

INDIAN VETERINARY COUNCIL RULES, 1985

New Delhi, the 23 rd April, 1985

G.S.R. 458 – In exercise of the powers conferred by Section 84 read with section 4 of the Indian Veterinary Council Act 1984 (52 of 1984), the Central Government hereby makes the following rules namely :-

Short title and Commencement -

These rules may be called the Indian Veterinary Council Rules 1985

They shall come into force on the date of their publication in the Official Gazette .

Definitions :

In these rules, unless the context otherwise requires:-

'Act' means the Indian Veterinary Council Act 1984 (52 of 1984) ;

'Form' means a form appended to these rules;

'register' means Indian Veterinary Practitioners Register maintained under chapter III of the Act;

'Returning Officer' means any officer appointed as such by the Central Govt. under rule 9 and includes any Assistant Returning Officer so appointed by the Central Government;.

'Secretary' means Secretary of the Council;

'section' means a section of the Act.

Words and expressions used in these rules and not separately defined here shall have the same meaning as in the Act.

Notification for election to the Council –

For the purpose of electing the members of the council under clause (g) of sub section (3) of section 3 the Central Government shall by a notification published in Gazette of India, call upon the persons enrolled in the Register to elect the said members in accordance with the provisions of these rules.

Preparation of the roll –

As soon as may be after the notification under rule 3

is issued the Secretary shall prepare the roll which shall contained the name of every person whose name is entered in the register.

The names of the electors shall be arranged in the order in which they are entered in the register.

Publication of the roll in draft – The Secretary shall publish the roll prepared under rule 4 in draft by making a copy thereof available for inspection by displaying in the offices of all State Veterinary Councils and Veterinary Council of India.

Period for lodging claims and objections - Every claim for inclusion of a name in the roll and every objection to an entry therein shall be lodged with in a period of fifteen days from the date of publication of the roll in draft under rule 5.

Form of claim and objection and the manner of their disposal –

Every claim shall be signed by the person who requires his name to be included in the roll.

Every objection to the inclusion of a name in the roll shall be preferred by person whose name is already included in the roll and shall be countersigned by another person whose name is also included in such roll.

Every claim or objection, as the case may be, shall be presented to the Registrar of the State Veterinary Council in whose register the name of the claimant has been included, or as the case may be, from whose register the objector requires a name to be deleted.

The Register shall, before the expiry of fifteen days from the date of receipt of the claim or objection, as the case may be, forward such claim or objection to the Secretary with his remarks there on, and, where it is considered necessary, with amendments in the State Veterinary Register as provided under sub-section (4) of section 23.

The Secretary may either allow or reject a claim or objection; Provided that a claim or objection shall not be rejected unless the person making it is given an opportunity of making representation against such rejection.

The decision of the Secretary allowing or rejecting a claim or objection shall be final.

Final publication of the roll :-

The Secretary shall, after disposing of the claims and objections under rule 7, prepare a list of amendments to carry out his decisions under the said rule and to carry out any clerical or printing error and other inaccuracies subsequently discovered or brought to his notice in the roll.

The Secretary shall publish the roll together with the list of amendments by making a complete copy thereof available for inspection by displaying at the offices of the State Veterinary Councils and the Veterinary Council of India.

On such publication the roll together with the list of amendments shall be electoral roll of persons who may elect the members of the council under clause (g) or sub section (3) of section 3.

A copy of the roll together with the list of amendments published under sub- rule (2) shall be sent by Secretary to the Central Government

Returning Officer and Assistant Returning Officer :-

The Central Government shall, after receipt of a copy of the electoral roll published under rule 8, designate or nominate a Returning Officer who shall be an officer of the Government.

The Central Government may also appoint one or more person who shall be Officers of the Government, to assist the Returning Officer in the performance of his functions as

Assistant Returning Officers.

Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer: Provided that an Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the issue of voting papers, counting of voting papers and declaration of results of election.

Appointment of dates for nomination, etc. :-

The Returning Officer shall by notification in the Official gazette, or in such other manner as deemed fit appoint -

- the date for making nominations, which shall be the seventh day after the date of publication of the said notification or if that day is a public holiday, the next succeeding day which is not a public holiday;
- the time and the date for the scrutiny of nomination, which shall be the fifth day after the last date for filing nomination or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- the last date for withdrawal of candidatures, which shall be the second day after the date for scrutiny of nominations, or if that day is a public holiday, the next succeeding day which is not a public holiday.
- the date on which the poll shall, if necessary, be taken, which shall be a date not earlier than the thirty fifth day after the last date for withdrawal of candidatures; and
- the date, time and place for counting of votes and for declaration of results which shall not be beyond the third day from the date of poll.

The notification, issued under Sub rule (1) shall also invite nomination of candidates for election to the Council and specify the place at which the nomination papers are to be delivered.

Presentation of nomination paper and requirement for valid nomination :-

On or before the date appointed under clause (a) of sub rule (1) of rule 10 each candidate shall send by registered post with acknowledgment due or deliver in person to the returning officer a nomination paper in Form 1.

Every nomination paper shall be subscribed by two electors, one as the proposer and the other as the seconder and assented by the candidate proposed and seconded by them;

Provided that no elector shall subscribe as proposer or seconder more nomination papers than there are seats to be filled up.

Provided further that, if an elector subscribes to more number of nomination papers than there are seats to be filled up, the nomination papers first received by the Returning Officer equal to the number of seats to be filled up, shall if they are otherwise in order, be held to be valid and, if all such nomination papers subscribed by the same elector in excess of the number of seats to be filled up are received simultaneously, all such nomination papers shall be held to be invalid.

On receipt of each nomination paper, the returning officer shall endorse thereon the date and hour of receipt.'

Rejection of nomination paper-

A nomination paper which is not received before the date appointed by Returning Officer in that behalf shall be rejected .

Scrutiny of nomination papers -

On the date and the time appointed by the Returning Officer for scrutiny of the nomination papers, the candidates and the proposer and the seconder of each candidate or other representatives duly authorized by the candidate in this behalf may attend the office of the Returning Officer who shall allow them to examine the nomination papers of all the candidates which have been received by him as aforesaid.

The Returning Officer shall examine the nomination papers thus received and decide all questions which may arise as to the validity of any nomination and his decision thereon shall be final.

Withdrawal of candidature-

Any candidate may withdraw his candidature by notice in writing, signed by him and delivered to the Returning Officer before the date fixed under clause(c)of sub-rule (1) of rule 10.

A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

Publication of the list of contesting candidates-

Immediately after the expiry of the period within which candidatures may be withdrawn under rule 14 the Returning Officer shall prepare and publish a list of contesting candidates, that is to say, candidates who were validly nominated and who have not withdrawn their candidature within the said period.

The said list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers.

The said list shall be published in the Official Gazette and given wide publicity in such manner as the Returning Officer deems it fit.

The Poll -

If the number of duly nominated candidates for election does not exceed the number of members to be elected, the Returning Officer shall forthwith declare such candidates or candidates to be duly elected .

If the number of such candidates exceeds the number of members to be so elected, the Returning Officer shall, not later than thirty days before the date appointed for the poll, send by air mail to every elector residing or practicing abroad and by post to every other elector a letter of intimation in Form IV together with a numbered declaration paper in Form III, a voting paper in Form II containing the names of the candidates in alphabetical order and bearing the Returning Officers initials or facsimile signature, a voting paper cover addressed to the Returning Officer and an outer cover also addressed to the said officer;

Provided that the voting paper and other connected papers may also be sent to any elector on his applying to the Returning Officer for the same before the date appointed

for the poll, if the Returning Officer is satisfied that the papers have not been sent to him.

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

An elector who has not received the voting 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 in inadvertently spoilt may transmit a declaration in writing to that effect and request the Returning Officer not later than fifteen days before the date appointed for the poll 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 such 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.

No election shall be invalid by reason of the non-receipt by an elector of his voting paper and other connected papers.

Each elector shall have the right to vote for as many candidates as there are seats to be filled and the votes shall be non-transferable.

Every elector desirous of recording his vote shall, after filling up the declaration paper (Form III) and the voting paper (Form II) according to the directions given in the letter intimation (Form IV), enclose the voting paper in the voting paper cover, stick up and enclose the said cover along with the declaration paper in the outer envelope addressed to the Returning Officer and send the outer envelope by post at the elector's own cost or by hand to the Returning Office, so as to reach him not later than the appointed time for closure of voting on the date fixed for the poll.

All envelopes received after the said day and hour shall be rejected.

On receipt by post or by hand of the envelope 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 receipt.

Opening of the cover-

The Returning Officer shall open the outer envelopes immediately after the appointed time for closure of voting on the date fixed for the poll at the place to which the envelopes are addressed to him.

Any candidate may be present in person or may send a representative duly authorized by him in writing to be present at the time when the outer envelopes are opened.

Rejection of voting paper covers : -

A voting paper cover shall be rejected by the Returning Officer if -

- the outer envelope contains no declaration paper outside the voting paper cover, or
- the declaration paper is not the one sent by the Returning Officer or
- the declaration paper is not signed by the elector or
- the voting paper is placed outside the voting paper cover, or
- more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope.

In each case of rejection the word 'rejected' shall be endorsed on the voting paper cover and the delectation paper. The reasons for rejection shall also be recorded in brief , on voting paper cover.

After satisfying himself that the electors have affixed their signatures to the declaration papers, the Returning Officer shall keep all the declaration papers in safe custody pending disposal under Rule 1.

Scrutiny and counting of votes-

On the date appointed for counting, the voting paper covers, other than those rejected under rule 18, shall be opened and the voting papers taken out and mixed together.

The voting papers shall then be scrutinized and the valid votes counted.

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

A voting paper shall be invalid if-

it does not bear the Returning Officers initials, or facsimile signature, or a voter signs his name on the voting paper, or writes any word on it, or makes any mark on it by which it become recognizable as his voting paper, or no vote is recorded thereon or the number of votes recorded thereon exceed the number to be elected; or it is void for uncertainty of the vote exercised; or the recording of the vote has been done at a place other than that provided for the purpose.

The Returning Officer shall show the voting papers, if so requested, to the candidates or their authorized representatives at the time of scrutiny and counting of votes.

If any candidate or his representative makes an objection to the acceptance of a voting paper on the ground that it does not comply with the specified requirements, or to the rejection of a voting paper by the Returning Officer, it shall be decided at once by Returning Officer whose decision thereon shall be final.

The Returning Officer shall nominate such number of scrutinizers as he thinks fit in accordance with such direction as may be issued in this behalf by the Central Government.

Declarations of results -

When the counting of the votes has been completed, the Returning Officer shall 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 that order according to the number of seats to be filled up.

If any candidate thus declared to be elected refuses to accept election, then in the place of that candidate one of the remaining candidates to whom the next largest number of votes have been given shall be deemed to have been elected, and the same procedure shall be followed as often as a vacancy is caused in this way.

When there is equality of votes among any candidates the person or persons who shall be deemed to have been elected shall be determined by lot to be drawn by the Returning Officer or any other officer authorised by him in such manner as he may determine.

The Returning Officer shall as soon as the results is declared inform each successful candidate of his being elected to the Council.

Voting papers to be retained –

Upon the completion of the counting and after the result has been declared, that Returning Officer shall seal the voting papers and all other documents relating to the election and shall retain the same for a period of six months and shall not destroy or cause to be destroyed the records even after 6 months without the previous concurrence of the Central Government.

Intimation of results of election –

The Returning Officer shall intimate the names of the elected candidates to the Central Government.

Nomination to the Council -

Pending preparation of the Indian Veterinary Practitioner register in accordance with the provisions of the Act, the members referred to in clause (g) of sub-section(3) of section 3 may be nominated by the Central Government.

FORM I

(see rule11)

Nomination paper

Election under clause (g) of sub-section (3) of section 3 of the Indian Veterinary Council Act, 1984 (52 of 1984)

1. Name of the candidate _____

2. Father's Name _____

3. Age and Date of Birth _____

4. Nature of qualification _____

5. Registered Number (in the _____
State Veterinary Register)

6. Page No. in the Indian Veterinary
Practitioners Register or its supplement
(mentioning the year) in which the name

appears. _____

7. Serial No. in the roll _____

8. Address: House Number _____

Block/Street Number _____

Village/Town _____

Post Office _____

PIN Code _____

9. Name of proposer _____

10. Signature of proposer _____

11. Registered No. of proposer in the State Veterinary Register and the page No. in the Indian Veterinary Practitioners Register or its supplement (mentioning the year) in which the name appears

12. Serial No. in the roll _____

13. Name of Seconder _____

14. Signature of Seconder _____

15. Registered No. of seconder in the State Veterinary register and the page No.in the Indian Veterinary Practitioners Register or its supplement (mentioning the year) in which the name appears.

16. Serial No. in the roll _____

Declaration by the Candidate : I hereby declare that I agree to this nomination

(Signature of the candidate)

This nomination paper was received by me at (place)-----

----- on (date)-----at (time)-----

-

(Signature of Returning Officer)

INSTRUCTIONS

Nomination papers which are not received by the Returning Officer before (hour) ----- on the -----date will be invalid.

FORM II VOTING PAPER

(see Rule 16 (2))

*Number to be indicated Serial No. of voting paper

*-----member(s) are to be elected to the Indian Veterinary Council Act 1984(52 of 1984)

Serial No. Name and address of Candidate duly nominated Vote

Initials/facsimile Signature of Returning Officer

INSTRUCTIONS

1. Each elector has the right to vote for as many candidates as the number of members to be elected.
2. He shall vote by placing the mark 'X' opposite the name(s) of the candidate(s) whom he prefers.
3. The voting papers shall be invalid if :
 - (a) it does not bear the Returning Officers initials or facsimile signature; or
 - (b) the voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable as his voting paper; or
 - (c) no vote is recorded thereon; or
 - (d) if the mark 'X' is so placed as to render it doubtful to which candidate it is intended to apply, or if it is placed against the names of more number of candidates then required to be elected.

FORM III

(see rule 16 (2))

Declaration paper

Election to the Indian Veterinary Council under Section 3(3) (g) of the Indian Veterinary Council Act, 1984 (52 of 1984)

Elector's Name _____

Number on the State Veterinary Register & page No. in the Indian Veterinary Practitioners Register or its supplement (mentioning the year)in which the name appears

Elector's declaration

I _____ (Name in full, and designation if any)
 declare that I am an elector for the election of members to the Veterinary Council of India, by the electorate under clause (g) of sub section 3 of section 3 of the Indian Veterinary Council Act 1984 (52 of 1984) and that I have submitted no other voting paper at this election

Station _____

Date _____ Signature of Elector _____

FORM IV

[See rule 16 (2)]

Letter of Intimation

Sir/Madam,

The persons whose names are printed on the enclosed voting paper have been duly nominated as candidates for election to the Veterinary council of India under section 3(3) (g) of the Indian Veterinary Council Act, 1984 (52 of 1984) . Should you desire to vote at the election. I request that you will--

(a) fill up and sign the declaration paper (Form III);'

(b) mark your vote in the column provided for the purpose in the voting paper (Form II) as directed on the voting paper;

(c) enclose the voting paper in the smaller cover and stick it up; and

(d) enclose the smaller cover and declaration paper in the outer envelope which is larger and on which my address is already printed and return the same to me by post at your cost or deliver it in person in my office so as to reach me not later than _____ on the _____ of 19 _____.

2. The voting paper will be rejected if -

- (a) the outer envelope enclosing the voting paper cover and the declaration paper is not sent by post or not delivered in person in my office or received later than the hour fixed for the closing of the poll; or
- (b) the outer envelope contains no declaration paper outside the similar cover; or
- (c) the voting paper is placed outside the voting paper cover; or
- (d) the declaration paper is not the one sent by the Returning Officer to the voter; or
- (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer enveloped ; or
- (f) the declaration is not signed by the elector; or
- (g) the voting paper is invalid.

3. A voting paper will be invalid if ---

- (i) it does not bear the Returning Officer's initials of facsimile signature; or
- (ii) a voter signs his name on the voting paper, or writes any word on it or makes any mark by which it becomes recognisable as his voting paper; or
- (iii) no vote is recorded thereon; or
- (iv) the number of votes recorded thereon exceeds the number to be filled; or
- (v) it is void for uncertainty of the vote exercised.

4. If a voter inadvertently spoils a voting paper, he can return it, not later than fifteen days before the date appointed for the poll, to the Returning Officer who will, if satisfied of such inadvertence, issued to him another voting paper.

5. The scrutiny and counting of votes will begin on (date) at _____(hour)

6. No person shall be present at the scrutiny and counting except the Returning Officer, such other person as he may appoint to assist him, the candidates or their duly authorised representatives.

Returning Officer

[No. F.23-116/84 –LDT (LHS)]

B. S. SARA0, Addl. Secy.