

**SUPREME COURT BAR ASSOCIATIONS COMMENTS ON THE REPORT OF
JUSTICE L. NAGESHWAR RAO**

- We have gone through the report of Justice L. Nageshwar Rao regarding reforms in the Supreme Court Bar Association elections. Our comments on the suggestions are as follows:
- As far as permitting all members with 25 years of membership of SCBA is concerned, the same will create issues as there would be around 6000 members in this category, many of whom are not practicing in the Supreme Court anymore or are not regular practitioners of the Supreme Court and hence, do not deserve to be considered for voting. Accordingly, Clause B, subclause (iv) at Para 64 is to be deleted.
- The categories at subclause (i) to (iii) are accepted, subject to the condition that the 50 appearances required should have at least 75% physical appearances in Court and only a maximum of 25% can be virtual appearances. The physical appearance is to be verified from the Proximity Card entry of the day on it is claimed. The virtual entry is to be verified to see if the person had actually joined the hearing in virtual mode. The software in the Supreme Court Registry should be directed to be aligned for the said purposes.
- Entry to Supreme Court premises and use of Proximity Card should be considered for voting, provided that the Members enter at least 60 times in a year and have at least 20 appearances in that year. Similarly, voting rights for Chamber allottees should also be on the basis of at least 20 appearances in that year.
- Regarding the recommendation *qua* the eligibility to contest at the post of President of SCBA, we feel that the candidates for President must have 20 lead appearances in reported judgments in the last 10 years, and the candidates for Vice-President must have 10 lead appearances in reported judgments in the last 10 years.
- There are two recommendations with regard to increase in tenure of Executive Committee and simultaneous holding of elections along with the elections for Delhi High Court Bar Association and District Bar Associations. By a judicial order of Delhi High Court, a two-year tenure has been provided for all the Bar Associations in Delhi, including the Delhi High Court Bar Association. The two recommendations would have to be implemented sequentially, i.e., to start with, directions should be issued to hold all elections simultaneously, and thereafter, the tenure automatically would become two years for the SCBA.
- Subclause (F) of Para 64 with regard to disqualifications to contest is salutary and accordingly, should be implemented rigorously.
- All five suggestions in subclause (G) of Para 64 under the heading 'Miscellaneous Recommendations' should be implemented, and it should be further provided that the decision of the Election Committee on any matter concerning the SCBA election would be final.