

## THE KHYBER MEDICAL UNIVERSITY ELECTION STATUTES

1. These Statutes may be called "The Khyber Medical University Election Statutes 2008", in terms of Section 27(1)(p) read with Section 13(3)(e) of The Khyber Medical University Act 2006 (NWFP Act I of 2007).
2. These Statutes shall come into force with immediate effect.
3. Definitions:- In these Statutes unless there is anything repugnant in the subject or context of The Khyber Medical University Act 2006 (NWFP Act I of 2007);
  - (a) "Appointed date" means a day within the working hours of the University Office so fixed by the Election Authority for nominations, withdrawal, election or any other day for a particular objective in connection with the elections;
  - (b) "Constituency" means a constituency delimited under The Khyber Medical University Act 2006 (NWFP Act I of 2007);
  - (c) "Election" means election of a member or members of any Authority or Body under The Khyber Medical University Act 2006 (NWFP Act I of 2007);
  - (d) "Elector" means a person who is actually on the electoral list for any electoral constituency for purposes of elections under the University Act;
  - (e) "Election Agent" means an election agent appointed by a candidate under Section 19 (1) of these statutes and where no such appointment is made, the candidate may act as his own agent;
  - (f) "Presiding Officer and Assistant Presiding Officer" means Presiding Officer and Assistant Presiding Officers so appointed by the Returning Officer;
  - (g) "Polling Day" means the day on which the polling is conducted for the election;
  - (h) "Registrar" means the Registrar of the Khyber Medical University and election authority for the purposes of these Statutes;
  - (i) "Registered Graduates" means
    - i) a graduate of the University who has his name entered in the register of graduates of the University maintained for his purpose;
    - ii) a medical graduate of any other recognized University who ordinarily resides within the territorial jurisdiction of the Khyber Medical University and has his name entered in the register maintained by the University for this purpose;
  - (j) "Returning Officer" means, Returning Officer so appointed by the Election Authority exercising the powers and performing the function assigned to him in connection with the election;
  - (k) "Specified Authorities" means the Senate, Syndicate and Academic Council of the Khyber Medical University;

All other expressions shall have the same meanings as assigned to them and as defined under Section 2 of The Khyber Medical University Act 2006 (NWFP Act I of 2007).

4. Election Authority: (1) The Registrar shall be the Election Authority and shall conduct the elections and deal with all other relevant matters of the University and subject to these Statutes regulate his own procedure of work;

- (2) The Registrar may require any University Officer/ Teacher or any other University employee to perform such functions or render such assistance for the purpose of these Statutes as he may direct.
  - (3) All the Officers / Sections of the Constituent or affiliated Colleges or allied institutions and the Administrative Sections shall assist the Registrar in the performance of his functions;
  - (4) The Registrar shall determine the number of constituencies for general elections in accordance with the provisions of The Khyber Medical University Act 2006 (NWFP Act I of 2007).
5. General Elections to fill vacancies: - Once in three years general elections shall be held on the appointed date to fill vacancies in the specified authorities of the University as provided in the University Act and required to be filled by election. In case of any casual vacancy a bye-election may be held in the appointed date.
6. Notice of Election: - (1) The Election Authority shall by a general notification announce the programme of elections in the various constituencies showing the appointed dates for the various stages of the elections as specified in Schedule-I to these Statutes. The notice for ballots by post shall also be published in at least two local newspapers. Provided that the Returning Officer may, with the approval of the Election Authority, make such changes in the Schedule of dates as the circumstances may require.
- (2) The Election Authority shall also notify the election schedule to the Teaching Departments, constituent colleges, affiliated colleges and other institutions, as the case may be.
7. Appropriate day in case of a Holiday:- If any appointed date is a holiday the next working day shall be considered to be the appropriate day.
8. Publication of Electoral Lists: - The Election Authority on the appointed date shall publish the Electoral Lists of the Elections of the specified Authorities by a general notification by circulation to heads of all institutions and by affixing them at the University Notice Board. A copy of any such list may be available, on demand, subject to being in stock, on payment of Rs. 50/-.
9. Claims and Objections: - All claims for entry in the aforesaid Electoral List and objections thereto shall be received by the Election Authority upto an appointed date and decided by him within ten days of the appointed date and the decision so made shall be notified.
10. Decision of the Election Authority: - The Election Authority shall be the review authority and its decision with respect to claims and objections, unless objected in writing and received within three days of the decision, shall be final.
11. Decision by Committee:- If any objection is made against the decision of the Election Authority, shall be decided within three days by a Committee consisting of four University Professors, to be appointed by the Vice- Chancellor, one of whom shall be nominated as the Chairman of the committee. The quorum shall be 3 and the decision shall be taken by majority. In case of a tie, the Chairman shall have a casting vote in addition to his own vote.
12. Correspondence with the Elector:- (1) All correspondence shall be addressed to the Electors by name. The Electoral and relevant Lists shall be sent on their official address

only. An elector shall notify any change in his address to the Election Authority within the prescribed time.

(2) All final electoral lists shall be affixed at the University Notice Board and copies thereof dispatched by the Election Authority to the chairmen of the University Teaching Departments and Principals of the Constituent and Affiliated Colleges and Heads of Allied institutions for the information of the Electors, as prescribed under Schedule-I.

13. Qualifications for Voting: - No person, unless his name is on the Electoral list shall be qualified to vote or be elected at any election held under these Statutes unless he fulfills the conditions prescribed in The Khyber Medical University Act 2006 (NWFP Act I of 2007).

14. Nomination for Ejection: - (1) Any elector of a constituency may propose or second the name of any qualified person to be a member of that constituency.

(2) Every proposal shall be made by a separate nomination paper in the prescribed form as given in Schedule-II, which shall be signed by the proposer and the seconder and shall contain;

(a) A declaration signed by the candidate that he has consented to the nomination and that he is not subject to any disqualification for being elected as a member.

(b) Each Elector shall be entitled to propose or second as many persons for election as there are vacancies in each constituency.

(c) Nominations in excess of the number of vacancies in a constituency shall invalidate all nominations made by an elector as proposer or seconder.

(3) Every nomination paper shall be delivered personally by the candidate or his proposer or seconder or forwarded to the Returning Officer by name by post under Registered Cover so as to reach him not later than the appointed date.

(4) The Returning Officer shall give a serial number to every nomination paper and record therein the name of the person presenting it and the date of its receipt.

(5) The Returning Officer shall notify a list of nomination papers received by him containing the particulars of the candidates and the name of the proposer and seconder.

15. Scrutiny:- (1) On the appointed date the Returning Officer shall scrutinize the nomination papers received by him. The candidates, their election agent, proposer, or seconder may attend the scrutiny of papers.

(2) The Returning Officer shall give the candidates their election agents, seconders and proposers reasonable opportunity for examining the nomination papers and objections, raised if any, shall be considered and decided on the spot, by the Returning Officer.

(3) The Returning Officer shall reject after a summary enquiry if necessary in his opinion a nomination paper on one or any of the following genuine/alleged as such provided;

(a) The candidate is not qualified to be elected as a member.

(b) The proposer or seconder is not qualified to subscribe to the nomination papers.

- (c) The provisions of these statutes have not been complied with or that the signatures of the proposer or the seconder do not seem to be genuine or are alleged as such provided.
  - (d) The rejection of any nomination paper shall not invalidate the nomination of a candidate by any other valid nomination paper.
  - (e) The Returning Officer shall not reject a nomination paper on the ground of any defect which is not of a substantial nature and may allow any such difficulty to be removed forthwith.
- (4) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting, stating reasons, in writing, in case of rejection.
- (5) In case of rejection of a nomination paper the candidate may file objections within three days, to the Committee appointed under rule 11, whose decision shall be final.
16. Publication of list of Candidates:- (1) The Returning Officer shall, after the scrutiny of the nomination papers, prepare and publish in the prescribed form a list of candidates validly nominated.
- (2) In case of objections against the rejection of a nomination paper are accepted by the Committee, the Returning Officer shall accordingly revise the list of validly nominated candidates.
17. Withdrawals: - (1) Any nominated candidate may withdraw his candidature by a notice in writing, signed by himself and delivered to the Returning Officer either by himself or by post under registered cover so as to reach the Returning Officer on or before the appointed date.
- (2) A notice of withdrawal shall in no circumstance be open to revocation or cancellation.
- (3) Copies of such notices of withdrawal shall be notified for general information and a copy placed on the University Notice Board.
18. Un-contested Election: - Where after scrutiny only one person remains as a validly nominated candidate for election in a constituency or where after withdrawal only one person is left as a contesting candidate, the Returning Officer shall notify such candidate to have been elected un-opposed, provided no appeal is pending against the rejection of any nomination paper.
19. Election Agent: - (1) The candidate may appoint a person qualified to be an elector to be his Election Agent under intimation in writing to the Returning Officer.
- (2) The appointment of an Election Agent may, at any time, be revoked in writing by the candidate.
20. Polling Agent: - (1) The contesting candidate or his Election Agent may, before the commencement of the poll, appoint for each Polling Station a Polling Agent and shall give notice thereof in writing to the Presiding Officer.
- (2) The appointment of the Polling Agent may be revoked at any time by the candidate or his Election Agent.
- (3) Where any act or thing is authorized under these Statutes to be done in the presence of the candidate or any Election or Polling Agent, the failure of such person to attend shall not invalidate any act or thing otherwise validly done.
21. Polling Hours: - The Returning Officer shall notify the day and hours of polling.

22. Stopping of the Poll: - (1) The Presiding Officer of the Polling Station may stop the poll and inform the Returning Officer that he has done so, if the polling at the polling station is at any time so interrupted and obstructed that it cannot in the opinion of the Presiding Officer be carried on.
- (2) When the polling has been stopped, the Returning Officer shall immediately report the circumstances to the Election Authority, who shall direct a fresh poll of that Polling Station on a date to be fixed by him. The over-all result of the polling in a constituency shall not be announced, until the results of the fresh polling at this polling station, are known.
23. Voting: - (1) The elections under these Statutes shall be contested by secret ballot, by tendering ballot papers by hand, in double cover, in the prescribed form in the case of all constituencies;
- (2) By post in case of registered graduates, principals and teachers of the Affiliated Colleges, Academies or Institutes of the constituencies under registered seal double cover as prescribed under Schedule-V not later than the polling day and hour fixed for receiving the ballot papers by the Presiding Officer.
- (3) The ballot papers along with declaration form as given in Schedule-V and other papers of the registered graduates and principals and teachers of affiliated colleges' constituencies shall start on the appointed date. Ballot papers will be issued 15 days before the election date by the Returning Officer in the prescribed form by hand against receipt or by post under registered cover.
- (4) The ballot papers shall be issued after identification and comparison with the Electoral List to the satisfaction of the Returning Officer or the Presiding Officer at the polling stations.
- (5) Any ballot papers bearing any cutting, scratching or over-writing and which do not bear the official mark shall be rejected, as invalid.
- (6) An elector who has inadvertently spoiled the ballot paper or the declaration form and requests for the issue of a duplicate ballot paper, the Returning or Presiding Officers after satisfying him, issue to him another ballot paper or declaration form. The spoiled ballot paper and declaration form prescribed together with their counterfoil, shall be marked as duplicate.
24. Counting of Votes: - (1) The Presiding Officer shall record on the conclusion of polling the number of votes polled by the contesting candidates and note down the total number of votes casted and total number of votes rejected and strike the balance.
- (2) The candidate or his polling or Election Agent shall be allowed to be present at the time of counting of votes.
25. Declaration of Results: - (1) The candidate(s) who get the highest number of valid votes shall be reported by the Presiding Officer(s) to the Returning Officer for total counting and notifying the success of the candidate as laid down under sub-section (1) of Section 24.
- (2) In case of equality of votes between two or more than two candidates the Returning Officer shall record the basis of drawing lots in the presence of the contesting candidates or their agents, and obtain signatures of such persons as having been witnesses to the proceedings.

- (3) If any candidate, election agent or polling agent objects to the counting and the objection is reasonable in the opinion of the Presiding Officer he may order recounting of the votes in the presence of these persons.
26. Election Tribunal: - (1) All petitions in case of disputes in election shall be addressed to the Election Tribunal consisting of a nominee of the Chief Justice of Peshawar High Court appointed as a member of the Syndicate, as Chairman, the Health Secretary as member of the Syndicate and a nominee of the Vice-Chancellor within three days of the declaration of the results.
- (2) The Election Tribunal may examine the petitioner and other candidates and also examine the records of the election and, upon the conclusion make an:
- (a) Order;
  - (b) The decision of the Election Tribunal shall be final and binding on all parties to the dispute;
27. Custody of Election Record: - The Returning Officer shall retain all the papers until the expiry of 3 months from the date of election, connected with the election. After 3 months the documents will be destroyed.

SCHEDULE—I  
SCHEDULE OF DATES

S.#	Activity	Date
1.	Publication of Electoral lists	
2.	Claims for & Objections to entries In The	
3.	Issuing of Notice Inviting Nominations	
4.	Receipt of Nomination Paper	
5.	Scrutiny of Nomination Paper	
6.	Preparation of the Lists of Nominated Candidates	
7.	Withdrawal of Nominations	
8.	Issue of Ballot Papers in Case of Ballot by Post	
9.	Elections	
10.	Announcement of Election Results in the Prescribed Form	

SCHEDULE—II  
NOMINATION For

Election to the \_\_\_\_\_  
(To be filled by the Proposer)

I \_\_\_\_\_ (Name of the Proposer) registered as an elector at serial No. \_\_\_\_\_ in the electoral list for \_\_\_\_\_ electoral area in \_\_\_\_\_ do hereby pro pos the name of \_\_\_\_\_ from \_\_\_\_\_ constituency.

Signature of Proposer

(To be filled in by the Seconder)

I, \_\_\_\_\_ (name of the seconder) registered as an elector at Serial No. \_\_\_\_\_ in the electoral list, do hereby second the nomination of \_\_\_\_\_ whose address is \_\_\_\_\_ as a candidate from \_\_\_\_\_ constituency.

Date: \_\_\_\_\_

Signature of Seconder

(Declaration by the person nominated)

I, \_\_\_\_\_ son / daughter / wife of \_\_\_\_\_ registered as an elector at Serial No. \_\_\_\_\_ in the electoral list for \_\_\_\_\_ do hereby declare that I have consented to the above mentioned nomination and that I am not subject to any disqualification for being elected as \_\_\_\_\_

Date: \_\_\_\_\_

Signature of the person nominated

SCHEDULE-III  
LIST OF CONTESTING CANDIDATES

Election to the \_\_\_\_\_  
From \_\_\_\_\_ Constituency (insert the number & name).

Serial No.	Name of contesting candidates (in alphabetical order)	Designation of the contesting candidates
------------	--	--

Notice is hereby given that the poll shall be taken between the hours of \_\_\_\_\_ on (date)

\_\_\_\_\_

Place \_\_\_\_\_

Date \_\_\_\_\_

Returning Officer

SCHEDULE-IV  
SECRET BALLOT PAPER

Constituency No \_\_\_\_\_

Serial No.	Name of the candidates	Choice Cross marked
1		
2		
3		
4		
5		

NOTE:- To be put in a sealed cover to be enclosed in another closed cover to be cast in polling box or to be sent by post in case of Principals/ Teachers, Presidents Students Union of Affiliated Colleges registered graduate constituencies in the manner prescribed.

SCHEDULE-V  
DECLARATION BY ELECTOR CASTING VOTE BY POST

I hereby declare that I am the elector to whom the postal ballot paper bearing Serial No. \_\_\_\_\_ number has been issued at the above election.

Date: \_\_\_\_\_

Signature of elector  
Address

(Attestation of signature)

The above has been signed in my presence by \_\_\_\_\_ (elector) who is personally known to me/has been identified to my satisfaction by (identifier) who is personally known to me / has been identified to my satisfaction by \_\_\_\_\_ (identifier) who is personally known to me.

Dated: \_\_\_\_\_

Signature of identifier if any \_\_\_\_\_  
Designation \_\_\_\_\_  
Address : \_\_\_\_\_

CERTIFICATE

I hereby certify that:-

- (1) the above named elector is personally known to me/ has been identified to my satisfaction by \_\_\_\_\_ (identifier) who is personally known to me;
- (2) I am satisfied that the elector suffers from \_\_\_\_\_ (as infirmity) and is unable to record his vote himself or sign his declaration;
- (3) I was requested by him to mark the ballot paper and to sign the above declaration on his behalf ; and
- (4) The ballot paper was marked and the declaration signed by me on his behalf, in his presence and in accordance with his wishes.

Signature of identifier, if any:

Address: \_\_\_\_\_

Signature of Attesting Officer.

Designation:

\_\_\_\_\_

Address:

\_\_\_\_\_

Date: \_\_\_\_\_

### INSTRUCTIONS FOR THE GUIDANCE OF ELECTORS VOTING BY POSTAL BALLOT

The persons whose names are printed on the ballot paper sent herewith are candidates for the Constituency mentioned in the ballot paper. If you desire to vote, you should record your vote with pen by putting a cross mark within the space containing the name of the contesting candidate for whom you wish to vote. Thereafter, you should follow the instructions detailed below:-

- (a) After you have recorded your vote on the ballot paper, place the ballot paper in the smaller cover marked, (A) sent herewith. Close the cover and secure it by seal or otherwise.
- (b) You have then to sign the declaration form also sent herewith in the presence of a Government Officer or a Commissioned Officer who is competent to attest your signature.
- (c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of infirmity, you are entitled to have your vote marked and the declaration signed on your behalf by any officer mentioned in item (b) above. Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.
- (d) After your declaration has been signed and your signature has been attested in accordance with item (b) above, put the declaration Form and the smaller cover marked (A) containing the ballot paper, in the larger cover marked (B). After closing the larger cover send it to the Returning Officer by Post.
- (e) You must ensure that the cover reaches the Returning Officer before the date of the poll.
  - (i) Please note that (a) if you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected, and (b) if the cover reaches the Returning Officer after the date of the poll your vote will not be counted.