

ODISHA STATE BAR COUNCIL BAR ASSOCIATION
(AFFILIATION & ELECTION) RULES, 2021

Rules made by the Odisha State Bar Council in exercise of its rule making power under section 15 of the Advocates Act, 1961

CHAPTER- I

Preliminary

1. Short title, extent and commencement-

- (1). This Rule may be called the Odisha State Bar Council Bar Associations (Affiliation & Election) Rules, 2021.
- (2). It extends to the whole of the State of Odisha.
- (3). It shall come into force from the date of approval by the Bar Council of India.

CHAPTER- II

Definitions

- 2. Definitions.-** (1) In these rules, unless the context otherwise requires:
- (a) 'Act' means the Advocates Act, 1961 as amended from time to time;
 - (b) 'Odisha State Bar Council' means Bar Council of Orissa constituted under Section 3 of the Advocates Act, 1961;
 - (c) 'Bar Council of India' means the Bar Council constituted under Section 4 of the Act ;
 - (d) 'Advocate ' means an advocate entered in the State roll, practising the profession of law and (i) has submitted the verification form and declaration form as prescribed under Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015 and has not been declared as non-practicing Advocate; (ii) has passed the All India Bar Examination, if he/she is required to do so as per the All India Bar Examination Rules, 2010; (iii) has not incurred any disqualification under any law for the time being in force or as per any rule/rules of the Bar Council of India. ;
 - (e) 'Rules' means Odisha State Bar Council Bar Association (Affiliation and Election) Rules, 2021;
 - (f) 'Council' means Odisha State Bar Council ;
 - (g) 'Prescribed' means prescribed by the Rules;
 - (h) 'Chairman' means the Chairman of Odisha State Bar Council ;

- (i) 'Chairman, Election Tribunal' means the Senior most member of the Election Tribunal;
- (j) 'Secretary' means the Secretary of Odisha State Bar Council and includes any person howsoever designated and entrusted for the time being with the duties of the Secretary;
- (k) 'Bar Association' means the Bar Association registered under the Societies Registration Act and situated within the territorial limits of the State of Odisha;
- (l) 'Affiliated Bar Association' means Bar Association situated in the State of Odisha and affiliated to Odisha State Bar Council ;
- (m) 'State roll ' means a roll of Advocates prepared and maintained by Odisha State Bar Council under Section 17 of the Act;
- (n) 'Executive Body' means the Executive Body of the Bar Association as per its by-laws;
- (o) 'Term' means the specific duration/tenure for which the executive body of affiliated Bar Association is elected to function;
- (p) 'Voter' means an advocate whose name with enrolment number appears in the Electoral Roll published for the election of executive body of any affiliated Bar Association and subject to eligibility as per the by-laws of that Bar Association;
- (q) 'Electoral Roll ' means the list of voters published by the State Bar Council;
- (r) 'Chief Electoral Officer' means the Secretary of Odisha State Bar Council empowered to publish the Electoral Roll for all the Affiliated Bar Associations after the same are prepared under his direction;
- (s) 'One Bar-One Vote-One Day' means election of all the Affiliated Bar Associations to be held on one day and one Advocate to be a voter in one such Bar Association ;
- (t) 'Central Election Committee' means a committee constituted by the Council to ensure free & fair election without interfering in the election process;
- (u) 'General Body' means the general body of affiliated Bar Association consisting of all the advocate voter members of such Bar Association;
- (v) 'Court' means any court established by/under any law for the time being in force and includes the Supreme Court of India, High Courts, any tribunal, any authority or person legally authorized to take evidence ;

- (w) 'Election Officer' means a voter of the affiliated Bar Association appointed by the general body of such Bar Association to conduct the election on one Bar-one vote basis/principle on the date notified/declared by the Council ;
- (x) 'Nomination' means a printed nomination form which is filled up by hand, one voter proposing and another voter seconding the name of one voter member as candidate for the post of any office bearer or member of the Executive Body for the election of which the Election Officer notified the programme with their signature and signature of the candidate consenting the nomination;
- (y) 'Ballot Paper' means a printed form with name of the post, enrolment number and name of the contesting candidates & the instruction of the Election Officer as to the mark of voting which shall be written by voter in space against the name of the candidate of his/her choice. The mark of voting shall be “✓” ;
- (z) 'Ballot' means a printed ballot paper for the post of any office bearer or members of the Executive Body issued by the Election Officer on which the voter put his/her mark of voting as prescribed in the ballot paper;
- (aa) 'Ballot Box' means a box in which ballot is to be put/ inserted by the voter after putting the mark of voting on the ballot paper;
- (ab) 'Affiliation Committee' means a committee constituted by the Council to consider the application for affiliation;
- (ac) 'Nomination fee' means fee for contesting the election of executive body of affiliated Bar Association. ;
- (ad) 'Place of Practice' means the place where court(s) functions and Advocates practise the profession of law;
- (ae) 'Affiliation fee' means the fee payable to the Council for affiliation of Bar Association to Odisha State Bar Council;
- (af) 'De-affiliate' means to withdraw affiliation;
- (ag) 'Polling Station' means the building premises where the Polling booth(s) situate;
- (ah) 'Polling Booth' means the compartment where a voter puts his/her mark of voting secretly on the ballot paper;

- (ai) 'Casual Vacancy' means a vacancy caused otherwise than by expiry of the term;
- (aj) 'Identity card' means identity card issued by Council and includes identity card issued by the concerned affiliated Bar Association;
- (ak) 'Proposer' means a voter proposing the name of one voter as a candidate for the post of any office bearer or member of the Executive Body of affiliated Bar Association in the nomination for the election notified;
- (al) 'Secunder' means a voter seconding name of the voter proposed as a candidate for a post by the proposer in the nomination for the election;
- (am) 'Nominated candidate' means a candidate whose nomination has been accepted;
- (an) 'Contesting candidate' means each of the two or more nominated candidates who remain in contest for a post after the date fixed for withdrawal of nomination;
- (ao) 'Cut off date' means the date before which the advocates who are eligible/qualified to be voters shall only be included in the Electoral Roll and that date shall be the 60th day immediate, preceding the date of election;
- (ap) 'Election Tribunal' means a Tribunal constituted by the Council to hear and dispose of Election Case;
- (aq) 'Registrar' means registrar of the Election Tribunal;
- (ar) 'Election Case' means case registered on the basis of election petition filed by a candidate defeated in the election challenging the result in respect of the post he/she contested for;
- (as) 'Election Petition' means a petition filed by a defeated candidate, challenging the result of election for the post he/she contested for, before the Registrar;
- (at) 'Petitioner' means the person who challenges the result of the election through the election petition and is described as petitioner therein;

- (au) 'Opposite Party' means the necessary & proper party described as opposite party in the election petition;
- (av) 'Asst. Election Officer' means a voter of the concerned Bar Association appointed by the Election Officer as such Asst Election Officer to assist in conducting the election on his/her direction;
- (aw) 'Election Petition Fee' means the fee prescribed by the Council for Election Case;
- (ax) 'Polling' means voting;
- (ay) 'Office Bearer' means a person who holds office, and includes President, Vice-President, Secretary, Joint Secretary, Asst Secretary, Library Secretary/Asst. Secretary Library and Treasurer;
- (az) 'Central Election Committee' means a committee constituted by the Council to monitor the preparation and process of election;
- (aaa) 'Date of election' means the date notified by the secretary, Odisha State bar Council to hold the election on one Bar-one vote-one-day principle to elect the office bearers and members of the Executive body of the affiliated Bar Associations;

CHAPTER-III

Affiliation of Bar Associations

- 3. Eligibility to be admitted as a member of Affiliated Bar Association:**
- (i) Any person who is an advocate as defined in clause(d) of rule 2 shall be eligible to be a member of any affiliated Bar Association.;
- 4. Who shall be a Voter of Affiliated Bar Association:**
- a. A member of any affiliated Bar Association shall be eligible to be a voter for the election of the office bearers and members of the Executive body of one of the different affiliated Bar Associations where he is a member.;
- b. Any Advocate who is a member of more than one affiliated Bar Associations shall not be a voter for the election of the executive body of more than one affiliated Bar Association.;
- c. Any person who is Advocate as defined in clause (d) of rule 2, but is not a member of any affiliated Bar Association, shall not be a

voter for the election of executive body of any affiliated Bar Association. ;

d. An advocate, if so likes may be a member of more than one affiliated Bar Association, but he/she shall have to exercise his/her option to be a voter in any one of those affiliated Bar Associations.;

e. A member of any affiliated Bar Association shall give his/her option in stating the name of the Bar Association where he/she desires to vote in the verification form and declaration form as prescribed under Bar Council of India Certificate and Place of Practice (Verification)Rules, 2015.;

5. Eligibility of Bar Associations for Affiliation:

(1) A Bar Association shall be eligible to be affiliated to the Odisha State Bar Council, If

i. The Bar Association has been registered under the Societies Registration Act.;

ii. The Bar Association has members not less than 30 in number.;

iii. Minimum 30 number of members of the Bar Association shall be eligible to be voters of the applicant Bar Association, if affiliated, in the next Bar Association election.;

iv. Any member of the applicant Bar Association who shall be voter of the applicant Bar Association in the next election shall not be a voter in any other affiliated Bar Association;

v. The Bar Association has house accommodation for its office and members in or near the court premises ;

vi. The by-laws of the applicant Bar Association is consonant with the Rules. ;

vii. The Bar Association fulfils the other requirements like law library for the Bar. ;

viii. The Bar Association under takes to abide by all instructions/directions of the Council.;

6. New Bar Association which shall not be Affiliated to the State Bar Council.

(1) If at a place of practice where no courts of Dist. Judge/Addl. Dist Judge function and one or more affiliated Bar Association exist new Bar Association having less than 50 Advocate-members

eligible to be voters of the said Bar Association shall not be affiliated to the Council.

- (2) If at any place of practice where Courts of District Judge and/or Additional District Judge(s) function and the total number of voters is less than 1001, new Bar Association having less than 200 Advocate-members eligible to be voters of the concerned bar association shall not be affiliated to the State Bar Council.
- (3) If at any place of practice where Courts of District Judge and/or Additional District Judge(s) function and the total number of voters exceeds 1000 and is less than 2501, new Bar Association having less than 300 Advocate-members eligible to be voters of the concerned bar association shall not be affiliated to the Council.
- (4) If at the places of practice where Courts of District Judge and Additional District Judge(s) function and the total number of voters is more than 2500 new bar association having less than 500 advocate-members eligible to be voters of the concerned bar association shall not be affiliated to the Council.
- (5) If at a place of practice where the High Court and the Courts of the District Judge and Additional District Judges function and the total number of voters is more than 5000 and more than one of affiliated Bar Associations exist, new Bar Association having less than 750 numbers of Advocate-members eligible to be voters of the concerned bar association shall not be affiliated to the Odisha State Bar Council.

7. Affiliation of new Bar Associations where no other Affiliated Bar Association exists.

If at a new place of practice where no affiliated Bar Association exists even after functioning of the courts, a Bar Association formed and registered under the Societies Registration Act with 30 or more number of member-advocates eligibility to be voters including those who shifted their practice from any other place of practice, applies for affiliation along with applications of those members supported by affidavit to transfer their right to vote in the next Bar Association election to be held on one Bar-one vote-one day principle to the applicant Bar Association on its affiliation, the said Bar Association

shall be affiliated to the Council provided the members complied the requirements of transfer of voting rights and the Bar Association complies the requirements of clauses (i) to (iii) & (v) to (viii) of rule 5 and deposited the requisite fee for affiliation. After affiliation the said members shall be voters of the Bar Association in the Electoral Roll to be published for the next election.

8. Special Power of the Council to Affiliate certain new Bar Associations where affiliated Bar Associations Exists :

Notwithstanding anything contained in any other rule the Council shall have power to affiliate any new Bar Association situated at a place of practice where the courts of District Judge and/or Additional District Judge functions, if

- (i) The Bar Association seeking affiliation to the Council has not less than 100 numbers of member-advocates who are eligible to be voters for the next Bar Association election.;
- (ii) Not less than 100 numbers of member-advocates of the applicant Bar Association exercise their option to be voters of the concerned Bar Association in the event of its affiliation including fresher and on transfer furnish affidavits with an undertaking to transfer their voting right to the applicant Bar Association depositing the transfer fee prescribed by the Council each such member shall be required to furnish affidavit to be voter of the applicant Bar Association ;
- (iii) The distance between the courts of the District Judge and/or Additional District Judge and the courts where the member-advocates of the applicant Bar Association practise is not less than 1km (one kilometre).;
- (iv) The distance between the existing affiliated Bar Association at the same place of practice from the Bar Association seeking affiliation is not less than 1km (one kilometre).;
- (v) The applicant Bar Association complies the requirements of clauses (i),(iii),(iv)&(vi)to(ix) of rule-5
- (vi) The Council is satisfied that there is necessity of formation of the applicant Bar Association which compiles all the requirements of clauses (i) to (v) of this rule.

9. **Minimum Number of Voters Required:** An existing affiliated Bar Association shall be required to have minimum 30 voters for the ensuing Bar Association election to be held on one Bar-one vote-one day principle to elect its Executive Body.
10. **Application for affiliation of Bar Association:** Application of the Bar Association seeking affiliation to the Council shall be made to the Secretary, Odisha State Bar Council by its Secretary, supported by affidavit and the information to be provided therein shall be;
- i. Name and address of the Bar Association:
 - ii. Number of members :
 - iii. Name and enrolment No. of the members who are advocates as defined in clause (d) of rule 2:
 - iv. Name of the members who were/are voters of any affiliated Bar Association (indicating the name of such affiliated Bar Association).
 - v. If the Bar Association is registered under the Societies Registration Act, Number, Date & Place of registration with name and designation of the registering authority (enclosing the certified copy of the by-laws) :
 - vi. If any other affiliated Bar Associations exist at the same place of practice, state the number of such Bar Associations:
 - vii. Number of courts functioning at the same place of practice:
 - viii. Particulars of the house where the applicant Bar Association is functioning:
 - ix. Number and type of furniture possessed by the Bar Association:
 - x. Information on existence of law library of the Bar Association :
 - xi. Number of members of the Bar Association eligible to be voters of the Bar Association in the forthcoming Bar Association election:
 - xii. Has the Bar Association deposited the requisite fee for affiliation: (If deposited No. and date of the money receipt)
 - xiii. Name, Enrolment No. and mobile No. of the President and Secretary of the Bar Association:
 - xiv. Whether the by-laws of the Bar Association is consonant with the Rules:

11. Processing of the Application submitted for Affiliation: Application received from the Secretary of the applicant Bar Association shall be processed as follows :

- (1) After scrutiny of the application and documents enclosed therewith with reference to the requirement of the rules, the Secretary shall prepare notes to be placed before the Affiliation Committee.
- (2) The Secretary shall indicate in the notes if the applicant has submitted all the documents required as per the Rules.
- (3) The notes shall indicate if the applicant Bar Association has fulfilled the conditions of eligibility.
- (4) The Secretary shall refer the relevant rules supporting his opinion.

CHAPTER-IV **Affiliation Committee**

12. Constitution of Affiliation Committee: Affiliation Committee shall be a committee constituted by the Council with three of its members.

13. Power and Function of Affiliation Committee:

- (1) The Affiliation Committee shall consider the application, documents enclosed therewith and the notes of the Secretary and if Committee is satisfied that the applicant Bar Association is eligible to be affiliated to the Odisha State Bar Council as per the Rules, it shall recommend to the Council for affiliation.
- (2) If on consideration of the application the Committee finds that the applicant Bar Association is not eligible to be affiliated, it Shall reject the application referring the relevant rule.
- (3) If during the consideration of the application the Committee feels the necessity of inspection of the applicant Bar Association the Committee may depute one or two of its members for a such inspection subject to approval of the Council.
- (4) The Committee on receipt of the inspection report shall take a decision regarding the eligibility of the Bar Association.
- (5) Decision of the Committee shall not be acted upon unless and until approved by the Council.
- (6) After approval of the recommendation of the Committee for affiliation of the Bar Association by the Council the applicant Bar Association shall stand affiliated and a certificate of Affiliation

under the seal and signature of the Chairman and Secretary shall be issued.

(7) The Council may entrust any of its function related with affiliated Bar Association including inquiry as and when required to the Affiliation Committee.

14. Deaffiliation of Affiliated Bar Association

- i. If the number of voters of any existing affiliated Bar Association is reduced to less than 30 before publication of the Electoral Roll for the forth coming Bar Association election, such Bar Association shall stand de-affiliated and its Electoral Roll shall not be published.
- ii. Wilful negligence, violation and defiance of the Rules by any affiliated Bar Association shall be considered as a ground for its deaffiliation.

CHAPTER-V

Executive Body and its Function

15. Constitution of Executive Body:- Each affiliated Bar Association shall have an Executive Body consisting of the President, Secretary, any other office bearers and such number of members as the by-laws of the concerned affiliated Bar Association provides, in consonance with the rules. The Executive Body shall be vested with the executive powers and entrusted with the executive functions of the affiliated Bar Association.

16. The size and structure of the Executive Body:- The size and structure of the Executive Body of different affiliated Bar Associations shall be as per the by-laws of the respective Bar Associations, in consonance with the rules.

17. Implementation of decision of General Body:- The Executive Body shall implement the decisions/directions of the General Body.

18. Taking over Charge by the newly Elected Executive Body:- The executive body constituted with the President, Secretary, other office bearers and members of the executive body elected and notified by the Election Officer shall take charge from the outgoing executive body on the 1st day of April following the date of election. The newly elected Secretary and Treasurer if any, shall take charge of records and documents from their counterparts of the outgoing executive body.

- 19. Specimen Signature of President/Secretary to be sent to the Secretary:-** The executive body, as soon as possible, in its first meeting, shall resolve to send the specimen signatures of its President and Secretary along with their contact numbers to the Secretary, Odisha State Bar Council and unless and until such specimen signatures are received in the Council no application recommended by them shall be accepted.
- 20. Proceedings not to be invalidated due to Vacancy:-** No proceedings of any meeting of the Executive Body of any affiliated Bar Association shall be invalid due to vacancy in the post of any office bearer or member of the Executive Body
- 21. Alternative provision in case of failure to hold Election:-** The Executive Body/Interim Committee of the affiliated Bar Association where election cannot be held to elect the succeeding Executive Body on or before 31st day of March shall continue to hold office till a new Executive Body is elected within 3 weeks after 31st, March.
- 22. Who shall preside over the Meeting:-** (1) President shall preside over the meetings of the Executive Body. In absence of the President Vice-President shall preside and in absence of both, the Senior most member present shall preside.;
- (2) The office bearers and members of the Executive Body shall have one vote each for the purpose of voting in the meeting of the Executive Body and the President or Vice-President presiding over the meeting shall have a casting vote.
- 23. Safe Custody of Documents related with Election: -** Executive Body of affiliated Bar Associations shall provide steel Almira to the Election Officer for safe custody of the documents related with the election.
- 24. Disqualification of Office Bearer or Members, Executive Body:-** An office bearer or member of the Executive Body of any affiliated Bar Association shall not continue as such office bearer or member of the Executive Body from the day he/she, (i) is suspended from practice; or (ii) is removed from the state roll; or (iii) has incurred disqualification his/her election having been set aside by the Election Tribunal; or (iv) has incurred disqualification to practise the profession of law under any law for the time being in force including the Bar Council of India Rules.

- 25. Bar Associations other than Affiliated Bar Associations shall not be recognised:-**No Bar Association which is not affiliated to Odisha State Council shall be recognized by the Council as a Bar Association and as such, any letter or recommendation of such Bar Association shall not be accepted if it is not an application for affiliation or correspondence in connection with affiliation proceeding.
- 26. What cannot be recommended by any affiliated Bar Association:-**The President/Secretary or any other office bearer of the executive body of any affiliated Bar Association, shall not recommend or forward any application of any Advocate who is a voter of any other affiliated Bar Association.
- 27. What recommendation by affiliated Bar Association shall not be accepted:-**No application of any Advocate recommended or forwarded by President/Secretary or any other office bearer of the executive body of any affiliated Bar Association shall be accepted/acted upon by the Council unless such advocate is a voter of the said affiliated Bar Association.
- 28. Special provision relating to recommendation by affiliated Bar Association:-**Notwithstanding anything contained in any other rule it shall be permissible for the President/Secretary of the affiliated bar associations to recommend application/certify voter of any other affiliated bar association on the application for transfer of voting right if he/she is a member of their Bar Association.
- 29. Acceptance of voter of a De-affiliated Bar Association as a voter of any other Affiliated Bar Association:-**If any affiliated Bar Association stands deaffiliated due to want of required number of voters, any person who is a voter of the deaffiliated Bar Association as per the Electoral Roll last published, shall be accepted as a voter of any other affiliated Bar Association of his/her choice on the basis of an application to the Secretary, if he/she is a member of that affiliated Bar Association and the President/Secretary of the concerned affiliated Bar Association certified on the application regarding his/her membership.
- 30. What shall be the designation(s) of Office Bearers:-**No affiliated Bar Association shall have office bearers with designation other than the designations mentioned in the definition of office bearer.
- 31. By-laws of Affiliated Bar Associations to be consonant with the Rules:-**The affiliated Bar Associations whose by-laws are not

consonant with the Rules shall amend their by-laws as soon as possible to be in conformity with the Rules and submit a certified copy of the amended by-laws to the Council.

32. Bar Association shall not be affiliated if the By-laws is not consonant with the Rules:- No Bar Association shall be affiliated to the Council unless its by-laws are in conformity with the Rules.

33. Meetings of the General Body:- President of the Executive Body shall preside over the General Body meetings of the concerned affiliated Bar Association and in absence of the President, Vice-President shall provide. When the Interim Committee holds office in absence of the Executive Body, Chairman of the Interim Committee shall preside over the General Body meetings.

CHAPTER-VI

Term of Executive Body of affiliated Bar Association

34. Term of the Executive Body:-Term of the Executive Body of each affiliated Bar Associations of the state shall be one year commencing from the first day of April and ending on the 31st day of March next year.

35. Principle to be followed in holding Election:-Election of all the Affiliated Bar Associations shall be held on one day on One Bar-One Vote-One Day principle.

36. Date of Election:-Election shall be held on the last Saturday of March every year, but in case it is a public holiday, the election shall be held on the last but one Saturday (penultimate Saturday) of March.

37. Intimation to the Election Officer:-

After appointment of Election Officer the Executive Body shall provide a list of the advocates who incurred disqualification,

- (i) due to suspension and expulsion from the membership of the concerned Bar Association following the due process of law; or
- (ii) due to non clearance of membership or any other dues of the concerned Bar Association, if it is a disqualification as per the By-laws of the Bar Association,

to the Election Officer before the date of notification of the date of Election and scheduled of programme.

38. Intimation of the eligibility Criteria for the posts of Office Bearers and members of the Executive Body to the Election Officer:- President/Secretary of the Executive Body shall intimate, the name of the posts of Office Bearers and members of the Executive Body indicating the number and eligibility criteria as prescribed in the By-laws of the concerned Bar Association, for each of the posts for which election shall be held, to the Election Officer before the date fixed for notification of the schedule of programme.

CHAPTER-VII

Classification of Affiliated Bar Associations

39. Classification :

- i. The affiliated Bar Associations shall be classified as level-I to level-VIII according to number of voters.
- ii. Bar Association having more than 3750 voters shall be Bar Association level-I ;
- iii. Bar Associations having more than 2500 voters and less than 3751 voters shall be Bar Association level-II ;
- iv. Bar Associations having more than 1000 voters and less than 2501 voters shall be Bar Association level-III ;
- v. Bar Associations having more than 500 voters and less than 1001 voters shall be Bar Association level-IV ;
- vi. Bar Associations having more than 300 voters and less than 501 voters shall be Bar Association level-V ;
- vii. Bar Associations having more than 100 voters and less than 301 voters shall Bar Association level-VI ;
- viii. Bar Associations having more than 49 voters and less than 101 voters shall be Bar Association level-VII.
- ix. Bar Associations having not less than 30 voters and not more than 50 voters shall be Bar Association level-VIII.

40. Renewal of certain affiliated Bar Association:-All the Affiliated Bar Associations level-VIII shall be required to get their affiliation renewed with the Council each year in the month of January on payment of affiliation renewal fee of Rs 500/- to the State Bar Council.

CHAPTER-VIII

Transfer of Voting Right

41. Transfer of Voter(voting right):-

(1) The voting right of an advocate who is a voter of one affiliated Bar Association and his/her name with enrolment number appeared in the Electoral Roll last published for the said Bar Association shall be transferred to another affiliated Bar Association, if

- i. the voter makes an application supported by affidavit, on payment of the prescribed fees to the Chief Electoral Officer to transfer his/her voting right to another affiliated Bar Association where he/she is a member mentioning therein the serial number at which his/her name and enrolment number appear as a voter in the Electoral Roll, endorsement the President/Secretary of the affiliated Bar Association to which the applicant voter intends to be transferred as a voter on the application the applicant is a member of their Bar Association; and.

(2) On transfer of voting right, the name of the applicant voter with enrolment number shall be entered in the Electoral Roll of the Bar Association to which the voting right is transferred as a voter. voters.

CHAPTER-IX

Notification of Date of Election

42. Date of Election:- Date of election to be held on one Bar-one vote-one day principle to elect the office bearers and members of the Executive body of the affiliated Bar Associations shall be notified by the Secretary, Odisha State Bar Council minimum 75 days before the date of election and the notification shall be published in the daily news papers.

CHAPTER-X

Electoral Roll for Election of Executive Body of Affiliated Bar Associations

43.**Electoral Roll:-** Electoral Roll of all the Affiliated Bar Associations shall be separately prepared and published.

44.**What the Electoral Roll shall contain:**

Electoral Roll of different affiliated Bar Associations shall consist of the names with enrolment numbers of the voters,

(1) The name and enrolment No. of the Advocates who being Advocates within the meaning of clause (d) of rule 2 and members of the respective Bar Association opted to be voter of the concerned Bar Association in the verification form and declaration form submitted by him/her as prescribed under Bar Council of India Certificate and Place of Practice(Verification)Rules, 2015 and his/her voting right is not transferred to any other affiliated Bar Association.

(2) The name and enrolment No. of the Advocates whose voting rights are transferred from any other affiliated Bar Association(s) to the concerned affiliated Bar Association.

45.**Preparation of Draft Electoral Roll:** -Special Officer, Finance and any other Officer as the Council directs shall function as Electoral Officers. The Electoral Officers shall act as directed by the Chief Electoral Officer. Draft Electoral Roll and final Electoral Roll shall be prepared under the direct supervision of the Electoral Officers.

46.**Despatch of Draft Electoral Roll:-**Immediately after the notification of the date of election is notified by the Secretary the draft Electoral Roll prepared under the direct supervision of the Electoral Officers on the direction of the Chief Electoral Officer shall be issued/despached to the President/Secretary of all affiliated Bar Associations inviting, objections/suggestions of the Executive Body and applications from advocates for inclusion or exclusion of name with enrolment number as voter of any affiliated Bar Association as per the relevant rules so as to reach the Chief Electoral Officer before 55th day immediate preceding the date of election.

47. Name & Enrolment Number of certain persons shall not be included in the Electoral Roll: - (1) The name and enrolment number of the advocates who,

- (i) are removed or suspended from practice on professional misconduct Under Section-35 of the Advocates' Act-1961;
- (ii) suspended their practice;
- (iii) have not cleared the dues of the Bar Council of India Advocates' Welfare Fund for the State of Odisha;
- (iv) have retired from practice;
- (v) who are dead before the cut off date;

shall not be included in the Electoral Roll.

(2) If the names of the advocates who are not qualified/eligible to be voters due to the disqualification under sub-rule-(1), appears in the Electoral Roll published for the preceding term, the same shall be excluded at the time of preparation of the Electoral Roll.

(3) (i) The name and enrolment number of a person enrolled as an advocate whom the All India Bar Examination Rules-2010 applies shall not be included in the Electoral Roll if he/she has not cleared All India Bar Examination within two years from the date of enrolment.

(ii) If the name and enrolment number of the person whom clause -(i) applies was included in the Electoral Roll last published, the same shall be excluded at the time of preparation of the Electoral Roll.

(iii) The name and enrolment number of any person enrolled as an advocate who failed to submit the Verification & Declaration form as per Bar Council of India Certificate and Place of Practice (Verification) Rules-2015 shall not be included in the Electoral Roll. If the name and enrolment number of such person appears in the Electoral Roll last published and so also in the Draft Electoral Roll the same shall be excluded while preparing the Electoral Roll for the ensuing Bar Association election.

48. Publication of Electoral Roll:-Final Electoral Roll comprising of the individual Electoral Rolls of all the Affiliated Bar Associations shall be prepared under the direct supervision of the Electoral Officers on the direction of the Chief Electoral Officer taking the cut off date into consideration and in conformity with the Rules shall be published by the Chief Electoral Officer 45 days before the date of election.

49. Electoral Roll Published shall not be challenged: -Electoral Roll published by the Chief Electoral Officer under rule-48 after correction (exclusion and inclusion of voters as per the relevant rules) of the Draft Electoral Roll shall be deemed to be final.

CHAPTER-XI

Publication of Electoral Roll of the Affiliated Bar Associations:

50. Publication of the Electoral Roll and its Despatch to Affiliated Bar Associations:-The Electoral Roll finally published by the Chief Electoral Officer/Secretary of the State Bar Council shall be issued/despached to the president/secretary of the concerned affiliated bar associations of the respective affiliated Bar Associations 45 days before the date of election with instruction to notify the same in the Notice Board of the Bar Association and convene a meeting of the General Body of the Bar Association to appoint one of its voters as Election Officer as defined in rule 2 and intimate his/her name, address, serial number in the Electoral Roll and mobile numbers to the Secretary, Odisha State Bar Council so as to reach before 35days immediate preceding the date of election.

CHAPTER-XII

Constitution of Central Election Committee and Its Functions

51. Constitution of Central Election Committee:- Council shall constitute a committee consisting five of its members as Central Election Committee and the Senior most member of the Committee shall be its Chairman.

52. Power and Function of the Central Election Committee:-

- (1) The Committee shall monitor the process for the election.
- (2) It shall ensure strict compliance of the rules relating to the election till date of filing of nomination but shall not interfere in the conduct of election by the Election Officers.
- (3) The Committee shall see that any direction/instruction issued to the Election Officers by any authority is not contrary to or conflicting with the rules and all actions are in conformity with the Rules.

CHAPTER-XIII

Election Tribunal

53. Constitution of Election Tribunal:

Council shall constitute Election Tribunal consisting of three members from amongst former Presidents of High Court Bar Association, Senior Advocates and Advocates having more than 30 years of practice before the date of Election.

54. Date from which the Election Tribunal shall function:- Election Tribunal shall function from the day following the date of election in the office building of the Council and the Secretary shall function as its Registrar.

55. Filing of Election Petition:- After notification of result of election by the Election Officer any defeated candidate may present an Election Petition with a prayer to set aside the result of the election notified by the Election Officer in the impugned notification. Copy of the impugned notification certified by the Election Officer as true copy and the money receipt showing payment of Rs.2,500/- as Election Petition fee which shall be annexed with the Election Petition.

56. Security Deposit:- At the time of filing of Election Petition before the Election Tribunal the petitioner shall have to deposit a sum of Rs.10,000/- in Odisha State Bar Council towards security.

57. Election Officer shall not be made a Party:- No Election Officer shall be made opposite party in any Election Petition who shall be immune.

58. Proper and necessary Parties:- The Petitioner shall make the elected candidate and other necessary parties, if any, as opposite parties in the election petition with a prayer to set aside the election of the elected candidate and to declare the petitioner as having been duly elected.

59. Maintainability of the Election Petition:- The election petition, shall not be maintainable if the elected candidate is not made opposite party and there is no prayer to set aside the election of the elected candidate.

60. Pleadings in the Election Petition:-

(1) Pleadings of the Petitioner, in the Election Petition to set aside the result of the election notified by the Election Officer, shall be confined to the period commencing from the date the Election

Officer notified the Electoral Roll and the schedule of programme for the election process till the result is notified.'

(2) Petitioner shall state in the election petition the facts constituting the illegalities which resulted the defeat of the petitioner by the opposite party who was declared elected.

(3) The Petitioner shall plead specific facts constituting major irregularities due to deliberate commission, omission constituting specific cause of action which were responsible for defeat of the petitioner by the opposite party who won the election and was declared elected.

(4) The illegalities and irregularities not complained before the Election Officer in writing shall not be permitted to be raised in the election petition.

61. Limitation:- The period of limitation for filing Election Petition shall be 15 days from the date of notification of the result of election.

62. Registration of Election Case: -After the election petition is presented before the Registrar, Election Case shall be registered on the basis of the election petition.

CHAPTER-XIV

Procedure & Power of the Election Tribunal

63. Procedure to be followed by the Election Tribunal:- The Election Tribunal being the original forum to hear and adjudicate election dispute in a Election Case shall follow the procedure applicable to original forums with regard to admission, process, appearance of opposite parties, filing of written statement/counter, settlement of issues and adopt its own summary procedure for early disposal.

64. Powers of the Election Tribunal.

The Election Tribunal shall have the following powers:-

- a. To adopt the code of civil procedure as far as practicable for the purpose of trial and disposal.
- b. To dismiss the Election Petition.
- c. To set aside the Election.
- d. To declare any candidate as having been duly elected.
- e. To make order as to costs.

65. Calling for Reports:- The Election Tribunal may call for report from the Election Officer on any aspects as it deems fit.

66. **Time limit for disposal of the Case:-**The Election Tribunal shall as far as possible dispose of the election case within three months from the date of filing of the election petition.
67. **Power of the Election Tribunal to Set aside the Election of an Elected Candidate:-**The Election Tribunal shall have power to set aside the election of the candidate declared elected if it finds that the elected candidate-opposite party could not have been elected provided the illegalities and/or irregularities found to have been committed would not have been committed.
68. **Power of the Election Tribunal to declare any other contesting candidate to have been duly Elected:-**The Election Tribunal may exercise his power to declare any other contesting candidate who secured the 2nd highest number of votes, to have been duly elected while setting aside the election of the elected candidate if it finds that the Nomination of the elected candidate was illegally accepted.
69. **Imposition of Cost if the Petition is vexatious:-**If the Election Tribunal finds the election petition vexatious and the averments false and baseless while dismissing the petition may impose cost on the petitioner.
70. **Final Order of the Election Tribunal:-**Final order disposing of the election petition shall be passed by unanimity or majority of the members of the Election Tribunal.

CHAPTER-XV

Appointment of Election Officer

71. **Notification of the Electoral Roll and appointment of Election Officer:-**On receipt of the instructions and Electoral Roll of the affiliated Bar Associations, the Secretary of the concerned Bar Association shall notify the Electoral Roll in the Notice Board of the Bar Association and shall convene a meeting of the General Body of the Bar Association to appoint one of its voters as the Election Officer to conduct the election. The Secretary shall intimate the name, address, contact number and serial number in the Electoral Roll of the Election Officer so appointed by the General Body of the concerned affiliated Bar Association to the Secretary, Odisha State Bar Council so as to reach before 30days immediate preceding the date of election.

- 72. Continuance of the Election Officer after Appointment:-** Election Officer appointed by the general body of the affiliated Bar Association shall continue as such from the date of his/her appointment, after conducting the election till the general body appoints his/her successor to conduct the election for the next term.
- 73. Appointment of Election Officer in case of vacancy:-** If at any time vacancy arises in the post/position of Election Officer for any reason other than resignation, the Secretary of the Executive Body shall convene a meeting of the General Body as soon as possible and the General Body shall appoint a voter of the concerned affiliated Bar Association as Election Officer and the name, enrolment number and contact number of the Election Officer shall be intimated to the Secretary, Odisha State Bar Council.
- 74. Appointment of Election Officer if vacancy arises due to resignation:-** If any Election Officer of any affiliated Bar Association intends to resign from the post, he/she may do so in sending his/her letter of resignation to the Secretary, Odisha State Bar Council and the Secretary on receipt of the same shall accept it and issue instruction to the Secretary of the concerned Bar Association to take steps for filling up of the vacancy by the General Body in appointing any other voter of the concerned Bar Association as Election Officer and after appointment, the name, enrolment number and the contact number of the Election Officer so appointed shall be intimated to the Secretary, Odisha State Bar Council.
- 75. Allotment of Funds for Election: -** On compliance of rule by the President/Secretary of the concerned Bar Association, Council shall provide a sum of money calculated at the rate of Rs 15/- per voter in the Electoral Roll published for the concerned affiliated Bar Association by way of transfer to the Bank Account of the respective Bar Associations with instruction to the President/Secretary to provide the said amount to the Election Officer towards the expenses for conducting the election, under intimation to the Election Officer.

CHAPTER-XVI
Schedule of Programme for Election

- 76. Schedule of Programme:-** Secretary, Odisha State Bar Council shall prepare the schedule of programme fixing two or three days for filing Nomination, one day for notifying the list of candidates who filed nominations, one day for scrutiny of nomination, one day for notifying the name of candidates whose nomination stands valid, one day for withdrawal of nomination, one day for notifying the final list of candidates for each post.
- 77. Criteria for fixing the date of Nomination:** - Dates for filing nomination shall be within 21 days immediate preceding the date of election.
- 78. Gap between date of notification of final list of candidates and date of Election:** -In between the date of notification of final list of candidates contesting the election for different posts and the date of election there shall be gap of 10 to 12 clear days.
- 79. The Secretary, Odisha State Bar Council shall notify the schedule of programme fixing,**
- (i) two or three consecutive dates for filing of nominations.
 - (ii) day following the last date fixed for filing of nomination as the date for notifying the names, enrolment numbers of the candidates who filed nomination(s) for each post;
 - (iii) the next day of the date fixed for notifying the names and enrolment numbers of the candidates who filled nominations, as the date for scrutiny of nominations;
 - (iv) the day following the date of scrutiny as the date for notifying the list of nominated candidates;
 - (v) the date for withdrawal of candidature (nomination) if any with a gap of one day after the date fixed for notifying the list of nominated candidates;
 - (vi) the next day of the date fixed for withdrawal of candidature (nomination) if any as the date for notifying the final list of candidates (contesting candidates and uncontested nominated candidates) .
- 80. To whom the schedule of Programme shall be sent:-**Secretary shall, on receipt of the information required under rule-79 from the

President/Secretary of the respective affiliated Bar Associations, send a schedule of programme for the election in conformity with the Rules along with a copy of the Electoral Roll to the Election Officer.

CHAPTER-XVII

Power & Function of Election Officer

- 81. List of Advocates not eligible to cast vote:-** The Election Officer shall notify the serial numbers, names & enrolment numbers of the voters whose names appear in the Electoral Roll, as the advocates not eligible to vote in the election as per the list submitted by the Executive Body due to suspension/expulsion from the membership of the concerned affiliated Bar Association or due to non clearance of the membership dues or any other dues, while notifying the date of Election and the schedule of programme.
- 82. Notification of schedule of programme and Electoral Roll:-**The Election Officer after receiving the schedule of programme and copy of the Electoral Roll certified by the Electoral Officer shall notify the schedule programme for the election of the President/Secretary, other office bearers and members of the Executive Body of the Bar Association under his/her seal and signature with date within 3 days before the date fixed for filing of nomination.
- 83. Appointment of Assistant Election Officers:-**Election Officer, at any time after receipt of the schedule of programme and copy of Electoral Roll certified by Electoral Officer from the Secretary, Odisha State Bar Council and before the date of election, shall appoint as many Asst. Election Officers as he/she requires to assist him/her in conducting the election.
- 84. Fixation of Cost of Nomination Form and Nomination Fee:-**Along with the notification under rule-82 the Election Officer shall notify the cost of nomination form, nomination fee for different posts as he/she may reasonably fix, the time & date(s) of sale of nomination forms in the office of the Election Officer located in the Bar Association Office.
- 85. Who shall provide the Money Receipt Book to the Election Officer:-**President/Secretary/Treasurer of the Bar Association shall provide money receipt book of the Bar Association under proper receipt so as to be used for sale of nomination form and for receiving

payment of nomination fees issuing money receipts under the seal and signature of the Election Officer.

- 86. Procedure if no Money Receipt Book is not made available:-** Election Officer, if no money receipt book is made available to him/her shall print money receipt book for the purpose and utilize the same.
- 87. Receipt of Nomination Filed:-**The Election officer shall receive nomination and money receipts towards purchase of nomination form and payment of nomination fee from the candidates on the date and time fixed for filling of nomination.
- 88. Notification the list of Candidates who filed Nominations:-** The Election Officer shall notify the list of candidates who filed nominations for each post on the Notice Board of the Bar Association and on the date fixed.
- 89. Scrutiny of Nomination:-** The Election Officer shall scrutinise the nomination on the date fixed for it in presence of the candidate or his/her authorised agent. The Election Officer shall have to refer the eligibility criteria intimated by the President/Secretary of the Executive Body as per rule-38 at the time of scrutiny of nomination.
- 90. Notification of the list of Nominated Candidates:-**Election Officer shall notify, the names of the candidates whose nominations are valid and accepted, on the notice board of the Bar Association on the date notified by him/her as per the schedule of programme as nominated candidates. Names of such candidates for each post shall be separately notified.
- 91. Notification of the names of the contesting candidates:-** After withdrawal of nomination if any, on the date fixed for it, if the number of nominated candidates is more than the number of candidate(s) required to be elected for any post, the Election Officer shall notify the name of post, number of candidate(s) required to be elected with enrolment number and name of the contesting candidates for the post, separately for each such post in the final list of candidates on the Notice Board of the Bar Association on the date notified as per the schedule of programme.
- 92. Notification of the names of uncontested Nominated Candidates:-** If in respect of any post(s) the number of nominated candidate(s) is equal to or less than the number of candidate(s) required to be elected,

the Election Officer shall notify the name of the post, number of candidate(s) required to be elected with enrolment number and name of such nominated candidate(s) as uncontested nominated candidate(s) separately for each such post in the final list of candidates on the Notice Board of the Bar Association on the date notified as per the schedule of programme.

- 93.**Expense for the Election:-**Election Officer shall meet all expenses for conducting the election out of the funds provided by the Council and received from sale of nomination forms and nomination fees and deposit the surplus amount with the Bar Association after the Election.
- 94.**Printing of Ballot Papers:-** The Election Officer shall print ballot papers with name of the posts, names and enrolment number of the contesting candidates for each posts separately.
- 95.**Cancellation of Polling: -** If the Election Officer finds at any stage that there remained no nominated candidate for any of the posts of President/Secretary he/she shall cancel the polling for the said post.
- 96.**Conduct of Election:-** Election shall be conducted by the Election Officer on the date fixed.
- 97.**Counting of Votes:-** After closure of polling the votes shall be counted following the procedure prescribed in the relevant Rules.
- 98.**Notification of the Result of Election:-** After the process of counting is over, the Election Officer shall notify the names of contesting candidates if elected and the names of the candidates elected uncontested and shall send a copy of the notification to the Secretary Odisha State Bar Council.
Explanation:- The process of counting shall include recounting, if allowed by the Election Officer on the prayer of any contesting candidate.
- 99.**Posts for which no candidate is Elected:-** If at the time of declaration of result any post remains vacant the same shall be mentioned in the notification by the Election Officer.
100. **When no candidate is elected for the post of President/Secretary:-**In case of any vacancy in the post of President/Secretary at the time of notification of result due to

cancellation of polling the Election Officer shall notify a date of election for the said post(s) and shall also notify the schedule of programme for the election.

101. Date of Election:-The date of such election under rule-100 shall be within 21 days from 31st March, i.e. end of the term.

102. Electoral Roll to be used for the Election:-The Election Officer shall conduct the election notified under rule-100 for such post(s) following the procedure on the basis of existing Electoral Roll.

103. Procedure when no candidate is elected for the post of Office Bearer or Member, Executive Body, other than President /Secretary: -In case of vacancy in any post of office bearer or member, Executive Body other than president/secretary at the time of notification of result, as no candidate is elected for the said posts.

(i) The Election Officer shall notify the date of election after the newly elected Executive Body takes charge.

(ii) The date of election shall be within 15 days from the date of taking charge by the newly elected body.

(iii) The Election Officer shall conduct the election for such posts following the procedure prescribed for filling up of such vacancy and shall notify the result with a copy to the Secretary, Odisha State Bar Council.

CHAPTER-XVIII

Nomination

104. Nomination Form:

The information required to be provided in the nomination form shall be,

(a) Name of the post for which the candidate is proposed to be nominated;

(b) Name and Enrolment Number of the candidate;

(c) Serial Number of the candidate in the Electoral Roll;

(d) Name and Enrolment Number of the proposer;

(e) Serial Number of the proposer in the Electoral Roll;

(f) Name and Enrolment Number of the Secunder;

(g) Serial Number of the Secunder in the Electoral Roll.;

- (h) Number and date of money receipt towards purchase of nomination form.;
- (i) Number and date of money receipt towards payment of nomination fee.;
- (j) Consent of the candidate.

105. Filing of Nomination:- (i) The candidate shall file the nomination in the prescribed nomination form filled in by the proposer and seconder with the appropriate information as per rule-104 and signed by the proposer, seconder and the candidate putting his/her signature consenting for the same.

(ii) The candidate shall produced the name of his/her election agent who is a voter of the said bar Association with his/her consent in writing to be present in person to represent the candidate before the Election Officer whenever necessary.

106. Disqualification of voter to be Proposer/Seconder:- No voter shall be a proposer and Seconder in the nomination of more than one candidate for the same post.

107. Procedure for filing Nomination:- Voter intending to contest for any post notified for election shall present/file nomination form duly filled in and signed by the Proposers and Seconder & the candidate along with the money receipt towards purchase of nomination form and payment of nomination fee prescribed by the Election Officer post wise.

108. Notification the list of Candidates who filed Nomination:- The Election Officer shall notify the list of candidates who filed nomination(s) with names and enrolment number on the date fixed for the same.

109. Scrutiny of Nominations:- At the time of scrutiny of nominations, the proposer, seconder and the proposed candidates shall produce the identity cards for verification with reference to the Electoral Roll and Nomination Form. The Election Officer shall verify the money receipt towards payment of Nomination Fee and may require the money receipt towards purchase of Nomination Form for verification. If the Election Officer is satisfied that the nomination is in compliance of the Rules shall accept the nomination. If the Election Officer is not

satisfied with regard to validity of the Nomination, shall reject the same for reasons to be recorded on the Nomination Form itself in writing.

110. **List of Nominated Candidates:-**The Election Officer shall notify the names with enrolment number of the candidates whose nominations are accepted as nominated candidates post wise.
111. **Withdrawal of Nomination:-**If any nominated candidate files application for withdrawal of his candidature (nomination) on the date fixed being personally present before the Election Officer the same shall be accepted and the nomination of the concerned candidate shall be treated as withdrawn.
112. **Notification of final list of Candidates:-** After withdrawal of nomination(s) if any on the date fixed for withdrawal, the Election Officer shall notify the final list of candidates, post wise on the date notified in the schedule of programme.
113. **Notification of final list of Candidates:-**(1)If the number of candidates notified in the final list of candidates is more than the number of candidates required to be elected the Election Officer shall notify such nominated candidates as contesting candidates for the election to be held on the date so notified. (2) If the number of such nominated candidates is equal to or less than the number of candidates required to be elected, the Election Officer shall notify the said nominated candidate/candidates as uncontested nominated candidate(s).
114. **Cancellation/Rejection of Nomination in the case of death of a candidate before scrutiny:-** If on the dates and during the time fixed for filing nomination death of any candidate occurred after filing nomination the said nomination shall be rejected by the Election Officer due to non appearance of the candidate at the time of scrutiny.
115. **Intimation as to the death of Nominated Candidate:-**In case of death of any candidate after filing nomination, as soon as possible the concerned proposer and seconder shall intimate the Election Officer in writing regarding the death of the candidate on or before the date and time of scrutiny of the nomination.
116. **Cancellation/Rejection of Nomination due to death of Candidate:-**
(1) If on the dates and during the time fixed for filing nomination or at any time before scrutiny death of any candidate occurred after filing nomination the said nomination shall be rejected by the Election Officer,

- (i) if death certificate of the concerned candidate is produced.; or
- (ii) if the concerned proposer or seconder intimates in writing regarding the death of the candidate.; or
- (iii) if the Election Officer received information from any reliable source regarding the death of the candidate and/or the candidate dose not appear at the time of scrutiny.

(2) If in case of any post of office bearers other than president or secretary the number of nominated candidates becomes one because of rejection of nomination due to death of any candidate, the single nominated candidate shall be notified as uncontested nominated candidate.

(3) If in respect of any post of office bearer other than President or Secretary the number of nominated candidates notified is more than one (i) any of such nominated candidates withdraws his/her candidature (ii) the number of the remaining candidates is more than one he/she shall be notified in the final list of the candidates as contesting nominated candidates and election shall be held for the post, (iii) the number of such remaining nominated candidate is one he/she shall be notified as uncontested nominated candidate, in the final list of candidates.

117. Rejection of Nomination due to absence of Candidate, Proposer and Secunder:-The Election Officer shall reject the nomination paper for non-appearance of the concerned candidate with proper identity cards or his/her authorise agent before the Election Officer at the time scrutiny.

118. No Election if the single candidate is notified as Uncontested Nominated Candidate in the final list of the Candidates:-

(1) If for any of the posts of President or Secretary single candidate file nomination, (i) the nomination is accepted and he/she is notified as nominated candidate, (ii) he/she dose not withdraw his/her candidature, shall be notified as uncontested nominated candidate in the final list of candidates.

(2) The Election Officer shall not conduct election for the election of the post for which one uncontested candidate is notified and shall notify the said candidate as elected in the notification of result.

119. No Election if one Candidate is notified as Uncontested Nominated Candidate for the posts of President/Secretary:

- (1) If more than one candidate filed nomination but one candidate is notified as nominated candidate after scrutiny.
- (2) If more than one candidate is notified as nominated candidate but after withdrawal of nomination one candidate remain in the final list of candidates as uncontested nominated candidate, there shall be no polling for the said post and the Election Officer shall notify the said candidate as elected uncontested while notifying the result.

120. Procedure for election in case of death of any candidate for the posts of President/Secretary:

(1) If for any of the post of President or Secretary more than one candidates file nomination but the nomination of any candidate(s) during the process of Election if a candidate dies no candidate shall be declared elected notwithstanding anything contained in any other rule the Election Officer shall cancel the process of election in respect of that particular post under intimation to the Secretary, Odisha State Bar Council and shall notify the process of election in consonance to rule-100 and other relevant rules.

(i) the number of nominated candidates notified is more than one, but after the date fixed for withdrawal the number is reduced to one ,the Election Officer shall not notify the name of such nominated candidate as uncontested nominated candidate.

121. Procedure for election in case of death of any nominated candidate for the post of office bearer other than President/Secretary:

(1) If death of any nominated candidate occurs before notification of the final list of candidates Election Officer shall notify the name & enrolment number of the remaining nominated candidate(s),

- (i) as contesting candidates provided their number is more than one;
- (ii) as uncontested nominated candidate provided the number of such candidate is one.

(2) (i) If death of any candidate whose name is notified in the final list of candidates occurs before the date of election reducing the number of contesting candidates to more than one the Election Officer shall conduct the election and shall notify the death of contesting candidate(s) in the polling station before commencement of polling.

(ii) If death of any candidate whose name is notified in the final list of candidates occurs before the date of election reducing the number of contesting candidates to one the Election Officer shall stop polling for the post of such office bearer and shall notify the name of the remaining candidate as elected while notifying the result of the election.

CHAPTER-XIX

Election of Member, Executive Body

122. **Election shall be held on the date fixed:-** Election shall be held on the date notified for posts for which the number of contesting candidates after the date fixed for withdrawal of nomination in the final list of candidates is more than the number of candidate(s) required to be elected.
123. **One vote for each one post of member:-** A voter of an affiliated Bar Association shall cast one vote for each post of member, Executive Body of the concerned Bar Association subject to maximum number of member as prescribe in the By-law of the concerned Bar Association.
124. **No postponement of Election:-** Election for the posts of member, Executive Body shall not be postponed on account of death of any of the contesting candidates.
125. **Election in case the number of contesting Candidates is more than the number of posts in spite of death of any Candidate:-**If on account of death of any of the contesting candidates after notification of the final list of candidates the number of such contesting candidates is reduced to the number which is more than the number of candidates required to be elected, the Election Officer shall conduct the election and notify regarding the death of such candidate in the

notice board and in the polling station before the commencement of polling.

126. **No Polling if the number of Contesting Candidates is equal/less than the number of posts:-**If on account of death of any contesting Candidate the number of such candidates is reduced to the number which is equal to/less than the number of candidates required to be elected, the Election Officer shall stop polling for the said posts and shall notify the said candidates elected as members, Executive Body while notifying the result of election.

CHAPTER-XX

Ballot Paper

127. **Names to be placed in alphabetical order:-**Contesting candidates shall be serially placed in the ballot paper in alphabetical order according to their names.
128. **Separate ballot for each post of Officer Bearers:-**Separate ballot papers shall be printed for each post and the colour of ballot paper shall be different for each post.
129. **One Ballot Paper for the posts of Member, Executive Body:-** In the ballot papers meant for the posts of Member, Executive Body, the names of all the contesting candidates for the posts shall be serially printed in alphabetical order with enrolment numbers.
130. **Printing of Ballot Papers:-**
Election Officer shall cause ballot papers printed, for the posts for which election shall be held on the date notified. The ballot papers shall contain:
- a. Name of the Bar Association.
 - b. Instruction to put the mark of voting '✓' against the name of the candidate of his/her choice.
 - c. Name of the post.
 - d. Number of candidate/candidates to be elected.
 - e. Particulars of the contesting candidates in three columns i.e. (i) Serial number, (ii) Enrolment number, (iii) Name. Fourth column shall be space for putting the mark of voting against the name of the candidate of choice of the voter.
 - f. Signature of the Election Officer.

1. Ballot Paper issued to the voter,
 - i. shall not bear any number or mark of identification;
 - ii. shall bear the printed/hand written initial/signature with seal of the Election Officer at the bottom.
2. Counter foil of ballot paper shall have serial number printed on it.
3. Asst Election Officer while issuing the ballot paper shall obtain the signature of the voter against his/her name in the Electoral Roll and also on the counterfoil of the ballot papers.

131. Ballot Box:-

- (1) One ballot box shall be used for one post and ballot box for each post shall be different.

Explanation:- All posts of member, Executive Body shall be treated as one for the purpose of this sub-rule.

- (2) On the date of election before commencement of polling the empty boxes to be used as ballot box for different posts shall be shown to the contesting candidates and/or their polling agents and then the Election Officer shall lock the same. The locks shall be sealed with wax using the brass seal of the Election Officer.

- (3) During the process of polling each voter after putting the mark of voting on the ballot papers shall insert the ballots in the respective ballot boxes.

CHAPTER-XXI

Guideline to be followed in Polling Station

132. **Who shall not be allowed entry inside the Polling Station:-** Election Officer shall not allow entry of any person who is not Asst. Election Officer appointed by him/her or voter of the concerned Bar Association inside the Polling Station during the time of polling.

133. **Who shall be allowed entry on production of entry pass:-** Notwithstanding anything contained in rule-132 the candidates contesting the election or their Polling Agents shall be allowed entry inside the Polling Station on production of entry pass issued by the

- Election Officer, but they shall not be allowed to canvas inside the Polling Station or go near the Polling booth/compartment.
134. **Entry of voter subject to verification of Identity Card:-** Voters shall be allowed entry inside the Polling Station on verification of the identity card issued by the Council or the concerned Bar Association with reference to the Electoral Roll. Any person inside the Polling Station shall be required to produce identity card before the Election Officer or Asst Election Officer for verification on demand.
 135. **No Entry of any Electronics Devices:-** Entry of Camera, mobile phone or other electronic device for taking photos shall not be allowed inside the Polling Station.
 136. **Installation of C.C.TV to ensure free and fair election:-** Election Officer, if so likes, may install C.C.TV camera inside the Polling Station, to ensure free and fair election.
 137. **No Hoardings and Banners:-** Hoardings and banners shall not be permitted in the Polling Station premises.
 138. **Entry of Observers appointed by State Bar Council:-** Notwithstanding anything contained in rule-132 the Observers of the Council shall be allowed entry inside the Polling Station.
 139. **Secrecy at the time of voting:-** Election Officer shall make arrangements and take such precautions that secrecy is maintained at the time of voting in any polling booth.
 140. **Condition for casting of votes present inside the Polling Station five minutes prior to closing:** - The voters present in the polling station premises within five minutes before the closing time of polling shall be provided slips serially numbered and signed by the Election Officer. Such voters shall be allowed to cast their vote even after the time fixed for closure of polling.

CHAPTER-XXII

Counting of Votes

141. **Counting of votes in presence of contesting candidates/counting agents:-** As soon as possible after closure of polling the Election Officer shall proceed to count the votes in presence of the contesting candidates and/or the counting agents appointed by them under intimation to the Election Officer in writing.

142. **Duty of the Contesting Candidates and their counting agents to remain present:**-It shall be the duty of the contesting candidates and/or their counting agents to remain present at the time of opening of the ballot box with which they are concerned and so also at the time of counting of votes.
143. **Vote in valid ballots shall be counted:** - Vote in each valid ballot shall be counted in favour of the respective contesting Candidate voted for and the number of votes in favour of each contesting Candidate shall be calculated. The invalid ballots of the bundle shall be rejected and its number shall be calculated. The process of counting shall be as per the following rule.
144. **Process of Counting:-**
During the process of counting of votes, after the opening of the ballot box for any post,
- (1) ballots found in the ballot box shall be arranged in bundles, each bundle consisting of 25 or 50 numbers of ballots and the last bundle consisting of the rest number of ballots, so as to ascertain the total number of ballots used in polling.
 - (2) All the bundles of ballots shall be taken one after another for counting of votes.
 - (3) After counting of votes as per the valid ballots of all the bundles, the Election Officer shall calculate the number of votes in favour of each contesting Candidate.
 - (4) The Election Officer shall calculate the total number of invalid and rejected ballots.
 - (5) Votes in respect of all the posts shall be counted following clauses(1) to (4).
145. **Calculation of valid Votes & rejected ballots:** - Votes in favour of each contesting Candidate shall be calculated. The invalid ballots of the bundle shall be rejected and its number shall be calculated.
146. **Absence of contesting candidates/counting agents shall not invalidate process of counting:** -The process of counting of votes shall not be invalid even if the contesting candidates and/or the counting agents appointed by them do not remain present at the time of opening of ballot box and counting.

147. Which Ballots shall be Rejected:-

A ballot shall be invalid and rejected, if on the ballot

- (a) the mark '✓' is not found against the name of any contesting Candidate, or
- (b) the mark '✓' is found against the names of more number of contesting candidates than the number of contesting candidates required to be elected, or
- (c) the mark '✓' is found opposite to the name of more than one contesting candidate or is so placed as to render it doubtful to which contesting Candidate it is intended to apply, or the mark '✓' and any other mark or figures are found opposite the name of the same contesting Candidate, or
- (d) there is any mark in writing by which the voter can be identified.

148. Preparation of consolidated result sheet:-On completion of counting of votes for all the posts, the Election Officer shall prepare a consolidated result sheet of counting mentioning therein the number of votes cast in favor of each contesting Candidate in respect of each post, so also post wise number of invalid and rejected ballots and total number of ballots found from each ballot box for different posts.

149. Where procedure drawing lot shall be adopted:-After counting & preparation of the result sheet of counting if the Election Officer finds that more than one candidate have secured equal number of votes even though the number of such candidate required to be elected is less than the number of such candidate who secured the equal number of votes he/she shall draw lot/lots & decide the candidate/ candidates as elected.

150. Preservation of ballots after counting/recounting:-Election Officer shall preserve the valid ballots, invalid and rejected ballots, working copy of the electoral roll in separate sealed covers.

CHAPTER-XXIII

Recounting

151. Details of Votes shall be recorded:-Having completed the counting the Election Officer shall maintain the details of total votes secured by each candidate & declare the same at the time of declaration of Election Result.

152. **Request for recounting of votes:-** Subsequent to such announcement a candidate may raise objection in writing requesting to recount the ballots stating the reasons & grounds for such recounting.
153. **Manner of disposal of the request for recounting:-** On receiving of such objection the Election Officer at his discretion may allow the application or reject it stating the reasons there for. The said decision of Election Officer shall be in writing couched with sufficient reasons.

CHAPTER-XXIV

Declaration of Election Result

154. **Who shall be declared elected:-** The contesting candidates who secured the highest number of votes for each post of office bearers shall be declared elected. Such number of contesting candidates, equal to the number of members required to be elected, having secured the highest numbers of votes shall be declared elected as members of the Executive Body.
155. **Notification of the names of Elected Candidates:-** Election Officer shall notify the names of the contesting candidates elected to any post of office bearers and member, Executive Body and names of nominated candidates, if any declared elected uncontested in the notification displayed on the Notice Board of the Bar Association.
156. **Intimation of Result to the Secretary:-** Election Officer shall send copy of the notification of the result of election along with a copy of the result sheet of counting of votes to the Secretary, Odisha State Bar Council by registered post on the day following the date of election.

CHAPTER-XXV

Filling up of vacancy in the post of office bearer and member of the Executive Body excepting President/Secretary.

157. **Procedure to be followed if no candidate is elected:-** (1) If any post of (i) office bearer other than President/Secretary, and/or (ii) member, Executive Body, remains vacant and is shown so in the notification of result notifying the names of elected candidates, notwithstanding anything contained in any other rule the Election Officer shall notify the date of election to fill up such vacancy within three weeks after 31st March and for the said election,

- (a) any voter of the Bar Association shall be eligible to be candidate.;
 - (b) office bearers and members, Executive Body shall only be eligible to be proposer and seconder;&
 - (c) office bearers and members, Executive Body shall be voters;
- (2) Election Officer shall conduct the election following the prescribed procedure and notify the result and send a copy of the notification to the Secretary, Odisha State Bar Council.

CHAPTER-XXVI

Postponement of Election

158. Failure of Election Officer to conduct election due to emergent situation beyond control:- (1) If the Election Officer of any affiliated Bar Association, in spite of the notification of the names, enrolment numbers of the contesting candidates and uncontested nominated candidates for different posts on the date fixed, fails to conduct the election on the date notified due to,

- (i) the reasons/situation beyond the control of human being; or
- (ii) natural calamity preventing movement of voters to the Polling Station; or
- (iii) law and order problem which necessitated imposition of curfew or any prohibitory order in the locality where the concerned affiliated Bar Association situates; or
- (iv) other sufficient reasons which would render the Polling unsafe, shall, notwithstanding anything contained in any other rule, postpone the date of election and polling to a date within the next 15(fifteen)days after 31st March and shall notify the date of election, timing of polling and counting of votes and shall send a copy of such notification to the Secretary, Odisha State Bar Council.

159. Failure of Council to hold Election due to Extra Ordinary Situation:-

- (1) If at any time before the date of election in the month of March in any year an extraordinary situation arises being caused by pandemic or serious infectious disease preventing the normal functioning of almost all/most of the Courts of the State, guidelines issued by government of India and/or the state government prohibits

gathering of persons, issuing instruction to maintain social distancing and such situation continues, 45(forty five)days before the date of election and the Council, considering the gravity of the situation, apprehends that the election cannot be held without a high degree of risk to the life of the voters/advocates of the state because,

(i) voters/advocates are likely to be infected if social distancing is not maintained;

(ii) social distancing is not possible in the polling station and the polling station premises during the polling hours;

(iii) the pandemic caused by airborne viruses like that of Covid-19 infect persons in close circle of infected persons;

(iv) the pandemic is such that the persons coming in physical contact with each other are infected by the virus;

(v) the pandemic situation may continue indefinitely;

(vi) the guidelines issued by government of India and the state government may be violated by voters, since maintenance of social distancing may not be possible while conducting the election., the State Bar Council shall postpone the election till the pandemic is cleared and the restrictions imposed by the government of India and the state government are lifted and usual gathering is permitted,

(2) Interim Committee for each one of the affiliated Bar Association shall be constituted and the Interim Committee shall take charge from the outgoing Executive Body of the concerned affiliated Bar Association.

160. Failure of Council to hold election due to emergency situation:

If due to, the compelling circumstances arising out of natural calamity of devastating nature affecting the entire/major part of, state of Odisha or any other emergency situation the Odisha State Bar Council notifies the postponement of the election after publication of the Electoral Roll, Council shall notify the date of election as soon as the emergency situation is over.

Provided that,- Notwithstanding anything contained in any other rule,

(a) Executive Body shall continue to hold office as a care taker body after the expiry of the term and till the successor Executive Body is elected, if the Council notified, during the term, the date of election to be held within a month after the end of the term.

(b) If the situation is such that the Council shall not be in a position to notify the date of election before the end of the term, it shall proceed for constitution of Interim Committees as per the procedure prescribed by the preceding rules applicable to the situation and the Executive Body shall continue to hold office as a care taker body after the expiry of the term and till such date as is permissible under the rules.

(c) No Executive Body/Interim Committee of any affiliated Bar Association shall hold office after Interim Committee is constituted or the Executive Body is elected as per rules.

161. Handing over of Charge:-Office bearer in charge of the records and documents related with the bank account of the Bar Association shall hand over charge of the same to his/her counterpart in the newly elected Executive Body or Interim Committee.

162. Preservation of documents related with Election:-Immediately on postponement of election the Secretary shall instruct the Election Officers of all the Affiliated Bar Associations to keep the copy of Electoral Roll and all other records and documents related with the election in safe custody.

163. Procedure to be followed:- (1)If due to the compelling circumstances arising out of any pandemic situation the Odisha State Bar Council postpones the election after the date fixed for notifying the final list of candidates and before the date of election, as soon as the postponement of the election is notified the existing Executive Body of each affiliated Bar Association shall nominate persons as Chairman and members to constitute the Interim Committee of the respective Bar Association as prescribed by the Rules in presence of the Election Officer, who if satisfied that the Executive Body has acted as per rules, shall intimate the names, enrolment numbers of the persons nominated as Chairman and members of the Interim Committee indicating the post each of them

previously held along with a copy of the proceedings of the Executive Body to the Secretary Odisha State Bar Council so as to reach within 3 weeks from the day postponement is notified.

CHAPTER- XXVII

Constitution and structure of Interim Committee

164. Constitution of Interim Committee:

(1) The Interim Committee of different affiliated Bar Associations shall consist of

- (i) 3(three) members including one former President and two former Secretaries, if the number of voters as per the Electoral Roll is not more than 200.;
- (ii) 5(five) members including 2(two) former Presidents and 3(three) former Secretaries, if the number of voters as per the Electoral Roll is more than 200 and less than 501.;
- (iii) 7(seven) members including 3(three) former Presidents and 4(four) former Secretaries, if number of voters as per the Electoral Roll is more than 500 and less than 1501.;
- (iv) 9(nine) members including 4(four) former Presidents and 5(five) former Secretaries, if the number of voters as per the Electoral Roll is more than 1500 and less than 3001.;
- (v) 11(eleven) members including 5 (five) former Presidents and 6(six) former Secretaries, if the number of voters as per the Electoral Roll is more than 3000.

(2) No former President, former Secretary who is not in regular active practice shall be a member of the Interim Committee.

(3) Any person who had been the President or Secretary of the Executive Body of the concerned affiliated Bar Association for two terms shall not be eligible to be nominated as a member of the Interim Committee.

(4) The outgoing executive body shall, in presence of the Election Officer, nominate members of the Interim Committee out of the persons eligible as per the Rules.

(5) If in any affiliated Bar Association the number of available former Presidents eligible to be nominated is less than the required number of

former Presidents to be nominated the nominating Executive Body after nominating former Presidents shall nominate former Secretaries to fill up the rest membership of the Committee.

(6) If after nominating the former Presidents and Secretaries vacancy remains in the membership to be filled up, the nominating Executive Body shall nominate Advocate/Advocates in active and regular practice and so also having experience in the management of the affairs of the Bar Association to fill up the vacancy/vacancies.

(7) No office bearer or member of the nominating Executive Body shall be a member of the Interim Committee.

(8) The Election Officer shall intimate the names and enrolment numbers of the Chairman and members of the constituted Interim Committee to the Secretary, Odisha State Bar Council for approval.

(9) The senior most amongst the former President- members shall be the Chairman of the Committee.

165. Power and Function of the Interim Committee

(1) If the Executive Body and the Election Officer of any affiliated Bar Association fail to comply with the requirements of sub-rule(1) the Council shall constitute Interim Committee for the concerned Bar Association following the rules as far as possible on the basis of available records and the Secretary shall intimate the names and enrolment numbers of the Chairman and members of the Interim Committee so constituted.

(2) Notwithstanding anything contained in any other rules the outgoing Executive Body shall continue to hold office as care taker body till the Interim Committee is constituted and holds office.

(3) The Interim Committee shall be vested with all the powers and entrusted with all the functions of the Executive Body.

(4) The Interim Committee shall, in its first meeting, elect one of its members as Secretary.

(5) If in any affiliated Bar Association it shall be necessary to elect/designate one of the members of the Interim Committee as

Treasurer to individually/jointly operate the bank account of the Bar Association with any other office bearer as per its by-laws, shall elect one of its members as Treasurer.

(6)The Interim Committee may entrust different functions to different members for smooth functioning of the Committee.

(7)The Interim Committee shall take charge of the records and documents related with bank accounts from the outgoing Executive Body on 1st April, the first day of the financial year following the constitution of the Interim Committee.

(8)The Chairman and Secretary of the Interim Committee shall have all powers and shall be entrusted with all functions of the President and Secretary of the Executive Body respectively.

(9)The outgoing Executive Body shall cease to hold office after 31st March and the Interim Committee, its Chairman and Secretary shall hold office on and from the 1st day of April, and shall continue till the succeeding Executive Body is elected and holds office.

(10)Notwithstanding anything contained in any other rule the outgoing Executive Body shall continue the office till the Interim Committee is constituted and holds office.

166. Meetings and filling up of casual vacancy in membership of the Interim Committee:

(1) More than 50% of the members of the Interim Committee shall form quorum for its meeting.

(2) Any vacancy in the membership of the Interim Committee shall not invalidate the proceedings of its meeting if more than 50% of the total membership participate in the meeting.

(3) If any casual vacancy occurs in the membership of the Interim Committee after its constitution and approval due to resignation of any member/members or otherwise the Interim Committee shall fill up such vacancy/vacancies by nominating persons eligible under the rules.

(4)If the outgoing Executive Body fails to constitute Interim Committee as per the rules and intimate the same to the Secretary within 15(fifteen) days from the date of notification postponing the election the Council shall constitute Interim Committees for the defaulting affiliated Bar Associations with such persons who are eligible in its opinion to be Chairman and members as per the rules.

167. **Who shall preside over the Meeting:-**Chairman shall preside over the meetings of the Interim Committee and in absence of the Chairman the senior most member present shall preside.

168. **If date of Election is not notified before 6months immediate preceding the end of the term:-**If notification is not made fixing the date of election to be held minimum six months prior to the end of the term, the Interim Committee shall continue to hold office till 31st March, the end of the term.

169. **Conduct of Election after withdrawal of restrictions:** As soon as the State Bar Council shall have no reasonable apprehension that the voters/advocates shall be infected even though social distancing is not maintained in view of the withdrawal of restrictions on social gathering through the guidelines issued by the central government and state government, notification shall be issued fixing the date of election if the election can be held minimum six months prior to the end of the term and

(i) the election shall be held to elect the office bearers and members, Executive Body for the remaining period of the term which ends on the 31st day of March next year ;

(ii) the election shall be held on the basis of the Electoral Roll published for the election scheduled to be held in last March;

(iii)the election process shall be continued from the stage where it was at the time of issue/publication of notification postponing the election.

CHAPTER- XXVIII **Casual Vacancy**

170. **Casual Vacancy in post of President/Secretary:-**(1) If at any time during the term any casual vacancy occurs in the post of President or

Secretary during the term the Executive Committee shall within a week from the day the vacancy arose request/require the Election Officer to conduct the election to fill up the vacancy.

(2) If the casual vacancy occurred before 1st day of October the Election Officer shall notify the date of election and the schedule of programme for the election to be held within three weeks to fill up the vacancy on the basis of the Electoral Roll published for the term. Election Officer shall conduct the election and notify the name of the candidate elected and shall send a copy of the notification to the Secretary, Odisha State Bar Council.

(3) If the casual vacancy arose after the 1st day of October, the Election Officer shall notify the date of election to elect a voter of the concerned affiliated Bar Association to fill up the vacancy in the post of President or Secretary as the case may be within three weeks from the date the vacancy arose. Any voter of the Bar Association shall be eligible to be candidate. The office bearers and members of the Executive Body shall be eligible to be proposer and seconder. The office bearers and the members of the executive body shall be the voters. Election Officer shall notify the schedule of programme for the election, conduct the election and notify the name of the candidate elected who shall hold office for the remaining period of the term. The Election Officer shall send a copy of the notification to the Secretary, Odisha State Bar Council.

171. **Casual Vacancy in the Post of Office Bearer and member of Executive Body excepting President/Secretary:-** If casual vacancy occurs in the post of any office bearer other than president/secretary or member, executive body, the executive body shall, within one week, request the Election Officer to conduct election to fill up the vacancy.
172. **Casual Vacancy due to disqualification of any Office bearer or Member, Executive Body:-**The vacancy caused in the post of any office bearer or member of the Executive Body due to the disqualification incurred by any such office bearer or member shall be casual vacancy.

173. **Procedure for filling up the Casual Vacancy:-**The office bearers and executive body members shall be the voters for the election to fill up the casual vacancy.

- (1) Election Officer, on receipt of the request/requisition of the executive body from the President/Secretary to conduct election to fill up the casual vacancy in the post intimated, shall notify the date of election and the schedule of programme for the election on the Notice Board of the Bar Association.
- (2) Any voter of the concerned affiliated Bar Association, if qualified to contest the election as per its by-laws shall be eligible to be a candidate for the post.
- (3) Election Officer shall prescribe the nomination form and nomination fee.
- (4) Nomination shall be valid and acceptable, if
 - (i) the candidate is eligible for the post ;
 - (ii) the proposer and seconder are voters as per rule-170(3);
 - (iii) the nomination form is properly filled in and signed by proposer and seconder; the candidate signed the nomination giving his/her consent;
 - (iv) required information are correctly mentioned in nomination form. ;
 - (v) nomination fee is paid and the money receipt is enclosed with nomination form.
 - (vi) the Election Officer after scrutiny of nomination shall notify the names of the nominated candidate whose nomination is valid and accepted.
 - (vii) the Election Officer shall notify the names of the contesting candidates and uncontested nominated candidate if any in respect of any post for which election is held.
 - (viii) the Election Officer shall conduct the election on the date of election for the post/posts for which contesting candidates are notified.
 - (ix) the Election Office shall conduct the election following the procedure prescribed earlier.
 - (x) the Election Office after counting the votes shall notify the names of the elected candidates and intimate the Secretary of the concerned Bar Association .

(xi) the Election Office shall send copy of the notification to the Secretary, Odisha State Bar Council.

In case of vacancy in the post of President, the Vice-President shall function as the President In-charge and so also in case of vacancy in the post of Secretary, the Joint Secretary/Asst. Secretary shall function as the Secretary In-charge till the President/Secretary is elected.

CHAPTER- XXIX

Misconduct

174. **Screening of persons committing misconduct amounts to misconduct:** It shall be the duty of the office bearers and members of the Executive Body/Interim Committee to safe guard/protect the properties of the concerned affiliated Bar Association and as such screening of the persons who committed misconduct shall amount to misconduct.
175. **Misappropriation of Funds amounts to misconduct:** Misappropriation of funds of any affiliated Bar Association by any office bearer shall be treated as a misconduct within the meaning of section 35 of the Advocates Act, 1961 and if such misconduct is complained by the concerned affiliated Bar Association, the same shall be looked into by the Council.
176. **Obstruction or resistance to Election by any advocate shall be treated as misconduct:** - Obstruction or resistance to the process and conduct of election, by any advocate in any manner by any unlawful means shall be treated as misconduct within the meaning of section 35 of the Advocates Act, 1961.
177. **Power of the Secretary to issue notice to show cause:** - It shall be the duty of the Secretary of the succeeding Executive Body/Interim Committee to report non compliance of Rule-18 or Rule-165, sub-rule (7) and/or refusal of the office bearer of the outgoing Executive Body/Interim Committee in charge of the relevant records and documents of the concerned Bar Association as the case may be, to the Secretary, Odisha State Bar Council. The Secretary on receipt of such report, shall issue a notice to show cause within three weeks as to why disciplinary action shall not be taken for the misconduct and after receipt of the reply the same shall be placed before the Council.

178. **Operation of Bank Account by the Office Bearer of the outgoing Executive Body/Interim Committee even after he/she ceased to hold office shall be treated as misconduct:** - After an Executive Body is elected or Interim Committee is constituted the same shall be deemed to be holding office and the outgoing Interim Committee/Executive Body shall cease to hold office and in case any office bearer of the outgoing Interim Committee/Executive Body who was in charge of operation of the bank account of the concerned affiliated Bar Association operated the account even after he/she ceased to hold office and withdrew cash or transferred money to the account of any other person such unauthorized withdrawal or transfer of money shall be treated as misconduct under Section 35 of the Act.

CHAPTER- XXX

Miscellaneous

179. **Communications/Notifications for which no specific form is prescribed in the schedule:-** All other communications/notifications for which no specific proforma is prescribed in the schedule of rules shall be made by the Secretary, Odisha State Bar Council, Election Officer, Secretary of the concerned affiliated Bar Association, in confirmative with the rules.

SCHEDULE

From No:1

(Rule -10)

APPLICATION FOR AFFILIATION OF BAR ASSOCIATION

1. Name and address of the Bar Association:
2. Number of members :
3. Name and enrolment No. of the members who are advocates as defined in clause (d)of rule 2:
4. Name of the members who were/are voters of any affiliated Bar Association. Bar Association indicating the name of such affiliated Bar Association:
5. If the Bar Association is registered under the Societies Registration Act, No., date of & place of registration with name and designation of the registering authority (enclosing the certified copy of the by-laws) :
6. If any other affiliated Bar Associations exist at the same place of practice, state the number of such Bar Associations:
7. Number of courts functioning at the same place of practice:
8. Particulars of the house where the applicant Bar Association is functioning:
9. Number and type of furniture possessed by the Bar Association:
- 10.Has the Bar Association any law library:
- 11.Number of members of the Bar Association eligible to be voters of the Bar Association in the next Bar Association election:
- 12.Has the Bar Association deposited the requisite fee for affiliation: (If deposited No. and date of the money receipt)
- 13.Name, Enrolment No. and mobile No. of the President and Secretary of the Bar Association:
- 14.Whether the by-laws of the Bar Association is consonant with the Rules:

Signature
Applicant Bar Association

AFFIDAVIT

I,, aged aboutyrs,
S/D/W/o:-, At:.....,
Po:....., Ps:....., Dist:....., an
advocate bearing Enrolment No:..... do hereby solemnly affirm
and stat as follows:-

1. That, I am the Secretary,Bar Association,
2. That, the facts stated in the application for affiliation are true to the best of my knowledge based on records.

Deponent

Form No:2

(Rule: 41)

APPLICATION FOR TRANSFER OF VOTING RIGHT

To,
The Secretary,
Odisha State Bar Council,
Cuttack.

Sir,
I,....., S/D/W/o-.....
....., bearing Enrolment No:....., was
enrolled as an advocate. That I had submitted the application for Verification of Place
of Practice/Declaration form. My name appears at Sl. No..... in the Electoral
Roll published for Bar Association Election for the term
.....

That, I am also a member of Bar Association, which is an
affiliated Bar Association.

That, now I intend to cast my vote for the ensuing Bar Association Election of
..... Bar Association and accordingly I desire to transfer my
voting right fromBar Association to Bar Association.

That, my voting right previously exercised as a voter of Bar
Association be transferred to Bar Association where I am a
member.

That, my name and enrolment number be deleted from the Electoral Roll of
..... Bar Association and be included in the Electoral Roll of
..... Bar Association

That, I have deposited the fees prescribed by the State Bar Council for transfer of
voting right.

That, the money receipt bearing payment of the prescribed fees is enclosed herewith.

Date:-

Place:-

SIGNATURE OF THE APPLICANT

AFFIDAVIT

I,, aged aboutyrs, S/D/W/o:-
....., At:.....,
Po:....., Ps:....., Dist:.....,
advocate bearing Enrolment No:..... do hereby solemnly affirm and
state that the facts stated above are true to the best of my knowledge & belief.

Identified by Advocate

Deponent

CERTIFICATE

The applicant, bearing Enrolment
Number..... is a member of Bar
Association.

Full Signature
President/Secretary

.....Bar Association
with Seal

OFFICE OF ODISHA STATE BAR COUNCIL
CUTTACK-753002

Form -3(Rule: 42)

Notification No:.....

Date:.....

NOTIFICATION FIXING THE DATE OF ELECTION OF ALL AFFILIATED
BAR ASSOCIATIONS FOR THE TERM

It is hereby notified that the Election of all the affiliated Bar Associations in the state of Odisha shall be held on (Last Saturday of March 20.....) to elect the office bearers and Members, Executive Body to constitute the Executive Body of the concerned Bar Associations for the term 20.....-20..... (1st April 20..... to 31st March 20.....)

Secretary
Odisha State Bar Council

Form No:4

(Rule- 46)

OFFICE OF ODISHA STATE BAR COUNCIL

CUTTACK-7530032

Notification No:.....

Date:.....

NOTIFICATION

Notified that the Electoral Roll of all the affiliated Bar Associations of the state for Election of Executive Body of each such Bar Association to elect the Officer Bearers and Members of Executive Body for the term 20.....20..... (1st April to 31st March) are published today and the Electoral Roll so published for each such Bar Association are sent to the President/Secretary of the concerned Bar Association to notify in the Notice Board for information and necessary action.

Secretary
Odisha State Bar Council

From No:5
(Rule-48&84)

.....**Bar Association**,.....

No:.....

Dated:.....

NOTICE

1. The Electoral Roll of the Bar Association , published by the Secretary/ Chief Electoral Officer for the Election of the Bar Association to elect the Office Bearers & Members of the Executive Body for the term 20..... - 20..... (1st April, to 31st March,) are notified herewith on the Notice Board of the Bar Association.
2. The cost of Nomination form is fixed at Rs..... and Nomination fee is fixed for the different posts as mentioned here in below.
 1. President
 2. Vice President
 3. Secretary
 4. Joint Secretary
 5. Assistant Secretary
 6. Library Secretary/
Asst. Secretary, Library
 7. Treasurer
 8. Member, Executive Body
3. The Nomination forms shall be sold in the office of the undersigned on to

This is for information of all concerned.

Election Officer

OFFICE OF ODISHA STATE BAR COUNCIL
CUTTACK-753002

From No:6

(Rule- 76)

SCHEDULE OF PROGRAMME

Notification No:.....

Date:.....

NOTIFICATION

SCHEDULE OF PROGRAMME

The schedule of programme for the election of all affiliated Bar Associations of Odisha to elect the Office Bearers & Members or Executive Body to the respective Bar Association for the term.....(1st April to 31st March) is notified as follows:-

1. Date for fixed for filing Nominations:-
2. Date for notifying the list of candidates(post wise) who filed Nominations on the date fixed:-
3. Date of scrutiny of Nomination:-
4. Date of Notification of the names & enrolment numbers of the nominated candidates(post wise):-
5. Date of withdrawal of Candidature (nomination) is any:-
6. Date of Notification of Final list of candidates including contesting candidates and uncontested nominated candidates:-
7. Date and time of polling:-
8. Time of counting of votes:-
9. Notification of result:-

SECRETARY
ODISHA STATE BAR COUNCIL

Form No:-7

(Rule-82)

.....**Bar Association**,.....

Notification No:.....

Date:.....

NOTIFICATION

The schedule of programme for the ensuing Bar Association Election to elect the Office Bearers & Members of Executive Body for the term 20.....-20..... (1st April, 20..... to 31st March, 20.....) is notified here under:-

1. Date & time for filing Nomination:-
2. Date fixed for notifying the names of candidates filed nominations on the dates & during the time fixed for filing nomination (post wise):-
3. Date and time fixed for scrutiny of Nominations:-
4. Date fixed for notifying the Name and Enrolment Number of the nominated candidates(post wise):-
5. Date and time fixed for withdrawal of candidature(nomination) if any:-
6. Date fixed for notifying the final list of candidates (contesting candidates or uncontested nominated candidates) for each post:-
7. Date and time fixed for Polling:-
8. Counting of votes after closure of Polling:-
9. Notification of the names with Enrolment numbers of the candidates elected for the respective posts(contesting candidate elected & candidate elected uncontested):-

Election Officer

Date:

From No:8

(Rule-85)

.....**Bar Association**,.....

Receipt

Received the Money Receipt Book containing Money Receipt Nos..... to of the Bar Association today i.e. from the President/Secretary/Treasurer of the Executive Body to be used for sale of nomination forms and to receive payment of nomination fee from the voters intending to file nomination.

Date:

Election Officer

Form No:-9

(Rule- 87)

.....**Bar Association**,.....

RECEIPT

Received the nomination from, Enrolment
Number....., attached with the money receipt No.....
Date..... towards purchase of Nomination Form and Money Receipt
No....., Date..... towards payment of nomination fee
of Rs.....(Rupees).

Date:.....

Signature
of the Election Officer

Form No:-10

(Rule- 98)

.....**Bar Association**,.....

Notification No:.....

Date:.....

NOTIFICATION

It is hereby notified that the following contesting candidates/uncontested nominated candidates have been duly elected for the term(1st April, to 31st March,) today i.e. on for the post(s) against which the names of the candidates are mentioned here under:-

<u>Post</u>	<u>Name of the Candidates</u>	<u>Enrolment No.</u>	<u>Elected/Elected Uncontested</u>
-------------	-------------------------------	----------------------	------------------------------------

- 9. President
- 10. Vice President
- 11. Secretary
- 12. Joint Secretary
- 13. Assistant Secretary
- 14. Library Secretary/
Asst. Secretary, Library
- 15. Treasurer
- 16. Members, Executive Body

Note: No candidate is elected for the posts mentioned here under.

Election Officer

Date:-

From No:-11

(Rule- 104)

BAR ASSOCIATION,_____

NOMINATION

I, _____, having Enrolment Number
O- _____ / _____, serial number _____ in the Electoral Roll hereby
nominate _____, having Enrolment Number
_____, serial number _____ in the Electoral Roll for the post
of _____ of the Executive Body of the Bar Association.

Date:_____

Signature of the Proposer

I, _____, having Enrolment Number
O- _____ / _____, serial number _____ in the Electoral Roll second
the nomination of the proposer candidate _____,
having Enrolment Number _____, serial number _____ in the
Electoral Roll

Date:_____

Signature of the Seconder

I consent for the nomination

Signature of the Candidate

Date:

From No:12

(Rule- 108)

Notification No:_____

Date:_____

_____Bar Association, _____

NOTIFICATION

This is to notify that the following candidates have filed nomination on the dates and time fixed for filing nomination for the posts of Office Bearers & Members of the Executive Body of the Bar Association. The posts, number of each post and name, Enrolment Number and Serial Number in the Electoral Roll of the candidates are mentioned here below:

Name of the Post	Number of Posts	Serial Number	Name of the Candidate	Enrolment Number	Serial Number in the Electoral Roll
I. PRESIDENT	1(One)				
II. VICE-PRESIDENT	1(One)				
III. SECRETARY	1(One)				
IV. JOINT SECRETARY	1(One)				
V. ASST. SECRETARY	1(One)				
VI.TREASURER	1(One)				
VII. LIBRARY SECRETARY/ ASST. SECRETARY,LIBRARY	1(One)				
VIII.MEMBER, EXECUTIVE BODY (...)					

SIGNATURE
ELECTION OFFICER

From No:13

(Rule- 110)

Notification No:_____

Date:_____

_____Bar Association, _____

NOTIFICATION

It is hereby notified that on scrutiny of the Nominations of the candidates notified in Notification No:_____, Date:_____, the Nominations of the candidates mentioned here under against the respective post are accepted as valid and the candidates are notified as nominated candidate(s).

Name of the Post	Serial No of the Nominated Candidate	Enrolment Number	Serial Number in the Electoral Roll
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I. PRESIDENT

II. VICE-PRESIDENT

III. SECRETARY

IV. JOIN SECRETARY

V. ASST. SECRETARY

VI. LIBRARY SECRETARY/
ASST. SECRETARY, LIBRARY

VII.TREASURER

VIII. MEMBERS EXECUTIVE BODY

SIGNATURE
ELECTION OFFICER

From No:14
(Rule- 112)

Notification No: _____

Date: _____

_____ Bar Association, _____

NOTIFICATION

The names of contesting candidates and uncontested nominated candidates with Enrolment Number, for the posts mentioned here under are notified in alphabetical order.

Sl.No	Name of the Post	Name of the Contesting Candidate	Enrolment Number	Serial Number in the Electoral Roll
I.	PRESIDENT			
II.	VICE-PRESIDENT			
III.	SECRETARY			
IV.	JOIN SECRETARY			
V.	ASST. SECRETARY			
VI.	LIBRARY SECRETARY/ ASST. SECRETARY, LIBRARY			
VII.	MEMBER, EXECUTIVE BODY			

Sl.No	Name of the Post	Name of the Uncontested Nominated Candidate	Enrolment Number	Serial Number in the Electoral Roll
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SIGNATURE
ELECTION OFFICER

Form No:15
(Rule-120)

.....**Bar Association**,.....

NOTIFICATION

It is hereby notified that the election process for the post of President/Secretary, Executive Body of the Bar Association is cancelled and the election for the said post shall not be held on,the date fixed earlier. A fresh date of election and the schedule of programme shall be notified by the undersigned in exercise of the powers conferred under rule of the Odisha State Bar Council Bar Association (Affiliation & Election) Rules. 2021.

ELECTION OFFICER

Form No:16

(Rule- 130)

.....**Bar Association**,..... **Serial No:.....**

Signature of the Voter

BALLOT

Put the mark of voting “✓” against the name(s) of candidate {not exceeding the number of post(s)}

Name of the Post:.....

Number of Post:.....

Serial Number	Enrolment Number	Name of the Candidate	Space for mark of voting
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Note:- Names of the candidates are placed in alphabetical order.

Election Officer

Form No:17

(Rule- 148)

.....**Bar Association**,.....

Consolidate& Results Sheet of Counting

1. Name of the Post of Office Bearer:-
2. Total number of ballots found from the ballot box:-
3. Number of ballots (invalid/rejected):-
4. Number of valid ballots counted:-
5. Names of the contesting Candidates & the number of votes invalid ballots counted in favour of each candidates and calculated:-

Serial No.	Name of the contesting Candidate	Enrolment No.	Votes counted in favour of the candidate
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Election Officer

Date:

Form No:18

(Rule-148)

.....**Bar Association**,.....

Consolidate & Results Sheet of Counting

1. Name of the Post:- Member, Executive Body:
2. Number of Posts (Number of Contesting candidates required to be elected as Member, Executive Body):-
3. Total number of ballots found from the ballot box:-
4. Number of ballots (rejected/invalid):-
5. Number of valid ballots counted:-
6. Names of the contesting candidate and the number of votes in valid ballots counted in favour of each candidate & calculated:-

(1) Serial No.	(2) Name of the contesting Candidate	(3) Enrolment No.	(4) Votes counted in favour of the candidate
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Election Officer

Date:

Form No: 19

(Rule- 158)

.....**Bar Association,**

No:.....

Dated:.....

NOTIFICATION

It is hereby notified that the Election of the Bar Association schedule to be held on to elect the Office Bearers and Members of the Executive Body for the term..... as notified by the Secretary, Odisha State Bar Council so also the election process as per the schedule of programme are postponed for the time being by the undersigned in exercise the power conferred under by rule..... due to Emergency. A fresh date of Election shall be notified later by the undersigned.

Election Officer

From No-20

(Rule-159)

Office of Odisha State Bar Council

Cuttack-753002

Notification No:.....

Date:.....

NOTIFICATION

It is hereby notified that the Elections of all the affiliated Bar Associations in the state of Odisha to elect the Office Bearers and Members, Executive Body for the term 20..... - 20.....(1st April,20..... to 31st March, 20.....) of the concerned Bar Associations scheduled to be held on as notified earlier is postponed until further decision of the Council, due the Extra ordinary situation as per Rule-159 of the Odisha State Bar Council Bar Association (Affiliation & Election) Rules, 2021.

Secretary
Odisha State Bar Council