

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SWrit Petition(s) (Civil) No(s). 454/2026

SHYAM LAL THAKUR

Petitioner(s)

VERSUS

BAR COUNCIL OF INDIA &amp; ORS.

Respondent(s)

(IA No. 107351/2026 - AD-INTERIM WRIT)

WITH

ITEM NO. 62

Writ Petition(s) (Civil) No(s). 493/2026

(IA No. 119325/2026 - MODIFICATION and IA No. 120025/2026 -  
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

ITEM NO. 66

Writ Petition(s) (Civil) No(s). 504/2026

(IA No. 119649/2026 - AMENDMENT OF THE PETITION, IA No. 119466/2026  
- APPROPRIATE ORDERS/DIRECTIONS and IA No. 119462/2026 - EXEMPTION  
FROM FILING O.T.)

Date : 20-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE JOYMALYA BAGCHIFor Petitioner(s) : Mr. Sanjay M Nuli, Sr. Adv.  
Mr. Govind Jee, AOR  
Mr. Omanakuttan K K, Adv.  
Mr. Akhilesh Kumar Mishra, Adv.  
Mr. Sachin Pathak, Adv.  
  
Mr. Vikas Upadhyay, AOR  
Ms. Ankita Kashyap, Adv.  
Mr. Ranveer Singh, Adv.  
Mr. Siva N., Adv.  
  
Mr. Siddharth R. Gupta, Adv.  
Mr. Mrigank Prabhakar, AOR  
Ms. Astha Singh, Adv.  
Mr. Uddaish Palya, Adv.  
Mr. Aman Agarwal, Adv.  
Mr. Shantanu Sharma, Adv.  
Ms. Surbhi Saxena, Adv.  
Ms. Samridhhi Rai, Adv.

Mr. Varun Thakur, Adv.  
Mr. Ram Karan, Adv.  
Ms. Shraddha Saran, Adv.  
Mr. Shashank Ratnoo, Adv.  
Ms. Vishakha Singh Chauhan, Adv.  
Mr. Ajay Kumar Singh Yadav, Adv.  
Mr. S.P. Singh, Adv.  
Mr. Brajesh Pandey & Associates, AOR

For Respondent(s) : Mr. Guru Krishna Kumar, Sr. Adv.  
Dr. Ram Shankar, Adv.  
M/s.Ram Shankar & Co., AOR

UPON hearing the counsel the Court made the following

O R D E R

1. W.P. (Civil) Diary Nos.23717/2026 and 23850/2026 are taken on Board with these petitions.

2. These petitions have been filed by some office bearers of different Bar Associations, challenging Chapter III of the Bar Council of India Uniform Rules (and Mandatory Guidelines) for the Elections of Bar Councils, 2016. Under that Chapter, the elected office-bearers of the Bar Association were barred from contesting elections of the State Bar Councils. However, they could contest such elections after resigning from the position held in the Bar Association.

3. These provisions were also challenged before this Court through Writ Petition (Civil) No.226/2026. The said petition was disposed of vide order dated 19.02.2026, paragraph 3 whereof reads as follows:

*"3. Since the impugned rule deprives office-bearers of the Bar Associations of High Courts, District Courts, or Sub-Divisional Courts from contesting the State Bar Council elections, we, prima facie, see no justification for creating such an artificial*

*distinction under the Rules. Consequently, we direct the Bar Council of India to reconsider the provision and carry out a suitable amendment within one week."*

4. In purported compliance thereof, the Bar Council of India has amended Chapter III vide a notification circulated on 11.03.2026. As per Clause 2 therein, such amendment has been conditioned to come into force only after due approval of this Court. To that end, the amended Chapter III has been placed on record by the Bar Council of India along with IA No.78285/2026 filed in W.P. (Civil) No. 1319/2023.

5. Chapter III, as amended by the Bar Council of India, on 11.03.2026 reads as follows:

"

#### *CHAPTER III*

*1. Eligibility of office-bearers of Bar Associations to contest election to a State Bar Council.*

*a. An advocate who is an office-bearer of a Bar Association shall be eligible to contest the election to a State Bar Council, provided that such advocate files an undertaking before the Returning Officer at the time of filing the nomination stating that, if elected as a member of the State Bar Council, the advocate shall not simultaneously hold more than one representative post and shall accordingly resign as an office-bearer of the Bar Association upon election, or in the alternative shall resign as a member of the State Bar Council if the advocate chooses to continue as an office-bearer of the Bar Association.*

*b. If any advocate who holds a position as an office-bearer of a Bar Association is elected as a member of a State Bar Council, such advocate shall, within fifteen days from the date of declaration of results, exercise a written option to retain only one of the representative posts and shall communicate the*

same to the concerned Bar Association and the concerned State Bar Council.

c. Upon exercise of such option, the advocate shall relinquish the other post or post held by him or her and shall intimate the same in writing to the concerned Bar Association and the concerned State Bar Council for record and necessary action.

d. If any advocate elected as a member of a State Bar Council fails to exercise the option and communicate relinquishment in terms of clause (b) within fifteen days from the date of declaration of results, such advocate shall be deemed to have vacated the office of Member of the State Bar Council upon expiry of the said period.

## 2. Commencement and Applicability

*This amendment shall come into force from the date of its publication in the official gazette of India, after due approval from the Hon'ble Apex Court, and this shall apply to all cases where elections have not yet been held."*

6. It seems to us that the grievances of the elected office-bearers of the Bar Associations have been adequately redressed through the amended provisions. The same is accordingly approved, and the provisions may, thus, be published in the Official Gazette of India without any delay.

7. With regard to the enforceability of the amended Chapter III to the elections to Bar Councils of different States, a decision will have to be taken on a case-to-case basis. For that purpose, we dispose of these writ petitions by permitting any aggrieved party to approach the High-Powered Election Supervisory Committee, headed by Justice Sudhanshu Dhulia, former Judge of this Court, for

appropriate directions in this regard. The Committee shall be at liberty to take an appropriate decision or lay down guidelines in relation thereto.

8. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)  
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)  
ASSISTANT REGISTRAR