

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) NO. \_\_\_\_\_ OF 2021

**IN THE MATTER OF:-**

ABHINAV RAMKRISHNA

...PETITIONER IN PERSON

VERSUS

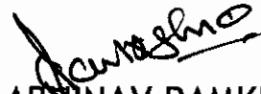
SUPREME COURT BAR ASSOCIATION

...RESPONDENT

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 ABHINAV RAMKRISHNA  
 PETITIONER IN PERSON  
 FLAT NO. 54, TOWER NO. 14  
 SUPREME ENCLAVE SCCL LTD  
 MAYUR VIHAR PHASE-1  
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NEW DELHI  
 DATED: 23.01.2021

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) NO. \_\_\_\_\_ OF 2021

IN THE MATTER OF:-

ABHINAV RAMAKRISHNA

...PETITIONER IN PERSON

VERSUS

SUPREME COURT BAR ASSOCIATION

...RESPONDENT

COURT FEES

Cr. No.	VOID	ZK 0000512603
GOVERNMENT OF NCT OF DELHI		
e-Court Fee		
DATE & TIME :	22-JAN-2021 16:02:31	
NAME OF THE ACC/ REGISTERED USER :	SHCIL	
LOCATION :	SUPREME COURT OF INDIA	
e-COURT RECEIPT NO. :	DLCT2227A2102Q004	
e-COURT FEE AMOUNT :	₹ 100 ( Rupees One Hundred Only)	
 DLCT2227A2102Q004		
Statutory Alert : The authenticity of this e-Court fee receipt should be verified at <a href="http://www.shcilestamp.com">www.shcilestamp.com</a> . Any discrepancy in the details on this receipt and as available on the website renders it invalid. In case of any discrepancy, please inform the Competent Authority. This receipt is valid only after verification & locking by the Court Official.		

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) NO. \_\_\_\_\_ OF 2021

IN THE MATTER OF:-

ABHINAV RAMKRISHNA

...PETITIONER IN PERSON

VERSUS

SUPREME COURT BAR ASSOCIATION

...RESPONDENT

**NOTICE OF MOTION**

Take Notice that the accompanying writ petition will be listed before court on 27.01.2021 at 10.30 O' Clock in the forenoon or so soon thereafter as may be convenient to the Court.

PETITIONER IN PERSON

(ABHINAV RAMKRISHNA)

NEW DELHI

DATE: 23.01.2021

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) NO. \_\_\_\_\_ OF 2021

IN THE MATTER OF:-

ABHINAV RAMKRISHNA

...PETITIONER IN PERSON

VERSUS

SUPREME COURT BAR ASSOCIATION

...RESPONDENT

URGENT APPLICATION

To

The Registrar

High Court of Delhi

New Delhi - 110 003

Sir,

Kindly treat the accompanying Petition as an urgent one in accordance with the Delhi High Court Rules. The grounds of urgency are that the petitioners are seeking issuance of urgent directions and reliefs as per the prayer clause of the accompanying petition /application for stay.

PETITIONER IN PERSON

(ABHINAV RAMKRISHNA)

NEW DELHI

DATE: 23.01.2021

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) NO-\_\_\_\_\_ OF 2021

IN THE MATTER OF:-

ABHINAV RAMKRISHNA ...PETITIONER IN PERSON  
VERSUS  
SUPREME COURT BAR ASSOCIATION ...RESPONDENT

MEMO OF PARTIES

Abhinav Ramakrishna, s/o Sh. Mahanand Jha

Occupation: Advocate on Record, Supreme Court of India

Age: 37 yrs R/o FLAT NO. 54, TOWER NO. 14

SUPREME ENCLAVE CGHS LTD. MAYUR VIHAR PHASE -1

DELHI-110091 ...PETITIONER

**Versus**

Supreme Court Bar Association,

Through its Acting Secretary,

Supreme Court of India, New Delhi- 110001. ... RESPONDENT

  
ABHINAV RAMKRISHNA

NEW DELHI  
DATED: 23.01.2021

### SYNOPSIS

The present Petitioner is approaching this Hon'ble Court by way of instant Writ Petition under Article 226 of the Constitution of India in wake of the brazen attempts by the Executive Committee of the Supreme Court Bar Association ("SCBA" or "Respondent Association") to interfere with the Election process and undermine the sanctity of the Election Committee duly nominated under the Rules and Regulations of the Supreme Court Bar Association ("Rules") in complete and blatant violation of the Rules thereby upsetting free and fair elections of the SCBA Office Bearers for the year 2020-21. The manner in which the Executive Committee of the Respondent Association has sought to usurp the powers of the Election Committee and has forced the Election Committee to resign clearly smacks of malafide and is illegal.

The Election Committee in its letter dated 15.01.2021 has clearly noted that the Executive Committee has refused to carry out the directions of the Election Committee. It may not be out of place to mention here that, in view of Rule 17A of the Rules, the sole authority to take decision pertaining to the conduct of elections is the Election Committee nominated under the Rules.

In the present case, the Executive Committee vide its minutes of meeting dated 04.12.2020 unanimously resolved to conduct elections for the term 2020-21 through online mode ("*by an appropriate mode*

e.g. the NSDL") in the 2<sup>nd</sup> week of January, 2021 and thereby nominated an Election Committee comprising of highly respected Senior Advocates of this Court namely, Mr. Jaideep Gupta, Sr. Advocate (Chairperson), Mr. Harin P. Raval, Sr. Advocate (Member) and Mr. Nakul Dewan, Sr. Advocate (Member). The Election Committee after carefully considering the entire situation prevailing in the present times, had taken a conscious decision to conduct the elections in virtual mode and in furtherance thereof had also prepared the schedule for the election, setting the date of polling as 29.01.2021. However, after commencement of the election process, the Executive Committee of the Respondent Association in complete disregard of the Rules as well as the principles of free and fair elections, by blatantly overriding the decision of the Election Committee passed a Resolution stating that the election shall be carried out in a hybrid mode (instead of virtual mode as decided earlier) and should be conducted by third week of February 2021 (as opposed to 29<sup>th</sup> January 2021 decided by the Election Committee).

It is further most respectfully submitted that as per the scheme of the Rules the only power conferred to the Executive Committee with regard to the elections is to nominate the Election Committee and follow the directions of such duly constituted Election Committee. The refusal by the Executive Committee to sanction the expenses payable to NSDL for the conduct of elections and passing of a Resolution that the election shall be held in hybrid mode is therefore in teeth of the Rule 17A. More so in view of the fact that the Election

Committee had considered the possibility of conducting election in a hybrid mode and after careful consideration and for valid reasons had rejected the same.

It is imperative that the elections of SCBA are conducted at the earliest in free and fair manner since the tenure of the present Executive Committee has already expired on 13.12.2020, and especially in view of the fact that the post of President and Secretary are now lying vacant.

#### LIST OF DATES

Date	Particulars
25.08.1999	The Respondent was registered as a Society under the provisions of the Societies Registration Act, 1860, bearing Registration No. 35478 of 1999
	The Respondent Association framed Rules, called the "Rules and Regulation of the Supreme Court Bar Association", to provide the manner to manage the affairs of the Respondent Association.
	It is pertinent to mention here that, Rule 10 of the Rules provides that the affairs of the Association shall be managed by the Executive Committee consisting of the President, Vice-President, the Secretary, the Assistant Secretary, the Treasurer, the Assistant Treasurer and 15 members, of whom 6 shall be Senior Advocates. Rule 17, inter-alia, provides that the Officer Bearers of the Association shall be elected by secret ballot at the annual election.
12.12.2019	The present Executive Committee of the Respondent Association was elected.

	<p>The term of the present Executive Committee came to an end on 13.12.2020</p>
04.12.2020	<p>The present Executive Committee of the Respondent Association resolved that in view of the prevailing circumstances, it would be appropriate to hold the elections on-line to avoid the exposure of the members to Covid disease. It was further resolved that the Election for the year 2020-21 would be held in the second week of January, 2021.</p> <p>It is noteworthy that the said Resolution of the Executive Committee was brought out in the public domain on 10.12.2020 and the same was communicated to the Election Committee only on 11.12.2020</p>
December 2020	<p>Executive Committee of the Respondent Association nominated the following 3 highly respected members of the Association as the Election Committee for the purpose of holding elections to the post of President and other office bearers of the Respondent Association:</p> <ol style="list-style-type: none"> <li>i. Mr. Jaideep Gupta, Senior Advocate as the Chairperson;</li> <li>ii. Mr. Harin P. Raval, Senior Advocate as the Member;</li> <li>iii. Mr. Nakul Dewan, Senior Advocate as the Member.</li> </ol>
29.12.2020	<p>Election Committee in its First Meeting discussed the option of conducting elections in physical as well as virtual mode, and decided that the elections should be held virtually by using a platform like NSDL. The minutes of the said First Meeting further recorded that the Election Committee had interacted with NSDL and found it offers fool proof method of holding elections.</p>

31.12.2020	<p>Election Committee in its Second Meeting declared the schedule for the SCBA elections which is as follows:</p> <p>18.01.2021      Nominations to be filed for various posts</p> <p>20.01.2021      Last date for submitting objections/withdrawal of nominations</p> <p>23.01.2021      Final list of nominations to be displayed.</p> <p>29.01.2021      Date of polling</p>
January 2021	<p>Election Committee upon discussion with online election platform, NSDL, forwarded a draft agreement to be entered into with it by the Respondent Association as well as the estimate of cost to the Respondent Association.</p> <p>It is pertinent to mention here that as per Rule 17A of the Rules empowers the Election Committee to have full and absolute control over the election and further makes the decision of the Election Committee final and binding. Therefore, the Executive Committee of the Respondent Association was required only to carry out the directions of the Election Committee.</p>
14.01.2021	<p>However, the Executive Committee of the Respondent Association, in complete transgression of its powers under the Rules and usurping the powers of the Election Commission under Rule 17A, resolved that, the election shall be held in a hybrid form. The minutes of meeting further shows that the Executive Committee of Respondent Association further decided that “the Election Committee may accordingly alter the date for the polling and holding elections and hold the same not later than the third week of February 2021”.</p>

15.01.2021	<p>Election Committee regarded the above said decision of the Executive Committee pertaining to the elections taken in its meeting dated 14.01.2021 as refusal to carry out the directions of the Election Committee and in view of the same, the Election Committee tendered resignations.</p>
	<p>That such actions / inactions of the Executive Committee of the Respondent Association has adversely affected and grossly undermined the democratic process which is vital, crucial and constitutional right of the Petitioner being a member of the Respondent Association.</p> <p>Further, the Respondent Association has failed to discharge its functions which are in nature of public duties.</p>
23.01.2021	Hence, the present Writ Petition.

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) NO. - \_\_\_\_\_ OF 2021

IN THE MATTER OF:-

ABHINAV RAMKRISHNA ...PETITIONER IN PERSON  
VERSUS  
SUPREME COURT BAR ASSOCIATION ...RESPONDENT

WRIT PETITION UNDER ARTICLES 226 OF THE  
CONSTITUTION OF INDIA, 1950, FOR THE ISSUANCE  
OF APPROPRIATE WRIT IN THE NATURE OF  
MANDAMUS, DIRECTION OR ORDER DECLARING THE  
RESOLUTION DATED 14.01.2021 (Annexure P-6)  
PASSED BY THE RESPONDENT ASSOCIATION AS  
UNLAWFUL, ILLEGAL, ARBITRARY, UNAUTHORIZED,  
VIOLATIVE OF PRINCIPLES OF FREE AND FAIR  
ELECTION AND QAUSH THE SAME.

AND

WRIT PETITION UNDER ARTICLES 226 OF THE  
CONSTITUTION OF INDIA, 1950, FOR THE ISSUANCE  
OF APPROPRIATE WRIT TO DECLARE THE ACTIONS OF  
THE EXECUTIVE COMMITTEE OF THE RESPONDENT  
ASSOCIATION IN CREATING INTERFERENCES,  
HINDERANCES AND ROADBLOCKS IN FREE AND FAIR  
ELECTIONS IN THE UPCOMING SCBA ELECTIONS 2020-

To,

The Hon'ble the Acting Chief Justice and her Hon'ble Companion Justices of the Hon'ble High Court of Delhi.

The humble petition of  
The petitioners above named

**MOST RESPECTFULLY SHOWETH:**

1. That the present Writ Petition under Article 226 of the Constitution of India is being filed by the Petitioner seeking appropriate directions against the illegal, unauthorized and malafide attempt of the present Executive Committee of the Respondent Association to interfere in conducting of free, fair and transparent elections of the SCBA office bearers for the year 2020-21.
2. That, the Petitioner in the present Writ Petition is a practicing advocate in the Supreme Court of India. The Petitioner is a member of the Supreme Court Bar Association and the name of the Petitioner is on the voter list of the Supreme Court Bar Association.
3. That, the Respondent is a Society duly registered under the provisions of the Societies Registration Act, 1860, bearing Registration No. 35478 of 1999. The Respondent Association has, inter-alia, been constituted with the aim and object, inter alia, of promoting the welfare of the members of the said Association and to promote upholding of rule of law. A true copy of the Certificate of Registrations dated 25.08.1999 issued under the

Societies Registration Act, 1860 bearing Registration No. 35478 of 1999 is annexed hereto and marked as Annexure P-1.

4. That the brief facts leading up to the filing of the present petition are as under:

a. That, the Respondent Association framed Rules, called the "Rules and Regulation of the Supreme Court Bar Association", to provide the manner in which the affairs of the Respondent Association shall be carried out, including the manner in which the elections of the officer bearers of the Executive Committee will be conducted. Rule 10 of the Rules provides that the affairs of the Association shall be managed by the Executive Committee consisting of the President, Vice-President, the Secretary, the Assistant Secretary, the Treasurer, the Assistant Treasurer and 15 members, of whom 6 shall be Senior Advocates. Rule 17, inter-alia, provides that the Officer Bearers of the Association shall be elected by secret ballot at the annual election. Rule 17A provides that the Executive Committee of the Respondent Association shall nominate 3 members as the Election Committee and the elections of the Respondent Association shall be conducted by the said Election Committee. The said Rule further provides that the Election Committee shall exercise full and absolute control over the election and its decision shall be final and binding. It is therefore submitted that, SCBA has the duty to discharge its obligation in a fair and transparent

manner in accordance to its Rules. The relevant Rules are reproduced for ready reference:

**“Rule 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.”

**“Rule 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.”

**“Rule 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.**"

A true copy of the Rules and Regulation of the Supreme Court Bar Association are annexed hereto and marked as **Annexure P-2.**

- b. That, the present Executive Committee was elected on 12.12.2019 and assumed office since then. The term of the present Executive Committee came to an end on 13.12.2020.
- c. That, in view of the fact that the term of the present Executive Committee was expiring on 13.12.2020, a meeting was held by the Executive Committee on 04.12.2020, wherein it was resolved that in view of the prevailing circumstances, it would be appropriate to hold the elections on line to avoid the exposure of the members to Covid disease. It was further resolved that the Election for the year 2020-21 would be held in the second week of January, 2021. A true copy of the Resolution dated 04.12.2020 passed by Executive Committee of the Supreme Court Bar Association are annexed hereto and marked as **Annexure P-3.** It is most respectfully submitted

that in all fairness, the Executive Committee was to constitute the Election Committee in the first week of November, 2020 to conduct free and fair elections for the next term. However, only on 04.12.2020 (i.e., one week before the term was ending) a meeting was held by the Executive Committee wherein it was unanimously resolved to conduct elections for the term 2020-21 through online mode ("by an appropriate mode e.g. the NSDL") in the 2<sup>nd</sup> week of January, 2021. It is noteworthy that the said Resolution of the Executive Committee was brought out in the public domain on 10.12.2020 and the same was communicated to the Election Committee only on 11.12.2020 i.e., a week before the commencement of the winter vacations. Further, even though the electoral rolls are prepared well in advance, however, this year time was given till 04.01.2021 to delay the process of election of new Executive Committee.

d. That, accordingly, the Executive Committee of the Respondent Association nominated the following 3 highly respected members of the Association as the Election Committee for the purpose of holding elections to the post of President and other office bearers of the Respondent Association:

- i. Mr. Jaideep Gupta, Senior Advocate as the Chairperson;

- ii. Mr. Harin P. Raval, Senior Advocate as the Member;
- iii. Mr. Nakul Dewan, Senior Advocate as the Member.
- e. That, the Election Committee, in its first meeting noted and discussed various possibilities with regard to the mode in which the elections can be conducted. The Minutes of First Meeting of the Election Committee shows that amongst others, the Election Committee also discussed the option of conducting elections in physical as well as virtual mode. However, the Election Committee further noted that elections in hybrid mode may not be possible. In its own wisdom, the Election Committee decided that the elections should be held virtually by using a platform like NSDL. The minutes further recorded that the Election Committee had interacted with NSDL and found it offers fool proof method of holding elections. Since the draft list of voters was not prepared till date, the Election Committee deferred the decision with regard to the schedule for holding the election as soon as draft voters list was ready. A true copy of the Minutes of First Meeting of the Election Committee are annexed hereto and marked as Annexure P-4.
- f. That, the Election Committee, in its Second Meeting held on 31.12.2020, declared the schedule for the SCBA elections which is as follows:

18.01.2021	Nominations to be filed for various posts
20.01.2021	Last date for submitting objections/withdrawal of nominations
23.01.2021	Final list of nominations to be displayed.
29.01.2021	Date of polling

A true copy of the Minutes of Second Meeting of the Election Committee dated 31.12.2020 are annexed hereto and marked as Annexure P-5.

- g. That, thereafter, the Election Committee, in discharge of its duties, entered in discussion with NSDL to conduct the elections on virtual platform. Pursuant to the discussion held with the Election Committee, NSDL forwarded a draft agreement to be entered into with it by the Respondent Association as well as the estimate of cost. The same was forwarded by the Election Committee to the Respondent Association.
- h. That, however, rather than simply making the payment as forwarded by the Election Committee, surprisingly a meeting of Executive Committee was called to approve the expenditure for online voting. The Executive Committee of the Respondent Association in its meeting dated 14.01.2021, in complete transgression of its powers under the Rules and usurping the powers of the Election Commission under Rule 17A, resolved that, the election shall be held in a hybrid form. The minutes of meeting further shows that the

Executive Committee of Respondent Association further decided that "the Election Committee may accordingly alter the date for the polling and holding elections and hold the same not later than the third week of February 2021". It is most respectfully submitted that, the said resolution by the present Executive Committee of Respondent Association is not only illegal but is also in teeth of Rule 17A which empowers the Election Committee to have full and absolute control over the election and which further makes the decision of the Election Committee final and binding. The Election Committee, having decided in its own wisdom to carry out the elections in virtual mode and having set and confirmed the schedule for such election, the action of the present Executive Committee of Respondent Association is unlawful, unauthorized, smacks of malafide and is a brazen attempt to interfere with the process of holding free, fair and transparent elections. A true copy of the Resolution dated 14.01.2021 passed by Executive Committee of the Supreme Court Bar Association is annexed hereto and marked as Annexure P-6.

- i. That, the Election Committee vide its letter dated 15.01.2021, regarded the decisions of the present Executive Committee pertaining to the elections taken in its meeting dated 14.01.2021 as refusal to carry out the directions of the Election Committee. In view of the above, the Election

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Committee tendered resignations. It may not be out of place to mention here that the present Petitioner has received the text of the letter dated 15.01.2021 on his WhatsApp and the same is reproduced for ready reference herein below:

**“15.01.2021**

*To,*

*Mr. Rohit Pandey,*

*The Acting Hon. Secretary,*

*Supreme Court Bar Association,*

*Supreme Court Compound,*

*New Delhi - 110 001*

*Sir,*

*By a letter dated 09.12.2020 under the signature of the Acting Hon. Secretary, of SCBA, received vide an email dated 11.12.2020, we were intimated that:*

**“Respected Sir,**

*On behalf of the Executive Committee of Supreme Court Bar Association, it is my privilege to extend our sincere gratitude and appreciation for accepting the onerous responsibility of being on the*

*Election Committee for the SCBA Elections 2020-2021.*

*The Executive Committee in its meeting held on Friday 4th December, 2020 has decided to constitute the Election Committee comprising of the following (1) Mr. Jaideep Gupta, Senior Advocate, as Chairman (2) Mr. Harin P. Raval, Senior Advocate (3) Mr. Nakul Dewan, Senior Advocate, to hold the elections for the Executive Committee 2020-2021 in the 2nd week of January 2021.*

*The Election Committee is requested to ensure strict and punctual compliance of the election guidelines and code of conduct. SCBA Office will be instructed to extend full help, support and cooperation to the Election Committee for preparation of SCBA Voters' List 2020, as also all other necessary functions to be carried out by the Election Committee.*

*I request you to kindly inform a convenient time to arrange the meeting of Election Committee.*

*With Regards,*

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*Yours sincerely,*

*Sd/-*

*ROHIT PANDEY*

*Acting Hon. Secretary”*

*By another email dated 13.12.2020 the communication received from NSDL, was forwarded to us, along with trailing mails.*

*We decided to hold Elections on a digital platform and entered into discussions with NSDL to conduct elections on a virtual platform. NSDL sent us a Draft Agreement to be entered into with it by the SCBA and the estimate of cost of expenses, which we forwarded to you and the Hon. Treasurer of the SCBA, followed by our another letter dated 14.01.2021.*

*We have received a Resolution, taking certain decisions, passed by the Executive Committee stated to be passed on 14.01.2021.*

*We consider these events as a ‘REFUSAL’ by the Executive Committee of the SCBA to carry out our directions which in terms of Rule 17A of the Rules of the*

SCBA are final and binding.

*In the circumstances, it is not possible for us to continue to discharge our duties as an "Election Committee" and hence we tender our resignations.*

*Thanking You,*

*Your's Faithfully,*

*Jaideep Gupta, Sr. Advocate  
Chairman, Election Committee*

*Harin P Raval, Sr. Advocate  
Member, Election Committee*

*Nakul Dewan, Sr. Advocate  
Member, Election Committee"*

- j. That, in view of the above, the process of conducting elections for the post of President and other office-bearers has been stalled. In fact, the decision to hold election virtually through NSDL was already approved by the Executive Committee of SCBA and hence the refusal to pay the election expense amounts to defying the decision of the Election

Committee. The Election committee stands dissolved and till date no decision has been taken by the Executive Committee of Respondent Association to nominate a fresh Election Committee. It may not be out of place to mention that, the term of the present Executive Committee has already expired on 13.12.2020, which is more than a month back.

- k. That actions / inactions of the Executive Committee of the Respondent Association has adversely affected and grossly undermined the democratic process which is vital, crucial and constitutional right of the Petitioner being a member of the Respondent Association. The Respondent Association has failed to discharge its functions which are in nature of public duties.
- l. That being aggrieved with the actions of the Executive Committee in interfering with the Electoral Process, refusing to carry out directions of the erstwhile Election Committee and inaction in nominating a new Election Committee, which is against the Rules of the Association as well as against the interest of the members of the Respondent Association and as such in Public Interest and also being arbitrary, illegal, malafide, the Petitioner has preferred the instant Writ Petition on the following, amongst other grounds:-

#### GROUNDS

1. BECAUSE the decision taken by the present Executive Committee on 14.01.2021, in so far as it pertains to elections

for the post of President and other office bearers of the Respondent Association, is in violation of Rule 17A, arbitrary, illegal, unlawful, smacks of malafide and is liable to be quashed.

2. **BECAUSE** the erstwhile Election Committee in its own wisdom and in exercise of the powers conferred to it by Rule 17A which grants full and absolute control over elections to the Election Committee, decided to conduct the Election in virtual mode and as the decision by the Executive Committee to change the mode and manner in which the Election is to be conducted amounts to interference with the ongoing Election process and hence is illegal.
3. **BECAUSE** the Election Committee, after considering the existing situation had set schedule for polling and fixed the date of polling as 29<sup>th</sup> January 2021. The Executive Committee has no power whatsoever to change the said schedule under any circumstances and as such the Resolution dated 14.01.2021 in so far as it seeks to postpone the date of elections to Third week of February, 2021 is bad in law, illegal, arbitrary, irrational and against the principles of free and fair elections.
4. **BECAUSE** the actions of the Executive Committee of postponing the date of election to third week of February 2021, clearly smacks of malafide in as much as the present Executive Committee has already outlived its tenure by over

one month and by third week of February the same would be over two months.

**5. BECAUSE** the laxity and the casual approach of the Executive Committee of the Respondent Association is apparent from the fact that even after a week from the date on which the Election Committee tendered its resignation, the Executive Committee has not yet nominated fresh Election Committee.

**6. BECAUSE** the illegal actions/ inactions and the malafide on part of the Executive Committee is writ large and is abundantly clear from the letter dated 15.01.2021 of the Election Committee which states “We consider these events as a ‘REFUSAL’ by Executive Committee of SCBA to carry out our directions which in terms of Rule 17A of the Rules of the SCBA are final and binding.”

**7. BECAUSE** the tenure of the present Executive Committee having expired on 13.12.2020, it is imperative that the elections for the post of President as well as other Office Bearers of the Respondent Association is conducted at the earliest, especially in view of the fact that the post of President as well as Secretary of the Respondent Association is lying vacant at present.

**8. BECAUSE** as per the scheme of the Rules of Supreme Court Bar Association the limited role of Executive Committee with regard to the holding of elections is to nominate the Election Committee and once the Election Committee is duly

nominated the Executive Committee of the Respondent Association ceases to operate in the area concerning conduct of elections except to carry out the directions of the Election Committee.

- m. That the Petitioner has not filed any such or similar writ petition for the same cause of action either in this Hon'ble Court of in any other competent Court of Law.
- n. The Petitioner reserves its right to add, modify, alter or take new grounds at the time of hearing, if the need so arises.
- o. The Respondent is a Society registered under the Societies Registration Act 1860 and is discharging public duties, therefore, are amenable to the jurisdiction of this Hon'ble Court.
- p. That the Petitioner has no other alternative efficacious remedy available to it or to resort to any other remedy available to it under the law except for approaching this Hon'ble Court for filing the instant writ petition. The advance copy of petition is served upon the Respondent, the proof of service is annexed as Annexure P-7

#### PRAYER

In the premises and circumstances set forth hereinabove and in the interest of justice, equity, and fair play, it is, therefore, most respectfully prayed that this Hon'ble Court may be graciously pleased to:

- a) Issue an appropriate writ in the nature of Mandamus, direction or order declaring the Resolution dated 14.01.2021 (Annexure P-6) passed by the Respondent Association as unlawful, illegal, arbitrary, unauthorized, violative of principles of free and fair Elections and quash the same;
- b) Issue an appropriate writ in the nature of Mandamus, direction or order directing the Executive Committee of the Respondent Association to duly nominate Election Committee at the earliest in accordance to Rule 17A of the Rules;
- c) Issue an appropriate writ in the nature of Mandamus, direction or order directing the Executive Committee of Respondent Association to refrain from taking any other decision including decision pertain to mode, manner and schedule of conducting the Election of President and other Office Bearer of the Respondent Association;
- d) Pass any such further order(s), as this Hon'ble Court may deem fit and proper directing the Respondent to evaluate and scrutinize the Proposal submitted by Petitioner and take a final decision with accordance to law; and
- e) Costs of the Petition may kindly be awarded in favour of the Petition.



ABHINAV RAMKRISHNA  
PETITIONER IN PERSON  
FLAT NO. 54, TOWER NO. 14  
SUPREME ENCLAVE CGHS LTD.  
MAYUR VIHAR PHASE -1  
DELHI-110091  
MOBILE: 997174653  
EMAIL: adv.ramkrishna@gmail.com

NEW DELHI  
DATED: 23.01.2021

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

W.P. (C) NO-\_\_\_\_\_ OF 2021

**IN THE MATTER OF:-**

## ABHINAV RAMKRISHNA

**...PETITIONER IN PERSON**

## VERSUS

## SUPREME COURT BAR ASSOCIATION

**...RESPONDENT**

AFFIDAVIT OF ABHINAV RAMKRISHNA AGE 37 YRS S/O SH. MAHANAND JHA R/O FLAT NO. 54, TOWER NO. 14, SUPREME ENCLAVE CGHS LTD. MAYUR VIHAR PASE - 1, DELHI- 110091

I the abovenamed petitioner in person do hereby solemnly affirm and declare as hereunder:

1. That the petition under Article 226 of the Constitution of India is being filed before this Hon'ble Court and the same is likely to be succeeded on the grounds taken thereunder.
  2. That the Annexure are true typed copies of their originals same are being filed for the kind perusal of this Hon'ble Court and the accompanying application is thus drafted and filed by my counsel on my instructions.
  3. That the contents of the petition including list of dates and events from page no 5 to 29 have been read by me and same are true and correct to best of my knowledge.
  4. That I have been read over explained in vernaculars the affidavit it's the contents, the same are true and correct to my knowledge.

I the deponent hereby verify that the contents of para no. 1 to 4 of the affidavit herein above are true and correct to my personal knowledge and belief and nothing material has been concealed therefrom. Verified at New Delhi on this 22<sup>nd</sup> day of January 2021. 

**DEONENT**

*Don Riggs*  
REPRESENTATIVE

22 JAN 2021

## ANNEXURE P-1

**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 25<sup>th</sup> 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

  
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**RULES & REGULATIONS  
OF  
'SUPREME COURT BAR ASSOCIATION'**  
(As Amended up-to 8<sup>th</sup> 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.

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(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;

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- 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 disentitling 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 remains 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 2/3<sup>rd</sup> 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

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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**

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

*I-A) as inscribed by resolution of the General Body dt 28<sup>th</sup> 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

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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 28<sup>th</sup> September, 2004

A person who becomes a member of the Association after 15<sup>th</sup> 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 Bearers / 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 15<sup>th</sup> 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 31<sup>st</sup> 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.

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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 adjourned 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 31<sup>st</sup> 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 1<sup>st</sup> April and will end on 31<sup>st</sup> 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 though-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**

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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 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 2/3<sup>rd</sup> 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 at 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

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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 2/3<sup>rd</sup> 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 convened.
- (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, 1860 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 15<sup>th</sup> day of December, 2010.

PRESIDENT

SECRETARY

TREASURER

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**PROCEEDINGS OF THE MEETING OF EXECUTIVE COMMITTEE OF THE SUPREME COURT BAR ASSOCIATION HELD ONLINE BY VIDEO CONFERENCING ON 04.12.2020 AT 3:30 PM.**

**Members who attended the meeting:**

1. Mr. Dushyant A. Dave (Sr.), President
2. Mr. Kallash Vasdev (Sr.), Vice President
3. Mr. Rohit Pandey, Acting Hon. Secretary
4. Mr. Meenesh Dubey, Treasurer
5. Ms. Shamshavish Rein, Joint Treasurer
6. Ms. Mahalakshmi Pavani (Sr.), Senior Member
7. Mr. C.U.Singh (Sr.), Senior Member
8. Mr. Arifit Prasad (Sr.), Senior Member
9. Mr. Amrendra Kumar Singh, Executive Member
10. Dr. Ritu Bhardwaj, Executive Member
11. Ms. K.V.Bharati Upadhyaya, Executive Member
12. Mr. Upendra Narayan Mishra, Executive Member
13. Mrs. Alka Agarwal, Executive Member
14. Mr. Tanveer Ahmed Khan, Executive Member

**In the Chair : Mr. Dushyant Dave, President.**

**Agenda Item No.1.**

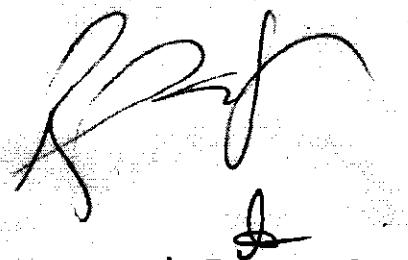
**A. To confirm the minutes of the meeting of the Executive Committee held on 13.11.2020 (copy enclosed)**

The minutes of the meetings of the Executive Committee held on 13.11.2020 is confirmed.

**B. To consider and confirm the minutes of the meeting of the Membership Sub-Committee held on 26.10.2020, 27.10.2020 & 28.10.2020 & 23.11.2020 & 24.11.2020 (copy enclosed)**

The minutes of the meeting of the Membership Sub-Committee held on 26.10.2020, 27.10.2020 & 28.10.2020 & 23.11.2020 & 24.11.2020 are confirmed. It is pertinent to mention that in the matter of Mr. Shri Narayan Shukla (S-03523/RES) the Membership Sub-Committee in its meeting dated 28.10.2020 had decided to recommend his name and place the matter before the Executive Committee for its consideration.

The Executive Committee in its meeting dated 04.12.2020 decided not to grant Membership of SCBA to Mr. Shri Narayan Shukla (S-03523/RES) former Judge, Allahabad High Court, until the CBI investigation in the F.I.R. u/s. 7, 8, 12, 13(2) r/w. Sec. 13(1)(d) of PC Act is concluded.



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**Agenda Item No.2: To consider the appointment of the Election Committee for holding of the Annual Election to the SCBA which fall due in December 2020.**

This agenda was taken up and discussed in detail where members expressed their views. Reference was made to the message sent on email on the Supreme Court web site by the President seeking opinions from the members on the manner/system to be followed for holding the annual election to elect the Executive Committee of the Supreme Court Bar Association. After due deliberation and on considering all facts it was:

**UNANIMOUSLY RESOLVED** that the election of the Supreme Court Bar Association for the year 2020-2021 to elect the Executive Committee of the Supreme Court Bar Association would be held as set out in the Rules notwithstanding the restrictions and difficulties imposed following the break out of the pandemic caused in the present year. Very limited responses being 34 in number were received to the request inviting suggestions made by the President, have been received from the members. In the circumstances it was held that holding elections on line by an appropriate agency e.g. the NSDL would be in the welfare of the member and would avoid their exposure to the Covid disease caused by the Corona Virus. The election will be held online in January 2021. The elections would be conducted by an appropriate agency would be engaged at the earliest to ensure that the election process is safe and secure. Such elections have been successfully held by various authorities and bodies from time to time.

**FURTHER RESOLVED** that the Elections for the year 2020-21 would be held in the 2<sup>nd</sup> week of January, 2021. The detailed programme for the elections would be notified by the Election Committee.

**AGENDA ITEM NO.3: To consider the renewal of the Group Life Insurance Policy for the members of Supreme Court Bar Association which has expired on 19<sup>th</sup> of November, 2020.**

Various aspects and issues arising on this matter were discussed by the members. It was ascertained that in 2016 after the commencement of this Policy about 1200 members whose names are in the voters list are insured annually in a restricted manner. This insurance should be extended to as many members as possible in the current time. The funds for this Insurance are paid by the Bar Association from donations received. It was

**UNANIMOUSLY RESOLVED** that all members would be eligible to apply for this Insurance where after the Executive Committee would engage with Insurance Companies to ascertain the premium payable. On obtaining facts and



11/1/2020  
R. P. Singh

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figures for the insurance steps would be taken to request individual members to pay their respective premium. To supplement and assist needy members, the Association would request members of the Bar to donate such sums in the larger interest of such members as has been done since 2016.

**Any other matter with the permission of the Chair**

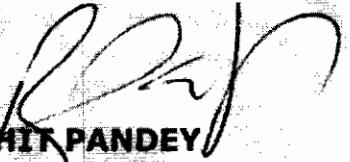
Members expressed their concern about the use of force by Police to break up silent and non violent protests by citizens as such action do not augur for a democratic system. Members recalled with dismay the recent events where brute force was used against farmers and on others incidents. After due deliberation members unanimously passed the following resolution:

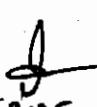
"The Executive Committee of the Supreme Court Bar Association has been dismayed to read reports in the media about the use of brute force to break up peaceful protests, where citizens raise their voices against State actions which they believe denigrate their basic rights. The recent legislation on farm produce, which exclude the jurisdiction of civil courts, followed by use of force to prevent the farmers from holding non violent protests for their rights is a case in point. The farmers have sought to present their views on the legislations which in their opinion infringe their rights. This Association emphasises that the right of citizens to discuss, debate, criticise or protest against such Bills or Acts is sacrosanct. Peaceful protest is a cornerstone of our Constitution, and the bedrock of human rights. To paraphrase Edmund Burke, "I may completely disagree with what you say, but I will defend to the death your right to say it".

The Executive Committee of the Supreme Court Bar Association has unanimously resolved to condemn the use of force and repressive measures against peaceful protesters, and calls upon all concerned Governments to uphold and protect the Constitutional right of all citizens to peaceful protest."

The meeting ended with a vote of thanks to the Chair.

04.12.2020

  
**ROHIT PANDEY**  
Acting Hon'ble Secretary

  
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## MINUTES OF THE FIRST MEETING OF THE ELECTION COMMITTEE

1. It has been communicated to us that the present committee has been constituted to hold the election to the posts of President and other office bearers of the Supreme Court Bar Association.
2. The Executive Committee of the SCBA by a unanimous resolution has mandated that the election to be held in January 2021. It has recommended that the election be held on a virtual platform.
3. Since the election is required to be held in January of 2021 when the Supreme Court premises is expected to remain closed due to the pandemic, we in the first meeting have consider the recommendation that the election be held virtually.
4. At the outset, it may be noted that there are four possibilities that we have considered for holding the election in January, 2021.
  - (i) A physical election
  - (ii) An election in both modes, namely physical and virtual will be made available to the voters as per their preference.
  - (iii) The entire election be held virtually using a platform like NSDL.
  - (iv) The entire election be held virtually on NSDL but with a limited number of computers being made available in the Supreme Court premises for the convenience of those who may not have access of computer/phone.
6. Since election had been mandated for January 2021 and the Supreme Court premises are not open to lawyers in general and since the total number of effective voters is usually in the range of 2000, it is felt that it would not be possible to hold a physical election in the month of January 2021. Even the process of counting physical votes require a large number of volunteers and agents of candidates and such arrangement also cannot be made safely during the pandemic.

  
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7. As far as the second option is concerned the same difficulty applies because the total number of persons who want to cast their vote physically cannot be estimated in advance and, therefore, full arrangement would have to be made both for casting vote and for counting as would be required in the case of first option.

8. As far as the third option is concerned, the Committee has inter-acted with NSDL and has found that it offers a fool-proof method of holding the election virtually in a completely safe manner.

9. As far as the fourth option is concerned, providing a limited number of computer terminal does not seem to be necessary because the voters would have access to computer terminal across the city or even outside. Providing computer terminal in the Supreme Court compound apart from requiring the presence of a large number of voters and support staff would also require for the proper sanitization of the computer equipment after each voter has cast his or her vote. As is well recognized, the virus can spread by touching surfaces that have been used by infected persons recently. Such recourse would therefore defeat the purpose of having a safe elections, by avoiding any form of physical contact.

10. In the above circumstances a decision has been taken that the third option is the most suitable option for the purpose of holding the election if it is to be held in the month of January 2021.

11. The draft list of voters is not prepared yet. The schedule for holding the election will be decided as soon as draft voters list is ready.

Sd/-

Jaideep Gupta, (Sr.)  
Chairman, Election Committee

Sd/-

Harin P. Raval, (Sr.)  
Member, Election Committee

Sd/-

Nakul Dewan, (Sr.)  
Member, Election Committee

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**MINUTES OF THE SECOND MEETING HELD ON 31<sup>ST</sup> DECEMBER 2020**

1. The Election Committee has decided to conduct the election to the Executive Committee of the Supreme Court Bar Association on 29<sup>th</sup> January 2021.
2. The following schedule leading to the election had also been agreed upon.
3. By 4<sup>th</sup> of January, 2021 Members are expected to furnish their email address or telephone number.
4. On 6<sup>th</sup> of January 2021, the provisional voters list will be displayed on the website of the SCBA. The office shall also intimate the Members by SMS and or email regarding publication of the provisional voters list.
5. The provisional voters list will be published in 3 parts. The first part will consist of those Members whose right to vote had been found to be affirmed.
6. The second part shall consist of those Members who have been found to be ineligible to vote for the forthcoming election 2021 for reasons which will be intimated in the list.
7. The third section will consist of those who have applied under Clause 5 of Part B of the Questionnaire 2020. These names could not be verified because the Registry has not responded to the request for information by the Executive Committee of the SCBA/Election Committee. Even though the process of obtaining verification from the Registry is ongoing, it appears that the chances of getting proximity card data is not very high. It is, therefore, decided that as

  
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far as the 3<sup>rd</sup> Section is concerned, the final voters list will be drawn up on the basis of the following:

8. (a) A declaration given by the Members concerned relating to Clause (5) of Part B of the questionnaire that the concerned Member has entered the Supreme Court in the year 2019 (between 1<sup>st</sup> January 2019 and 31<sup>st</sup> December 2019) after showing their proximity card to the security personnel in the manner that was followed in the year 2019.

The Members are informed that if the declaration so given is found to be incorrect or false the Members concerned shall be liable to be proceeded against in an appropriate manner including the revocation of name from the voters list for future elections of SCBA.

- (b) In addition to the declaration, the Member concerned either (i) satisfies Clause 3 of Part B of the Questionnaire. For this purpose he or she must submit appropriate proof of 50 appearances in the immediately preceding two years, i.e. 2017-18 and 2018-19 and in the case of Advocates on Record 20 filings for the same period or (ii) was on list of eligible voters in the election held for the year 2019 or (iii) is a life Member of the SCBA.

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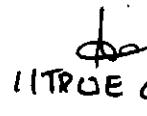
9. Persons in 3<sup>rd</sup> Part will be required to submit such declaration and proof by the 13<sup>th</sup> of January, 2021 by email to scbaec@gmail.com or directly to the SCBA office in the Supreme Court premises.
10. Objections, if any, to the first and second part of the list may be filed by the Members by sending an email to scbaec@gmail.com or directly to the SCBA office in the Supreme Court premises by the 8th of January, 2021.
11. All materials will be considered and decided upon by the Election Committee by the 15<sup>th</sup> of January, 2021. After this, the final voters list will be displayed on the website of SCBA. The Office shall intimate the Members by SMS regarding the publication of the final voters list.
12. Nominations for various posts may be filed by Members whose name appear the voters list by 18<sup>th</sup> of January, 2021. Names of both proposer and seconder must also appear in the voters list.
13. Draft list of candidates will be displayed on the SCBA website on 19<sup>th</sup> of January, 2021. The office shall intimate Members by SMS regarding the draft list of candidates.
14. Objections/withdrawal of nomination may be submitted in the office of the SCBA on 20<sup>th</sup> January, 2021 10.00 AM to 5.30 PM and 21<sup>st</sup> January 10.00 AM to 5.30 PM. Immediately upon receiving objections to the

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nominations/withdrawals, if any, the same shall be notified by the office of the SCBA to the concerned candidate. The personnel who is raising objection to any nomination shall give objection in writing specifying the grounds of the objection along with supporting documents.

15. The Election Committee will consider the objection to the name on 22<sup>nd</sup> of January 2021 and the final list of nomination will be displayed on the website of SCBA by 5.30 PM on 23rd of January. 2021.
16. The debate for the post of President and Secretary shall be held on an appropriate virtual platform (for eg. Zoom). Each candidate shall be allowed to speak for a maximum of five minutes and appropriate arrangements will be made for webcast of the debate. The debate will be held on 28<sup>th</sup> of January, 2021 from 4.15 PM onwards.
17. All campaigning will stop at the end of the debate.
18. Polling will take place by virtual means on 29<sup>th</sup> of January, 2021 between 9.30 AM and 5 PM. Instructions for such voting along with tutorials will be made available to all Members by the date of election.

Sd/- Jaideep Gupta, (Sr.) Chairman, Election Committee	Sd/- Harin P. Raval, (Sr.) Member, Election Committee	Sd/- Nakul Dewan, (Sr.) Member, Election Committee
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**PROCEEDINGS OF THE URGENT MEETING OF THE EXECUTIVE COMMITTEE OF THE SUPREME COURT BAR ASSOCIATION HELD ONLINE BY VIDEO CONFERENCING ON 14.01.2021 AT 08.30 PM.**

**Members who attended the meeting:**

1. Mr. Kailash Vasdev, (Sr.), Vice President
2. Mr. Rohit Pandey, Acting Hon. Secretary
3. Mr. Meenesh Kumar Dubey, Treasurer
4. Ms. Shamshavish Reh, Joint Treasurer
5. Ms. Mahalakshmi, Pavani (Sr.)
6. Dr. Adish Chandra Aggarwala, (Sr.)
7. Mr. Arijit Prasad, (Sr.)
8. Col R. Balasubramanian (Sr.)
9. Mr. Amrendra Kumar Singh
10. Dr. Ritu Bhardwaj
11. Ms. Prema Kumari
12. Ms. K.V. Bharathi Upadhyaya
13. Mr. Upendra Narayan Mishra
14. Mr. R. Anand Padmanabhan
15. Mrs. Alka Agarwal
16. Mr. Tanveer Ahmed Khan

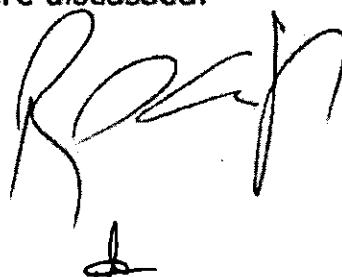
**IN THE CHAIR : MR. KAILASH VASDEV, VICE PRESIDENT.**

This urgent and emergent meeting has been called by the Acting Hon. Secretary with the consultation of Vice President in view of the sudden developments which have taken place between the last meeting held on 04.12.2020.

The Agenda is as follows:

**Agenda No: 1. To confirm the minutes of the meeting held on 4.12.2020**

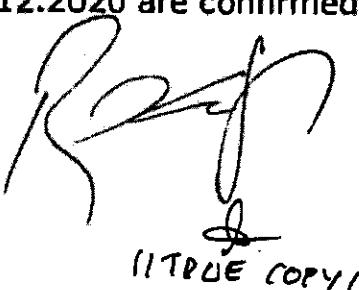
The Executive Committee considered the resolutions passed on 04.12.2020 especially Item 2 thereof, more so in view of the recent developments relating to the covid pandemic and the change in views in approach by governments in opening public places and offices. The earlier resolution of the EC was to hold the elections for 2020-2021 online and engaging an independent agency to hold the elections under the supervision of the Election Committee. This reconsideration is being made by the Committee in the changing circumstances noting that once the election process commences it has to be followed. On a reconsideration following the change in circumstances the issues were discussed.



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RESOLVED per majority that:

1. Executive Committee abides by its resolution and confirms that the election must be held at the earliest.
2. The elections should be held in a hybrid form. The Election Committee is requested to consider this. As the suggestion to hold election is in hybrid form, the Election Committee may consider staggering the voting process in a phased manner. The A.G.M. will be held in conformity with the dates of election. The Election Committee may accordingly alter the date for the polling and holding elections and hold the same not later than the third week of February 2021.
3. The constitution and appointment of members of the Election Committee have been ratified and confirmed. Dr. Adish Aggarwala dissented contending that the Election Committee had been appointed after the Executive Committee meeting of 04.12.2020 which could not be done; it held its late on 31.12.2020 and this had delayed the elections. The majority overruled these and by majority passed the Resolution ratifying the appointment. The Committee records its sincere gratitude to the Election Committee for holding the present election in these difficult times as an election is an integral to a free and independent Bar.
4. As it has been suggested that the elections be held both online and by physical ballots, members of the Election Committee would then have to supervise the elections by being available in Delhi.
5. The expenses and costs to be incurred on the Agency engaged for this election shall be paid as soon as the Election Committee receives the bill of cost from the agency.
6. The Executive Committee requests the Acting Hon. Secretary to draw a list of probable potential names of Senior Advocates in consolidation with members not contesting the forthcoming elections to constitute a list of Senior Advocates who can act in the aid and assistance of the Election Committee if required.
7. Further RESOLVED that all other Resolution passed in the meeting of 04.12.2020 are confirmed.



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**AGENDA – 2. On physical hearings of cases by the Court.**

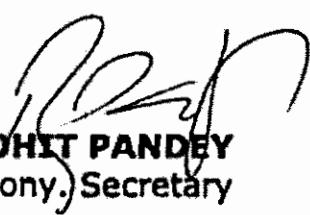
The members noting that all cases were not being heard and there was tremendous hardship being faced by lawyers in the hearing of cases on the virtual mode as also that there was an enormous impact on the economic conditions of lawyers, the EC was of the opinion that cases should be heard in the actual presence of all. In any event the impact of the pandemic was on the decline and necessary measures were being taken by the Government to roll out the vaccine. Restoration of the optimum working of the judicial system, specially the Supreme Court would be in the larger interest of all.

**RESOLVED** that the Hon'ble Chief Justice be requested to commence physical hearing of all cases preferably from 01.02.2021.

**AGENDA – 3: Resignation tendered by Mr. Dushyant Dave (Sr.) as President of the Supreme Court Bar Association.**

The Executive Committee received the decision of Mr Dushyant Dave (Sr.) to resign as President. We hold Mr. Dave in high esteem for his contributions to this Committee and the Supreme Court Bar Association. His guidance, direction and support has been unstintingly given in generous measure. We wish him success, godspeed and pleasant times in all that he chooses to do.

The meeting ended with a vote of thanks to the Chair.



**ROHIT PANDEY**  
Acting Hon'ble Secretary



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## IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) NO. \_\_\_\_\_ OF 2021

IN THE MATTER OF:-

ABHINAV RAMKRISHNA ...PETITIONER IN PERSON

VERSUS

SUPREME COURT BAR ASSOCIATION ...RESPONDENT

PROOF OF ADVANCE SERVICE OF PETITION UPON SCBA- SOLE  
RESPONDENT BY HAND

Received on  
22/01/2021, at 3:54 PM.  
S. K. JH...  
for SCBA

