

**Minutes of the Meeting of the High-Powered  
Election Committee, Rajasthan**

**Date:** 24<sup>th</sup> February, 2026

**Time:** 01:30 PM

**Mode:** Video Conference

**Present:**

- Justice J.R. Midha (Retd.), Chairperson
- Justice Mahendra Maheshwari (Retd.), Member
- Justice Ramchandra Singh Jhala (Retd.), Member
- Justice Manoj Kumar Garg (Retd.) as Observer
- Dr. Sachin Acharya, Senior Advocate as Returning Officer
- Mr. Madhur Bhutani, Secretary, High-Powered Election Committee
- Mr. Hritik Sejwal, Additional Secretary, High-Powered Election Committee

**Minutes of the Fourth Meeting**

1. This urgent meeting has been convened today to consider the letter dated 23<sup>rd</sup> February, 2026 issued by the Chief Accountant on instructions of the Ld. Chairman, Bar Council of Rajasthan and the letter dated 23<sup>rd</sup> February, 2026, issued by the Bar Council of India to Mr. Vikas Dhaka, Acting Secretary, Bar Council of Rajasthan.

2. In the third meeting dated 19<sup>th</sup> February, 2026, this Committee approved the Model Code of Conduct and directed the State Bar Council to publish the Model Code of Conduct on the website of Bar Council as well as on the Notice Board of the Bar Associations. This Committee further directed that all the affairs of the Bar Council to be under the supervision of the Advocate General of Rajasthan till the newly elected body takes over. The Ld. Acting Secretary published the Model Code of Conduct on the website of State Bar Council. Para 4 of the Minutes of the Meeting dated 19<sup>th</sup> February, 2026 is reproduced hereunder: -

***“4. Since the Code of Conduct has come into force, all affairs of the Bar Council shall be under the supervision of Advocate General of the Rajasthan till the newly elected body takes over.”***

3. On 23<sup>rd</sup> February, 2026, Acting Secretary, Bar Council of Rajasthan communicated the directions of this Committee to the Ld. Advocate General of Rajasthan. The relevant portion of the letter dated 23<sup>rd</sup> February 2026, is reproduced hereunder: -

*“Ref. No. BCR/Ju/Sec/Election/2026/06*

*Dated: 23.02.2026*

*To  
Sh. Rajendra Prasad  
Advocate General  
Govt. of Rajasthan  
Jaipur.*

*Dear Sir,*

*I would like to apprise your goodself that the High-Powered Election Committee for the State of Rajasthan has approved the Model Code of Conduct for the forthcoming elections of the Bar Council of Rajasthan.*

*The Model Code of Conduct has come into force with immediate effect. Accordingly, the Committee has directed that all affairs of the Bar Council shall remain under the supervision of the Ld. Advocate General of Rajasthan till the newly elected body assumes office.*

*In this regard, I request your good self to kindly issue necessary directions to this office to ensure compliance with the directives of the committee.*

*Yours faithfully,*

***(Vikas Dhaka)  
Acting Secretary  
Bar Council of Rajasthan”***

4. On 23<sup>rd</sup> February, 2026, Mr. Bhunesh Sharma, Ld. Chairman of Bar Council of Rajasthan communicated to the Acting Secretary on mobile and expressed strong displeasure over the empowerment of the Ld. Advocate General to supervise the affairs of Bar Council of Rajasthan. The Ld.

Chairman asserted that power to appoint any Special Committee rests solely with the Bar Council of India and directed the Acting Secretary that he stands suspended with immediate effect for issuing the letter to the Ld. Advocate General on the instruction of the High-Powered Election Committee without the Chairman's prior permission.

5. On 23<sup>rd</sup> February, 2026 at 07:59 PM, Shri Gaurav Panwar, Chief Accountant, Bar Council of Rajasthan, sent an email to this Committee stating that he has been directed by the Chairman that the power to appoint Special Committee lies only with the Bar Council of India under the Advocates Act and therefore, the directions given by this Committee to the Ld. Advocate General to supervise the affairs be withdrawn. The aforesaid email is reproduced hereunder: -

*"To  
Hon'ble Justice Mr. J.R. Midha (Retd.)  
Chairperson  
High Powered Election Committee*

*Respected Sir,*

*Sir, it is submitted that the High-Powered Election Committee has appointed the Advocate General of Rajasthan for the supervision of affairs of Bar Council of Rajasthan till the election is in process.*

*It has been directed by our Chairman Sr the power to appoint special committee lies only with the Bar Council of India as per the provisions of the Advocates Act 1961.*

*Therefore, I request you to kindly withdraw the aforesaid direction.  
Regards,*

*Yours faithfully,*

*Gaurav Panwar  
Chief Accountant  
Bar Council of Rajasthan,  
Rajasthan High Court Campus,  
Jodhpur - 342016  
Telephone Nos.: +91 291 2545066  
Email ID :- [secy.bcr@gmail.com](mailto:secy.bcr@gmail.com)*

secretary@barcouncilofrajasthan.org  
Website :- www.barcouncilofrajasthan.org

6. Today morning, Ld. Acting Secretary received an email from the Principal Secretary, Bar Council of India in which it is stated that this High-Powered Election Committee is not empowered to direct the Advocate General to administer the affairs of the Bar Council and therefore, a show cause notice was issued to the Acting Secretary to submit the written explanation by 24<sup>th</sup> February, 2026. The aforesaid letter dated 23<sup>rd</sup> February 2026 is reproduced hereunder: -

E-mail : bcinfo21@gmail.com  
Website : www.barcouncilofindia.org



Tel. : (91) 011-4922 5000  
Fax : (91) 011-4922 5011

**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: 1133/2026

Date: 23.02.2026

To,

Shri Vikas Dhaka  
Acting Secretary  
Bar Council of Rajasthan  
High Court Buildings  
Jhalamand, Jodhpur - 342016

Subject:- Your letter Ref. No. BCR/Ju/Sec/Election/2026/06 dated 23.02.2026 addressed to the Learned Advocate General, Rajasthan, stating that all affairs of the Bar Council of Rajasthan shall remain under the supervision of the Learned Advocate General till the newly elected body assumes office

Sir,

1. I am directed by the Hon'ble Chairman, Bar Council of India, and with due approval of the Council, to refer to your letter Ref. No. BCR/Ju/Sec/Election/2026/06 dated 23.02.2026 addressed to the Learned Advocate General, Rajasthan, wherein you have stated that the High Powered Election Committee for the State of Rajasthan has approved the Model Code of Conduct, that the said Model Code has come into force with immediate effect, and that the Committee has directed that all affairs of the Bar Council of Rajasthan shall remain under the supervision of the Learned Advocate General of Rajasthan till the newly elected body assumes office.
2. Your communication, by employing the expression all affairs without qualification, is overbroad and is capable of being understood as a temporary

supersession or disabling of the elected State Bar Council as a statutory body, since it is not confined to election related matters or to code of conduct compliance for election integrity.

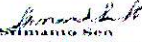
3. The Hon'ble Supreme Court's court monitored framework under W.P.(C) No. 1319 of 2023, *M. Vardhan v. Union of India and Another*, is expressly election specific. In the order dated 18.11.2025, the Hon'ble Supreme Court has directed that the entire election process, including counting of votes, shall be controlled and monitored through direct supervision by the High Powered Election Committees constituted thereunder.
4. In the same order dated 18.11.2025, the Hon'ble Supreme Court has, while invoking Article 142, prescribed a model time line to be followed for each State Bar Council election and has further directed that elections of all State Bar Councils must, in all circumstances, be concluded before 30.04.2026.
5. The Hon'ble Supreme Court's order dated 05.01.2026 further reinforces that the purpose of the committees is protection and continuity of the election process. The Hon'ble Supreme Court has, requested the High Courts not to entertain fresh petitions and has recorded that High Powered Election Committee(s) at both the national and state levels have already been constituted under the orders of the Court and that the election process has already begun.
6. The later order dated 04.02.2026 in W.P.(C) No. 1319 of 2023 further reflects the same election limited remit by recording that elections of the Bar Council concerned shall be conducted within the outer time line fixed by the Court and that the election shall be conducted by the High Powered Election Committee headed by the nominated retired Judge.
7. The above orders, read as a whole, make it clear that the High Powered Election Committee mechanism is designed to monitor, supervise, control, and ensure timely completion of the election process and to pass election connected directions necessary for election integrity. The said orders do not create, and cannot be read as creating, an extra statutory administrator for all affairs of a State Bar Council, nor do they contemplate blanket transfer of statutory governance of a statutory body constituted under the Advocates Act, 1961 to the Advocate General or any other external authority.
8. In this background, you were duty bound, before issuing the subject letter dated 23.02.2026 to the Learned Advocate General, Rajasthan, to place the

operative direction relied upon by you, and the draft of the proposed consequential letter, before the Hon'ble Chairman and Members of the present elected State Bar Council of Rajasthan, so that the matter could be institutionally considered and any communication, if required, could be structured strictly to election related restraints and code compliance.

9. You are, therefore, hereby called upon to submit, by 24.02.2026, your written explanation and the complete record as under:
  - a. A certified copy of the minutes, decision, or written direction of the High Powered Election Committee for the State of Rajasthan which you have relied upon to state that all affairs of the Bar Council of Rajasthan shall remain under the supervision of the Learned Advocate General.
  - b. A certified copy of the Model Code of Conduct stated to have been approved, along with the specific clause, if any, relied upon to justify a blanket expression such as all affairs.
  - c. The complete file notings, internal approvals and draft movement culminating in issuance of your letter Ref. No. BCR Ju Sec Election 2026 06 dated 23.02.2026.
  - d. Whether the matter was placed before the Hon'ble Chairman and Members of the elected State Bar Council of Rajasthan, and if so, the agenda note, circulation, minutes, and resolution or authorisation, duly certified.
  - e. Whether you placed before the High Powered Election Committee the statutory position and the legal concern that an omnibus formulation is capable of being construed as supersession of statutory governance, and if so, the complete correspondence and notes.
  - f. Proof of dispatch and service of your letter dated 23.02.2026 along with all enclosures.
10. It is also made clear that issuance of communications which, by their wording, are capable of projecting a non statutory transfer of governance of a State Bar Council to an external authority, without placing the statutory position before the High Powered Election Committee and without institutional approval of the elected Council, is viewed seriously and has a direct bearing on the standards of propriety, institutional responsibility, and due diligence expected from the office of the Secretary and the Secretariat of a State Bar Council.
11. It is clarified that the Bar Council of India is not questioning election supervision. The concern is confined to ensuring that communications emanating from the State Bar Council secretariat remain strictly aligned to the

Hon'ble Supreme Court's election specific remit, namely conduct and supervision of elections and maintenance of electoral integrity, and do not, by overbroad wording, create immediate legal uncertainty for routine statutory functioning or expose the institution to avoidable litigation.

12. In the meantime, you are directed to recall your letter written to the learned Advocate General immediately.

  
Shyamto Sen  
Principal Secretary  
Bar Council of India

7. The Acting Secretary has placed the aforesaid communications before this Committee and has sought directions from this Committee. This Committee has assembled today to consider the validity of two letters, one by the Ld. Chairman, Bar Council of Rajasthan and the second by the Bar Council of India to the Acting Secretary.

8. The main contention raised by the Chairman, Bar Council of Rajasthan, and the Bar Council of India, in the aforesaid communications is that (i) this High-Powered Election Committee is not empowered to issue the directions contained in para 4 of the Minutes of the Third Meeting dated 19<sup>th</sup> February, 2026 and (ii) Bar Council of India alone is empowered to constitute a Special Committee under Section 8A of the Advocates Act, 1961.

9. Before considering this contention, this Committee would like to record the relevant provisions of the Advocates Act which are as under: -

- (i) According to Section 3(2) of the Advocates Act, 1961 Advocate General of the State is the *Ex-Officio Officer* of the Bar Council. Section 3(2)(a) is reproduced hereunder: -

**“Section 3. State Bar Councils.—(1) There shall be a Bar Council—**

xxxxxx xxx

2) A State Bar Council shall consist of the following members, namely: -

(a) in the case of the State Bar Council of Delhi, the Additional Solicitor-General of India, *ex officio*; 8 [ 9 [in the case of the State Bar Councils of Assam, Arunachal Pradesh, Mizoram and Nagaland, the Advocate-General of each of the States of Assam, Arunachal Pradesh , Mizoram and Nagaland] *ex officio*; in the case of the State Bar Council of Punjab and Haryana, the Advocate-General of each of the States of Punjab and Haryana, *ex officio*;) and in the case of any other State Bar Council, the Advocate-General of the State, *ex officio*;”

- (ii) The functions of Bar Council of India are defined in Section 7 of the Advocates Act. Section 7(1)(k) provides that the function of Bar Council of India shall be to provide the Election of its Members. Section 7(1)(k) is reproduced hereunder: -

**“Section 7. Functions of Bar Council of India.— [(1)] The functions of the Bar Council of India shall be—**  
(k) to provide for the election of its members;”

- (iii) Section 8A of the Advocates Act provides that the Bar Council of India shall, immediately upon the expiry of the term/extended term of the Bar Council, constitute a Special Committee, comprising of the Advocate General, who is the *Ex-Officio* member of the Bar Council to be the Chairman and upon Constitution of the Special Committee, all properties and assets of the Bar Council shall vest in the Special Committee and all rights, liabilities, and obligations of the State Bar Council; and all proceeding pending before the State Bar Council shall stand transferred to the Special Committee. Section

8A(3) further provides that the Special Committee shall hold the Elections of the Bar Council within six months of the date of its constitution. Section 8A is reproduced hereunder: -

**“Section 8A. Constitution of Special Committee in the absence of election.**—(1) *Where a State Bar Council fails to provide for the election of its members before the expiry of the term of five years or the extended term, as the case may be, referred to in section 8, the Bar Council of India shall, on and from the date immediately following the day of such expiry, constitute a Special Committee consisting of—*

*(i) the ex officio member of the State Bar Council referred to in clause (a) of sub-section (2) of section 3 to be the Chairman: Provided that where there are more than one ex officio members, the senior most amongst them shall be the Chairman; and*

*(ii) two members to be nominated by the Bar Council of India from amongst advocates on the electoral roll of the State Bar Council, to discharge the functions of the State Bar Council until the Bar Council is constituted under this Act.*

*(2) On the constitution of the Special Committee and until the State Bar Council is constituted—*

*(a) all properties and assets vesting in the State Bar Council shall vest in the Special Committee;*

*(b) all rights, liabilities and obligations of the State Bar Council, whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations of the Special Committee;*

*(c) all proceedings pending before the State Bar Council in respect of any disciplinary matter or otherwise shall stand transferred to the Special Committee.*

*(3) The Special Committee constituted under sub-section (1) shall, in accordance with such directions as the Bar Council of India may give to it in this behalf, hold elections to the State Bar Council within a period of six months from the date of its constitution under sub-section (1), and where, for any reason the Special Committee is not in a position to conduct election within the said period of six months, the Bar Council of India may, for*

*reasons to be recorded by it in writing, extend the said period."*

10. On 16<sup>th</sup> January, 2026, the Bar Council of Rajasthan sent a communication to the Bar Council of India that the extended term of the State Bar Council expired on 16<sup>th</sup> January, 2024. The relevant portion of the letter is reproduced hereunder: -



**THE BAR COUNCIL OF RAJASTHAN**  
**HIGH COURT BUILDINGS**  
JODHPUR - 342016

e-mail : [secretary@barcouncilofrajasthan.org](mailto:secretary@barcouncilofrajasthan.org)  
website: [www.barcouncilofrajasthan.org](http://www.barcouncilofrajasthan.org)

Ref. No. BCR/536

Dated 16-01-2026

To

The Secretary,  
Bar Council of India  
New Delhi.

**Sub: Intimation as to expiry of the term of this State Bar Council.**

Sir,


With reference to the subject cited above, I would like to apprise your good self that the extended term of this State Bar Council under Section 8 of the Advocates Act, 1961, for a period of six months expired on 16.01.2024.

Thereafter, the term of this State Bar Council was further extended for 18 months to complete the verification process under Rule 32 of the Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015. The aforementioned Rule 32 further stipulates that the electoral process must be concluded within a period of six months subsequent to the expiration of the aforementioned 18-month extension.

Thus, the maximum possible extension under Rule 32 is for a period of 24 months, which expires on 16.01.2026. Consequently, the term of this State Bar Council has come to an end in accordance with the provisions of the Advocates Act, 1961, and Rule 32.

It is for your kind information and necessary action.

With regards,

  
(Vikas Dhaka)  
Asst. Secretary  
Bar Council of Rajasthan

11. Since the extended term of the Bar Council of Rajasthan expired on 16<sup>th</sup> January, 2026, the Members of the State Bar Council are not empowered to administer the affairs of the Bar Council of Rajasthan.

12. The Hon'ble Supreme Court in exercise of the powers under Article 142 of the Constitution of India has directed the entire election process to be controlled and monitored under the direct supervision of High-Powered Election Committee. In that view of the matter, the entire election process comes under the purview of this High-Powered Election Committee. Para 11 of the Supreme Court Order dated 18<sup>th</sup> November 2025 is reproduced hereunder: -

*“11. The entire election process, including counting of votes, shall be controlled and monitored through their direct supervision by the High-Powered Election Committees, constituted hereinafter.”*

**13. On careful consideration of all the provisions of the Advocates Act and the Orders passed by the Hon'ble Supreme Court, this Committee is of the unanimous view that this Committee is empowered to exercise all powers for conducting election including the powers under Section 7(1)(k) and Section 8A of the Advocates Act. Section 8A is an essential part of the election process to conduct fair elections of the Bar Council of Rajasthan.**

14. The contention of Chairman of Bar Council of Rajasthan and Bar Council of India that Bar Council of India alone can constitute a Special Committee is rejected. After the Order dated 18<sup>th</sup> November 2025 passed by the Hon'ble Supreme Court, Bar Council of India is not empowered to exercise the powers under Section 8A of the Advocates Act.

15. If the Chairman and Members of the Bar Council continue to administer the affairs of the Bar Council of Rajasthan, it will not be possible to conduct fair and free Elections particularly when it has come to the notice that the

Chairman and many Members of the Bar Council are contesting in the forthcoming elections.

16. After the Model Code of Conduct came into force, the Chairman and other Members of the Bar Council are not competent to manage the affairs of the Bar Council.

17. This Committee has requested the Advocate General to administer the affairs of the Bar Council strictly in terms of Section 8A of the Bar Council of the Advocates Act. In that view of the matter, this Committee does not see any reason for the Chairman, Bar Council of Rajasthan or Bar Council of India have any objection to this Order.

18. Since the Minutes of Meeting dated 19<sup>th</sup> February, 2026 and Model Code of Conduct are in force, the aforesaid two notices are in clear violation of the directions of the Committee as well as the Model Code of Conduct.

19. The communications of the Chairman, Bar Council of Rajasthan, as well as the Bar Council of India, amounts to interference with the functioning of this Committee to conduct fair and free election in the State.

20. Any further Act/Order(s) of the Chairman of Bar Council of Rajasthan or any other Member of Bar Council with the reference to the affairs shall be deemed to be in violation of the Model Code of Conduct. Any Member of Bar Council of Rajasthan found to be in violation of the directions and the Code of Conduct shall be treated as disqualified from contesting, proposing or seconding in the election.

21. On further consideration of the provisions of the Advocates Act, and the Orders of the Hon'ble Supreme Court, this Committee hereby modifies para 4 of the minutes from meeting the 19<sup>th</sup> February 2026 to the extent of adding two more members to the Special Committee to supervise the affairs of the Bar Council till the newly elected body takes over. This is in conformity with the past practice of Bar Council of India to appoint the Advocate General and

two Senior Members of the Bar as the Special Committee. We have seen the letter dated 9<sup>th</sup> June, 2015 of the Bar Council of India in this regard. The Committee hereby appoints Shri Jagmal Singh Choudhary, Senior Advocate and Shri Ashok Mehta, Senior Advocate as the Members of the Special Committee.

22. This Committee hereby reconstitutes the Special Committee which shall comprise of the following Members: -

**(i) Shri Rajendra Prasad, Ld. Advocate General of Rajasthan - Chairman**

**(ii) Shri Jagmal Singh Choudhary, Senior Advocate - Member**

**(iii) Shri Ashok Mehta, Senior Advocate - Member**

23. The Special Committee constituted above shall be deemed to be a Special Committee under Section 8A of the Advocates Act.

24. Mr. Madhur Bhutani, Secretary of the High-Powered Election Committee of Rajasthan is directed to publish the following notice on the website of the Bar Council of Rajasthan: -

**“Notice**

*The High-Powered Election Committee appointed under the Orders of the Hon'ble Supreme Court has constituted a Special Committee under Section 8A of Advocates Act. The details of the Members are as under:-*

**(i) Shri Rajendra Prasad, Advocate General of Rajasthan - Chairman**

**(ii) Shri Jagmal Singh Choudhary, Senior Advocate - Member**

**(iii) Shri Ashok Mehta, Senior Advocate - Member**

**(Madhur Bhutani)**

*Secretary*

*High-Powered Election Committee*

*24<sup>th</sup> February, 2026*

25. This Committee is pained to declare the oral communication dated 23<sup>rd</sup> February, 2026 by the Chairman Bar Council to the Acting Secretary and the show cause notice dated 23<sup>rd</sup> February, 2026 issued by Bar Council of India to the Acting Secretary as invalid. In that view of the matter, the Acting Secretary, Bar Council of Rajasthan need not reply to the notice of Bar Council of India. The Acting Secretary, Bar Council shall continue to work under the Special Committee.

26. All the staff members of Bar Council of Rajasthan are directed to take instructions from the Special Committee with respect to the affairs of the State Bar Council of Rajasthan, till the newly elected body is takes over. Any violation of this shall be construed as a misconduct. However, with respect to the signing of cheques relating to the expenses of the Bar Council, the Acting Secretary shall prepare the cheques after the approval by the Special Committee and the authorized signatories shall sign the cheques approved by the Special Committee.

27. The Secretary of this committee shall send this Minutes to all the Members of the Special Committee.



**Justice J.R. Midha (Retd.)**

Chairperson

High-Powered Election Committee

**FEBRUARY 24, 2026**