



SUPREME COURT BAR ASSOCIATION (Regd.)

SUPREME COURT OF INDIA, TILAK MARG, NEW DELHI-110001 (INDIA)

Dr. Adish C. Aggarwala (Sr.)
President

Mr. Sukumar Pattjoshi (Sr.)
Vice-President

Mr. Rohit Pandey
Hony. Secretary

Mr. Meenesh Kumar Dubey
Joint Secretary

Ms. Yugandhara Pawar Jha
Treasurer

Mr. Amrendra Kumar Singh
Joint Treasurer

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Mr. Jayant Bhushan (Sr.)

Mr. Ranji Thomas (Sr.)

Mr. Dinesh Kumar Goswami (Sr.)

Mr. Narender Hooda (Sr.)

Mr. S. Wasim Ahmed Qadri (Sr.)

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Mr. Kumar Gaurav

Mr. Shashank Shekhar

Mr. Vikas Gupta

Mr. Pratap Venugopal

Mr. Chanchal Kumar Ganguli

Mr. Manish Goswami

Mr. Anil C. Nishani

Mr. Upendra Mishra

SCBA/President/GBM.2024

8.1.2024

Dear colleague,

I am happy to address this letter to bring to your kind notice that Mr. Vikas Singh, Senior Advocate, former President, SCBA, on 14.08.2023 has suggested changes in the criteria for having voting right for SCBA members in SCBA elections, to the Hon'ble Supreme Court in the matter titled "Supreme Court Bar Association Vs B. D. Kaushik" in Misc. Application Dairy No. 13992/2023 in CA No. 3401/ 2003.

The suggestions of Mr. Vikas Singh are as under :

1. Chamber allottees in the Supreme Court: All members of SCBA to whom a chamber has been allotted by the Supreme Court of India, and has not been cancelled or surrendered. [Please provide the chamber number and year of allotment]

Suggestion: Additionally, they should submit 25 appearances per year in the last two years to be included in the voter list.

2. Members on the approved waiting list for allotment of a chamber in the Supreme Court: All members of SCBA whose names are on the approved waiting list for allotment of a chamber by the Supreme Court of India [Please provide the serial number in the list and specify since when your name has been gone approved waiting list.]

Suggestion: Additionally, they should submit 25 appearances per year in the last two years to be included in the voter list.

3. Members who have 50 appearances per year in the last two years.



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4. Members representing or appearing for the state government or the central government and have a total atleast 50 appearances for such government during the said period of 3 calendar years.

5. Members who entered the Supreme Court using the proximity card for 60 days in 2023.

Suggestion: Additionally, they should submit 25 appearances per year in the last two years.

6. Senior Advocates residing in Delhi, Gurgaon, Noida, Faridabad and Ghaziabad: All members of SCBA who are the senior advocates of Supreme Court and are resident of Delhi, Noida, Faridabad, Ghaziabad and Gurgaon and attending the Supreme Court. [Please provide your address and proof of residence.]

Suggestion: Additionally, they should submit 25 lead appearances per year in the last two years to be included in the voters list.

7. Members who are AoRs and have 20 filings per year

Suggestion: 20 filings per year in the last 2 years to be included in the voters list.

8. Non-AoR members who are on the amicus curiae panel: All members of SCBA other than AoRs who are in the panel of amicus curiae, approved by the Supreme Court Registry. During the preceding two calendar years. [Please provide a copy of the letter of empanelment]

Suggestion: Additionally they should submit 25 appearances per year in the last two years to be included in the voters list.



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9. Non-AoR members who are on the panel of Mediators:
All members of SCBA other than AoRs who are working as mediators in the Supreme Court Mediation Centre. (During the preceding two calendar years). [Please provide a copy of the letter of empanelment]

NOTE: Vide order dated **01.05.2023**, this Hon'ble Court while hearing M A Diary No. 13992/ 2023 modified the above "Condition No. 9" as under:

"Only those members of the bar who are working as Mediators at the Supreme Court Mediation Centre, and have either physically or via video conferencing have conducted 20 mediation cases in two years, are to be considered eligible under the said condition No. 9".

Further Suggestions:

A. In order to contest SCBA election for the following posts, minimum number of appearances before the Supreme Court of India be required:

President: 100 lead appearances per year in the last two years.

Vice President: 100 lead appearances per year in the last two years.

Secretary: 50 appearances per year in the last two years.

Senior Executive Members: 50 lead appearances per year in the last two years

NOTE: As per Rule 5 (vi) (c) of the SCBA Rules, to become a regular member of SCBA, after remaining 2 years as temporary member, a member should have atleast 5 lead appearance in each year in the past 2 years



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or atleast 20 appearances in each year of the two years period.

A. Fees for filing Nomination: The Candidate pays by Cheque/DD/Pay Order along with his/ her nomination form the sum mentioned against the post for which he/she is seeking election which follows:

President Rs 1,00,000/-

Vice President Rs 1,00,000/-

Secretary Rs 50,000/-

Other office bearers Rs. 25,000/-

Senior Executive Members Rs. 50,000/-

Member Executive Member Rs. 10,000/-

(Please note that the above suggestions are of Mr. Vikas Singh and I may clarify that the present Executive Committee is opposed to the above said suggestions.)

I may bring to your kind notice that the Executive Committee of SCBA in its meeting dated 06.10.2023 already decided that no change is required in the existing Rules of SCBA. This fact was duly conveyed to the Hon'ble Supreme Court by me during the course of arguments and it was further argued by me that any change in the Rules of SCBA requires 2/3rd majority in a General Body Meeting. I further humbly submitted that the Hon'ble Court has full power to see that we are strictly working as per our Rules. I duly pointed out that if the suggestions/amendments, as suggested by Mr. Vikas Singh are to be brought to effect, then he may submit a Requisition to that said effect along with signatures of at least 150 members of the Association in the Special/General Meeting. The said fact was also communicated by me to him via a detailed Whatsapp message on 28.10.2023.

I am reproducing the contents of the said Whatsapp message dated 28.10.2023 sent to Mr. Vikas Singh, for your kind information :



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“28.10.2023

Mr. Vikas Singh,
Senior Advocate,
New Delhi.

Dear Mr. Singh,

I shall feel obliged if you can provide me copies of the letters/WhatsApp/SMS messages received by you from our distinguished members of SCBA suggesting changes in the criteria for voting rights in SCBA elections. This is necessary as you have submitted suggestions to the Hon'ble Supreme Court in the matter titled "Supreme Court Bar Association Vs B. D. Kaushik" on 14.08.2023 in Misc. Application Dairy No. 13992/2023 arising out of impugned final judgment and order dated 20.07.2012 in CA No. 3401/2003 passed by Hon'ble Supreme Court of India.

It appears that you are not aware that for any amendments in SCBA Rules, the Resolution should be passed by 2/3rd majority of our members present and voting. I am reproducing the Rule 22 of SCBA in this regard :

“22. SPECIAL GENERAL MEETING

The Committee may call a General Meeting on 7 days notice to the Members provided that a Special General Meeting may be called on a shorter notice. Provided that the Secretary may call an emergent General Meeting on any day by affixing a notice to that effect on the notice board of the Association and circulating the same to the Members as can be conveniently informed.

The Committee shall call a General Meeting or a Special General Meeting upon the requisition given in writing by at least 150 members of the Association in respect of any matter. The requisition specified the matter or question to be laid before the meeting and shall be addressed to the



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Secretary. The meeting shall be called not later than 2 weeks after the receipt of such requisition. The quorum at the Annual General Meeting or a General Meeting or a Special General Meeting shall be 50 Members. In absence of such quorum the meeting shall stand adjourned to such a date and time as the Chairman may appoint and for such adjourn meeting no quorum will be necessary.”

I may also further point out that the Executive Committee has already decided that there should not be any change in the Rules of SCBA. In any case if you or any other distinguished member of SCBA desires any change in SCBA Rules, they can submit requisition for amendment in the Rule. Requisition should be given in writing by atleast 150 members having voting rights in the SCBA elections, as per Rule 39, quoted below :

39. AMENDMENT OF RULES

The rules and bye-laws of the Association shall be subject to such additions and / or modifications as may be made from time to time by resolution passed by at least 2/3rd of the members present and voting at a General Meeting.

Proviso: The Voting on any amendment /modification to the Constitution / Rules of the Association shall be only by way of “Secret Ballot” (inserted by SGBM dt 8.12.2010)”

Please note that we have already received a Requisition from Mr. P.H. Parekh, Senior Advocate, regarding removal of restriction for contesting for more than 4 times on one post, in SCBA elections.

However, it's a matter of regret that you could not get the criteria for voting rights amended when you were the President. Now you chose to take up the issue when I have won election for President, SCBA with a record margin of 191 votes.



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You should be aware that the Hon'ble Supreme Court have no power to amend our Rules. Hon'ble Supreme Court has full authority to ensure that SCBA is working as per its existing Rules. Please be assured that we will hold the Special General Meeting of SCBA once you are able to muster support for requisition in writing by at least 150 members of the Association, (which I am confident that you will not be able to get), for getting the Rule amended that every member should have minimum 25 appearances for having voting rights as enumerated in your suggestion submitted to Hon'ble Supreme Court on 14.08.2023.

Please treat it as most urgent as we are required to write to those distinguished members who have suggested you for amendments in the existing Rule so that I can also write separate letters requesting them to submit requisitions in writing by at least 150 members of the Association.

With warm regards,

Yours sincerely,

Dr. Adish C Aggarwala
Senior Advocate
President, Supreme Court Bar Association"

In these circumstances, I fervently request you to inform me (on Email : scbaecinfo@gmail.com) if any amendment is required in the existing Rules of SCBA in terms of the suggestions above or any other amendment and, if affirmative, I request to you to submit a Requisition duly signed by minimum 150 members of SCBA as per Clause 22 of SCBA Rules to the Hony. Secretary of the SCBA within 20 days of this message.

Please note that the said Requisition will be duly placed and considered by the Special/General Meeting. It may be noted



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here that as per Clause 39, for a Requisition to pass, it requires a majority resolution by at least 2/3rd of the members present and voting at the said Meeting.

With regards,

Yours sincerely

(Dr. Adish C. Aggarwala)

Senior Advocate

President, SCBA

Mobile : 9958177904, 9868510674