



OFFICE OF ELECTION COMMISSION

ROHINI COURT BAR ASSOCIATION (Regd.)

ELECTION 2020-2022

REF. No.

DATED : 17.02-2020

Chairman
R. D. VATS
9810390498

Member
YESHPAL SINGH
9811469676

Member
DEEPAK SHARMA
9873465275

Returning Officer
VIKAS KR. BHARTI
9818000358

ELECTION RULES, RCBA ELECTION 2020-2022

Notwithstanding anything contained in the Constitution of the RCBA, the Election Commission is pleased to frame the following Rules for conduct of smooth, free and fair elections of the office bearers/ Executive Committee of RCBA (2020-2022) :-

1. That the election will be conducted by Returning Officer under the supervision of Election Commission with the assistance of the team. The Returning Officer shall be at liberty to constitute his own team for conducting of smooth, free and fair elections.
2. The RCBA shall provide all the assistance to the Election Commission and Returning officer including financial support for the conduct of smooth, free and fair elections.
3. The voting shall be by electronic machine.
4. The election shall be held as per final consolidated list of members of RCBA for RCBA elections finalized by Election Committee RCBA Rohini Court, Delhi on 27.01.2020, which is already on the official website of



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- 2 -

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Rohini District Court, link of which are ecourts.gov.in/northwest/Delhi & ecourts.gov.in/north/Delhi and in compliance of directions issued vide order dated 06.12.2019, of Hon'ble High Court of Delhi in WPC No. 8106/2010 titled as P.K.Dass Adv. & Ors. Vs. Bar Council of Delhi & Ors.

5. No member shall be eligible to contest the election of Executive Committee of RCBA, Rohini Court unless he is a member of RCBA and member of Delhi Bar Council and whose name is not published in the above said final members list.

6. The eligible voter has to be a member of Delhi Bar Council & RCBA.

7. Strict action will be taken if any member or outsider is found casting bogus vote.

8. A member shall be disqualified from contesting election to the Executive Committee:

(a) If he is found violating any of the standards of professional conduct and attitude and rules notified by the Bar Council of Delhi or the Advocates Act, 1961.



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-3-

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(b) If the candidate/his/her supporter are found defacing the walls in and outside the Delhi Courts Complexes, the candidature of such contesting person shall be rejected.

c. If the candidate/his/her supporters are found publishing any leaflets, pamphlets, posters, displaying banner or any means of exhibiting his candidature etc. in any manner (except circulation of a visiting card of size 3"x4", carrying their names/enrolment number/chamber no./ phone no. etc. and the post for which contesting), then the candidate shall attract a penalty of Rs. 15,000/- (Rupees fifteen thousand only) or cancellation of nomination form or both.

d. If the candidate/his/her supporters are found sending short message (sms) on DND (do not disturb) opted mobile numbers of the members, the act shall attract a penalty of Rs.15,000/- (Rupees fifteen thousand only) or cancellation of nomination form or both.

e. If the candidate/his/her supporters are found pitching/erecting any tent or putting table, chair within the vicinity of 100 mtrs. Of polling area, the act shall



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4

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attract a penalty of Rs.15,000/- (Rupees fifteen thousand only), or cancellation of nomination form or both.

f. If the candidate/his/her supporters are found canvassing outside the area ear marked for such canvassing on the day of polling, the candidature of such contesting person shall be rejected.

g. If the candidate/his/her supporters are found circulating and publishing material in any shape and size on the day of polling, the candidature of such contesting person shall be rejected.

h. If the candidate/his/her supporters are found involving the non advocates in their election campaign or on the day of polling or on day of counting of votes, the candidature of such contesting person shall be rejected.

i. If the rules bye-laws, notifications or directives of Election Commission are violated by contesting candidates, on the day of polling his/her candidatures shall be treated as disqualified ab-initio and results of such candidates will not be announced.



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—5—

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9. That the member/voter will have to produce his/her identity card/identity proof on requisition by the election Staff.

10. No member/candidate shall be allowed to remain in the polling area/No canvassing zone after casting his/her vote. No unauthorized entry will be permitted in Polling Area violation of which shall attract a penalty of Rs.15,000/- (Rupees fifteen thousand only) as well as action on account of misconduct as per provision of Constitution of RCBA.

11. No member shall be eligible to contest the election on two seats simultaneously. In case a member nominated for two seats, the member shall intimate his final choice to contest on one seat only before the date of withdrawal failing which, his both nomination papers shall be deemed to have been cancelled.

12. Every nomination paper shall be presented in person by candidate himself along with his proposer and seconder to the Returning Officer or to any other officer duly authorized in this regard by Returning Officer. The names of the candidate and his proper and seconder must be in the list of eligible voters.



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-6-

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13. The person who receives the nomination from the candidate, shall enter in the nomination register and allot serial number and also certify the date and hours at which the nomination is received by him and shall immediately give a written acknowledgment for the receipt of nomination paper which shall bear the seal of the Returning officer. Any nomination paper which is not received before the date and time fixed for the receipt shall be rejected.

14. No member shall be eligible to file his nomination for election to the Executive Committee if he:

- a. is ineligible to vote;
- b. does not possess the necessary qualification specified in the Constitution of RCBA and rules set out by the Election Commission for election as member of the Committee of RCBA.
- c. fails to submit declaration on oath along with nomination Form.
- d. holds any post in any other Bar Association in Delhi.



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- 7 -

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e. has been held guilty by any court in India of any offence.

15. The Returning Officer shall take up the scrutiny of the nomination papers on the date fixed by Election Commission in the Election Schedule displayed by the Election Commission.

16. The Returning officer shall examine the nomination papers and shall decide objections, which may be made by any person in respect of any nomination and may either on such objections, or on it's own motion and after such summary enquiry if any, as the Returning officer thinks necessary, shall reject such nomination. Provided that the nomination of a candidate shall not be rejected merely on the grounds of an incorrect description of his name or the name of the proposer or seconder or any other particulars relating to the candidate proposer or seconder.

17. The Returning Officer in consultation with Election Commission, will give all reasonable opportunities to the contesting candidate or their proposers or seconders as the case may be to examine all the nomination papers



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-8-

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and to satisfy them that the inclusion of the name of the contesting candidate is valid.

18. The Returning Officer in consultation with the Election Commission will endorse on each nomination paper his decision accepting or rejecting the same as the case may be, and if the nomination paper is rejected, he will record in writing a brief statement of such rejection.

19. That the Returning officer shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or affray or by causes beyond his control or control of Election Commission.

20. That the list of nominations as decided by the Returning Officer will be displayed/published on 24th of February, 2020.

21. Any candidate may withdraw his candidature by notice in writing signed by him and delivered in person or through the proposer or seconder, on 25th of February, 2020 between 10 A.M. to 5.00 P.M. A notice of withdrawal of candidature once given shall be irrevocable.





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-9-

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22. If for any post, for which election is to be held, the number of candidates whose nomination papers have been declared valid does not exceed the number of candidates to be elected for that post, the Returning officer, shall, on the day fixed for declaration, announce the names of all such candidates whose nominations are valid and declare them to have been duly elected to the Committee. If the number of candidates whose nominations are valid exceeds the number to be elected for any post, the Returning officer shall arrange for conducting a poll on the date fixed for purpose, may appoint one or more polling officers as may be deemed necessary for conducting the poll.

23. The election will be held by EVM, which shall be arranged by the Election Commission.

24. Canvassing of votes by any person at the place where elections are to be conducted is prohibited and violation thereof shall attract a penalty of Rs.15,000/- (Rupees fifteen thousand only).

25. Immediately before the commencement of the poll, the Presiding officer shall get checked the EVM by candidate or their representative.



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- 10 -

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26. Every member who desires to exercise his right to vote shall be supplied with a receipt bearing his membership number or Q.R.Code (slip), and then will push the button of EVM containing the names of all the candidates.

27. Each polling station and where there is more than one polling booth at a station, each booth shall contain a separate compartment in which the members can cast their votes in secrecy.

28. After getting the receipt/slip, the member shall proceed to the polling compartment set apart for the purpose and pushing the button of EVM. If owing to blindness or physical infirmity, a member is unable to push the button of EVM, the polling officer and where no such polling officer is appointed, the Returning Officer shall ascertain from him the candidate or candidates in whose favour he desires to push the button of EVM/

29. No voter shall be allowed to enter the polling booth after the hours fixed for the polling but a voter, who enters the premises where receipt/slip of EVM before the close of the polling hours shall be issued the receipt/slip and shall be allowed to vote.



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ELECTION 2020-2022

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- 11 -

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30. The counting of votes shall take place as scheduled, if this is not possible, the EVM shall be sealed with the seal of the Returning officer and the contesting candidates or their agents, if they so desire, shall sign on the same and shall be deposited with the Election Commission for safe custody. The Election Commission, then announce the next date. Counting will be held under the supervision of Election Commission/Returning Officers. Each candidate or his authorized agent shall have a right to be present at the time of counting. However, the absence of any candidate or his agent at the time of counting shall not vitiate counting announcement of results by the Returning officer. The number of votes secured by each candidate and the result of the elections shall also be recorded in the Minute Book of the Election Commission and attested by the Returning officer and shall also be notified immediately on the notice board. In case of equality of votes, the Returning Officer shall declare the election result by tossing a coin.

31. After declaration of result of election, the Returning officer shall hand over the EVM to the Election Commission. The records of the election shall be



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preserved by the Executive Committee of RCBA Rohini for a period of six months from the date of election or till such time a dispute regarding election, if any, filed, is disposed off, whichever is later and shall thereafter be destroyed by the Executive Committee of RCBA, Rohini, and a copy of handing over and taking over of record of election shall be obtained by Returning officer as well as Chairman of the Election Commission, as the case may be.

R.D. Vats
Chairman

Yeshpal Singh
Member

Deepak Sharma
Member

