….....

Signature of the Seconder

Date…….....…….

I assent to this nomination. ……..

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FORM C

{see Rule 3-E(1)}

Notice of withdrawal

Election to the Office of the president/vice-president of the

Karnataka Medical Council.

To

The Returning Officer,

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

Place……..... …… Signature of the 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/s……

2. Candidates proposed who has been authorized in writing by the candidate who delivered it;

3. candidate seconder who has been authorized in writing by the candidate who delivered it.

FORM D

[see Rule 3-F(b)]

List of valid Nominations

Election to the Office of the President/Vice-President of the Karnataka Medical Council.

Sl No.	Name of the candidate	Name of Father/Husband	Address of candidate
(1)	(2)	(3)	(4)

Date……

Place…… Returning Officer

FORM E
[see Rule 3-H(4)]
Ballot Paper

Karnataka Medical Council
Election to the Office of the President/Vice-President

Counterfoil Serial Number of the Ballot Paper — Roll

Sl No of the Candidate	Name of the Candidate	Voter's mark

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

Instructions to Electors

1. You have only one vote.

2.place a cross mark (x) clearly opposite the name of the candidate to whom you wish to give vote.

3.You must not vote for more than one candidate. If you do, your ballot paper will be rejected.

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

5. Mobile phones not allowed inside the voting room 6. Use our penitto mark in the voting paper

FORM F

[see Rule 3-(8)]

Return of Election

Election to the Office of the President / Vice President of the Karnataka Medical Council

Sl.No. Name of Candidate 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 President/Vice-President.

Place……

Date…… Returning Officer

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FORMII

{See Rule 9(1)}

Nomination paper Election under clause (a) of sub-section (2) of section 3 of the Karnataka Medical Registration Act, 1961

1. Name of the Candidate.
2. Father's Name.
3. Age
4. Qualification
5. Registration certificate number
6. Address
7. Signature of Proposed
8. Signature of Seconder

DECLARATION BY THE CANDIDATE

I hereby declare that I agree to this nomination.

Signature of the candidates

(For Returning Officer's use only) This Nomination paper was received by me at…….....…{Hour on date}

Returning Officer

INSTRUCTIONS

1. Nomination papers which are not received by the Returning Office before…..(time) of……(date) will be invalid.

2. The names of the proposed and seconder as they appear in the election rolls, their registered qualifications and registration certificate numbers should also be clearly written below their respective signatures. If not, the nomination papers will be rejected.

3. Nomination papers which are not accompanied with the fee prescribed thereof shall be rejected.

FORM III

[See Rule 13(3)]

Election to the Karnataka Medical Council under clause (a) of sub-section (2) of section 3 of the Karnataka Medical Registration Act 1961.

Sl.No	Reg. No	Names of the candidate duly nominated	Vote

1. The number of vacancies to be filled is……

2. Place a cross mark (thus X) against the name of the candidate (or each of the candidate) for whom you wish to vote.

3. A voting paper will be invalid if;

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

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

(c) no vote is recorded thereon; or

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

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

FORM IV

[See Rule 14(1)]

Election to the Karnataka medical Council under clause (a) of sub-section (2) of section 3 of the Karnataka Medical Registration Act, 1961

Serial Number;

Elector's Name;

Name of the electoral roll, if any

ELECTOR'S DECLARATION

I…….(name in full and designation if any), declare that I am an elector for the election of a member to the Karnataka Medical Council by the Electorate specified under clause (a) of sub-section (2) of section 3of the Karnataka Medical Registration Act,1961, and that I have signed no other voting paper at this election

Station : Signature

Date : Address