

**IN THE HON'BLE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**MISC. APPLICATION IN M.A DAIRY NO. (S) No. 13992 OF 2023**

**IN THE MATTER OF: -**

**Supreme Court Bar Association**

**Petitioner**

**Versus**

**B.D. Kaushik & Anr.**

**Respondent**

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E-FILED BY :



(SNEHA KALITA)

AOR Code No.-2052

422, New Lawyers Chamber, opp.

To Supreme Court of India

( Mob. No. 9910623965 )

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**ON BEHALF OF ELECTION COMMITTEE OF SCBA,2025**

**(E-FILED ON 14.08.2025)**

**SNEHA KALITA**

**Advocate-on-Record**

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## **RECOMMENDATION FOR REFORMS BY SCBA ELECTION COMMITTEE, 2025**

This Hon'ble court vide order dated 06.05.2025 has permitted various stakeholders to make recommendations for electoral reforms. The following recommendations are made by the Election Committee for electoral reforms :

### **A. Right to vote for Senior Advocates**

1. There are nine eligibility criteria for a 'Regular Member' to be entitled to vote in the election of SCBA in terms of the judgments of this Hon'ble Court in *B.D. Kaushik*. One of the criteria is "senior advocate residing in NCR" and there is no further requirement of number of appearances. In contrast, an AOR must have 20 average filing in preceding two years, and a Non-AOR advocate must have 50 appearances in the preceding two years to become a voter. There is no justification for not having a minimum number of appearances for senior advocates to be eligible to become voters. It is recommended that senior advocates to be eligible to vote must have a minimum of 25 appearances in each of the preceding two years.

### **B. Categorisation of Executive Members**

2. Presently there are nine posts of Executive Members without any sub division. It is recommended that the posts of Executive Members be subdivided in the following categories to ensure that the Executive Committee will have representations from all the sections of the Bar:
  - a. Upto 10 years as regular members of SCBA : 3 posts
  - b. 10-20 years as regular members of SCBA : 3 posts
  - c. Above 20 years as regular members of SCBA : 3 posts

In each of the categories there shall be at least one women member representation.

### **C. Eligibility for the post of President**

3. The President of the Supreme Court Bar Association occupies an esteemed position in the legal fraternity. The views of the President are solicited many times by the Supreme Court in important matters. Thus, the candidate for the post of President must have a sufficient standing in the Bar so that he can

discharge his duties as the leader of the Bar. It is thus necessary that candidates for the post of President must have 20 (twenty) appearances as a 'lead counsel' (out of which 10 (ten) must be in reported judgments) in each of the preceding five calendar years.

#### **D. Refundable Security Deposit**

4. The Election Committee reiterates its proposal that the candidate should make the refundable security deposit along with nomination fee for contesting election. The security deposit would be refunded to those who have been elected or have received more than 20% of the votes polled. The security deposit made by the other candidates shall be forfeited. This is at par with the provisions of Section 158(4) of Representation of People Act, 1951<sup>1</sup> which provides for forfeiture of security deposit of those who have received one sixth of the vote polled. The security deposit would also ensure that the subscription amount of SCBA will not be utilised for the purpose of meeting election expenses.

#### **Security deposit recommended**

Sr. No.	Post	Refundable Security Deposit (fixed in 1993)
1.	President	Rs. 1,50,000/-
2.	Vice - President	Rs. 1,00,000/-
3.	Hon'ble Secretary	Rs. 75,000/-
4.	Joint Secretary	Rs. 35,000/-

<sup>1</sup>Subject to the provisions of sub-section (3), the deposit shall be forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by all the candidates or in the case of election of more than one member at the election, one-sixth of the total number of valid votes so polled divided by the number of members to be elected: Provided that where at an election held in accordance with the system of proportional representation by means of the single transferable vote, a candidate is not elected, the deposit made by him shall be forfeited if he does not get more than one-sixth of the number of votes prescribed in this behalf as sufficient to secure the return of a candidate.

5.	Joint Treasurer	Rs. 35,000/-
6.	Senior Executive Member	Rs. 30,000/-
7.	Executive Member	
	a. More than 20 years	Rs. 25,000/-
	b. Between 10-20 years	Rs. 20,000/-
	c. Between 5-10 years	Rs. 5,000/-

It may be noted that Delhi High Court Bar Association requires non refundable security deposit ranging from Rs. 1,50,000 for the post of President to Rs. 25,000/- for Member Executive. (Copy enclosed).

5. In the SCBA election 2025, a total amount of Rs 12.50 lacs (approx) was spent, whereas only Rs 2.20 lacs was received by way of nomination charges. In the election 2025-26, an additional amount of Rs. 20.30 lacs was received by way of security deposit, out of which Rs. 10.61 lacs is refundable leaving a balance of Rs. 9.61 lacs. Thus, SCBA has received a total of Rs 10.81 (2.20 + 9.61) lacs by way of nomination fee and net security deposit.

#### **E. Voting by EVM**

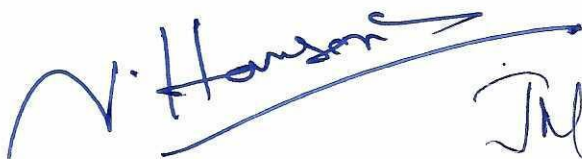
6. The conduct of elections by paper ballot is a cumbersome process, especially for the purpose of counting ballots for Executive members as single ballot contain multiple votes. It is suggested that the polling should be held through electronic voting machines (EVM). The result of the election conducted through EVM can be announced much faster and more accurately than the counting of paper ballots. However, the cost of conducting elections through EVM is very high. The Election Committee was given a quotation of Rs. 40,00,000 by 30 sets of EVM machines. In contrast the total cost Rs 2 lakh was spent in printing of the ballots. The expenses for EVM can be met partly with the provision for security deposit.

### F. Tenure of Executive Committee

7. Presently the tenure of the Executive Committee is one year and elections are held in May every year. Immediately after the elections, there is a long summer vacation and the Courts open in the second/third week of July. From January, campaigning for the coming election starts. Effectively, the Executive Committee gets 7 to 8 months to work. Thus, it is recommended that the tenure of the Executive Committee be made two years. Further, in the month of May there is extreme heat; climatically December would be a more suitable month for holding of the election.

### H. Constitution of Election Committee

8. Election Committee to be constituted at least two months prior to the date of polling to smoothly conduct the election. The Committee may be more broad based, consisting of two senior advocates and one Advocate On Record.



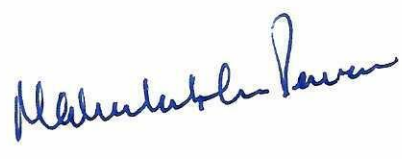
**VIJAY HANSARIA (SR.)**

Chairman, Election Committee  
Supreme Court Bar  
Association



**JITENDRA MOHAN SHARMA (SR.)**

Member, Election Committee  
Supreme Court Bar  
Association



**MAHALAKSHMI PAVANI (SR.)**

Member, Election Committee  
Supreme Court Bar  
Association

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

MISCELLANEOUS APPLICATION Diary No(s) . 13992/2023

[Arising out of impugned judgment and order dated 20-07-2012 in C.A. No. 3401/2003 20-07-2012 in C.A. No. 3402/2003 passed by the Supreme Court of India]

SUPREME COURT BAR ASSOCIATION

Petitioner(s)

VERSUS

B.D. KAUSHIK &amp; ANR.

Respondent(s)

(IA No. 82106/2023 - APPLICATION FOR PERMISSION  
IA No. 94919/2025 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 116222/2024 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 69113/2023 - CLARIFICATION/DIRECTION  
IA No. 69115/2023 - EXEMPTION FROM FILING PAPER BOOKS  
IA No. 114762/2024 - INTERVENTION APPLICATION  
IA No. 67662/2024 - INTERVENTION APPLICATION  
IA No. 94918/2025 - INTERVENTION APPLICATION  
IA No. 89325/2025 - INTERVENTION APPLICATION  
IA No. 55359/2024 - MODIFICATION OF COURT ORDER  
IA No. 114777/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON  
IA No. 67665/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

WITH

Diary No(s) . 17011/2024 (XIV-A)  
(IA No. 90603/2024 - APPROPRIATE ORDERS/DIRECTIONS)

MA 338-339/2025 in C.A. No. 3401/2003 (XIV-A)  
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 40732/2025  
FOR APPLICATION FOR PERMISSION ON IA 40738/2025  
FOR impleading party ON IA 40739/2025  
FOR INTERVENTION/IMPLEADMENT ON IA 40739/2025  
FOR APPLICATION FOR PERMISSION ON IA 40741/2025  
FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 45626/2025  
IA No. 40741/2025 - APPLICATION FOR PERMISSION  
IA No. 40738/2025 - APPLICATION FOR PERMISSION  
IA No. 40732/2025 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 40739/2025 - INTERVENTION/IMPLEADMENT  
IA No. 45626/2025 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Signature Not Verified : 06-05-2025 These matters were called on for hearing today.

Digitally signed by  
NITIN TALWAR  
Date: 2025.05.06  
17:48:41 IST  
Reason:

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

For Parties : Mr. Vikas Singh, Sr. Adv.  
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Ms. Vasudha Singh, Adv.  
Mr. Sudeep Chandra, Adv.  
Mr. Nitin Saluja, AOR

Ms. Kumud Lata Das, AOR  
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Ms. Pooja Rathore, Adv.  
Mr. Harsh Ajay Singh, Adv.  
Ms. Annwasha Deb, Adv.  
Mr. Sourabh Suman, Adv.

Petitioner-in-person

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Mr. Susheel Tomar, Adv.  
Mr. Vikas Bansal, Adv.  
Mr. Mukesh Kumar Singh, Adv.  
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Mr. Arun Kumar, Adv.  
Mr. Utkarsh Pandey, Adv.

Mr. Milind Kumar, AOR  
Mr. Shivaji M. Jadhav, AOR

Mr. Tanveer A. Khan, AOR  
Mrs. Seema Tanveer, Adv.

Mr. R.S. Mishra, Adv.  
Mr. Keshav Rai, Adv.  
Mr. Pritam Singh, Adv.  
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Ms. Komal, Adv.  
Mr. Ravi Kant, Adv.  
Mr. Chetan Jadon, Adv.

Mr. Sanjeev Kumar, AOR  
Mr. Rajesh Ranjan Prasad, Adv.  
Mr. Sanjeev Kumar Aggarwal, Adv.  
Mr. Rahul Kumar, Adv.  
Mr. Sandeep Lamba, Adv.  
Mr. Mohit Kumar Gupta, Adv.  
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Mr. Amir Yadav, Adv.

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Mr. Sanjay Singh, Adv.  
Mr. A. Nagar, Adv.  
Mr. Vikrant Rana, Adv.  
Mr. Sandeep, Adv.

Mr. Tripurari Ray, Adv.  
Mr. Arun Kumar, Adv.  
Mr. Birendra Kumar, Adv.  
Mr. Parmanand Pandey, AOR

Mr. Tarun Kant Samantray, Adv.  
Mr. Gautam Das, Adv.  
Mr. Chandra Sekhar Panda, Adv.

Mr. Amrendra Kumar Singh, Adv.

Mr. Biswanath Agrawal, Adv.

Mr. Adish C. Aggarwala, Sr. Adv.  
Dr. Vivek Sharma, Adv.

Mr. K.R. Chitra (in person) (Intervenor)

Dr. Vivek Sharma, Adv.  
Mr. Vikas Jain, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. A large number of members of the Supreme Court Bar Association are present along with a unanimous prayer that the time schedule for conducting elections of the Supreme Court Bar Association may be notified for the reason that the term of the existing office bearers shall expire on 19.05.2025. In this regard, our previous order dated 02.05.2024 passed in this very case has been referred to whereby the schedule for conducting the previous elections-2024 was laid down keeping in view the fact that the term of the then office bearers was expiring on 18.05.2024.

2. We may hasten to add that the report containing various recommendations has since been received from Hon'ble Mr. Justice L. Nageswara Rao, former Judge of this Court pursuant to our request contained in the order dated 24.02.2025. The said report is aimed at the reforms in the composition and the mode of election of the Supreme Court Bar Association. However, if the elections are required to be conducted within a short time as desired by the Members, then it won't be feasible to give effect to those recommendations at this stage.

3. Consequently, we deem it appropriate to issue the following directions as of now:

(i) The report submitted by Justice L. Nageswara Rao shall be uploaded on the website of the Supreme Court Bar Association. While no challenge to that report will be entertained, the members of the Supreme Court Bar Association are welcome to give their suggestions for modification/deviation or for expansion of the recommendations made in that report. The recommendations made by Justice L. Nageswara Rao or the suggestions that may be received from the members of the Supreme Court Bar Association shall be considered in due course of time for future implementation.

(ii) It is directed that the election of the office bearers of the Supreme Court Bar Association and the Executive Committee shall be held on 20.05.2025 on the basis of voter list as was finalised in the elections for the year 2024. Apart from those who are included in the voter list for 2024, all such other members who have acquired eligibility upto 28.02.2025, shall also be included in the voter list.

4. We hereby appoint the Election Committee comprising of (i) Mr. Jitendra Mohan Sharma, Sr. Advocate; (ii) Mr. Vijay Hansaria, Sr. Advocate; and, (iii) Ms. Mahalakshmi Pavani, Sr. Advocate. The counting of votes shall commence on 20.05.2025 and the result shall be declared preferably on the same date or on 21.05.2025. The Election Committee shall be at liberty to co-opt for any other member, if so required. The current office bearers of the Supreme Court Bar Association will extend full cooperation and provide

necessary facilities to the Election Committee for conducting the smooth and fair election.

5. We have also taken into consideration the sentiments of the members of the Supreme Court Bar Association for women reservation. Giving full respect to these views and sentiments of the most of the members of the Bar, it is directed that in the ensuing election for 2025-2026, the post of Secretary of the Supreme Court Bar Association shall be exclusively reserved for a woman candidate. In addition, 1/3rd seats in the Executive Committee i.e., 3 out of 9 shall be exclusively reserved for women candidates. Similarly, 1/3rd seats out of the Senior Executive Members i.e., 2 out of 6 shall also be reserved for women candidates.

6. Post the matters for further consideration on 22.05.2025 at 2:00 p.m.

(NITIN TALREJA)  
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)  
ASSISTANT REGISTRAR