

The 24th August, 2006

No.155/93/149.- In exercise of the powers conferred under sub-section (a) if Section 46 of the Pharmacy Act, 1948, (Central Act No.VII of 1948) the Government of Meghalaya hereby make the following rules:-

1. Short title and commencement. - (1) These rules may be called the Meghalaya Medical State Pharmacy Council Rules, 2006.

(2) They shall come into force with immediate effect.

2. Definitions.- In these rules , unless there is anything repugnant in the subject or context-

(a) "Act" means, the Pharmacy Act, 1948 (VII of 1948).

(b) "Council" means, the Meghalaya State Pharmacy Council, Head Quarter, Shillong;

(c) "Executive Members" means , Members of the Executive Committee of the Pharmacy Council;

(d) "President" means, the President of the Meghalaya State Pharmacy Council;

(e) "Presiding Officer" means, the Officer authorized to conduct the Election in this behalf by the Returning Officer;

(f) "Polling Officer" means, the Officer authorized to conduct the polling by the Returning Officer;

(g) "Polling Station" means, the location designated for the purpose of Election as notified by the Returning Officer;

(h) "Registry" means, the Officer authorized to conduct the polling by the Returning Officer;

(i) "Returning Officer" means, the Commissioner and Secretary of Health and Family Welfare, Government of Meghalaya and includes any Officer deputed for the being by the said Returning Officer to perform or assist him/her duties under the Rules made there under;

(j) "Register" means, the Register of Pharmacists prepared under the provision of the Act, and

(k) "Vice President" means, the Vice President of the Meghalaya State Pharmacy Council.

3. Publication in Gazette for Election.- The Returning Officer shall publish in the Meghalaya Gazette and in such other manner as he may think fit, a notification calling upon the Pharmacists registered in several part of the State register to elect the requisite number of members to the State Council under clause (a) of Section 19 and shall by such Notification fix a Programme of time for the various stages.

4. Electoral Roll.- (1) The Electoral Roll shall consist where the election is under clause (a) of Section 19 of the register in all its parts as printed and published under Section 40 corrected up to the date immediately preceding the first day of the period fixed for receiving nomination Papers;

Provided that in the case of the first under clause (a) of Section 19 the Electoral Roll shall consist of the first register as prepared and published under Section 30 and as amended under clause (5) of that Section.

(2) Copies of the Electoral Roll shall in each case be available to any person who desires to obtain Copies on payment of a fee of rupees five per page.

(3) A person whose name is not borne on the Electoral Roll shall not be entitled to participate in the Election.

(4) Claims and Objections of names in the Electoral Roll shall not be entitled to participate in the Election Roll to the Returning Officer.

5. Nomination of Candidates:- (1) Nominations of Candidates shall be made in Form I annexed to these rules and there shall be a Proposer and a Secunder. Every Nomination Paper shall be filled fully in all particulars as started in the said Form.

(2) The Proposer; Secunder and their nominee shall be persons whose names are borne in the Electoral Roll.

(3) The Proposer and Secunder may propose or second only one Candidate.

(4) The Returning Officer shall issue the receipt for Nomination Paper and notice or Scrutiny to the Person presenting the Nomination paper in Form II.

(5) Nomination of Candidates shall be from 11:00 A.M. to 3.00 P.M. on any three working days as specified the Returning Officer.

6. Scrutiny of nomination:- (1) Scrutiny of Nomination Paper shall be made on the next day of the last day for Nomination the time and place as may be fixed by Texturing Officer. Every Nominee for whom Nomination Paper shall been received and one representative duly authorized by him in writing or his Proposer or Secunder, shall be entitled to be present at the time of the scrutiny of Nomination.

(2) On the date and time fixed for the Scrutiny of Nominations by the notification under Rule 3 the Returning Officer shall examine all the Nomination Papers, and decide which of them are in order and which are not, Nomination Papers, which do not comply

with the requirements of Rule 5, shall be rejected. If there be any Objection by any Candidate to the decisions of the Returning Officer, it must be made forth with and the Returning Officer shall hear and decide such objection. The decision of the Returning Officer accepting or rejecting a Nomination Paper shall be final.

7. Withdrawal of nomination.- A validly Nominated Candidate who has been duly declared as eligible candidate to Contest Election, may withdraw his Nomination on the next day of the scrutiny as referred to in Rule 5 till 3:00 P.M. at the place as may be fixed by the Returning Officer by notice in Form III and delivered the same to the Returning Officer and there upon he/she shall cease to be a Nominee or a Candidate for the election as the Case may be. The Returning Officer shall then issue the receipt for notice of withdrawal to the Candidate in Form IV. The Returning Officer may publish the list of contesting candidates accordingly.

8. Election of candidates :- On the expiry of three days after completion of the Scrutiny of Nomination:-

- (a) If the number of duly Contesting Candidates be equal to or less than the numbers of Seats for which the Election is held, the Returning Officer shall declare such Candidates as duly elected; and
- (b) If the number of duly Contesting Candidates be greater than the numbers of Seats for which the Election is held the Returning Officer shall proceed to obtain the Votes of the Seat in the manner laid down in Rule 9.

9. Process and methods of election.- In the case of an Election where Votes to be taken.-

- (1) The names of the duly Contesting Candidates shall be published by the Returning Officer in the Meghalaya Gazette and in such other manner as he thinks fit.
- (2) A Voting Paper in Form V annexed to these rules shall be issued to each person whose name is borne on the Electoral Roll referred to in Rule 4.
- (3) No duplicates copy of Voting Paper. Cover shall be issued in any circumstances otherwise than under Clause (3) and no Election shall be invalidated by reason of non-receipt by any Elector of a Voting Paper or Cover.
- (4) Voting/Casting/tendering of Votes for registered Pharmacists to the election of the Meghalaya State Pharmacy Council shall be held at the place & time be fixed by the Returning Officer.

- (5) Voting or Casting of Votes to the Election of the Meghalaya State Pharmacy Council shall at least 10 days after the publication of the list of Contesting Candidates from 11:00 A.M. to 3:00 P.M. or, as the Returning Officer may determine.
- (6) Maintenance of secrecy of voting by Elector within the Polling Station and Voting procedure should be strictly followed.

10. Identification of votes.- (1) Before tendering his/her vote , Voters shall produce the up to date Registration certificate in original for verification. Thereafter Identification Slip be issued in Form VI.

(2) The Voters upon the production of Identification Slip in Form VI, shall be issued Voting Paper, allowing him/ hertocast his/her Vote in Form V.

11. Grounds for Rejection of Votes:- (1) Each Elector has as many Votes as the number of Seats for which the election is hell, and he/she shall record his/her Vote by putting TICK mark in ink against the name of each of the Persons for whom he/she Votes in the column as provided in the Voting Paper in Form V, if he/she records Votes for more Persons than the number of Seats for which the Election is his/her Voting Paper shall be rejected.

Explanation:- An Elector may record his/her Votes for a lesser number of Candidates than there as Seats.

(2) A Voting Paper/Ballot Paper shall not be signed by the Elector, nor shall the Elector write or mark anything on a Voting Paper. Other than TICK marks to indicate his/her Votes. A Voting paper in which Votes have been recorded in contravention of this sub-rule shall be rejected.

(3) A Voting Paper/Ballot Paper in which a mark is placed in such a manner as to make it doubtful to which Candidate the Vote is given, or in which the Elector has placed any mark whereby he/she maybe afterwards identified, or in which as altercation or erasure occurs indication a change of Vote, shall be invalid and shall be rejected.

12. Safe Custody of Ballot Box.- (1) The Ballot Box shall be sealed by the Presiding Officer in the presence of witness , which shall be forthwith be send to the Offices of the Returning Officer for custody in a Strong Room or at a place as may be determine by the Returning Officer. The Ballot Box shall be accompanied with a statement, showing actual turn-out on the polling day as per specified format in Form VII.

(2) The Presiding Officer shall ensure that the Ballot Box should reach the strong Room safe.

(3) The Returning Officer shall receive the Ballot Box and Kept under his/her safe custody.

13. Counting of Votes.- Counting of Votes shall be held at 3:00 P.M. of the same day of voting at the place as may be fixed by the Returning Officer, Headquarter of the Pharmacy Council.

(1) The Counting of Votes shall take place on the Date and at the Time and Place as may be fixed by the Returning Officer who shall be present at the time of Counting of Votes.

(2) Every Candidate may be present in person or sent one representative duly authorized by him/her in form VIII to watch the process of the Counting of Votes.

(3) The Returning Officer shall decide any objection that may be raise at the time of the Counting of Votes regarding any Voting Paper and endorse the word "REJECT" and the ground of rejecting on every Voting Paper containing Voting Paper declare invalid and rejected by him/her and shall.

(a) Count or Cause to be counted the Valid Votes given to each Candidate and

(b) Sealed up in separate packets the counted and Rejected Voting Papers and record on each such packet description of its contents and the date of the Election to which it refers.

(4) When the Counting of Votes has been completed, the Returning Officer shall declare the Candidate or Candidates securing the largest number of Valid Votes as duly elected.

(5) When an equal number of Votes is found between two or more Candidates and the addition of a Vote will entitle any of these Candidates to be declare elected, the determination of the person or persons 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/she may determine.

(6) The Numbers of counting station to be notified by the Returning Officer.

14. Declaring of Result.- Result of election to the Meghalaya State Pharmacy Council shall be declared after counting on the same day at the place as may fixed by the

Returning Officer. After the declaration of the Results of the Election, the Returning Officer shall:-

- (a) Prepare and certify a return in form IX annexed to these Rules setting forth:-
 - i. the name of the Candidates for whom Valid Votes have been given;
 - ii. the number of Valid votes given for each Candidates;
 - iii. the name of or names of the Person or Persons declare duly elected.
- (b) Report the result of the Election of the State Government for publication in the Meghalaya Gazette of the Name or Name of the Person or persons who are duly elected; and
- (c) Upon the completion of the Counting and after the Result having been declared by him/her, the Returning Officer shall seal up the Voting Papers and all other documents relating to the Election and shall retain the same for a period of Six Months and thereafter Complaints in any form will not be entertained.

15. Filling up of vacant seats.- In the case of an election under sub-section (4) of Section 255 to till a Casual Vacancy in the seats of a Member elected under Clause (a) of Section 19, the same rules, as laid down for referred to rule 3, shall be published within two Months of the occurrence of the Vacancy and that the Election shall be only of the Seat or Seats that may be become Vacant.

16. Addressed the President of Medical Council requesting to arrange for Election of Members.- For the Election of a Member under clause (c) of Section 19 of the Act of the Act, the Registrar shall at least two months before the date of the first meeting of the newly constituted Meghalaya Pharmacy Council, shall addressed the President of the Medical Council of the State of Meghalaya requesting his/her to arrange for the Election of a Member under the above mentioned clause 19 (c), the Election as aforesaid shall be conducted at a meeting of the Medical Council of the State in accordance with the provisions contained in Appendix – A.

17. Names of elected members to be intimated to State Government.- The name of the Member elected under clause (c) of Section 19 shall be forthwith intimated by the President of the Medical Council of the State of Meghalaya to the State Government for Publication in the Meghalaya Gazette

18. Election for vacancy occurring in the seat of the member.- In the event of Vacancy shall thereupon cause an Election to be held in the manner as laid down in the Rule

and shall report the result of the election to the State Government with intimation to the President of the Meghalaya Pharmacy Council.

19. Convene meeting of members of council.- As soon as may be possible after the completion of Election under clauses (a) and (c) of Section 19 and after the appointments under clauses (b),(d) and (c) of that Section have been made and notified in the Meghalaya Gazette by the State Government, the Registrar shall convene a meeting of the meeting of the Members of the Council for the purpose of electing a President and Vice President of the Council within one month.

20. Chairman to conduct business of Election.- The members present at the meeting so convened shall elect one among them who is not a Candidate for the President to be the Chairman to conduct the business of Election.

21. Election of President.- (1) The Election of the President shall be held by raise of hand, voice vote or by division of seats taken in such manners as the Chairman of the Meeting may determine.

(2) The chairman of the meeting shall not ordinarily exercise any Vote in the Election of the President but shall in the case of equality; the Vote of the Chairman will be the deciding Vote.

22. Election of Vice President.- When the President has been elected he shall conduct the Election of the Vice-President. If he is not present at meeting, the Chairman of the meeting elected under Rule 16 shall also conduct the Election of the Vice President. The procedure for the Election of the Vice-President shall be the same Mutatis Mutandis as laid down in Rule 16.

23. Election in case of casual vacancy.- In the case of Casual Vacancy occurring in the office of the President or Vice-President, a fresh Election shall be held in accordance with the provisions of Rules 14 to 18.

24. Election of Executive Committee.- Five members of the Council (other than the President and the Vice-President) shall be elected as Members of the Executive Committee under Section 27 of the Pharmacy Act by the Members of the Council at a meeting of the council to be prescribed over by the President elected of the Meghalaya Pharmacy Council.

- 25. Method of Election of Executive Committee:-** The Election of the Members of the executive Committee shall be held by raise of hand, voice vote or division of seats taken in such manner as the President may determine and in the case of an equality of Votes obtained by two or more Persons proposed, the Vote of the President shall be the deciding vote.
- 26. For question of intention, construction or application of Rules or validity of Election to be referred to State Government for decision.-** If any question arises as to the intention, Construction or Application of these Rules or the validity of any Election, the question shall be referred under Section 24 of the Ac to the State Government, Whose decision shall be final. A petition questioning the validity of an Election to the Council shall be sent to the Government within the date fixed and the Government shall under Section 24 of the act take necessary action within two weeks from the date of receiving such complain.
- 27. President take action pass order in case of any difficulties:-** If any difficulty arises in holding an Election and in carrying out the provision of these rules, it shall be advised for the President to take such action or pass such orders as it may appear to him necessary or expedient.
- 28. Power of State Government to declare result of the Council to be void:-** The State Government may of its own motion or on objection made within three days date from the date of declare of result to the Council to be void on account of corrupt practices (e.g. Bribery undue influence, presentation, publication of false statements) or any other sufficient reasons and may called the Electorate affected to make fresh Election within one month, specified the date any decision of the State Government.

**Commissioner & Secretary to the Govt. of Meghalaya,
Health & family Welfare Department.**