

## **PART-XI ELECTIONS**

### **38. Returning Officer:**

Any officer appointed by the Govt. of Arunachal Pradesh shall be the Returning Officer for election of the Council.

### **39. The Electoral Roll-**

- (a) **Electorate:-**All persons whose names are enrolled on Arunachal Pradesh Dental State Council Register in Part A on the date of notification of the election shall be entitled to vote at the election of Council Members under Section 21(a) of the Act. & under Dentist (Amendment) Act 1993.
- (b) **Controversies of eligibility:-** If any question arises as to whether a person is or not entitled to vote in the election or to stand for the election, the question shall be referred to the Returning Officer whose decision shall be final.

### **40. Election Procedures:**

- (a) Notification of election: - The Returning Officer shall appoint and shall notify in the official Gazette and in such manner as he/she thinks fit, the date, time and place for all the stages of election.
- (b) **Eligibility and nomination form:-** Any person qualified to stand for the election under section 21(a) of the Act may be nominated as a candidate for election and such nomination shall be made by means of a nomination paper in **FORM-14** for dental surgeon registered in Part A. which shall be supplied by the Returning Officer to any elector who may apply for the same.
- (c) **Nomination Fee:-** Each candidate wishing to stand for the election under section 21(a) of the Act shall pay a fee of Rs. 1000/- by crossed bank draft from a nationalized bank in favor of 'Arunachal Pradesh State Dental Council, payable at Naharlagun. The said fee shall not be refunded. This fee may be revised by the Council from time to time.
- (d) **Nomination of Candidate:-** Each candidates names shall be proposed by any two members of the Electorate, one as the proposer and the other as the seconder who shall duly complete and sign the prescribed nomination form. The nominated candidate himself/herself shall also subscribe in the nomination form which shall indicate his/her consent to the nomination.
- (e) **Receipt of nomination paper:-** On receipt of each nomination paper the Returning Officer shall forthwith endorse thereupon the date and hour of the

receipt. A nomination paper which is received after the date and time appointed in that behalf shall be rejected.

- (f) **Scrutiny of nomination papers:-** On the date and time appointed for scrutiny of nomination papers, each candidate and only his/her proposer and the seconder may attend the proceedings at the appointed time and place.
- (g) **Objections:-** The Returning Officer shall examine the nomination papers and decide on any question and objections if there are any. If any nomination is rejected the reason for doing so shall be stated in writing by the Returning Officer.
- (h) **Withdrawal of Candidature:-** Candidate may withdraw his/her candidature by notice in writing delivered to the Returning Officer within seven days after the completion of scrutiny of the nomination papers, or within a time period fixed by the Returning Officer.
- (i) **Polling:**
  - (a) **Number of vacancies exceeding number of candidates:** If the number of contesting candidate does not exceed the number of vacancies to be filled in, the Returning Officer shall forthwith declare such candidates as duly elected to fill such vacancies without any polling. When the number of candidates is less than number of members to be elected the Returning Officer shall commence procedures for the remaining vacancies to be filled.
  - (b) **Number of candidates exceeding number of vacancies:** When the number of candidates exceeds the number of members to be elected, the Returning Officer shall conduct the election within the stipulated time.
  - (c) **Sending of ballot papers:** The Returning Officer shall send by registered post to each elector a letter of intimation in **FORM-15**, together with numbered declaration paper in **FORM-16** and voting paper **Form-17** respectively, containing the names of the candidates in alphabetical order and two envelopes addressed to the Returning Officer, one for the ballot paper and another for outer envelope.
  - (d) **Obtaining for fresh ballot:** An elector who has not received the ballot and the connected papers sent to him by post may make his/her own arrangement to obtain fresh papers from the Returning Officer not later than seven days before the date of the appointed date for the poll.
  - (e) No election shall be invalid by reason of non-receipt of voting papers by the electors.
  - (f) **Receipt of electors votes:** Every elector shall send his/her vote by post at his/her own cost to the Returning Officer or deliver it in person in the office of the Returning Officer so as to reach him not later than 2.00 PM on the

date fixed for the poll. All votes received after that day and hour shall be rejected.

- (g) **Custody of ballot papers:** The ballot boxes shall be kept in the safe custody of the Returning Officer and shall not be opened till counting of votes begin.
- (h) **Scrutiny and counting:** The scrutiny and counting of votes shall be undertaken by the Returning Officer at the day and place appointed. A candidate and not more than one representative, duly authorized by him/her may remain present at the time of counting of votes by the Returning Officer at the time, day and place appointed. The Returning Officer can reject a ballot if it is not properly filled or completed. All the ballot papers other than those received late and rejected shall be mixed together and then scrutinized and the valid votes counted.
- (i) **Declaration of election results:** After counting of vote is completed, the Returning Officer shall forthwith declare the result of the election in **Form-18**. If there are an equal number of votes in favor of two or more candidates for one vacancy the election shall be determined by the Returning Officer by draw of lots in presence of the candidates or their representatives.
- (j) **Dispute:** Any dispute that arises regarding election result or so forth shall be referred to the State Government whose decision shall be final and obligatory.
- (k) **Documents of election:** Upon completion of the counting and result having been declared, the Returning Officer shall seal up the voting papers and all other documents related to the election and shall retain the same for a period of six months and thereafter, on obtaining permission from the State Government the same can be destroyed.
- (l) **Constitution of New Council:** The Returning Officer shall communicate the result of the election to the State Government who shall take steps to constitute the New Council as under sub-section 21 of the Act and publish the same in the Official Gazette.
- (m) Election/ Nomination of representative member to DCI shall be elected/nominated by State Dental Council as per chapter II, DCI, Section 3, clause (a) & (e) and will be forwarded to the state government for approval.

#### **41. Election of President:**

- (i) The Registrar or any other person appointed by the Govt. of Arunachal Pradesh shall be the Returning Officer.
- (ii) The President shall be elected by the members present at the time of election from among themselves.

- (iii) That date, time and place of the election shall be intimated to each of the members by the Returning Officer at least seven days before the date of the meeting.
- (iv) Any member present shall be entitled to propose name of any other members present for election as the president. The proposal shall be required to be seconded by another member other than the proposer of the one whose name is proposed. A member shall be entitled to propose or second only one name.
- (v) Any candidate may withdraw his/her candidature before the actual election.
- (vi) If the name of only one candidate is duly proposed and seconded, the Returning Officer shall forthwith declare in FORM 18 such candidate duly elected.
- (vii) If the number of candidates duly proposed and seconded exceeds one, an election shall be held by secret ballot.
- (viii) Before the commencement of the election, the Returning Officer shall invite the members to inspect the ballot box, in case they may like to do so and he/she shall then lock the box.
- (ix) At the time of actual election, the members present in the meeting shall one by one, sign against their names in the list containing the names of all the members in alphabetical order and placed along the side of the ballot box.
- (x) After a member has signed his/her name in the said list, he/she shall be given a ballot paper in **form 17** which he/she shall drop into the ballot box after affixing thereupon a cross 'X' mark against the name of the candidate of his/her choice.
- (xi) As soon as all the members present and wishing to exercise the right to vote have done so, the Returning officer shall in presence of the candidates who may be present in person, open the ballot box and take out from it all the ballot papers, examine and reject as invalid any ballot paper:
  - (a) If it does not bear the signature of the Returning officer or
  - (b) If the member signs his name or write word or make any mark on it by which it becomes recognizable as his/her ballot paper or
  - (c) If no vote is recorded there on or
  - (d) If the vote has been given in favor of more than one candidate, or
  - (e) If there arises any uncertainty of the vote exercised.
- (xii) The Returning Officer shall then proceed to arrange the valid votes according to the candidates in whose favor they have been cast and count separately for each candidate.
- (xiii) After the counting is over, the Returning Officer shall make an announcement in the meeting about the votes secured by each of the candidates and declare the candidate securing the largest number of valid votes as duly elected to be the President.
- (xiv) In the event of two or more candidates securing the same number of voters and

That number being more than the number of votes secured by any other candidate, lots will be drawn among the candidates securing the highest same votes and the candidate on whom the lot falls shall be declared elected.

- (xv) The Returning Officer shall intimate the name of the person so elected as President to the State Government.

**42. Election of Vice-President:**

For the election of the Vice-President, the provisions of the election of President above shall apply as if for the expression 'President' occurring therein, the expression 'Vice President' is substituted.