The Lawyers' Boycott Resolution and the Accused's Right to Counsel

Judicial process, the legal profession and fundamental rights | News context: 29 June 2026 (Ayodhya) and 9 July 2026 (analysis) | Published: 17 October 2026

Background and Context

In India's criminal-justice system, advocates represent the accused, and Article 22(1) of the Constitution gives an arrested person the right to consult, and be defended by, a legal practitioner of his choice. When a bar association passes a resolution stopping its members from representing an accused, this right can be obstructed in practice. The Supreme Court spoke at length on this question in 2010.

Why in the News

According to the 29 June 2026 reports of The Hindu and Bar & Bench, the Ayodhya (Faizabad) Bar Association decided in an emergency meeting, in the case of alleged embezzlement of the Ram temple's donations, that no member of it would represent the accused, and that a lawyer doing so would be fined ₹5 lakh. According to The Hindu, eight people are named in this FIR. LiveLaw (30 June) described the resolution in the form that a lawyer wanting to represent them would have to apply to the association and deposit ₹5 lakh per accused. Vishva Hindu Parishad international president Alok Kumar called the resolution "unethical and unlawful" on 30 June (according to Telegraph/PTI).

The Core Concept: The Accused's Right to Representation and the Lawyer's Duty

These are two separate things. The right belongs to the accused: in the words of Article 22(1), an arrested person has the right to consult and be defended by "a legal practitioner of his choice". The duty belongs to the lawyer: the Bar Council of India's rules write that an advocate is bound to accept any brief in the courts, and "special circumstances" may justify refusing a particular brief. The statement in Rafi (2010), joining these two, applies to collective boycott resolutions.

Key Facts and Figures

Event (news report)	**Ayodhya Bar Association, 29 June 2026: a resolution not to represent the accused in the Ram temple donation embezzlement case; a ₹5 lakh fine for violation (The Hindu, Bar & Bench)**

Constitutional basis	Article 22(1): an arrested person's right to consult and be defended by "a legal practitioner of his choice" (the text read as quoted in the Rafi judgment)
Professional rule	BCI Rule 11: an advocate is bound to accept a brief; special circumstances are the exception (read on the BCI website)
The judgment	A.S. Mohammed Rafi versus State of Tamil Nadu, Supreme Court, 6 December 2010: such bar resolutions declared "null and void" (paragraphs 14-16 and 30-33 read)
Other judgments (only via LiveLaw's citation)	Subedar versus State of Uttar Pradesh (2020) and Rupashree H.R. versus State of Karnataka (2024); we have not read their original judgments

What the Court Said in Rafi (2010)

The status of such resolutions: The bench said such resolutions are "wholly illegal, against all traditions of the bar and against professional ethics" (paragraph 16). In paragraph 32 it declared that all such resolutions of bar associations in India are "null and void", and that "right-thinking lawyers" should ignore them.

The accused and the lawyer: According to paragraph 16, however bad a person may be in society's eyes, he has the right to be defended in court, and correspondingly it is the lawyer's duty to defend him.

The circular: Paragraph 33 directs the Court's registry to send copies of the judgment to all High Court Bar Associations and State Bar Councils. It is our interpretation that this keeps the judgment's reach from being limited to the Coimbatore resolution.

Why This Subject Matters

A fair hearing: If lawyers themselves refuse representation, the accused's defence weakens. According to LiveLaw, a three-judge bench in Subedar (2020) connected the right to representation with Article 21. We have not read this judgment ourselves.

The bar's autonomy and discipline: Bar associations are organisations of their members, but according to Rafi, stopping representation through a collective resolution is against professional ethics. In Rafi, the direction was to send copies of the judgment to State Bar Councils as well.

Points of Debate and Cautions

The question of enforcement: Rafi declared the resolutions void, but in the portions we read, no procedure for fines or other action is described. How enforcement will happen in practice is therefore not settled by Rafi.

The current position of the Ayodhya case: We have news material up to 9 July 2026. Whether the resolution was withdrawn after that, was challenged, or the accused found a lawyer - we could not check this. Read the article as an event of June-July 2026.

The limit of the sources: The details of the resolution (the form of the fine, the application and the deposit amount) differ slightly across reports; we have not seen the association's original resolution.

Way Forward

What to watch next: whether the Ayodhya bar's resolution was withdrawn or challenged on any forum, and what action Bar Councils took on such resolutions. On these, we have no publisher-confirmed information after July 2026.

Distinguishing the Concepts

Keep three things separate: (1) what was said in the Supreme Court's Rafi (2010) judgment; (2) the news-based description of Ayodhya's resolution; and (3) our interpretation that Rafi's statement applies to this resolution.

Mains Perspective

GS-II: the judiciary, fundamental rights; GS-IV: professional ethics. In the answer, write the constitutional basis, the rule and the judgment separately, and cite news sources for the event.

UPSC CSE Mains Style: Original Practice Question

In the context of the Ayodhya Bar Association's June 2026 resolution, discuss the stand of the Constitution, the BCI rules and Rafi (2010) on bar resolutions that prevent the representation of an accused. Also comment on the limits of stopping such resolutions.

(Give the answer in 150 words) | 10 marks

Answer Outline

Introduction: The event.

Main Body: Article 22(1); BCI Rule 11; Rafi (2010); the limits (enforcement, current position).

Conclusion: Link the accused's defence and the lawyer's professional duty with Article 22(1), Rule 11 and the statement in Rafi; do not treat the legal invalidity of the resolution as automatically effective enforcement, and keep clear that the information on the Ayodhya incident is news-based and time-limited.

Sources

- Supreme Court: A.S. Mohammed Rafi versus State of Tamil Nadu (6 December 2010), Indian Kanoon copy; paragraphs 14-16 and 30-33 read
- Bar Council of India: Rules on Professional Standards (Rule 11)
- The Hindu: Ayodhya lawyers refuse to represent Ram Temple embezzlement accused (29 June 2026)
- Bar & Bench: Ayodhya Bar Association seeks CBI probe, says it won't defend accused (29 June 2026)
- LiveLaw: Why Ayodhya Lawyers' Refusal To Represent Accused ... Violates Law (30 June 2026)
- The Indian Express: Ayodhya Bar Association refuses to represent the accused ... Is this legal? (29-30 June 2026)
- Telegraph India/PTI: VHP opposes lawyers' boycott (30 June 2026)
- ThePrint: Kasab, Kathua & now Ayodhya boycott (9 July 2026)

The Rafi judgment was read from the Indian Kanoon copy, not from the publisher's (Supreme Court's) site; the text of Article 22(1) was read as quoted in that judgment, not matched against the official text of the Constitution. BCI Rule 11 was read on the BCI website. The facts of the event are only from news reports. Subedar (2020) and Rupashree (2024) are only via LiveLaw's citation. The position after July 2026 was not checked.

Remember: In Rafi (2010), the Supreme Court declared null and void those resolutions of bar associations which prevent the representation of an accused; the Ayodhya bar's resolution of 29 June 2026 brought the same question to the fore again.