

THE PUNJAB AYURVEDIC AND UNANI PRATITIONERS (ELECTION) RULES, 1965

1. ***Short title and commencement*** (i) These rules may be called the Punjab Ayurvedic and Unani Practitioners (Election) Rules, 1965.
(ii) They shall come into force on and with effect from the date of their publication in the Official Gazette.
2. ***Definitions***- In these rules, unless the context otherwise requires,-
 - a) **‘Act’** means the Punjab Ayurvedic and Unani Practitioners Act, 1963;
 - b) **‘Form’** means a form appended to these rules;
 - c) **‘Chairman’** means the Chairman of the Board;
 - d) **‘Elector’** means the registered practitioner residing in the State of Punjab whose name is entered in the Register on the date as may be specified under rule 3;
 - e) **‘Government’** means the Government of the State of Punjab;
 - f) **‘Returning Officer’** means the Registrar or any other person authorized by him to act as Returning Officer ; and
 - g) **‘Section’** means a section of the Act.
3. ***Notification about election***- Whenever election under clause (b) of sub-section(1) of section 3 becomes necessary the Chairman shall issue a notice calling upon the electors to elect a member or members by a date to be specified in the notice.
4. 15th of October shall be the date on which the number of registered practitioners residing in the State of Punjab shall be counted under sub- section (4) of section 3.
5. ***Preparation of electoral roll***- The electoral roll shall be prepared 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 Board.

First published with Punjab Government Medical and Health Department Notification No. GSR 120//PA. 42/63/S. 34/65, dated the 4th June, 1965. These rules have been framed under section 54 of the Punjab Ayurvedic & Unani Practitioners Act, 1963. Rule 2 (d), Rule 4 and 4-A shall come into force vide No. G.S.R.71/P.A.42/63/S.54/Amd./71 dated 27/10/1971 published in the Punjab Government Gazette Legislative Supplement, dated the 5th November, 1971.

(ii) In rule 2 (f) and Rule 4-A shall come into force vide No. G.S.R.62/P.A.42/1963/S.54/Amd. (3)/2015 dated 20/11/2015 published in Punjab Govt. Gaz. (Extra) November 24, 2015.

6. ***Publication of draft electoral roll***-The Returning Officer shall publish in the manner stated in rule 8, the electoral roll alongwith a notice stating that any objection relating to entries in or omission from the said electoral roll may be preferred to the Returning Officer at his office during office hours, on or before the date to be specified in the notice.

7. ***Final publication of electoral roll:-*** 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 8, the final electoral roll and shall cause to be printed a sufficient number of copies of the electoral roll for supply on payment to such persons as may apply for the same.

8. ***Method of publication-*** Any order, notification or the electoral roll, which is considered necessary for information of the persons concerned under these rules, shall be published in three newspapers (in English, Punjabi and Hindi Language), which have wide circulation in the State of Punjab and a Copy of such order, notification or electoral roll, shall be displayed on the Notice Board in the office of the Registrar of the Board.”

9. ***Election Programme-*** As soon as may be after the issue of notice under rule 3, the Returning Officer shall frame the election Programme. The scrutiny of nomination papers shall be held not later than the third day or the last date fixed for filling nomination papers and three days time shall be allowed for the withdrawal of nomination papers after their scrutiny. He shall specify the date, time and place for the filling of nomination papers, the date by which ballot papers after voting shall be received by him and the date of publication of names of persons declared to have been elected.

10. ***Amendment variation or modification of election programme-*** The Returning Officer by an order in writing, may amend, vary or modify an election programme at any time:

Provided that unless the Returning Officer otherwise directs no such order shall be deemed to invalidate any proceedings taken before the date of the order.

11. ***Publication of order under rule 10.***-Every order under rule 10 shall be published in the manner prescribed under rule 8.

12. *Nomination of candidates*-(1) Any registered practitioner residing in the State of Punjab whose name appears in the electoral roll published under rule 7 and who is not disqualified under the Act may be nominated as a candidate for election to the Board:

Provided that the nomination paper complete in all respects is delivered by the persons nominated or by his proposer or seconder to the Returning Officer on the date, time and place fixed under rule 9.

- (2) The nomination of each candidate shall be made on a separate nomination paper in Form I 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 7.

13. *Deposit*- Each candidate filling a nomination paper under the provisions of rule 1 shall, at or before the time of delivery of his nomination paper, deposit or cause to be deposited a sum of five hundred rupees in cash or by money order with the Registrar and enclose with nomination paper the cash receipt issued by the Registrar or the money order receipt. No candidate shall be deemed to be duly nominated unless such deposit has been made.

14. *Forfeiture of deposit*- If a candidate by whom or on whose behalf the deposit referred to in rule 13 has been made is not elected and the number of votes polled by him is less than one half of the votes polled by the candidate who is declared to have been elected with least number of votes, the deposit shall be forfeited to the Board.

15. *Refund of deposit*:- (1) The deposit in the following cases shall, by an order in writing of the Chairman on the recommendation of the Returning Officer, be refunded to the candidate, or if not made by him to the person by whom it was made or where the candidate has died to his legal representatives:-

- a) where the nomination paper of the candidate has been rejected, or
 - b) where the candidate has withdrawn his nomination paper within the specified time; or
 - c) where the candidate has died before issue of the ballot-papers to the electors.
- (2) The deposit in the following cases shall be refunded after the declaration of the result of the election:
- a) where the candidate though not elected does not forfeit his deposit under rule 14.
 - b) where the candidate is elected.

in sub-rule (1) of rule 12, 14 shall come into force vide No. G.S.R.71/P.A.42/63/S.54/Amd./71 dated 27/10/1971 published in the Punjab Government Gazette Legislative Supplement, dated the 5th November, 1971.

(ii) in Rule 13 and 14 shall come into force vide No. G.S.R.62/P.A.42/1963/S.54/Amd. (3)/2015 dated 20/11/2015 published in Punjab Govt. Gaz. (Extra) November 24, 2015.

16. ***Scrutiny of nomination papers and decision of objections-***(1) The Returning Officer shall examine the nomination papers at the time appointed in this behalf, hear objections, if any, presented by the objectors in person, to the eligibility of any candidate and determine these objections after such enquiry as he may consider necessary. The decision, rejecting or accepting a nomination paper, and a brief statement of reasons thereof shall be endorsed on the nomination paper and signed by the Returning officer:

Provided that the Returning Officer may-

- (a) permit a clerical error, in the nomination paper, in regard to names of numbers, to be corrected in order to bring them in conformity with corresponding entries in the electoral roll; and
 - (b) where necessary, direct that any clerical or printing error in the said entries shall be ignored.
- (2) The person objecting under sub-rule (1) must be an elector.

17. ***Withdrawal of candidature-*** (1) Any candidate may withdraw his nomination by a notice in writing, which shall be subscribed by him and delivered to the Returning Officer, before the expiry of the time allowed for the withdrawal of nomination papers.

- (2) No person who has given a notice of withdrawal under sub-rule(1) shall be allowed to cancel the withdrawal or be re-nominated as candidate for the same election.

18. ***List of nominations to be posted-***(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 in Form II (hereinafter called the contesting candidates) and shall except where action is taken under rule 19 cause their names to be entered in the Ballot-paper in Form III.

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

19. ***Procedure after Publication of list of validly nominated candidates :-*** (1) If the number of contesting candidates is equal to the number of persons to be elected, the Returning Officer shall declare all such candidates duly elected.

(i) Rule 18 and 19 shall come into force vide No. G.S.R.71/P.A.42/63/S.54/Amd./71 dated 27/10/1971 published in the Punjab Government Gazette Legislative Supplement, dated the 5th November, 1971.

(ii) Rule 18 and 19 shall come into force vide No. G.S.R.62/P.A.42/1963/S.54/Amd. (3)/2015 dated 20/11/2015 published in Punjab Govt. Gaz. (Extra) November 24, 2015.

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

20. ***Death of a candidate before election-*** 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 the Returning Officer shall countermand the poll in respect of that constituency and report the matter to the chairman and all proceedings with reference to the election in that constituency shall be commenced in all respects as if for a new election:

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 18.

21. ***Returning Officer to send ballot-papers by post-*** "(1) 'The Returning Officer, shall immediately after publications of the list of valid nomination under rule 18, send the ballot paper (in Form III), to each elector through Registered or Speed post, as the case may be, and shall enter the name of the elector on the counter foil of each such ballot paper and his serial number in such electoral roll, to whom it is sent.

(2) The Returning Officer shall also send two self addressed envelopes (in Form IV-A and IV-B respectively), alongwith the ballot paper to each elector.

(3) The papers as specified in sub-rule (1) and (2), shall be sent to the each elector at his address 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 counterfoils of all such ballot-papers and record on such packet the description of its contents and the election to which it refers.

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

(i) In sub-rule 1 of rule 21 shall come into force vide No. G.S.R.71/P.A.42/63/S.54/Amd./71 dated 27/10/1971 published in the Punjab Government Gazette Legislative Supplement, dated the 5th November, 1971.

(ii) In rule 21 (1), (2) and (3) shall come into force vide No. G.S.R.62/P.A.42/1963/S.54/Amd. (3)/2015 dated 20/11/2015 published in Punjab Govt. Gaz. (Extra) November 24, 2015.

22. ***Ballot-papers to be returned after recording votes thereon-***(1) Every elector on receiving his ballot-paper send it under rule 21, if he desires to vote at the election, shall record his vote thereon and sign the declaration in accordance with the instructions set out on the ballot-paper.

(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 or speed post or messenger to the Returning Officer in accordance with the instructions aforesaid so as to reach him before 5.00p.m. on the date fixed in this behalf under rule 9. 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 packet by the Returning Officer, and a list thereof shall be prepared.

23. ***Attestation of the electors' signatures on the ballot-paper-*** An elector should obtain the attestation of his signature in Form V by a gazetted officer of the Government of India or of a State Government.

24. ***Issue of undelivered and fresh ballot-papers-***(1) When a ballot-paper and other connected papers sent by post under rule 21 are for any reason returned undelivered, the Returning Officer may re-issue them by delivery to the elector personally on his applying for the same.

(2) In cases where any elector has inadvertently dealt with his ballot-paper or any of the connected papers in such manner that the papers cannot conveniently be used, a second set of ballot-papers and other connected papers may be issued to the elector on the elector returning ballot-paper and other connected papers to the Returning Officer and satisfying him of the inadvertence. The papers so returned to the Returning Officer together with the counterfoil of the ballot-paper so returned shall be marked as cancelled by the Returning Officer. The papers so cancelled except the counter-foils of the ballot-papers shall be kept in a separate envelope set a part for the purpose.

25. ***Manner of recording votes.-***(1) every elector shall have as many votes as there are seats to be filled at the election.

(2) Each elector while casting vote, shall place the mark 'X', in the space opposite the name of the contesting candidate, to whom he wish to cast his vote."

(i) In rule 25 shall come into force vide No. G.S.R.71/P.A.42/63/S.54/Amd./71 dated 27/10/1971 published in the Punjab Government Gazette Legislative Supplement, dated the 5th November, 1971.

(ii) In rule 22,23,25 shall come into force vide No. G.S.R.62/P.A.42/1963/S.54/Amd. (3)/2015 dated 20/11/2015 published in Punjab Govt. Gaz. (Extra) November 24, 2015

26. **Counting of votes-**(1) Counting of votes shall be done at the office of the Returning Officer on the day next following the date fixed under rule 9 for the receipt of ballot-papers by the Returning Officer and shall commence at 10 a.m.

(2) No person other than a contesting candidate and one agent for each such candidate authorized by him in writing in this behalf may remain present at the place of counting (besides the Returning Officer and the persons assisting him under his orders in the counting of votes).

27. **Grounds for declaring ballot-papers invalid-**A ballot-paper on which:-

- (a) no mark X has been placed against the name of any candidate:-
- (b) the mark X has been placed opposite the names of more candidates than there are seats to be filled at the election;
- (c) any mark is made by which the elector may afterwards be identified
- (d) the signature of the elector is not duly attested; or
- (e) for any reason it is not certain for which candidate or candidates the elector intended to vote; shall be invalid:

Provided that in a case under clause (e) of the total number of marks X does not exceed the number of seats to be filled and there is no uncertainty about a vote having been cast in favour of any candidate then the ballot-paper 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.

28. **Procedure to be followed at the counting of votes.**-(1) On the date and at the time and place mentioned in rule 26, the Returning Officer shall open the cover containing the ballot-papers received by him under rule 22 before 3 p.m. on the date fixed for receipt of ballot-papers under rule 9 and take out and thereafter scrutinize the ballot-papers taken out from the cover and separate the ballot-papers which he deems valid from those which he rejects, endorsing on the latter the word rejected and the ground or rejection.

(2) 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.

(i) In rule 27 shall come into force vide No. G.S.R.71/P.A.42/63/S.54/Amd./71 dated 27/10/1971 published in the Punjab Government Gazette Legislative Supplement, dated the 5th November, 1971.

(ii) In rule 27 shall come into force vide No. G.S.R.62/P.A.42/1963/S.54/Amd. (3)/2015 dated 20/11/2015 published in Punjab Govt. Gaz. (Extra) November 24, 2015.

(3) If the counting of votes be not completed by 6 p.m. on the day appointed, the Returning Officer may adjourn the proceedings until the following day at 10.a.m and in such case shall place all the documents relating to the election, under his own seal and the seals of the candidates on their agents, if any, are present and desire to affix their seals and shall otherwise take proper precautions for the security 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.

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

29. ***Declaration of result:-*** When counting, or if there is recounting, the recounting of the votes has been completed, the Returning Officer shall forthwith declare the contesting candidate or candidates, as the case may be to whom the largest number of votes has been given to be duly elected and shall forthwith inform such successful contesting candidates by letters of their having been elected to the Board and shall also send a copy of the same to the Chairman and the Government.

30. ***Decision in case of equality of votes-*** When an equality of votes is found to exist between any candidates and the addition of one vote would entitle any contesting candidate to be declared elected the determination of the contesting 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 the presence of such contesting candidates or their agents.

31. ***Sealing and preservation of election material-***After the result has been declared by him, the Returning Officer shall seal the Voting papers and all other documents relating to the election and shall retain the same with him for a period of six months, and thereafter cause them to be destroyed.

32. ***Amount of security to be furnished for filling election petitions:-*** Any person, registered under the Punjab Ayurvedic and Unani Practitioners (General) Rules, 1964, filing an election petition before the Chairman, shall deposit a fee of one thousand rupees by way of Demand Draft or Banker's cheque payable in favour of Registrar of the Board:

(i) In rule 29 shall come into force vide No. G.S.R.71/P.A.42/63/S.54/Amd./71 dated 27/10/1971 published in the Punjab Government Gazette Legislative Supplement, dated the 5th November, 1971.

(ii) In rule 29 and 32 shall come into force vide No. G.S.R.62/P.A.42/1963/S.54/Amd. (3)/2015 dated 20/11/2015 published in Punjab Govt. Gaz. (Extra) November 24, 2015.

Provided that no such person can file such petition after lapse of a period of thirty days from the date of declaration of the result under these rules.”

33. ***Authority to whom election petitions may be presented-*** The election petition may be presented to the Chairman and the same will be referred for decision by the Chairman to the Election Tribunal to be appointed by the Chairman by means of a notification in the Government Gazette.

34. ***Form of affidavit-*** Where any corrupt practice alleged, the petitioner shall submit alongwith the election petition an affidavit in Form VI in support of the allegation of such corrupt practice and the particulars thereof, which shall be attested by a Magistrate of the Ist Class.