

BAR ASSOCIATIONS (CONSTITUTION AND REGISTRATION) RULES, 2026

(Framed by the Bar Council of Himachal Pradesh, Shimla)

PREAMBLE

Whereas it is expedient to regulate the constitution, registration, elections, and functioning of Bar Associations within the territorial jurisdiction of the Bar Council of Himachal Pradesh;

And whereas it is necessary to ensure transparency, accountability, and discipline among Advocates and Bar Associations in accordance with the provisions of the Advocates Act, 1961;

Now, therefore, in the exercise of its powers conferred under the Advocates Act, 1961, the Bar Council of Himachal Pradesh hereby frames the Bar Associations (Constitution and Registration) Rules, 2026, to establish a uniform framework for governance, elections, and disciplinary proceedings of Bar Associations.

CHAPTER I – PRELIMINARY

1. SHORT TITLE, EXTENT, AND COMMENCEMENT

1.1 These Rules shall be called the Bar Associations Constitution and Registration) Rules, 2026.

1.2 These Rules shall extend to all Bar Associations falling within the territorial jurisdiction of the Bar Council of Himachal Pradesh.

1.3 These Rules shall come into force upon submission of the compliance report to the Hon'ble High Court of Himachal Pradesh.

2. DEFINITIONS

Unless the context otherwise requires, the following terms shall have the meanings assigned to them:

- 2.1 **Advocate** – A person whose name appears on the rolls of Advocates maintained by the Bar Council of Himachal Pradesh.
- 2.2 **Adhoc-Committee** – A Committee appointed by the Chairman of the Bar Council, consisting of three members for Sub-Divisional Bar Associations and five members for District and High Court Bar Associations, with a minimum of ten years of practice at the Bar.
- 2.3 **Bar Council** – The State Bar Council of Himachal Pradesh, Shimla.
- 2.4 **Bar Association** – An association of Advocates having not less than 10 Members and recognized by the Bar Council of Himachal Pradesh. Associations comprising professionals other than Advocates shall not be considered as a Bar Association.
- 2.5 **Court** – Includes all Courts, Tribunals, Commissions, Forums, and any other statutory bodies where Advocates are entitled to appear under the law.
- 2.6 **Executive Committee** – The body responsible for managing the affairs of a Bar Association, whether elected or nominated.
- 2.7 **General Body** – The collective body of all members of a Bar Association.
- 2.8 **Member** – An Advocate who has voluntarily obtained membership of a Bar Association.
- 2.9 **Place of Practice** – The location where an Advocate ordinarily practices, as recorded in the electoral roll of the Bar Council, subject to subsequent written intimation of any change.
- 2.10 **Prescribed** – As prescribed under these Rules.

CHAPTER II—REGISTRATION AND RECOGNITION OF BAR ASSOCIATIONS

3. Registration of Bar Associations

3.1 There shall be one Bar Association at each of the following places within the territorial jurisdiction of Himachal Pradesh:

- (i) High Court
- (ii) State Administrative Tribunal
- (iii) State Consumer Commission
- (iv) District Consumer Forum
- (v) District and Sub-Divisional Courts
- (vi) Labour Courts, Revenue Authorities, and any other statutory forums

3.2 Every Bar Association shall apply for registration with the Bar Council of Himachal Pradesh by submitting:

- (i) A list of members with enrolment numbers, addresses, and contact details
- (ii) A copy of its Constitution or Bye-laws
- (iii) The prescribed registration fee

3.3 The registration fee shall be:

- (i) ₹5,000/- for Bar Associations with up to 500 members
- (ii) ₹10,000/- for Bar Associations with more than 500 members

3.4 The Bar Council shall constitute a Registration Committee to examine applications and grant registration. Unregistered Bar Associations shall be directed to register within a stipulated period, failing which a penalty may be imposed, and an Adhoc Committee may be appointed to oversee compliance.

3.5 The Bar Council shall issue a Certificate of Registration under the joint signatures of the Chairman and Secretary. Non-compliance with these Rules may result in suspension or cancellation of registration after due process.

CHAPTER III – ELECTIONS OF BAR ASSOCIATIONS

4. Voting Rights

4.1 No Advocate shall be entitled to vote in more than one Bar Association within the territorial jurisdiction of the Bar Council of Himachal Pradesh.

4.2 Every Advocate shall declare their Place of Practice and exercise their voting rights only in the Bar Association registered under that jurisdiction.

4.3 Every Advocate who wishes to transfer his place of voting can make an appropriate request to the Bar Council of Himachal Pradesh within a calendar year in which he had not voted, after obtaining NOC from the parent Bar Association.

5. Eligibility Criteria for Office Bearers

5.1 The following minimum practice requirements shall apply for candidates contesting elections for office bearers of a Bar Association:

- (i) **President**—Minimum 25 years of continuous practice as an Advocate.
- (ii) **Vice President** – Minimum 15 years of continuous practice as an Advocate.
- (iii) **General Secretary** – Minimum 7 years of continuous practice as an Advocate.
- (iv) **Joint Secretary**—Minimum 3 years of continuous practice as an Advocate.
- (v) **Treasurer** – Minimum 3 years of continuous practice as an Advocate.

5.2 **An Advocate shall be eligible to contest elections only if:**

- (i) They have been a member of the concerned Bar Association for at least three consecutive years prior to the election.
- (ii) They have not been convicted of an offense involving moral turpitude.

(iii) They have not been found guilty of professional misconduct by the Bar Council.

6. Duties of the President, Secretary, and Executive Committee Regarding Financial Reporting

1. Duties of the President

1.1 The President shall be responsible for overseeing the financial accountability of the Bar Association, including:

- (i). Ensuring that all financial records and transactions are maintained properly.
- (ii). Supervising the preparation of annual financial statements and audit reports.
- (iii) Presenting the financial report to the General Body for approval before submission to the Bar Council.
- (iv) Ensuring compliance with all financial regulations prescribed by the Bar Council.

2. Duties of the Secretary

2.1 The Secretary shall be responsible for the execution and maintenance of financial records, including:

- (i) Preparing and maintaining accurate accounts of income and expenditure.
- (ii) Coordinating with the appointed auditor (if applicable) for the audit of financial records.
- (iii) Submitting the annual financial report to the Executive Committee for review.

(iv) Ensuring that the financial report, along with the audited statement (if applicable), is submitted to the Bar Council on or before 30th October every year.

3. Duties of the Executive Committee

3.1 The Executive Committee shall collectively ensure financial transparency and compliance by:

(i) Reviewing and approving the financial report and audit statements before submission.

(ii) Appointing a certified auditor in case the annual income of the Bar Association exceeds ₹2,00,000/-.

(iii) Ensuring that all transactions and expenditures are duly recorded and justified.

(iv) Submitting the financial report, including an audited statement (if applicable), to the Bar Council within the prescribed timeframe.

4. Financial Reporting Requirement

4.1 If the annual income of the Bar Association exceeds ₹2,00,000/-, an audited financial report certified by a registered Chartered Accountant shall be mandatory.

4.2 Failure to submit the financial report or audited accounts within the stipulated period shall invite disciplinary action, including suspension of registration or other penalties as deemed fit by the Bar Council.

7. Schedule of Election

To ensure a transparent and systematic election process, elections for Bar Associations shall be conducted annually in the month of May of every year. The election process shall adhere to the following schedule:

(I). The Bar Associations shall prepare the voter list on or before 31st of March of every year and this voter list shall be displayed on 1st of April of every year. Objections to the voter list shall be invited within one week thereafter. Rectification if any, shall be carried out within 5 days thereafter. The final voter list shall be displayed between 15th April to 20th April of every year. The final voter list shall be submitted to the Bar Council of Himachal Pradesh through Email or any other electronic mode by 21st April every year. A Voter list of such Advocates who have been enrolled provisionally by the Bar Council of Himachal Pradesh shall be separately prepared by the Bar Associations and the eligibility of such Advocates shall be reviewed after two years and the Advocates who fail to qualify the AIBE Examination, their name shall be removed from the voter list of the Bar Association.

(II). Election Notification & Timeline

- (i). The Bar Council shall notify the election schedule on or before 31st of March each year.
- (ii). The notification shall include:
 - (a) The date of the election
 - (b) The process for nomination and withdrawal
 - (c) The security deposit requirements
 - (d) Deadlines for each stage of the election process
- (iii). This schedule shall be strictly adhered to in order to ensure the democratic and fair functioning of Bar Associations. If elections are not conducted within the prescribed period, the Bar Council of Himachal Pradesh may intervene and appoint an Adhoc-Committee to conduct elections.

8. Mode and Process of Election

8.1 Elections of the Bar Association shall be conducted as per the following procedure:

- (i) The Bar council shall notify the election schedule at least 30 days before the date of polling.
- (ii) The nomination process shall commence at least 20 days before the election, with withdrawal permitted up to 10 days before the polling date.
- (iii) Each candidate shall deposit a security fee, as prescribed by the Bar Association, which shall be forfeited in case of withdrawal after the stipulated date or securing less than 10% of the total votes.
- (iv) The election shall be conducted by secret ballot or electronic voting, as determined by the Bar Council.
- (v) An official election observer shall be appointed by the Bar Council for each election.

9. Prohibited Acts During Elections

- 9.1 Bribery & Undue Influence – No candidate or supporter shall offer money, gifts, or any form of inducement to voters to influence their votes.
- 9.2 Use of Threats or Coercion – Any attempt to intimidate voters, election officials, or candidates shall be strictly prohibited.
- 9.3 Multiple Voting & Impersonation – No Advocate shall cast a vote in more than one Bar Association. Impersonation of another voter shall be treated as election fraud.
- 9.4 Tampering with Ballots or Electronic Voting Machines (EVMs) – Any attempt to manipulate, alter, or destroy ballots or EVMs shall lead to immediate disqualification.
- 9.5 Defacement & False Propaganda – Spreading false information, defaming candidates, or damaging election materials shall be deemed misconduct.

9.6 Exceeding Campaign Expenditure Limits – Any candidate exceeding the prescribed campaign expenditure limit shall be subject to penalties.

10. Appointment of Election Observer

10.1 The Chairman of Bar Council shall nominate an independent Election Observer for the election of each Bar Association.

10.2 The observer shall:

- (i) Ensure free and fair conduct of elections.
- (ii) Submit a report to the Bar Council in case of any malpractice or irregularity.
- (iii) Have the power to intervene and direct corrective measures if necessary.

11. Election Tribunal for Dispute Resolution

11.1 The Bar Council shall constitute an Election Tribunal to resolve disputes related to elections of Bar Associations.

11.2 The Tribunal shall consist of three Members of Bar Council, nominated by the Chairman

11.3 The Tribunal shall have the power to:

- (i) Examine complaints regarding election malpractices.
- (ii) Order a recount, fresh polling, or disqualification of a candidate if necessary.
- (iii) Issue interim orders, including staying the election process, pending final adjudication.

11.4 Any party aggrieved by the decision of the Election Tribunal may appeal before the Bar Council of India within 30 days of the Tribunal's order.

12. Complaints & Investigation

12.1 Any candidate or voter may file a complaint regarding election malpractice before the Election Tribunal within 48 hours of the occurrence.

12.2 The Election Tribunal shall have the authority to summon witnesses, examine evidence, and take necessary action.

12.3 If unfair means are proven, the Tribunal may:

Disqualify the concerned candidate.

Order re-election in the affected constituency.

Initiate disciplinary action under Section 35 of the Advocates Act, 1961.

CHAPTER IV – DISCIPLINE, DISQUALIFICATION & PENALTIES

13. Non-Compliance, Disqualification, and Disciplinary Action

13.1 Any Advocate who fails to comply with the provisions of these Rules or engages in misconduct as defined under Section 35 of the Advocates Act, 1961 shall be liable for disciplinary action.

13.2 The Bar Council may, after conducting an inquiry, temporarily suspend the registration of a Bar Association or the membership of an Advocate pending final adjudication of charges.

13.3 Grounds for disqualification of an Advocate from Bar Association membership shall include:

(i) Conviction for an offense involving moral turpitude;

(ii) Non-payment of membership fees for more than six months.

(iii) Participation in activities detrimental to the dignity, integrity of the legal profession.

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(iv) Participation in activities detrimental to the free and fair election use of unfair method in election.

(v) Failure to provide an affidavit affirming active practice within the prescribed time.

(vi) Disqualification – Any candidate found guilty of unfair practices shall be barred from contesting elections for a minimum of five years.

(vii) Suspension of Membership – If a member of a Bar Association is found guilty of election fraud, their membership may be suspended for up to one year.

(viii) Criminal Proceedings – In cases involving fraud, forgery, or coercion, criminal proceedings may be initiated under relevant laws.

These provisions ensure the integrity of the election process and uphold the democratic values of the Bar Associations.

Approved by: Bar Council of Himachal Pradesh

(Pushpa Thakur)
Secretary

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