

IN THE SUPREME COURT OF INDIA

M.A. DIARY NO.13992 OF 2023

IN THE MATTER OF:

Supreme Court Bar Association

...Petitioner

Versus

B.D. Kaushik

...Respondent

Report of the Committee for Electoral Reforms - SCBA

Chaired by Justice L. Nageswara Rao
Former Judge, Supreme Court Of India

DATE: 22.04.2025

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REPORT

Background

1. The Supreme Court Bar Association is a society registered under the Societies Registration Act, 1860, with various salutary aims and objectives of public interest. It is a Court-annexed bar association comprising practitioners before the Supreme Court. The considerations that weigh for membership of this Association are subject matter of rules and regulations of the association and also, judgements of the Supreme Court which are briefly discussed.
2. The Rules and Regulations of the SCBA¹ (**Appendix ‘A’**) envisage two categories of membership for the purpose of eligibility to vote or contest elections – (a) temporary membership, (b) regular membership. A temporary member is entitled to avail of facilities of the association but cannot vote in elections to the Executive Committee of the SCBA.²
3. To obtain status as a “Regular Member”, Rule 5(c) of the SCBA’s Rules provides as follows –

“ (c) At the end of 2 years period from the date of approval of temporary membership by the Executive Committee, if such temporary member pays SCBA dues without any default during such period and produces

¹As amended up to 08.12.2010, available at the website of the SCBA and accessed on 31.03.2025 - [https://scbaindia.org/SCBA%20Rules_2010%20\(Amended\).pdf](https://scbaindia.org/SCBA%20Rules_2010%20(Amended).pdf)

² Rule 5(b).

the proof of either of the following two requirements before the Executive Committee, his name would be considered for being made a “Regular Member” of the Association:

(i) Appearance in Supreme Court as lead Counsel in at-least 5 matters in each year of the two years period; or

(ii) Appearance in Supreme Court as a Junior Advocate appearing with any Senior Advocate/Advocate-on-Record in at-least 20 matters in each year of the two years period.

(iii) Only such of the Temporary Member who satisfy above requirements, at the end of two years period prescribed above, would be made a “Member” of the Association with an entitlement to all the privileges of the Association including the right to vote and Library Card etc. else he/she shall continue to remain a temporary member till such time he/she fulfils these conditions. ”

4. Thus, there are two criteria prescribed in the Rules for conversion from temporary to regular membership – **(a)** appearance as lead counsel in at least five matters, each year of the two years period, **or, (b)** appearance as a junior counsel in at least twenty matters in each year for the two years.
5. Status as a Regular Member does not automatically confer the right to vote. Rule 18(II) of SCBA’s Rules further prescribes the following qualifications for the right to vote:

“ II) No members shall be eligible to cast his/her vote at the election unless:-

- (i) *He / She is in possession of Identity Card at the time of casting his/her vote and shows it on demand, if so required.*
- (ii) *He / She has paid his/her subscription by or before the LAST DAY of February of the Calendar Year in which the elections are being held and is NOT IN ARREARS ON ANY ACCOUNT.*
- (iii) *A member who is in arrears of his/her subscription or any dues to the Bar Association will not be eligible, to propose or second the candidature of any members to any of the post. Such member shall not be entitled to contest the election.*
- (iv) *Non-Active Members and Associate Members shall not have right to vote.*

III. A member who exercises his right to vote in any year in any High Court or District Court Advocate's/Bar Association election shall not be eligible to contest for any post of the Association or to cast his vote at the election. Every member before casting his vote shall in the prescribed form give a 'Declaration' that he is not voting in any other election of any High Court/District Court Bar Association.

Provided, however, that if such a declaration is found to be false, it shall entail automatic suspension of the member giving such false declaration from membership of this Association for a period of three years.

The SCBA shall prepare a list of Voters based on the declaration made by the members. Only such members whose names are included in the final voters list shall be entitled to vote, contest, propose and second any candidate in SCBA Election."

6. Thus, the Rules envisage that a Regular Member is entitled to vote so long as there are no dues and such member has not voted in any High Court or District Court Bar Association.
7. The right to vote for elections of the SCBA has been the subject matter of three judgements of this Court, *SCBA v. BD Kaushik*, (2011) 13 SCC 774 (**BD Kaushik 1**), *SCBA v. BD Kaushik*, (2012) 6 SCC 152 (**BD Kaushik 2**), and *SCBA v. BD Kaushik*, (2012) 8 SCC 589 (**BD Kaushik 3**).
8. In **BD Kaushik 1**, the Court directed the constitution of an Implementation Committee comprising three leading advocates to identify regular practitioners before the Court. The criteria for chamber allotment as explained in the judgment in *Vinay Balachandra Joshi v. RG, Supreme Court*, (1998) 7 SCC 461, was suggested as a model.
9. Pursuant to **BD Kaushik 1**, the Implementation Committee undertook the exercise of identification of regular practitioners before the Court. The exercise led to some protests. A resolution was passed by a special general body of the association dissolving the committee and also expelling the members of the Implementation Committee from the SCBA. In **BD Kaushik 2**, the Court set aside the special resolution and directed the Implementation Committee to continue its mandate.

10. Eventually, in **BD Kaushik 3**, the Court accepted the standards recommended by the Implementation Committee with some modifications.
11. Having regard to these judgments, a Regular Member is entitled to vote in the elections to the Executive Committee of the SCBA, subject to satisfying any of the nine eligibility categories, being –
 - i. Chamber allotment in Supreme Court; or
 - ii. Waitlisted for chamber allotment; or
 - iii. Fifty appearances in the preceding two years; or
 - iv. Fifty appearances in last three years (for Government counsel); or
 - v. Use of proximity card for 60 days in the preceding year; or
 - vi. Senior Advocates residing in NCR (Delhi, Gurugram, Noida, Faridabad, Ghaziabad); or
 - vii. Members who are also AORs with average 20 filings per year in preceding two years; or
 - viii. Non-AOR members on the Amicus Curiae panel of the Supreme Court for preceding two years; or
 - ix. Non AOR members on the panel of mediators in the Supreme Court Mediation Centre, for two years.

12. In addition to satisfying one of these conditions, a Member is required to furnish a declaration that he has not cast his vote in any other court annexed bar association.
13. Annual elections to the Executive Committee of the SCBA are preceded by preparation of a tentative and final electoral roll. To ensure satisfaction of eligibility a questionnaire is circulated by the election committee, preceding the election (**Appendix 'B'**). Satisfaction of eligibility is meant to be a continuing requirement. Prior eligibility or participation is not sufficient.

Constitution of the present Committee

14. A miscellaneous application (MA Diary No.13992/2023) was filed in the disposed case – **BD Kaushik 3**, seeking additional directions from the Court regarding the Association.
15. By Order dated 01.05.2023 in the said MA Diary No.13992/2023, the Court modified the eligibility condition regarding mediators. It was directed that a mediator should have conducted at least twenty mediation cases in two years to gain the right to vote (**Appendix 'C'**).
16. From time to time, orders were passed in MA Diary No.13992/2023 regarding proposed reforms to the bye-laws. However, some reforms that

were proposed regarding eligibility (to vote and contest), tenure of the Executive Committee, reservation for women advocates etc., could not take shape in the form of resolution of the General Body. On 02.05.2024, the Court directed a further consultative process, observing *inter alia* that, “...the SCBA is a premier institution and is an integral part of the highest judicial forum of the country. The norms, eligibility conditions, membership, membership fee structure etc., cannot remain static for decades and timely reforms to meet with the challenges that may confront the institution from time to time, are required to be carried out....” The Order dated 02.05.2024 in MA Diary No.13992/2023 also directed reservation for women members (**Appendix ‘D’**).

17. The interim direction in Order dated 02.05.2024 was clarified as being a pilot project on an experimental basis in the subsequent Order dated 06.05.2024 (**Appendix ‘E’**).
18. Then, by the Order dated 24.02.2025, the Court constituted the Committee chaired by Justice L. Nageswara Rao (Retd.) to “...recommend the norms/guidelines/parameters for the reformation and suitable amendments in the Bye-laws regulating election of the Executive Committee to the Supreme Court Bar Association. The proposed reforms may *inter alia* include the eligibility conditions for contesting the election...”

19. Pursuant to the order dated 24.02.2025, suggestions were received regarding the constitution of the Committee. Having regard to the Order dated 24.02.2025 and also the suggestions received, the Chairman invited the following members of the Supreme Court bar to join the Committee -

- i. Dr. S. Muralidhar, Sr. Adv.
- ii. Mr. Jaideep Gupta, Sr. Adv.
- iii. Ms. V. Mohana, Sr. Adv.
- iv. Ms. Madhavi Divan, Sr. Adv.
- v. Mr. Azim Laskar, Adv.
- vi. Ms. Preetika Dwivedi, AOR
- vii. Mr. Santhosh Krishnan, AOR

20. The Committee had its first meeting on 11.03.2025. Due note was taken of the observation of the Court in its Order dated 24.02.2025 that “*the recommendations should be submitted as early as possible*”. It was resolved that suggestions would be invited from stakeholders regarding the proposed reforms.

21. Notices³ were then circulated on 12.03.2025 to the members of the bar and given wide publicity through SMS, email and social media (**Appendix ‘F’**).⁴

³ Notices dated 12.03.2025 and 24.03.2025.

⁴ The Committee is grateful to Mr. Vikrant Yadav and Mr. Vipin Nair, Advocates in circulating the notices.

22. The Committee solicited views on the following issues –

a)	Eligibility conditions for voting in elections to the Executive Committee.
b)	Eligibility conditions for contesting elections to the Executive Committee.
c)	Tenure of the Executive Committee.
d)	Strength of the Executive Committee.
e)	Disqualification of candidates (including, for providing inducements for votes).
f)	Any other issue concerning the election of members to the Executive Committee.

23. Mr. Vikas Singh, Senior Advocate and ex-President of the SCBA, sent a detailed note of suggestions to the Committee. Mr. KK Venugopal, Senior Advocate and Mr. Ranjit Kumar, Senior Advocate who were previously involved with the **BD Kaushik** judgements also provided their suggestions. Mr. Kapil Sibal, President, SCBA, sent his proposals. In addition, about 170 emails were received with suggestions from all sections of the bar, including Senior Advocates, AORs, Advocates even Non-Resident Members.⁵ Various inputs were received not only regarding electoral reforms but also administration of the SCBA, functioning of the library and amenities of SCBA. The Committee acknowledges the

⁵ Suggestions that had been collated for submission before the Court in the pending proceedings were also shared by Mr. Shashank Shekhar, Advocate.

valuable suggestions shared by the various members of the bar while noting that its mandate is in relation to proposals for electoral reforms.

24. The other members of the Committee independently undertook personal interactions with various other members of the bar to gain insight from a plurality of opinions.

25. The Committee convened 23.03.2025 and 30.03.2025 to deliberate on the proposals. Pursuant to these discussions, a draft report was circulated among the Committee members on 01.04.2025. The Committee convened on 05.04.2025 to deliberate and again convened on 14.04.2025 to finalise the report.

Recommendations

A. Conditions as part of the Rules

26. In **BD Kaushik 1**, the following principles were evolved -

- (a) A court annexed bar association (including SCBA) constitutes a separate class from other lawyers' association etc., as it forms a part of the machinery of the administration for justice (para 28).
- (b) The SCBA is meant for regular practitioners before the Supreme Court, not all advocates (paras 29, 34 – 37).

(c) The right to vote or contest elections of the SCBA is not absolute but capable of being restricted (para 33).

(d) The right to vote of a member of the Court's bar association should be restricted to regular practitioners before the Court (para 49).

27. From **BD Kaushik 2** and since **BD Kaushik 3**, eligibility to vote in or contest elections to the Executive Committee of SCBA have been conducted in terms of the directions laid down by the Court.

28. However, as seen from the Introduction to the Report, the Rules do not seem to have been suitably amended to incorporate the conditions cast by way of judicial directions in **BD Kaushik 3**. The Rules do not reflect the legal or factual position from 2012.

29. That the Rules continue "as is", disconnected from the directions of the Court is an anomaly. For more than a decade, elections are being held in conformity with directions in the judgements of the Court. Members of the Association (and even persons seeking membership) must have clarity on the terms of their membership in the Rules of the Association. It is accordingly recommended that judicial directions issued by the Court (that touch on matters of eligibility, elections etc.) must find place in the Rules. Rule 39 of the SCBA Rules contemplates amendment by way of resolution of at least 2/3rd of the members (present and voting) of the General Body. In fact, some objections were received by the Committee that amending

any condition must be left to the General Body of the SCBA. However, this is a broader issue that the Committee has chosen not to unravel, having regard to the three **BD Kaushik** judgements. If the formal amendatory process is not possible, the incorporation may take effect by way of express judicial direction.

B. Eligibility for the right to vote

30. There are nine categories to obtain eligibility for the right to vote in elections to the Executive Committee of the SCBA. The Committee recommends that these conditions are recast as follows –

#	Existing Condition	Recommendation
(i)	Chamber allotment in Supreme Court.	Remove the category.
(ii)	Waitlisted for chamber allotment.	Remove the category.
(iii)	Fifty appearances in the preceding two years.	No change recommended.
(iv)	Fifty appearances in preceding three years (for Government counsel).	Remove the category.
(v)	Use of proximity card for 60 days in the preceding year.	Remove the category.

(vi)	Senior Advocates residing in NCR (Delhi, Gurugram, Noida, Faridabad, Ghaziabad).	Remove the category.
(vii)	Members who are also AORs with average 20 filings per year in preceding two years.	No change recommended.
(viii)	Non-AOR members on the Amicus Curiae panel of the Supreme Court for preceding two years.	Remove the category.
(ix)	Non AOR members on the panel of mediators in the Supreme Court Mediation Centre, for two years with 20 mediation cases in two years.	Add the qualification that the mediation should be undertaken by the member as the lead mediator and not as a trainee.
(x)	--	New category: Veteran members holding membership for 25 years.

The Committee sets out the reasons for its recommendations.

31. The thrust of the Court's judgment in **BD Kaushik 1** is that the right to vote should be for the regular practitioners of the Court. The Committee feels that regular practice should be ascertained with reference to a uniform, consistently applicable transparent standard, as far as possible. Filing cases or appearances in Court are uniform and transparent standards to ascertain regular practice. However, filing of cases is restricted to

AORs. Appearance in Court is a consideration that can apply across all categories of regularly practicing lawyers. Exceptions to the basic rule of eligibility, i.e., filings or appearance in Court, should not eat away the rule. Having several categories of eligibility (especially, the category regarding proximity card usage) has practically reduced the filing / appearance requirement to a redundancy.

Recommendation for removal of chamber categories

32. It is noticed that other categories of eligibility require proof of continuous practice (i.e., proof of filing/appearance in last two years) while the chamber categories are static. In other words, a chamber allottee is *per se* entitled to vote while members of other categories require to prove continuous practice in the preceding two years. This inconsistency should be remedied. Even chamber allottees / waitlisted Advocates should bear proof of *continuous recent practice*.
33. However, if the condition as to appearance (fifty appearances in preceding two years) is applied uniformly, the chamber categories are rendered redundant. Therefore, these categories can even be done away with.

Recommendation for removal of separate category for government counsel

34. The present system envisages that Government Counsel can claim eligibility to vote on the basis of 50 appearances in the last three years. This is in contrast to other advocates who require to have 50 appearances in the last two years. Thus, Government counsel appear to have a relaxation (3 years, as opposed to 2 years) to meet the appearance criteria.
35. Government counsel usually have higher number of appearances before the Court (considering that the biggest litigants before the Court are the Central and State Governments). If separate conditions are to be prescribed regarding satisfaction of the regular practice for government counsel, a higher (not lower) threshold ought to be mandated. For the sake of uniformity and consistency, the Committee recommends that this category is also removed. All members, whether appearing for government or private parties should be eligible to vote if they satisfy 50 appearances for the preceding two years.

Recommendation for removal of category of proximity card use for 60 days

36. It is acknowledged that this condition is borne from **BD Kaushik 2**, probably with the intention to accommodate a wide cross-section of

interests. However, the thrust of the Court's judgment in **BD Kaushik 1** is that the right to vote should be for the regular practitioners of the Court.

37. In contrast to the appearance / filing criteria to filter regular practitioners, the use of the proximity card for 60 days does not indicate the actual involvement of an Advocate in the Court's proceedings. It is a mere record of the Advocate's entry to the Supreme Court, may be to attend proceedings, but not necessarily so. If mere entry to the Court 60 times a year answers the description of "regular practitioner", there is practically no need for any higher thresholds (such as 20 filings for AORs or 50 appearances for non AORs). Moreover, virtual / hybrid hearings that have been adopted by the Court since 2020 does not entail use of the proximity card.

38. The Committee feels that regular practice should be ascertained with reference to uniform, consistently applicable transparent standards, as far as possible. Proximity card usage has practically rendered redundant the filing / appearance requirement and reduced "regular practice" in Court to physical visits. Accordingly, the Committee recommends that the category is done away with.

Recommendation for removal of Senior Advocates in NCR / Amicus panel

39. Residence in NCR by a Senior Advocate does not imply his regular practice before the Supreme Court. There is no rational basis to create a compartment for Senior Advocates, who, in the ordinary course, would have higher number of appearances than other advocates. The category should be removed.
40. Similarly, mere inclusion in the Amicus panel does not mean that the concerned advocate is regularly practicing before the Court in the preceding two years. This category may also be done away with. The condition as to 50 appearances in the preceding two years may be taken as the norm for non-AORs.

Recommendation for change in Mediation category

41. By order dated 01.05.2023 in the said MA Diary No.13992/2023, the Court has modified the eligibility condition regarding mediators. It was directed that a mediator should have conducted at least twenty mediation cases in two years to gain the right to vote. The Committee suggests that the condition may be clarified to the effect that the concerned Member should have undertaken such mediations as the *lead mediator* and not as a trainee.

Counting appearances in Court

42. During the deliberations of the Committee, the decision of the Court in **SCBA v. State of UP**, 2025 SCC Online 587 (**Appendix ‘G’**), was rendered on 19.03.2025. The judgment directs that Court Masters record appearances only of the “...*Senior Advocate / AOR / Advocate who are physically present and arguing in the Court at the time of hearing of the matter, and one Advocate / AOR each for assistance in Court to such arguing Senior Advocate / AOR / Advocate, as the case may be...*”
43. An assisting counsel who is not a Senior Advocate or AOR may face difficulty in having her appearance recorded, in light of this aforesaid direction. The Committee recommends that the requirement for 50 appearances may be met with reference to Court orders **and/or** certificate(s) from Senior Advocates / AORs who have received the assistance of such assisting counsel in at least 50 court hearings the preceding two years. To ensure the sanctity of the certification, the Senior Advocates / AORs must furnish the case details, date and nature of hearing and relevance of the assisting counsel to the proceeding (e.g. junior of AOR or Senior Advocate or instructing counsel in the brief).

Veteran members

44. The Committee acknowledges that there are several veteran lawyers, including leading senior advocates, who have spent a significant portion of their lives working in the Supreme Court. These veterans may no longer be appearing in Court on an everyday basis but very much form part of the institution. The Committee suggests that a new category for eligibility may be carved for veteran members who have held membership of the SCBA for 25+ years, as an acknowledgement to their legacy. This new category will likely counter-balance the Committee's other recommendation for removal of various other categories (chamber or waitlisted allottees, resident senior Advocates, proximity card users).

C. Eligibility to contest elections

45. To contest in elections to the Executive Committee of the SCBA, Rule 18(I-A) provides that a member *“must have five years standing at the Bar for contesting for the post of the Office Bearers and three years standing at the Bar for the post of Executive Member.”*
46. The Committee believes that there is little purpose in having freshers or new members vie for leadership in representation. To stand for any post, a minimum uniform threshold of five years membership is recommended in lieu of the present stipulation contained in Rule 18(I-A).

47. The Committee also notes that if the eligibility conditions for voting are narrowed (as has been recommended), it will have a positive cascading impact even on eligibility to stand for elections. For example, mere proximity card usage coupled with five years standing would no longer be sufficient for a member to stand for any post when such member is ineligible to vote (for lack of appearances / filings).
48. Suggestions have been received on narrowing the eligibility to stand for elections, particularly, in relation to the posts of President, Vice President and Secretary. A suggestion reiterated by various members is that eligibility on the basis of lead appearances of different thresholds such as lead appearances in cases or lead appearances in judgements and so on. In the Committee's view, to start off, to contest for the post of President, a minimum of 10 lead appearances in judgements in the last 10 years may be considered.
49. Suggestions have also come to increase the nomination fees to stand for elections from Rs.5000 to Rs.1,00,000 (President) and so on. The Committee does not agree with the suggestion for increase in nomination fees. It is not demonstrated that the Association lacks funds or that the increase of nomination fees will improve the quality of the candidates. A manifold hike in nomination fee sends the wrong message that elections are meant to be contested only by lawyers with deep pockets.

D. Tenure of the Executive Committee

50. Rule 17 envisages the tenure of the Executive Committee as one year.

Suggestions were received both in support and opposition to a proposal for change in the tenure of the Executive Committee. The case for retention of one year is that having a short tenure ensures that there is no concentration of power. An annual election is a check against prolonged non-performance or failure to duly represent the interests of the bar.

51. The case for enhancement of tenure is that when the term is of one year, the focus of the elected body is turned to short term goals. Out of 12 calendar months, for about 2 ½ months, there are summer, winter vacations, Holi, Diwali and Dusshera breaks. The month of elections is again lost to campaigning. Practically, the elected body is given a mandate for 8 to 9 months which is too short a period to ensure meaningful improvements. The annual change in representation renders the voice of the bar less potent as priorities of one EC may differ from another. The conduct of elections poses significant logistical challenges, expenditure of resources and personnel. Further, even if tenure is enhanced there will not be any concentration of power. Reference may be made Resolution dt.14.10.2014 of the General Body which has amended the Rules requiring

a candidate to furnish the following declaration – *“I,..... declare that I have not held the post in question for 4 years in my whole life time as member of Executive Committee of this Association as per amended Rule in terms of Rule 39”*.⁶

52. On balance, having regard to both sides of matter, the Committee recommends the tenure of the Executive Committee may be increased from 1 to 2 years. Further, a cooling-off period can be applied after one term to allay the concern as to concentration of power.

E. Strength of the Executive Committee / reservation

53. By the Order dated 02.05.2024 in MA Diary No.13992/2023, the Court has already introduced reservation for women in 1/3rd seats of the Executive Committee and at least one post of Office Bearer for women candidates exclusively by turn and on rotation basis. Thus, women’s representation on the Executive Committee is already taken care of and the Committee makes no further recommendation.

⁶ See <https://scbaindia.org/SecretaryNotices/711.pdf> pg.4, Secretary’s Report, SCBA. However, the copy of the Rules as available on the SCBA website does not carry this amendment.

54. Some representations have been received regarding further forms of reservation (backward classes).⁷ Introduction of communal reservation in a bar association poses significant legal and policy issues. Reservation is not a matter of right unless mandated by law. Ordinarily, there is no reservation enforced against non-State actors. Any such initiative would require factual assessment of the demography of the Association and a further study that such categories are under-represented. In the absence of any assessment and considering the legal/policy issues involved, the Committee does not recommend any other reservation for the present.

F. Disqualification

55. Other than the formal rules regarding eligibility to vote and contest elections, the SCBA Rules do not expressly provide disqualifications for improper conduct in the course of elections. Rule 35 of the SCBA Rules deals with complaints regarding “*unprofessional or improper conduct*” of a Member, but leaves the removal of the Member to the determination of the General Body. This prescription requires to be tightened with reference to conduct in relation to elections.

⁷ One of the Committee Members – Ms. Madhavi Divan, Sr. Adv., recused from participation in the discussions on this issue.

56. Rule 17A of the Rules provides for an Election Committee to “*exercise full and absolute control over the election*”. A model code of conduct for participants (voters and candidates) is usually issued by the Election Committee, prior to election (**Appendix ‘H’**).
57. This Committee recommends that the ‘*Model Code of Conduct*’ should contain a categorical disqualification for providing inducement in any form, cash or kind, in lieu of votes. A candidate found to have provided inducements must not only be disqualified from contesting the present election but the next election. As part of this rule, mobile phones should not be permitted in the polling booth.⁸ The Election Committee may exercise powers under Rule 17A to determine disqualification in complaints concerning such conduct. Determination of electoral misconduct should be reserved to the Election Committee.
58. The Committee further recommends that there should also be a ceiling on expenditure in campaigning for votes, spent by the candidates and their supporters. The ‘*Model Code of Conduct*’ may include a reasonable ceiling and require all candidates to furnish a statement of expenditure incurred. The Election Committee may exercise powers under Rule 17A to determine disqualification in complaints concerning expenditure incurred in excess to the statement furnished.

⁸ It appears that photographs of votes cast are shared in lieu for consideration.

59. There have been suggestions to mandate disqualification in case a candidate is charge-sheeted in a criminal case or facing disciplinary proceedings before the Bar Council. Mere pendency of a case does not imply bad character. This Committee does not consider it appropriate to recommend disqualification of such candidates. However, the Committee recommends that a person convicted and sentenced to a term of imprisonment or barred from practice by the Bar Council must be prohibited from contesting elections, during the term of imprisonment or bar.

G. Other recommendations

One bar one vote

60. If elections are held every two years and the tenure of the Executive Committee is increased, the Election Committee can well consider holding the election of the SCBA on the same day as the elections to the Delhi High Court Bar Association and District Court Bar Associations. This will help better enforcement of the rule of 'one bar one vote'.

Common platform for manifestos

61. Several complaints have been received as to relentless messaging campaigns undertaken by candidates in the months leading to the election. Soft' campaigning (in the form of regular broadcast messages and emails) for the election commences months before the polling date causing prolonged annoyance. Unlike with telemarketers, the numbers and emails of colleagues at the bar cannot be blocked as the same contact details are used for professional interactions. It is therefore recommended that a common platform (website) may be hosted on the SCBA website with the manifesto of all candidates, with the facility to opt out of all polling communications.

Early constitution of the Election Committee

62. To better organize and monitor proposed recommendations such as campaign limits, disqualifications, common platform for manifestos, the early constitution of the Election Committee is recommended.

Code of conduct during tenure

63. Members of the Executive Committee often undertake personal interactions with the Judges, to raise concerns of the bar, during farewells,

festival celebrations etc. However, there is a growing sense of disquiet among sections of the bar that the regular proximity so gained (by members of the Executive Committee with Judges) is misused. Professional aggrandizement must not be the invisible incentive for election to the Executive Committee. Elections in the SCBA must not become a race to develop proximity to Judges. The Code of Conduct released by the Election Committee may incorporate guidance on the conduct of the members while holding office. Elected members may also be required to submit a self-appraisal report of their achievements and failures vis-à-vis respective manifestos, on the conclusion of their term.

Summary of recommendations regarding electoral reforms

64. The summary of recommendations is set out.

- A. Incorporate conditions in rules: Judicial directions issued by the Court (that touch on matters of eligibility, elections etc.) must be incorporated in the SCBA's Rules.
- B. Recast categories of eligibility to vote: The categories for eligibility of the right to vote may be recast as follows –
 - (i) Fifty appearances per year, in the preceding two years; or

- (ii) Members AORs with average 20 filings per year in preceding two years; or
- (iii) Non AOR members on the panel of mediators in the Supreme Court Mediation Centre, for two years with 20 mediation cases in two years conducted by the member as the lead mediator (not as a trainee); or
- (iv) Veteran members holding membership for 25 years.

Having regard to the decision of the Court in **SCBA v. State of UP**, 2025 SCC Online 587, the requirement for 50 appearances may be met with reference to Court orders and/or certificate(s) from Senior Advocates / AORs who have received the assistance of counsel in at least 50 court hearings the preceding two years. To ensure the sanctity of the certification, the Senior Advocates / AORs must furnish the case details, date and nature of hearing and relevance of the assisting counsel to the proceeding (e.g. junior of AOR or Senior Advocate or instructing counsel in the brief).

The other requirements set out in Rule 18(II) and 18(III), such as ‘one bar one vote’, no arrears etc., should continue in force.

C. Increase standards for eligibility to contest elections: Among the members eligible to vote, a minimum threshold of five years membership should be mandatory to stand for any post. To contest for the post of President,

minimum of 10 lead appearances in judgements in the last 10 years may be mandated. There is no recommendation for increase in nomination fees.

- D. Increase the tenure of the Executive Committee: The tenure of the Executive Committee may be enhanced to two years. A cooling-off period can be applied after one term.
- E. No change regarding strength or reservation: No change is recommended in relation to the strength of the Executive Committee. Having regard to the Order dated 02.05.2024, no recommendation is made for further reservation in relation to women. No recommendation is made in relation to communal reservation.
- F. Introduce disqualifications to contest: Conditions of disqualification should be introduced in the Model Code of Conduct. A candidate found to have provided inducements must not only be disqualified from contesting the present election but the next election. Mobile phones should not be permitted in the polling booth. There should also be a ceiling on expenditure in campaigning for votes, spent by the candidates and their supporters. A person convicted and sentenced to a term of imprisonment or barred from practice by the Bar Council must be prohibited from contesting elections for the term of imprisonment or bar.

G. Miscellaneous recommendations:

- (i) The Election Committee can well consider holding the election of the SCBA on the same day as the elections to the Delhi High Court Bar Association and District Court Bar Associations.
- (ii) A common platform (website) may be hosted on the SCBA website with the manifesto of all candidates, with the facility to opt out of all polling communications.
- (iii) To better organize and monitor proposed recommendations such as campaign limits, disqualifications, common platform for manifestos, the early constitution of the Election Committee.
- (iv) The Code of Conduct released by the Election Committee should incorporate guidance on the conduct of the members while holding office.
- (v) Elected members may also be required to submit a self-appraisal report of their achievements and failures vis-à-vis respective manifestos, on the conclusion of their term.

Other thoughts on raising the bar

65. While the mandate of this Committee has been to study and provide recommendations for electoral reforms, the Committee also desires to

make some suggestions on measures of public interest and continuing education initiatives that may be undertaken by the SCBA.

66. The Committee recommends that the SCBA takes the initiative to provide legal advisories, FAQs, guidance on the practice and procedure of the Court on its website for public use and reference. Many basic elements of practice and procedure of the Court may appear obvious to the practitioner but not a layperson, who is often lost in navigating the legal labyrinth.
67. The Committee recommends that the SCBA takes the initiative in institutionalising continuous education for Members, by holding regular seminars and lectures from leading practitioners, Judges, high achievers from diverse walks of life to share their experiences. The Kerala Legal Academy, established by the Kerala High Court bar offers a model.
68. The Committee also recommends that the SCBA takes the initiative to foster discussion at the bar on proposed bills under consideration by the Parliament, prepare reports and tender timely feedback to the legislature so as to actively participate in the evolution of law.



Justice L Nageswara Rao
Former Judge, Supreme Court of India

APPENDIX - A**CERTIFICATE OF REGISTRATION****SOCIETIES REGISTRATION ACT XXI OF 1860**

Registration No. 35478 of 1999

I hereby certify that Supreme Court Bar Association located at Supreme Court Premises New Delhi has been registered under the “ SOCIETIES REGISTRATION ACT-XXI of 1860.

Give under my hand at DELHI on this 25th day of August One Thousand Nine Hundred and Ninety Nine.

Registration Fee
of Rs. 50/- paid

Registrar of Societies
Govt. of N.C.T. of Delhi

**MEMORANDUM OF ASSOCIATION
OF
SUPREME COURT BAR ASSOCIATION**

NAME

1. The name of the Society shall be “ **SUPREME COURT BAR ASSOCIATION**”
2. **OFFICE** The Registered Office of the Association shall be in SUPREME COURT PREMISIS, New Delhi or at such other place where the seat of Court is located. The meeting of Association and the Committee shall generally be held at the office of Association where all records shall also be kept.
3. **AIMS AND OBJECTIVES:** The Aims and Objectives of the association are;
 - i) To promote upholding of rule of law;
 - ii) To encourage profession of law in India;
 - iii) To promote and protect the privileges, interest and prestige of the association and to promote union and co-operation among the advocates practicing in the court and other association and advocates;
 - iv) To promote and maintain high standards of profession among members of the Bar.
 - v) To establish and maintain an adequate library for the use of the members and to provide other facilities and convenience to the members;
 - vi) To watch the state of law, progress of legislation and administration of justice and to take such steps as may be necessary for their progress and reform;
 - vii) To express opinion on proposed legislation and other matters of interest and to make representation in respect thereof;
 - viii) To take necessary steps to prevent and remedy any abuse of law or mal-administration of justice;
 - ix) To make representation from time to time to the authorities on matters affecting the Bar;
 - x) To acquire and safeguard the rights and privileges necessary or convenient for the purpose of the association;
 - xi) To arrange for raising funds for legal aid and to do everything including applying of funds that may be necessary to that end;
 - xii) To promote and participate in All India Lawyers' Association and activities connected therewith;
 - xiii) To adopt all such matters as might be necessary or incidental to the carrying out of the aforesaid objects;
 - xiv) To take measures including founding and applying of funds for aid to deserving members of the association and its employees;
 - xv) To conduct and hold seminars, symposia, conference on issues and topics of interest to the legal profession and to disseminate information in this behalf;
 - xvi) To promote the welfare of the members of the association.
4. All the incomes, earnings, movable, immovable properties of the association shall be solely utilized and applied towards the promotion of aims and objects only, set forth in the Memorandum of Association and no profit thereof shall be paid or transferred directly or indirectly by way of dividends, bonus, profits in any manner whatsoever to the present or past members of the association or to any person claiming through any one or more of the present or the past members. No member of the association shall have any personal claim on any movable or immovable properties of the association or make any profits, whatsoever, by virtue of this membership.

* * * * *

**RULES & REGULATIONS
OF
'SUPREME COURT BAR ASSOCIATION'
(As Amended up-to 8th December, 2010)**

1. **NAME:** The Association shall be called the '**Supreme Court Bar Association**'.
2. **TITLE:** These rules shall be called the Rules and Regulations of Supreme Court Bar Association.
3. Unless the context indicates otherwise the following words in these Rules mean:-
 - i) "Association" means the Supreme Court Bar Association.
 - ii) "Associate Member" means an Association of Advocates practicing in a High Court, or Judicial commissioners Court and enrolled as such a Member.
 - iii) "Clerk" means a clerk in the employment of a member and registered as such with the Association.
 - iv) "Committee" means the Executive committee of the Bar Association.
 - v) "Court" means the Supreme Court of India.
 - vi) "Member" means a member of Association.
 - vi)(a) "**Temporary Member**": A temporary member is a member other than a member within the meaning of "Rule vi".
(*inserted by the resolution of Special General Body Meeting dt. 9.9.2010, retrospectively w.e.f. 14.09.2009)
 - vii) "Non-Resident Member" means a Member who is not a resident Member.
 - viii) "Non-Active Member" means a Member whose name is kept on the list of Members notwithstanding his accepted an office of profit disentitling him to practice.
 - ix) "Resident Member" means a Member residing and practicing as an Advocate in Delhi or its suburbs.
 - x) "To Employ" includes any direct or indirect utilization of service of a person whether as a servant or agent or otherwise for matters pertaining to or involved in conduct of practice of law.

4. **MEMBERSHIP:** There shall be the following classes of Members:-

- i) Resident Members;
- ii) Non-resident Members;
- iii) Associate Members;
- iv) Non-Active Members.

5. **FEES, ADMISSION AND SUBSCRIPTION:**

- (i) The Admission Fee and subscription for Member shall be as under:

Status	Admission Fee	Annual Subscription
1. Senior Advocate (Resident/Non-Resident)	Rs. 20,000/-	Rs. 6,000/-
2. Advocate (Resident/Non-Resident) Having practice of more than 10 years)	Rs. 10,000/-	Rs. 1500/-
3. Advocate (Resident/Non-Resident) Having practice of 10 years or less)	Rs. 7,500/-	Rs. 1500/-
4. Non-Active Member		Rs. 1500/-
5. Associate Member	Rs. 5,000/-	Rs. 2,000/-

- (ii) The Admission fee, one year's annual subscription or half year's subscription (in case the membership is sought in the second half of the year) shall be payable along with the application for membership by the applicant seeking membership to the Bar Association. In case the applicant is not admitted as a member, the amount paid by him at the time of tendering his application shall be refunded in full. In case the applicant is admitted as a member then the subscription shall be payable by the member in advance annually by cheque / demand draft payable at Delhi. Payment of subscription in cash will not be accepted.

- (iii) Any member, who is an Advocate, shall on being enrolled as Senior Advocate, pay for the relevant half year and thereafter subscription that may be payable by Senior Advocate. Credit shall be given to him for the amount already paid by him.

(iv) When a Non-Active Member becomes an Active Member he shall pay the increased subscription for the relevant half year and thereafter.

(v)(a) Subject to the provisions of these Rules, every Advocate entitled to practice law, shall be eligible for Membership to the Association. An Advocate applying for Membership of Association shall do so in the 'prescribed form' duly proposed by one Advocate who has been a Member of the Association for not less than 10 years and seconded by 10 existing Member of the Association. The full name, residential address and normal place of practice of the Advocate applying for Membership together with the full name and addresses of the proposer and seconders shall be entered in the register maintained by the Association for this purpose. On the application being checked, verified and found correct, the name of the applicant shall be put on the Notice Board of the Association and also be sent to the Bar Association of which the applicant is a Member for being displayed on the Notice Board of the said Bar Association for a period of at least 10 days, after which the Application shall be placed before the Committee of this Association for consideration and shall be taken up at the meeting of the Committee. The Committee shall amongst other matters consider objections, if any that may be received objecting to the enrolment of the applicant as a Member of this Association. The Decision of the Committee, electing or refusing to elect the applicant as a Member, shall be communicated to the Member. An applicant whose application for Membership has been rejected by the Committee shall not be eligible to apply afresh for such Membership for a period of one year from the date of rejection of his application for Membership.

{(b)*In terms of this Rule, an applicant found to be 'suitable' to be made a member of the association, will be made a member, initially on temporary basis for a period of 2 years (two years). A person so made a Member on temporary basis, will be identified as "Temporary Member". Such temporary member will be entitled to avail the facilities of the Association such as Library & Canteen etc. but will not have the right to participate or cast vote in the Elections or any General Meetings (as prescribed in Rule 18 and 21) of Association, to contest election and to be issued a Library Card.

Explanations: "Suitable" means the person applying must fulfill all the criteria listed in the Rules and Regulations of the Supreme Court Bar Association viz. Rule 5(v) and also satisfy the requirements prescribed in the "Prescribed Form".

"Prescribed Form" means the Form containing conditions for membership including conditions in the Rule 5(v).

(c) At the end of 2 years period from the date of approval of temporary membership by the Executive Committee, if such temporary member pays SCBA dues without any default during such period and produces the proof of either of the following two requirements before the Executive Committee, his name would be considered for being made a "Regular Member" of the Association:

- (i) Appearance in Supreme Court as lead Counsel in at-least 5 matters in each year of the two years period; or
- (ii) Appearance in Supreme Court as a Junior Advocate appearing with any Senior Advocate/Advocate-on-Record in at-least 20 matters in each year of the two years period.
- (iii) Only such of the Temporary Member who satisfy above requirements, at the end of two years period prescribed above, would be made a "Member" of the Association with an entitlement to all the privileges of the Association including the right to vote and Library Card etc. else he/she shall continue to remain a temporary member till such time he/she fulfills these conditions.}

**As resolved by Special General Body Meeting dt. 9.9.2010, this amendment has come into effect retrospectively w.e.f. 14.09.2009.*

(vi) An Association of Advocates practicing in a High court or in a Judicial Commissioner's Court shall be eligible for membership, provided that a Member of an Associate Member shall not ipso facto become a Member of the Association. The President or another Member of an Associate Member duly nominated by the governing body of an Associate Member shall be entitled to represent it and participate in the activities of the Association.

The Application by an association of advocates desiring to be elected as an Associate Member shall be made only upon a resolution to that effect having been passed by its governing body. Such application shall not be required to be proposed and seconded and neither shall an application on its behalf be required to be displayed as in the other case. Such an Application shall, however, be accompanied by resolution of a governing body of the applying association.

6. DUTY OF MEMBERS

A Member of Association shall abide by the following professional duties viz:

- i) A Member shall endeavor to provide full assistance to the Court, competent representation to a client;
- ii) In representing a client, a Member shall not delay a proceeding when it is obvious that such action would serve solely to harass or injure the other party;
- iii) A Member shall not knowingly:-
 - a) Make a false statement of material fact or of law to the Court;

- b) Shall not seek to influence the Court or Judges or Officials of the Court in any matter by means prohibited by law or by false representation on behalf of his client nor shall such Member communicate with such persons ex-parte or engage in conduct intending to bring disrepute to the functioning of the Court.
 - c) Shall participate in serving those persons groups of persons who are unable to pay all or portion of reasonable or who are unable to obtain representation by counsel. A Member may discharge this duty by providing professional services at no fees / at a substantial fee to persons / group of persons who are unable to afford or a counsel or by active participation in the work of Legal Aid Committees.
- iv) A Member shall charge reasonable fees from his client which should be determined on the basis of the time and labor spent over the matter, but shall not charge a contingent fee.

7. **SUSPENSION OF MEMBERSHIP**

If a Member, who is appointed to or accepts any office of profits disintitling him to practice or otherwise suspends his practice, desires to continue his Membership of the Association during that period, he may apply to that effect and the Committee may permit his name to be kept in the list of Non-Active Members, subject to the payment of dues prescribed in that behalf.

8. **ARREARS OF SUBSCRIPTION**

When any Member who remain in arrears of subscription for three months after it falls due and after he has been required in writing by the Secretary, fails to pay the same, within 30 days of receipt of such notice, his case will be reported by the Secretary to the Executive Committee who may take such action, including removal from Membership, as the Membership of the Association by the Committee on such terms as it may think proper.

9. **REMOVAL FROM MEMBERSHIP**

Save as provided in Rule 8, no Member shall be removed from the Association except by a resolution passed by 2/3rd of the Members present and voting at an Extra-Ordinary General Meeting. A Member so removed, may, however be re-admitted by the Committee not earlier than one year from the date of such removal and on such terms, including payment of admission fee, as the Committee may think proper.

10. **COMMITTEE**

The affairs of the Association shall, subject to these rules and the general control of the Members in the General Meeting assembled, be managed by the Executive Committee consisting of the President, the Vice-President, the Secretary, the Asstt. Secretary, the Treasurer, the Asstt. Treasurer and 15 Members, of whom at least 6 shall be Senior Advocates. The Association or the Executive Committee may appoint other standing or ad-hoc committees. All committees shall work under the control of Executive Committee and report through it to the General Body.

11. **VACANCY IN EXECUTIVE COMMITTEE**

- a. If any vacancy occurs in the committee, the Committee shall as early as possible, fill up the same in the manner provided by these Rules and the election so made shall continue to be in force until the next general election of the office bearers and Members of the Committee. No act of the Committee shall be invalid by reason of any such vacancy not being filled up.
- b. If any, Member of the Committee fails to attend three consecutive meetings of the Committee without intimation as to reasons for absence, the Committee may pass a resolution that such person shall cease to be a Member of the committee.

12. **MEETINGS**

The Committee shall ordinarily meet at least once every three months for dispatch of business.

The Committee shall subject to the control of the Members in the General Meeting assembled, have the following powers:

- a) To maintain such establishments and staff for the Association as may be required from time to time.
- b) To appoint or suspend, dismiss or remove any member of the staff of the Association.
- c) To determine and regulate the remuneration and conditions of the services of the staff of the Association.
- d) To spend within the budgeted provisions such monies for the purposes of the Association as may be required from time to time.
- e) To make such bye-laws and regulations as it may consider necessary or expedient to carry out the aims and objects of the Association. Such bye-laws and regulations shall, however be submitted for the approval of the members of the Association in the next General Body Meeting.
- f) To report to the General Body Meeting about its activities and the activities and work done by other committees at least once every year.
- g) Re-constitute all committees at least once every year other than those that may have been elected by the members assembled in General Body Meeting.
- h) The Committee shall normally transact its business by resolutions passed by the majority of the members present and voting. In case of equality of votes the President shall have a casting vote. It shall be open to the Committee to transact its business and to pass resolutions by means of circulars provided that if any 3 members of the committee

desire a particular matter to be brought in a meeting of the Committee such a matter shall be transacted in a meeting of the Committee.

13. QUORUM

The quorum at any meeting of the committee shall be 5 provided that if the quorum is not present at any meeting the same shall stand adjourned to such date and time as the Chairman may appoint and at such adjourned meeting no quorum shall be necessary.

14. OFFICE BEARERS

PRESIDENT (1): The President of the Association and in his absence the Vice-President shall preside at all meetings of the Association and of the Executive Committee or other committees. In the absence of the President or the Vice-President the members present shall elect one of them to preside over a meeting.

(2) If any question arises with respect to any matter not provided for in the rules or in the bye-laws made by the Executive Committee, such question shall, subject to the provisions of these rules, be decided by the President whose decision shall be binding unless the General Body of the members in a subsequent meeting otherwise decides.

15. SECRETARY

Subject to such directions as the committee may, from time to time issue, the Secretary shall be the **Chief Executive Officer** of the Association and shall have the power, among others, of making such disbursements as may be necessary or expedient for the Association including the payments of salaries of the staff and purchases of books, newspapers, periodicals, furniture and materials for the Association. In his absence, the Assistant Secretary shall discharge the functions of the Secretary.

16. TREASURER

The Treasurer shall have the custody of all the monies and securities of the Association and sums due to the Association shall be payable to and recoverable by the Treasurer. Any sums realized or received by the Association shall forthwith be handed over to the Treasurer. The Treasurer shall keep the monies of the Association in such Bank and in such manner as the Committee may direct and shall bring all the monies received into account immediately on receipt thereof. All receipts of whatever description shall be forthwith paid into the bank and only drawn by means of cheque and all payment except for those of petty expenditure shall be made by cheque. The Treasurer may assign such of his work to the Assistant Treasurer as he may think fit.

17. ELECTIONS

The Office-Bearers of the Association shall be elected by secret ballot and the other members of the Committees shall be elected by secret ballot by single distributive votes at the Annual Election. No office bearer or member of the Committee shall be eligible to hold any office for more than two consecutive years. **Canvassing in any form on the date of polling is prohibited.**

17A. ELECTION COMMITTEE

Election to the Association shall be conducted by an Election Committee of 3 members to be nominated by the Executive Committee of the Association. The members of the Election Committee shall not participate in the election, except casting their votes. The Election Committee shall exercise full and absolute control over the election and its decision shall be final and binding.

18. ELIGIBILITY OF MEMBERS TO CONTEST AND VOTE AT ELECTIONS

I) No Member of the Association shall be eligible to contest for any post of the Association unless:

I-A) as inserted by resolution of the General Body dt 28th September, 2004:-

{“He/She must have five years standing at the Bar for contesting for the post of the Office Bearers and three years standing at the Bar for the post of Executive Member. Seniority will be from the date of enrolment as Member of Supreme Court Bar Association.

II) No members shall be eligible to cast his/her vote at the election unless:-

- (i) He/She is in possession of Identity Card at the time of casting his/her vote and shows it on demand, if so required.
- (ii) He/She has paid his/her subscription by or before the LAST DAY of February of the Calendar Year in which the elections are being held and is NOT IN ARREARS ON ANY ACCOUNT.
- (iii) A member who is in arrears of his/her subscription or any dues to the Bar Association will not be eligible, to propose or second the candidature of any members to any of the post. Such member shall not be entitled to contest the election.
- (iv) Non-Active Members and Associate Members shall not have right to vote.

III “A member who exercises his right to vote in any year in any High Court or District Court Advocate’s/Bar Association election shall not be eligible to contest for any post of the Association or to cast his vote at the election. Every member before casting his vote shall in the prescribed form give a ‘Declaration’ that he is not voting in any other election of any High Court/District Court Bar Association. Provided, however, that if such a declaration is found to be false, it shall entail

automatic suspension of the member giving such false declaration from membership of this Association for a period of three years.

"The SCBA shall prepare a list of Voters based on the declaration made by the members. Only such members whose names are included in the final voters list shall be entitled to vote, contest, propose and second any candidate in SCBA Election.}

a) He has paid his subscription – whether payable annually or half yearly, on or before the last day of February of the year in which the elections are to be held and has obtained a 'no dues' certificate from the Association.

b) He/She 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. 5,000/-
Vice-President	Rs. 4,000/-
Secretary	Rs. 3,000/-
Other office bearers	Rs. 3,000/-
Senior Executive Members	Rs. 2,000/-
Member Executive Committee	Rs. 1,000/-

Members whose nominations are rejected on scrutiny and/or those who withdraw their nominations by withdrawal will be entitled to a refund of the above amount.

No Member shall be eligible to cast his vote at the election unless-

- i) He is in possession of his identity card at the time of casting vote;
- ii) He has paid his subscription by or before the LAST DAY of February of the calendar year in which the elections are being held and (has obtained a no dues certificate from the Association is not in arrears on any account;
- iii) A Member who is in arrears of his subscription or any dues to the Bar Association will not be eligible to propose or second the candidature of any Member to any of the post. Such Members shall not be entitled to contest the election.
- iv) Non-Active members and Associate Members shall not have right to vote.

18A *as inserted by resolution of the General Body dt 28th September, 2004*

A person who becomes a member of the Association after 15th January in a Calendar Year will not be entitled to take part in any elections held in that calendar year in any manner or to vote thereat or to stand for election or propose or second any member to the Committee or any office of the Association thereat.

19. NOMINATIONS

Any eligible member may be nominated as a candidate for the post of an Office Bearer / Member of Executive Committee of the Association by filing the nomination in the prescribed form for such candidature duly proposed by one member and seconded by any other member. The nomination form shall be filed in the office of the Association within the period specified by the Election Committee. A candidate so nominated shall be entitled to withdraw his candidature for election on or before the date specified for this purpose. The names of the candidates seeking election to the various posts of Office Bearer / Members of Executive Committee of the Association, shall be displayed on the Notice Board one day before the election and shall be allowed to contest for any one post only.

20. RESULT OF THE ELECTION

If the number of candidates seeking election to the post of Office Bearer / Member of Executive Committee do not exceed the number of post available and such contest are unopposed then such candidate shall be declared elected unopposed to that post. In case of contest, election shall be held for the said post under the control of the Election Committee constituted under Rule 17 A. After counting of the ballots, the result shall be announced under the signature of the said Committee.

21. MEETINGS

The Annual General Meeting of the Association shall ordinarily be held not later than 15th day of May every year. Not less than 15 days notice shall be given to the members of the Annual General Meeting. The following shall along with other business that may be required to be transacted, be included in the agenda of the Annual General Meeting.

- a) Auditor's Report on the Account and Balance Sheet of Budget estimate;
- b) Report of the Secretary on the activities of the terms which will include report of the work of committee other than the Executive Committee.
- c) The election of the officers of the Association and Members of Executive Committee or other committees and appointment of Auditors;
- d) The approval of the revenue account and the balance sheet of the affairs of the Association as on 31st March of the previous year duly passed.

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 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.

23. NOTICE OF MEETING

1. The notice of the Annual General Meeting of any of the Special Meeting shall be given by:-

- a) Circulating the notice, to such members as can conveniently be informed in that way;
- b) Sending out such notices by post addressed to every non-resident and associate member and to every resident member who may have required the Secretary to send the notice in this way and has registered his address in the office of the Association;

The notice of the meeting other than the Annual General Meeting shall be given by;

- a) Affixing the notice on the notice board of the Association;
- b) Circulating the notice to such members as may be conveniently informed in that way.

24. MINUTES OF GENERAL MEETINGS

The minutes of the proceedings of any General Meeting shall be recorded by the Secretary or any other member authorized in that behalf and signed by the Chairman of the meeting and the Secretary and placed on record.

25. The Chairman of every General Meeting shall have full authority to regulate the proceeding and maintain order thereat, in such a manner, as to him, may deem fit.

26. Once a year in the month of April / May, the Treasurer and the Secretary shall submit to the Committee a revenue account and balance sheet of the affairs of the Association as on 31st March year duly passed by the Auditor.

27. The Audited Revenue Account and the Balance Sheet shall be laid before the Annual General Meeting of the Members for approval.

28. AUDIT

The financial year of the Association shall commence on 1st April and will end on 31st March each year. The accounts of the Association shall be audited at least once a year by the Auditor. At every Annual General Meeting the Accounts of previous year shall be approved by the meeting.

29. The Auditor shall ordinarily be elected or appointed at the Annual General Meeting. Any casual vacancy in the office of the Auditor may be filled by the Committee.

30. The Auditor shall examine the entire accounts of the Association and shall have access to accounts and vouchers at all reasonable time through-out the year.

31. The Auditor shall check the revenue account and the balance sheet and shall, after making any corrections therein as he may deem proper, counter sign the same. The Auditor shall submit, annually in the month of January, to the Committee, brief report on such account. The Auditor's Report shall be laid before the Annual General Meeting with the revenue accounts and the balance sheet.

32. COMMUNICATION TO GOVERNMENT ETC.

All representations or communications to the Government or other authorities shall be by the President or the Secretary. No Member of the Committee or any of the Office Bearer shall issue any press statement or make any publicity of his views/objections or any matter of which Committee is ceased, as a Member, except in the manner authorized by the Committee.

33. CLERKS

All Members of the Association shall get the names and addresses of clerks employed by them entered in the Register to be kept in the office for that purposes. No member shall employ or continue to employ any person as a clerk who has been convicted of any offence involving moral turpitude or has been declared a tout.

34. No member shall employ either temporarily or permanently any clerk who is already the clerk of another member without his consent in writing.

35. COMPLAINTS

Regarding Members: (i) On the receipt of a written complaint from any person as to unprofessional or improper conduct on the part of any Member, the Secretary shall place it before the President, and if the President is of opinion that it merits consideration, the Secretary shall call a meeting of the Committee as expeditiously as possible.

(ii) The Committee or the Sub-Committee constituted by it generally for the purpose of this rule or especially for any particular case will hold an inquiry into the complaint. If on consideration of its own findings or of the Report of Sub-Committee, the Committee is satisfied that there is a prima facie case against the Member complained against it shall direct that the Complaint together with the report of the Committee or Sub-Committee be placed before a General Meeting of the Association. Provided always that where a prima facie case is made out against the Member complained the Committee or Sub-Committee shall give such Member reasonable opportunity of being heard in person.

(iii) The Association may by a resolution passed at such meeting expel or suspend for a specific period the Member complained against, if in its opinion he is guilty of dishonorable conduct. Such Resolution shall be voted up by ballot and shall be considered to be passed if supported by not less than 2/3rd of the Members present and voting at such meeting. Provided always that before such resolution is passed the member concerned shall be given reasonable opportunity of being heard in person before the ballot by the General Meeting.

(iv) A copy of resolution shall, if the General Meeting so decides be forwarded to the Secretary of the All India Bar Council or the Bar Council where such Member may be enrolled.

36. REGARDING TOUTS

(i) On receipt of a written complaint from any person that any person is acting as tout, the Secretary shall call a meeting of the committee.

(ii) The Committee or the Sub-Committee constituted by it will hold an inquiry. If on consideration of its own findings or of the report of the sub-committee, the committee is satisfied that there is a prima facie case against the person complained of, it shall direct that the matter be placed in a General Meeting. Provided always that where a prima facie case is made out against the person complained against the committee or the sub-committee shall give him a reasonable opportunity of being heard.

(iii) The Association may pass a resolution by a majority of the members present at such meeting declaring the person complained against to be a 'Tout' as defined in Section 3 of the Legal Practitioners Act (XVIII of 1879) and make there upon a written complaint to the appropriate authority for suitable action under the provisions of Section 36 of the said Act.

(iv) A copy of the Resolution shall be forwarded to the Registrar of the Supreme Court and any other authority which may be considered proper.

(v) Any member who is in the course of such enquiry is found to have employed a person so declared to be tout shall be dealt with under Rule 35 as if a written complaint had been made against him.

37. REGARDING CLERKS

(i) On receipt of a written complaint against the conduct of the clerk of a member, the Secretary shall place it before the President, and if the President is of the opinion that it merits consideration, the Secretary shall call a meeting of the Committee as expeditiously as possible.

(ii) The Committee or the Sub-Committee constituted by it will hold an inquiry. If on consideration of its own findings or on the report of the Sub-Committee, the Committee is satisfied that there is a prima facie case against the clerk concerned, it may advise the member to dismiss the clerk, if the clerk concerned, is not dismissed by the member, the Committee may direct the matter to be placed before a General Meeting of Association. Provided always that before taking any action against the clerk concerned, the Committee shall afford the said clerk and the advocate employing him, reasonable opportunity of being heard in person.

(iii) the Association may by a resolution passed at such meeting by a majority of the members present and voting take such action against the member concerned as it deem fit.

(iv) A copy of the resolution shall be forwarded to the Registrar of the Supreme Court.

(v) No member of the Association shall knowingly employ any clerk who has been dismissed under sub-clause (ii) hereof and if any member shall employ any such clerk, he shall be dealt under Rule 35 hereof as if a complaint as been made against him.

38. (i) On receipt of a complaint or information against a person who is acting as a clerk without being registered as a clerk of any member the Secretary shall call a meeting of the Committee or the Sub-Committee, if any, constituted for this purpose which may inquire into the matter and if it is satisfied require the member concerned to continue to employ such person without getting him registered.

(ii) If it is shown to the satisfaction of the Committee that any person has already been declared a tout by any other court, it may notify the name of such person and upon such notification no member of the Association shall knowingly and in any manner employ such person for his professional purposes.

(iii) No member shall knowingly employ directly or indirectly a person whose name has been notified by the Committee under Rule (i) and (ii) hereof. Any member employing such persons shall be dealt with under Rule 35 as if a complaint had been made against him.

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.

Povisio: 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)

40. **SOURCES AND INCOME /UTILISATION OF FUNDS**

- (i) The association shall receive funds through contribution and grants from institutions (s), organization(s) and general public, whether Indian or foreign, subject to the Indian Laws and Regulations.
- (ii) The funds of the association shall be invested in or upon one or more securities or investments as may be approved by the General Body or the Executive Committee from the time to time being subject to the provisions of Income Tax Act, 1961.
- (iii) The Executive Committee may (without being obliged to do so) at any time appoint or provide for the appointment of one or more persons as separate or holding trustees (including a banking company or other corporation which is authorized by its Memorandum and Articles of Association to act a such) to hold any land, funds and other properties, investments, securities belonging to the association subject to the Rules and Regulations as the Executive Committee may from time to time think. A holding trustee need not be a member of the Executive Committee.
- (iv) Such securities shall not be sold or dealt with except with the permission of the General Body and the Executive Committee.
- (v) The surplus from any activity of the association shall be exclusively used for the furtherance of the aims and objects of the association.

41. **ANNUAL LIST OF GOVERNING BODY**

Every year after the Annual General Meeting, list of the office bearers and members of the Executive Committee of the Society shall be filed with the Registrar of the Societies, Delhi as required under Section 4 of the Societies Registration Act, 1860.

42. **LEGAL PROCEEDINGS**

- (i) The Society may be sued in the name of its President / Secretary as per the provisions laid down under Section 6 of Societies Registration Act, 1860 as applicable to the National Capital Territory of Delhi.
- (ii) To amend, alter, extend or abridge of the objects and aims of the Society or to amalgamate with such society either wholly or partially with any other society. The Executive Committee shall submit a written report of the proposition to the Members of the Society and shall convene a special meeting for consideration thereof. No proposition shall be carried out into effect unless each Member of the Society has been informed by post ten days previous to the special meeting to be convened by the Executive Committee. The proposition shall have to be agreed and confirmed by not less than three fifth of the Members present at the special meeting so convene.
- (iii) Further, Sections 12 and 12A of the Act shall be applicable with regard to alteration, extension or abridgement of the objects and aims of the Society.

43. **DISSOLUTION AND ADJUSTMENT OF AFFAIRS**

- i) If the association needs to be dissolved, the Executive Committee shall submit a written report to the Members of the association and shall convene a special meeting of the Members and upon proposal being approved by not less than three fifth of the Members of the association, present at the special meeting so convened. In case the Members approve the association shall stand dissolved, the dissolution shall be as per Section 13 and 14 of the Act.
- ii) If upon a winding up or dissolution of the association, there remains any property whatsoever, after the satisfaction of the debts and liabilities, the same shall not be distributed amongst the members of the Association but shall grant or donate to any other Society, Unit, Association, Federation, Organization or Company having objects similar to the objects of this Society. The Court at Delhi shall have jurisdiction in such matters.

44. **APPLICATION OF THE ACT**

All the provisions under all the sections of the Societies Registration Act, 1816 as applicable to the Union Territory of Delhi shall apply to this Society.

45. **ESSENTIAL CERTIFICATE**

Certified that this is the correct copy of the Rules and Regulations of the Society.

Verified at New Delhi on this 15th day of December, 2010.

PRESIDENT

SECRETARY

TREASURER

SUPREME COURT BAR ASSOCIATION (REGD.)**FINAL QUESTIONNAIRE-2024****FOR ALL MEMBERS OF THE SCBA EXCEPT TEMPORARY MEMBERS & NON-ACTIVE MEMBERS**

(IN TERMS OF SUPREME COURT JUDGMENT DATED 26.9.2011 IN THE CASE OF SCBA Vs. B.D. KAUSHIK (reported in (2011) 11 SCALE 72], THE SUPREME COURT JUDGMENT DATED 07.05.2012 IN I.A. NOS. 1-2 IN C.A. NO. 3401/2003- SCBA Vs. B.D. KAUSHIK AND THE SUPREME COURT JUDGMENT DATED 20.07.2012 IN I.A. No. 5 IN C.A. NO. 3401/2003- SCBA Vs. B.D. KAUSHIK)

PLEASE SUBMIT THE DULY FILLED UP FORM IN THE SCBA OFFICE ON OR BEFORE 29TH FEBRUARY, 2024.

"PART-A"

1. Name of the Member:.....
.....
2. Date of Enrolment as an Advocate:.....
.....
3. SCBA Membership No. and year of Admission as SCBA Member:
.....
- 4.A. If you are a designated Senior Advocate, please indicate by which Court and when you were designated.
.....
- 4.B. If you are an AOR, please provide the date of enrollment as AOR.
.....
- 5.(a) Are you a member of any other Court Annexed Bar Association, or tribunal annexed Bar Association (such as ITAT, CAT, etc.) in the country ? If the answer is in the affirmative, please give details (name of the Bar Association, your membership number & date from which you have been member).
.....
.....
.....

- (b) Did you file your nomination for contesting election, to the Executive Committee (by whatever name called) of any Court annexed Bar Association or Tribunal annexed Bar Association, other than the SCBA , during any of the years from **2019 to 2023** (please give details).
- (c) Did you cast your vote in any election to the Executive Committee (by whatever name called) of any Court Annexed Bar Association or Tribunal annexed Bar Association, other than the SCBA, during any of the years from **2019 to 2023** (please give details)

.....

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"PART-B"

- I. PLEASE TICK MARK THE APPROPRIATE CATEGORY OR CATEGORIES, FROM THE FOLLOWING, WHICH YOU FALL UNDER.**
- II. PLEASE PROVIDE THE ACCURATE INFORMATION SPECIFIED AGAINST THE CHOSEN CATEGORY IN THE SPACE PROVIDED AT THE END OF THIS PART OF THE QUESTIONNAIRE AND/OR SUBMIT THE DOCUMENTS REQUIRED IN RESPECT OF THE CHOSEN CATEGORY ALONGWITH THIS DULY FILLED QUESTIONNAIRE, AS THE CASE MAY BE.**
- III. IN CASE ONE BECOMES ELIGIBLE UNDER ONE OF THE FOLLOWING CRITERION IT IS NOT NECESSARY TO GIVE INFORMATION OR DOCUMENTS REGARDING OTHER ITEMS IN PART-B.**
1. **Chamber Allottees in the Supreme Court:** All members of the SCBA to whom a chamber has been allotted by the Supreme Court of India, and which has not been cancelled or surrendered. [Please provide the chamber number and the year of allotment].
 2. **Members on the approved waiting list for allotment of a Chamber in the Supreme Court:** All members of the SCBA whose names are on the approved waiting list for allotment of a chamber by the Supreme Court of India. [Please provide the serial No. in the list and specify since when your name has been on the approved waiting list].

3. **Members who have 50 appearances per year in the last 2 years:** All members of the SCBA who had 50 appearances per year before Supreme Court (admission and regular hearing matters) during the preceding two calendar years, i.e. calendar years 2022 and 2023, including the appearance before the court, as well as before the Chamber Judge and the Registrar's Courts. [Please furnish copies of the orders recording your appearances, or the citations of the reported orders/judgments where your appearances is recorded. Please furnish only certified copies duly obtained from the Registry of the Supreme Court, or printout obtained directly from the website of the Supreme Court of India & carrying the website URL].
4. **Members representing or appearing for the State Governments or the Central Government:** All members of the SCBA who have been continuously representing or appearing for the State Governments or the Union Government before the Supreme Court, or who have been Standing Counsel for any State Government or the Central Government, in the Supreme Court, for at least the preceding three calendar years (i.e. calendar years 2021, 2022 and 2023) and have a total of at-least 50 appearances for such Government (s) during the said period of 3 calendar years. [Please furnish a copy of the letter of appointment, issued by the concerned government, appointing you as the Standing Counsel or a panel lawyer. Please also furnish copies of the orders recording your appearance, or the citations of the reported orders/judgments where your appearance is recorded. Please furnish only certified copies duly obtained from the Registry of the Supreme Court, or printout obtained directly from the website of the Supreme Court of India & carrying the website URL].
5. **Members who entered the Supreme Court using the proximity card for 60 days in 2023.** All members of the SCBA who had attended the Supreme Court on at least 60 days in the calendar year 2023, as established by the database showing the use of proximity cards maintained by the Registrar of the Supreme Court. [Please furnish a photocopy of your proximity card].
6. **Senior Advocates residing in Delhi, Gurgaon, Noida, Faridabad and Ghaziabad:** All members of the SCBA who are Senior Advocates of the 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].

7. **Members who are AORs and have 20 filings per year:** All members of the SCBA who are Advocates-on-Record and who have filed Vakalatnama (or entered appearances on behalf of respondents) on an average of 20 cases (i.e., admission/regular matters) per year, in the course of preceding two calendar years i.e. calendar years 2022 and 2023, including filing for State Govts./Union Govt. before the Supreme Court. [Please furnish copies of the relevant filing indexes and/or orders recording your appearances. Please note that a batch of cases shall be treated as a single case. Please furnish only certified copies of the orders duly obtained from the registry of the Supreme Court, or printouts obtained directly from the website of the Supreme Court of India & carrying the website URL].
8. **Non- AOR Members who are on the Amicus Curiae panel:** All members of the SCBA other than AORs who are in the panel of Amicus Curiae, approved by the Supreme Court Registry. During the preceding two calendar years i.e. years 2022 and 2023.[Please provide a copy of the letter of empanelment.]
9. **Non AOR Members who are on the panel of Mediators:** All members of the SCBA other than AORs who are working as mediators in the Supreme Court Mediation Centre. (During the preceding two calendar years i.e. years 2022 and 2023). Please provide a copy of the letter of empanelment.]

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DATE:

SIGNATURE OF THE MEMBER

SUPREME COURT BAR ASSOCIATION (REGD.)
TILAK MARG, NEW DELHI-110001 (INDIA)

SI.NO.....

PERMANENT DECLARATION

Supreme Court Bar Association

Dated:.....

To,
Hony. Secretary,
Supreme Court Bar Association,
Tilak Marg,
New Delhi-110001.

Sir,

I.....son of /daughterhereby declare and undertake that:

1. I am a member of SCBA. My membership No. is..... I am giving this permanent declaration in terms of the Judgment of the Supreme Court in the case of SCBA Vs. B.D. Kaushik, reported in 2011 (13) SCC 774, and reported in 2012 (6) SCC 152, as well as Judgments dated 20th July, 2012 and 16th August, 2012.
2. I hereby declare that hereafter, as long as I am a member of the SCBA, I shall not cast any vote nor will I any file nomination for contesting elections for any post of office bearer of the Executive Committee (by whatever name called) at the election of any Court annexed Bar Association or Tribunal annexed Bar Association, other than SCBA.

NOTE: Please note the following direction contained in the judgment of the Supreme Court of India reported in 2011 (13) SCC 774:-

"Once such a declaration has been given, it will be valid it is revoked and once it is revoked a member shall forfeit his right to vote or contest any election to any post to be conducted by SCBA, for a period of three years from the date of revocation."

(Signature)

.....

SCBA Membership No.....

SI. No.....

RECEIPT

Received the Permanent Declaration Form of the above Serial Number. Do not tear this perforated receipt which will be sent back to the member.

Signature of the recipient.....

Dated.....

ITEM NO.44

COURT NO.9

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

MISCELLANEOUS APPLICATION Diary No.13992/2023

(Arising out of impugned final judgment and order dated 20-07-2012 in C.A.No. 3401/2003 passed by the Supreme Court of India)

SUPREME COURT BAR ASSOCIATION .

Petitioner(s)

VERSUS

B.D. KAUSHIK

Respondent(s)

(IA No. 82106/2023 - APPLICATION FOR PERMISSION, IA No. 69113/2023 - CLARIFICATION/DIRECTION & IA No. 69115/2023 - EXEMPTION FROM FILING PAPER BOOKS)

Date : 01-05-2023 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE J.K. MAHESHWARI

Ld. Counsels for
the parties

Mr. Avinash Kr. Lakhanpal, Adv.

Mr. Ashwani Kr. Tanwar, Adv.

Mr. Naveen Rana, Adv.

Mr. Abhishek Krishna, Adv.

Mr. Pravir Choudhary, AOR

Mr. Milind Kumar, AOR

Mr. Shivaji M. Jadhav, AOR

Mr. Parmanand Pandey, AOR

Mr. Utkarsh Pandey, Adv.

Mr. Vikas Singh, Sr. Adv.

Ms. Deepeika Kalia, Adv.

Mr. Keshav Khandelwal, Adv.

Mr. S.B. Upadhyay, Sr. Adv.

Mr. Anupam Lal Das, Sr. Adv.

Mr. Nishant Kumar, AOR

Mr. Pravir Choudhary, Adv.

Mr. Dinesh Kumar Garg, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. It is stated that the Election Committee constituted for conducting the election of the Supreme Court Bar Association issued a Notice on 28-04-2023 to clarify Condition No.9 of the Final Questionnaire - 2023 to ensure that 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, i.e., 2021-2022, are to be considered eligible under the said Condition No.9.
2. We are informed that only 4 representations were received against the decision clarifying Condition No.9, and out of 4 representationists, 3 are already eligible to cast their votes. It is stated on behalf of the Election Committee that Condition No.9 will be suitably modified for the purpose of future elections as well.
3. We find that the proposed clarification suggested by the Election Committee is just and fair and the same is, accordingly, accepted.
4. Let the needful be done within one week.
5. List the matter on 08-05-2023.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
COURT MASTER (NSH)

ITEM NO.6

COURT NO.4

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION..... Diary No(s).13992/2023

(Arising out of impugned final judgment and order dated 20-07-2012 in C.A. No.3401/2003 passed by the Supreme Court Of India)

SUPREME COURT BAR ASSOCIATION**Petitioner(s)****VERSUS****B.D. KAUSHIK****Respondent(s)**

(IA No. 82106/2023 - APPLICATION FOR PERMISSION, IA No.69113/2023 - CLARIFICATION/DIRECTION, IA No. 69115/2023 - EXEMPTION FROM FILING PAPER BOOKS, IA No. 67662/2024 - INTERVENTION APPLICATION, IA No.55359/2024 - MODIFICATION OF COURT ORDER, IA No.67665/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

WITH**Diary No(s).16882/2024 (XIV-A)****(IA No. 90377/2024 - APPROPRIATE ORDERS/DIRECTIONS)****Diary No(s). 17011/2024 (XIV-A)****(IA No. 90603/2024 - APPROPRIATE ORDERS/DIRECTIONS)**

Date : 02-05-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT**HON'BLE MR. JUSTICE K.V. VISWANATHAN****For Parties:**

**Dr. Adish C. Aggarwala, Sr. Adv.
Mr. Sukumar Pattjoshi, Sr. Adv.
Mr. Arijit Prasad, Sr. Adv.
Mr. Dinesh Kumar Goswami, Sr. Adv.
Mr. Narender Hooda, Sr. Adv.
Mr. S. Wasim Ahmed Qadri, Sr. Adv.
Mr. Pratap Venugopal, Sr. Adv.
Mr. Meenesh Kumar Dubey, Adv.
Ms. Yugandhara Pawar Jha, Adv.
Mr. Amrendra Kumar Singh, Adv.
Mr. Vibhu Shanker Mishra, Adv.
Mr. Kumar Gaurav, Adv.
Mr. Shashank Shekhar, Adv.
Mr. Vikas Gupta, Adv.
Mr. Chanchal Kumar Ganguli, Adv.
Mr. Manish Goswami, Adv.
Mr. Anil C. Nishani, Adv.
Mr. Upendra Mishra, Adv.

Mr. Vikas Singh, Sr. Adv.**

Ms. Deepika Kalia, Adv.
 Mr. Nitin Saluja, AOR
 Mr. Keshav Khandelwal, Adv.
 Ms. Vasudha Singh, Adv.

Ms. Kumud Lata Das, AOR
 Mr. Aman Anand, Adv.
 Ms. Savitri Pandey, Adv.
 Ms. Indu Kaul, Adv.
 Ms. Reepak Kansal, Adv.
 Ms. Pooja Rathore, Adv.
 Ms. Rubina Jawed, Adv.
 Ms. Akanksha Kohli, Adv.

Mr. Milind Kumar, AOR
 Mr. Shivaji M. Jadhav, AOR
 Mrs. Yugandhara Pawar Jha, AOR

Mr. Parmanand Pandey, AOR
 Mr. Birendra Kumar Choudhary, Adv.
 Mr. Arun Kumar, Adv.
 Mr. Utkarsh Pandey, Adv.
 Mr. Karan Kaushik, Adv.
 Ms. Pareena Swarup, Adv.

Mr. Dinesh Kumar Garg, AOR
 Mr. Dhananjay Garg, Adv.
 Mr. Abhishek Garg, Adv.
 Mr. D.K. Garg, Adv.
 Mr. Ishaan Tiwari, Adv.
 Mr. R.P. Bansal, Adv.
 Mr. Chanakya Gupta, Adv.
 Mr. Chaudhary Shamsuddin Khan, Adv.
 Dr. B.P. Nilaratna, Adv.

Mr. Ujjawal Gaur, Adv.

Mr. Rishabh Sahu, Adv.
 Ms. Hema Sahu, Adv.
 Mr. Rajendra Sahu, Adv.

Ms. K.R. Chitra, Adv.

Mr. Vivek Sharma, Adv.

Ms. Priya Hingorani, Sr. Adv.
 Mr. Naseem Ahmed, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

1. In continuation of order dated 23.04.2024, the Observer

Committee, constituted by us, has submitted its report. As per the said report all the eight resolutions put up before the Supreme Court Bar Association, Special General Body Meeting held on 30.04.2024 have failed for want of 2/3rd majority of the members present and voted. The brief description of all the resolutions has also been given in its report by the Committee. The resolutions *inter alia* recommended:

(i) That previous resolution dated 15.10.2014 resolving that no member of the Bar shall be eligible to hold any one post for more than four years in his/her life time should be recalled;

(ii) That the eligibility conditions to contest for the post of Office Bearers of SCBA, including the length of practice at Bar and the fee to be deposited should be revised;

(iii) That the admission fee for the members in SCBA should be amended and revised.

(iv) That the deposit fee and eligibility for candidates to contest for various posts in SCBA Executive Committee be revised and suitably enhanced.

(v) That the admission fee for the membership for SCBA in future be suitably revised and enhanced.

(vi) That the requirement of existing number of 150 members for convening General Body/Special General Body Meeting be increased to 600.

(vii) That the tenure of the Executive Committee be increased to two years as against one year.

(viii) That there should be reservation for women in SCBA Executive Committee.

2. All the aforesaid resolutions/recommendations, each signed by 150 eligible members, have been rejected in the Special General Body Meeting held on 20.04.2024.

3. In this regard, we have heard various senior members/members of the Bar. We are of the view that the SCBA is a premier institution and is an integral part of the highest judicial forum of the country. The norms, eligibility conditions, membership, membership fee structure etc., cannot remain static for decades and timely reforms to meet with the challenges that may confront the institution from time to time, are required to be carried out. However, such reforms need to be brought after due consideration of the suggestions from the members of the Bar. In fact some suggestions have been invited from the members of the Bar, including the office bearers of the Supreme Court Executive Committee vide our order dated 14.08.2023. The relevant part whereof reads as follows:

"1. In deference to the previous orders including dated 10.07.2023, Mr. Vikas Singh, learned senior counsel has given certain suggestions.

2. Copy of the same be given to Dr. Adish Aggarwala, learned Senior Advocate and President of the Supreme Court Bar Association.

3. We have impressed upon Dr. Adish Aggarwala and the other members of the Bar Association to submit their respective suggestions and/or the modalities to be followed for further reforms in the election process of the Bar Association. The suggestions may be submitted within eight weeks.

4. Post the matter on 30.10.2023."

4. We, thus, direct that:

(i) The Executive Committee of the SCBA shall invite suggestions from all the members of the Bar through a public notice in its

website. All such suggestions may be invited by 19.07.2024. Such suggestions may be in digital form or through hard copy.

(ii) Some of the suggestions which have already been brought by senior members/members of the Bar will also taken as part of those suggestions.

(iii) The Executive Committee of the SCBA shall compile all the suggestions received from members of the Bar and place it on record. Such suggestions will also be then displayed on the website inviting cross-suggestions, if any, which shall be received by 09.08.2024.

5. We propose to give a time bound audience to some of the members of the Bar in representative capacity before taking a final call on the suggestions that may be received.

6. We are, however, of the view that notwithstanding any resolution passed by the Special General Body of SCBA, some of the posts in the Executive Committee must be reserved for women members of the Bar. We, accordingly, direct that hitherto including for the ensuing election there shall be reservation for women members of the Bar to the following effect:

(i) Minimum of $1/3^{\text{rd}}$ seats in the Executive Committee i.e., 3 out of 9.

(ii) Minimum $1/3^{\text{rd}}$ out of the Senior Executive Members i.e., 2 out of 6.

(iii) At least one post of the Office Bearer shall be reserved for women candidate exclusively by turn and on rotation basis.

(iv) In the ensuing election for 2024-2025, the post of Treasurer of the Executive Committee is reserved for women.

7. Though no clarification is required, however, to remove any sort of doubt, it is made clear that reservation is only to guarantee a minimum and women members of the SCBA, subject to their eligibility, shall be entitled to contest the election for all the posts in the Executive Committee.

8. We have also considered the suggestions and modalities for conducting the election of the Executive Committee of the SCBA, which will become due to expiry of the term of the current office bearers on 18.05.2024. In this regard, after considering the view point of various members, it is directed that:

(i) The election of the officer bearers of the SCBA and the Executive Committee shall be held on 16.05.2024.

(ii) The election shall be held on the basis of the voter list as was finalized in the election for the year 2023.

(iii) Apart from those under the voters list for 2023, all those members who have become eligible between 01.03.2023 to 29.02.2024 would also be entitled to be included in the voters list. In this regard, we have been informed that a communication dated 06.03.2024 has been sent to the Supreme Court Registry for providing the following details:

- (1) Data of entry of Proximity Card of SCBA Members between 01.01.2023 to 31.12.2023,
- (2) Updated List of Chambers Allottee,
- (3) Updated List of Chambers Waiting,
- (4) Updated List of Amicus Curiae and
- (5) Updated List of Mediation Panel of SCBA Members.

(iv) We direct that the Registry shall, if it is not already made

available, make available the above requisitioned list on or before 03.05.2024.

(v) The counting of votes shall commence on 18.05.2024. The result shall be declared on 19.05.2024.

9. The Election Committee shall comprise of (i) Mr. Jaideep Gupta, Sr. Advocate, (ii) Mr. Rana Mukherjee, Sr. Advocate and (iii) Ms. Meenakshi Arora, Sr. Advocate.

10. In case, if any of the three members have any difficulty, he or she may mention the same before us for replacement.

11. The Election Committee shall be at liberty to co-opt volunteers for conducting free and fair election.

12. We make it clear that the decision of the Election Committee shall be final on all aspects, including on the aspect of the eligibility for inclusion in the voters list

13. Post these matters on 15.07.2024.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
COURT MASTER (NSH)

ITEM NO.6

COURT NO.4

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION..... Diary No(s).13992/2023

(Arising out of impugned final judgment and order dated 20-07-2012 in C.A. No.3401/2003 passed by the Supreme Court Of India)

SUPREME COURT BAR ASSOCIATION

Petitioner(s)

VERSUS

B.D. KAUSHIK

Respondent(s)

(IA No. 82106/2023 - APPLICATION FOR PERMISSION, IA No.69113/2023 - CLARIFICATION/DIRECTION, IA No. 69115/2023 - EXEMPTION FROM FILING PAPER BOOKS, IA No. 67662/2024 - INTERVENTION APPLICATION, IA No.55359/2024 - MODIFICATION OF COURT ORDER, IA No.67665/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

WITH

Diary No(s).16882/2024 (XIV-A)

(IA No. 90377/2024 - APPROPRIATE ORDERS/DIRECTIONS)

Diary No(s). 17011/2024 (XIV-A)

(IA No. 90603/2024 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 02-05-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Parties:

Dr. Adish C. Aggarwala, Sr. Adv.
Mr. Sukumar Pattjoshi, Sr. Adv.
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Ms. Kumud Lata Das, AOR
 Mr. Aman Anand, Adv.
 Ms. Savitri Pandey, Adv.
 Ms. Indu Kaul, Adv.
 Ms. Reepak Kansal, Adv.
 Ms. Pooja Rathore, Adv.
 Ms. Rubina Jawed, Adv.
 Ms. Akanksha Kohli, Adv.

Mr. Milind Kumar, AOR
 Mr. Shivaji M. Jadhav, AOR
 Mrs. Yugandhara Pawar Jha, AOR

Mr. Parmanand Pandey, AOR
 Mr. Birendra Kumar Choudhary, Adv.
 Mr. Arun Kumar, Adv.
 Mr. Utkarsh Pandey, Adv.
 Mr. Karan Kaushik, Adv.
 Ms. Pareena Swarup, Adv.

Mr. Dinesh Kumar Garg, AOR
 Mr. Dhananjay Garg, Adv.
 Mr. Abhishek Garg, Adv.
 Mr. D.K. Garg, Adv.
 Mr. Ishaan Tiwari, Adv.
 Mr. R.P. Bansal, Adv.
 Mr. Chanakya Gupta, Adv.
 Mr. Chaudhary Shamsuddin Khan, Adv.
 Dr. B.P. Nilaratna, Adv.

Mr. Ujjawal Gaur, Adv.

Mr. Rishabh Sahu, Adv.
 Ms. Hema Sahu, Adv.
 Mr. Rajendra Sahu, Adv.

Ms. K.R. Chitra, Adv.

Mr. Vivek Sharma, Adv.

Ms. Priya Hingorani, Sr. Adv.
 Mr. Naseem Ahmed, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

Before we close today's proceedings, we bring on record our

appreciation for the commendable work done by the Observer Committee comprising of Shri V. Giri, Shri S.B. Upadhyay and Ms. Mahalakshmi Pavani, Senior Advocates who tirelessly worked as our extended hands and successfully conducted the Special General Body Meeting, besides recording the meticulous proceedings which have assisted us in issuing the interim directions through a separate order of even date.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
COURT MASTER (NSH)

ITEM NO.301**COURT NO.3****SECTION XIV-A****S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS****MISCELLANEOUS APPLICATION..... Diary No(s).13992/2023**

[Arising out of impugned final judgment and order dated 20-07-2012 in C.A. No.3401/2003 20-07-2012 in C.A. No.3402/2003 passed by the Supreme Court of India]

SUPREME COURT BAR ASSOCIATION**Petitioner(s)****VERSUS****B.D. KAUSHIK****Respondent(s)**

(IA No. 82106/2023 - APPLICATION FOR PERMISSION, IA No. 116222/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 69113/2023 - CLARIFICATION/DIRECTION, IA No. 69115/2023 - EXEMPTION FROM FILING PAPER BOOKS, IA No. 114762/2024 - INTERVENTION APPLICATION, IA No.67662/2024 - INTERVENTION APPLICATION, IA No. 55359/2024 - MODIFICATION OF COURT ORDER, IA No. 114777/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 67665/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

WITH

MA No.338-339/2025 in C.A. No. 3401/2003 (XIV-A)
IA No. 40738/2025 - APPLICATION FOR PERMISSION, IA No. 40741/2025 - APPLICATION FOR PERMISSION, IA No. 40732/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 40739/2025 - INTERVENTION/IMPLEADMENT, IA No. 45626/2025 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Diary No(s). 17011/2024 (XIV-A)
(IA No. 90603/2024 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 24-02-2025 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE K.V. VISWANATHAN**

For Petitioner(s) :Petitioner-in-person

Mr. Vikas Singh, Sr. Adv.
Mr. Varun Singh, Adv.
Ms. Deepika Kalia, Adv.
Mr. Nitin Saluja, AOR

Mr. P.H. Parekh, Sr. Adv.
Ms. Kumud Lata Das, AOR
Mr. Aman Anand, Adv.
Ms. Pooja Rathore, Adv.

Mr. Bibhuti Krishna, Adv.
Ms. Annwasha Deb, Adv.

Mr. Parmanand Pandey, AOR
Mr. B.K. Choudhary, Adv.
Mr. Kartikay Sharma, Adv.
Mr. Utkarsh Pandey, Adv.
Mr. Praveen Chaudhary, Adv.

Mr. Milind Kumar, AOR
Mr. Shivaji M. Jadhav, AOR

Mr. Kapil Sibal, Sr. Adv.
Ms. Rachana Shrivastava, Sr. Adv.
Mr. Vikrant Yadav, Adv.
Dr. Sandeep Singh, Adv.
Ms. Sasmita Tripathi, Adv.
Mr. Susheel Tomar, Adv.
Mr. Vikas Bansal, Adv.
Mr. Mukesh Kumar Singh, Adv.
Ms. Nandini Gupta, Adv.
Mr. Shashank Shekhar, AOR

Mr. Pradeep Rai, Sr. Adv.
Mr. Pritam Singh, Adv.
Mr. Ankit Bhatnagar, Adv.

For Respondent(s) : Mr. Dinesh Kumar Garg, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. In continuation of the deliberations held previously and the orders passed from time to time, Hon'ble Mr. Justice L. Nageswara Rao, former Judge of this Court, has graciously agreed to Chair the Committee to recommend the norms/guidelines/parameters for the reformation and suitable amendments in the Bye-laws regulating election of the Executive Committee to the Supreme Court Bar Association. The proposed reforms may *inter alia* include the eligibility conditions for contesting the elections. The Committee shall comprise of some Senior Advocates/experienced advocates (from both, Advocates-on-Record and Non-Advocates-on-record category),

who have never been interested in contesting the elections as office bearers of the Supreme Court Bar Association.

2. While we grant two weeks time to the members of the Bar to suggest some names directly to Hon'ble Mr. Justice L. Nageswara Rao, we leave it to the entire discretion of Justice L. Nageswara Rao to pick the names from that list. Hon'ble Mr. Justice L. Nageswara Rao is at liberty to constitute his own team, in case the members of the Bar do not provide any names.

3. It will be the entire discretion of Hon'ble Mr. Justice L. Nageswara Rao to invite suggestions from the members of the Bar or other stakeholders. The recommendations should be submitted as early as possible.

4. Post the matters on 07.04.2025.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

NOTICE

The attention of the members of the Supreme Court bar is drawn to the Order dated 24-02-2025 in Diary No.13992 of 2023 (*Supreme Court Bar Association v. B.D. Kaushik*) of the Supreme Court regarding reforms in the bye-laws of the Supreme Court Bar Association.

Suggestions are solicited from the members of the Supreme Court bar on the following issues:

1.	Eligibility conditions for contesting elections to the Executive Committee.
2.	Eligibility conditions for voting in elections to the Executive Committee.
3.	Tenure of the Executive Committee.
4.	Strength of the Executive Committee.
5.	Disqualification of candidates (including, for providing inducements for votes).
6.	Any other issue concerning the election of members to the Executive Committee.

Suggestions may kindly be shared before **20-03-2025** by email (scba.committee.2025@gmail.com), not exceeding **two pages, without attachments**.

Please remember to provide your SCBA membership number along with your mobile number in your email.

Justice L Nageswara Rao (Retd.)

Chairman, Committee for Electoral Reforms – SCBA

12.03.2025

NOTICE

Reference is made to the Notice dated 12.03.2025 inviting feedback from members of the Supreme Court Bar Association on proposed reforms concerning elections to the Executive Committee of the Association.

The date for suggestions is extended to **29-03-2025**.

Suggestions may be shared before **29-03-2025** by email (scba.committee.2025@gmail.com), not exceeding **two pages, without attachments**.

Please remember to provide your SCBA membership number along with your mobile number in your email.

Justice L Nageswara Rao (Retd.)

Chairman, Committee for Electoral Reforms – SCBA

24.03.2025

2025 SCC OnLine SC 587

In the Supreme Court of India

(BEFORE BELA M. TRIVEDI AND SATISH CHANDRA SHARMA, JJ.)

Supreme Court Bar Association and Another ...
Petitioner(s);

Versus

State of Uttar Pradesh and Others ... Respondent(s).

Miscellaneous Application Nos. 3-4 of 2025 in Criminal Appeal No.
3883-3884 of 2024

Decided on March 19, 2025

The Judgment of the Court was delivered by

BELA M. TRIVEDI, J.:— The Miscellaneous Applications have been filed jointly by the Supreme Court Bar Association (SCBA) and the Supreme Court Advocates-on-Record Association (SCAORA) seeking intervention in the matter and seeking clarification/modification of the directions contained in Para 42 of the Judgment and Order dated 20.09.2024 in Criminal Appeal No. 3883-3884 of 2024. The said Para 42 reads as under:—

"42. In view of the said Notice/Circular dated 30.12.2022 and in furtherance of the afore-stated order passed by the Coordinate Bench, it is directed that the Advocates-on-Record may mark the appearances of only those Advocates who are authorized to appear and argue the case on the particular day of hearing. Such names shall be given by the Advocate on Record on each day of hearing of the case as instructed in the Notice. If there is any change in the name of the arguing Advocate, it shall be duty of the concerned Advocate-on-Record to inform the concerned Court Master in advance or at the time of hearing of the case. The concerned Officers/Court Masters shall act accordingly."

2. This Court on 23.01.2025, had passed the following Order in the captioned Miscellaneous Applications:—

"ORDER

"IA No. 239214/2024, IA No. 283438/2024, and IA No. 283437/2024

1. These applications have been filed by the applicants- Supreme Court Bar Association (SCBA) And Supreme Court Advocates On-Record Association (SCAORA) in Miscellaneous Application Nos. 3-4/2025, seeking permission to intervene in the matter and seeking clarification/modification of the judgment dated

20.09.2024 passed in CrI. Appeal Nos. 3883-3884 of 2024. Following prayers have been sought in the M.A. No. 3- 4/2025.

- “a) Modify order dated 20.09.2024 passed by this Hon'ble Court in the CrI. A. No. 3883-3884 of 2024 to the extent that the investigation carried out by the CBI in furtherance on the directions of this Hon'ble Court, shall be independent and not influenced by the observations made in the instant matter especially Paragraphs 24, 25, 30 and 32 of the Judgment dated 20.09.2024;
 - b) Modify/Clarify the directions passed in Para-42 of the order to the extent that the names of those Advocates should also be included who have assisted the Advocate on Record in preparation of the case and/or have briefed the arguing counsel or Senior Advocate and/or are from the office of the Senior Advocate assisting on the matter.”
2. At the outset, in response to the query put forth by the Court as to what locus standi the applicants have to file these Interlocutory Applications/Miscellaneous Applications in a disposed of Criminal Appeals being CrI. Appeal Nos. 3883-3884/2024, the learned Senior Advocate, Mr. Kapil Sibal, appearing for the applicants fairly conceded that in normal circumstances the applicants would not have the locus standi, however he earnestly urged to permit him to address the Court, submitting that both the applicants - Associations are working for the welfare of the Bar, and the judgment in question has a wide repercussions on the Advocates practicing in the Supreme Court and on the legal profession as a whole.
3. He further submitted that so far as prayer clause (a) sought in M.A. is concerned, it may be clarified that the observations made in the judgment are *prima facie* and may not influence the CBI in carrying out the investigation independently.
4. Since, Mr. Kapil Sibal, is not only the Senior Advocate but is also the President of the SCBA, we permitted him to address the Court without being technical as to the locus standi of the applicants. Considering his earnest request, however without diluting the tenor and effect of the directions given and observations made in the judgment dated 20.09.2024, we may clarify that the CBI shall carry out the Inquiry/Investigation independently and in accordance with law and register the case against the persons who are found involved and responsible for the commission of the alleged crimes.
5. So far as the prayer clause (b) is concerned, learned Senior Advocate, Mr. Kapil Sibal, submitted that the Members of both the Associations i.e. SCBA and SCAORA, are committed to the

cause of justice and are also committed to promote professional competence and maintain professional integrity, and to prevent unethical practices affecting the legal profession. He submitted that on the next date of hearing, the applicants shall come out with some concrete proposal for taking steps/action for the promotion and improvement of the professional competence, which in turn would help in maintaining the professional integrity for the larger cause of justice.

6. In view of the said submission, list the applications before the same combination of Bench on 30.01.2025 at 02 : 00 p.m.”

3. In view of the above Order, the Court had allowed the Applicants-Associations to make their submissions, without being technical about their *locus standi* to intervene and to file these Miscellaneous Applications in the disposed of matter.

4. On 13.02.2025, Ms. Rachana Srivastava, the Vice President of SCBA, and the other Representatives of the SCBA and of SCAORA, made oral submissions and also submitted written joint submissions *inter alia* as under:—

- i.** The directions contained in the Judgment and Order dated 20.09.2024 are likely to seriously prejudice the rights of the members of the said Associations including their voting rights, rights in the allotment of chambers and their right for being considered for the designation as Senior Advocate etc.
- ii.** As per the Guidelines for the designation of Senior Advocates 2023, an Advocate is required to furnish a particular number of reported/unreported Judgments in the last 5 years in cases, in which he has appeared as an Arguing Counsel and Assisting Counsel. The decision in case of *Indira Jaising v. Supreme Court of India*¹, has been relied upon to highlight the role of a lead counsel and assisting counsel.
- iii.** Number of appearances of an Advocate is also one of the criteria for determining the eligibility for allocation of chambers in the premises of the Supreme Court. In this regard, the decision in case of *Gopal Jha v. Hon'ble Supreme Court of India*², has been relied upon.
- iv.** As per Rule 5 of the Rules and Regulations of SCBA, a member is eligible to vote only if he is a regular member of the Association, for which he should have appearance in the Supreme Court either as a lead Counsel in at least 5 matters in each year of the 2 years period or as a Junior Advocate appearing with the Senior Advocate/Advocate-on-Record in at least 20 matters in each year of the 2 years period. As per *Supreme Court Bar Association v.*

B.D. Kaushik³, only Advocates practising regularly in the Supreme Court are allowed to cast vote or contest the elections of the Association.

- v. Form-30 prescribed in the Fourth Schedule of Supreme Court Rules, 2013, requires an Appearance Slip to be submitted by the Advocate- on-Record for marking the appearances of the Advocates before the Court. It has always been an accepted rule, norm and practice in the Supreme Court to mark the appearances of all the Counsels who are present before the Court for a particular case and have contributed for proper adjudication of that case.
- vi. As per Order III Rule 1 of the Civil Procedure Code, a pleader has a right to appear on behalf of the party before any court.
- vii. By not recording the appearances of the assisting Advocates, there will be an adverse impact on the career progression of the Junior Advocates.

5. At the outset, it may be noted that the Court was constrained to give the impugned directions as a part of corrective measures, in the judgment and order dated 20.09.2024, as the court had found not only a misuse and abuse of process of law, but also a fraud on the court having been *prima facie* committed at the instance of the party-litigants and their advocates involved in the case. The other reason for giving such direction was also that the Court had noticed a very strange practice being followed in the Supreme Court regarding marking the appearances of number of advocates for a party, without anybody verifying or certifying whether they all are authorised to appear for that party or not. In almost all matters, whether simple or complicated, a number of appearances of Advocates would be shown in the Record of Proceedings, running into pages and pages, without any verification as to whether such advocates were in fact present in the Court or were in fact authorised to appear for a particular party in the case.

6. Two questions therefore arise before the Court : (i) whether the Advocates have an indefeasible right to appear for a party or to get their appearances marked for a party, though not duly authorised to appear in the court proceedings? and (ii) whether the impugned directions given by the court impinge or affect any of the legal, fundamental or statutory rights of the Advocates?

7. Before advertent to the above questions, it would be apt to refer to some of the relevant provisions contained in The Advocates Act, 1961, The Bar Council of India Rules and The Supreme Court Rules, 2013.

8. The Advocates Act, 1961 has been enacted to amend and consolidate the law relating to legal practitioners and to provide for the

constitution of Bar Councils and All India Bar. Section 16 thereof states that there shall be two classes of Advocates, namely, Senior Advocates and other Advocates. Section 30 thereof, *inter alia*, provides that subject to the provisions of the said Act, every Advocate whose name is entered in the State roll shall be entitled as of right to practice throughout the territories to which the said Act extends, in all courts including the Supreme Court. Chapter V of the said Act pertains to the conduct of the Advocates, and Section 35 and 36 empower the State Bar Council and the Bar Council of India to take disciplinary actions and punish the Advocate who has been found guilty of professional and other misconduct. Section 49 thereof empowers the Bar Council of to make rules for discharging its functions under the said Act and in particular for the matters prescribed therein.

9. The Bar Council of India in exercise of its rule making power under the Advocates Act, 1961 has framed the Rules called 'The Bar Council of India Rules'. The said Rules have been divided into nine parts. Part VI pertains to the Rules governing the Advocates. Chapter I of the said part VI lays down the restrictions on Senior Advocates in the matter of their practise of the profession of law as mentioned in Section 30 of the Advocates Act. Chapter II of part VI pertains to the standards of professional conduct and etiquette to be followed by the Advocates. The said Chapter lays down the Duties of an Advocate to the court, to the client, to the opponent, and to the colleagues. Chapter IV of Part VI also prescribes the form of dresses or robes to be worn by the Advocates.

10. It may further be noted that under Article 145 of the Constitution of India, the Supreme Court is empowered, with the approval of the President, to make Rules for regulating generally the practice and procedure of the Court including the Rules as to the persons practicing before the Court. Accordingly, the Supreme Court has framed the Supreme Court Rules, 2013, which came to be amended by the Supreme Court/Amendment Rules, 2019 (hereinafter referred to as the said Rules).

11. Order IV of the said Rules, 2013, pertains to the "Advocates." Relevant parts of the said Rules contained in Order IV are reproduced hereunder:—

"1. (a) Subject to the provisions of these rules an advocate whose name is entered on the roll of any State Bar Council maintained under the Advocates Act, 1961 (25 of 1961) as amended shall be entitled to appear before the Court:

Provided that an advocate whose name is entered on the roll of any State Bar Council maintained under the Advocates Act, 1961 (25 of 1961), for less than one year, shall be entitled to mention matters in Court for the limited purpose of asking for time, date,

adjournment and similar such orders, but shall not be entitled to address the Court for the purpose of any effective hearing:

Provided further that the Court may, if it thinks desirable to do so for any reason, permit any person to appear and address the Court in a particular case.

(b) No Advocate other the Advocate-on-Record for a party shall appear, plead and address the court in the matter unless he is instructed by the Advocate-on-Record or permitted by the Court."

(c)

2. (a) The Chief Justice and the Judges may, with the consent of the advocate, designate an advocate as senior advocate if in their opinion by virtue of his ability, standing at the Bar or special knowledge or experience in law the said advocate is deserving of such distinction

(b) A senior advocate shall not-

(i) file a vakalatnama or act in any Court or Tribunal in India;

(ii) appear without an advocate-on-record in the Court or without a junior in any other Court or Tribunal in India;

(iii) accept instructions to draw pleadings or affidavit, advise on evidence or do any drafting work of an analogous kind in any Court or Tribunal in India or undertake conveyancing work of any kind whatsoever but this prohibition shall not extend to settling any such matter as aforesaid in consultation with a junior;

(iv) accept directly from a client any brief or Instructions to appear in any Court or Tribunal in India.

Explanation. -

3 to 4

5. No advocate shall be qualified to be registered as an advocate-on-record unless:—

(i) his name is, and has been borne on the roll of any State Bar Council for a period of not less than four years on the date of commencement of his training as provided hereinafter:

(ii) to (iv).....

6.....

7.(a)

(b) (i) Where the vakalatnama is executed in the presence of the Advocate-on-Record, he shall certify that it was executed in his presence.

(ii) Where the Advocate-on-Record merely accepts the vakalatnama which is already duly executed in the presence of a Notary or an advocate, he shall make an endorsement thereon that

he has satisfied himself about the due execution of the vakalatnama.

(c) No advocate other than an advocate-on-record shall be entitled to file an appearance or act for a party in the Court.

(d) & (e)

8-9

10. When, on the complaint of any person or otherwise, the Court is of the opinion that an advocate-on-record has been guilty of misconduct or of conduct unbecoming of an advocate-on-record, the Court may make an order removing his name from the register of advocates on record either permanently or for such period as the Court may think fit and the Registrar shall thereupon report the said fact to the Bar Council of India and to State Bar Council concerned:

Provided

11 to 19

20. No advocate-on-record shall authorise any person whatsoever except another advocate-on-record, to act for him in any case."

12. So far as Appearance Slip is concerned, the said Rules have prescribed it in the Form No. 30 in the Fourth Schedule, appended to the said Rules. The said Form No. 30 alongwith its Note is reproduced as under:—

"No. 30
APPEARANCE SLIP
IN THE SUPREME COURT OF INDIA

	Date of Listing.....
Court No...../In Chambers	Item No.....
	Case No.
Name of Advocate	Enrolment No.
1.
2.
Appearing for Petitioner No.	Respondent No.

	[Signature of AOR]

	[Name of AOR]

Note. -

Court Master shall ensure to record appearance in the Record of Proceedings only of Senior Advocate/AOR/Advocate who are physically present and arguing in the Court at the time of hearing of the matter and one Advocate/AOR each for assistance in Court to

such arguing Senior Advocate/AOR/Advocate, as the case may be.”

13. From the above stated statutory provisions, what is deducible is that the Supreme Court in exercise of the powers conferred by Article 145 of the Constitution of India and all other powers enabling it in this behalf, has made with the approval of the President, the Rules for regulating generally the practice and procedure of the Court, including the Rules as to persons practicing before the Court. Therefore, though an Advocate whose name is entered on the roll of any State Bar Council maintained under the Advocates Act, 1961 is entitled to appear before the Supreme Court, his appearance would be subject to the said Rules of 2013 framed by the Supreme Court. The proviso to Rule 1(a) of Order IV restricts an Advocate from addressing the Court for the purpose of any effective hearing, if his name has been entered on the roll of any State Bar Council for less than 1 year. Of course, he is entitled to mention the matter in the Court for limited purpose of asking time, date, adjournment and similar such orders. As per Rule 1 (b), no Advocate other than the Advocate-on-Record for a party can appear, plead and address the Court in a matter unless he is instructed by the Advocate-on-Record or permitted by the Court.

14. Rule 20 thereof states that no Advocate-on-Record shall authorise any person whatsoever except another Advocate-on-Record, to act for him in any case. Rule 2(b) mandates that a Senior Advocate shall not appear without an Advocate-on-record in the Supreme Court and shall not appear without a junior in any other court in India. Thus, as per the said Rule so far as Supreme Court is concerned, a Senior Advocate can not appear without the Advocate on Record appearing on behalf of a party.

15. It is pertinent to note that as per Rule 7(c) no Advocate other than the Advocate-on-Record is entitled to file an appearance or act for a party in the Court, and Rule 7(a) requires an Advocate-on-Record to file his memorandum of appearance on behalf of a party accompanied by Vakalatnama duly executed by the party. Where the Vakalatnama is executed in the presence of the Advocate-on-Record, he shall certify that it was executed in his presence. If the Advocate-on-Record has merely accepted the Vakalatnama, which was already executed in the presence of a Notary or an Advocate, he has to make an endorsement thereon that he has satisfied himself about the due execution of the Vakalatnama. Meaning thereby, every Vakalatnama has to be executed by the party in presence of the Advocate-on-Record or in presence of a Notary or an Advocate, for being sent to the Advocate-on-Record. If the Vakalatnama was not executed in his presence, the Advocate-on-Record has to make an endorsement on the Vakalatnama that he has satisfied himself about the due execution of the Vakalatnama. This Rule 7 assumes significance more particularly in the Supreme Court, in as

much as, many a times, the Advocates-on-Record would be receiving the Vakalatnama already executed by the party, who might be staying at a far away place. In that case, it would be incumbent on the part of Advocate-on-Record, before filing his Memorandum of appearance on behalf of such party that the Vakalatnama received by him was duly executed in presence of a Notary or other Advocate and to make an endorsement in that regard.

16. Rule 10 of the said Order IV also assumes significance in case when an accountability is required to be fixed on the Advocate-on-Record and when, in the opinion of the Court, he has been guilty of misconduct or of conduct unbecoming of an Advocate-on-Record.

17. It is noticed by us that in many cases the Advocate-on-Record would merely lend his/her name without any further participation in the proceedings of the case. The Advocate-on-Record would be seldom found present along with the Senior Advocate. The Appearance Slip in the prescribed Form No. 30 would also not have been given showing the correct appearances. We cannot resist ourselves from observing that every Vakalatnama or Memorandum of Appearance filed in a case by the Advocate on Record carries lot of responsibility and accountability.

18. A right of an Advocate to appear for a party and to practice in the courts is coupled with the duty to remain present in the court at the time of hearing, and to participate and conduct the proceedings diligently, sincerely, honestly and to the best of his ability. Rights and duties are two sides of the same coin, and they are inherently connected with each other.

19. This Court in case of *Bar of Indian Lawyers Through Its President Jasbir Singh Malik v. D.K. Gandhi PS National Institute of Communicable Diseases*⁴, while holding that the legal profession is *sui generis* i.e. unique in nature and cannot be compared with other professions, also held that a service hired or availed of an Advocate, is a service under "a contract of personal service" and therefore would fall within the exclusionary part of the "service" contained in Section 2(42) of the Consumer Protection Act, 2019. On the right of an Advocate to practice, and to act for any person in the court, it was observed as under:—

"49. A conjoint reading of the provisions contained in Order III CPC and Chapter IV of Advocates Act pertaining to right to practise, there remains no shadow of doubt that an advocate whose name has been entered in the State roll is entitled as of right to practise in all Courts, however he can act for any person in any Court only when he is appointed by such person by executing the document called "Vakalatnama." Such Advocate has certain authorities by virtue of

such "Vakalatnama" but at the same time has certain duties too, i.e. the duties to the courts, to the client, to the opponent and to the colleagues as enumerated in the Bar Council of India Rules.

50. In this regard, this Court in *Himalayan Cooperative Group Housing Society v. Balwan Singh* has made very apt observations, which are reproduced hereunder:—

22. Apart from the above, in our view lawyers are perceived to be their client's agents. The law of agency may not strictly apply to the client-lawyer's relationship as lawyers or agents, lawyers have certain authority and certain duties. Because lawyers are also fiduciaries, their duties will sometimes be more demanding than those imposed on other agents. The authority-agency status affords the lawyers to act for the client on the subject-matter of the retainer. One of the most basic principles of the lawyer-client relationship is that lawyers owe fiduciary duties to their clients. As part of those duties, lawyers assume all the traditional duties that agents owe to their principals and, thus, have to respect the client's autonomy to make decisions at a minimum, as to the objectives of the representation. Thus, according to generally accepted notions of professional responsibility, lawyers should follow the client's instructions rather than substitute their judgment for that of the client. The law is now well settled that a lawyer must be specifically authorised to settle and compromise a claim, that merely on the basis of his employment he has no implied or ostensible authority to bind his client to a compromise/settlement. To put it alternatively that a lawyer by virtue of retention, has the authority to choose the means for achieving the client's legal goal, while the client has the right to decide on what the goal will be. If the decision in question falls within those that clearly belong to the client, the lawyer's conduct in failing to consult the client or in making the decision for the client, is more likely to constitute ineffective assistance of counsel."

20. So far as Appearance Slip is concerned, the "Note" mentioned at the foot of Form No. 30 in the Fourth Schedule appended to the said Rules, 2013, requires the Court Master to ensure to record appearances in the Record of Proceedings only of Senior Advocate/AOR/Advocate who is physically present and arguing in the Court at the time of hearing of the matter and one Advocate/AOR each for assistance in the Court to such arguing Senior Advocate/AOR/Advocate, as the case may be. This means that the Court Master is required to record appearances in the Record of Proceedings only of (i) Senior Advocate or AOR or Advocate who is physically present and arguing in the Court on behalf of a party at the time of hearing of the matter and (ii) one Advocate or

AOR each for assistance in the Court to such arguing Senior Advocate or AOR or Advocate as the case may be. Therefore, along with the arguing Senior Advocate or AOR or Advocate appearing for a party, further additional appearance of only one Advocate or AOR as the case may be, who is assisting in the matter, could be recorded. Of course, any subsequent change in the engagement of the AOR or the Senior Advocate or the Arguing Advocate by the party, may be intimated by the concerned AOR by submitting an Appearance Slip afresh to the concerned Court Master, and the concerned Court Master shall have to mark the appearances of the Advocates accordingly in the Record of Proceedings.

21. It is difficult to accept the submission made on behalf of the Applicants Associations that it has been the practice in the Supreme Court to get appearances of all counsels marked, who are present in the court for a particular case, and contributed or assisted the arguing counsel. It hardly needs to be stated that no practice could be permitted to overrule the Statutory Rules, particularly when the Rules are framed by the Supreme Court in exercise of the powers conferred under Article 145 of the Constitution. The said Rules having a statutory force have to be strictly adhered to and followed by all concerned, that is, by the officers of the Court including the Court Masters as also the Advocates. There has to be effective participation or assistance by the concerned Advocate assisting the Arguing advocate in the case, when the matter is being conducted in the Court. Casual, formal or ineffective presence in the Court along with the AOR or arguing Advocate, without due authorisation by the party concerned, cannot entitle the Advocate to insist the Court Master to record his or her appearance in the Record of Proceedings.

22. The submission made on behalf of the Applicants-Associations that the impugned directions given by the Court would have an adverse impact on the rights of the Advocates to vote, to be considered for the allotment of chambers in the Supreme Court premises and for the designation as Senior Advocate, also has no force. In this regard, it may be noted that the issues with regard to allotment of chambers in the Supreme Court premises and about the voting rights of the Advocates in the elections of Supreme Court Bar Association have been raised and considered by this Court in various judgments. In Gopal Jha case (supra), this Court had reiterated that there is no fundamental right or statutory right of an Advocate to have an allotment of chamber in any court premises, and that it is only a facility which is provided in the court premises. It has been further observed that the members of SCAORA or other similarly situated persons who are members of SCBA can make only a request to the Chambers committee constituted under the Supreme Court Lawyers' Chambers (Allotment and Occupancy)

Rules framed by the Supreme Court on administrative side, for the allotment of chambers within the compound of Supreme Court. The said Rules govern the procedure and the eligibility criteria for allotment of chambers which are binding to all.

23. The issues with regard to the voting right and the right to contest elections of SCBA, have also been crystallised by this Court in *Supreme Court Bar Association* (supra), in which it has been held *inter alia* that right to vote or to contest election is neither a fundamental right nor a common law right, but is purely a statutory right governed by the Statutes/Rules/Regulations. We therefore need not elaborate any further on the issues raised, except to observe that members of the Applicants-Associations are bound by the Rules and Regulations with regard to right to the allotment of Chambers and with regard to the right to vote or right to contest elections of the Bar Association, as also they are bound by the Supreme Court Rules, 2013 framed under Article 145 of the Constitution of India.

24. In the aforesaid premises, we are of the opinion that the said Supreme Court Rules, 2013 as amended by Rules, 2019 having the statutory force, have to be adhered to and complied with by all the officers of the Court as also the Advocates practicing in the Supreme Court. The Supreme Court being the highest court of the country, the practice and procedure being followed in the Supreme Court proceedings by the Advocates and Officers of the Supreme Court have to be strictly in accordance with the Statutory Rules framed by it, and not *dehors* the said Rules. Hence, keeping in view the said Rules framed in exercise of the powers conferred under Article 145 of the Constitution of India, and for regulating the Practice and Procedure of the Supreme Court, it is directed that-

- (i)** Where the Vakalatnama is executed in the presence of the Advocate-on-Record, he shall certify that it was executed in his presence.
- (ii)** Where the Advocate-on-Record merely accepts the Vakalatnama which is already duly executed in the presence of a Notary or an Advocate, he shall make an endorsement thereon that he has satisfied himself about the due execution of the Vakalatnama.
- (iii)** The Advocate on record shall furnish the details as required by the Appearance Slip prescribed in Form No. 30 through the link provided on the website as mentioned in the Notice dated 30.12.2022 issued by the Supreme Court;
- (iv)** The respective Court Masters shall ensure to record appearances in the Record of Proceedings only of Senior Advocate/AOR/Advocate who are physically present and arguing in the Court at the time of hearing of the matter, and one Advocate/AOR each for assistance in Court to such arguing Senior

Advocate/AOR/Advocate, as the case may be, as required in the Note mentioned at the foot of the said Form No. 30; and

(v) If there is any change in the authorisation of the AOR or of the Senior Advocate or Arguing Advocate by the concerned party, after the submission of the Appearance Slip prescribed in Form No. 30, it shall be duty of the concerned AOR to submit an Appearance Slip afresh to the concerned Court Master informing him about such change, and the concerned Court Master shall record appearances of such Advocates accordingly in the Record of Proceedings.

(vi) A Senior Advocate shall not appear without an AOR in the Supreme Court.

25. Subject to the above modification in the directions contained in para 42 of the Judgment dated 20.09.2024, the Miscellaneous Applications stand disposed of.

26. The Office shall do the needful for the due compliance of the directions contained in this order.

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¹ (2023) 8 SCC 1

² (2019) 13 SCC 161

³ (2011) 13 SCC 774

⁴ (2024) 8 SCC 430

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APPENDIX - H SUPREME COURT BAR ASSOCIATION (Regd.)⁷⁷

SUPREME COURT OF INDIA, TILAK MARG, NEW DELHI - 110 001 (INDIA)

Ref. No.:

Date :

MODEL CODE OF CONDUCT OF THE SCBA ELECTION-2024

1. The polling on 16.05.2024 shall take place in SCBA Library No.1 and will start from 10:00 AM and will close at 5:00 PM sharp and these timings shall be strictly adhered to.
2. All voters must be in possession of SCBA Identity Card / Proximity Card and produce the same at the time of issuance of Ballot Paper and whenever required by the polling personnel.
3. All campaigning in all forms whether through the virtual mode or in physical form including through social media must be stopped by 10:00 AM on 15.05.2024 i.e. 24 hours before the date of polling i.e. 16.05.2024.
4. There should be NO SMS / PHONE CALL / EMAILS / WHATSAPP MESSAGES AND OTHER SUCH FORMS OF SOCIAL MEDIA CAMPAIGNING DISTRIBUTION OF HAND BILLS/ PAMPHLETS either in the Supreme Court premises or in the designated polling area on the date of poll and it shall be the responsibility of a candidate to ensure that his/her agents conduct themselves in a manner befitting the dignity of the Bar of the Apex Court.
5. Any candidate or his/her agent found violating the above guidelines or obstructing any voter from exercising his/her right to vote will render that candidate liable for disqualification.

JAIDEEP GUPTA (SR.)
Chairman,
Election Committee,

MEENAKSHI ARORA (SR.)
Member,
Election Committee,

RANA MUKHERJEE (SR.)
Member,
Election Committee,