

ITEM NO.6

COURT NO.4

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION..... Diary No(s).13992/2023

(Arising out of impugned final judgment and order dated 20-07-2012
in C.A. No.3401/2003 passed by the Supreme Court Of India)

SUPREME COURT BAR ASSOCIATION

Petitioner(s)

VERSUS

B.D. KAUSHIK

Respondent(s)

(IA No. 82106/2023 - APPLICATION FOR PERMISSION, IA No.69113/2023 -
CLARIFICATION/DIRECTION, IA No. 69115/2023 - EXEMPTION FROM FILING
PAPER BOOKS, IA No. 67662/2024 - INTERVENTION APPLICATION, IA
No.55359/2024 - MODIFICATION OF COURT ORDER, IA No.67665/2024 -
PERMISSION TO APPEAR AND ARGUE IN PERSON)

WITH

Diary No(s).16882/2024 (XIV-A)

(IA No. 90377/2024 - APPROPRIATE ORDERS/DIRECTIONS)

Diary No(s). 17011/2024 (XIV-A)

(IA No. 90603/2024 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 02-05-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Parties:

Dr. Adish C. Aggarwala, Sr. Adv.
Mr. Sukumar Pattjoshi, Sr. Adv.
Mr. Arijit Prasad, Sr. Adv.
Mr. Dinesh Kumar Goswami, Sr. Adv.
Mr. Narender Hooda, Sr. Adv.
Mr. S. Wasim Ahmed Qadri, Sr. Adv.
Mr. Pratap Venugopal, Sr. Adv.
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Mr. Amrendra Kumar Singh, Adv.
Mr. Vibhu Shanker Mishra, Adv.
Mr. Kumar Gaurav, Adv.
Mr. Shashank Shekhar, Adv.
Mr. Vikas Gupta, Adv.
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Ms. Hema Sahu, Adv.
Mr. Rajendra Sahu, Adv.

Ms. K.R. Chitra, Adv.

Mr. Vivek Sharma, Adv.

Ms. Priya Hingorani, Sr. Adv.
Mr. Naseem Ahmed, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. In continuation of order dated 23.04.2024, the Observer

Committee, constituted by us, has submitted its report. As per the said report all the eight resolutions put up before the Supreme Court Bar Association, Special General Body Meeting held on 30.04.2024 have failed for want of 2/3rd majority of the members present and voted. The brief description of all the resolutions has also been given in its report by the Committee. The resolutions *inter alia* recommended:

(i) That previous resolution dated 15.10.2014 resolving that no member of the Bar shall be eligible to hold any one post for more than four years in his/her life time should be recalled;

(ii) That the eligibility conditions to contest for the post of Office Bearers of SCBA, including the length of practice at Bar and the fee to be deposited should be revised;

(iii) That the admission fee for the members in SCBA should be amended and revised.

(iv) That the deposit fee and eligibility for candidates to contest for various posts in SCBA Executive Committee be revised and suitably enhanced.

(v) That the admission fee for the membership for SCBA in future be suitably revised and enhanced.

(vi) That the requirement of existing number of 150 members for convening General Body/Special General Body Meeting be increased to 600.

(vii) That the tenure of the Executive Committee be increased to two years as against one year.

(viii) That there should be reservation for women in SCBA Executive Committee.

2. All the aforesaid resolutions/recommendations, each signed by 150 eligible members, have been rejected in the Special General Body Meeting held on 20.04.2024.

3. In this regard, we have heard various senior members/members of the Bar. We are of the view that the SCBA is a premier institution and is an integral part of the highest judicial forum of the country. The norms, eligibility conditions, membership, membership fee structure etc., cannot remain static for decades and timely reforms to meet with the challenges that may confront the institution from time to time, are required to be carried out. However, such reforms need to be brought after due consideration of the suggestions from the members of the Bar. In fact some suggestions have been invited from the members of the Bar, including the office bearers of the Supreme Court Executive Committee vide our order dated 14.08.2023. The relevant part whereof reads as follows:

"1. In deference to the previous orders including dated 10.07.2023, Mr. Vikas Singh, learned senior counsel has given certain suggestions.

2. Copy of the same be given to Dr. Adish Aggarwala, learned Senior Advocate and President of the Supreme Court Bar Association.

3. We have impressed upon Dr. Adish Aggarwala and the other members of the Bar Association to submit their respective suggestions and/or the modalities to be followed for further reforms in the election process of the Bar Association. The suggestions may be submitted within eight weeks.

4. Post the matter on 30.10.2023."

4. We, thus, direct that:

(i) The Executive Committee of the SCBA shall invite suggestions from all the members of the Bar through a public notice in its

website. All such suggestions may be invited by 19.07.2024. Such suggestions may be in digital form or through hard copy.

(ii) Some of the suggestions which have already been brought by senior members/members of the Bar will also taken as part of those suggestions.

(iii) The Executive Committee of the SCBA shall compile all the suggestions received from members of the Bar and place it on record. Such suggestions will also be then displayed on the website inviting cross-suggestions, if any, which shall be received by 09.08.2024.

5. We propose to give a time bound audience to some of the members of the Bar in representative capacity before taking a final call on the suggestions that may be received.

6. We are, however, of the view that notwithstanding any resolution passed by the Special General Body of SCBA, some of the posts in the Executive Committee must be reserved for women members of the Bar. We, accordingly, direct that hitherto including for the ensuing election there shall be reservation for women members of the Bar to the following effect:

(i) Minimum of 1/3rd seats in the Executive Committee i.e., 3 out of 9.

(ii) Minimum 1/3rd out of the Senior Executive Members i.e., 2 out of 6.

(iii) At least one post of the Office Bearer shall be reserved for women candidate exclusively by turn and on rotation basis.

(iv) In the ensuing election for 2024-2025, the post of Treasurer of the Executive Committee is reserved for women.

7. Though no clarification is required, however, to remove any sort of doubt, it is made clear that reservation is only to guarantee a minimum and women members of the SCBA, subject to their eligibility, shall be entitled to contest the election for all the posts in the Executive Committee.

8. We have also considered the suggestions and modalities for conducting the election of the Executive Committee of the SCBA, which will become due to expiry of the term of the current office bearers on 18.05.2024. In this regard, after considering the view point of various members, it is directed that:

(i) The election of the officer bearers of the SCBA and the Executive Committee shall be held on 16.05.2024.

(ii) The election shall be held on the basis of the voter list as was finalized in the election for the year 2023.

(iii) Apart from those under the voters list for 2023, all those members who have become eligible between 01.03.2023 to 29.02.2024 would also be entitled to be included in the voters list. In this regard, we have been informed that a communication dated 06.03.2024 has been sent to the Supreme Court Registry for providing the following details:

- (1) Data of entry of Proximity Card of SCBA Members between 01.01.2023 to 31.12.2023,
- (2) Updated List of Chambers Allottee,
- (3) Updated List of Chambers Waiting,
- (4) Updated List of Amicus Curiae and
- (5) Updated List of Mediation Panel of SCBA Members.

(iv) We direct that the Registry shall, if it is not already made

available, make available the above requisitioned list on or before 03.05.2024.

(v) The counting of votes shall commence on 18.05.2024. The result shall be declared on 19.05.2024.

9. The Election Committee shall comprise of (i) Mr. Jaideep Gupta, Sr. Advocate, (ii) Mr. Rana Mukherjee, Sr. Advocate and (iii) Ms. Meenakshi Arora, Sr. Advocate.

10. In case, if any of the three members have any difficulty, he or she may mention the same before us for replacement.

11. The Election Committee shall be at liberty to co-opt volunteers for conducting free and fair election.

12. We make it clear that the decision of the Election Committee shall be final on all aspects, including on the aspect of the eligibility for inclusion in the voters list

13. Post these matters on 15.07.2024.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
COURT MASTER (NSH)

Second Order

ITEM NO.6

COURT NO.4

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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Mr. Naseem Ahmed, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Before we close today's proceedings, we bring on record our

appreciation for the commendable work done by the Observer Committee comprising of Shri V. Giri, Shri S.B. Upadhyay and Ms. Mahalakshmi Pavani, Senior Advocates who tirelessly worked as our extended hands and successfully conducted the Special General Body Meeting, besides recording the meticulous proceedings which have assisted us in issuing the interim directions through a separate order of even date.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
COURT MASTER (NSH)