

BEFORE THE HIGH-POWERED ELECTION SUPERVISORY COMMITTEE
comprising of

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

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

Mr. V. Giri,
Learned Senior Advocate, Supreme Court of India
Member, High-Powered Election Supervisory Committee

Supervisory Committee Appeal No. 44/2026
(Arising out of issue regarding the appointment of Returning
Officer for elections to Bar Council of Madhya Pradesh)

ORDER DATED 25.02.2026

1. The present issue arises out of the appointment of the Returning Officer to conduct the elections to the Bar Council of Madhya Pradesh.
2. There are twenty-three Bar Councils across the country. Vide the Supreme Court order dated 18.11.2025, this High-Powered Election Supervisory Committee and eleven High-Powered Election Committees were constituted to conduct the elections in the eighteen State Bar Councils. Insofar as the remaining four Bar

Councils are concerned, no Committees were constituted for the following reasons:

(a) In respect of Bar Councils of Bihar and Chhattisgarh, it was recorded that elections have already been conducted.

(b) In respect of Bar Councils of Odisha and Madhya Pradesh, it was noted that elections are not due there till 2028 and July, 2026, respectively.

3. Later, an I.A was moved before the Supreme Court, informing that the original term of the Bar Council of Madhya Pradesh had expired in October 2025, and an extension of six months was granted under Section 8 of the Advocates Act, 1961, in order to conduct the elections. Thus, it was prayed before the Supreme Court that a High-Powered Election Committee may be constituted to conduct the elections to the State Bar Council of Madhya Pradesh. Finally, vide order dated 16.02.2026, the Supreme Court constituted a High-Powered Election Committee under the Chairmanship of Justice Pritinker Diwaker, former Chief Justice of Allahabad High Court, for conducting elections to the Bar Council of Madhya Pradesh.
4. Before the High-Powered Election Committee could have taken any decision, the Bar Council of India issued a notification (BCI:D:1119/2026) dated 21.02.2026 and appointed Justice N.K Mody, a former Judge of Madhya Pradesh High Court, as Returning Officer for conducting elections to the Bar Council of Madhya Pradesh.
5. On 24.02.2026, Justice N.K Mody issued an election programme and directed the Secretary, Bar Council of Madhya Pradesh, to publish the same in the Official Gazette. On the same day, Justice Pritinker Diwaker also issued an order to the Secretary, State Bar Council, informing him that the High-Powered Election Committee

has not appointed any Returning Officer and thus, directed the Secretary not to publish any information pertaining to elections without the consent of the High-Powered Election Committee.

6. On 24.02.2026 itself, the High-Powered Election Committee appointed Justice Sushil Kumar Palo, a former Judge of Madhya Pradesh High Court, as Returning Officer to conduct the elections to the Bar Council of Madhya Pradesh.
7. Thereafter, this Supervisory Committee received an email from the Secretary, Bar Council of Madhya Pradesh, seeking clarification as to whose directions he has to follow. This Supervisory Committee replied to the Secretary that since elections are to be conducted under the supervision and control of the High-Powered Election Committee constituted by the Supreme Court, he has to act in consonance with the directions of the High-Powered Election Committee.
8. Meanwhile, this Supervisory Committee has received an email from the office of Justice Pritinker Diwaker pointing out the difficulties in implementation of the directions of the High-Powered Election Committee, we decided to hear this matter.
9. On our request, Mr. Neelesh Jain, Officiating Secretary, Bar Council of India and Mr. Manan Kumar Mishra, learned Senior Advocate and Chairman, Bar Council of India, joined the proceedings.
10. In relation to the Bar Council of India notification dated 21.02.2026, appointing Justice N.K Mody as Returning Officer, Mr. Manan Kumar Mishra fairly admitted that the Bar Council of India should not have issued the said notification subsequent to the Supreme Court order dated 16.02.2026, by which the High-Powered Election Committee was constituted to conduct the elections to the Bar Council of Madhya Pradesh.

11. No doubt that once the Supreme Court has passed an order constituting a High-Powered Election Committee for conducting the elections i.e. its supervision, direction and control of elections, including the appointment of the Returning Officer, are required to be taken by such High-Powered Election Committee.
12. Accordingly, we hold that the Bar Council of India notification (BCI:D:1119/2026) dated 21.02.2026 is invalid. The Returning Officer appointed by the High-Powered Election Committee shall function as the Returning Officer. Further, all the officials of the State Bar Council are also directed to act as per the directions of the High-Powered Election Committee insofar as such directions relate to the process of elections. The officials of the State Bar Council are not required to take any clarification from the Bar Council of India in matters relating to elections.
13. With the above observations, the present matter stands disposed of.



Justice Sudhanshu Dhulia
Former Judge, Supreme Court of India
Chairperson, Supervisory Committee

Justice Ravi Shankar Jha
Former Chief Justice, Punjab & Haryana High Court
Member, Supervisory Committee

25.02.2026

New Delhi

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Senior Advocate, Supreme Court of India
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