

HARYANA GOVERNMENT

HEALTH DEPARTMENT

Notification

The 27th December, 1985

No. G.S.R. 2/P.A.16/65/S.53/85.- In exercise of the powers conferred by section 53 of the Punjab Homoeopathic Practitioners Act, 1965 and with reference to Haryana Government, Health Department, notification No. G.S.R. 64/P.A. 16/65/S.53/84, dated—the 31st August, 1984, and all other powers enabling him in this behalf, the Governor of Haryana hereby makes the following rules, namely:-

1. (1) These rules may be called the Haryana Homoeopathic Practitioners (Election) Rules, 1985. Short title and Commencement.

(2) They shall come into force at once.

2. In these rules, unless the context otherwise requires,- Definations.
 - (a) "Act" means the Punjab Homoeopathic Practitioners Act, 1965;
 - (b) "Elector" means a registered practitioner residing in the State of Haryana whose name is entered in the Register;
 - (c) "Constituency" means a class or circle for the representation of which a member or members is or are to be or has or have been elected under these rules;
 - (d) "form" means a form appended to these rules;
 - (e) "Government" means the Government of the State of Haryana;
 - (f) "Returning Officer" means the Registrar or any other person authorised by the Chairman to act as Returning Officer;
 - (g) "Section" means a section of the Act;
 - (h) Words and expression used but not defined in these rules shall have the meaning assigned to them in the Act.

3. Whenever election under clause (b) of sub-section (3) of section 3 becomes necessary, the Chairman shall issue a notice calling upon the electors to be elect a members by a date to be specified in the notice. Notification about election sections 4 and 53(2) (a)

4. (1) For the purpose of rule 2 (c), the State of Haryana shall be divided into eight territorial constituencies in such manner that the ratio between the electors of each constituency and the number of seats allotted to that constituency shalland the number of seats allotted to that constituency shall, as far as practicable, bethe same throughout the State. Demarcation of constituencies and preparation of electoral rolls Sections 4 and 53 (2) (a).

(2) The constituencies having maximum number of Voters who are

connected with such Institutions as are referred in Schedule-I of the Act shall be treated as reserved constituencies for candidates having such qualifications prescribed in said Schedule:

Provided that not less than four constituencies shall be reserved for persons holding a Diploma/Degree Certificate in Homoeopathic System of Medicine from such Institution as are referred in Schedule-I.

(3) The electoral rolls shall be prepared for each constituency by the Registrar from the Register. It shall contain the name, father's name, address and registration number of every elector qualified to vote for the election of a member of the Council for such Constituency.

5. The Returning Officer shall publish in the manner stated in rule 7, the electoral roll along with a notice inviting any objection relating to entries in or omission from electoral roll which may be sent to the Returning Officer at such place, time or date as may be specified in the notice.

Publication of
draft electoral
rolls Sections 4
and 53(2)(a)

6. The Returning Officer shall, soon after the objections have been heard and decided, but not later than ten days after the date fixed for hearing of objections, publish in the manner laid down in rule 7, the final electoral roll and shall cause to be printed for supply on payment to such persons as may apply for the same.

Final Publication of
electoral roll, Section 4
and 53(2)(a)

7. Any order, notification of electoral roll required to be published for for general information, under these rules shall be published by placing the same at conspicuous place outside the offices of-

Method of publication
Sections 4 and 53(2)(a)

- (a) The Deputy Commissioner, Tehsildars and Sub-Divisional Officers (Civil) in the State;
- (b) The Registrar of the Council.

8. (1) As soon as may be after the issue of notice under rule 3, the Returning Officer shall frame the election programme.

Election Programme
Sections 4 and 53(2)(a)

(2) The election programme shall specify the date or dates on, by or within which:-

- (i) the nomination papers shall be presented;
- (ii) the list of nomination papers shall be posted;
- (iii) the nomination papers shall be scrutinised;
- (iv) a candidate may withdraw his candidature;
- (v) the list of valid nomination Papers shall be posted;
- (vi) the poll shall be held;
- (vii) the ballot papers shall be counted; and

(viii) the result of election shall be declared.

9. The Chairman may by an order in writing stating reasons thereof amend, vary or modify election programme at any time:

Amendment, variation
or modification of
election thereof
Programme Sections 4
and 53(a)

Provided that, unless the Chairman otherwise directs, such order shall be deemed to invalidate any proceedings taken before the date of the order.

10. Every order under rule 9 shall be published in the manner prescribed under rule 7.

Publication of order
Under rule 9. Section 4
and 53(2)(a). Nomination
of candidates Section 4
and 53(2)(a)

11. (1) Any registered practitioner whose name appears in the electoral roll published under rule 6 and who is not disqualified under the Act may be nominated as candidate for election to the Council:

Provided that the nomination papers complete in all respects are delivered by the person nominated or by his proposer or seconder to the Returning Officer on the date, time and place fixed under rule 8.

(2) The nomination of each candidate shall be made on a separate nomination paper in formal and must be subscribed by the candidate himself as assenting to the nomination and by two persons as proposer and seconder whose names are included in the electoral roll published under rule 6.

(3) A list of nomination papers received under sub-rule (1) shall be prepared in alphabetical order by the Returning Officer and shall be posted by him outside his office.

12. (1) Each person filing a nomination paper under rule 11, shall at or before the time of delivery of the nomination paper, deposit or cause to be deposited with the Registrar a sum of rupees fifty in cash or by money order and enclose with the nomination papers the cash receipt issued by the Registrar or the money order receipt as the case may be, and the nomination paper of a candidate shall not be deemed to have been duly presented unless such deposit has been made.

Deposit to be made
Section 4 and 53(2)(a)

(2) If a candidate withdraws his candidature within the time specified in rule 14, or if the nomination of any such candidate is rejected, the deposit made under sub-rule (1) shall be returned to the person by whom it was made, and if any candidate dies before the commencement of the poll, any such deposit, if made by him, shall be returned to his legal representatives and if not made by the candidate, shall be returned to the person by whom it was made.

(3) If a candidate is not elected and the number of votes polled by him does not exceed one-third of the total number of votes polled, the deposit made under sub-rule (1) shall be forfeited to the Council.

(4) If the deposit is not forfeited under the sub-rule (3) it shall be returned to the candidate or to the person, who made the deposit, as the case may be as soon as may be, after the declaration of the result of election in the Gazette.

13. (1) On the date fixed for the scrutiny of nomination the Returning Officer shall examine the nomination papers of all candidates presented to him and shall decide all objections made to any nomination after such enquiry, if any, as he may deem necessary.

Scrutiny of Nomination and decision or objections
Sections 4 and 53(2)(a)

(2) The authority mentioned in sub-rule (1) for the scrutiny of nomination papers shall endorse on each nomination paper his decisions accepting or rejecting it, and if he rejects it, he shall record in writing a brief statement of his reasons for so rejecting it.

14. Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Registrar before the expiry of the time allowed for the withdrawal of nomination papers and no person who has thus withdrawn his candidature shall be allowed to cancel his withdrawal or to be renominated as a candidate for the same election in the same constituency.

Withdrawal of candidature.
Sections 4 and 53(2)(a)

15. (1) The Returning Officer shall on the expiry of the time fixed for withdrawal of nomination papers, prepare and publish by posting outside his office in alphabetical order, a list, of the names of each of the validly nominated candidates for each constituency in Form II (hereinafter called the contesting candidates) and shall, except where action is taken under rule 17, cause their names to be entered in the ballot-paper in Form III.

List of nomination to be posted. Sections 4 and 53(2)(a)

(2) The Returning Officer, shall inform by registered post every candidates who has been duly nominated.

16. If a candidate who has been validly nominated dies and a report of his death is received by the Returning Officer before the issue of ballot-papers to the electors, all proceedings with reference to the election of a member in the constituency in which he was a candidate shall be commenced afresh in all respects as for a fresh election:

Death of a candidate before election
Sections 4 and 53(2)(a)

Provided that no fresh nomination shall be necessary in the case of a candidate whose name is entered in the list of validly nominated candidates

published under rule 15.

17. (1) If the number of contesting candidates is equal to the number of the persons to be elected for the constituency the Returning Officer shall declare all such candidates duly elected.

Candidates deemed to be elected if their number is equal or less than the number of vacancies. 4and 53(2)(a)

(2) If the number of contesting candidates is less than the number of persons to be elected from the constituency the Returning Officer, shall declare all such candidates duly elected and shall forward a list of such persons to the Government through the Chairman together with a report, specifying the number of unfilled seats. The Chairman shall also take action to fill up the remaining vacancies.

18. If the number of candidates validly nominated in any constituency is greater than the number of members to be elected for such constituency, a poll shall be taken on the date or dates specified in rule 8 in this behalf for election.

Poll to be taken if number of candidates is greater than number of Vacancies Sections 4 &53(2)(a). Returning Officer to send ballot papers Sections 4 &53(2)(a).

19. (1) The Returning Officer shall, as soon as may be after the publication of the list of valid nominations under rule 15, and send (under certificate of posting) to each elector a ballot-paper in Form III and shall enter on the counterfoil of each such ballot-paper the name of the elector to whom the ballot-paper is sent and his serial number in the electoral roll.

(2) Along with the ballot-paper the Returning Officer, shall also send,-

(a) a cover addressed to himself in Form IV ; and

(b) an envelope with the number of ballot-paper, entered on its face. The Returning Officer shall have the number of the ballot-paper entered at the left hand bottom corner of the cover in Form V.

(3) The ballot-papers together with the cover and envelop shall be sent to the address of elector as shown in the electoral roll.

(4) After all the ballot-papers have been issued under this rule, the Returning Officer shall seal up the packet of the counterfoils of all such ballot papers and record on it the description of its contents and the election to which it refers.

(5) No election shall be invalidated by reasons that an elector had not received his ballot-paper; provided that the ballot-paper has been issued to him in accordance with these rule.

20. (1) Every elector on receiving his ballot-paper under rule 19, if he so desired to vote at the election shall record his vote thereon and sign the declaration in accordance with instructions set out on the ballot-paper in Form III.

Ballot paper to be returned after recording votes thereon. Sections 4 and 53(2)(a)

(2) The elector shall place the ballot-paper in the envelope, close the Envelope and enclose it in the cover and send the cover by registered post or through messenger to the Returning Officer in accordance with the aforesaid instructions so as to reach him before 5 P.M. on the date fixed in this behalf under rule 8. Any cover which is not received by the Returning Officer before 5.00 P.M. on the date so fixed shall be rejected. All such rejected covers shall be kept in a separate sealed packed, by the Returning Officer and a list thereof shall be prepared.

21. (1) When a ballot-paper and other connected papers sent to the elector by post under rule 19 are, for any reason returned undelivered, the Returning Officer may, if the elector applies reissue them to him personally.

Issue of undelivered and fresh ballot papers. Sections 4 and 53(2)(a)

(2) An elector who has not received the ballot and other connected papers sent to him by post or who has lost them or in whose case the papers before their return to the Returning Officer have been inadvertently spoilt, may transmit a declaration to that effect signed by himself and request the Returning Officer to send him fresh papers and if the papers have been spoilt the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case in which fresh papers are issued, a mark shall be placed against the number relating to the elector's name in the electoral roll to denote that fresh papers have been issued.

22. Each elector in a constituency shall have the right to vote for as many candidates as there are seats to be filled for that constituency. The votes shall be non-transferable.

Manner of recording votes. Sections 4 and 53(2)(a)

23. On receipt by registered post of the envelope containing the declaration papers and the closed cover containing the voting paper, the Returning Officer shall endorse on the other envelope the date and hour of receipt.

Date and time of receipt of envelope to be recorded Sections 4 and 53(2)(a)

24. The Returning Officer shall on the time and date fixed for counting under rule 8 and open the outer envelopes and shall scrutinize the ballot-papers taken out from the cover in order to assure which of them are valid or otherwise. He shall write the words "rejected" on the invalid ballot-papers and shall also endorse his reasons for such rejection.

Procedure to be followed at the counting of votes. Sections 4 and 53(2)(a)

25. A ballot-paper shall be invalid if-

Grounds for declaring

- (a) Mark X has not been placed against the names of any candidate
- (b) The mark X has been placed opposite the name of more candidates than there are seats to be filled in at the election in the constituency.
- (c) The mark X is made in such a manner that elector may afterward be identified:
- (d) The signatures of the elector is not attested ; or
- (e) For any other reasons it is not certain for which candidate or Candidates the elector intended to vote:

Provided that in a case under clause (e) if the total number of marks X does not exceed the number of seats to be filled in the constituency and there is no uncertainty about a vote having been cast in favour of any candidate then the ballot-papers shall not be invalid as a whole and it will be valid in respect of each candidate in respect of whom there is no such uncertainty.

26. (1) The Returning Officer shall attend, for the purpose of scrutiny and counting of the votes on the date fixed for this purpose under rule 8 and the scrutiny and counting of votes shall commence at 10.00 AM.

Procedure to be followed
at the counting of votes.
Sections 4 and 53(2)(a)

(2) Any candidate may be present in person or may send a representative duly authorised by him in writing to watch the process of counting.

(3) The Returning Officer shall thereafter cause to be counted the valid votes given to each contesting candidate as recorded on the ballot-papers which he has not rejected.

(4) If the counting of votes be not completed by 6 P.M. on the day appointed, the Returning Officer may adjourn the Proceeding until the following day at 10 A.M. and in such a case he shall place all the documents relating to the election under his own seal and the seals of the candidates or their agents, if any, who are present and desire to affix their seals and shall otherwise take proper precaution for the scrutiny of the documents. The Returning Officer may in like manner adjourn the proceedings from day to day until the counting of the votes has been completed.

(5) After the counting is completed, the Returning Officer may on his motion or at the request of any candidate for whom votes have been cast or his agent, recount the votes.

27. (1) When the counting or if there is recounting the recounting of Votes has been completed for a constituency, the Returning Officer shall forthwith draw up a list of candidates in the order of highest votes polled by each and shall declare the result of the successful candidates in the order according to the number of seats to be filled up.

Declaration of
results. Sections 4 and
53(2)(a)

(2) When an equality of votes is found to exist among any candidates and there is difficulty in declaring the result the determination of the contesting candidate or candidates who shall be deemed to have been elected shall be made by lot to be drawn by the Returning Officer in the presence of such contesting candidates or their agents.

(3) The Returning Officer as soon as the result is declared shall inform the successful candidate by letter of his being elected to the Council and shall also send a copy of the letter to the Chairman and the Government.

28. Upon the completion of the counting and after the result has been declared, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same with him for a period of six months.

Sealing and preservation
of election material.
Sections 4 and 53(2)(a)

29. The election petition accompanied by a receipt of the deposit of rupees one hundred in the office of the Council shall be presented to the Chairman which shall be forwarded by him to the Election Tribunal appointed by the State Government.

Authority to whom
petition may be
presented Sections 4
53(2)(a)

30. Where any corrupt practice is alleged, the petitioner shall submit along with the election petition an affidavit in form VII in support of the allegation of such corrupt practice and the particulars thereof, which shall be attested by a Magistrate of the First Class.

Form of affidavit.
Sections 37 and
53(2)(a)

