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

+ W.P.(C) 10363/2021 & CM APPLs. 31884/2021, 17981/2022,
51769/2023 AND 57075/2023

LALIT SHARMA AND ORS.

.....Petitioners

Through: Mr.Pankaj Kumar Singh, Mr. Sarwan
Kumar, Ms. Jyoti Kashyap, Mr.
Ashish Pandey, Mr. P.S. Singh
Advocates with Lalit Sharma and
Ms. Shannu Baghel in person.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Ruchir Mishra, Advocate with
Mr.Mukesh Kr.Tiwari and Ms.Reba
Jena Mishra, Advocates for UOI.
Mr.Sudeep Singh, Advocate with
Mr.Bhavya Sethi, Mr.Akul Mehandru
and Mr.Manish Gupta, Advocates.
Mr.Ajay Kumar Agarwal, Advocate
with Mr.Sachin Jain and
Mr.Shivender Sharma, Advocates for
Bar Council of India/R-3.
Mr. Munawwar Naseem, Mr. P.S.
Bindra, Mr. Sanjay Kumar and Ms.
Himanshi Gupta, Advocates for
Rouse Avenue District Court Bar
Association with Mr. Arun Sharma,
President, Mr. Siddharth, Hony.
Secretary, Ms. Indra Chand, Treasurer
and Mr. Yajuvender Singh, V.P. for
Respondent No.4
Mr.Dayan Krishnan and Mr. Kirti
Uppal, Senior Advocates with
Mr.Sandeep Sharma, Mr.Siddharth
Tripathy, Mr.Sukrit Seth and Mr.
Sukrit Seth, Mr. Nagender Benipal

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W.P.(C) 10363/2021, 4756/2023, 6338/2023, 17018/2022 & 13140/2023

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and Mr. Harsh Kumar, Advocates for DHCBA.

Mr. N. Hariharan, Sr. Advocate with Mr. Kundan Lal Gupta, Mr. Manish Gupta, Ms. Pinki Kumari, Mr. Rajesh and Mr. Siddharth S. Yadav, Advocates for DTBA.

Mr. Anupam Srivastava, ASC, GNCTD

Mr. Mohit Gupta, Advocate with Mr. Rajeev Tehlan, Mr. Vishal Saxena, Mr. Dhruv Mehta, Ms. Meenakshi Garg and Ms. Seemaf Ali Fatima, Advocates for Impleader.

Mr. Navneet Kumar, Advocate with Mr. Arvind Gupta, Mr. Sanjeev Verma and Ms. Rama Rao, Advocates for All India Bar Association of NCDRC.

Mr. Vipul Ganda, Mr. Rakesh Kumar, and Mr. S.K. Giri and Mr. Nirti Dua, Advocates Mr. Saurabh Kalia, Advocate with Mr. Rakesh Wadhwa, Mr. Prakhar Dixit and Mr. Sarvik Singhal, Advocates for NCLT & AT Bar Association.

Mr. Amrish Kumar Gautam, President and Mr. Subhash Chandra Gupta, Secretary for Taxation Bar Association.

+ W.P.(C) 4756/2023 & CM APPLs. 18334/2023, 33247/2023, 33248/2023, 36584/2023, 37055/2023, 37056/2023, 37057/2023, 37058/2023, 37063/2023, 37064/2023, 38310/2023 AND 47263/2023

NITIN KUMAR ADVOCATE

.....Petitioner

Through: Mr. N. Hariharan, senior Advocate with Mr. Siddharth S. Yadav, Advocate.

versus

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BAR COUNCIL OF DELHI & ORS.

..... Respondents

Through: Mr.Ajay Kumar Agarwal, Advocate with Mr.Sachin Jain and Mr.Shivender Sharma, Advocates for R-1.

Mr. Atul Kumar Sharma, Hony. Secretary for Delhi Bar Association.

Mr.Dayan Krishnan and Mr. Kirti Uppal, Senior Advocates with Mr.Sandeep Sharma, Mr.Siddharth Tripathy, Mr.Sukrit Seth and Mr. Sukrit Seth, Mr. Nagender Benipal and Mr. Harsh Kumar, Advocates for DHCBA.

Dr. N.C. Sharma, Mr. Jitender Solanki and Mr. Piyush Sharma, Advocates for Dwarka Court Bar Association.

Mr.N.K.Kadian, Advocate with Mr.Manjeet Mathur, Advocate for R-7.

Mr. B.D. Pandey and Mr. Piyush Sharma, Mr. Jitender Solanki, Advocates for Dwarka Bar Association.

Bindra, Mr. Sanjay Kumar and Ms. Himanshi Gupta, Advocates for Rouse Avenue District Court Bar Association with Mr. Arun Sharma, President, Mr. Siddharth, Hony. Secretary, Ms. Indra Chand, Treasurer and Mr. Yajuvender Singh, V.P. for Respondent No.9.

Mr.Mohit Gupta, Advocate with Mr.Rajeev Tehlan, Mr.Vishal Saxena, Mr.Dhruv Mehta, Ms.Meenakshi Garg and Ms.Seemaf Ali Fatima, Advocates for Impleader.



Mr.Pankaj Kumar Singh, Mr. Sarwan Kumar, Ms. Jyoti Kashyap, Mr. Ashish Pandey, Mr. P.S. Singh Advocates along with Lalit Sharma in person.

Mr. Navneet Kumar, Advocate with Mr Arvind Gupta, Mr Sanjeev Verma and Ms. Rama Rao, Advocates for All India Bar Association of NCDRC.

Mr. Amrish Kumar Gautam, President and Mr. Subhash Chandra Gupta, Secretary for Taxation Bar Association.

+ W.P.(C) 6338/2023 & CM APPLs. 24878/2023 AND 51772/2023

P K DASH ADVOCATE

.....Petitioner

Through: Petitioner in person with Mr.Gautam Das, Mr. Abheet Pawan Choudhary, Ms. Prachi Joshi, and Mr. Santosh Rout, Advocates.

Versus

SAKET BAR ASSOCIATION AND ORS.

..... Respondents

Through: Mr.Ajay Kumar Agarwal, Advocate with Mr.Sachin Jain and Mr.Shivender Sharma, Advocates for Bar Council of Delhi/R-2.

Mr. Dayan Krishnan and Mr. Kirti Uppal, Senior Advocates with Mr.Sandeep Sharma, Mr.Siddharth Tripathy, Mr.Sukrit Seth and Mr. Sukrit Seth, Mr. Nagender Benipal and Mr. Harsh Kumar, Advocates for DHCBA.

Mr. Anurag Ahluwalia, CGSC for DHC

Mr. Kiri Uppal, Senior Advocate with Mr. Harsh Kumar, Advocate.

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Mr. Atul Kumar Sharma, Hony. Secretary for Delhi Bar Association.
Mr. Satyakam with Mr. Pradyut Kashyap, Advocates for R-5 and R-6.
Bindra, Mr. Sanjay Kumar and Ms. Himanshi Gupta, Advocates for Rouse Avenue District Court Bar Association with Mr. Arun Sharma, President, Mr. Siddharth, Hony. Secretary, Ms. Indra Chand, Treasurer and Mr. Yajuvender Singh, V.P. for Respondent No.7.
Mr. Navneet Kumar, Advocate with Mr Arvind Gupta, Mr Sanjeev Verma and Ms. Rama Rao, Advocates for All India Bar Association of NCDRC.
Dr. N.C. Sharma, Mr. Jitender Solanki and Mr. Piyush sharma, Advocates for Dwarka Court Bar Association.
Mr. Amrish Kumar Gautam, President and Mr. Subhash Chandra Gupta, Secretary for Taxation Bar Association.

+ W.P.(C) 17018/2022 & CM APPL. 53332/2023

P K DASH ADVOCATE

.....Petitioner

Through: Petitioner in person with Mr.Gautam Das, Mr. Abheet Pawan Choudhary, Ms. Prachi Joshi, and Mr. Santosh Rout, Advocates.

Versus

BAR COUNCIL OF DELHI AND ORS.

..... Respondents

Through: Mr.Ajay Kumar Agarwal, Advocate with Mr.Sachin Jain and Mr.Shivender Sharma, Advocates for R-1.

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Mr. Dayan Krishnan and Mr. Kirti Uppal, Senior Advocates with Mr. Sandeep Sharma, Mr. Siddharth Tripathy, Mr. Sukrit Seth and Mr. Sukrit Seth, Mr. Nagender Benipal and Mr. Harsh Kumar, Advocates for DHCBA.

Mr. Atul Kumar Sharma, Hony. Secretary for Delhi Bar Association.

Mr. Satyakam with Mr. Pradyut Kashyap, Advocates for R-5 and R-6.

Bindra, Mr. Sanjay Kumar and Ms. Himanshi Gupta, Advocates for Rouse Avenue District Court Bar Association with Mr. Arun Sharma, President, Mr. Siddharth, Hony. Secretary, Ms. Indra Chand, Treasurer and Mr. Yajuvender Singh, V.P. for Respondent No.9.

Mr. Navneet Kumar, Advocate with Mr. Arvind Gupta, Mr. Sanjeev Verma and Ms. Rama Rao, Advocates for All India Bar Association of NCDRC.

Dr. N.C. Sharma, Mr. Jitender Solanki and Mr. Piyush Sharma, Advocates for Dwarka Court Bar Association.

Mr. Amrish Kumar Gautam, President and Mr. Subhash Chandra Gupta, Secretary for Taxation Bar Association.

+ W.P.(C) 13140/2023 & CM APPL. 51894/2023

RAJIV KHOSLA

.....Petitioner

Through: Petitioner in person.

Versus

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REGISTRAR GENERAL,
HIGH COURT OF DELHI

..... Respondents

Through: Mr.Anurag Ahluwalia, CGSC for R-1.
Mr.Ajay Kumar Agarwal, Advocate with Mr.Sachin Jain and Mr.Shivender Sharma, Advocates for Bar Council of Delhi/R-2.
Mr. Atul Kumar Sharma, Hony. Secretary for Delhi Bar Association.
Mr.Dayan Krishnan and Mr. Kirti Uppal, Senior Advocates with Mr.Sandeep Sharma, Mr.Siddharth Tripathy, Mr.Sukrit Seth and Mr. Sukrit Seth, Mr. Nagender Benipal and Mr. Harsh Kumar, Advocates for DHCBA.
Mr. Navneet Kumar, Advocate with Mr Arvind Gupta, Mr Sanjeev Verma and Ms. Rama Rao, Advocates for All India Bar Association of NCDRC.
Mr. Amrish Kumar Gautam, President and Mr. Subhash Chandra Gupta, Secretary for Taxation Bar Association.

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Reserved on : 18th December, 2023
Date of Decision : 19th March, 2024

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHAKDHER
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

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JUDGMENT

MANMOHAN, ACJ:

ISSUES

1. The issues that arise for consideration in the present batch of petitions are of vital public importance namely as to whether elections to the Executive Committees of different Bar Associations in Delhi should be held simultaneously and whether the terms/tenures of such Executive Committees should be for a uniform period. Further whether Identity/Proximity Cards ('ID/Proximity Cards') and Radio Frequency Identification Tag/Stickers ('RFID') should be mandatorily issued to all lawyers and if so by whom? Also to ensure purity in elections, should this Court prohibit hosting of election parties, printing of posters and erection of hoardings?

BACKGROUND FACTS

2. The learned Predecessor Division Bench vide order dated 24th August, 2023 in the present batch of matters had constituted a Committee comprising three sitting Judges of this Court as well as the Chairman, Bar Council of Delhi, President of Delhi High Court Bar Association and the then



Chairman, Coordination Committee of all District Courts Bar Associations of Delhi to explore the possibility of holding uniform elections in respect of all Bar Associations on one day and of preparation of ID/Proximity Cards for lawyers, RFID in respect of vehicles of lawyers and to submit a report in respect thereto.

3. During the meeting, it was represented before the Committee by some Advocates that rule of '*One Bar One Vote*' laid down in ***P.K. Dash Advocate vs. Bar Council of Delhi 2016 SCC OnLine Del 3493***, is not being scrupulously implemented. The said Committee held several rounds of meetings and deliberations with members of the Executive Committees of various Bar Associations as also other members of the Bar Associations and Bar Council of Delhi. The Committee by majority concluded that one of the major factors for the rule of '*One Bar One Vote*' not being scrupulously implemented was the disparity in the length of the term of the Executive Committee and the elections being held on different dates by different Bar Associations.

4. The Committee in its report dated 22nd September, 2023 reproduced the tenure and the due date of elections to the fourteen (14) Bar Associations in Delhi as under:-

<u>Sl. No.</u>	<u>Name of the Associations</u>	<u>Term</u>	<u>Due Date</u>
1.	Delhi High Court Bar Association	Two Year ¹	28.09.2024
2.	Central Administrative Tribunal Bar Association	One Year	17.11.2023
3.	Armed Forces Tribunal Bar Association	One Year	01.03.2024
4.	Taxation Bar Association	One Year	09.06.2024
5.	Delhi Tax Bar Association	One Year	30.11.2023
6.	Debt Recovery Tribunal Bar Association	Two Year	No election held since 2013 due to litigation in



			W.P.(C) 2171/2019 Anand Aggarwal vs. Bar Council of India
7.	New Delhi Bar Association (Patiala House)	Two Year	15.07.2024
8.	Dwarka Court Bar Association	One Year	08.04.2023
9.	Saket Court Bar Association	One Year	18.09.2022
10.	Shahadara Bar Association	One Year	04.06.2023
11.	Sales Tax Bar Association	One Year	26.05.2024
12.	Rohini Court Bar Association	Two Year	08.04.2023
13.	Delhi Bar Association (Tis Hazari)	Two Year	15.09.2024
14.	Rouse Avenue Court Bar Association	Ad-hoc Committee	15.03.2021

¹(Issue of Term (i.e. one year or two years) is sub-judice in CS(OS) 2149/2013

5. The Committee in its report candidly admitted that unanimity could not be achieved amongst the members of the Committee about (a) holding of elections of all the Bar Associations on one day, (b) holding of elections of the Bar Associations whose term had already expired as an interim measure, (c) permitting only bonafide members to cast vote in an election, (d) criteria for determining a bonafide member and (e) supersession of the Executive Committee on failure to adhere to the election schedule and to notify the next election within the stipulated time. However, the majority of the Committee Members after deliberations gave the following suggestions for issuance of ID/Proximity Cards for lawyers, RFID in respect of vehicles of lawyers:-

“10.1 A central database be created and maintained in the Delhi High Court under the aegis of the Registrar General/Registrar specially so designated by the High Court, of all Advocates and Registered Clerks seeking entry to any Court/Tribunal Premises in Delhi.

10.2 Entry of Advocates /Registered Clerks to the Delhi High Court and the Delhi District Courts premises and other Court/Tribunal complexes



shall be through one universal Identity Card/Proximity Card, to be issued under the aegis of the Delhi High Court.

10.3 The Identity Card/Proximity Card for Advocates to be issued after being duly verified/certified by the concerned Bar Council/Bar Associations.

10.4 The Identity Card/Proximity Card for Registered Clerks to be issued after being duly verified/certified by the concerned Advocate and shall be linked to his/her Identity Card/Proximity Card.

10.5 The Identity Card/Proximity Card should capture the biometric of the concerned Advocate/Registered Clerk.

10.6 Every entry of an advocate/Registered Clerk to any Court/Tribunal complex by use of the Identity Card/Proximity Card shall be captured and logged in the Central Data Base.

10.7 The Identity Card/Proximity Card would facilitate entry into all the general areas of the Court premises open to Advocates/Registered Clerks. However limited entry to be permitted into the respective Bar Associations restricted designated areas like libraries, cafeteria etc., within the court premises.

10.8 Entry of the vehicles into the court premises/complexes be permitted only through digitally enabled entry RFID cards.

10.9 Bar Associations may also issue their respective stickers. However the stickers shall be only to monitor the entry of vehicles.

10.10 RFID cards to be issued under the aegis of the Delhi High Court after being duly verified/certified by the concerned Bar Council/Bar Association.

10.11 RFID Cards shall be linked to the Identity Card/Proximity Card and shall be issued only in respect of maximum two vehicles owned and registered in the name of the Advocate and/or his close family member. Close family member shall mean and include his/her spouse, parents, grandparents, children, grand children and siblings."

6. For conduct of uniform elections in respect of Bar Associations on one day, the majority of the Committee in its report dated 22nd September, 2023 made the following recommendations:-



- “11.1. The term of the Executive Committee of all the Bar Associations should be two years.*
- 11.2. The Election of the Executive Committee of all Bar Associations should 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 be held on Friday, 13.12.2024.*
- 11.4 Thereafter the election be held on the Friday, immediately preceding the second Saturday of December 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 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 enabled 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 August of the year of the election.*
- 11.10 Any request received later than 31st August 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 August 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.*



11.12 In case of failure of the Bar Association to commence the process by 31st August of the year of the Election, the concerned Principal District and Sessions in the case of the District Court, the Registrar in the case of a Tribunal and the Registrar General in the case of the High Court, as the case may be, shall nominate the Election Committee and notify the schedule of election by 15th September.

11.13 Failure of the Bar Association to nominate the Election Committee and notify the schedule of election by 31st August, would lead to the supersession of the Executive Committee and the Election Committee nominated by the Principal District and Sessions, Registrar or the Registrar General as the case may be shall perform all the administrative functions of the concerned Bar Association and conduct the elections till the new body is elected.

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

11.15 The eligibility of the advocate to cast his/her vote in the election shall be considered as on 30th September of the year of the election.

11.16 Only those eligible advocates who are not in arrears of their subscription as on 30th September of the year of the election shall be entered in the voters list.

11.17 Subscription shall be paid by the concerned Advocate from his/her own bank account, or his own electronic payment platform.

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

11.19 The following advocates would be considered Bonafide Advocates:

- (i) All Senior Designated 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.*



11.20 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 August of the year of the election.

11.21 Advocates claiming voting rights on the basis of being a Partner or an Associate of a Law Firm shall furnish, prior to 31st August 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.

11.22 Tentative list of eligible voters shall be displayed on the respective Court's website by the 15th October of the year of the Election. Objections shall be invited till 31st October and the final list shall be displayed by the 15th of November.

11.23 The above conditions be deemed to be incorporated in the Bye laws of all the Bar Associations.”

7. With regard to elections to the Executive Committees of the Bar Associations whose term had already expired, the Committee in its report dated 22nd September, 2023 made the following recommendations:-

“12.1 The term of the Executive Committee of the following Bar Associations has already expired or is going to expire in 2023:

- 1. Central Administrative Tribunal Bar Association*
- 2. Delhi Tax Bar Association*
- 3. Debt Recovery Tribunal Bar Association*
- 4. Dwarka Court Bar Association*
- 5. Saket Court Bar Association*
- 6. Shahdara Bar Association*
- 7. Rohini Court Bar Association*
- 8. Rouse Avenue Court Bar Association*

12.2 Since the term of the Executive Committee of the above Bar Associations has already expired or is expiring in 2023 and to achieve ‘uniform election in respect of all Bar Associations on one day’ the elections of the above Bar Associations be held on 15.12.2023 for a period of one year.

12.3 The respective Bar Associations shall notify the Election Committee and the election schedule by 05.10.2023, failing which the concerned



Registrar/Principal District and Sessions shall nominate the Election Committee and the election schedule by 12.10.2023.

12.4 Failure of the Bar Association to nominate the Election Committee and notify the schedule of election by 05.10.2023, would lead to the supersession of the Executive Committee and the Election Committee nominated by the Principal District and Sessions shall perform all the administrative functions of the concerned Bar Association and conduct the elections till the new body is elected.

12.5 The eligibility of the advocate to cast his/her vote in the election shall be considered as on 31.10.2023.

12.6 Declaration forms as stipulated by the judgment of P.K. Dash (supra) shall be filed by 20.10.2023.

12.7 Only those eligible advocates who are not in arrears of their subscription as on 31.10.2023 shall be entered in the voters list.

12.8 Subscription shall be paid by the concerned Advocate from his/her own Bank account or his own electronic payment platform.

12.9 Tentative list of eligible voters shall be displayed on the respective Court's website by the 06.11.2023. Objections shall be invited till 17.11.2023 and the final list shall be displayed by the 30.11.2023.

12.10 Since the term of the Executive Committee of the Rohini Court Bar Association is two years and the election is being held for one year; said election shall not be counted towards the continuous tenure restriction for a candidate for the Rohini Court Bar Association. However for the other Associations same shall be counted in accordance with the rules of the respective Bar Associations.

13. Several representations, as under, were received from members of various Bar Associations and were also considered while proposing the above suggestions.

13.1 Representation dated nil was received from the former Presidents and Secretaries of the Rohini Court Bar Association, Saket Bar Association, Dwarka Court Bar Association and the Shahdara Bar Association and other members of the said Association.

13.2 Representation dated 19.08.2023 was received from the Petitioner in W.P.(C) 10363/2021 Mr. Lalit Sharma Kumar.



13.3 *Representation dated 05.09.2023 was received from some of the member of the Rohini Bar Association*

13.4 *Representation dated 10.09.2023 was received from the Secretary of the Rouse Avenue District Court Bar Association.*

13.5 *Representation dated 20.09.2023 was received from some of the member of the Dwarka Court Bar Association.*

13.6 *Representation dated 20.09.2023 was received from some of the member of the Saket Bar Association.”*

8. Thereafter, the learned predecessor Division Bench vide order dated 25th September, 2023 referred the matter to a Full Bench comprising three Judges. Thus, the present petitions are before this Court.

9. This Court vide order dated 6th October, 2023 asked the Bar Council of Delhi as well as the different Bar Associations of Delhi to give their suggestions with regard to holding of a simultaneous election on one day for all Bar Associations.

10. On 3rd November, 2023, Mr. Vinod Sharma, President Saket Bar Association and the Chairman of the Coordination Committee for the District Courts Bar Association informed this Court that except the Bar Association of Delhi (Tis Hazari Bar Association) and Delhi High Court Bar Association, all the other Bar Associations were agreeable to ‘*uniform election in respect of all Bar Associations on one day*’. Accordingly, this Court directed that one representative of each Bar Association along with one representative of the Bar Council of Delhi as well as the Chairman of the Coordination Committee should meet in a bid to amicably resolve the matter.

11. On 17th November, 2023, this Court was informed by learned senior counsel appearing for the Delhi High Court Bar Association that the Delhi



High Court Bar Association was agreeable in principle to holding of simultaneous election in respect of all the Bar Associations on one day. He, however, stated that the Delhi High Court Bar Association would like to make suggestions with regard to the modalities to be adopted for conduct of elections. Accordingly, this Court directed that the suggestions of the Delhi High Court Bar Association shall be discussed in a meeting to be convened by its Secretary. On the said date of hearing, learned counsel for the Bar Association of Delhi (Tis Hazari Bar Association) had also stated that it would reconsider its position with regard to the uniform election in respect of all the Bar Associations on one day.

12. On 4th December, 2023, learned counsel for the Delhi High Court Bar Association as well as all the District Bar Associations, namely, Bar Association of Delhi (Tis Hazari Bar Association), Rohini Court Bar Association, New Delhi Bar Association, Dwarka Court Bar Association, Karkardooma Bar Association, Saket Court Bar Association, Shahdara Bar Association and Delhi Tax Bar Association stated that all the aforesaid Bar Associations had agreed to hold elections henceforth on the same day. However, the Secretary of Bar Association of Delhi (Tis Hazari Bar Association) prayed that immediate election be directed to be held in those Bar Associations whose terms have already expired for a short duration. Since on the said date of hearing, none had appeared for Central Administrative Tribunal Bar Association, Armed Forces Tribunal Bar Association, Sales Tax Bar Association, DRT Bar Association, DRAT Bar Association, Taxation Bar Association, National Company Law Tribunal Bar Association, National Company Law Tribunal and Appellate Tribunal Bar Association and National Consumer Forum Bar Association, this Court



had issued court notice without process fee, returnable on 18th December, 2023. This Court was also informed that some of the Bar Associations would like to make suggestions with regard to the modalities to be adopted for conduct of the elections. Accordingly, this Court gave liberty to the parties to file their suggestions.

STAND OF THE PARTIES

13. The Bar Council of Delhi filed its Minutes of Meeting dated 14th December, 2023 duly signed by its Chairman as well as office bearers of New Delhi Bar Association, Dwarka Court Bar Association, Saket Bar Association, Rohini Court Bar Association, Shahdara Bar Association, CAT Bar Association, AFT Bar Association, Sales Tax Bar Association and Delhi Tax Bar Association. The relevant portion of the said Minutes of Meeting is reproduced hereinbelow:-

“....Sh. K.K. Manan, Senior Advocate, Chairman, Bar Council of Delhi presided over the meeting.

President and Secretary, of Delhi Bar Association are exempted as per their request due to some function in their Bar. However, the President, DBA Shri Nitin Ahlawat has already given his consent for one day election in one go of all the Bar Associations.

The agenda of today's meeting is discussed at length.

It has been unanimously resolved that the election of all the Bar Associations in Delhi shall be held on one day in one go and it is further deliberated that the Second Friday of December, 2024 is the most appropriate date to hold the elections of all the Bar Associations on one day in Delhi and in case Second Friday is a holiday then in that situation, the first working day prior to the Second Friday of December, shall be the election day.

It is further resolved that the elections due in the Bar Associations, if any, may be postponed to December, 2024, due to the reasons that if the elections of the Bar Associations, whose elections are due, then at-least four months/120 days are required.



As per the judgement of Hon'ble High Court of Delhi in the case titled PK. Dash & Ors. Vs. Bar Council of Delhi, for every election, the concerned Bar Association shall constitute a three-member election committee within three months, which committee will prepare the voter list and the said voter list will be displayed for objections, if any, and thereafter, the final list of voters shall be prepared at least four weeks before the date of election.

In view of the above discussion, the elections of the Bar Associations, whose tenure are due cannot be held before April, 2024.

It is further resolved that general elections in the country are going to be held in the month of March/April 2024 and apart from that exams of the children are held in the month of February to April and therefore, it is very difficult for the candidates as well as the voters to participate in the Bar elections at the cost of their family.

It has also been resolved that the month of June is always a summer-vacation month and from July to August are rainy season months and the month of September and October are festival months. Moreover, conducting the election twice in a year is a very expensive task for the Bar Associations. Therefore, in view of above discussion. The most suitable time for holding the elections is the month of December.

It is, therefore, most humbly requested to Your Lordships to fix the date of elections of all the Bar Associations of Delhi/New Delhi including Delhi High Court and except Supreme Court on 2nd Friday of December, 2024 on one day in one go considering the sentiments of the undersigned, and thereafter, all the elections be held after every two years on the same date i.e. 2nd Friday of December.

It has been further resolved and agreed among all the undersigned that the elections of all the Bar Associations in Delhi shall be supervised by the Bar Council of Delhi.

The meeting concluded with a vote of thanks to the Chair.”

14. Subsequently, the office bearers of New Delhi Bar Association and Dwarka Court Bar Association stated that they fully endorsed the stand of the Bar Council of Delhi and had no further suggestions to offer.

15. The Shahdara Bar Association filed a note giving their suggestions. The relevant portion of the said note is reproduced hereinbelow:-



- “1. **One day election:-**elections for all Bar Association in Delhi on a single day, ensuring that elected representatives serve a two years tenure.*
- 2. **Biometric voting:**recommends the use of a biometric system for voting during Bar Associations elections to prevent any illegal practices.*
- 3. **Timing for Implementations:**tenure of all Bar Associations in Delhi is set to be completed in September 2024. Therefore... ..suggests that this is the right time to implement the rule of one day elections, but after September, 2024.*
- 4. **Avoid Elections Before September 2024:** Our proposal strongly recommends not holding any elections for any Bar Associations before September 2024. Conducting elections before this date could lead to issues related to the new committee’s tenure and may result in legal challenges.*
- 5. **Preparation Time:** Conducting one day elections for all bar Association is a complex process that requires significant preparation. The document outlines a timeline of at least five months to complete various steps, including clearing dues, collecting declaration forms, scrutinizing forms, addressing objections, finalizing voter lists, accepting candidate nominations, withdrawal nominations, final candidatures, compainings, arranging voting machines, holding elections/ voting and handling complaints.*
- 6. **Efforts by BCD and Coordination Committee:** That the Bar Council of Delhi (BCD) and the coordination committee of all Bar Associations in Delhi have been actively working on this issue for the past year and a half year, demonstrating their commitment to implementing one – day elections.*

These suggestions emphasize the need for careful planning and the importance of timing in implementing the proposed one – day election rule for Bar Associations in Delhi.”

16. The Rohini Court Bar Association filed its written synopsis dated 21st December, 2023 confirming the aforesaid Minutes of Meeting filed by the Bar Council of Delhi. The relevant portion of its written synopsis is reproduced hereinbelow:-

“1.that the Coordination Committee constituting all the District Bar Associations have already passed a resolution dated 11/05/2023 and again on 12/09/2023 with full majority, wherein it has been unanimously



resolved the next elections of all the Bar Associations be held after every two years on one date/day in one go. Furthermore, in the meeting called by the B.C.D on 14.12.2023, all the Bar Associations have consented and agreed for elections of every Bar Associations on One day in one go to be held on the Second Friday of December, 2024....”

17. The Saket Bar Association gave the following suggestions:

- “A. The election of all the bar associations should be conducted on a single day and in one go.....*
- B. The voting right should be exercised by the voter by a proximity card, which may be issued to all the member of the bars by Hon’ble Delhi High Court or by any ID issued by the Government e.g. Aadhar Card, PAN Card etc.*
- C. No hoarding, poster and election parties should be permitted in the election process.*
- D. The voter list should be linked with Aadhar Card so that biometric process may be exercised to prevent any illegal practice.*
- E. There should be no voting right to the members who have not cleared the All India Bar Examination.*
- F. There should be minimum five years standing of the member in the bar to contest the election on any post.*
- G. There should be effective hearing of the member at least in 10 cases to contest the election on any post, however for the post of the President and the Secretary it should be at least in 25 cases.*
- H. The voting right should be given to the members of the bar who have cleared their subscriptions by making the payment from their personal account by cheque at least one year back from the date of election, to prevent the money power in the election.*
- I. That any member of the bar should be permitted to contest the election only in the name by which he or she is enrolled with Bar Council of Delhi.*
- J. That the election process should be initiated at least four months prior to the date of elections.”*

18. Mr. Dayan Krishnan, learned senior counsel for Delhi High Court Bar Association submitted that there can be no interference by the Bar Council of Delhi in the functioning of the Bar Associations and/or in conducting



elections of the Bar Associations. He submitted that the Bar Council of Delhi has no authority either under the Advocates Act, 1961 or Advocates Welfare Fund Act, 2001 to frame rules interfering with the functioning or the election process of the Delhi High Court Bar Association. He, however, stated that the Delhi High Court Bar Association had reconsidered its stand and in principle had no objection to fixing of common day for election to all Bar Associations in Delhi subject to the following suggested conditions:-

“4.1 Issuance of ID Cards and RFID Cards to all lawyers

a. *In terms of Paragraph 10 of the report dated 22 September 2023 (“Report”) submitted by the Committee, it is imperative to prepare and issue L.D. Cards and RFID Cards to all lawyers being members of all Bar Associations*

b. **Need for issuance of ID Cards** - *This exercise will not only address the security concerns with regard to carry to court premises but will also ensure the purity of elections. This way an individual practising lawyer will carry the card of that Bar Association where he primarily practices and intends to vote and the use of multiple ID cards will be done away with. [Paragraph 10 at Page 5 of the Report]*

c. **Issuing Authority of ID Cards** - *The said ID Cards should be prepared by the respective Bar Association without any interference from BCD. Fundamentally, there can be no interference by BCD in the functioning of the bar associations or in conducting elections for the bar associations, as there is no legal basis for the same. This Hon'ble Court should clarify that the BCD has neither any role nor any power to interfere with the election process or with the management of the elected bodies of the Bar Association*

d. **Elections should be conducted post issuance of ID Cards** - *The proposed exercise of holding a uniform election on one day for all Bar Associations should only be held after the exercise of preparing proper I.D. Cards and RFID cards for all lawyers is completed, so as to ensure that the elections are conducted in a fair and transparent manner. [This has also been suggested by the Committee in Paragraph 11.6 and 11.8 at Page 8 of the Report.]*

e. **Estimated time for completing the process of issuance of ID Cards** - *It is respectfully submitted that the above-mentioned process will be extremely time consuming. Even though in the Report, the Committee has proposed that the elections for all Bar Associations should be held on 13 December*



2024 [refer paragraph 11.3 at Page 8 of the Report), given that the process will be extremely time consuming, and that verification of data provided, shall also have to be done scrupulously, the DHCBA believes that the uniform election in one day for all Bar Associations can only be held safely sometime around March 2025, by which time the members shall require to fulfill the requirements for the I-cards, as the strength of DHCBA is over 32,000 members. This will also give the Bar Associations sufficient time to suitably amend their rules and bring on board all the relevant changes by following their internal process.

4.2 Elections for the Associations where the term of the executive committee has already expired – The DHCBA understands that the term of the executive committee of 8 Bar Associations has either already expired or is going to expire by the end of 2023, the elections for these Bar Associations can be held with a truncated term as suggested by the Committee in its Report [refer Paragraph 12 at Page 11 of Report.]”

19. Mr. Dayan Krishnan, learned senior counsel also stated that his client had the following objections to the report dated 22nd September, 2023 submitted by the Committee constituted by this Court vide order dated 24th August, 2023:-

“a. DHCBA is not in agreement with the Paragraph 11.5 and 11.9 at Page 8 of the Report, as it gives the Registrar General of Delhi High Court the power to interfere with the working of the Bar Associations.

b. DHCBA is not in agreement with Paragraph 11.12 and 11.13 at Page 9 of the Report which undermines the autonomy of the Bar Associations. The appointment of the committee, firstly should comprise of two immediate past presidents and secretaries who should only be for the purposes of conducting of elections and the 'administrative functions of the Bar Association cannot be allowed to be taken over by any ad hoc committee.

c. DHCBA also opposes the suggestion made by the Committee in Paragraph 11.19 at Page 10 of the Report. The electoral rolls have to be prepared in accordance with the rules of the respective Bar Association. The Bar Association should be free to make their own rules regarding who is entitled to vote or contest in the elections, without any interference from the BCD or the courts.

d. This Hon'ble Court may clarify that the Rules frames by the BCD are not binding on the Bar Associations and the rules and by-laws of the Bar Associations will be supreme and be binding on the Bar Associations, without any interference by BCD.”



20. Mr. Gautam Das, learned counsel for petitioner- Mr. P.K. Dash stated that all Bar Associations must incorporate suitable amendments in their respective bye-laws to ensure that no member of any Bar Association would hold any elected post in the Bar Council of Delhi simultaneously with any other elected post in any Bar Association. He submitted that the principle of ‘One Man One Post’ must be followed as simultaneously holding of elected post in two bodies is against the doctrine of ‘incompatible office’. In support of his submission, he relied on Articles 101 and 190 of the Constitution of India. The said Articles are reproduced hereinbelow:-

“101. Vacation of seats.—(1) No person shall be a member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

(2) No person shall be a member both of Parliament and of a House of the Legislature of a State, and if a person is chosen a member both of Parliament and of a House of the Legislature of [a State], then, at the expiration of such period as may be specified in rules made by the President, that person’s seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislature of the State.

(3) If a member of either House of Parliament—

(a) becomes subject to any of the disqualifications mentioned in [clause (1) or clause (2) of article 102], or

[(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, and his resignation is accepted by the Chairman or the Speaker, as the case may be,]

his seat shall thereupon become vacant:

[Provided that in the case of any resignation referred to in sub-clause (b), if from information received or otherwise and after making such inquiry as he thinks fit, the Chairman or the Speaker, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation.]

(4) If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.



190. Vacation of seats.—(1) No person shall be a member of both Houses of the Legislature of a State and provision shall be made by the Legislature of the State by law for the vacation by a person who is chosen a member of both Houses of his seat in one house or the other.

(2) No person shall be a member of the Legislatures of two or more States specified in the First Schedule and if a person is chosen a member of the Legislatures of two or more such States, then, at the expiration of such period as may be specified in rules made by the President, that person's seat in the Legislatures of all such States shall become vacant, unless he has previously resigned his seat in the Legislatures of all but one of the States.

(3) If a member of a House of the Legislature of a State— (a) becomes subject to any of the disqualifications mentioned in [clause (1) or clause (2) of article 191]; or

[(b) resigns his seat by writing under his hand addressed to the speaker or the Chairman, as the case may be, and his resignation is accepted by the Speaker or the Chairman, as the case may be, his seat shall thereupon become vacant:]

[Provided that in the case of any resignation referred to in sub-clause (b), if from information received or otherwise and after making such inquiry as he thinks fit, the Speaker or the Chairman, as the case may be, is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation.]

(4) If for a period of sixty days a member of a House of the Legislature of a State is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.”

21. Though some suggestions were given on behalf of the alleged Rouse Avenue District Court Bar Association, yet this Court has not taken them into account as four different factions (Rouse Avenue Bar Association now known as Rouse Avenue District Court Bar Association, Central Delhi Court Bar Association at Rouse Avenue Court Complex, Delhi Rouse Avenue Court Bar Association and Ad hoc Committee constituted by Bar Council of Delhi) claim to represent the Rouse Avenue District Court Bar Association and the disputes between said factions are sub judice in two other Writ petitions being W.P.(C) Nos. 3713/2019 and 11975/2019.



22. Mr. Lalit Sharma, who has filed an independent writ petition being W.P.(C) 10363/2021 submitted that election matters of Bar Associations are beyond the function and power of the State Bar Councils. In support of his submission, he relied upon Sections 5, 6 15 and 28 of the Advocates Act, 1961 and Sections 16 and 17 of the Advocates Welfare Fund Act, 2001.

23. Mr. Rajiv Khosla, former President of Delhi High Court Bar Association, submitted that lawyers who are not even practicing are voting in the elections to the Bar Council of Delhi as well as District Court Bar Associations. Last year, eight thousand (8000) members had been enrolled in the Delhi High Court Bar Association, whereas only about five hundred (500) members practice regularly in the Delhi High Court. He contended that candidates were indulging in corrupt practice as they were paying subscriptions of non-practicing Advocates only with the intent of procuring their votes. He emphasised that lavish parties had been organized in the past by the candidates who had contested elections with intent to bribe the voters.

24. Learned counsel for NCLT and NCLAT Bar Associations stated that holding of elections in December was not acceptable to them as many of their members were Cost Accountants or Chartered Accounts or Company Secretaries who were pursuing either of the aforesaid degrees that they did not possess and semester exams for the said courses are normally held in the month of June or December.

COURT'S REASONING

25. From the aforesaid, it is apparent that all the District Court Bar Associations, Delhi High Court Bar Association and all Bar Associations annexed with the Tribunals in Delhi, are in agreement that elections to their Executive Committees should henceforth be held simultaneously i.e. on the



same day. To ensure that in future also all the Bar elections are held on the same day, there was further consensus that the term/tenure of all the Executive Committees of all Bar Associations should be for a uniform period of two years.

26. Consequently, with the consent of all the District Court Bar Associations, Delhi High Court Bar Association and all Bar Associations annexed with the Tribunals in Delhi, it is directed that elections to their Executive Committees shall henceforth be held simultaneously i.e. on the same day and term/tenure of all such Executive Committees shall be for a uniform period of two years. It is clarified that the aforesaid directions are consensual directions and have not been passed in view of any direction or order issued by the Bar Council of Delhi or any other Association. It is further clarified that the electoral rolls and elections to the Executive Committees of all such Bar Associations shall be prepared and held in accordance with their own Rules, Regulations and Bye-laws.

27. Though the aforesaid directions of tenure and to hold simultaneous elections to all the Bar Associations are consensual, yet this Court would like to mention that without the aforesaid directions, the principle of '*One Bar One Vote*' enshrined in **P.K. Dash** (supra) judgment would not have the desired effect/impact. This Court is of the opinion that the above consensual directions '*give flesh and blood*' to the principle of '*One Bar One Vote*'. In fact, the aforesaid consensual directions are logical corollary and natural progression of the principle of '*One Bar One Vote*'. The consensual directions shall bring about uniformity, transparency and fairness relating to elections process of all the Bar Associations. '*One day elections*' of all the Bar Associations shall avoid the interference of members of other Bar



Associations, besides avoiding overcrowding by the supporters of a candidate who is contesting elections to other Bar Associations. The fixed term of two years will enable the respective Bar Associations to work effectively for the welfare of its members and will give sufficient time to implement various welfare schemes. It will avoid multiplicity of litigations arising before and after conduct of the elections in different Bar Associations and also save judicial time as there will not be frequent disruption of judicial work. This Court is of the view that the aforesaid consensual directions will reduce electoral malpractices and shall ensure fair and smooth elections.

28. It is also pertinent to mention that the principle of '*One day Election*' in some of the States Bar Associations has proved to be successful.

29. The submission advanced by Mr. P.K. Dash as regards applicability of Article 101 and 190 of the Constitution, in support of his plea that no member of any Bar Association should contest and hold two or more posts in the Bar Association can be brought into play by invoking its attributes analogously. Since an attempt is being made to bring order and accountability in the election process, which includes the electors and those who are elected, it would be appropriate that a person who is elected to one Bar Association or a body such as Bar Council of Delhi or even Bar Council of India should not simultaneously hold a post in another association or body. The purpose being that the elected representative should be able to devote his time and energy to the association/ body to which he or she is elected. Accountability to the members of the legal fraternity or their elected representatives is, in our opinion, an aspect of seminal importance.



Therefore, in our view, this submission of Mr. P.K. Dash has merit and deserves acceptance.

30. However, this Court is in agreement with paragraph 10 of the Committee's report dated 22nd September 2023 (reproduced in paragraph 5 of this judgment) that it is imperative to prepare and issue ID/Proximity Cards and RFID to all the members of all the Bar Associations in Delhi. This exercise will not only address the security concerns with regard to entry to Court premises but will also ensure free and fair elections. This way an individual practicing lawyer will carry an ID/Proximity Card clearly mentioning the Bar Association, where he primarily practices and intends to vote. The said ID/Proximity Cards shall be prepared by the Registry of the Delhi High Court under the aegis and supervision of the Audit as well as Security and Disaster Management Committee of this Court. This would ensure that only one uniform card is issued to all the lawyers practicing in Delhi High Court and District Courts and Tribunals and would do away with the need for multiple ID/Proximity Cards.

31. The exercise of holding a uniform election on one day for all the Bar Associations should be held only after the exercise of preparing proper ID/Proximity Cards and RFID for all lawyers is completed, so as to ensure that the elections are conducted in a fair and transparent manner. Consequently, this Court accepts the recommendation contained in paragraph 10 of the Committee's report dated 22nd September 2023 (reproduced in paragraph 5 hereinabove) and directs the Registry to issue ID/Proximity Cards and RFID to all the members of the Bar Associations in Delhi within six months.



32. Moreover, as the terms of all the Bar Associations are going to expire in the month of September 2024, this Court is of the view that it would be appropriate to hold the elections of all the Bar Associations on one day i.e. 19th October, 2024. This Court is of the opinion that it is neither practical nor feasible to hold elections to some of the Bar Associations whose terms have already expired in the month of April / May, 2024, as there are general elections in the country and there will be unavailability of EVMs and security forces. In the past, there have been instances where elections to the Executive Committee of the Bar Associations have been held after a period of three and a half years like Dwarka. Further, a direction to hold elections in April / May, 2024 to some of the Bar Associations does not seem logical, as either their term would have to be truncated or the date for simultaneous elections would have to be deferred by two years as one of the Bar Associations i.e. Rohini Court Bar Association where election is due whose term under the present constitution is two years. If their terms are truncated, it would lead to holding of two elections in the same year in some of the Bar Associations.

33. Though this Court is in agreement with the submission of the Delhi High Court Bar Association that nothing should be done to undermine the authority of the Bar Associations, yet it does not agree with its submission that paragraphs 11.5 and 11.9 of the Committee's report dated 22nd September, 2023 give power to the Registrar General of this Court to interfere with the working of the Bar Associations. Paragraphs 11.5 and 11.9 of the Committee's report only stipulate that each and every advocate at the time of issuance of ID Card shall specify his/her choice of the Bar Association, where he/she intends to cast his/her vote and in the event of any



change of his/her option, the same shall be intimated by a specified date to the concerned Registrar of the High Court.

34. However, this Court is in agreement with the submission of the Delhi High Court Bar Association that in the event the existing Bar Association does not commence the election process by a stipulated date, the said function shall be deemed to have been taken over by a committee comprising two immediate past presidents and two secretaries as well as by a lawyer nominated by the concerned District Judge or Registrar of the Tribunal or Registrar General of this Court as the case may be. This committee will only take decisions to ensure that elections are conducted on time and in a fair and transparent manner. The said Committee will not exercise any other administrative function and will not be deemed to have superseded the Executive Committee of the Bar Association.

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."*

36. This Court clarifies that it has modified and subsumed the directions contained in paragraphs 11, 12 and 13 of the Committee's Report dated 22nd September, 2023 hereinabove. The modified directions hereinabove are deemed to be incorporated in the Bye-laws of all the Bar Associations.

37. To ensure purity in election and to curb use of money power, this Court directs that the prospective candidates will not install hoardings or paste posters or host parties to further their electoral prospects. The candidates would have permission to hold physical and virtual meetings and could use WhatsApp or social media to propagate their ideas and thoughts concerning improvements that he/she propose to bring about in the best interest of the legal fraternity.



CONCLUSION

38. For ease of reference, the conclusions arrived at by this Court are reproduced hereinbelow:-

- (i) With the consent of all the District Court Bar Associations, Delhi High Court Bar Association and all Bar Associations annexed with the Tribunals in Delhi, it is directed that elections to their Executive Committees shall be held simultaneously i.e. on the same day and term/tenure of all such Executive Committees shall be for a uniform period of two years. It is clarified that the electoral rolls and elections to the Executive Committees of all the Bar Associations shall be prepared and held in accordance with their own Rules, Regulations and Bye-laws.
- (ii) No member of any Bar Association or body, such as the Bar Council of Delhi or Bar Council of India would contest or hold simultaneously post in two different Bar Associations/ bodies.
- (iii) The exercise of holding a uniform election on one day for all the Bar Associations shall be held only after the exercise of issuance of ID/Proximity Cards and RFID for all lawyers is completed, so as to ensure that the elections are conducted in a fair and transparent manner. The recommendations contained in paragraph 10 of the Committee's report dated 22nd September 2023 (reproduced in paragraph 5 hereinabove) are accepted.
- (iv) As the terms of all the Bar Associations in Delhi are going to expire in the month of September 2024, it would be appropriate to hold the elections of all such Bar Associations on one day i.e. 19th October, 2024. It is neither practical nor feasible to hold elections to some of the Bar Associations, whose terms have already expired, in the month of



April / May, 2024, as there are General elections in the country and there will be unavailability of EVMs and security forces.

(v) In the event, the existing Bar Association do not commence the election process by the date stipulated hereinabove, the said function shall be deemed to have been entrusted to a committee comprising two past presidents and two secretaries as well as by a lawyer nominated by the concerned District Judge or Registrar of the Tribunal or Registrar General of this Court as the case may be. This committee will only take decisions to ensure that elections are conducted on time and in a fair and transparent manner. This committee shall not exercise any other administrative function and will not be deemed to have superseded the Executive Committee of the Bar Association.

(vi) To ensure purity in elections and to curb use of money power, this Court prohibits hosting of election parties, printing of posters and erection of hoardings.

39. With the aforesaid directions, the present batch of writ petitions and applications stand disposed of.

ACTING CHIEF JUSTICE

RAJIV SHAKDHER, J

SURESH KUMAR KAIT, J

MARCH 19, 2024
TS/js/AS