BCI Notification

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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:1097/2026

Date: 18.02.2026

To,

1. The Hon'ble Chairpersons and Members,
   High Powered Election Committees w.r.t. State Bar Council/s
   (All Eleven Committees as constituted by
   Hon'ble Supreme Court vide its order dated 18.11.2025 in
   W.P. 1319/2023 M. Vardhan v. Union of India & Ors.)

2. The Hon'ble Chairman and Secretary
   All State Bar Councils

3. All Returning Officers
   State Bar Council Elections
   (where counting is underway/to be undertaken),
   through
   The Secretary of the concerned State Bar Council

Sub.: Intimation of Order dated 09.02.2026 of the High-Powered Election Supervisory Committee regarding conduct of elections under Single Transferable Vote (STV) system and clarification on implementation of women reservation/representation.

Sir(s)/Ma'am(s),

Reference is invited to this office communication No. BCI:D:1016/2025 dated 10.02.2026, issued on the directions of the High-Powered Election Supervisory Committee, whereby all State Bar Councils, Returning Officers and High Powered Election Committees were informed that the election shall proceed on the basis of a single common ballot paper under the statutory method of proportional representation through the Single Transferable Vote, and that there shall not be two separate ballot papers or any separate voting or counting mechanism for women candidates .

By the aforesaid communication, it was further conveyed that the ballot paper shall carry a clear identifier in the form of the letter W in English and the corresponding equivalent identifier in the vernacular language applicable in the concerned State against the name of every woman candidate, and that any contrary notification providing for a two ballot system was required to be modified and ballot papers reprinted accordingly.

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Please now find attached herewith the detailed Order dated 09.02.2026 passed by the High-Powered Election Supervisory Committee chaired by Hon'ble Mr. Justice Sudhanshu Dhulia, Former Judge, Supreme Court of India, in Supervisory Committee Appeal Nos.32–33 of 2026, Supervisory Committee Appeal Nos.34–35 of 2026 and Supervisory Committee Appeal No.36 of 2026, arising out of the Election Notifications issued by the State Bar Council of Punjab and Haryana, the State Bar Council of Karnataka and the Bar Council of Delhi.

The said Order reiterates and affirms that the Separate Ballot System stands rejected and that elections shall be conducted on a common ballot in accordance with the well-established Single Transferable Vote system, as contemplated in the Supreme Court orders dated 18.11.2025 and 08.12.2025. All State Bar Councils and Returning Officers shall ensure strict compliance and shall not adopt any Separate Ballot System in any form.

The Order also contains a specific and operative clarification in paragraph 20 concerning the manner in which women's reservation/representation is to be secured under STV counting. Para 20 of the said Order is reproduced herein below as it stands:

"20. *How the elections are to be held is given in the Supreme Court order dated 18.11.2025 and 08.12.2025. To clarify as to the manner of counting of votes, **we must record that a well-established procedure is being followed in all elections in the past, where voting is done by way of single transferable vote. The same shall continue, though clarification here is needed only to** the extent of the newly introduced women reservation/representation. Now, **in a given case, let us say where 5 members are to be elected from amongst** women candidates, their election will be as follows:*

(a) *Where there are only 5 women candidates in fray, then, subject to the validity of their documents and nomination papers, all of them will be declared elected as unopposed. There will be no contest for the women candidates.*

(b) *Where there are no women candidates, then 5 women, in addition to the already 10% reserved by way of co-option, will be nominated by co-option, to fill 30% seats by women.*

(c) *Where there are less than 5 women candidates, then all of them will be declared elected, and the remaining seats will be filled by co-option.*

(d) *If there are more than 5 women candidates, then counting shall be done in the regular normal manner except that eliminated women candidates would be placed in a separate list/category 'R' in the reverse order of elimination, i.e., the last eliminated woman candidate would be placed at Sr. No. 1, second-last eliminated woman candidate at Sr. No. 2 and so on. Counting would continue till the requisite number of candidates (after deducting the number of women candidates to be elected to the extent of 20% seats reserved for them) are declared elected. In case any women candidates are elected in the normal course, the regular and normal process of election would be extended further by adding such a number of women candidates to the list of candidates to be elected in the normal course.*

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Thereafter, the deficiency, if any, in the 20% seats reserved for women candidates shall be filled up from the separate category/list 'R' by declaring the requisite number of women candidates elected in order of merit, i.e., the one eliminated last being declared elected first and so on. To clarify and to explain further, in a given case where a woman candidate or candidates get elected in the ordinary process by getting a good number of 1st preference votes or in the last few rounds by crossing the Quota, or normally like others, then that many seat or seats will be reduced from the reserved Quota of 5 seats. All the Bar Councils will follow the process where there is a reservation for women.

(e) *In a case of women candidates obtaining equal votes/value, the same procedure that is prescribed for General candidates would be adopted to select the woman candidate to be declared elected from amongst them."*

All High Powered Election Committees, State Bar Councils and Returning Officers are requested to ensure uniform and strict implementation of the above directions in letter and spirit, and to treat this communication as a continuation and reaffirmation of the earlier directions issued by the Bar Council of India on the instructions of the High-Powered Election Supervisory Committee.

This is for your kind information and necessary action.

(Srimanto Sen)
Principal Secretary
Bar Council of India

Encl.:

Order dated 09.02.2026 passed by the High-Powered Election Supervisory Committee

Copy to: -

1. Hon'ble Mr. Justice Sudhanshu Dhulia,
   Former Judge, Supreme Court of India
   Chairperson, High Powered Election Supervisory Committee

2. Hon'ble Mr. Justice Ravi Shankar Jha,
   Former Chief Justice, Punjab & Haryana High Court
   Member, High Powered Election Supervisory Committee

3. Shri V. Giri, Senior Advocate
   Member, High Powered Election Supervisory Committee

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