

THE BAR COUNCIL OF KERALA

RULES 1979

(Approved by the Bar Council of India at its meeting held on 9.2.1980)

CHAPTER 1

- I. Short title & commencement** – These rules shall be called the “Bar Council of Kerala Rules,1979” and they will come into forces from the date of approval of the same by the Bar Council of India.
- II. Interpretation :-** In these rules unless the context otherwise requires:-
- (a) “Act” means the Advocates Act, 1961.
 - (b) “Advocate General” means the Advocate General for the State of Kerala
 - (c) “Bar Association” means a Bar Association or Association of Advocates recognized by the Bar Council of Kerala for the purpose of these rules.
 - (d) “Bar Council” means the Bar Council for the State of Kerala.
 - (e) “Casual Vacancy” means a vacancy that has been caused otherwise than by the expiry of the term of office of a member of the Bar Council, Committees or other offices of the Bar Council.
 - (f) “Chairman” means the Chairman of the Bar Council of the State of Kerala.
 - (g) “Clear Days” means that time is to be reckoned exclusive of both the first and the last days provided however that where any act is to be done or taken on a certain day or within a prescribed period and if the office is closed on that day or on the last of the prescribed period, such act shall be considered as done or taken in due time if it is done or taken on the next day on which the office of the Bar Council is open.
 - (h) “Financial year” means any year or part of a year ending with the 31st March of every calendar year.
 - (i) “Form” means a form prescribed under these rules.
 - (j) “Roll means” the Roll of the Advocates prepared and maintained by the Bar Council
 - (k) “Treasurer” means the Treasurer of the Bar Council.
 - (l) “Vice Chairman” means the Vice Chairman of the Bar Council;

CHAPTER II

ELECTION RULES

(Rules made by the Bar Council of Kerala under section 15(2)(a) and (d) of the Advocates Act)

1. **Short title and Commencement :-** These rules shall be called the “Bar Council of Kerala Election Rules, 1970 and they shall come into force from the date of their approval by the Bar Council of India.
2. These rules shall be subject to rules made by the Bar Council of India under the powers vested in it by the Act.
3. **Interpretation :-** In these rules, unless the context otherwise requires;-
 - (a) “Act” means the Advocates Act,1961
 - (b) ”Advocate General” means the Advocate-General for the State of Kerala.
 - (c) ”Bar Association” means a Bar Association and the Kerala Advocates Association included in the list kept by the Bar Council of Kerala for the purpose of these rules;
 - (d) ”Bar Council” means the Bar Council for the State of Kerala .
 - (e) “Casual Vacancy” means a vacancy that has been caused otherwise than by the expiry of the term of office of a member.
 - (f) ”chairman” means the Chairman of the Bar Council of the State of Kerala.
 - (g) “Clear Days” means that time is to be reckoned exclusive of both the first and the last days provided however that where any act is to be done or taken on a certain day or within a prescribed period and if the office is closed on that day or on the last of the prescribed period, such act shall be considered as done or taken in due time if it is done or taken on the next day on which the office of the Bar Council is open.

Illustration:- The election of members to a State Bar Council is fixed for the 15th January 1965. Under the rules of the Bar Council, ballot papers have to be dispatched ten clear days before the date of election. Consequently the last date for the dispatch of ballot papers will be 4th January,1965.

- (h) “Continuing Candidate” means any candidate not elected and not excluded from the poll at any given time;

- (i) "Count" means:
 - (a) all the operations involved in the counting of the first preferences recorded for candidates or
 - (b) all the operations involved in the transfer of the surplus of an elected candidate, or
 - (c) all the operations involved in the transfer of the total value of votes of an excluded candidate, or
 - (d) all other operations involved in, incidental to: or necessary for the entire process of ascertainment of votes.
- (j) "Electoral Roll" means and includes the roll containing the names of Advocates prepared in accordance with the rules of the Bar Council of India in Part III, Chapter I.
- (k) "Exhausted paper" means a voting paper on which no further preference is recorded for a continuing candidate and includes a voting paper on which;
 - (a) the names of two or more candidates, whether continuing or not are marked with the same figure and are next in order of preference, or
 - (b) the name of the candidate next in order of preference whether continuing or not, is marked by a figure not following consecutively after some other figure on the voting paper or by two or more figures; or
 - (c) there is such effacement, obliteration, erasure or mutilation as to make any preference other than the first preference ambiguous.

(l) ¹["First preference" means the preference marked in the manner indicated in Rule 23(1), in the space opposite the name of the candidate whom he chooses for his first preference;

"Second preference" means the preference marked in the manner indicated in Rule 23(1), in the space opposite the name of the candidate whom he chooses for his second preference;

"Third preference" means the preference marked in the manner indicated in Rule 23(1), in the space opposite the name of the candidate whom he chooses for his third preference and so on.]

1. *Subs. & approved by BCI Res. No. 3/1990*

- (m) "Form" means a form prescribed under these rules.
- (n) "Original Vote" in relation to any candidate, means a vote derived from a voting paper on which a first preference is recorded for such candidate;
- (o) "Polling Officer" means a person appointed as such by the Returning Officer and includes the person appointed by the Returning Officer to assist the Polling Officer;
- (p) "Returning Officer" means the person appointed by the Bar Council as such to conduct an election and if no such person is appointed the Secretary of the Bar Council.
- (q) "Surplus" means the number by which the value of votes. Original and transferred, of any candidate exceeds the quota;
- (r) "Transferred Vote" in relation to any candidate means a vote the value or part of the value of which is credited to such candidate and which is derived from a voting paper on which a second or a subsequent preference is recorded for such candidate;
- (s) "Unexhausted paper" means a voting paper on which a further preference is recorded for a continuing candidate;
- (t) "Voter" means an Advocate whose name is included in the Electoral Roll.
4. **Time and Place of Election:-** Election of members to the Bar Council shall be held at such place or places on such date or dates and during such hour or hours as the Council may appoint. Different dates and different hours may be appointed for polling at different places.

Method of Election: (1) Election to the Bar Council shall be by the single transferable vote by and amongst the voters in the Electoral Roll in accordance with these rules.

5. The voting shall only be by personal ballot.²[***]

Explanation: An Advocate shall be deemed ordinarily to practise at the place which is given in his address in the Electoral Roll.

6. Notice of Election: (a) Notice of the time and place of election shall be given by publication over the signature of the Secretary in one issue of a Daily news paper in the State of Kerala; not less than fifty clear days before the date of election. The Notification shall specify inter alia-

2. Amended by Res. No. 41/1984 dt. 24-4-1984 by BCK and approved by 46/1984 dt. 13-7-1985 of BCI.

- (i) the dates, time and place for filling nominations;
- (ii) the date, time and place for scrutiny;
- (iii) the dates, and time for withdrawal of the candidature;
- (iv) the date or dates, time and place of polling
- (v) ³[*****]
- (vi) the date and place and time for counting of votes; and
- (vii) the minimum number of seats that should be filled from amongst advocates who on the relevant date will have been on the State Roll for at least 10 years;

Provided that the last date for the filling of the nominations shall not be less than 25 clear days before the date of election and that there shall be at least 5 clear days after the last date of the scrutiny for withdrawal of the candidature. Copies of the notice shall be affixed on the Notice Board of the Bar Council, and sent to the Advocate General and to the Bar Association.

(b) Copies of the above notice shall be put up on the Notice Board of the Bar Council and sent to (i) Bar Association and (ii) the Advocate General and (iii) may also be sent to the Official Gazette of the State of Kerala.

7. Candidates:- No person shall be entitled to seek election unless his name is in the Electoral Roll.

8. Candidates how to be proposed:- (1) Every candidate for election as a member of the Bar Council shall be proposed by one voter and seconded by another voter. The nomination paper shall be delivered to the Secretary either personally or through an agent or sent by registered post so as to reach the Secretary on or before the date specified in the notification under rule 6.

⁴(ii) The nomination paper shall be in Form 'A'. Every nomination paper shall be accompanied by a deposit for an amount of ^{4a}Rs.5000/- which shall be paid either in cash with the Bar Council or by way of Demand Draft from any nationalized bank payable at Ernakulam in favour of the 'Bar Council of Kerala'. The deposit will be refunded to candidates who succeed in the Election or withdraw his candidature before the due date fixed for it. In case of unsuccessful candidates the amount shall be forfeited by the unsuccessful candidates and the

3. Omitted by BCI Res. No. 3/1990

4. Subs. by BCI Res. No. 3/1990

4a. Subs. by BCI Res. No.133/2004 dt 6th, 7th November, 2004

same will be refunded to the candidates declared elected to the Council.

9. **Doubts as to validity of proposals:-** The Secretary shall at the place and time notified under rule 6 scrutinise the nomination papers received and if in his opinion any nomination paper is invalid, he shall report the same to the Advocate General who shall decide the validity or otherwise of such nomination paper, and his decision shall be final. The candidates or their agents shall be entitled to be present both at the time of the scrutiny before the Secretary as well as before the Advocate General and make their submissions. No nomination shall be rejected except for a defect of a substantial character and the Advocate General may allow any defect to be rectified.
10. **Withdrawal from Election:-** Any person whose name has been proposed as a candidate may withdraw his candidature by a communication in writing so as to reach the secretary not later than the date and time specified for the purpose in the notification under Rule 6.
11. **Declaration when number of candidates is equal to the number of seats:-** If the number of duly nominated candidates who have been on the State Rolls for 10 years or more is less than or equal to the number required by the provision to Section 3(2)(b) of the Act they shall be declared elected. The number thus elected shall be deemed to be the number required by the said proviso. If number of such candidates is in excess of the required number but the number of all the nominated candidates does not exceed the total number to be elected, all the nominated candidates shall be declared elected. In every other case there shall be a poll as prescribed by these rules.
12. **Publication of list of candidates:-** (a) Not less than 20 clear days before the date fixed for elections, the Secretary shall publish the names of all the candidates validly nominated except the names of those who have withdrawn under rule 10 as early as possible in Form "B" on the Notice Board of the Bar Council.

(b) Copies thereof shall also be sent to the Advocate General and to the Bar Associations.
13. **Preparation of list of voters:-** The Electoral Roll containing the list of voters shall be prepared in accordance with the rules of the Bar Council of India.

- 14. Form of voting paper:-** The voting paper shall contain the names of all the candidates. The address of the candidate and the date of his enrolment as Advocate as in the Roll shall be given against the name of each candidate. An asterisk mark(*) shall be put against the name of candidates who on the relevant date have been on the State Roll for at least ten years for the purpose of proviso to Section 3(2)(b) of the Act. The voting paper shall also bear on it the facsimile of the Secretary's signature. It shall state the total number of the candidates to be elected. The voting paper shall as nearly as possible, be in the Form 'C'.
15. ⁵[*****]
16. ⁶[*****]
- 17. Voting in person:** Voters ⁷[*****] shall cast their votes at the respective polling booths on the dates notified in this behalf.
- 18. Polling booths** ⁸[*****]. There may be one or more polling booths at each place. Different dates may be fixed for polling at the different places. Polling shall ordinarily be from 10.00 a.m to 5.00 .p.m. The Returning Officer shall appoint a sufficient number of polling officers for the booths, and may himself act as such at one or more of the booths. The Bar Council may give such general directions as it may consider necessary with regard to the holding of elections under these rules. In case of emergency when it is not possible for the Secretary to approach the Bar Council the Secretary may approach the Advocate-General for directions in respect of the election and he will be guided by the directions given by the Advocate-General and shall be entitled to act accordingly.
- 19. Second voting paper not to be issued:-** When a voting paper has once been handed over to a voter or sent by registered post to a voter under these rules, a second voting paper shall not be issued to him unless the voter satisfies the Secretary or the Polling Officer, as the case may be, that the voting paper has been spoiled or mutilated or lost or destroyed or has not been received by him, in which case a duplicate voting paper may be issued to him.
- 20. Despatch of voting papers to polling officers for polling in person:-** The Secretary shall sent to the Polling Officers of the booths requisite

5 & 6. Rules 15 and 16 omitted by Res. No. 41/1984 dt 24-4-1984

7 & 8. Omitted by Res. No. 41/1984. dt. 24-4-1984.

number of voting papers and some additional papers bearing facsimile of his signature with a covering letter stating the number of the papers sent and enclosing an extract from the Electoral roll relating to the polling booth, and other papers, if any, with necessary instructions.

- 21. Supply of voting papers to voters:-** The polling officers shall, on the date and at the time or hour fixed in this behalf, supply a voting paper to each voter in his polling booth, who applies in person therefore, and take his signature in the list of voters against the voter's name to signify the issue of the voting paper.
- 22. ⁹[Procedure for voting 4:-A.** A voter who has received a voting paper under Rule 21 shall retire to a place screened from outside view and mark his preference in the manner prescribed. The voter shall then put it in a sealed box kept for the purpose:]

Provided however, if a voter is unable through blindness or physical infirmity to record his vote on a ballot paper, the polling officer shall record the vote on the ballot paper in accordance with the wishes of the voter, fold it so as to conceal the vote and insert it into the ballot box.

The polling officer shall observe as much secrecy as is feasible and shall keep a brief record of each instance but shall not indicate therein the manner in which such vote has been given.

B. Preparation of ballot boxes for poll: -

- (i) Where a paper seal used for securing a ballot box, the returning officer or the polling officer shall affix his own signature on the paper seal and obtain thereon the signatures of the such of the candidates or their polling agents, if any, present as are desirous of affixing the same.
- (ii) The returning officer or the Polling Officer shall thereafter fix the paper seal so signed in the space meant therefore in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper thereinto remains open.
- (iii) The seals used for securing a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seals.
- (iv) Where it is not necessary to use paper seals for securing the ballot boxes; the returning officer or the polling officer, shall secure

9. Amended by Res. No. 41/1984 dt. 24-4-1984

and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix if they so desire their seals.

- (v) Every ballot box used at a polling station shall bear labels both inside and outside marked with –
 - (a) the serial number, if any, and name of the constituency
 - (b) the serial number and name of the polling station
 - (c) the serial number of the ballot box (to be filled in at the end of the poll on the label outside the ballot box) and
 - (d) the date of poll
- (vi) Immediately before the commencement of the poll, the returning officer or the Polling Officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (v) .
- (vii) The Ballot box shall then be closed, sealed and secured and placed in full view of the returning officer or the polling officer and the polling agents or the candidates.
- (viii) Where it becomes necessary to use a second ballot box by reason of the first ballot –box getting full, the first box shall be closed, sealed and secured as provided in sub rule (i) and (ii) of sub-rule ‘C’ before another ballot box is put into use.

C. Sealing of ballot boxes after poll –

- (i) As soon as practicable after the closing of the poll the Returning Officer or Polling Officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any candidate or his polling agent, if any, present to affix his seal.
 - (ii) The ballot box shall thereafter be sealed and secured.
- D.** The polling officer shall at the close of the poll prepare an account of ballot papers in form “D” and enclose it in a separate cover with the words “voting paper account” superscribed thereon.
- E. Sealing of other Packets :-** The Polling Officer shall then make into separate packets –
- (a) the marked copy of the electoral roll;
 - (b) the unused ballot papers

- (c) the cancelled ballot papers;
- (d) any other paper directed by the Secretary to be kept in a sealed packet. Each packet shall be sealed with the seal of the Polling Officer and of the candidate or his agents present who may desire to affix their seal thereon.

F. Transmission of Ballot Boxes, etc. – The Polling Officer shall then deliver to the Secretary at such place as he may direct or send by post or otherwise in any way as directed

- (a) the ballot boxes containing the ballot papers
- (b) the account of the ballot papers;
- (c) the sealed packets referred to in sub-rule (E) above and
- (d) all other papers used at the poll.

22A: Fresh poll in the case of destruction etc. of ballot boxes:

- (1) If at any election any ballot box at a polling station is unlawfully taken out of the custody of the presiding officer or the returning officer or is in anyway tampered with or is accidentally or otherwise destroyed, lost or damaged and the returning officer is satisfied that in consequence thereof the result of the poll at that polling station cannot be ascertained, he shall
 - (a) declare the polling at that polling station to be void;
 - (b) appoint a day and fix the hours for taking a fresh poll at that polling station;
 - (c) notify the day so appointed and fix the hours of the fresh poll.
- (2) The provisions of Election Rules, so far as may be apply to the fresh poll as they apply to the original poll;

23. Method of Voting :- (1) A voter shall mark his order of preference on the voting paper in the international form of India numericals or in the Roman figure or in word or in the form such as 1st, 2nd etc. or in the form first; second etc. and so on.

- (2) A voter in exercising his vote
 - (a) shall mark on his voting paper his first preference in the manner indicated in Rule 1 in the space opposite the name of the candidate whom he chooses for his first preference and

(b) may in addition, mark on his voting paper in his second preference, third preference fourth preference and so on the manner indicated in Rule (1) in the space opposite the name of the other candidate in the order of preference.

24. Voting papers when invalid : - A voting paper shall be invalid on which;

- (a) the first preference is not marked ; or
- (b) the first preference is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or
- (c) the first preference and some other preference are set opposite the name of the same candidate; or
- (d) there is any mark in writing by which the voter can be identified; or
- (e) there is on the voting paper such effacement, obliteration, erasure or mutilation as to make the first preference ambiguous;
- (f) the voter has put his signature;
- (g) there is such erasures, obliteration or alteration in the voting paper so as to make it defaced.

24A. The decision of the Returning Officer whether a voting paper is or is not valid shall be final.

24B. A voting paper shall not be invalid if a voter exercises his vote for more than the number of candidates to be elected under the rules.

25. Presence of candidate or his agent during polling and counting: At the time of polling and counting, the candidate or his agent duly authorized by him shall be entitled to be present.

25A. The Returning Officer shall keep the ballot boxes after polling in safe custody in the headquarters of the Council.

25B. The counting of votes shall be between 9.00 .am and 6.00 p.m

26. ¹⁰[Arrangement of valid voting papers in parcels :-

- (a) The Returning Officer shall open all the ballot boxes. After rejecting the voting paper which are invalid or which cannot be taken into account for the purpose of election under these rules, the Returning Officer shall;

10. Amended by Resolution No.41/84 dated 24.4.1984

- (b) arrange the remaining voting papers in parcels according to the first preference recorded for each candidate;
- (c) count and record the number of papers in each parcel;
- (d) credit to each candidate the value of papers in his parcel.]

27. Ascertainment of quota:- Every voting paper shall be deemed to be of the value of one hundred, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows;:

- (a) add the value credited for a candidate under clause (d) of Rule 26;
- (b) divide the total by a number which exceeds by one of the number of seats to be filled; and
- (c) add one to the quotient, ignoring the remainder if any; the resulting number is the quota.

28. Candidates with quota to be elected :-

- (A) The elections of members of the State Bar Council shall be in conformity with the proviso to section 3(2) (b) of the Act and these rules.
- (B) There shall be no limit to the number of candidates on the State Rolls for a t least ten years that could be declared elected under these rules.
- (C) In an election by the Bar Council of Kerala electing all the members specified in section 3(2) (b) of the Act, the following procedure shall be adopted in the counting of votes;

If, at the end of any count or at the end of the transfer of any parcel or sub parcel of an excluded candidate the value of the voting papers credited to a candidate is equal to or greater than the quota, then he shall be declared elected; Provided that –

- (i) No candidate who has not been an advocate on the State Roll for at least ten years shall be elected if 10 candidates of less than ten years standing have already been declared elected;
- (ii) If at the end of any count; there are two or more candidates who have not been on the State Roll for at least ten years, getting more than the quota as aforesaid but the number of candidates

that can yet be elected from such category under the proviso to section 3(2) (b) is less than that number, the candidate who has obtained the greater value of votes shall be declared elected in preference to the candidates whose value, of votes is less.

- (iii) In the case of two or more persons of the category referred to in proviso (ii) above, getting the same value of votes at the end of any count, the returning officer conducting the election shall decide by lot which of such persons shall be declared elected.
- (iv) The other candidate or candidates not declared elected as afore-said by reason of the proviso to section 3(2) (b) of the Act and these rules shall be excluded from the poll as provided in rule 30 of these rules.

29. Transfer of surplus:-

- (i) If after exclusion of any candidate under rule 30 at the end of any count, the value of the voting paper credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this rule to the continuing candidates indicated on the voting papers of that candidates as being next in order of the voter's preference.
- (ii) If more than one candidate have a surplus, the surplus shall be dealt with first and the others in order of magnitude.

Provided that-

Every surplus arising on the first count shall be dealt with before those arising on the second count and so on.

- (iii) Where there are more surpluses than one to distribute and two or more surpluses are equal, regard shall be had to the original votes of each candidate, and the candidate for whom more original votes are recorded shall have his surplus first distributed, and if the value of the Original votes, is equal, the Returning Officer shall decide by lot which candidate shall have his surplus first distributed.
- (iv) (a) If the surplus of any candidate to be transferred arises on the Original votes only, the Returning Officer shall examine all the papers in the poll belonging to that candidate, divide the unexhausted papers into subparcels according to the next preference recorded thereon and make a separate

subparcel of the exhausted papers.

- (b) The Returning Officer shall ascertain the value of the papers in each sub-parcel and of all the unexhausted papers,
- (c) If the value of the unexhausted papers is equal to or less than the surplus, the Returning Officer shall transfer all the unexhausted papers at the value at which they are received by the candidates whose surplus is being transferred.
- (d) If the value of the unexhausted papers is greater than the surplus, the Returning Officer shall transfer the sub-parcels of the unexhausted papers, and the value, at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.
- (v) If the surplus of any candidate is to be transferred arises from transferred as well as original votes the Returning Officer shall re-examine all the papers in the sub-parcel last transferred to the candidate divide the unexhausted papers into sub-parcels, according to the next preferences recorded thereon, and then deal with the sub-parcel in the same manner as is provided in the case of such parcel referred to in sub-rule (iv).
- (vi) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.
- (vii) All papers in the parcel or sub-parcel of an elected candidate not transferred under this rule shall be set apart as finally dealt with.

30. Exclusion of Candidates:-

The Returning Officer conducting the election shall exclude from the poll.

- (i) When there are two or more candidates who have obtained more than the quota the candidate who cannot be declared elected under proviso to rule 28-C of these rules:
- (ii) The candidates lowest in the poll in the following order:-

After all the surpluses have been transferred as provided in the rules with regard to transfer of surplus and the number of candidates elected is less than the required number and after the exclusion from the poll, if

any, under clause (i) of this rule.

First such candidate as are advocates on the roll of the Bar Council of Kerala for less than 10 years, if the number of candidates; elected who have been on the State Roll for less than 10 years has already reached 10. Next the other candidates.

Illustration: At an election to the Bar Council of the State of Kerala, 300 is arrived at as the quota. At the end of a count, when there is no further surplus to be distributed, M and N are the contesting candidates.

M (who has not been on the State Roll for at least ten years) gets 150; and N (who has been on the State Roll for more than ten years) gets 100.

Only 9 candidates who have been advocates on the State Roll for at least ten years have already been declared elected. Hence M has to be excluded and the voting papers of M will be thereafter transferred as provided in these rules.

If in the same case ten candidates who have been Advocates for at least ten years have already been elected, N will be excluded. The voting papers of N will be transferred as provided in these rules.

- 2 (i) The Returning Officers shall distribute the unexhausted papers of the candidates excluded under these rules among the continuing candidates according to the next preference recorded therein and all exhausted papers shall be set apart as finally dealt with.
- (ii) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.
- (iii) The paper contained transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which and at value at which he obtained them.
- (iv) Each of such transfers shall be deemed to be a separate transfer but not a separate count.
- (v) If, as a result of the transfer of papers, the value of the votes obtained by a candidate is equal to or greater than the quota, the counting then proceeding shall be completed but not further papers shall be transferred to him.
- (vi) The process directed by this rule shall be repeated on the

successive exclusion one after another of the candidates lowest on the poll until such seal is filled either by the election of a candidate with the quota or as otherwise provided in these rules.

- (vii) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded and if the value of their original votes are equal, the candidate with the smallest value at the earliest count at which these candidates had unequal votes shall be excluded.
- (viii) If two or more candidates are lowest on the poll and each has the same value of votes at all counts, the Returning Officer shall decide by lot which candidate shall be excluded.
- (ix) If during a count, any candidate getting the quota or more has to be excluded by reason of rule 28-C above, the transfer of his votes shall be deferred and made immediately after the other candidates having got the above quota in that count are declared and their votes are transferred as provided for in these rules.

31. Filling of last vacancies:

The returning Officer conducting the election shall follow the procedure prescribed hereunder for filling of last vacancies:

When at the end of any count the number of continuing candidates is reduced to the number of seats remaining unfilled the continuing candidates shall be declared elected subject to the following:-

- (1) If the total number of candidates so far declared elected from amongst the Advocates on the State Roll for at least ten years at the relevant date is less than 10, then the requisite number of candidates of such standing shall first be declared elected and only the balance from amongst other candidates shall be declared elected.
- (2) When at the end of any count only one seat remains unfilled and the value of the papers of some one candidate exceeds the total value of the papers of all the other continuing candidates together

with any surplus not transferred, that candidate shall be declared elected. Such candidate shall not, however, be declared elected if he has been on the State Roll for less than ten years and if the total number of candidates so far declared elected from amongst advocates on the State Roll for at least ten years as provided in these rules, is less than ten as aforesaid.

- (3) When at the end of any count only one seat remains unfilled and there are only 2 continuing candidates and each of them has the same value of votes and no surplus papers can be transferred, the Returning Officer shall decide by lot which of them shall be excluded, and after excluding him in the manner aforesaid declare the other candidate to be elected:-

Provided that, if the total number of candidates who have been on the State Roll for at least ten years on the relevant date so far elected is less than ten then that candidate who has been on the State Roll for at least ten years shall be declared elected and the other candidate shall be excluded.

32. Fraction etc to be disregarded:

In carrying out of the provisions of rules 28 to 31, the Returning Officer shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from the poll.

33. Determination of result and publication thereof:

- (1) Upon the completion of the count, a list of the candidates elected to the Bar Council shall be prepared and signed by the Returning Officer and submitted by him to the Advocate General who shall certify the same by his signature.
- (2) After such certificate, a copy of the list shall be published in the Official Gazette and shall also be sent to the Advocate General and to the Bar Associations to be affixed as they may direct, and may also be sent to other similar associations. A copy of the same shall also be put up on the Notice Board of the Bar Council.
- (3) On the publication of the list in the official gazette, the persons whose names appear in the list shall be deemed to have been declared as elected. The members of the Bar Council shall be deemed to have been elected on the date of publication of their names in the Official Gazette.

34. Disputes as to the validity of elections:-

- (1) Any voter may contest the validity of the election of a candidate declared to have been elected to the Bar Council by a petition signed by him and supported by an affidavit and delivered to the Secretary personally or sent by registered post so as to reach him within 15 days from the date of publication of the results of the election.
- (2) The petition shall be accompanied by a receipt from the State Bank of India or the Central Bank of India Ltd., showing that he has paid a fee of ^{10a}Rs. 2000/- to the credit of the Bar Council of Kerala. The fee shall not be refundable.
- (3) Such petition shall include as respondents all the contesting candidates, and the petition shall be accompanied by as many copies as there are respondents.
- (4) All disputes arising under the above sub-rule shall be decided by a tribunal to be known as an Election Tribunal comprising 3 Advocates whose names are on the State Roll and who are not of less than ten years standing.
- (5) The election tribunal shall be appointed by the Bar Council on or before the date on which the time of the election is fixed under rule 4. The Secretary of the Council shall act as the Registrar of the Tribunal.
- (6) The Election Tribunal shall have all or any of the following powers:
 - (i) To dismiss a petition;
 - (ii) To order recount;
 - (iii) To declare any candidate to have been duly elected on a recount.
 - (iv) To set aside the election of the candidate who either by himself or through any other person acting with his consent is guilty of corrupt practices.

Explanations: The following shall be deemed to be corrupt practices for the purposes of this Act:

- (1) "Bribery" that is to say-
 - (A) Any gift, offer or promise of any gratification to any person whomsoever, with the object, directly or indirectly of including-

10a. Subs. by BCI Res. No. 133/04 dt 6th & 7th November 2004

- (a) a person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at an election or
- (b) an elector to vote or refrain from voting at an election or as a reward to.
 - (i) a person for having so stood or not stood, or for having withdrawn his candidature; or
 - (ii) an elector for having voted or refrained from voting,
- (B) the receipt of, or agreement to receive, any gratification whether as a motive or a reward-
 - (a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being a candidate; or
 - (b) by a person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature. For the purposes of this clause the term “gratification” is not restricted to pecuniary gratifications or gratification estimable in money and it includes all forms of entertainment and all forms of employment for reward.
- (2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere with the free exercise of any electoral right including the issuing or sending of any appeal or manifestor for votes whether direct or indirect:

Provided that, a mere intimation of candidature with a bare request for a vote shall not amount to undue influence.

And provided further that, a candidate or his agent may also orally ask for votes from voters; but on the date of election such requests shall not be made within a radius of 200 yards from the polling station. And a candidate may issue a written intimation to his voters announcing his candidature and seeking their votes or their first preference votes, which intimation shall not contain any other publicity or his eulogy. Such written intimation shall also not amount to undue influence.

- (3) The hiring or procuring, whether on payment or otherwise of any vehicle or the use of such vehicle or vessel for the free conveyance of any elector to or from any polling station.

Explanation: The vacancy arising under sub-rule 6 (iv) shall be filled up as casual vacancy.

- (v) in other cases to declare a vacancy to be filled up as a casual vacancy.
- (vi) To make an order as to costs,
 - (a) The power of the Tribunal will be those of a Civil Court as contained in sec. 42 of the Advocates Act.
 - (b) The decision of the majority of the said Tribunal shall be final as to any question that may arise before it.
 - (c) The order as to costs shall be executable as a decree of a court of Small Causes.
- (7) The trial of an election petition shall as far as possible be governed by the Civil procedure Code.
- (8) No petition shall lie on the ground that and nomination paper was wrongly rejected or the name of any voter was wrongly included in or omitted from the electoral roll or any error or irregularity which is not of a substantial character.
- (9) The voting papers and other records relating to the elections shall not be destroyed until the expiry of the time fixed for the filing of any petitions under clause (1) of this rule.
- (10) In case where a petition or petitions have been filed under clause (1) no such voting papers or records be destroyed till all the election petitions are finally shall disposed off,

35. Conduct of Elections -

Except as otherwise provided in these rules the Secretary shall be incharge of the conduct of the election.

Explanation - For the purpose of this rules the “Secretary” shall mean a person appointed as secretary under Section 11 of the Act, or any other person appointed by the Bar Council to perform the duties of the Secretary under these rules.

36. Computation of Period:-

For the purpose of computing the minimum period of ten years provided for in the proviso to section 3(2) of the Act and these rules.

- (i) the period during which an Advocate may have been on the roll

of any other State Bar Council or Councils or on the roll of any High Court or High Courts under the Indian Bar Councils Act, 1926 shall be taken into account, and

(ii) the period shall be computed as on the last date notified for receiving the nominations for the election.

37. The returning Officer may in his discretion recount the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that, nothing in this sub-rule shall make it obligatory on the Returning Officer to recount the same votes more than once,

38. Illustration of the Procedure as to the Counting of Votes:-An illustration of the procedure as to the counting of votes in accordance with the provisions of these rules is given in the schedule to these rules.

39. The returning officer if he chooses so may make use of Electronic Device for the purpose of counting the Votes.

FORM A
(Under Rule 8)
NOMINATION PAPER
for election to the Bar Council of Kerala

To

The Secretary,
The Bar Council of Kerala.
Ernakulam.

Sir,

I proposean Advocate on the roll of the Bar Council of Kerala enrolled on practicing atas a candidate for election to the Bar Council of Kerala to be held on.....

1. Name.....

Address:

Number in the Electoral Roll.....

Date:.....

Signature.

And

I second

Name.....

Address:.....

Number in the Electoral Roll.....

Date:.....

(Signature.)

Declaration by Candidate

I am willing to serve on the Bar Council, if elected. I enclose herewith a Bank Receipt/cash receipt for Rs. 500/- as required by rule 8(ii).

I was enrolled as an Advocate onand my name continues to be on the State Roll of the Bar Council of Kerala.

I declare that I am an Advocate of.....years, standing at the Bar, and that I have not incurred any of the disqualifications for being a member of the Council as stated in' the Election Rules.

Place:

Date:

Signature of the candidate.

FORMB

SUBJECT TO NECESSARY MODIFICATIONS (Under Rule 12 (a))

LIST OF CANDIDATES

The following is the list of candidates for the election to the Bar Council to be held on

I. Candidates whose names have been on the State Roll for at least 10 years as required under the proviso to Section 3(2) (b) of the Act.

Name	Date of Enrolment.	Ordinary place of Practice.
1	2	3

II.Candidates who have been on the State Roll for less than 10 year

Name.	Date of Enrolment	Ordinary place of Practice
1	2	3

Date:

SECRETARY

THE BAR COUNCIL OF KERALA

FORMC
(Under Rule 14)

INSTRUCTION FOR THE GUIDANCE OF VOTERS

1. The number of members to be elected is 25.
2. The voting is by the single transferable preference vote.
3. The mark should be so placed as to indicate clearly and beyond doubt to which candidate he is giving his vote. If the mark is so placed as to make it doubtful to which candidate the vote has been given, that vote will be invalid.
4. Method of voting:-
a voter on exercising his vote-
 - (a) shall mark on his voting paper his first preference in the manner Indicated in Rule 23(1) in the space opposite the name of the candidate whom he chooses for his first preference and
 - (b) may in addition mark on his voting paper his second preference, third preference, fourth preference, and so on in the manner indicated in Rule 23(1) in the space opposite the name of the other candidate in the order of preference.
5. Voting paper shall be invalid on which:-
 - (a) the first preference is not marked; or
 - (b) the first preference is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or
 - (c) the first preference and some other preference are set opposite the name of the same candidate; or
 - (d) there is any mark in writing by which the voter can be identified; or
 - (e) there is on the voting paper such effacement, obliteration, erasure or mutilation as to make the first preference ambiguous;
 - (f) the voter has put his signature;
 - (g) there is such erasures, obliteration or alteration in the voting paper as to make it defaced.
6. **Voter voting in Person:-** A Voter voting in person shall put the voting paper after voting, into the ballot box.

VOTING PAPER
THE BAR COUNCIL OF KERALA
ELECTION DATED:.....

..... Members have to be elected.

Sl. No.	Name as in Roll.	Date of enrolment	Place and Address.	Mark of Voter
1.	Samson*	1...5...1905		
2.	Ranga	4...5...1965		

* An asterisk mark indicates that the name of the candidate has been on the State Roll for at least ten years.

Date:

Facsimile of Secretary

THE BAR COUNCIL OF KERALA
FORMD
(Under rule 22)

Election to the Bar Council of Kerala

1. Name of Polling booth
2. Total number of ballot papers supplied.
3. Total number of ballot papers used.
4. " Total number of duplicate ballot papers supplied
5. Total number of duplicate ballot papers used:
6. Date:

Signature of Polling Officer.

Date:

Place:

Signature of Polling
Officer.

THE BAR COUNCIL OF KERALA**SCHEDULE**

Illustration of the Procedure as to the counting of votes.

Assume that there are seven members to be elected, sixteen candidates, and one hundred and forty electors.

The valid ballot papers are arranged in separate parcels according to the first preference recorded for each candidate, and the papers in each parcel counted.

Let it be assumed that the result is as follows:-

A	-	12
B	-	8
C	-	6
D	-	9
E	-	10
F	-	7
G	-	4
H	-	19
I	-	13
J	-	5
K	-	14
L	-	8
M	-	10
N	-	6
O	-	4
P	-	5
<hr/>		
Total	-	140

Each valid ballot paper is deemed to be of the value of one hundred and the values of the votes obtained by the respective candidates are as shown in the first column of the result sheet.

The values of the papers are added together and the total 14,000 is divided by eight (i.e., the number which exceeds by one, the number of vacancies to be filled) and 1,75, (i.e., the quotient 1,750, increased by one) is the number sufficient to secure the return of a member and is called the quota.

$$\text{Quota} = \frac{14,000}{8} + 1 = 1750 + 1 = 1751.$$

The candidate H, the value of whose votes exceeds the quota, is declared elected.

As the value of the papers in H's parcel exceeds the quota, his surplus must be transferred. His surplus is 149, 1,900 less 1,751.

The surplus arises from original votes, and therefore, the whole of H's papers are divided into sub-parcels according to the next preferences recorded thereon, a separate parcel of the exhausted papers being also made. Let it be assumed that the result, is as follows:-

	Papers
B is marked as next available preference on	7
D is marked as next available preference on	4
E is marked as next available preference on	4
F is marked as next available preference on	<u>3</u>
Total of unexhausted papers	18
No. of exhausted papers	<u>1</u>
Total of papers	<u>19</u>

The value of the papers in the sub-parcels are as follows:-

B	...	700
D	...	400
E	...	400
F	...	<u>300</u>
Total value of unexhausted papers		1800
Value of exhausted paper		100
Total value		<u>1900</u>

The value of the unexhausted papers is 1,800 and is greater than the surplus. This Surplus is, therefore, transferred as follows:

All the unexhausted papers are transferred, but at a reduced value, which is ascertained by dividing the surplus by the number of unexhausted papers.

The reduced value of all the papers, when added together with the addition of any value lost as the result of the neglect of fractions, equals the surplus. In this case the new value of each paper transferred is-

149 (the surplus)

18 (the number of unexhausted papers)

the residue of the value of each paper ($100-8=92$), being required by H for the purpose of constituting his quota, i. e., one exhausted paper value (100) plus the value (1656) of 18 unexhausted papers

These values of the sub-parcels transferred are:-

B = 56 (i.e.; seven papers at the value of 8);

D = 32 (i.e.; four papers at the value of 8);

E = 32 (i.e.; four papers at the value of 8);

F = 24 (i.e.: three papers at the value of 8).

These operations can be shown on a transfer sheet as follows:-

TRANSFER SHEET

Value of surplus (H's) to be transferred	...	149
Number of papers in H's parcel	...	19
Value of each paper in parcel	...	100
Number of unexhausted papers	...	18
Value of unexhausted papers	...	1,800
New value of each paper transferred =		
Surplus	$\frac{149}{18}$	= 8

Names of candidates marked as the next available preference	Numbers of papers to be transferred	Value of sub-parcel to be transferred
B	7	56
D	4	32
E	4	32
F	<u>3</u>	<u>24</u>
	<u>18</u>	<u>144</u>
Number of exhausted papers	1	.....
Loss of value owing to neglect of fractions	<u>1</u>	<u>5</u>
Total	<u>19</u>	<u>149</u>

The value of the sub-parcels are added to the values of the votes already credited to the candidates, B, D, E and F. This operation is shown on the result sheet.

There being no further surplus, the candidate lowest on the poll has now to be excluded . G and O both have 400.

There Returning officer casts lots and G is chosen to be excluded.

Being original votes, G's papers are transferred at the value of 100 each. A, who was marked as next preference on two papers receives 200, while D and E were each next preference on one paper and receiving 100 each, now, being lowest is next excluded and his 400 is similarly transferred to I, B and K; I receiving 200, and B and K, 100 each.

This leaves J and P lowest with 500 each and J is chosen by lot for exclusion first. His papers are transferred at the value of 100 each to A, B, D and I, the three first named receiving 100 each, and I who had the next preference on two papers receiving 200, P is then excluded and his papers are transferred to E, L and K, the two first named receiving 100 each, and K, who had next preference on three papers, receiving 300.

K now exceeds the quota and is declared elected.

Prior to further exclusion, K's surplus of 49 has to be distributed.

The sub-parcel last transferred to K consisted to three votes transferred at the value of 100 each. This sub-parcel is examined; there are no exhausted papers and B, F and I are each next preference on one paper and one paper is transferred to each of them at a reduced value determined by dividing the surplus (49) by the number of unexhausted papers (3), B, F and I accordingly receive 16 each.

The process of exclusion is now proceeded with.

C and N have 600 each, and C is chosen by lot for exclusion first. He has six original votes; B, C and E are each next preference on two papers, and each receives 200; M is then excluded: A is next preference on 3 of his papers, and receives 300; F, I and L are each next preference on one paper and receive 100 each,

This brings A and I above the quota and they are declared elected. Their surplus have now to be distributed and I's surplus which is the larger, 65 is dealt with first.

The last sub-parcel transferred to I consisted of one paper transferred

at the value of 100, D is next preference on this paper, and receives the whole surplus of 65

A's surplus of 49 is then dealt with. The last sub-parcel transferred to his consisted of three papers transferred at the value of 100 each. B was next preference on two of these papers and E on one, and the papers are transferred accordingly. The value to be transferred is 16 per papers i.e., the surplus (49) divided by the number of the unexhausted (3) B accordingly receives 32 and E 16.

No other candidate having reached the quota, the process of exclusion is proceeded with and F, who is now lowest with 840, is excluded.

His seven original votes are transferred first, B, D and E are next preference on three, two and two papers, respectively, and receive respectively 300, 200 and 200.

The transferred .votes are next transferred in the order of their transfers to F. The 3 votes received at the value of eight each at the distribution of H's surplus are transferred at the same value to L who was next preference on all three papers. The vote valued at sixteen received by F at the distribution of K's surplus goes at the same value to M, who was next preference on that paper. The vote transferred at the value of 100 on the exclusion of N is then transferred at the same value to D, who thus receives a total of 300.

No continuing candidate, having yet reached the surplus, N who is now lowest with 1016 is excluded.

His ten original votes are transferred first, B and D are first preference on three papers each, and E and L on two each. B and D accordingly receive 300 each and E and L 200 each. This brings B, D and E above the quota and they are declared elected. The requisite number of candidates having now been elected, the election is at an end, and it is unnecessary to proceed to the transfer of M's transferred votes.

Full details are shown in the result sheet.

RESULT SHEET

Value of votes 14000

$$\text{Quota} = \frac{14000}{8} + 1 = 1.751$$

Name of candidates	Value of votes at first count	Distribution of H's surplus	Result	Distribution of votes of G and O	Result	Distribution of votes of J and P	Result	Distribution of K's surplus
1	2	3	4	5	6	7	8	9
A	1,200	...	1,200	+ 200	1,400	+ 100	1,500	...
B	800	+ 56	856	+ 100	956	+ 100	1,056	+ 16
C	600	...	600	...	600	...	600	...
D	900	+ 32	932	+ 100	1,032	+ 100	1,132	...
E	1,000	+ 32	1,032	+ 100	1,132	+ 100	1,232	...
F	700	+ 24	724	...	724	...	724	+ 16
G	400	...	400	- 400	...	...	...	...
H	1,900	- 149	1751	...	1,751	...	1,751	...
I	1,300	...	1,300	+ 200	1,500	+ 100	1,600	+ 16
J	500	...	500	...	500	- 500	...	...
K	1,400	...	1,400	+ 100	1,500	+ 300	1,800	- 49
L	800	...	800	...	800	+ 100	900	...
M	1,000	...	1,000	...	1000	...	1,000	...
N	600	...	600	...	600	...	600	...
O	400	...	400	- 400	...	...	...	...
	500	...	500	...	- 500	- 500	...	...
Less of value by neglect of fractions	...	+ 5	5	...	5	...	5	+1
Total	14,000	...	14,000	...	14,000	...	14,000	...

Value of votes 14000

$$\text{Quota} = \frac{14000}{8} + 1 = 1.751$$

RESULT SHEET

Result	Distribution of votes C and N	Result	Distribution of surplus of 1 and A	Result	Distribution of F's votes	Result	Distribution of M's votes	Result	Result of election
10	11	12	13	14	15	16	17	18	19
1,500	+300	1,800	-49	1,751	.....	1,751	.....	1,751	Elected
1,072	+200	1,272	+32	1,304	+300	1,604	+300	1,904	Elected
600	-600	.....	.....	.....	.....	.....	.....		Not Elected
1,132	+200	1,332	+65	1,397	+300	1,697	+300	1,997	Elected
1,232	+200	1,432	+16	1,448	+200	1,648	+200	1,848	Elected

740	+100	840	.....	840	-840	.....	.....	.....	Not Elected
.....	.....	.....	.....	.....	.....	.....	.....	.....	Not Elected
1,751	.....	1,751	.....	1,751	.....	1,751	.....	1,751	Elected
1,716	+100	1,816	-65	1,751	.....	1,751	.....	1,751	Elected
.....	.....	.....	.....	.....	.....	.....	.....	.....	Not Elected
1,751	.....	1,751	....	1,751	.....	1,751	.....	1,751	Elected
900	+100	1,000	.....	1,000	+24	1,024	+200	1,224	Not Elected
1,000	.....	1,000	.....	1,000	+16	1,016	-1,016	.....	Not Elected
600	-600	.....	.....	.....	.....	.....	.....	.....	Not Elected
.....	.....	.....	.....	.....	.....	.....	.....	.....	Not Elected
6	.....	6	+1	7	.....	7	16	23	.....
14,000	.....	14,000	.....	14,000	.....	14,000	.....	14,000	.....

Secretary

THE BAR COUNCIL OF KERALA

CHAPTER III

ELECTION OF THE CHAIRMAN, VICE-CHAIRMAN, TREASURER AND FORMATION OF VARIOUS COMMITTEES ETC.

1. After the publication of the list of successful candidates in the Kerala Gazette as provided under rule 33 of Chapter II, the Secretary shall convene the 1st meeting as early as possible.
2. Chairman, Vice Chairman and Treasurer The Bar Council shall elect from among the members, a Chairman, a Vice Chairman and a Treasurer at such meeting. The members will elect one from among them to preside at that meeting till the election of the Chairman is over. Any candidate for the office of the Chairman, Vice Chairman or Treasurer shall be proposed by one member and seconded by another member of the Council. If the proposed candidate is not present at the meeting, his written consent accepting the candidature should be produced before the election takes place.
3. Disputes regarding election of Chairman, Vice Chairman and Treasurer
 - (a) Any Member of the Bar Council may challenge the validity of the election of the Chairman or the Vice Chairman or Treasurer

by a letter stating the grounds on which the validity of the election is challenged signed and delivered to the Secretary within 24 hours of the election.

- (b) The Bar Council shall appoint a Tribunal consisting of three members of the Bar other than members of the Bar Council to hold such enquiry in such manner as they deem fit. The decision of the Tribunal shall be final.
 - (c) If the Tribunal decides, that the Chairman or the Vice Chairman or the Treasurer as the case may be has not been validly elected, the Bar Council shall at the next meeting elect a Chairman or Vice Chairman or Treasurer as the case may be.
 - (d) If the re election is for electing a Chairman, the Vice Chairman shall preside at such meeting. If the re-election is for electing a Vice Chairman, or a Treasurer the Chairman shall preside. In the case of equality of votes the election shall be by drawing lots.
6. Chairman to preside The Chairman shall preside over the meetings of the Bar Council. The ruling of the Chairman on any point of order raised at the meeting shall be final and shall not be questioned by any member of the Bar Council.
7. Absence of the Chairman In the absence of the Chairman, the Vice Chairman shall exercise all the functions of the Chairman. In the absence of both the Chairman and Vice Chairman, the Council shall elect one from among them to preside over the meeting. He shall exercise all the powers of the Chairman at such meeting.

8. Duties of the Chairman

Save as otherwise provided in the Act or the Rule under the Act, the Chairman shall exercise a general control and supervision over all matters of the Bar Council. He shall perform such other functions as may be delegated to him by the Bar Council.

9. Powers and Duties of the Treasurer

- (a) The entire finance of the Bar council shall be in the custody of the Treasurer.
- (b) He shall operate upon the Bank or Treasury accounts of the Bar Council and negotiate Government Securities, promissory notes etc:
- (c) The accounts of the Bar Council shall be checked and verified by the Treasurer once in a month and his report on such checking shall be recorded and filed by the Secretary.

- (d) It shall be the duty of the Treasurer to present the budget of the Council with his report at the first meeting of every financial year.

10. Committees

1. The Bar Council shall constitute the following committees.
 - (a) Executive Committee
 - (b) Enrolment Committee
 - (c) Disciplinary Committee and
 - (d) Rule Committee
2. The Council may in addition to the above committees constitute such other committees as it may deem necessary and delegate to such committees such duties and function as it deems fit. Such Committee may consist of as many members as the Council may decide
3. Term of office of each committee constituted by the Council shall be two and a half years or till a successor committee is constituted whichever is later.
4. The Executive Committee shall consist of not less than five members. The Treasurer shall be an Ex-Officio member of the Executive Committee.
5. The Rule Committee shall consist of not less than five members.
6. The members of the Committee shall be elected at the meeting of the Bar Council.
7. A casual vacancy arising in any committee constituted by the Bar Council shall be filled up by the Council
8. The procedure for electing Chairman, Vice-Chairman and Treasurer shall mutatis mutandis apply for the election of the members of the Committees.

11. Chairman and Quorum

Each of the Committee shall elect a Chairman from amongst its members. The Secretary shall be Ex-Officio Convenor of the Committees, and he shall record proceedings of the Committees in separate minutes.

The Chairman shall preside over the meetings of the Committees and in his absence the senior most among the members of the Committees shall preside.

All questions and matters arising at a meeting of any Committee shall be decided by majority of votes.

12. Functions of the Executive Committee

The Executive Committee shall be the Executive Authority of the Council and shall be responsible for giving effect to the resolutions of the Council. It shall have power:-

- (a) to propose investment of the funds of the Council
- (b) to prescribe books of account, registers and files for the proper management of the affairs of the Council.
- (c) to supervise the work of the members of the staff and propose their conditions of service
- (d) consider the Secretary's Annual Report and place it before the Council with its comments thereon.
- (e) consider the annual budget prepared by the Hony. Treasurer for being place before the Council.
- (f) to provide for proper annual inspection of the office and its registers.
- (g) to authorize the Secretary to incur expenditure within prescribed limits.
- (h) and to do all other things necessary for discharging the aforesaid functions.

13. Functions of the Enrolment Committee

The duties of the Enrolment Committee shall be

- i.
 - (a) to scrutinize enrolment papers filed by candidates and if thy are found in order, to recommend their enrolment.
 - (b) to scrutinize and advice the Bar Council regarding any dispute relating to the order of seniority in the State Roll.
 - (c) to advice the secretary in the preparing and maintenance of the roll.
- ii. The Enrolment Committee shall have power to exempt the requirement of one month notice in exceptional cases.

14. Functions of the Rule Committee

- (a) to formulate rules for the conduct of business of the Bar Council
- (b) to frame rules as may be required.

- (c) to study, consider and recommend matters referred to the Council, by the Parliament, Legislative Assembly and other bodies, regarding any bills or rules and report to the Council.
- (d) to perform any other functions required by the Council from time to time.

15. Disciplinary Committee

- (i) A Disciplinary Committee under the provisions of the Advocates Act shall be constituted by the Council and its term shall be two and a half years or till a successor committee is constituted whichever is later.
- (ii) The co-option under section 9(i) of the Act shall be done by the Council by election.

The procedure prescribed for the election of Chairman, Vice-Chairman, Treasurer or members of other Committees shall as far as possible be followed for co-opting such members.

- (iii) The senior most among the members shall be its Chairman
- (iv) The Disciplinary Committee can hold its meetings at Ernakulam or at such other places as the Committee may decide, for speedy disposal of cases.

16. Other Committees

The Committees constituted by the Council under clause(2) of rule 10 shall exercise such powers, perform such functions and duties as the Council may from time to time determine.

- 17. Any Casual Vacancy in the Bar Council shall be filled by the Council by co-option. The member shall retire with the members retiring next. The term of the co-opted members shall be for the unexpired time of the members of the Council.