



# 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:1025/2026

Date: 11.02.2026

To,

1. The Hon'ble Chairpersons and Hon'ble Members  
All High-Powered Election Committees
2. The Hon'ble Chairman and Secretary  
All State Bar Councils
3. All Returning Officers  
State Bar Council Elections  
(where counting is underway/to be undertaken),  
through  
The Secretary of the concerned State Bar Council

Sub.: Uniformity in scrutiny and counting of ballot papers under the system of proportional representation by Single Transferable Vote (STV), treatment of ballots where preferences are marked as "ONE/one/1" and allied forms and applicability during counting process.

Sir/s, Ma'am/s,

1. The Bar Council of India has, during the ongoing process of scrutiny and counting of votes in certain State Bar Council elections, received information and representations highlighting doubts and divergent practices at different counting tables regarding the treatment of ballot papers where voters have indicated preferences in varying forms such as "ONE/one/One", or numerals such as "1, 2, 3", or by using a combination of words and numerals, or by using mixed case and mixed styles on the same ballot paper.
2. It has been brought to the knowledge of the Bar Council of India that, at certain counting tables, ballot papers where voters have marked preferences by writing "one/two/three" in small letters or mixed case are being treated as invalid, and that doubts are also being raised in respect of ballots where voters have indicated preferences by numerals such as 1, 2, 3 (including where such numerals are written with ordinary enclosures such as quotation marks or inverted commas), even though the voter's intention is otherwise clear. It has further been brought to notice that apprehensions are being expressed that plain numerals written openly may, in certain circumstances, be more vulnerable to later addition or alteration at the stage of unfolding or handling of ballots, thereby emphasising the need for uniform safeguards and transparency.

3. In order to ensure uniformity, fairness, and transparency in the counting process, the Bar Council of India, with the approval of the General Council of the Bar Council of India and as per the directions of the Hon'ble Chairman, Bar Council of India, has issued a detailed communication to the Returning Officer, Telangana State Bar Council Elections, clarifying the correct position under the Bar Council of India Election Rules and the settled principles governing preferential voting under STV, with a copy to Hon'ble Mr. Justice Ravi Ranjan, former Chief Justice, High Court of Jharkhand, Chairperson, High-Powered Election Committee for the State Bar Council of Telangana and with a further copy to Hon'ble Justice Sudhanshu Dhulia, Former Judge, Supreme Court of India, Chairperson, High-Powered Election Supervisory Committee.
4. Reference is invited to the Bar Council of India Election Rules, including Chapter II (Definitions), which define first preference as the word "ONE" set opposite the name of a candidate and similarly define second preference as the word "TWO", third preference as "THREE", and so on; and also to the provisions governing scrutiny and rejection which contemplate rejection, inter alia, where the first preference is not properly marked, where more than one candidate is given the first preference, where the ballot bears an identifying mark, or where the voter's intention is rendered uncertain.
5. It may be noted that the settled legal position in preferential voting is that a ballot is not to be rejected for mere variations of form when the voter's intention is clearly and unambiguously expressed. Accordingly, differences in case (capital letters versus small letters), depiction in word form versus numeral form, minor differences in writing style, or the use of ordinary quotation marks or inverted commas, may not by themselves constitute grounds for rejection, so long as the ballot clearly conveys a first preference for one candidate and does not attract any recognised ground of invalidity.
6. There may be instances where voters indicate preferences on the same ballot paper in mixed or non-uniform styles, for example by marking first preference as numeral "1", second preference as the word "TWO", third preference as the word "three", fourth preference as numeral "4" with or without ordinary quotation marks, or by using similar combinations. In such instances, it may be noted that non uniformity of style, by itself, does not render a ballot invalid. The determining test is clarity of voter intention and not uniformity of handwriting or format. Therefore, a ballot paper may not be rejected merely because the preferences on the same ballot are expressed partly in numerals and partly in words, or partly in capital letters and partly in small letters, or in differing modes of depiction, so long as the sequence of preferences is capable of being clearly and reasonably understood.

7. At the same time, caution may be exercised where the mixture of styles on a ballot paper creates genuine ambiguity or reasonable doubt as to the sequence of preferences or as to whether any later figure has been added, altered, overwritten, or interpolated. Where, due to such mixed marking, the Returning Officer or Scrutinising Officer is unable to clearly ascertain the voter's intention in respect of the first preference or subsequent preferences, or where the ballot displays overwriting, corrections, erasures, additions, or suspicious variation in ink or handwriting suggesting possible alteration, such ballot may be treated as doubtful and dealt with strictly in accordance with the procedure for doubtful ballots, with reasons to be briefly recorded in writing.
8. Accordingly, it is requested that, during scrutiny and counting, a ballot may not be treated as invalid merely because the voter has indicated preference by writing "ONE/one/One", "two/three" and allied expressions in small letters or mixed case, or by writing numerals such as 1, 2, 3, 4 in place of the words, or by placing such numerals within ordinary quotation marks or inverted commas, or by using a combination of words and numerals on the same ballot, provided always that the marking clearly indicates the voter's intention and does not create any ambiguity.
9. It is further requested that a ballot may be treated as valid and counted where the first preference is clearly indicated against one candidate only and the marking does not create uncertainty as to the voter's intention; and a ballot may be treated as invalid where the first preference is marked against more than one candidate, or where the first preference is not clearly ascertainable, or where the marking makes the voter's intention uncertain, or where the ballot bears any identifying mark or defect violating secrecy or making the voter's intention doubtful.
10. In order to address apprehensions relating to possible later addition or alteration at the stage of unfolding or handling, it is requested that unfolding and scrutiny is conducted under direct and continuous supervision with uniform instructions at all counting tables; that no member of the counting staff adds to, overwrites, retraces, corrects, or otherwise alters any preference marking on any ballot paper and confines the role strictly to scrutiny and counting of preferences as actually cast by the voter; and that any ballot showing overwriting, erasures, additions, physical alteration, or suspicious features is immediately segregated as doubtful and dealt with strictly in accordance with the prescribed procedure with brief reasons recorded.
11. It is also requested that rejected and doubtful ballots are segregated table-wise in separate sealed bundles or packets with brief reasons endorsed and preserved, so that uniformity, transparency, and an objective record are maintained in the event any grievance is raised before the competent committee(s).

12. It may be noted that such segregation and preservation of rejected and doubtful ballots, with brief endorsed reasons, assists in ensuring transparency and in maintaining an objective record, should any issue be raised before the competent committee(s).
13. The present communication is being circulated to all State Bar Councils, all High-Powered Election Committees, and all Returning Officers to inform that the above clarification has already been issued in one such case, and that the same principles and safeguards should be applied uniformly during scrutiny and counting in all State Bar Council elections, so as to prevent avoidable invalidation of ballots where voter intention is clearly expressed, while simultaneously preserving the integrity and credibility of the counting process.
14. All concerned are requested to bring the contents of this communication immediately to the notice of all counting personnel and table supervisors, and to ensure compliance in letter and spirit.
15. This communication is issued with the approval of the General Council of the Bar Council of India and as per the directions of the Hon'ble Chairman, Bar Council of India, for information and necessary action.

  
(Srimanto Sen)  
Principal Secretary  
Bar Council of India

Copy to

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