



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

BCI:D:8865...../2025

Date: 08.12.2025

To,

The Secretary
Bar Council of Punjab and Haryana
Law Bhawan, Sector 37-A
Chandigarh

Sub.: Elections of Bar Associations in Punjab and Haryana during the
pendency of elections to the Bar Council of Punjab and Haryana

Sir,

I am directed to state that, during the subsistence of the present elected body of the Bar Council of Punjab and Haryana and the preparatory stages of the State Bar Council elections, certain practical difficulties have been brought to the notice of the Bar Council of India. These include, inter alia, disputes in certain Bar Associations and requests from Bar Associations, including the District Bar Association, Jind, seeking directions as to whether their elections may be held on the expiry of their present term. Reference in this connection is invited to the representations addressed to the Bar Council of India by the President, District Bar Association, Jind, together with the earlier order dated 19.04.2025 passed by a Committee of the Bar Council of Punjab and Haryana in the matter of District Bar Association, Jind, and the requisitions submitted by members of that Association for holding elections on the expiry of the current term on 10.01.2026.

The Bar Council of India has, by a separate communication dated 08.12.2025, addressed to Hon'ble Ms. Justice Jaishree Thakur (Retd.), Judge, Punjab and Haryana High Court and Returning Officer, High-Powered Election Committee, clarified that Rule 32 framed by the Bar Council of India for State Bar Councils, as applicable to the Bar Council of Punjab and Haryana, continues to operate in the absence of any stay by the Hon'ble Supreme Court, and the present Members and office bearers continue in office by virtue of Rule 32,

subject to any further orders or clarifications of the Hon'ble Supreme Court. It has also been clarified that the present Members, Chairman and other office bearers are competent to discharge the day to day statutory and administrative functions of the Council, including the operation of funds, except to the extent that their powers are specifically regulated, curtailed or otherwise dealt with by the orders of the Hon'ble Supreme Court in connection with the functioning of the High-Powered Election Committee.

In the same communication, the Bar Council of India has further clarified that, in the circumstances obtaining in Punjab and Haryana, it is not considered appropriate at this stage to constitute a Special Committee under Section 8 A of the Advocates Act, 1961, since by virtue of Rule 32 there is already an elected body in office and the Hon'ble Supreme Court has, in addition, constituted a High-Powered Election Committee specifically to control, monitor and supervise the electoral process of the Bar Council of Punjab and Haryana. For the sake of clarity and consistency, it has been respectfully submitted that the mandate of the High-Powered Election Committee is essentially election-related and supervisory, namely to oversee the various stages of preparation of electoral rolls, conduct of polling, counting and declaration of results and to pass such orders or directions as may be necessary or incidental to securing free, fair, transparent and timely elections. The High Powered Committee is not intended to operate as a substitute either for the elected State Bar Council or for a Special Committee under Section 8 A, nor to take over the general statutory functions of the State Bar Council under the Advocates Act, 1961, save to the extent specifically provided in the orders of the Hon'ble Supreme Court.

At the same time, it is necessary to ensure that the electoral process of the Bar Council of Punjab and Haryana is not adversely affected, complicated or overshadowed by parallel electoral processes at the level of Bar Associations, particularly when individual disputes and grievances in Bar Associations may be projected as having a bearing on the neutrality or fairness of the impending State Bar Council elections. The communications and materials received from the District Bar Association, Jind, illustrate the kind of controversy and uncertainty that may arise if Bar Association elections are taken up during this sensitive period. In order to maintain uniformity, to avoid avoidable controversies and to secure a calm and neutral atmosphere for the conduct of the State Bar Council elections, the Bar Council of India considers it appropriate to issue the following general direction for the States of Punjab and Haryana, which shall also govern the situation in the District Bar Association, Jind.

It is, therefore, directed that, until completion of the elections to the Bar Council of Punjab and Haryana under the supervision of the High-Powered Election Committee, no Bar Association in the States of Punjab and Haryana shall issue any notification or programme for elections to any post or committee of the Association, nor shall any such election be held or conducted. For the purposes of this direction, completion of the elections to the Bar Council of Punjab and

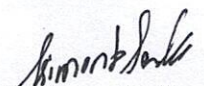
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Haryana shall mean the conclusion of the election process including counting of votes, declaration of results and assumption of office by the newly elected Members of the Bar Council, subject to such further orders as the Hon'ble Supreme Court may be pleased to pass.

Any election process of a Bar Association in Punjab or Haryana which has already been notified but in which polling has not yet taken place shall remain in abeyance with immediate effect. The existing office bearers and committees of such Bar Associations shall continue to function in a caretaker capacity for day to day administration until the embargo is lifted, and shall refrain from taking any steps which may directly or indirectly affect or appear to affect the fairness, transparency or perceived neutrality of the impending elections to the Bar Council of Punjab and Haryana. This temporary embargo is not intended to interfere with or curtail the statutory functions of the Bar Council of Punjab and Haryana under the Advocates Act, 1961, but only to regulate the timing of Bar Association elections so as to facilitate the orderly conduct of the State Bar Council elections under the supervision of the High-Powered Election Committee. The queries raised by the District Bar Association, Jind, and other Bar Associations as to the holding of their elections shall be treated as answered by this general direction.

You are requested to issue an appropriate circular forthwith to all Bar Associations in the States of Punjab and Haryana, conveying the above directions and making it clear that any election process commenced or conducted in violation of this order shall not be recognised by the Bar Council of Punjab and Haryana or by the Bar Council of India, subject to any order passed by the Hon'ble Supreme Court or by the High-Powered Election Committee. You are further requested to obtain confirmation of compliance from each Bar Association and to furnish a consolidated compliance report to the Bar Council of India and to the High-Powered Election Committee within ten days of issuance of your circular.

This order is issued in aid of and subject to the orders of the Hon'ble Supreme Court of India in the pending proceedings relating to the elections of the Bar Council of Punjab and Haryana and is without prejudice to any clarification or further direction that the Hon'ble Court or the High-Powered Election Committee may be pleased to issue.


(Srimanto Sen)
Principal Secretary
Bar Council of India