

**The Bar Associations (Constitution and Registrations) Rules,
2015
(Framed by the Bar Council of Punjab and Haryana, Chandigarh)**

(AMENDED UPTO SEPTEMBER 2021)

In compliance of the directions issued by the Hon'ble Division Bench of Hon'ble High Court consisting of Hon'ble Mr. Justice Surya Kant and Hon'ble Mr. Justice Jaspal Singh of the Punjab and Haryana High Court while disposing of the LPA No. 1427 of 2014 decided on 1.9.2014 issued directions to the Bar Council of Punjab and Haryana enact appropriate rules which can be applied uniformly to all the Bar Associations coming within the jurisdiction of Bar Council of Punjab and Haryana relating to the Elections of the Office Bearers of the Bar Association.

While disposing of the above said appeal the Hon'ble High Court also observed that while ironing out the anomalous situation prevailing due to conflicting bye laws framed by various associations, Bar Council also took notice of other anomalous which are effecting the purity, fairness, transparency and democratic values in the annual elections of the Bar Association. The Hon'ble High Court further directed the Bar Council to must ensure that comprehensive policy decision with appropriate statutory back-up be formulated forthwith to give effect by all the Bar Associations without any exception, failing which the Bar Council should invoke its statutory powers under the Act. Accordingly the Bar Council of Punjab and Haryana to comply the above said directions given by the Hon'ble High Court, invited The Presidents, Secretaries, office Bearers of all the Bar Associations including the office Bearers of the Punjab and Haryana High Court Bar Association to give their proposal or formulations of the rules so

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that necessary rules may be formulated and be brought to the knowledge of Hon'ble High Court.

Accordingly majority of the Bar Associations participated and their suggestions and proposals, as well as their bye-laws/ Rules/ regulations their constitutions were taken on record and considered. Some of the office bearers of the different Bar Associations were of the view that the term of the office bearers of the Bar Associations should be enhanced from one year to two years. The Bar Council also considered this proposal and found that the similar issue was also raised before the Supreme Court Bar Association in the month of October, 2014 whereby it was also an issue that the term of the office bearers can be extended from one year to two years but with the majority view the same was not approved and the term of the office bearer remained as one year. Since the matter was pending with the Supreme Court Bar Association the apex body of the Bar Associations, therefore, this decision is now being taken by the Bar Council. It is worthwhile mention here that some of the Bar Associations were not having its rules and constitution therefore after due deliberation the Bar Council has decided to frame the following rules called as "The Bar Associations (Constitution and Registrations) Rules, 2015".

AIMS AND OBJECTS: -

- i) To bring the uniformity, Transparency relating to the elections of the office-bearers of the AIL Bar Association comes within the jurisdiction of the Bar Council of Punjab and Haryana.
- ii) To avoid the complicity bye laws framed by various Bar Associations which are effecting Purity, Fairness and democratic value in the annual elections of the Bar Association.

1. Short title, Extent and Commencement:-

- a) These Rules shall be called The Associations (Constitution and Registrations) Rules, 2015.
- b) These rules shall extend to all the Bar Associations falling within the jurisdiction of Bar Council of Punjab and Haryana, Chandigarh.
- c) These Rules shall come into force forthwith on the submission of the compliance report to the Hon'ble High Court.

2. Definitions:-

- a) **Bar Council** means the State Bar Council of Punjab and Haryana, Chandigarh.
- b) **Advocate** means a person whose name appears on the roll of Advocates prepared and maintained by the Bar Council of Punjab and Haryana at Chandigarh.
- c) **Bar Association** means an association of Advocates not less than 25 members falling within the jurisdiction of Punjab and Haryana Bar Council. It may be clarified that any association consisting of lawyers and chartered accountants or tax practitioners or labour representatives or company secretary or any other persons other than lawyers would not be considered as Bar Association.
- d) **Member of a Bar Association** means an Advocate who has voluntarily taken the Membership of a Bar Association.
- e) **Court** means all kind of courts (including Punjab and Haryana High Court) and shall include all the Tribunals, Commissions, Forums and any other statutory body and authority where the lawyers are entitled to appear under any provision of law.
- f) **General Body or General House** means a body comprising of all the members of a Bar Association.

- G) **Executive Committee or any other Committee** by whatever name called, means a body to manage the affairs of the Bar Association (Elected or nominated by the Bar Association).
- h) **Welfare Scheme** means any scheme framed under any law for the time being in force to provide financial help, by whatever name called, to an Advocate and on his death to a person entitled under Rules.
- i) **Place of Practice:** An Advocate shall be deemed to be ordinary practicing at the place which is given in his address in the Electoral Roll of The Bar Council and subsequent change of place of practice duly intimated in writing to the Bar Council.
- j) **Prescribed** means prescribed under these rules.
- k) **Adhoc Committee** means the Committee consisting of three Members for Sub-Divisional Bar Association and five Members for the District Bar Association and the High Court Bar Associations, having minimum practice at Bar for 10 years duly appointed by the Chairman of the Bar Council of Punjab and Haryana, Chandigarh.

3. REGISTRATION OF BAR ASSOCIATIONS:-

- a) There shall be one Bar Association at High Court, any Bench of High Court, Central Administrative Tribunal, State Administrative Tribunal, State Consumer Commissioner, any other Tribunal created under any statute working within the territorial jurisdiction of Punjab, Haryana and U. T. Chandigarh, every District, Sub Division, Tehsil, Labour Court, Consumer Courts/ Taxation Bars, Revenue Authority or any other court or

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authority existing within the States of Punjab and Haryana and U.T. Chandigarh as recognized by the Bar Council.

- b) Every Bar Association, so created under sub Rule (a) shall apply for registration of Bar Council of Punjab and Haryana and shall attach a list of members along with their enrollment number, complete address, phone number and shall keep on supplying the upto date list of members on or before 31st March of every year.
- (c) Registration Fee. Every Form of registration shall be accompanied by a fee of Rs. 5,000/- (Rupees Five Thousand) for every Bar Association having strength of members up to 500 and Rs. 10,000/- (Rupees ten thousand) for Bar Associations having above 500 members.
- (d) The Bar association already recognized and registered under the Bar Associations (Constitution and Registrations) Rules, 2009, need not apply under these rules.
- (e) The Bar Council shall constitute a Registration Committee, duly appointed by the Chairman, which would examine each application for registration and will register the Bar Association as per these rules. It is made clear that if any Bar Association does not register itself then such committee can issue notice for registration within stipulated time or extended time thereafter on being requested and if such Bar Association fails to comply then the committee may impose a penalty and form a committee of such Bar Association to comply with the directions. In such eventuality, the said committee would be authorized to take control of the records of such Bar Association for complying with the orders. It is further clarified that if any dispute arises out of the elections of unregistered Bar Association, still these rules

would apply for accepting the election petitions and deciding them as per law.

- f) The decision taken by the registration committee shall be final for registration however any decision for refusal of registration shall be required to be approved by the Bar Council.
- g) The Bar Council shall issue registration certificate under joint Signature of Chairman/ Secretary as **Annexure B** to each recognized Bar Association on recommendation of registration committee.

In case any recognized Bar Association fail to comply with these Rules, Registration Committee may be recognized the Bar Association after given the opportunity of being heard.

4. BAR ASSOCIATION TO BE CORPORATE AND SOCIETY

Bar Association which holds a valid certificate of registration under these Rules shall be a body corporate having perpetual succession and common seal with power to acquire and hold property both moveable and immovable and to enter into any contract by the name by which it is known and can sue or be sued. The Bar Association will have to get it registered under Society Registration Act 1860, before its registration and reorganization.

5. REGISTER OF MEMBERS:-

The Executive Committee of Bar Association shall prepare and maintain a register of the members of the Bar Association. Such information be uploaded on the website to be maintained by each Bar Association, with complete details of name of the member, enrollment

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number, date of becoming member of that particular Bar Association, complete address, email address and telephone number.

6. Admission of Members and Election of the Bar Associations:-

Every Bar Association, registered or unregistered under these Rules, shall maintain a website wherein there will be a special provision to seek membership of the Bar Association. It would provide details of performa, application to become member and details of the bank account where admission/ subscription fee can be deposited. Any person duly enrolled as an advocate with the Bar Council of Punjab and Haryana wishing to become a member can apply online on providing his/her enrollment certificate and furnish reference of 2 (Two) members of that Bar Association knowing him and also submit required admission/ subscription fees in the account of the Bar Association so provided. The Bar Association, within one week of receiving such application, may raise objections after verification from disclosed members failing which membership of such applicant will be deemed to be approved and on decision of the objections, such person would be deemed to be a member from the date of application or in alternate, the Bar Association may seek written application accompanied with account payees cheque in relation to admission fees and follow the procedure above described. The Bar Council of Punjab and Haryana shall create an online portal wherein such desirous members can also post copy of their application for reference sake.

Any person enrolled as an Advocate with the Bar Council of Punjab and Haryana, wishing to become a member of a Bar Association may apply in writing to the President/Secretary/authorized person of the Bar Association for

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admission on an application prescribed as per the Constitution/ bye-laws of the concerned Bar Association with a copy of the application to the Bar Council. Such an advocate will have to furnish an affidavit to the Bar Association with a copy to the Bar Council to the effect that he will remain in an active practice and will not do any other business/service, or other profession as prohibited under the Advocates Act/Rules of Bar Council of India.

Any advocate enrolled with other State Bar Council shall not be entitled to vote in the election unless he/she gets his/her name transferred U/s 18 of the Act, before the finalization of the voter List. Under the Rules of Bar Council of India, every advocate is under an obligation to see that his/her name appears on the roll of the Bar Council within whose jurisdiction he/she ordinarily practices. Already enrolled member of the Bar Association before coming into force of these rules shall be asked to furnish an affidavit referred above within 60 days of the approval of these amended rules failing which they would cease to be a member/s of such Bar Association.

- A)** Every Bar Association will supply a copy of its Constitution /by laws to the Bar Council of Punjab and Haryana, Chandigarh. The amendment in the existing constitution/ bye-laws can be done by the Bar Association as per its own constitution/ bye-laws.
- B(i)** There shall be election of every Bar Association by secret ballot for electing its office bearers every year on **3rd Week of December**, in case **the 3rd Friday** falls on a holiday, the election will be held on next working day except Saturday or on some earlier date as to be decided by the General House, preferably on the 20th December of each year, if the said date happens to be a holiday then on the next working day. The Bar

Council of Punjab and Haryana shall declare the said date in its general house meeting 60 days in advance. Every advocate can become member of one or more Bar Associations but he will have a right to cast his/her vote only at one Bar Association and for that he/she shall file an affidavit to this effect at every election that he/she intends to cast his/her vote in a particular Bar Association elections positively before **31st October** of each year. It will be the duty of the Bar Association to get the annual subscription from 1st January to 31st December of respective year cleared before finalizing the list of voters on or before **31st October** of every year and thereafter the Bar Association will send the list of eligible voters along with duly sworn affidavits and photocopy of subscription clearance proof within 7 days. Thereafter, The Bar Council of Punjab and Haryana shall within 7 days, circulate the so received list by way of notification to each particular Bar Association with a direction to its executive to put on its notice board within 7 days seeking objection within 5 days directly to the Bar Council of Punjab and Haryana online via email in the email id provided in the notification. Such notification would specify that the said list is available on the website of the Bar Council of Punjab and Haryana in public domain so that any member can access the same. All the objections received shall be decided by a special Committee/ Committees of the Bar Council to be **appointed by the General House or duly authorised by Chairman** of the Bar Council well in advance before issuing the above notification specifying the area of operation and such committee shall decide the objections on or before **30th November** of each year. On completing the aforesaid procedure, the final lists of the respective Bar

Association/s shall be put on the website of the Bar Council and no additions or alterations can be made on any ground whatsoever and such lists shall be final for the purpose of conducting the elections. In case a particular Bar Association fails to make compliance well within time as mentioned above then the Bar Council or duly authorized Chairman will appoint Adhoc Committee who will take over the entire control of the Bar Association and will get the elections conducted under its supervision.

Note:- Provided that clearance of subscription shall be by way of RTGS or NEFT or IMPS or UPI or any other electronic mode of transfer of money or by account payees cheque from the account of member himself. In case of cheque, such cheques must be deposited immediately after the last date within 2 working days otherwise such subscription shall be deemed to be doubtful.

- (ii) For conducting the annual elections, every Bar Association shall nominate returning Officer/ election Committee as per their own constitution / bye-laws and intimation of the same shall be sent to Bar Council of Punjab and Haryana on or before **7th November** of each year. If any complaint is received by the Bar Council against appointment of such returning officer/ election Committee then the Chairman, Bar Council after seeking the comments from the Bar Association and hearing the parties may dismiss the objections if unsustainable or if reasonable grounds are made out then direct fresh general house meeting to be conducted of such Bar Association/s and direct the Bar Association to submit the list of names proposed in the General House for appointment of returning officer/election Committee. The Chairman Bar Council may, if so desired, send observer in

General House of respective Bar Association for the purpose of electing/nominating of Returning Officer/Election Committee.

- iii)** The accounts of the Bar Association of every year shall be duly audited and put on the notice board on or before 1st. December of each year along with the copy of sent to the Bar Council of Punjab and Haryana failing which, the Bar Council of Punjab and Haryana may disentitle the office bearers from further contesting the elections who are found negligent on this regard. The outgoing President and Secretary of the Bar Association shall be duty bound to hand over the entire record of the Bar Association i.e. resolution books, account books, cheque books, pass books, chamber records, membership register or any other record which is required to be maintained in due process to the newly elected body forthwith after election of every year failing which such president and secretary shall be disentitled to contest elections in the future. Every Bar Association, apart from physical record, would also keep digital record of every record and shall preserve the same by preparing a copy.
- iv)** In each election an observer may be sent by the Chairman of the State Bar Council, in case there is a request in writing by Returning Officer or candidate to supervise the election or otherwise. .

7. OFFICE BEARERS:-

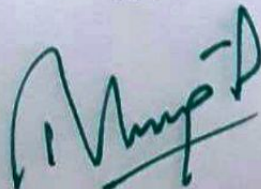
Every recognized Bar Association shall have the following office bearers who shall/may be elected every year as per the constitution of the respective Bar Association for reference.

- i) A President
- ii) A Vice-President



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- iii) A Secretary
- iv) A Treasurer/Finance Secretary
- v) A Joint Secretary
- vi) A Library Incharge
- viii) Executive Members (numbers and age may be fixed by General Body of the Bar Association.

8. QUALIFICATION OF OFFICE BEARERS OF BAR ASSOCTATION

President: Any member who is having at least Ten years of regular and active practice from the date of Enrollment with the Bar Council.

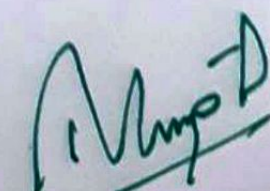
Vice President: Any member who is having at least Five years of regular and active practice from the date of Enrollment with the Bar Council.

Secretary: Any member who is having at Least Five years of regular and active practice from the date of enrolment with the Bar Council.

Joint Secretary/ Treasurer/Cashier/ Library Incharge/:- Any member who is having at least Three years of regular and active practice from the date of Enrollment with the Bar Council.

9. TERMS OF OFFICE:-

The office bearers of the Bar Association and members of the executive committee shall hold the office till the completion of one year from the date of their election. However in the extraordinary circumstances they may continue for a further period of the one month with the prior approval of Bar Council, for reasons to be recorded. The office bearers of the Bar Association shall have to get the election completed within the extended



time, failing which the administration of the Association will vest in an Adhoc Committee duly nominated by the Bar Council, who will hold the elections at the earliest preferably within in **one month**.

Note-(1) If at any time during the existence of these rules the Bar Associations in the States of Punjab, Haryana and Chandigarh including High Court Bar Association are prevented from holding the Election of its office bearers within the time prescribed under these rules, beyond its control, due to the following reasons:-

- i) War
or
- ii) Epidemic/pandemic
or
- iii) Acts of God e.g floods, earthquakes etc.
or
- iv) Lockdown / Public gathering prohibited by the order of the Government.

Then the elections of the office bearers of Bar Associations will be conducted by the Bar Council of Punjab and Haryana through the process of online voting.

Explanation:-

- i) The Election by way of online-voting mode of the office bearers of the Bar Associations mentioned above may be undertaken by the Bar Council of Punjab and Haryana under this amended rule on

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any day of the week as per the schedule fixed by the General House of the Bar Council.

- ii) The Executive Committee Members of the Bar Associations will be nominated by the Elected President and other office bearers. In case of dispute, majority decision will prevail.
- iii) Bar Council of Punjab and Haryana can adopt any other method in this regards:-
 - a) To ensure for free and fair election.
 - b) to maintain the secrecy of suffrage.

Note-(2) The voter list of the Bar Associations would be in performa annexed herewith (In Excel format only). Soft copy of the voter list be sent to dbaelection2015@gmail.com

(amended Rule 9 was approved by BCI on 21st June 2020 vide resolution No. 185/2020)

10. DUTIES OF OFFICE-BEARERS OF ASSOCIATION:-

The office bearers of Association shall maintain proper list of Membership, voter list and Accounts of the Bar Association.

11. ROLE OF THE BAR COUNCIL:-

- a. In case of any dispute in connection with the voter list in elections of the office bearers the matter will be taken up by the Bar Council suo-moto or on the basis of complaint filed by any effected member and the decision of the Bar Council will be final. There will not be any additions/alternations after the finalization of the voter list as per rule 6B(i).

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- b. That in order to resolve the above said dispute or to decide any dispute the Chairman of the Bar Council will constitute a committee of three members of the Bar Council whose decision will be final.
- c) In case any dispute arises after the declaration of the result the aggrieved party shall approach the Bar Council by way of Election petition within 15 days of the declaration of the result accompanied by a fee of Rs. 5,000/-.
- d) After the receipt of the election Petition the Chairman of the Bar Council shall constitute an Election Tribunal consisting of Three Elected Members of the Bar Council and the said Election Petition will be decided expeditiously preferably within 2 months and the decision of the Tribunal shall be final.
- e) No Civil Court would have jurisdiction to entertain any dispute with regard to the Election of the Bar Association.
- f) The Bar Council shall have the power to cancel the certificate of registration and recognition granted to any Bar Association under these Rules after providing an opportunity of being heard to the concerned parties.

Approved by



(BALJINDER SINGH SAINI)
HONY SECRETARY



(MINDERJEET YADAV)
CHAIRMAN