



2026:AHC-LKO:72605-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 930 of 2026

In Re- Conduct Of Elections To The Oudh Bar
Association.

.....Petitioner(s)

Versus

U.P. Bar Council, Prayagraj And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Suo Moto
Counsel for Respondent(s)	:	Subhash Chandra Pandey

Court No. - 5

HON'BLE ALOK MATHUR, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. In the present matter suo-moto cognizance was taken by this Court relating to the forthcoming elections of various office bearers in the Oudh Bar Association at Lucknow.

2. This Court, while taking cognizance of certain aspects primarily related to defacement of the premises of this Court and other ancillary issues pertaining to the aforesaid forth coming elections of the Bar, extensively noted ***Amit Sachan Vs. Bar Council of Uttar Pradesh, Lucknow, AIR OnLine 2021 SC 1260***, vide an order dated 18.09.2026 as herein follows:

.....

.....

"3. Our attention has been invited to a decision of Hon'ble the Supreme Court reported in AIR OnLine 2021 SC 1260; Amit Sachan Vs. Bar Council of Uttar Pradesh, Lucknow. The aforesaid case before the Supreme Court arose out of orders dated 24.08.2021 and 27.08.2021 passed by a Division Bench of this Court at Lucknow in PIL Civil No. 18055 of 2021. In Para 24(IV) to (VI) of the order dated 24.08.2021 the following directions were given:-

"24. We hereby issue further direction :

(I)

(II)

(III)

(IV) *The Elder's Committee Awadh Bar Association shall formulate 'code of conduct' for elections keeping in view the recommendations and directions issued today.*

(V) *Canvassing by distribution of visiting cards/cards, phmplets or poster should be prohibited in the elections of the Awadh Bar Association. Distribution of lunch packets, refreshment, etc. should not be allowed either before or during the election and all those who are found distributing such things should be debarred from contesting elections. Hosting or arranging dinner parties for canvassing for elections should be prohibited.*

(VI) *Senior Registrar or any other Officer deputed by him in consultation with the Elder's Committee shall debar such Members of Awadh Bar Association from participating the ensuing election who may be found having indulged in misbehaviour and disrupting the process of election on 14.8.2021 while the polling was in process, after due verification of the complaints received and perusal of video clipping and such other evidence as may be available."*

3. This Court had also observed in the aforesaid order that the Hon'ble Apex Court in paragraph no. 3.2 in the judgment of **Amit Sachan Vs. Bar Council of Uttar Pradesh, Lucknow (supra)**, while discussing the role, which was expected to be played by the members of the Bar in dispensation of justice delivery system has noted with reference to an earlier judgment rendered in the case of **R. Muthukrishnan Vs. Registrar General, High Court of Judicature of Madras, (2019) 16 SCC 407**, wherein para 31 of the decision in the case of **R. Muthukrishnan (supra)**, reads as under :-

"31. There is no room for taking out the procession in the court premises, slogan raising in the courts, use of loudspeakers, use of intemperate language with the Judges or to create any kind of disturbance in the peaceful, respectful and dignified functioning of the court. Its sanctity is not less than that of a holy place reserved for noble souls. We are shocked

to note that the instances of abject misbehaviour of the advocates in the premises of the High Court of Madras resulting into requisitioning of CISF to maintain safety and majesty of the Court and rule of law. It has been observed by this Court in Mahipal Singh Rana [Mahipal Singh Rana Vs. State of U.P., (2016) 8 SCC 335: (2016) 4 SCC (Civ) 1: (2016) 3 SCC (Cri) 476: (2016) 2 SCC (L&S) 390] that the Bar Council has failed to discharge its duties on the disciplinary side. In our opinion, in case such state of affairs continues and the Bar Council fails to discharge duties the Court shall have to supervise its functioning and to pass appropriate permissible orders. Independence of the Bar and the Bench both are supreme, there has to be balance inter se."

4. Thus, this Court while taking cognizance as aforesaid, had given a slew of directions, including a direction to the Senior Registrar of this Court to conduct an inquiry and take photographs and videography done inside and outside the High Court premises in order to ascertain whether any posters, stickers etc. which might have been pasted on the walls and other places and submit a report in this regard to this Court with names and other details of the candidates whose posters, etc. may have been pasted.

5. Apparently, a report in this regard has been submitted by the Senior Registrar of this Court, who had inspected the premises of the High Court on 28.09.2026. The Senior Registrar in his report has submitted that posters/stickers/banners etc. of candidates were found pasted on the walls inside and outside the premises of the High Court and names of such candidates have been mentioned in the said report. The report dated 28.09.2026, is being taken on record.

6. We further take note of paragraph 11 of the order passed by this Court on 18.09.2026, wherein the Returning Officer - Sri R.B.S. Rather, learned Advocate, has stated that he has issued several notices asking the candidates not to indulge in such practices of pasting posters, stickers etc. on the walls inside and outside of the premises of the High Court, but such request/directions, either were not implemented or were ignored.

7. In the light of the above facts, this court in the aforesaid order dated 18.09.2026, had also directed all the candidates, whose poster, stickers etc. may have been found pasted on the walls inside or outside the High Court premises and/or non-implementation of other directions for serious consequences, in view of our earlier orders passed on 24.08.2021 and 27.08.2021, wherein we have observed that in the given fact, we might be

compelled to ensure debarring of such candidates from forthcoming election. Further, observations were also made by this Court restraining the candidates from taking out procession in connection with the said election and they were further restrained from distributing food items within the premises and also not to distribute handbill and pamphlets to the members of the Bar inside the High Court premises and within 100meters radius outside the premises of the High Court. This Court further observed that any violation of the directions shall entail debarring the candidates from being considered for the elections and may also entail other consequences, such as referring the matter to the Bar Council for taking such other action as may be required.

8. At this stage Sri Mohd. Arif Khan, learned Senior Advocate/the Chairman, Elder's Committee who is responsible to oversee the conduct of elections has informed this Court that the order of this Court dated 18.09.2026 has been substantially complied with and most of the banners, posters, stickers etc have been removed and Sri R.B.S. Rathaur alongwith Sri Mohd. Arif Khan, have jointly submitted that after passing of order dated 18.09.2026, posters, banners, stickers etc. have been removed and candidates have been sensitized of the various directions passed by this court. Accordingly, at this stage, this Court does not wish to pass any coercive action/orders, whose names have been disclosed in the report dated 28.09.2026 of the learned Senior Registrar. However, liberty is granted, in case such a need arises in the future.

9. Moreover, we find that the elections are underway and directions of this Court are being complied with, accordingly, in our considered view, no usual purpose would be served in keeping the present petition pending and to pass any further directions, considering the fact that election process is looked after by the Elder's Committee and the Returning Officer as per the Rules.

10. Various arguments have been raised by the Intervenor regarding the manner in which the elections should be conducted by following "one member one vote" on the basis of which it has been submitted that entire election process is conducted in contravention of provisions of law.

11. Considering the arguments of the Intervenor, this Court is of the view that suo-moto cognizance is only with certain objective to ensure conduct of peaceful elections within the premises of this Court and thus in no manner other interference was sought to be made as is being canvassed by

the intervener to take over the conduct of elections of the Bar Association. The nature of this proceeding has to be understood to be not adversarial. Having said so, this Court is of the considered view that such obligation to conduct a free, fair and transparent elections to the bar is primarily of the Elders Committee and any intervention in this regard by this court is not required at this stage. In any case, we take on record the statement of Shri Prashant Chandra, Senior Advocate to the extent that the Elders Committee has sought for a declaration on the principles of 'one bar one vote' from the members of the Oudh Bar Association, in the forthcoming election.

12. Once, we have been assured the directions of this Court are being complied with, we expect that all the candidates and members of the Bar shall adhere to the directions issued in the present petition.

13. We further wish to reiterate the directions of this Court contained in paragraph 10, 15, 16 and 17 of the order dated 18.09.2026, which are to be strictly complied. These paragraphs are being extracted again for ready reference, as herein below:

“10. Let the Senior Registrar of this Court at Lucknow conduct an inquiry, take photographs, get videography done, of relevant portions of inside and outside of the High Court premises to ascertain the posters, stickers etc. which may have been pasted on the walls and other places and submit a report in this regard to this Court with names and other details of the candidates whose posters, etc. may have been pasted.

11.

12.

13.

14.

15. We direct all the candidates whose posters, stickers etc. may have been pasted or affixed in any portion whether inside or outside the High Court premises to immediately take measures for removal of the same otherwise it will have serious consequences in the light of the earlier orders passed on 24.08.2021 and 27.08.2021 as quoted hereinabove and we might be compelled to ensure debarring of such candidates from such election.

16. We further provide that none of the candidates shall take out any procession within the High Court Premises in connection with the said

election nor will they distribute food items within the premises. They shall also not distribute handbill and pamphlets to the members of the Bar inside the High Court compound and within the 100 meters radius outside the premises of the High Court.

17. Any violation of aforesaid directions shall entail debarring from being considered for the elections and may also entail other consequences, such as, referring the matter to the Bar Council or taking of such other action by the Court as may be required.”

14. Needless to say, that we take notice of paragraph 17 of the order dated 18.09.2026, where any person found to be violating the directions of this Court shall entail debarring from being considered for the elections and also for referring the matter to the Bar Council or taking of such other action by the Court, as may be required, including contempt.

15. It is further observed that in case any such adverse activity is noticed by the Senior Registrar, same shall be intimated forthwith to the Hon'ble Senior Judge of this Court and to the Elders Committee, who shall take appropriate action in accordance with law, including approaching this court.

16. Having noted the facets of the dispute, for which this court has taken suo moto cognizance, we further note that the elections amongst members of the legal fraternity are not merely a process of choosing office-bearers. In actual sense, it is a festival of democracy to be celebrated and most importantly gives an opportunity to uphold the very principles upon which the legal profession and our democratic society stand. As has been held in several judgments of this court as well as the Hon'ble Supreme Court, Advocates are also officers of the court and are entrusted with the responsibility of protecting the rule of law, safeguarding rights, and promoting justice. Therefore, elections within the legal fraternity must reflect the highest standards of integrity, fairness, transparency, and mutual respect.

17. Needless, to say, according to this court, to ensure free and fair elections, all participants must respect the prescribed rules and the directions passed by this court and ensure that complete transparency is maintained throughout the electoral process. Every voter must be free to exercise their choice without fear, favour, pressure, or inducement. The elder's committee must discharge their responsibilities impartially, and

every candidate must respect the legitimate electoral process and its outcome and refrain from unfair practices. Any genuine grievance should be raised through the appropriate procedure and resolved in accordance with the applicable rules, first through mediation and appealing to the elder's committee. Resort to a court of law, ought to be the last resort in the ensuing election.

18. Keeping in view the rich history of the Oudh Bar Association, this court hastens to note and request all the stake-holders to make the elections to this Bar a role-model of democratic conduct for the entire society. In this regard, a collective step of all the stake holders is highly solicited, so as to ensure that these elections are free, fair, transparent, peaceful, and conducted in accordance with the directions of this court and the applicable rules, leaving no room for avoidable disputes. By doing so, the members of the legal fraternity will not only elect its representatives but also reaffirm its commitment to the values it expects every institution and every citizen to uphold.

19. The Oudh Bar must lead by example. The legal fraternity is expected to act as a torchbearer for society and an example for others to follow. If advocates, who are entrusted with the responsibility of upholding the Constitution and the law, conduct their own elections in a peaceful, impartial, and dignified manner, it sends a powerful message to society that differences can be resolved through lawful and democratic means.

20. We sincerely hope and trust that, in view of the directions issued and observations made by this Court in the present petition, the Oudh Bar Association, an institution that has stood the test of time and weathered the challenges of many decades, will set an example for society through the conduct of its elections.

21. With the aforesaid directions, present writ petition stands **disposed of**.

(Abdhesh Kumar Chaudhary,J.) (Alok Mathur,J.)

October 8, 2026

A. Verma