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To


The President
Supreme Court Bar Association
New Delhi

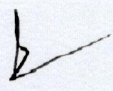
Ref: Order dated 02.05.2024 of the Supreme Court in M.A./Diary No.13992/2023 in C.A. No.3401/2003: SCBA Vs. B.D. Kaushik.

Sub: Suggestions for Electoral Reforms in the SCBA election.

Dear Sir,

1. Pursuant to the directions issued in the matter above referred, I hereby put certain suggestions for reforms in ensuing SCBA elections. Apart from my own observations, I heavily rely upon the observations made in a Division Bench decision of Madras High Court in K. Sathyabal Vs. Chairman & Members Election Committee, 2022 (8) Madras LJ 280/2022 SCC Online Madras 4861, wherein somewhat similar / identical issues were considered and dealt with.
2. The Hon'ble High Court observed that an endeavour to restore the glory of the Association, which functions within the premises of the High Court, it is appropriate to fix conditions and other standards for contesting election. The High Court laid down the following conditions for different posts as under:
 - (i) PRESIDENT
 - (a) Senior Counsel/Advocate who has got regular practice at least for a period of 25 years.
 - (b) They should have argued at least 50 contested cases before the High Court each year and 250 cases for the past 5 years.
 - (ii) VICE-PRESIDENT
 - (a) Advocate who has got regular practice at least for a period of 20 years.
 - (b) They should have argued at least 30 contested cases before the High Court each year and 150 cases for the past 5 years.
 - (iii) SECRETARY

- (a) Advocate who has got regular practice at least for a period of 20 years.
 - (b) They should have argued at least 30 contested cases before the High Court each year and 150 cases for the past 5 years.
 - (iv) TREASURER
 - (a) Advocate who has got regular practice at least for a period of 15 years.
 - (b) They should have argued at least 25 contested cases before the High Court each year and 125 cases for the past 5 years.
 - (v) LIBRARIAN
 - (a) Advocate who has got regular practice at least for a period of 15 years.
 - (b) They should have argued at least 25 contested cases before the High Court each year and 125 cases for the past 5 years.
 - (vi) SENIOR EX. COMMITTEE MEMBERS
 - (a) Advocate who has got regular practice at least for a period of 10 years.
 - (b) They should have argued at least 15 contested cases before the High Court each year and 75 cases for the past 5 years.
 - (vii) JUNIOR EX. COMMITTEE MEMBERS
 - (a) Advocate who has got regular practice at least for a period of 5 years.
 - (b) They should have argued at least 5 contested cases before the High Court each year and 25 cases for the past 5 years.
3. These were the eligibility criteria laid down by the Madras High Court for the Madras Association. However, as regard Supreme Bar Association certain improvement had to be made and accordingly, I suggest the following criteria for the election of the various post holders in the SCBA. These are as under:
- (i) PRESIDENT
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- (a) Senior Counsel/Advocate who has got regular practice at least for a period of 30 years.
 - (b) They should have argued at least 50 contested cases before the High Court each year and 250 cases for the past 5 years.
 - (ii) VICE-PRESIDENT
 - (a) Advocate who has got regular practice at least for a period of 25 years.
 - (b) They should have argued at least 40 contested cases before the High Court each year and 200 cases for the past 5 years.
 - (iii) SECRETARY
 - (a) Advocate who has got regular practice at least for a period of 20 years.
 - (b) They should have argued at least 30 contested cases before the High Court each year and 150 cases for the past 5 years.
 - (iv) JOINT SECRETARY
 - (a) Advocate who has got regular practice at least for a period of 20 years.
 - (b) They should have argued at least 30 contested cases before the High Court each year and 150 cases for the past 5 years.
 - (v) TREASURER
 - (a) Advocate who has got regular practice at least for a period of 15 years.
 - (b) They should have argued at least 25 contested cases before the High Court each year and 125 cases for the past 5 years.
 - (vi) JOINT-TREASURER
 - (a) Advocate who has got regular practice at least for a period of 15 years.
 - (b) They should have argued at least 25 contested cases before the High Court each year and 125 cases for the past 5 years.
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(vii) SENIOR EX. COMMITTEE MEMBERS

(a) Advocate who has got regular practice at least for a period of 15 years.

(b) They should have argued at least 20 contested cases before the High Court each year and 100 cases for the past 5 years.

(viii) JUNIOR EX. COMMITTEE MEMBERS

(a) Advocate who has got regular practice at least for a period of 10 years.

(b) They should have argued at least 10 contested cases before the High Court each year and 30 cases for the past 10 years.

4. The direction made in para 6 of the order dated 02.05.2024 of this Hon'ble Court, which are quoted as under may be retained by amending the SCBA rule.

"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 1/3rd seats in the Executive Committee i.e., 3 out of 9.*

(ii) *Minimum 1/3rd 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."*

5. It is also suggested that the security deposits to be paid along with nomination for seeking election to different posts of the executed committee as specified in Rule 18(b) of SCBA rules may also be modified as suggested herein below:

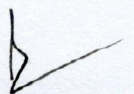
President	Rs.1,00,000/-
Vice-President	Rs.75,000/-

Secretary	Rs.50,000/-
Joint-Secretary	Rs.50,000/-
Treasurer	Rs.50,000/-
Joint-Treasurer	Rs.50,000/-
Senior Executive Members	Rs.25,000/-
Junior Executive Members	Rs.15,000/-

6. I suggest that the eligibility criteria for voters eligible to vote may also suitably be amended to ensure that only the regular practitioner in the Supreme Court and no outsiders participate in the election process for electing the office bearers of the Supreme Court Bar Association. This can be achieved only by advising the members to submit a certificate of minimum 60 appearance in the year previous to the election year evidenced by the names mentioned in the record of proceedings.
7. Other existing eligible criteria for members of the Supreme Court Bar Association to become eligible to vote, such as one bar one vote and other criteria as framed by various orders passed in B.D. Kaushik Case may be retained.
8. The resolution No.1(a) that no member of bar shall be eligible to hold any post for more than 4 years in his / her lifetime as passed by the General Body in its meeting held on 14.10.2014 may be retained.
9. In para 3 of the order dated 01.05.2023 made by the Hon'ble Supreme Court with respect to eligibility criteria of mediators to vote in the SCBA election, the Hon'ble Supreme Court accepted the clarification in Condition No.9 of the questionnaire as under which may be retained for the purpose of future elections. Such clarification was as under:

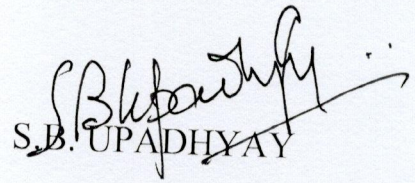
"Only those members of the bar who are as working as mediators at the Supreme Court Mediation Centre and have either physically or via video conferencing conducting 20 mediations cases in 2 years prior to the election years may be considered as eligible to vote.

This clarification was found just and fair by the Hon'ble Court and the Court directed the same to be accepted.



10. The law college students and non-members of the SCBA should not be allowed to campaign for the candidates within the premises of the Supreme Court particularly on the day of election.
11. These are a few of my suggestions which I find relevant for electoral reform in SCBA election to restore the glory of the SCBA, which has been diminishing day by day. I hope and trust, the suggestion may be placed before the Court for consideration.

New Delhi / 12.07.2024


S.B. UPADHYAY