



# भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

BCI:D: 5655/2022 (Revision)

DATED: 03-10-2022

Misc. Petition No. 10/2022

Sumer Singh, Advocate

Petitioner

Versus

1. The Secretary  
Bar Council of Rajasthan

Respondent

2. The Secretary  
The Rajasthan High Court Bar Association

Sir(s),

I am sending herewith certified copy of Order dated 03.10.2022 passed by the Hon'ble Sub-Committee, Bar Council of India.

Yours faithfully,

Asstt. Secretary

Copy to:

1. Mr. Sumer Singh Ola, Advocate  
S/o Mr. Ram Avatar Ola,  
Ch. No. 11, Old Building,  
Rajasthan High Court Premises,  
Jaipur, Rajasthan
2. The Secretary,  
Bar Council of Rajasthan,  
Old High Court Building,  
Jodhpur - 342 005,  
Rajasthan
3. The Secretary,  
The Rajasthan High Court Bar Association,  
Jaipur,  
High Court Building, Bhagwan Das Road,  
Jaipur - 302 005  
Rajasthan



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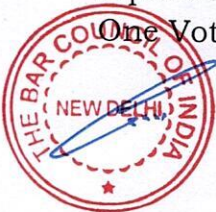
We have perused the petition filed by Shri Sumer Singh Ola, Advocate, Rajasthan High Court, Jaipur Bench. The petitioner has prayed for the implementation of principle of "One Bar One Vote" in the State of Rajasthan as well as in the upcoming election of Rajasthan High Court Bar Association at Jaipur. The contention of the petitioner is that the elections of any Bar Association should be only through genuine voters and the advocates regularly practicing in that particular High Court/the Court concerned and the outsiders, who are not regularly practicing in that court, should not be permitted to hijack the system and/or should not be permitted to take part in the process of election.

The petitioner has relied on the law laid down by Hon'ble Apex Court in case of Amit Sachan & Anr. Versus Bar Council of Uttar Pradesh in Special Leave Petition (Civil) Nos. 15349-15350 of 2021 in which the Hon'ble Apex Court has observed as follows :-

**"Office bearers of the Bar Association are to be elected by the genuine voters and the advocates genuinely/regularly practicing in the High Court and/or the Court concerned, and outsiders not regularly practicing in that court cannot be permitted to hijack the system by permitting them to take part in the election process of electing members of the Bar Association."**

The petitioner has also relied on another Judgement of Hon'ble Apex Court reported in (2011) 13 Supreme Court Cases 774 which talks of "One Person

One Vote".



In the opinion of the Council the unruly, indecent and rustic behavior in course of the election should strictly be checked. If one voter is allowed to exercise his voting right in more than one Bar Association, then the sanctity of such election becomes questionable. The purport of the verdict of Supreme Court as well as some High Courts is to ensure the principle of "One Bar One Vote".

It appears that the Bar Association of High Court, Jaipur Bench and the State Bar Council of Rajasthan are not taking the matter seriously and the High Court Bar Association is trying to proceed very fast with the election without following the said principle. Obviously such hurriedness would result in manipulation and corrupt practices.

In order to ensure the principle of "One Bar One Vote", **the Bar Council of Rajasthan will have to direct all the Bar Associations to produce the list of voters and the Rajasthan Bar Council will be required to scrutinize the same carefully.** Further, the elections of the High Court Bar Association as well as all the Bar Associations of Rajasthan will have to be held on one day fixed by the Bar Council.

Issue notice to the respondents fixing 9<sup>th</sup> January, 2023 for hearing and reply of State Bar Council and High Court Bar Association, Jaipur. In the meantime it is expected that the State Bar Council will take necessary steps for issuing necessary directions to all the Bar Associations and will ask for production of electoral roll of all the Bar Associations including the list of voters of Rajasthan High Court Bar Association at Jaipur. In the meantime, in order to ensure a fair and transparent election, the elections of High Court Bar Association of Jaipur Bench scheduled to be held on 18.11.2022 as well as the elections of any other Bar Association (if schedule) shall remain stayed.

Sd/-  
**CHAIRMAN**

Sd/-  
**MEMBER**

Sd/-  
**MEMBER**

**Certified to be true copy**



**Asstt. Secretary  
Bar Council of India**

