



# College of Physicians and Surgeons of Mumbai

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## **RULES FOR THE ELIGIBILITY AND DISQUALIFICATION FOR THE COUNCIL MEMBER NOMINATION (AS PER BYE-LAWS OF CPS)**

### **A. Eligibility :-**

- I. A Fellow of CPS upon completion of 15 years after conferring of the Fellowship at the Convocation shall be eligible for nomination;
- II. At least two third (2/3) (i.e. 16 out of 24) of the seats in the governing Council of this college will be filled up by Fellows having recognized CPS approved teaching experience of not less than Seven (7) years in any of CPS duly recognized Institute / any Medical College. Thus at no stage there will be less than sixteen (16) members of the governing Council without teaching experience as stipulated herein above.
- III. A fellow desirous to contest should have F.C.P.S. registered as an additional qualification in any State Medical Council;
- IV. "Good Standing Certificate" issued by any State Medical Council to be attached to the nomination form.

### **B. Disqualification for nomination and of Council Member:-**

A person shall be disqualified for nomination, if such person:-

- I. Does not fulfill the eligibility criteria mentioned above.
- II. Is declared as of unsound mind by a competent court of law;
- III. Is declared as insolvent by a Competent Court of law;
- IV. Has been involved in an offence of moral turpitude;

- V. Has been found and declared guilty by Council after due enquiry for indulging in or promoting unfair practices in the conduct of any examination and/or related matter in any form anywhere in any capacity.

Such a person(s) shall be disqualified to contest any election and to continue as member of the Council of CPS.

**ELECTION OF MEMBERS OF COUNCIL:-**

- A.** There shall be annual election for maximum three members at every regular election.
- B.** The regular election of the Council members retiring by rotation shall take place every year in the month of October-January and the declaration of the result of regular election of Council members shall be placed in the subsequent meeting of the Council and the declaration shall be proclaimed after it has been adopted by the Council in the meeting;
- C.** If any vacancies occurs in the Council on account of death, resignation disqualification and removal of the Council member, the Council shall have the authority to co-opt members against such vacancies and the tenure of the members so co-opted shall be the remaining tenure of the members in whose place the appointments by way of co-option have been made; However in an eventuality wherein more than 2 vacancies occur, at a time, on account of death, resignation, disqualification and removal of the Council Member, it shall be mandatory for the Council to hold a by-election to fill in such vacancy. The declaration of the results of such a by-election of members of the Council shall be made and placed in the next Meeting of the Council and the members so elected shall continue to hold the office as Member of the Council from the date of the said meeting.
- D.** The declaration of the regular election to be held in October-January, to elect members in place of the retiring members, shall be made by the Council after every year in its meeting scheduled in July and the Council shall appoint the Secretary or the Deputy Secretary or any Council member as the Election Officer who shall be responsible for preparing the program of election and initiating the election process and conducting the same as per the bye laws. The results of

the said election shall be placed before the next meeting of the Council by the Election Officer and shall be then announced by the Council in its meeting.

- E.** Notwithstanding anything contained in this Bye-laws and to give chance to fellows from all specialty, at any given time, the number of Council Members of one broad specialty should not exceed more than four (4).

### **ELECTION RULES:-**

#### **A. Nomination:**

- I. Every eligible Fellow desirous to contest for the post of Council Member shall be duly nominated by three Fellows by examination of CPS who shall fill in the nomination form and have delivered, to the Election Officer or Office bearers or the employee of CPS duly authorized by the Election Officer and/or the Office bearers in their absence within the stipulated period as mentioned in the election schedule, a nomination in the following terms:-

*"We, the undersigned Fellows of the College of Physicians and Surgeons of Mumbai, do hereby certify that Dr is in our estimation a fit person to be elected in to the Council of the said College and we do hereby nominate him/her a candidate for a seat in the said Council."*

- II. Members of the Council retiring from office by rotation are entitled for reelection as per this Bye-laws
- III. A fellow upon completion of five years after conferring the Fellowship at the Convocation shall be eligible to propose only one (1) fellow for nomination for the post of Council member at any given election;
- IV. A fellow contesting for the post of Council member shall not propose or second any other fellow at the same election;

#### **B. Nomination Form:**

- I. Customized nomination form to be printed for the election and every form to be duly numbered, signed by the Election Officer and President/Vice-Presidents/Registrar/Controller of Examinations (any two of these), and affixed with stamped seal of CPS.

- II. The instruction printed along with the nomination form has to be followed in to- to.
- III. The list of requisite documents to be attached (self-attested) along with the nomination forms will be provided along with the nomination form.
- IV. The Election/Returning Officer appointed by the Council for an election shall not be a proposer for any fellow desirous to contest in that election

**C. Scrutiny of Nomination Form:**

- I. On the date and time appointed by Returning Officer, for scrutiny of nomination forms, the candidates or the Proposer of each candidate may attend the venue of scrutiny mentioned in the nomination form.
- II. Incomplete, incorrect and wrong information in nomination form shall be declared the nomination form invalid by Election Officer.
- III. The Returning Officer shall examine the nomination form and decide all questions which may arise as to the validity of any nomination as per the bye-laws and his/her decision shall thereon be final and binding.

**D. Rejection of nomination form:**

All instructions under heading of rejection of nomination form are mandatory.

- I. Nomination form(s) issued to the candidate after verification of identity shall be filled completely by the same candidate, otherwise the nomination shall be rejected.
- II. Nomination form which is not received before the date and the time appointed in that behalf shall be rejected.
- III. Incomplete, incorrect and wrong information in nomination form shall declare the nomination form invalid by Election Officer.

- IV. All the photocopies of the necessary documents mentioned to be submitted with nomination form, shall be self-attested by the candidate. If there is no self attestation the nomination form shall be declared invalid and shall be rejected by the Election Officer.
- V. The self-attested documents provided by the candidate, if found false, fake, or spurious shall make the Candidature invalid and such fellow shall be liable for strict disciplinary action as deemed fit by CPS Council.
- VI. The data provided by the candidate should match with the records available with College of Physicians and Surgeons of Mumbai. Otherwise the nomination form shall be rejected as the information being wrong.
- VII. If any question arises as to whether a person is or is not entitled to contest the election, the question shall be referred to the returning officer, whose decision shall be final.

**E. Withdrawal of candidature:**

- I. Any candidate may withdraw the nomination which has been accepted by the returning officer after scrutiny, before the scheduled date for withdrawal in writing signed by the candidate and delivered to the Returning Officer.
- II. A candidate who has withdrawn his candidature shall not be allowed to cancel his withdrawal or to be re-nominated as a candidate for the same election.
- III. The Returning Officer shall on receiving a notice of withdrawal, display the fact of such withdrawal on notice board.
- IV. If the number of valid nominations (after scrutiny) does not exceed the number of valid vacancies as per election program then these valid nominated members should be declared duly elected on the day of the finalization of the valid nomination list. In such circumstances, further election procedure shall stand cancelled for that election.

**Otherwise the following procedure to be followed.**

**F. VOTING :-**

- I. Not less than 27 days prior to the day fixed for counting of votes, the election/returning officer shall send by Post, to every Fellow of CPS whose address in India is updated in the electoral roll, complete list of nominations as delivered to him after scrutiny, along with a voting paper and an addressed envelope with postal stamp for returning the ballot paper to the election/returning officer after casting the vote, such voting paper must be signed by the President or in his absence by one of the Vice-Presidents or both along with election/Returning officer, the names of the members of the Council retiring by rotation, but seeking re- election, shall be placed at the top of alphabetic voting list.
- II. Every Fellow, if desires to vote at such election, shall return each voting/ballot paper unsigned after casting the vote in the envelope provided, under seal, enclosed in a cover with proof of photo identity, to the election/returning officer so that it shall arrive not later than one day prior to the date fixed for the counting to take place.
- III. The fellows who have not received the ballot paper and have their name listed in the updated electoral roll can request for a new ballot paper on an application with self- attested proof of identity to the election officer after eight days of sending the ballot papers and up to one day prior to last date of receiving ballot by the election/returning officer. The fellow shall post/deliver such ballot paper before the scheduled last date.
- IV. Before every election, a notice to update the electoral roll for inclusion, change of address shall be published in two newspapers and official website of CPS or only on official website of CPS.
- V. The ballot paper shall neither be signed nor any identification mark to be put on the ballot paper by the voter to maintain confidentiality of the vote. If done so, the vote will be considered invalid.

- VI. The sealed ballot papers shall be deposited in a sealed ballot box placed in the office of CPS in person/by post.
- VII. The ballot box shall be opened by the election/returning officer in the presence of two scrutinizers appointed by Council from amongst the Council Members and/or office bearers and the contestant/the nominees of contestants present for counting of votes.
- VIII. The election/returning officer shall upon opening the envelope then verify the name from the electoral roll and being correctly and separately verified shall separate the sealed ballot envelope and placating separate box for the counting. The envelope of the ballot paper and the indent should not be opened simultaneously to maintain confidentiality of the vote.

**G. Rejection of voting paper:**

A voting paper cover shall be rejected by the Returning officer if:

- I. The outer envelope contains no self-attested proof of identity.
- II. The voting paper placed is outside the voting paper cover.
- III. The voting paper does not bear returning officer's signature or facsimile signature; or
- IV. A voter signs his name or writes a word or makes any mark on it, by which it becomes recognizable as his voting paper; or
- V. No Vote is recorded thereon ; or
- VI. The number of votes recorded there on exceeds the number of vacant posts to be filled; or
- VII. It is void for uncertainty of the vote exercised.
- VIII. If the proof of identity is placed inside the envelope along with ballot paper.
- IX. In case of rejection, the word 'rejected' shall be endorsed on the voting paper cover.

- X. After satisfying himself that the elector has enclosed his signature to the proof of identity outside the envelop provided by ballot paper, the Returning officer shall keep all the declaration papers in safe custody, pending disposal for a period of six months or maximum of 180 days.
- XI. If at any election two or more candidates for one or more vacancies shall obtain an equal number of votes, the right of such candidates to be elected shall be determined by drawing of lots after the counting.
- XII. Counting shall be done by the election/returning officer in the presence of the Office bearers and the contestant or the nominees present for counting of votes.
- XIII. The voting papers shall be retained for six months. Upon the completion of the counting, and after the results have been declared by the Returning Officer, he shall submit the voting papers and all other documents relating to the elections to the Secretary who shall retain the same for a period of six months or 180 days.
- XIV. The election officer shall submit the election report on completion of the election process to CPS Council for final approval.
- XV. The result of the election will be approved and declared by the President or the person acting on his behalf in the Council Meeting.

**Sd/-**  
**Dr. Venkatesh Giri**  
**Election officer**  
**College of Physicians and Surgeons of Mumbai**

**Sd/-**  
**Dr. Ajay Sambre**  
**Election officer**  
**College of Physicians and Surgeons of Mumbai**