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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

BCI:D: 0616/2026

Date: 26.01.2026

To,

Hon'ble Mr. Justice Surya Kant
The Chief Justice of India
19, Akbar Road, New Delhi

Sub: Bar Council of India's serious institutional reaction to certain baseless and reckless observation by Hon'ble Single Judge of Kerala High Court

My Lord,

I write to respectfully place before your Lordship the Bar Council of India's serious institutional reaction to certain baseless and reckless oral observations made by a Hon'ble Single Judge of the Kerala High Court while entertaining a challenge to the nomination fee prescribed for State Bar Council elections, despite clear, binding, and widely publicised directions of this Hon'ble Court restraining all High Courts and other courts from entertaining election-related petitions.

The Bar Council of India is the apex statutory body representing advocates across the country. It has consistently acted with restraint, responsibility, and respect towards the judiciary, and on innumerable occasions has defended the institution of the judiciary whenever its independence or credibility was under strain, not as an act of convenience, but as a conscious institutional choice rooted in constitutional propriety. The Bar Council of India is often acutely aware of excesses, lapses and malpractices within certain quarters of the judicial

system. Yet, it has, consciously chosen silence only to preserve the dignity, credibility, and majesty of the judiciary, and to maintain equilibrium between the Bar and the Bench and to solely protect the institution of the judiciary from public disrepute and loss of confidence. That, silence must not be misunderstood as acquiescence or treated as a licence to subject the elected representative bodies of advocates to unwarranted attack.

It is in this background that the impugned comments assume serious institutional significance. Sweeping observations casting aspersions on the Bar Council of India during an election being conducted under the direct supervision of this Hon'ble Court create a perception that restraint shown by the Bar is being mistaken for vulnerability, disturb the constitutional balance between the Bar and the Bench, and risk converting mutual respect into institutional friction.

The Bar Council of India functions with demonstrable financial and administrative discipline. Nearly ninety percent of its meetings are conducted through virtual mode. It regularly conducts seminars and conferences for the benefit of the legal fraternity, in which sitting and retired Judges are invited with due dignity and respect. The BCI has floated and continues to pursue multiple welfare schemes for advocates and has formally requested the Hon'ble Union Law Minister to introduce comprehensive advocate welfare measures through appropriate amendments to the Advocates Act, 1961.

The entire nomination fee collected in State Bar Council elections vests exclusively with the respective State Bar Councils. The Bar Council of India does not receive, retain, or benefit from any portion of the nomination fee. Further, the nomination fee of Rs. 1.25 lakhs forms part of the election framework already placed before and approved by this Hon'ble Court. Once such framework stands approved and the field stands expressly occupied by this Hon'ble Court, the entertainment of a challenge by a High Court was wholly unwarranted.

Your Lordship may also kindly note that, pursuant solely to the directions of this Hon'ble Court in election matters, the Bar Council of India shall be compelled to incur expenditure exceeding Rs. 20 crores towards travel, boarding, lodging, and honorarium of the Chairpersons and Members of the High Powered Election Committees and the High Powered Election Supervisory Committee, all of whom are former Judges of different High

Courts. No governmental or external financial assistance is provided for this purpose. These are funds contributed entirely by the legal fraternity, and this basic reality ought to be realised before raising fingers or making any effort to tarnish the image of the apex elected body of advocates.

In these circumstances, the Bar Council of India most respectfully requests your Lordship to consider issuing such advisories or directions as may be deemed appropriate to ensure that election related matters remain confined to the exclusive mechanism constituted by this Hon'ble Court, and that judicial restraint is exercised to avoid unnecessary conflict and counter-productive institutional consequences.

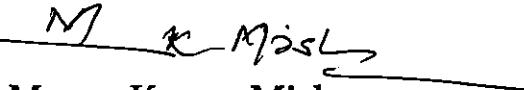
BCI has chosen restraint as mentioned above. However, when such restraint is reciprocated not with mutual respect but with reckless and baseless attacks on the Bar Council of India and other elected bodies of advocates, the Council cannot remain a silent spectator. Its silence does not imply weakness or as acceptance of attempts to tarnish the image of the apex elected body of advocates. If such attacks persist, the advocates through their representative bodies shall be constrained to resort to lawful collective protest and agitation and to pursue appropriate constitutional and legal measures for proper action, including seeking administrative measures, including transfer of Judges found to be indulging in serious irregularities and malpractices undermining institutional balance and public confidence.

The Bar Council of India reiterates its highest regard for the judiciary and its continued commitment to uphold the institution, and it is hoped that mutual respect and restraint will continue to guide the constitutional relationship between the Bar and the Bench.

This letter is being sent with the approval of the General Council of the Bar Council of India.

With highest respect and regards,

Yours sincerely,



Manan Kumar Mishra
Senior Advocate, Supreme Court of India
Chairman, Bar Council of India