

W.P.(C) No.25168 & 26232/26

-:1:-

FRIDAY, THE 31ST DAY OF JULY 2026

WP(C) No. 25168 of 2026

PRASAD CHANDRAN & ANOTHER

VS

BAR COUNCIL OF INDIA, REPRESENTED BY ITS SECRETARY, &

OTHERS

ADVS FOR PETITIONER/S:

SRI.M.R.ANISON

ADVS FOR RESPONDENT/S:

SRI.RAJIT, SRI.P.RAMAKRISHNAN

W.P.(C) No.25168 & 26232/26

-:2:-

FRIDAY, THE 31ST DAY OF JULY 2026

WP(C) No. 26232 of 2026

YESHWANTH SHENOY

VS

BAR COUNCIL OF INDIA & OTHERS

ADVS FOR PETITIONER/S:

YESHWANTH SHENOY (IN PERSON)

ADVS FOR RESPONDENT/S:

BECHU KURIAN THOMAS, J.

W.P.(C) Nos.25168 &26232 of 2026

Dated this the 31st day of July, 2026

ORDER

Admit.

2. I have heard Sri.Anison M.R., learned counsel for the petitioners in W.P.(C) No.25168 of 2026 and Sri.Yeshwanth Shenoy, party-in-person in W.P.(C) No.26232 of 2026. W.P.(C) No.25168 of 2026 is treated as the leading case and the parties and the exhibits referred to are those in the said writ petition. I have also heard Sri.Rajit, learned Standing Counsel for the first respondent, Sri.P.Ramakrishnan, learned Standing Counsel for the second respondent, Smt.Laya Mary Joseph, learned Government Pleader on behalf of the third respondent and Sri.Sreekumar Chelur, learned counsel on behalf of the fourth respondent.

3. Petitioners in both these writ petitions challenge Ext.P6 order issued by the Chairman of the Bar Council of India dated 30.06.2026. As per the impugned order, a limited interim authority consisting of the learned Advocate General, and respondents 4, 5 and 6 were constituted

for enrolment and other specified activities. The petitioners in W.P.(C) No.25168 of 2026 are practising Advocates while the petitioner in W.P.(C) No.26232 of 2026 is the elected member of the Bar Council. The main challenge is on the inclusion of the 4th respondent in the said authority.

4. The 4th respondent is admittedly not a member of the Bar Council of Kerala and had also not even contested in the recently concluded elections. He was, of course, the immediate former Chairman of the Bar Council of Kerala.

5. The elections to the Bar Council of Kerala (for short 'the BCK'), took place during April, 2026 and the results were declared and published in the Gazette as per Ext.P4, on 16.06.2026. Section 8 of the Advocates Act, 1961 stipulates that the term of office of a Bar Council member commences from the date of declaration of results. Thus the members of BCK, mentioned in Ext.P4, have by force of law, commenced their term of office from 16.06.2026.

6. Nevertheless, since the question of inclusion of two women members in the BCK (as co-opted members) is pending consideration before the Supreme Court, the first meeting of the Council has not taken place and the various Committees have also not been constituted. Hence,

there is no doubt an interim arrangement has to be effected.

7. In this context, it was brought to the notice of this Court that on 24.06.2026, as per Ext.P5, the Chairman of the Bar Council India had constituted a Limited Interim Authority consisting of the learned Advocate General of Kerala, along with respondents 5 and 6 as the members. A rationale is evident from the constitution of the said Authority as the Advocate General of Kerala is an ex-officio member of the Bar Council of Kerala, while respondents 5 and 6 are the duly elected members of the BCK with the 5th respondent being an existing member of the Bar Council of India also. The 6th respondent is stated to have received the maximum votes and is included as Serial No.1 in the results published in the Gazette.

8. However, Ext.P6 order has been issued, without any reference to Ext.P5 and including the 4th respondent, who is a stranger to the BCK after 16.06.2026 (date of publication of the result). Further, Ext.P5 has not been superseded or set aside and hence has to be regarded as still in force. The failure to bear in mind Ext.P5 issued on 24.06.2026, prima facie, indicates non-application of mind.

9. In this context, it is appropriate to bear in mind that section 8 of

the Advocates Act, 1961, specifies that the term of office of a member of the Bar Council commences from the date of publication of results. Thus, from 16.06.2026, when the results were published as per Ext.P4, the term of the 23 members of the BCK started. It is a different thing that Committees have not been constituted and hence an interim arrangement has to be made. However, that does not prima facie, confer any authority on the BCI or Chairman of BCI, to include a non-elected member as part of any committee, after the results were published and the tenure of those elected persons commenced. Such an inclusion of a non-elected member, prima facie, infringes the very essence of the democratic scheme of the Advocates Act, 1961. The rationale in including the 4th respondent in the Authority after Ext.P5 was issued, is not evident.

10. No doubt, the 4th respondent may be of great assistance to the authority with his experience. However, that cannot be a substitute for the scheme of the statute, after the election results were published. The experience can certainly be utilized through other modes.

11. Though an argument was raised that the learned Advocate General had expressed his inability to be a signatory, it was submitted by the learned Government Pleader that it was only after the 4th respondent was included in the Authority, that such a communication was issued.

Anyway that issue need not be considered at this stage.

12. Though the learned Standing Counsel for the Bar Council of Kerala submitted that the certificates for enrolment scheduled to take place on 01.08.2026 have already been printed with the name of the 4th respondent as Chairman, this Court is of the view that depicting the 4th respondent as Chairman, is not proper in the scheme of the Statute. Therefore, fresh certificates will have to be printed at the earliest.

13. As this Court is prima facie satisfied that impugned order was issued without application of mind and is against scheme of the Advocates Act, 1961, there will be a stay of operation of Ext.P6 order dated 30.06.2026, pending disposal of these writ petitions. Needless to mention, the Advocate General, who is the ex officio member of the Bar Council, shall act as the Chairman of the Enrolment Committee and shall be an authorized signatory along with the Secretary of the Bar Council till the first meeting of the Bar Council is convened.

Post on 14.08.2026.

Sd/-

BECHU KURIAN THOMAS
JUDGE

vps