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

+ W.P.(C) 10363/2021

LALIT SHARMA AND ORS.Petitioners

Through: Appearance not given.

versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. Ruchir Mishra, Mr. Mukesh Kr. Tiwari, Ms. Harshita Sharma & Ms. Reba Jena Mishra, Advs. for R-1.
Dr. Amit George & Mr. Arkaneil Bhaumik, Advs. for applicant in CM No. 3011/2025.

Mr. Ajay Kumar Agarwal, Adv. for Resp./ Bar Council of Delhi.
Mr. Tarun Rana, Mr. M.M. Khan, Mr. Sanni Pandey, Mr. Waseem Akram, Mr. Pradeep Kumar Singh, Mr. Shivam Verma, Mr. Mayur Renwal, Mr. Anish Kumar Singh & Mr. Cherish Gujral, Advs.

Mr. C.P.S. Gusain, Mr. Devender Rathee, Mr. Dinesh Kumar Bisht, Mr. Rajeev Tehlan, Ms. Sangita Malhotra & Mr. V.P.S. Bhattal, Advs.

Mr. Mohit Mathur, Mr. Jatan Singh, Mr. Sandeep Sharma, Mr. Amit Chadha, Mr. Sanjay Dewan, Mr. Inderbir Singh Alag, Sr. Advs. with Mr. Naginder Benipal, Mr. Shyam Sharma, Ms. Bandana Kaur Grover, Ms. Gayatri Puri, Mr.



Dhan Mohan, Mr. Rajat Manchanda, Mr. Nishant Anand, Mr. Nitesh Mehra, Mr. Siddharth Tripathy, Mr. Sumit Misra & Mr. Ankit Siwach, Advs. for DHC Bar Association.

Mr. T.Singhdev, Mr. Tanishque Srivastava, Mr. Abhijit Chakravarty, Mr. Bhanu Gulati, Mr. Aneem Hussain, Mr. Sourabh Kumar & Ms. Yamini Singh, Advs. for BCD.

Mr. Ajay Kumar Aggarwal, Adv. for BCD.

Mr. Sanjay Jain, Sr. Adv. with Mr. Piyush Beriwal, Mr. Neeraj, Mr. Satya Ranjan Swain, Mr. Vedansh Anand, Mr. Yash Tyagi, Mr. Kautilya Birat, Mr. Sanjay Pal, Mr. Rudra Paliwal, Mr. Ankush Kapoor, Mr. Soumyadip Chakraborty, Mr. Sandip Munian, Mr. Kushagra, Mr. K. Kansal & Mr. Kartik Sharma, Advs. in CM No. 3011/2025.

Mr. Pawan Narang, Sr. Adv. for Scrutiny Committee.

Mr. Rakesh Kumar, President with Mr. Ramesh Sharma and Mr. Lokesh Garg, Advs. for STBA.

Mr. Parveen Kumar Gambhir, Adv. for STBA

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE C. HARI SHANKAR



ORDER
17.01.2025

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CM APPL. 3011/2025 (Direction for compliance of O.D. 17-12-2024)

CM APPL. 3067/2025 (for direction by DHCBA)

1. The present applications as well as the main matter have been taken up for review in light of the developments which have ensued pursuant to the order of the Supreme Court dated 19 December 2024 passed in SLP (C) No. 24485/2024 as well as of the Court having been apprised of the elections to the Delhi Legislative Assembly having been fixed for 05 February 2025 and the counting of votes in connection therewith to be undertaken on 08 February 2025.

2. We had in terms of our last order provided that the elections to all the Bar Associations of Delhi would take place on 07 February 2025. However, and in the meanwhile, has come the order of the Supreme Court dated 19 December 2024 and which makes the following provisions insofar as the Delhi High Court Bar Association is concerned:-

“4. Consequently, the following interim directions are issued:

(i) There shall be only one post of Treasurer, as it already exists in the Delhi High Court Bar Association. The said post of Treasurer is earmarked exclusively for women candidates, in the ensuing elections.

(ii) One post of the members of the Executive Committee, who are to be elected from amongst the Senior Designated Advocates, shall also be earmarked exclusively for the women Senior Advocates.

(iii) In the next category of those who are to be elected from amongst Advocates having 25 years of practice, one such post of Executive Member too shall be earmarked exclusively for women candidates.”



3. Insofar as the District Bar Associations are concerned, they would be governed by the following directions which are set forth in Para 5 of that order:-

“5. Adverting to various District Bar Associations in the NCT of Delhi, it is directed that in each and every District Bar Association, the post of Treasurer shall be earmarked only for women candidates of that Bar Association. Since the strength of the members of the Executive Committee/Governing Body of the District Bar Associations vary from Bar to Bar, it is directed that 30% of the posts of Executive Members (including the posts already reserved) shall be earmarked in each District Bar Association for the women candidates having at least 10 years practice to their credit. The directions issued with respect to the composition of Executive Committees of District Bar Associations is also on experimental basis and may vary in future after consideration of the suggestions received from the Members of the Bar. The elections of the District Bar Associations in the NCT of Delhi shall also be held as per the scheduled dates.”

In view of the aforesaid, the posts would have to be earmarked and stand reserved accordingly and in light of the directions framed.

4. We are further informed of an ongoing process of scrutiny at Level 2. Mr. Jain, learned senior counsel who appears for the applicants in CM APPL. 3011/2025 has invited our attention to Para 35 of the principal order of 19 March 2024 which reads thus:-

“35. Keeping in view the aforesaid, paragraph 11 of the Committee’s report is modified and shall read as under:

11.1 The term of the Executive Committee of all the Bar Associations shall be two years.

11.2 The Election of the Executive Committee of all Bar Associations shall be held on one day.

11.3 Since the term of the Executive Committee of the various Bar Associations is not uniform, the first same day election of all Bar Associations shall be held on Saturday, 19th October, 2024.

11.4 Thereafter, the election be held on the Friday, immediately preceding the Dussehra Vacation of every alternate year. In case said Friday is a Court Holiday in any Court then the election would be held on the next working Friday of all Courts.

11.5 The Advocate at the time of issuance of the Identity



Card/Proximity Card shall specify his/her choice of the Bar Association, where he/she intends to cast the vote.

11.6 Casting of votes during the respective Bar Association elections shall be permitted only to the holders of the Identity Card/Proximity Card.

11.7 The casting of vote shall be only through the Identity Card/Proximity Card to regulate the 'one bar one vote' principle.

11.8 The Identity Card/Proximity Card would operate for casting vote in the election of only one Bar Association at a time.

11.9 The advocate may change his/her option to vote in a Bar Association election at any time. The request to change the option must be certified by the Bar Association to which the Advocate wishes to change his/her option and must reach the concerned Registrar of the High Court by 31st July of the year of the election.

11.10 Any request received later than 31st July of the year of the election shall be considered for the next election.

11.11 All the Bar Associations shall commence the process of the holding of elections and nominate the respective Election Committees in terms of the Judgment in P.K. Dash (supra) by the 31st July of the year of the election. The constitution of the Election Committee and the schedule of election shall be communicated to the concerned Principal District and Sessions Judge in the case of the District Court or the Registrar General in the case of the Delhi High Court by the 31st July of the year of the election. This Election Committee will only take decisions to ensure that elections are conducted on time and in a fair and transparent manner. This Committee will not exercise any other administrative function and will not be deemed to have superseded the Executive Committee of the Bar Association.

11.12 Every advocate shall file the declaration form as stipulated by the judgment in P.K. Dash (supra) on or before 31st July of the year of the election.

11.13 The eligibility of the advocate to cast his/her vote in the election shall be considered as on 31st July of the year of the election.

11.14 Only those eligible advocates who are not in arrears of their subscription as on 31st July of the year of the election shall be entered in the voters list.

11.15 Subscription shall be paid by the concerned Advocate from his/her own bank account, or his own electronic payment platform. Cash deposit of subscription shall not be accepted.

11.16 Only bonafide practising Advocates shall be permitted to cast their vote and shall be entered in the voters list.



11.17 The following advocates would be considered bonafide advocates:

- (i) All Designated Senior Advocates;
- (ii) All advocates who have a standing of over 25 years.
- (iii) Former Judicial Officers.
- (iv) Advocates who have at least 12 appearances before Courts including Supreme Court, Tribunals and Arbitration Tribunals in a span of a year.
- (v) Partner or an Associate of a registered Law Firm. However, none of the aforesaid advocates would be considered bonafide advocates if they have not cleared the All India Bar Examination in the event the said condition had been stipulated prior to their enrolment.

11.18 Advocates claiming voting rights on the basis of appearances shall furnish the copies of the order sheets containing their names either as a lead counsel or as an assisting counsel on or before 31st July of the year of the election.

11.19 Advocates claiming voting rights on the basis of being a Partner or an Associate of a Law Firm shall furnish, prior to 31st July of the year of the election, a certificate from the Equity Partner of the Law Firm along with proof of payment of professional remuneration for at least six months.

11.20 Tentative list of eligible voters shall be displayed on the respective Court's website by the 16th August of the year of the Election. Objections shall be invited till 1st September and the final list shall be displayed by the 15th September."

5. Mr. Narang, learned senior counsel, who is a member of the Committee which is overseeing the scrutiny process, has referred to various objections which have been received with the objectors taking varied stands with respect to the eligibility of advocates to participate in the election process. These, according to Mr. Narang, have ranged from the number of legitimate appearances which could be taken into consideration as well as others.

6. In our considered opinion, the directions which were framed by the Court in its order of 19 March 2024 are clear and require no further clarification.



7. We are also constrained to note that no outer or terminal date had been provided for the purposes of objections being received in respect to the tentative voter list which was to be published.

8. In view of the aforesaid, we hereby direct that the tentative voter list be published latest by 21 January 2025. No objections in respect of that list insofar as the Delhi High Court Bar Association is concerned shall be entertained beyond 72 hours from that date. The Scrutiny Committee shall bearing in mind that it is only obliged to ensure that the basic qualifications to participate in the election process which has been reproduced in Para 35 is complied with. In case, any individual who seeks to assert a right to vote has not made the requisite declarations or has omitted to make appropriate disclosures, he/she would have to suffer consequences which ensue. The process of scrutiny thus be completed with all expedition, bearing in mind the terminal date that has been indicated hereinabove.

9. We also take into consideration the Resolution passed by the Security Committee of this Court and which has in its meeting held on 09 January 2025, resolved that all the Election Commissioners, Returning Officers together with the Presidents/Secretaries of all the Bar Associations would make necessary arrangements for procurement of EVMs/Ballot Papers and coordinate with M/s SEC Communications Pvt. Ltd. for setting up card reader machines and other equipments well in time.

10. We, consequently, direct those Commissioners, Officers and Office Bearers of all the Bar Associations to proceed in the aforesaid light.

11. The elections shall now stand rescheduled to be held on 28 February 2025.



12. We further direct that the Scrutiny Committee which is presently seized of the Level 2 inquiry shall mandate that the last date for submission of objections in respect shall be 21 January 2025. No objections thereafter shall be entertained.

13. The applications stand disposed of.

YASHWANT VARMA, J.

REKHA PALLI, J.

C. HARI SHANKAR, J.

JANUARY 17, 2025/RW