

# **The Bar Council of Rajasthan (Filling-up of Casual Vacancy and Election of Chairman and Vice-Chairman) Rules**

RAJASTHAN

India

## **The Bar Council of Rajasthan (Filling-up of Casual Vacancy and Election of Chairman and Vice-Chairman) Rules**

### **Rule**

### **THE-BAR-COUNCIL-OF-RAJASTHAN-FILLING-UP-OF-CASUAL-VACANCY of 1800**

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The Bar Council of Rajasthan (Filling-up of Casual Vacancy and Election of Chairman and Vice-Chairman) RulesThe Bar Council of RajasthanRules made by the Bar Council of Rajasthan under Section 15(c) & (f) of the Advocates Act, 1961

### **1. Casual vacancy.**

- A casual vacancy among elected members of the Bar Council shall be deemed to occur, if a member-(a)dies; or(b)resigns his office or is appointed as Advocate-General; or(c)is adjudged as an insolvent or lunatic; or(d)is suspended from practice; or(e)his name is removed from the roll of Advocates of the Bar Council for any reason including transfer to the roll of another State Bar Council; or(f)his election is declared invalid by the Tribunal of Advocates constituted under Rule 34; or(g)is declared by the Bar Council of which he is a member to have been absent without sufficient excuse for three consecutive meeting of the Bar Council.Method of filling up of casual vacancy. - Any casual vacancy in the Bar Council shall be filled up by the remaining members of the Council at a meeting thereof provided that if the number of members of the Council who have been on the roll for more than ten years is less than that required under the proviso to section 3(2) of the Act, the member co-opted shall be one who has been on the State roll for more than 10 years.

## **2. Election of Chairman and Vice-Chairman.**

(a)The Bar Council in its first meeting, after it is constituted shall elect a Chairman and a Vice-Chairman from amongst its members. This meeting shall be presided by the senior most member of the Bar Council who is not contesting.(b)The candidate for election as a Chairman or a Vice-Chairman shall be duly nominated by a proposer and a seconder.(c)The Secretary shall appoint a date for convening a meeting for the purpose of electing a Chairman and a Vice-Chairman and for conducting other important business. The notice of the date, time and place of such meeting shall be given to all the members of the Bar Council.(d)Any person whose name has been proposed as a candidate for the office of Chairman or Vice-Chairman, may withdraw his name.(e)When only one candidate is proposed for the post, he shall be declared elected.(f)When more than one candidate have been proposed election shall be by secret ballot.(g)In the case of equality of votes, the matter shall be decided by drawing of lot and the candidate in whose favour the lot falls shall be declared to have been elected.(h)The name of the person elected as Chairman or Vice-Chairman shall be notified by the Secretary on the Notice Board on the Bar Council and a copy of the same shall be sent for publication in Rajasthan Rajpatra.(i)A candidate may contest the validity of election of Chairman and the Vice-Chairman by an Election Petition signed by him and addressed to the Bar Council. The Election Petition should reach the Secretary not later than 7 days of the date of declaration of the result of election of the Chairman and the Vice-Chairman, and shall state the grounds on which the validity of the election is contested duly verified as a plaint.(j)any dispute under sub-rule (i) shall be referred to the authority specified in Rule 34 and shall be decided by that authority after such enquiry as it may deem fit and proper.(k)Subject to the provisions of sub-rule (j) the election of the Chairman and the Vice-Chairman shall be final on the expiry of 7 days from the date of declaration of result of the election.(l)The Chairman elected shall preside and conduct further business of the meeting, if any.In case of any conflict between these Rules and the rules framed by the Bar Council of India, the rules of the Bar Council of India shall prevail.The Bar Council may from time to time prescribe the necessary Forms or amend the Forms already prescribed under these Rules.