

IN THE SUPREME COURT OF INDIA

M.A (Dairy 13392 OF 2023)

IN

C.A 3401 & 3402 OF 2003

Dated: 13/07/2024. Court 4. Item No. 13

In Ref: 13992 OF 2024. Suggestion as per order dated 02/05)2024 passed by this

Hon'ble Court

1. That the, as per the order dated 02.05.2024 in the MA No. of 2023 (Diary No. 13992 of 2023) in Civil Appeal 3401 & 3402 of 2003 states:

“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.”

However, the said reservation for women was only on a trial basis for the SCBA election 2024, and it is important to consider other factors while implementing reservation policy in the SCBA election which ~~embodies~~ embodies the principle of the Constitution of India, providing representation to all the marginalized section and not only to women. The SCBA being the bar of the Apex Court, comprising of members from all over India, therefore reservation policy for SCBA elections should be inclusive of all the reserved categories as the Constitution and not only limited to women's reservation.

2. That the one of the eligibility criteria for contesting the election, that is related to fees for the office bearer as well as for the Senior Executives and Member Executives are as follows:

SL NO.	POST	CURRENT FEES	SUGGESTED FEES
1.	President	Rs. 5,000/-	Rs. 25,000/-
2.	Vice-President	Rs. 4,000/-	Rs. 20,000/-
3.	Secretary	Rs. 3,000/-	Rs. 15,000/-
4.	Joint Secretary	Rs. 3,000/-	Rs. 12,000/-
5.	Treasurer	Rs. 3,000/-	Rs. 10,000/-
6.	Joint Treasurer	Rs. 3,000/-	Rs. 7,000/-
7.	Senior Member Executive	Rs. 2,000/-	Rs. 20,000/-
8.	Member executive	Rs. 1,000/-	Rs. 5,000/-

*Figures are in the form of Indian Currency

3. That the one of the eligibility criteria for contesting the election, that is related to experiences for the office bearer as well as for the Senior Executives and Member Executives are as follows:

SL NO.	POST	CURRENT EXPERIENCE	SUGGESTED EXPERIENCE
1.	President	5 Years	30 Years
2.	Vice-President	5 Years	25 Years
3.	Secretary	5 Years	20 Years
4.	Joint Secretary	5 Years	15 Years
5.	Treasurer	5 Years	15 Years
6.	Joint Treasurer	5 Years	7 Years
7.	Senior Member Executive	5 Years	25 Years
8.	Member executive	3 Years	10 Years

*Seniority will be from the date of enrolment as a member of Supreme Court Bar Association.

4. That the one of the eligibility criteria for contesting the election, that is related to appearance before this Hon'ble Court and entry by proximity card for the office bearer as well as for the Senior Executives and Member Executives are as follows:

SL NO.	POST	SUGGESTED APPEARANCES	ENTRY BY PROXIMITY CARD
1.	President	50 APPEARANCES	60 Complete Transaction
2.	Vice-President	45 APPEARANCES	60 Complete Transaction
3.	Secretary	40 APPEARANCES	60 Complete Transaction
4.	Joint Secretary	35 APPEARANCES	60 Complete Transaction
5.	Treasurer	30 APPEARANCES	60 Complete Transaction
6.	Joint Treasurer	30 APPEARANCES	60 Complete Transaction
7.	Senior Member Executive	40 APPEARANCES	60 Complete Transaction
8.	Member executive	30 APPEARANCES	60 Complete Transaction
* All appearance and entries by Proximity Card in 1 Years (From 1 st January to 31 st December) as per English calendar.			

5. That as per the Resolution No. SCBA/GBM/38/20214/16885 dated 15.10.2014, it was resolved that *“that no member of the Bar shall be eligible to hold any one post for more than 4 years in his/her lifetime.”*

The said resolution was also an agenda of the GENERAL BODY MEETING held on 30.04.2024, but the same embargo for not contesting on a post after holding office for 4 years failed along with the other agenda items. It was at the hearing before this Hon'ble Court on 02.05.2024 that the Hon'ble Court invited suggestions from SCBA members for the reform of the association as well as the SCBA election. It is germane to highlight that the resolution dated 15.10.2014, is both undemocratic and unconstitutional as it is in contradiction with the election laws in India and, thus the same needs to be struck down (emphasis Rule 18 of SCBA Rules). It is further pertinent to submit that the resolution dated 15.10.2014 was neither ratified by SCBA nor any direction to the said effect was received from the Registrar of Cooperative Societies as SCBA is a registered society under Delhi Societies Registration Act. According to Rule 18 of SCBA Rules, the eligibility for VOTERS remains the same even after 15.10.2014. 'One who is a Voter can contest SCBA elections in compliance with the orders passed by this Hon'ble Court from time to time. A substantive right of deserving candidates, especially for the post of PRESIDENT has been taken away qua the resolution dated 15.10.2014 de hors SCBA rules, and election laws & one of the basic features of the Constitution. There is no embargo on contesting elections either in the State Bar Councils or the Bar Council of India. SCBA being the apex bar of the country ought to embody and work according to the constitutional mandate

Thus, it may be the choice of the qualified SCBA member to contest the election with appropriate directions by this Hon'ble Court for declaring the resolution passed by SCBA dated 15.10.2014 as illegal and unconstitutional.

6. The tenure of the Executive Committee of SCBA may be for 2 years.
7. The candidates for SCBA EC may make a declaration that they have no criminal cases pending against them and, it should be the discretion of the Election Committee constituted for the conduct of SCBA elections to decide upon the candidature of such SCBA member.

Submitted by
Kumud Lata Das
Advocate for Applicants

Dated: 13.07.2024