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The Medical Council of India (Conduct of Elections to the Posts of President , Vice President, Members of the Executive Committee and the elected members of the Postgraduate Medical Education Committee) Regulations 1998

MEDICAL COUNCIL OF INDIA
AIWAN-E-GALIB MARG
KOTLA ROAD
NEW DELHI

New Delhi, the 21st November, 1998

G.S.R. ----- In exercise of the powers conferred by Section 33 of the Indian Medical Council Act, 1956 (102 of 1956), the Medical Council of India with the previous sanction of the Central Government, hereby makes the following regulations governing elections of the President, Vice-President, Members of the Executive Committee and the elected members of the Postgraduate Medical Education Committee of the Council namely: -

Short title and commencement

1. (1) These regulations may be called the Medical Council of India (Conduct of Elections to the Posts of President, Vice-President, Members of the Executive Committee and the elected members of the Postgraduate Medical Education Committee) Regulations, 1998.
- (2) These Regulations shall come into force on the date of their publication in the official Gazette Definitions.
2. In these regulations, unless the context otherwise requires-
 - (a) 'Act' means the Indian Medical Council Act, 1956 (102 of 1956).
 - (b) 'Council' means the Medical Council of India constituted under the Act.
 - (c) 'Returning Officer' means in relation to election under these regulations, the Returning Officer appointed by the Council.
 - (d) 'Electoral roll' means the list of members of the Council as on date of the election.
 - (e) 'Form' means the form as specified under these regulations.
 - (f) 'Meeting' means meeting of the General Body of the Council convened by the Council and any meeting called by the Chairman for the purposes of election to the posts of President or Vice-President or members of the Executive committee or elected members of the Postgraduate Medical Education Committee.
 - (g) 'Member' means member of the Council as defined under section 3 of the Act.
 - (h) 'President' means the President of the Council.
 - (i) 'Scrutiny Committee' means a Committee of such members as may be nominated by the Returning Officer for the purposes of scrutiny of nomination of the members.
 - (j) 'Polling Committee' means a Committee of such members as may be nominated by the Returning Officer for supervising the poll and counting of the votes polled.

Electoral Roll

3. The Secretary of the Council shall make available an updated list of members on the date of election which shall form the electoral roll for the purposes of the election. A copy of the electoral roll can be had free of cost by any member on a request made by him in this regard to the Secretary of the Council.

Conduct of Election

4. (1) the election to the posts of the President, Vice-President, and Members of the Executive Committee and elected members of the Postgraduate Medical Education Committee shall be held on the floor of the house in General Body meeting of the Council
- (2) The posts for which the elections are to be held in the general body meeting shall be notified atleast twenty one clear days before the date of the meeting in the agenda for the meeting.
- (3) A member can contest for only one post a time. In case of his filing nominations, which are valid otherwise, for more than one post at a time, the Returning Officer at his discretion may reject all his nominations.

Nomination of candidate

- 5 (1) The Returning Officer shall call for nomination from the Members present and voting at the meeting in the prescribed form, duly proposed by any Member and seconded by any other member present and voting, with due consent of the candidate.
- (2) A nomination shall be proposed at the meeting and on the floor of the house by any Member and be seconded by another Member, present and voting at the meeting.
- (3) After receiving the nomination papers the same shall be scrutinized by the Scrutiny Committee constituted by the Council for this purpose and in case any nomination paper is not found in order by such Committee, the same shall be rejected by the Returning Officer.
- (4) Objections, if any, by the contesting Member to any post shall be submitted by such Members to the Returning Officer in writing at the meeting. The decision of the Returning Officer on such objection shall be final and binding.

Nomination Paper

(6) The nomination paper shall contain the following details, name by: -

- (i) Name of the candidate;
- (ii) Post or office for which the candidate is contesting;
- (iii) Name of the proposer;
- (iv) Name of the seconder.

Withdrawal of candidature.

7. Any candidate contesting the election under these rules may withdraw his candidature within the stipulated time as decided and informed to members by the Returning Officer.

Polling and declaration of results.

8. (1) After scrutiny of nomination papers if the nomination papers of only one candidate is accepted for a particular post, the Returning Officer shall forthwith declare such candidate to be elected to that post.
- (2) If the number of duly made nominations exceeds one in number for a post, the Returning Officer shall direct the Polling Committee constituted by the Council, to conduct poll.
- (3) The polling shall be by secret ballot in the ballot form specified by the Returning Office by the Members Present and voting.
- (4) The Polling Committee referred to in rule (2) after completion of the poll shall scrutinize and count the votes polled by each candidate for a particular post and accordingly submit its report to the Returning Officer who in turn shall declare the results on the principle of majority of votes.
- (5) Objection, if any, regarding counting and rejection of votes may be submitted by a contesting candidate in writing to the Returning Officer at the meeting, who after examination of the objections may direct for re-counting of the votes polled or may pass such other order as he may deem fit and proper for disposing of such objection.
- (6) When an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such an additional vote shall be deemed to have been given, shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

Ballot Papers

- 9 (1) The ballot paper shall have the names of the candidates in alphabetical order, and the voter shall indicate the choice by making (x) against the name in the column provided. The following instructions shall be provided in the Ballot papers, namely: -
- (a) Each elector has one vote for each vacancy;
 - (b) The electoral shall vote by placing the mark 'X' opposite the name of the candidate whom he prefers.

Invalid votes

10. A Vote shall be invalid and liable to be rejected if –
- (i) the ballot paper does not bear the signature of the Returning Officer, or
 - (ii) the voter signs his name or writes a word or makes any mark on the ballot paper by which it becomes recognizable as his vote, or
 - (iii) No choice is recorded on the ballot papers, or
 - (iv) the mark 'X' is placed opposite the names of more than one candidate or if the mark is so placed as to render it doubtful to which candidate it is intended to apply.

Preservation of Records

11. Upon completion of the counting and after the results have been declared, the Returning Officer shall in his supervision seal the ballot papers and all other documents relating to the election and shall retain the same in his custody for a period of six months.

Dr. M. Sachdeva
Secretary
Medical Council of India.

