

U.P. STATE VETERINARY COUNCIL RULES, 1991

16 In pursuance of the provisions of clause (3) Article 348 of the Constitution, the Governor is pleased to order the publications of the following English translation of notification no. 2956/XI[P-1-91. date July 6, 1991: No. 2956[X11-P-1-91 July6, 1991 In the exercise of the powers under sections 65 of the Indian Veterinary Council Act, 1984 (Act no. 52 of 1984), the Governor is pleased to make the following THE UTTAR PRADESH STATE VETERINARY COUNCIL RULES, 1991

CHAPTER I- Preliminary 1. Short title and commencement.-(i) "These rules may be called the Uttar Pradesh State Veterinary Council Rules, 1991. (2) They shall come into force with effect from the date of their publication in the official Gazette

2. Definitions-(1) In these rules, unless there is anything repugnant in the subject of context: (a) 'Act' means the Indian Veterinary Council Act, 1984 (Act no.52 of 1984); (b) 'Election or re-election' means election or re-election to the State Veterinary Council; (c) 'Form' means a Form appended to these rules; (d) 'Nomination or Re-nomination' means nomination or re-nomination to the State Veterinary Council; (e) 'Registrar' means the Registrar of the State Veterinary Council; (f) 'State Government' means the Government of Uttar Pradesh; (g) 'Section' means a section of the Act; (z) 'Tribunals' means the Registration Tribunal for Uttar Pradesh established under sections 45 of the Act. (2) Words and expressions used in these rules but not separately defined shall have the meaning assigned to them in the Act

CHAPTER II-Election of Members to the State Veterinary Council (Section 37) 3. Notice of election.-For purpose of electing the members of the State Council under clause (a) of sub-section (1) of section 32, the State Government shall, publish a notice in local news papers for the information of all the Veterinary practitioners registered in the State Veterinary register in respect of the expected date of election

4. Preparation of the electoral roll.-As soon as may be after publication of the notice under sub-rule (1), the Registrar shall prepare the electoral roll mentioning therein the name and address of all the Veterinary practitioners registered

5. Publication of the electoral roll.-The Registrar shall publish the electoral roll prepared under sub-rule (2) and make available a copy, thereof, for inspection by displaying in the office of the State Veterinary Council

6. Claim and objections.Every claim for inclusion of the name in the electoral roll and every objection to an entry therein shall be lodged within a period of thirty days from the date of publication of the electoral roll under rule 10 and 11 respectively

7. Forms of claim and objection and their manner.-(1) Every claim in Form I shall be signed by the registered Veterinary practitioners. (2) Every objection in Form II shall be preferred by a registered Veterinary practitioner who has already been included in the electoral roll and shall be countersigned by another registered Veterinary practitioner whose name is also included in the roll. (3) The claims and objections shall be considered by the Registrar who may reject any claim by recording the reasons for such rejection. (4) The decision of the Registrar allowing or rejection of a claim or objection shall be final

8. Final publication of the electoral roll The Registrar shall publish the final electoral roll after making amendments, if any, considered by him to be necessary. (2) A copy of the final electoral roll published under sub-rule (1) shall be sent to the State Government

9. Returning officer and Assistant Returning Officers.-(1) The State Government shall, after receipt of a copy of the electoral roll published under sub-rule (1) of rule 8 designate or nominate a Returning Officer who shall be an officer of the State Government. (2) The State Government may also appoint one or more persons, who shall also be officers of the State Government to assist the Returning Officers in the performance of his functions as Assistant Returning Officers. (3) 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 no 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. 10. Fixation of date for nomination etc.-(1) The Returning Officer shall, by

notifications published in the official Gazette in a local news paper or in such a other manner as be may deem it, fix- (i) the date date for making nominations which shall be the seventh day after the date of publication of the notification, or if that day is a public holiday, the next working day; (ii) the date for withdrawal of candidature which shall be the second day after the date for scrutiny of nominations or, if that day is a public holiday, the next working day; (iii) the date of polling, if necessauy, which shall be a date not earlier than the thirteenth day from the date for withdrawak of candidature; (iv) the date, the time and the place for counting of votes and for declaration of results which Shakl be within three days from the date of pooling. (2) 'The notification, issued under sub-rule (I), shall also invite nomination of candidates for election to the State Council and speci& the place at which the nomination papers are to be delivered

11. Presentation and requirements for valid nominations.-(1) On or before the date fixed under rule IO each candidate shall send by registered post with acknowledgement due or deliver in person to the Returning Officer a nomination paper duly filled in Form III. (2) Every nomination paper Shakl be subscribed by two elector-one as he proposer and to other as the seconder and assented to by he candidate: Provided that no elector shall subscribe as reposer or seconder more nomination papers than the nurnbers of seats to be filled: Provided further that, in case an elector subscribe to more number of nomination papers than the number of seats to be filled up, as a proposer or a seconders as the case may be, the nomination papers first received by the Return- ing Offcer equal to the number of seats to be filEed up shall, if they are other wide in order, stand valid and all such other nomination papers as are subscribed by the same elector as received simultaneously shall be invalid. (3) On receipt of each nomination paper the Returning officer shall endorse there on the date and the hour of its receipt* 12. Rejection of nomination paper.- A nomination paper which is not received on or before the date fixed by the Returning Officer in that behalf shall be rejected

13. Scrutiny of nomination papers.-(1) On the date and the time appointed by the Returning officer for scrutiny of nomination papers.the candidates and the proposer and the seconder of each candidate or other representative duly authorized by the candidates 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 afore said. (2) 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 there on shall be final

14. Withdrawal or candidature.-(1) Any candidate may withdraw his candidature by notice in writing signed by him and delivered to the Returning Officer before the date fixed under sub-rule (1) of rule 10. (2) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election

15. Publication of the list of contesting candidates.-(1) Immediately after the expiry of the period with in 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 valid by nominate and who have not withdrawn their candidatures within the said period, (2) The list under sub-rule (1) shall contain the names (in alphabetical order) and the addresses of the contesting candidates as given in the nomination papers. (3) The list under sub-rule (1) shall be published in the Gazette and in the local news papers and be given wide publicity in such manner as the Returning Offcer may deem fit

16. The poll.w(1) If the number of duly nominated candidates for eEections does not exceed the number of members to be elected, the Returning Officer shall forth with declare such candidates to be duly elected. (2) If the number of such candidates exceeds the number of members to be elected the 18 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 resid- ing within or outside the State but within the country a voting paper in from IV together will a numbered declaration paper in Form V a letter of intimation in Form VI containing the names of the candidates in alphabetical order addressed to the Returning Officer and another cover also addressed to the said office: Provide 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, (3) A certificate of posting shall be obtained in respect of each such letter of intimation sent to him, (4) 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 inadvertently spoilt, may transmit 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 papers shall be returned to the Returning officer who shall cancel them to receipt. (5) In every case in which such fresh papers have been 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 to him. (6) No election shall be invalid by reason of non receipt by an elector of his voting papers and other connected papers. (7) Each elector shall have the right to vote for as many candidates as there are seats to be filled by the election, and the vote shall be non-transferable. (8) Every elector desirous of recording his vote shall, after filling up the declaration paper (Form V) and the voting paper (Form VI) according to the directions given in the letter of intimation (Form I V) enclose 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 that outer envelope by post at the electors own cost or by hand to the Returning Officer, so as to reach him not later than the appointed time for closure of voting on the date fixed for the poll. (9) On receipt by post, or by hand, of the envelop containing the declaration paper and the closed cover containing the voting paper the Returning Officer shall endorse on the cup envelope the date and the hour of its receipt

17. Opening of the cover-(1) The Returning officer shall open the outer envelope 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 him.

(2) 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, 18. Rejection of Voting paper-(1) Voting paper shall be rejected by the Returning officer (a) the outer envelope contains the declaration paper outside the voting paper cover; or (b) the declaration paper is not the one sent by the Returning Officer; or (c) the declaration paper is not signed by the elector; or (d) the voting paper is placed outside the voting paper cover; or (e) more than one declaration paper or voting paper cover have been enclosed in one and the same outer envelope. (2) In each case of rejection, the word to "rejected" shall be endorsed on the voting paper cover and the declaration paper. The reason for the rejection shall also be recorded, in brief, on the voting paper cover. (3) After satisfying himself that the election have affixed their signatures to the declaration papers, the Returning officer shall keep all the declaration papers in safe custody pending disposal under rule 21

19. Scrutiny and counting of Vote.-(1) On the date appointed for the counting of votes the voting paper covers other than these rejected under rule 18 shall be opened and the voting papers taken out and mixed together. (2) The voting papers shall then be scrutinized and the valid votes counted. (3) Any candidate may be present in person or may send a representative duly authorized by him, in writing, to watch the process of counting. (4) A voting paper shall be invalid if- (a) it does not bear the Returning Officer's initials or facsimile signature; or (b) a voter signs his name on the voting paper, or writes any word on it, or makes a mark on it by which it become recognizable as his voting paper; or (c) No vote is recorded there on; or (d) It is invalid for uncertainty of the vote recorded; or (e) the number of votes recorded there on exceeds the number to be elected; or (f) the recording of the vote has been done at a place other than that provided for the purpose. (5) The Returning Officer shall show the voting papers to the candidates or their authorized representatives at the time of scrutiny and counting of votes, if so requested. (6) 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 rejections of voting a paper by the Returning Officer, it shall be decided at once by the Returning Officer whose decision there on shall be final. (7) The Returning Officer shall nominate such number of scrutinisers as he deems fit in accordance with such directions as may be issued in his behalf by the Stated Government

20. Declaration of results.-(1) When the counting of votes has been complete, the Returning Officer shall draw up a list of candidates in the order of highest votes polled by each and shall declare the results of the successful candidates in that order according to the number of seats to be filled up. (2) If any candidate thus declared elected refuses to accept the election, then in the place of that candidate one of the remaining candidates to whom the next largest number of votes have been cast shall be deemed to have been elected and the same procedure shall be adopted for the of the, terms as of ten as a vacancy is caused in this way. (3) When there is equality of votes among any two or more candidates, then the person or persons, as the case may be, who shall be deemed to have been elected shall be determined by lots to be drawn by the

Returning Officer or any other officer authorized by him in such manner as he may determine. (4) The Returning Officer shall, as soon as the result is declared, inform each successful candidate of his being elected to the State Veterinary Council

21. Voting papers to be retained,-Upon the completion of the counting and after the result has been declared, the Returning Officer shall seal the voting papers and all other documents the same for a period of six months, and shall not destroy these records even after the expiry of the said six months without the previous concurrence of the State Government. Intimation of results of election.-(1) 22. The Returning Officer shall intimate the names of the elected candidates to the State Government for publication thereof in the Gazette under sub-section (2) of section 32 of the Act. (2) In case of any dispute regarding the election, which may be lodged with the Returning Officer within fifteen days of the declaration of the results of the election, it shall be referred to the State Government for its decision, under section 37 of the Act, which shall be the final

CHAPTER III-Election of the President of the State Veterinary Council, (Section 36)

23. Register of members of the State Veterinary Council.-The office of the State Veterinary Council shall maintain a register in Form VII giving the names and other details of the members elected or nominated to it from time to time

24. Procedure for election of the President of the State Veterinary Council.-(1) The President of the State Veterinary Council elected by the members thereof from amongst themselves. The election shall be held at the first meeting of the said Council after its constitution or reconstitution, as the case may be. (2) The Registrar shall invite the members present at that meeting to make their nominations for the office of the said President. Each nomination shall be supported by another member present at that meeting as the seconder: Provided that no member shall nominate or second more than one member for the candidature of the President. (3) If there be only one person so nominated he shall be declared duly elected as the President of the State Veterinary Council unopposed. (4) If, however, there be more than one member duly nominated and seconded for the candidature of President, the Registrar shall proceed to take ballots in the following manner namely- (a) A slip of paper shall be given to every member present who shall write on it the name of one of the contestants in whose favour the member wishes to cast his vote. He shall then fold the slip and hand it over to the Registrar. (b) On receipt of all the slips the Registrar shall count the number of votes secured by each contestant and shall declare that member who secures the largest number of votes to be duly elected council. members relating to the election, and shall retain 20 (c) If there is an equality in the votes secured by two or more contestants thus making it difficult to decide as to who gets the maximum votes, the Registrar may then decide the issue by taking lot in such manner as he deems fit, and the person so identified by the draw of lot shall be declared as duly elected as the President of the State Veterinary Council

CHAPTER IV-Procedure for transaction of Business of the State Veterinary Council:[Section 38(6)]

25. Time and place of business.-(1) The business meetings of the State Veterinary Council shall ordinarily be held once in every three months at such time and place as may be decided by its president; Provided that the place chosen shall be within the State of Uttar Pradesh. (2) The President of the State Veterinary Council may in the course of a business meeting of the said Council decide the Date for its next meeting. (3) A special meeting of the State Veterinary Council if deemed necessary, shall be called by the President on seven days notice at any times. (4) The first meeting of the State Veterinary Council held in any financial year shall be deemed to be the annual meeting of the State Veterinary Council for that year. (5) The minutes of every meeting other than a special meeting, called under sub-rule (3) shall be dispatched by, the Registrar by hand or by registered post to every member of the State Veterinary Council not later than thirty days after the said meeting. (6) The items of business on the preliminary agenda of an ordinary quarterly meeting of the State Veterinary Council shall be intimated to the members by the Registrar, in writing, well in advance of the meeting and in any case not less than thirty days prior to the date fixed for the meeting, (7) In the case of a special meeting, however, the Registrar shall not, less than seven days before the date fixed for that meeting, issue along with the notice for the said meeting the items of business on the agenda proposed for that meeting. Intimation of meeting item of there in member who wishes to move any motion included on the agenda for an ordinary or to move an amendment to any agenda so included shall be given notice to the Registrar, in writing not less than seven days before the meeting. Thereafter the Registrar shall, in consultation

with the President of the State Veterinary Council, accommodate such a request on the final agenda for the meeting

26. Business session.—Every meeting of the State Veterinary Council shall be presided over by its President when present on, in his absence, by any other member chosen by the members present from amongst themselves to preside over that meeting

27. Quorum.—(1) The quorum necessary for transaction of business at a meeting of the State Veterinary Council be fix (that is, not less than one-third of the stipulated strength thereof). (2) If at the time appointed for a meeting the quorum is not complete then the meeting shall not commence until quorum is not complete and if even at the expiry of one hour from the appointed time there is no quorum the meeting shall stand adjourned to such future date and time in the same quarter as the President of the State Council may appointed

28. Business.—(1) All questions which come up before any meeting of the State Veterinary Council shall be decided by the majority of the members present and voting. (2) In the case of an equality of votes the presiding person shall have casting vote. (3) A copy of the minutes of each meeting of the State Veterinary Council •whether ordinary or special, shall be submitted to its President within two days of the meeting and aner being attested by him sent to each member as provided under sub-rule(5) of rule 25

CHAPTER V-Executive and other Committee (Section 40) 29. Executive Committee and other Com.,mittee.— (1) The State Veterinary Council max under section 40 of the Act, constitute from among its members an Executive Committee and other Committee, on the adoption of motion to this effect, for such purpose as it may consider necessary and define the purpose and functions of such committee in the said motion it self. (2) The State Veterinary Council may also co-opt any person or persons specially qualified to advice on any matter to any Committee other than the Executive Committee, by adopting a motion to this effect. (3) The quorum for a meeting of the Executive Committee or any other Committee as the case may be shall be specified at the time of its constitution thereof. The quorum shall not be less than the simple majority of member appointed in this regard. (4) The Executive Committee and than fifteen days before the date fixed for the Registrar of the State Veterinary Council on the matters referred in the motion (s) constituting a committee within the time specified for the pulpose in the motion. (5) Save in exceptional circumstances, no extension of time shall be given to any Committee constituted by the State Veterinary Council under sub- rule (1), (6) The Registrar shall place before the State Veterinary Council the said report of the Committee at the next meeting of that Council

CHAPTER VI-Fees and 41)

30. Travelling and daily allowances.—(1) The president and other members of the State Veterinary council other then the State Government officials and ex-oftácio members shall be paid travelling and daily allowances as "applicable to class I officers of the State Government for attending the meeting of the State Veterinary Council or a Committee as the case may be. (2) The members of a committee other than the members of the State Veterinary Council, shall be paid such travelling and daily allowances for attending the meetings of a committee as rmay be admissible to the members of the State Veterinary Council. (3) The ex-officio members nominated by the State Government shall, however, be entitled for such travelling and other allowances as may be admissible to them in accordance with the rules of their parent department or the organization, as the case may be. 31* Fee.—(1) A fee of Rs. 50 shall be paid to a member or an ex-officio member (other than President) of the State Veterinary Council or a committee. (2) The President of the State Veterinary Council, if he is not a State Government official, each be paid and amount of Rs. 100 as fee for shall meeting of the State Veterinary Council and Rs. 50 for attending the meetings of a Committee. (3) Where a member of the State Veterinary Council presides over a meeting thereof under Rs, 26 he shall be paid a fee or Rs

100

CHAPTER 32. Terms and conditions of service of Reg- istrar and other officers and employees: [Sec- tion terms and conditions of service of the Registrar, and of the other officers and employees appointed by the State Veterinary Council shall subject to the Provisions of these shall be such as may be applicable to the State 21 other Committee so constituted shall report to the Government officials like status under the service rules of the State Government

CHAPTER 33. State Veterinary Register.-The State Government/the State Veterinary Council, as the case may be, shall, as provided under section 44 of the Act, maintain the State Veterinary Register for Uttar Pradesh in Form VIII containing the names and other relevant particulars of the persons possessing the recognized veterinary qualifications and registered with the State Veterinary Council under the Act

34. Application for first registration and registration fee(Section 45).-(1) Every person who holds n recognized Veterinary Qualification and resides in the State of Uttar Pradesh, his name is to be registered with State Veterinary Council shall apply to the Registration Tribunal constituted under section 45 for registration. The application shall be addressed to Registrar, U.P. Veterinary Council accompanied with Registration fee of Rs. 25. (2) On the entry of a person's name in the State Veterinary register, the Registrar shall issue to him a certificate of Registration in From X

35. Renewal fee for Registration:(Section 48).-(1) To retain a name in the State Veterinary Register, the person will have to pay to the State Veterinary Council every five years a registration renewal fee of rs. 15(Rs. Fifteen only) before the 1st day of April of the year in which his registration renewal fall dues. (2) Fee for restoration to State Veterinary SO).-The fee for restoration of the name of a person removed from a State Veterinary Register shall be Rs. 15 (Rupees fifteen only, 36. Cost of the printed copy of State Veterinary Register:(Section 51).-The printed copies of the State Veterinary shall be made available on payment of the charges at the rate of Rs. 10 per copy

37. Issue of Duplicate Certificate:(Section A duplicate certificate of registration or renewal as the case may be shall be issued by the Registrar of the State Veterinary Council on payment of fee of Rs.10 (Rupees ten only). (2) The said duplicate certificate shall be in Form XIL N.B.-Fees paid to the State Veterinary Council are not refundable.

