

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

WRIT PETITION Nos: 29216, 30019 & 30063 of 2025

WRIT PETITION NO: 29216 of 2025

Between:

Andhra Lawyers Association

.. Petitioner

And

The Bar Council of India and another

.. Respondents

WRIT PETITION NO: 30019 of 2025

Between:

Gurram Rama Rao

.. Petitioner

And

The Bar Council of India and another

.. Respondents

WRIT PETITION NO: 30063 of 2025

Between:

Jaya Prakash Madasu and Another

.. Petitioners

And

The Bar Council of India two others

.. Respondents

DATE OF ORDER PRONOUNCED: 05.01.2026

HON'BLE Mr. JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

1. Whether Reporters of Local Newspapers may be allowed to see the Judgments? : Yes/No
2. Whether the copies of judgment may be marked to Law Reports/Journals? : Yes/No
3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? : Yes/No

GANNAMANENI RAMAKRISHNA PRASAD, J

***HON'BLE Mr. JUSTICE GANNAMANENI RAMAKRISHNA PRASAD**

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And

The Bar Council of India and another .. Respondents

WRIT PETITION NO: 30063 of 2025

Between:

Jaya Prakash Madasu and Another .. Petitioners

And

The Bar Council of India two others .. Respondents

! Counsel for the petitioners :

Sri M.V. Raja Ram, learned Counsel appearing for the Petitioner in W.P.No.29216 of 2025, Sri T. Singaiah Goud, learned Counsel appearing on behalf of M/s. Yasaswi Law Associates LLP in W.P.No.30019 of 2025, Sri M.

Solomon Raju, learned Counsel for the Writ Petitioners in W.P.No.30063 of 2025.

^Counsel for respondents :

Sri G. Venkata Reddy, learned Standing Counsel for the Respondent No.1 and Sri P. Narahari Babu, learned Standing Counsel for Respondent No.2.

< Gist:

➤ Head Note:

?CASES REFERRED: Nil.

Judgment reserved on	02.01.2026
Judgment pronounced on	05.01.2026
Judgment uploaded on	07.01.2026

APHC010560822025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3328]

MONDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NOS: 29216, 30019 & 30063 OF 2025

Between:

1. ANDHRA LAWYERS ASSOCIATION, THROUGH ITS GENERAL SECRETARY SRI MEDA SRINIVASA RAO. S/O. SURYANARAYANA, AGED 52 YEARS, OCC. PRACTICING ADVOCATE, R/O. 12-13-113, ARYAPURAM, RPC STREET, FIRST STREET, RAJAHMUNDY, EAST GODAVARI DIST., A.P

...PETITIONER

AND

1. THE BAR COUNCIL OF INDIA, REP BY ITS SECRETARY NO. 21 ROUSE AVENUE INSTITUTIONAL AREA NEAR BAL BHAWAN, NEW DELHI

2. THE BAR COUNCIL OF ANDHRA PRADESH, REP BY ITS SECRETARY HIGH COURT PREMISES, AMARAVATI

...RESPONDENT(S):

Counsel for the Petitioner:

1. CORPUS JURIS LAW PANEL LLP

Counsel for the Respondent(S):

1. G VENKATA REDDY

2.P NARAHARI BABU

WRIT PETITION NO: 30019 OF 2025

Between:

1.GURRAM RAMA RAO, S/O PRAKASARAO, AGED ABOUT 50 YEARS, OCC. ADVOCATE AND SECRETARY, LAWYERS FORUM FOR SOCIAL JUSTICE, AP STATE, R/O D.NO 8-11, PEDAVADLAMUDI VILLAGE, MANGALAGIRI MANDAL, GUNTUR DISTRICT- 522302.

...PETITIONER

AND

1.THE BAR COUNCIL OF INDIA, REPRESENTED BY ITS PRINCIPAL SECRETARY, BAR COUNCIL OF INDIA BHAWAN 21, ROUSE AVENUE INSTITUTIONAL AREA NEW DELHI-110 002.

2.THE BAR COUNCIL OF STATE OF ANDHRA PRADESH, REPRESENTED BY ITS SECRETARY, A.P HIGH COURT BUILDINGS, NELAPADU, AMARAVATI, GUNTUR DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1.YASASWI LAW ASSOCIATES LLP

Counsel for the Respondent(S):

1.G VENKATA REDDY

2.P NARAHARI BABU

WRIT PETITION NO: 30063 OF 2025

Between:

1.JAYA PRAKASH MADASU, S/O PRASANGI, ADVOCATE, AGED 52 YEARS, R/O D NO.3-688/1. CPM OFFICE ROAD. UNDAVALLI CENTER, TADEPALLI.GUNTUR DIST.

2.BATTU MARY LEELA KUMARI, W/O DURGAM SUBBARAO, ADVOCATE, AGED 48 YEARS, R/O FLAT NO 3, HYMAVATHI

NANDAN, 5/17 LANE, BRODIPET, BESIDES AYYAPPA SWAMY TEMPLE, GUNTUR-522002.

...PETITIONER(S)

AND

1. THE BAR COUNCIL OF INDIA, REP. BY ITS PRI. SECRETARY, 21, ROUSE AVENUE, INSTITUTIONAL AREA, NEAR BAL BHAWAN, NEW DELHI-110002.
2. BAR COUNCIL OF ANDHRA PRADESH, , REP. BY ITS SECRETARY, HIGH COURT BUILDINGS, NELAPADU, GUNTUR.
3. UNION OF INDIA, REP. BY ITS SECRETARY TO GOVT. MNISTRY OF LAW AND JUSTICE, SHASTRI BHAWAN, NEW DELHI-110001.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. M SOLOMON RAJU

Counsel for the Respondent(S):

1. G. ARUN SHOWRI (CENTRAL GOVT. COUSEL)
2. G VENKATA REDDY
3. P NARAHARI BABU

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

W.P.NOs.29216, 30019 and 30063 of 2025

The Court made the following COMMON ORDER:

Heard Sri M.V. Raja Ram, learned Counsel appearing for the Petitioner in W.P.No.29216 of 2025, Sri T. Singaiah Goud, learned Counsel appearing on behalf of M/s. Yasaswi Law Associates LLP in W.P.No.30019 of 2025, Sri M. Solomon Raju, learned Counsel for the Writ Petitioners in W.P.No.30063 of 2025, Sri G. Venkata Reddy, learned Standing Counsel for the Respondent No.1 and Sri P. Narahari Babu, learned Standing Counsel for Respondent No.2.

2. The prayers in W.P.No.29216 and 30019 of 2025 are identical. Therefore, the Prayer in W.P.No.29216 of 2025 is usefully extracted hereunder:

“It is therefore prayed that this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the 1st Respondent in fixing a non-refundable nomination fee of Rs.1,25,000/ for filing nominations to contest in the elections of the State Bar Council of Andhra Pradesh, vide communication dated 25-09-2025, as illegal, arbitrary, ultra vires, without jurisdiction, and violative of Articles 14 and 19 (1) (g) of the Constitution of India; and consequentially direct the Respondents to conduct elections to the Andhra Pradesh State Bar Council strictly in accordance with the Advocates Act, 1961, and the existing State Bar Council Election Rules, without imposing the impugned increased fee, in the interests of justice and to pass such other order or orders may deem fit and proper in the circumstances of the case.”

3. Insofar as the W.P.No.30063 of 2025 is concerned, the Writ Petitioner has sought multiple prayers in addition to the above prayer and therefore, the main Prayer in the W.P.No.30065 of 2025 are also usefully extracted hereunder:

“It is therefore prayed that this Hon'ble Court may be pleased to issue

a) an appropriate writ, order or a direction more particularly) one in the nature of WRIT OF MANDAMUS declaring the notification Ref.BCI.D. 6880/2025 (Council-STBCs) dated 25.09.2025 issued by the 1st respondent in fixing the Nomination Deposit as Rs.1,25,000/- without any consultation with the 2nd respondent and contrary to section 49(h) of Advocates Act, 1961 and Rule 6 of Bar Council of AP Bar Council Election Rules, 1973, as illegal, irregular, irrational, arbitrary and without jurisdiction, violative of Articles 14, 19 and 21 of Constitution of India and consequently suspend the notification Ref.BCI:D:6880/2025(Council-STBCs) dated 25.09.2025 issued by the 1st respondent in fixing the nomination deposit of Rs.1,25,000/- to contest in 2nd respondent Bar Council Elections and pass such other order or orders may deem fit and proper in the circumstances of the case.

b) an appropriate writ, order or a direction more particularly one in the nature of WRIT OF MANDAMUS to set out eligibility criteria for the Contesting Candidates and to ensure adequate representation to Women, SC, ST and BC Advocates to achieve equitable representation and social justice for all section of Advocates, pending the writ petition and pass such other order or orders that may deem fit and proper in the circumstances of the case.”

4. The common issue arising in W.P.No.29216 of 2025 and the other two Writ Petitions is the challenge to the Proceedings of the Principal Secretary, Bar Council of India dated 25.09.2025 (Ex.P.1 in W.P.No.29216 of 2025). For the sake of convenience, the facts, as portrayed in W.P.No.29216 of 2025 are referred to in this Common Order.

The facts as submitted by the Writ Petitioner in W.P.No.29216 of 2025:

5. It is submitted that a Writ Petition (Civil) No.1319/2023 is filed before the Hon'ble Apex Court under Article 32 of the Constitution of India titled as *M. Varadhan V. Union of India & Anr* seeking fair, transparent and timely conduction of elections for the State Bar Councils in the country; that the

Hon'ble Apex Court, having considered the prayers and also various Interlocutory Applications filed from time to time, has, *vide* Order dated 18.11.2025, issued certain directions for conduct of fair, transparent and timely elections for all the State Bar Councils in the country; that it is noted in the Order of the Hon'ble Apex Court dated 18.11.2025, that the elections to the Bihar State Bar Council has already been conducted and the result has been declared and that in respect of Chhattisgarh State Bar Council, the counting was then under process; it is also noted by the Hon'ble Apex Court that in respect of Orissa and Madhya Pradesh, the elections are not due till 2028 and July-2026 respectively; that by excepting these four State Bar Councils (i.e the Bar Councils of Orissa, Madhya Pradesh, Bihar and Chhattisgarh), the Hon'ble Apex Court has issued directions for conducting of elections in respect of all the other State Bar Councils.

6. It is further submitted by the Ld. Counsel for the Writ Petitioner that insofar as the Andhra Pradesh State Bar Council is concerned, which falls in the second-phase along with Delhi and Tripura, directions have been given in Sub-Para-II of Para-12 of the Order of Hon'ble Apex Court dated 18.11.2025 to the effect that the election process shall conclude by 28.02.2026; that the Hon'ble Apex Court has also constituted a State Level High-Powered Election Committee to supervise the election process, including counting of votes and the State Level High-Powered Election Committee shall control and monitor the Election Process in the respective states through their supervision; that the Hon'ble Apex Court has also constituted a High-Powered Committee at the national level for resolution of any disputes, headed by a Former Judge of the Hon'ble Supreme Court of India namely Hon'ble Sri Justice Sudhanshu Dhulia as Chair Person; that all the above mentioned directions are given by the Hon'ble Supreme Court by exercising its plenary power under Article 142 of the Constitution of India.

7. It is further submitted that in compliance with the directions of the Hon'ble Apex Court in its Order dated 18.11.2025 in Writ Petition (Civil)

No.1319/2023, the election process in the State of Andhra Pradesh has commenced vide its' Notification dated 03.01.2026. The present set of Writ Petitions were filed on or about 16.10.2025 challenging the Proceedings bearing BCI:D: 6880/2025 (Council-STBCs), dated 25.09.2025 issued by the Principal Secretary of the Bar Council of India, by which, the Principal Secretary has enhanced the non-refundable nomination-fee for contesting the elections for the State Bar Councils to Rs.1,25,000/- from Rs.30,000/-; the reason stated in the impugned Proceeding dated 25.09.2025 (Ex.P.1 in W.P.No.29216 of 2025) is that the respective State Bar Councils are facing an acute shortage of funds and the inability to bear the expenses for elections is because the Hon'ble Apex Court had reduced the enrollment fee of Advocates from Rs.16,000/- to Rs.600/-.

8. Ld. Counsel for the Writ Petitioners viz., Sri M.V. Raja Ram, Sri T. Singaiah Goud and Sri M. Solomon Raju have made various submissions to the effect that vide Andhra Pradesh Gazette Notification dated 14.05.2018, the State Bar Council has fixed a non-refundable nomination-fee of Rs.30,000/-. The said Andhra Pradesh Gazette Notification dated 14.05.2018 has remained in force even till today since this Notification has not been challenged; that the Principal Secretary can only convey the decisions of the Bar Council of India which have been taken in accordance with the provisions of the Statute, Rules and Regulations and that the Principal Secretary of the Bar Council of India does not have any 'independent power' to issue either directions or guidelines on his own accord without tracing the source of power that is available to the Principal Secretary of the Bar Council of India.

9. Ld. Counsel for the Writ Petitioners have further contended that the Sub-Sections (1), (2) and (3) of Section 15 of the Advocates Act, 1961 empowers every State Bar Council to make Rules to carry out the purposes of Chapter-II of the said Act. Chapter-II deals with the State Bar Councils as well as the Bar Council of India.

10. Ld. Counsel would also submit that as per the Rule-6 of the Andhra Pradesh Bar Council Rules, 2001, a non-refundable nomination-fee of Rs.2000/- is prescribed and the same stood amended vide Andhra Pradesh Gazette Publication dated 14.05.2018 by enhancing the same to Rs.30,000/-; that in the previous State Bar Council Elections, a non-refundable fee of Rs.30,000/- was paid by the candidates as nomination-fee; that the Principal Secretary of the Bar Council of India only renders secretarial-assistance in his capacity, but does not have any statutory power to enhance the non-refundable nomination-fee from the existing Rs.30,000/- abruptly to Rs.1,25,000/-; that the enhancement is not only three times higher but also unjust and unreasonable; the impugned Proceeding dated 25.09.2025 issued by the Principal Secretary does not reflect any decision that had been taken by the Bar Council of India and even if such decision is taken by the Bar Council of India, the same would not bind on the State Bar Council inasmuch as the same has neither been communicated to all the State Bar Councils including the Bar Council for the State of Andhra Pradesh nor was it made known to the stakeholders.

11. It is further submitted that the impugned Proceeding issued by the Principal Secretary of the Bar Counsel of India can at the most be treated as an Executive Order and therefore it cannot override a statutory Notification published in the Andhra Pradesh Gazette on 14.05.2018, by which, the State Bar Council has fixed a non-refundable nomination-fee of Rs.30,000/- and that the contesting candidates have paid such an amount during the previous State Bar Council Election.

12. Ld. Counsel for the Writ Petitioners have also placed reliance on the interim orders passed by the Ld. Single Judge of High Court of Kerala in W.P(C) No.36745 of 2025. Ld. Single Judge of High Court of Kerala, vide Order dated 16.10.2025 in W.P(C) No.36745 of 2025 had held as under:

“O R D E R

Considering the reliefs sought and the positive direction issued by the Hon’ble Supreme Court, the interim order is modified by making it clear that status quo is to be maintained on with respect to the nomination fee to be remitted by the candidates and is not meant to interdict the conduct of the election.

2. With the above clarification, the order of status quo is extended.

Post on 04.11.2025.”

CONTENTIONS OF THE BAR COUNCIL OF INDIA:

13. Sri G. Venkata Reddy, Ld. Counsel appearing on behalf of the Bar Council of India (Respondent No.1 in W.P.No.29216 of 2025) had initially made a request before this Court that the Bar Council of India had filed various Petitions before the Court in the month of October and November, 2025; that the Bar Council of India has filed several Transfer Petitions before the Hon’ble Apex Court for transferring of all the Writ Petitions by which the Proceeding of the Principal Secretary dated 25.09.2025 enhancing the non-refundable nomination-fee to Rs.1,25,000/- had been challenged. On this basis, time was sought by the Ld. Counsel for the Respondent No.1 on 25.11.2025 and this Court had adjourned the matter from time to time (04.12.2025, 09.12.2025, 10.12.2025, 18.12.2025 and 02.01.2026). The Bar Council of India has filed Counter-Affidavit on 22.11.2025, but had also submitted before the Court that a mention is being made before the Hon’ble Apex Court to have various Transfer Petitions listed at an early date. This Court has considered such requests as being reasonable and had adjourned these matters from time to time (on the dates mentioned hereinabove). However, as the Bar Council of India had failed to produce any Proceeding of the Hon’ble Apex Court transferring the Writ Petitions before this Court to the Hon’ble Supreme Court, and also considering requests of the Writ Petitioners about the urgency as the schedule for conduct of election is likely to be issued in terms of the directions of the Hon’ble Apex Court, this Court had taken up these Writ Petitions for Final Hearing.

14. The contents of the Counter-Affidavit would indicate that a Writ Petition (Civil) No.1005/2025 titled as *Manish Jain & Anr V. Bar Council of India & Ors.*, was filed before the Hon'ble Supreme Court challenging the enhancement of the non-refundable nomination-fee but the same was dismissed as withdrawn. It is further stated in the Counter-Affidavit that since the Hon'ble Apex Court has expressed reluctance to interfere, the Bar Council of India has moved an Interlocutory Application in Writ Petition (Civil) No.1319/2023 seeking appropriate directions to avoid conflicting orders. However, on perusal of the Order of the Hon'ble Apex Court dated 17.10.2025 in Writ Petition (Civil) No.1005/2025, it transpires that no such reasons have been recorded and the withdrawal of the Writ Petition is simplicitor. It is also stated in the Para-20 of the Counter-Affidavit that the enhancement of non-refundable nomination-fee is justified for meeting with such expenditure relating to printing, serialisation and tamper-evident storage of sensitive material, and also for meeting with expenditure for IT systems/software, voter rolls, audit logs, encryption etc., and also for appointing independent observers and meeting with their Travel and Dearness Allowance expenditure. It is also stated that the said non-refundable nomination-fee is also for the purpose of meeting with the expenditure of hiring venues and crowd-management infrastructure and establishing counting centers etc.,

ANALYSIS:

15. ISSUES:

Having considered the above submissions, the following issues fall for consideration:

- (i) *Without referring to any Statutory Provisions or Rules or Regulations, whether the impugned Proceeding dated 25.09.2025 issued by the Principal Secretary of the Bar Council of India is sustainable in Law?*

- (ii) *Whether the impugned Proceeding dated 25.09.2025, had been legitimately issued by Bar Council of India by following the statutory procedure or whether it is merely an Executive Order issued by the Principal Secretary, Bar Council of India without tracing the source of power available to him/her?*
- (iii) *Can the non-refundable nomination-fee be increased multifold that has the tendency to frustrate the democratic process on one hand and to prevent a genuine candidate from filing nomination due to his/her inability or incapacity to afford the payment of Rs.1,25,000/- for filing nomination?*

16. During the course of hearing, Sri P. Narahari Babu, Ld. Counsel appearing representing the State Bar Council has submitted a Photocopy of the 'Election Schedule' issued by the State Bar Council which indicates that the filing of the nominations would commence from Monday i.e., from 05.01.2026 onwards up to 13.01.2026. The election schedule issued by the Andhra Pradesh State Bar Council is usefully extracted hereunder:

“FOR THE ELECTION OF THE BAR COUNCIL OF ANDHRA PRADESH
ON 13-02-2026, FRIDAY

Publication of Preliminary Voters List : 03-12-2025 (Wednesday)

Last date for filing of Objections : 17-12-2025 (Wednesday)

Publication of Final Voters List : 29-12-2025 (Monday)

Issuance of Election Notification : 03-01-2026 (Saturday)

Filing of Nominations : 05-01-2026 (Monday) to 13-01-2026
(Tuesday)

Scrutiny of Nominations : 16-01-2026 & 17-01-2026 (Fri & Sat)

Withdrawal of Nominations : 19-01-2026 & 20-01-2026
(Mon & Tue)

Final List of candidates : 21-01-2026 (Wednesday)

Date of Election : 13-02-2026 (Friday)

Commencement of Counting of Votes: 23-02-2026 (Monday)"

17. **ISSUE NOs.1 and 2:**

- (i) *Without referring to any Statutory Provisions or Rules or Regulations, whether the impugned Proceeding dated 25.09.2025 issued by the Principal Secretary of the Bar Council of India is sustainable in Law?*
- (ii) *Whether the impugned Proceeding dated 25.09.2025, had been legitimately issued by Bar Council of India by following the statutory procedure or whether it is merely an Executive Order issued by the Principal Secretary, Bar Council of India without tracing the source of power available to him/her?*

The impugned Proceeding bearing BCI:D: 6880/2025(Council-STBCs), dated 25.09.2025 is issued by the Principal Secretary of the Bar Council of India, New Delhi. Since this impugned Proceeding dated 25.09.2025 is a brief one, it would be usefully extracted in its entirety as under.

“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:6888/2025(Council-STBCs) 25.9.2025

To,

***The Chairmen and Secretaries
of all the State Bar Councils***

Sub: For Constitution of Election Committees to manage and hold the elections of the State Bar Councils.

Dear Sir/Ma'am(s)

The Hon'ble Apex Court vide its order dated 24.9.2025 passed in Writ Petition(s) (Civil) No. 1319/2023 titled as "M. Varadhan Vs.

Union of India&Anr.” has issued directions to hold elections of all the State Bar Councils and complete the process by 31.1.2026. In course of arguments, the Hon'ble Court was also of the opinion that there should be some Election Committee/Commission for the purpose of smooth and expeditious holding of the elections by the Bar Council of India. The said Committees will consist of seven members including two members (seasoned Advocates) outside the State Bar Councils. The Bar Council of India will constitute the Committees for the purpose of preparation of electoral rolls and for completion of all the process of the election including appointment of Returning Officer and an Observer (who will be a former Judge of the High Court). The Observer will be appointed by the Bar Council of India as per the Rules of Bar Council of India.

The Election Committee shall also be requested to assess the present status of verification/declaration by the Advocates as per Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015 and the Bar Council of India may move the Hon'ble Apex Court to take appropriate directions in this regard, if found necessary.

As per the earlier directions of the Hon'ble Apex Court, it is further to be noted that the Election Tribunals have already been constituted for all the State Bar Councils. As you all know that these Tribunals are headed by a former Chief Justice of the High Court and include two Hon'ble former Judges of the High Courts.

The constitution of the Election Committees will be communicated to the State Bar Councils within a period of three days from today.

It is further to be noted that the nomination fee for contesting the elections for the membership of the State Bar Council will be Rs.1,25,000/(Rupees One lakh twenty-five thousand) and the amount will be non-refundable. This decision is being taken in view of the fact that because of the reduction in the enrolment fee, there is acute shortage of funds with all the State Bar Councils and State Bar Councils are unable to bear the expenses of elections. Earlier, the State Bar Councils used to get a minimum/approximate amount of Rs.16,000/- (Rupees Sixteen thousand) at the time of the enrolment of the candidates, but by virtue of order of Hon'ble Apex Court, the said amount has been reduced to Rs.600/- (Rupees Six hundred) only.

It is further made clear that the Hon'ble Members of State Bar Councils who are not included in the Election Committees, shall be discharging their statutory duties as per the Act and Rules.

Yours sincerely,

Sd/-xxxxxxx

Srimanto Sen
Principal Secretary”

(Emphasis supplied)

18. The above extract would clearly indicate that the above Proceeding has not traced or referred to any decision or resolution made by the Bar Council of India. The above extract would also not reflect the source of power under which the Principal Secretary of the Bar Council of India has issued this Proceeding. This Court has sifted through the contents of the Counter-Affidavit filed by the Bar Council of India dated 22.11.2025. Despite the fact that the challenge has been made by the Writ Petitioners about the competence of the Principal Secretary of the Bar Council of India to issue such Proceeding without any foundation or basis, the Counter-Affidavit is blissfully silent about the manner and power under which the Principal Secretary of the Bar Council of India has issued this Proceeding.

19. However, during the course of the submissions on 02.01.2026, Sri G. Venkata Reddy, Learned Counsel representing the Bar Council of India has passed across the table a copy of the *e-mail* dated 02.01.2026 received from the Bar Council of India along with an attachment which is purportedly a Certified Copy of the Resolution of the Bar Council of India *vide* item No.176/2024. This Court has perused the attachment which is the Certified Copy of Resolution passed by the General Council of Bar Council of India in its meeting dated 07.12.2024 *vide* item No.176/2024. This Resolution dated 07.12.2024 consists two Paragraphs. In the first Paragraph it is noted that *vide* Resolution No.1864/2024, the General Body of the State Bar Council of Uttar Pradesh has unanimously decided to make the nomination-fee as Rs.1,50,000/-. In the second Paragraph of the said Resolution, it is stated that the Bar Council of India has also unanimously resolved that the nomination-fee for contesting the elections for membership of other State Bar Councils will be Rs.1,25,000/-. This purported Resolution of the Bar Council of India dated 07.12.2024 had neither been communicated to any of the State

Bar Councils nor has at least been whispered in the Counter-Affidavit filed by the Bar Council of India.

20. Despite the number of adjournments and despite specific queries made by this Court from time to time, the Principal Secretary of the Bar Council of India has only thought it fit to send the correspondence only on the date when the Writ Petitions are scheduled for Final Hearing i.e., on 02.01.2026. In any case, even if a Resolution has been passed, the power that is traceable to the Bar Council of India to make such Resolution has not been mentioned anywhere. A mere Resolution, *per se*, does not assume a statutory compliance inasmuch as the same has to be published and also be communicated to the respective State Bar Councils in a timely manner. It is also not stated by the Bar Council of India as to why the Principal Secretary took nearly more than nine (09) months to issue the impugned Proceeding if the General Council of the Bar Council of India has resolved way-back on 07.12.2024, which admittedly, had not been communicated to the respective State Bar Councils as well as to the Advocate community.

21. It is settled law that the statutory bodies cannot issue Proceedings in secrecy and that the Proceedings must be communicated to all the stakeholders. In other words, this Resolution of the Bar Council of India, ought to have been made public and in the instant cases, no material has been placed on record that a Resolution had been purportedly made by the Bar Council of India on 07.12.2024 and that the said Resolution has been made public. Despite the fact that the deponent of the Counter-Affidavit of the Bar Council of India is none other than the Principal Secretary himself, the said Counter-Affidavit is blissfully silent about it without even a whisper. This conduct also raises doubts in the mind of the Court whether this purported Resolution of 07.12.2024 was intended to be concealed to the stakeholders and also to this Court? In the absence of any material placed on record as regards the alleged Resolution of the Bar Council of India dated 07.12.2024 and such Resolution not being made known to public and also in the absence

of the source of power by which the Principal Secretary has issued the impugned Proceeding dated 25.09.2025, the impugned Proceeding shall just be treated as an 'Executive Order' which would not have the force of Law. These deficiencies would not only go to the root of the matter but are also incurable at this point of time.

22. Accordingly, Issue Nos. 1 and 2 stand answered by holding that the impugned Order passed by the Principal Secretary of the Bar Council of India dated 25.09.2025 is an 'Executive Order' which has no force of Law and therefore, it does not bind any of the stakeholders including the prospective candidates, who intend to file nominations in the ensuing State Bar Elections.

23. **ISSUE No.3:**

Can the non-refundable nomination-fee be increased multifold that has the tendency to frustrate the democratic process on one hand and to prevent a genuine candidate from filing nomination due to his/her inability or incapacity to afford the payment of Rs.1,25,000/- for filing nomination?

It is a common knowledge that a democratic process which is contemplated under a statute can be frustrated either by a deliberate and conscious act or by any such method which is completely unintended but would ultimately have the effect of frustrating the democratic process and the very essence of the 'process of election'. Under the present circumstances, this Court is not required to see whether the frustration of the democratic process is consciously intended or would only indirectly affect the right of a candidate to contest in the election, since the effect of frustration is unintended. At this stage, this Court is only looking into whether the abrupt enhancement of non-refundable nomination-fee in a multifold manner would frustrate or stultify or throttle the democratic process even if it is deliberately not intended to bring any such effect; and also whether fixation of high nomination-fee which is non-refundable would adversely impact the spirit of the election?

24. It is a matter of common knowledge that every prospective contestant is not endowed with the same economic comfort. There can be a situation where a candidate who, if elected, would put in his best efforts in furthering the cause of the Advocate Community and would foster the objectives under the Advocates Act, 1961 and the abrupt multifold increase of non-refundable nomination-fee can deter such a worthy candidate from even filing a nomination due to his or her financial limitation. It goes without saying that a reasonable and equal opportunity should be given to candidates who are willing to participate in the election, without which the objective of democratic principle of election under the Advocates Act, 1961 would be an empty formality.

25. In the above premise, this Court would have no hesitation to hold that such an abrupt increase of the non-refundable nomination-fee would prevent a worthy candidate from filing nomination due to his economic constraint and such a situation is neither in the interest of the Advocate Community inasmuch as the Advocate community may have been deprived of the services of a dedicated office bearer nor is it in tune with Article 14 of the Constitution of India. This apart, in the opinion of the Court, increase in the nomination-fee may be commensurate with the inflation, but an increase in the nomination-fee cannot be made on the basis that the Hon'ble Apex Court had limited the collection of enrollment fee from Rs.16,000/- to Rs.600/- and therefore, the only way to meet with the election expenditure is by increasing the non-refundable nomination-fee.

26. In the State of Andhra Pradesh, admittedly, the non-refundable nomination fee was fixed in May-2018 as Rs.30,000/- and even assuming that the expenditure would go higher on account of inflation, the said fee at the most could be increased to Rs.50,000/-. Even the purported resolution of the Bar Council of India does not indicate the reasons and it only reflects a mechanical process by mechanically fixing the non-refundable nomination-fee as Rs.1,25,000/- because the State Bar Council of Uttar Pradesh has

unanimously resolved to increase the nomination-fee to Rs.1,50,000/-. Conditions and circumstances vary from State to State and analogy cannot be drawn mechanically without a justifiable reason. Therefore, even under this score, even if the Bar Council of India had resolved to enhance the non-refundable nomination-fee, the same is not justified either by any rationale or any other reasoning.

27. In the above premise, this court would have no hesitation to hold that the abrupt multifold increase from the existing of Rs.30,000/- to Rs.1,25,000/- as non-refundable nomination-fee is not in the interest of Advocate community and it would certainly frustrate and stifle the interests of the Advocate community inasmuch as they may be deprived of valuable services of a candidate who could not file nomination due to his inability to afford such nomination-fee. Therefore, the Proceeding bearing BCI:D: 6880/2025 (Council-STBCs), dated 25.09.2025, which is impugned in all the three Writ Petitions, issued by the Principal Secretary of the Bar Council of India, New Delhi is liable to be quashed as being arbitrary, irrational and violative of Article 14 of the Constitution of India.

28. Insofar as the prayer (b) in W.P.No.30063 of 2025 is concerned, it is trite to state that the 30% reservation sought in favour of the women is already settled by the Orders of the Hon'ble Apex Court in Writ Petition (s) (Civil) No (s).581/2024 dated 08.12.2025 and therefore, this issue is no more a *res integra*. Insofar as the reservation for SC, ST and BC Advocates as sought in prayer (b) in W.P.No.30063 of 2025 is concerned, this Court is of the opinion that this prayer cannot be entertained inasmuch as the said issue would relate to the entire country and therefore, it is up to the Writ Petitioners to seek remedies as available to them under law before the appropriate forum. Therefore, the prayer (b) in W.P.No.30063 of 2025 insofar as the reservation of SC, ST and BC Advocates is concerned is not dealt with in the present case. To this extent, liberty is granted to the Writ Petitioners to approach the appropriate forum to seek their legal remedies.

29. Accordingly, W.P.Nos.29216 and 30019 of 2025 are allowed. Writ Petition No.30063 of 2025 is partly allowed as indicated hereinabove. No order as to costs. Needless to state that the candidates who are likely to file nominations commencing from 05.01.2026 onwards shall pay a non-refundable nomination-fee of Rs.50,000/- for each Application.

30. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 05.01.2026

Note: LR copy to be marked

B/o.MNR

17

HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NOS: 29216, 30019 & 30063 OF 2025

Dt: 05.01.2026

Note: LR copy to be marked

B/o.MNR