

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWrit Petition(s) (Civil) No(s). 372/2026

SIVA KUMARI R

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 95008/2026 - APPROPRIATE ORDERS/DIRECTIONS)

WITH

ITEM NO. 22

Writ Petition(s) (Civil) No(s). 386/2026

(IA No. 104196/2026 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 104185/2026 - INTERVENTION APPLICATION, IA No. 104848/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 97988/2026 - STAY APPLICATION)

ITEM NO. 23

Writ Petition(s) (Civil) No(s). 403/2026

(IA No. 99613/2026 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 13-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHIFor Petitioner(s) :Mr. Dama Sheshadri Naidu, Sr. Adv.
Ms. S. Lakshmi Iyer, AOR
Ms. Sakshi Jain, Adv.For Respondent(s) :Mr. Gopal Shankar Narayan, Sr. Adv.
Mr. Somanadri Goud Katam, AOR
Mr. Poonam Mahesh Babu, Adv.
Mr. Sirajuddin, Adv.Mr. M. Chandrakanth Reddy, Adv.
Mr. Siddhartha Sinha, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Application(s) for intervention is allowed.
2. This Court vide order dated 08.12.2025 in W.P. (Civil)

No.581/2024, in exercise of powers under Article 142 of the Constitution, directed to ensure 30% representation for women candidates in each of the State Bar Council. Out of this, 10% were to be filled by way of co-option and 20% by way of election. The operative part of the order, to this effect, reads as under:

"6. So far as the remaining Bar Councils are concerned, it is directed that 30% of the total seats in the State Bar Council shall be represented by women members of the Bar Associations. Out of these, 20% be filled up by way of election and 10% by way of cooption. A proposal regarding co-option of the women candidates shall be placed before this Court. Wherever the women members of the Bar do not come forward to contest 20% seats to be represented by them, the process of co-option in such Bar Councils shall also be undertaken for the remaining seats to ensure that the women members get 30% representation."

3. This Court had also previously appointed a High-Powered Election Supervisory Committee headed by Justice Sudhanshu Dhulia, former Judge of this Court, along with two members, namely, Justice Ravi Shankar Jha, former Chief Justice of Punjab and Haryana High Court, and Mr. V. Giri, learned senior advocate, through an order dated 18.11.2025 passed in W.P. (Civil) No. 1319/2023. High Powered Election Committees at the State level were also constituted.

4. At the outset, we acknowledge the commendable task which the High-Powered Supervisory Committee has been performing since the date of its constitution. In that process, the Committee has passed a self-speaking order dated 09.02.2026, with a view to clarify as to how the direction issued by this Court re: 20% election-based representation is to be given effect. In this regard, the Supervisory Committee has clarified as follows:

"(a) Where there are only 5 women candidates in fray, then, subject to the validity of their documents and nomination papers, all of them will be declared elected as unopposed. There will be no contest for the women candidates.

(b) Where there are no women candidates, then 5 women, in addition to the already 10% reserved by way of co-option, will be nominated by co-option, to fill 30% seats by women.

(c) Where there are less than 5 women candidates, then all of them will be declared elected, and the remaining seats will be filled by co-option.

(d) If there are more than 5 women candidates, then counting shall be done in the regular normal manner except that eliminated women candidates would be placed in a separate list/category 'R' in the reverse order of elimination, i.e., the last eliminated woman candidate would be placed at Sr. No.1, second-last eliminated woman candidate at Sr. No.2 and so on. Counting would continue till the requisite number of candidates (after deducting the number of women candidates to be elected to the extent of 20% seats reserved for them) are declared elected. In case any women candidates are elected in the normal course, the regular and normal process of election would be extended further by adding such a number of women candidates to the list of candidates to be elected in the normal course.

Thereafter, the deficiency, if any, in the 20% seats reserved for women candidates shall be filled up from the separate category/list 'R' by declaring the requisite number of women candidates elected in order of merit, i.e., the one eliminated last being declared elected first and so on. To clarify and to explain further, in a given case where a woman candidate or candidates get elected in the ordinary process by getting a good number of 1st preference votes or in the last few rounds by crossing the Quota, or normally like others, then that many seat or seats will be reduced from the reserved Quota of 5 seats. All the Bar Councils will follow the process where there is a reservation for women.

(e) In a case of women candidates obtaining equal

votes/value, the same procedure that is prescribed for General candidates would be adopted to select the woman candidate to be declared elected from amongst them."

5. We are informed that, meanwhile, the Bar Council of India has notified the Bar Council of India Rules for Co-option of Women Advocates in State Bar Council and Removal of Women-Representation Deficiency for the Current Election Cycle, which, *inter alia*, provides that the selection of candidates for 10% co-option shall be made by the Bar Council of India.

6. The lack of clarity in the previous orders of this Court as to what ought to be the mode and manner of 10% co-option is the essential cause of action giving rise to the present proceedings.

7. It is urged before us that in various States, like Andhra Pradesh and Telangana, there are instances where women candidates have succeeded and won the elections, securing votes even more than their male counterparts. On this premise, it is urged that instead of the Bar Council of India proceeding with co-option, one of the following alternatives be adopted:

(a) the co-option should be from amongst the contesting women candidates who have secured the highest votes, though they could not be elected within the initial 20% representation;

(b) the discretion of co-option should be left to the State Bar Councils; or

(c) the exercise of co-option be done by the State Election Committees.

8. These are all suggestions, and each option has its own merits and demerits. It seems to us that the High-Powered Supervisory

Committee headed by Justice Sudhanshu Dhulia is well-equipped to take a final call in this regard. It goes without saying that the petitioners/intervenors, State Bar Councils, Bar Council of India, and the women candidates, who are in the fray in different States, and other women advocates, would be the direct stakeholders whose assistance to the Supervisory Committee would be helpful in taking a transparent and objective decision.

9. We, therefore, dispose of these writ petitions, at this stage, with liberty to the petitioners/applicants to approach the High Powered Committee. We request the Supervisory Committee to pass an appropriate order with respect to the manner in which the co-option exercise shall take place. As noted above, the Bar Council of India, the State Bar Councils, and other stakeholders may be heard before passing the order.

10. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR