

ELECTION RULES OF THE BAR ASSOCIATION, ASSANDH (KARNAL)

RULE 1

APPOINTMENT OF RETURNING AND ASSTT.

RETURNING OFFICER

There shall be a Returning and a Asstt. Returning Officer appointed for the purpose of conducting the elections of the association. The appointment of the Returning OR Asstt. Returning Officer shall be made with his consent in the Annual General meeting held on ~~the last working day of December~~ ^{the last working day of Feb.}. The outgoing Executive Committee shall propose or more name for being appointed as Returning Officer and Asstt. Returning Officer with their consent. Efforts may be made for consensus appointments of such officers, failing which, the appointments shall be decided by majority votes.

RULE 2

QUALIFICATIONS OF THE RETURNING AND ASSTT.

RETURNING OFFICER

- i) A member intending to contest any election of the Executive Committee, shall not be appointed as R.O. or A.R.O.
- ii) No member shall be appointed as Returning or Asstt. Returning Officer without his consent.
- iii) Such member should not be an office bearer of the outgoing Executive Committee
- iv) R.O. or A.R.O. shall not be entitled to be proposer or seconder of contesting candidates.
- v) The member proposed to be appointed as Returning Officer or Asstt. Returning Officer should be impartial and a man of integrity in the estimation of the entire House and should have at least 7 years standing for Returning officer and 4 years for Asstt. Returning officer at the Bar.

1. Submitted vide resolution No.

[Signature]
General Secretary
Bar Association Assandh

22/15/11

RULE 3 TENURE OF RETURNING OFFICER

The tenure of the Returning Officer shall be from the date of his appointment till oath is administered to the members of the new executive committee except for the purpose as provided in Rule 16.

In case the outgoing Executive Committee fails to get the Returning Officer or Asstt. Returning Officer appointed in the Annual general meeting, then notwithstanding provisions any single member of the Association shall have right to requisition a meeting on prescribed Performa. A general body meeting so requisitioned shall be competent to elect the Returning and or Asstt. Returning Officer.

RULE 4 POSTPONEMENT OF ELECTION

Election shall not be postponed/ delayed under any circumstances and shall have to be held before ^{1st week of April} 31st Jan each year. However, the election shall stand countermanded only in case of death of a contesting member.

RULE 5 DUTIES AND POWER OF THE RETURNING OFFICER

- (1) The Returning Officer once appointed or elected shall have powers to include four members of his choice in his election team.
- (2) The Returning Officer immediately after appointment shall start the process of elections by issuing a notice. He shall ensure preparation of rolls, declaration of election schedule and arrangement for elections and complete the same within the stipulated period.
- (3) The Returning Officer shall conduct the elections in strict compliance of Election Rules. The Outgoing Executive Committee shall make its staff available to the Returning Officer for performing the election duties.
- (4) The Returning Officer and his team members shall not participate in the elections except for casting their votes. The Returning Officer shall exercise full and absolute control over the election affairs and his decision alone shall

RULE 6 · ELIGIBILITY OF MEMBERS TO CONTEST AND VOTE AT THE ELECTIONS

- (5) All used and unused ballot papers shall be preserved by the Returning Officer till election Retition (s) if any is/are disposed off.
- be final and binding and shall be interfered with by the General Body or challenged in any court of law. However in absence of Returning Officer, the Asst. Returning Officer shall assume and exercise all duties and powers of Returning Officer

1 No member of the Association shall be eligible to contest or to be nominated for any post of the Association unless :

- (a) He has paid his full subscription on or before the last of filling of nomination papers for election :
- (b) He pays alongwith his nomination form a non refundable sum of security mentioned as below.

1.	President	1000.00
2.	Vice-President	800.00
3.	General Secretary	700.00
4.	Joint-Secretary	500.00

(c) He has completed a minimum period of membership/practice mentioned postwise as below :-

- | | | |
|----|-------------------|----------------------------|
| 1. | President | 5 Years |
| 2. | Vice-President | 3 Years |
| 3. | General Secretary | 2 Years 3 Years |
| 4. | Joint-Secretary | 1 Years |

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- (2) No member shall be eligible to cast his vote at the elections unless he is in possession of his identity card issued by the Association. In case the member is not in possession of the identity card, he shall to be identified by the two such members, who are personally known to the Returning Officer.

Note :-

- (i) A member, who is in arrears of his/her subscription of any dues to the Bar Association will not be eligible to propose or second the candidature of any member for any of the posts.
- (ii) Non active members and associate members shall have no right to vote or contest the elections.

RU 7 MODE OF ELECTION AND TENURE OF EXECUTIVE COMMITTEE

The officer-bearers of the Association shall be elected by secret ballot and the tenure of the elected Executive Committee shall be upto 31st December each year.

RULE 8 CANVASSING

- (1) There shall be no-canvassing in the form of posters, pamphlets, hand-bills and banners etc. by the contesting candidates of their supporters in the area of Election Enclosure on the day of the polling.

Note :- The Election Enclosure shall mean the area/building occupied by elections staff and/or is indicated by writings or by marks or by symbol etc.

- (2) The candidates and their supporters shall be permitted assembly in the election enclosure except those in queue of voting.
- (3) The Candidates or their supporters will be allowed to enter into polling booth except as provided in rule 9 below :-

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RULE 9 PRESENCE OF CANDIDATES AND THEIR AGENTS

- (1) At the time of voting and counting of votes, the candidate in persons and his Agent will be permitted to remain present in the polling station.
- (2) The counting shall be held within closed doors under the direct supervision of Returning Officer and his team members.
- (3) No substitute of the Agent shall be permitted unless a specific permission is granted by the Returning Officer on genuine request to that effect.
- (4) Candidates or their agents shall be required to conduct them selves in a dignified manner and to maintain decorum inside the polling station and in case any Agent indulges into undesirable conduct, i.e. making unnecessary noise or disturbing the peace and smooth work of the elections, the Returning Officer shall be competent to call such person to order and disobedience to such order will entail his removal from Enclosure/Polling Station.
- (5) The candidates shall be required to give the names of their respective polling and counting agents at least half-an-hour before the commencement of poll to the Returning Officer.
- (6) No Polling Agent shall be permitted to come out of the polling station before half time. However, the counting Agents may be called in at the time of counting if they are different persons from Polling Agent.
- (7) No candidate or his agent shall be permitted to enter the polling station after the commencement of the poll except with the permission of the Returning Officer or as provided her in before.
- (8) No candidate or his agent shall be permitted to leave the place of polling after the counting begins and is completed.

RULE 10 ELECTION MATERIAL

All the election material as Prescribed, like ballot-boxes, ballot papers, slips, Pencils and papers and other necessary material shall be provided by the Executive Committee to the Returning Officer on or before the date of filling

nominations and thereafter such election material shall be under the safe custody of the Returning Officer.

RULE 11 POLL TIMINGS

The Polling shall be held from 9.00 A.M. to 3:30 P.M. with half-an-hour interval from 12:00 to 12:30 P.M. The voters having entered the Polling enclosure and forming the queue within the Enclosure by 3:30 P.M. shall be allowed to cast their votes.

RULE 12 ELECTION SCHEDULE

(1) ELECTION NOTICE :-


The Returning Officer shall issue a 15 days notice (i.e. 15 days prior to the date of poll) and announce the Election schedule, A copy of such notice shall be affixed on the Notice Board of the Association and he shall also ensure its wide circulation among the members through peon-book.

EXPLANATION

- (i) The election process shall be deemed to have commenced on the date of the issuance of the election notice.
- (ii) The member enrolled after the issuance of the election notice shall not be eligible to contest the election. However, such a member shall be allowed to cast his vote after making payment of his subscription, enrolment fee etc. in full.

Note :- The member enrolled after close of the nomination shall not be eligible to vote.

- (iii) Notwithstanding the provisions in this memorandum of Association, no member shall have right to vote unless he has cleared all his dues on or before the date of close of nominations.


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(2) NOMINATIONS :-

- (i) Filling of nominations papers will commence on the 7th day after the issuance of the election notice and would close off on 10th day.
- (ii) It shall be endeavour of the Returning Officer and that of the Executive Committee to expedite the process of collecting dues from the members so that the last minute rush is avoided and the election is conducted in a peaceful manner.
- (iii) The timing of filling nomination papers shall be from 11:00 a.m. to 3:00 p.m.
- (iv) The nomination from can be collected from the office of Returing Officer between 10:00 a.m. to 12:00 noon after issue of the election notice.
- (v) The eligible voter can on be a proposer or a seconder of a candidate.
- (vi) A nomination paper wrongly filled will entail rejection and the decision of the Returning Officer rejecing or accepting the nomination papers shall be final and binding and that such a decision shall not be challengeable in any court of law or in the General Body of the House.

(3) PUBLICATION OF LIST OF ELIGIBLE VOTERS

- (i) The Returning Officer shall be responsible for preparation and publication of the list of eligible voters and the same shall be affixed on the Notice-Board of the Association on the day next of the close of nominations. Such lists shall also be provided to the contesting candidates on payment of Rs. 50/- each.
- (ii) In the case of error or omission in the list of voters, the same shall be pointed out to the returning officer on the day itself and consequently the Returning Officer will take necessary steps to correct the errors.
- (iii) No member shall be permitted to vote, whose name does not appear in the list of eligible voters. However, the Returning Officer shall be competent to permit a member to cast his vote if he, otherwise if found to be eligible.

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(4) OBJECTIONS :-

The objections can be filled within two days next to close of nominations and the same shall be heard and disposed of by the Returning Officer on the subsequent day. The order of the Returning Officer disposing off the objections shall be final and binding.....

(5) SCRUTINY OF NOMINATION PAPERS :-

The scrutiny of the nomination papers will be held on the following day. The Returning Officer shall have the power to reject the nomination paper (s) if not found in order. However, the aggrieved person shall have a right to seek Review and the Returning Officer shall make his decision known within 24 hours which shall be final and binding and shall not be called in question in any court of law or General Body of the House.

(6) Withdrawal of Nomination Papers

The withdrawal of the nomination papers will take place on the day next to scrutiny.

(7) RETIREMENT OF CANDIDATES

Any or all candidates will have right to retire from the contest. In the event of other candidates retiring and only a single candidate is left in the field for any post, the Returning Officer shall announce such a candidate elected unopposed for that post. Such announcement may be made even before election.

The candidates shall be permitted to retire from the contest till the date prior to the polling day and no such retirement shall be allowed on the polling date.

(8) POLLING


Polling shall take place from 9:00 a.m. to 3.30 p.m. on the date fixed for polling, with half-an-hour interval from 12:00 noon to 12:30 p.m.

(9) ELECTION RESULTS :-

- (i) No member other than the Returning Officer shall have any right to announce the official result and to release a press note to the effect.
- (ii) The Returning Officer shall announce the election result on the day of polling itself.
- (iii) The decision of the Returning Officer shall be final and binding and shall not be called into question in any court of law or before the General Body of the House. However the election Petition as provided in Rule 14 of the Election Rules can be preferred before the Election Tribunal within the stipulated period as provided therein.

RULE 13 ELECTION PETITIONS :-

- (1) The Election petition, if any can only be preferred before the Election Tribunal within a period of two hours from the time of the declaration of the election results only on the ground of recounting of votes and no other.
- 2) The election petition shall be accompanied by a receipt of Rs. 50/- issued from the office of the Bar Association Assandh (Karnal)
- 3) The Returning Officer shall preserve the election record i.e. used and unused ballot papers till the disposal of the Election Petition, if any.


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RULE 14 ELECTION TRIBUNAL

One member Election Tribunal shall also be appointed by a majority decision in the Annual General Meeting of the House only for a limited purpose of hearing Election Petition(s), if any. A member having at least 10 years practice at the Bar shall only be eligible to be appointed as Election Tribunal. Its tenure shall come to an end as soon as no petition is pending before it.


RULE 15 HEARING OF ELECTION PETITIONS

The Election Tribunal shall receive the election petition, if any, from the aggrieved candidate personally and shall dismiss the same if :-

- (i) The petition is not accompanied by a receipt of Rs. 50/-
- (ii) The petition is filed after the expiry of limitation period i.e. 60 minutes from the time ending declaration of election result.

Note :- The Returning Officer shall be duty bound to announce the time when the declaration of result ends.

- (2) Subject to the provisions of sub-clause (i) and (ii) of clause (1) of Rule 16, the Election Tribunal shall call the respondent (s) and the Returning Officer with the election record.
- (3) On receipt of election record i.e. used and unused ballot papers the Tribunal shall take up the re-counting and shall declare the result accordingly. The decision of the Tribunal shall be final and binding and shall not be called into question before any court of law and or before General Body of the House.

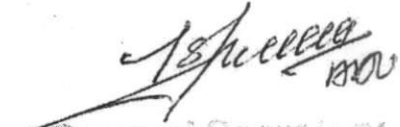

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RULE 16 OATH

All the election members shall be administered oath expressing their allegiance and faith in the constitution/MEMORANDUM OF ASSOCIATION on the following day by a senior-most member of the Association available the office superintendent shall make all arrangement including refreshment etc. for oath taking care money.

RULE 14 ELECTION OFFENCES :-

- (1) The newly elected Executive Committee, on a written complaint made to it, by any member against a member who violated the Election Rules and acted in defiance of the orders of the Returning Officer appointed or any other election officer appointed by the Returning Officer, shall have the powers to take the following action :-
- (i) to acquit him ;
 - (ii) to disqualify him from contesting elections for a specific period.
 - (iii) to suspend his membership for a specific period ;
 - (iv) to remove him from the membership in accordance with the provisions of Memorandum of Association;
 - (v) to take any other action which the Executive Committee deems proper.


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