

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
MISC. APPL. DIARY NO. 13992 OF 2023**

IN THE MATTER OF:

SUPREME COURT BAR ASSOCIATION & ORS.

PETITIONERS

VERSUS

B.D. KAUSHIK & ANR.

RESPONDENTS

AND IN THE MATTER OF:

MS. YOGAMAYA M.G.

APPLICANT

**RESPONSE TO THE RECOMMENDATIONS IN THE FORM OF
REFORMS FILED BY THE ELECTION COMMITTEE OF THE
SUPREME COURT BAR ASSOCIATION (SCBA), 2025,
PURSUANT TO THE HON'BLE SUPREME COURT'S ORDER DATED
06.05.2025 IN M.A. DIARY NO. 13992 OF 2023, DATED 14.08.2025.**

1. The reforms proposed by the Election Committee in this case are a welcome and progressive step toward ensuring transparency and inclusivity in the SCBA electoral process. It is strongly recommended that senior advocates have a minimum of 25 appearances in each of the preceding two years to qualify as eligible voters. This measure promotes parity across all categories, encourages continued professional engagement, and upholds fairness, accountability, and the representative integrity of the SCBA elections, while duly recognizing the stature and experience of senior advocates.



2. The proposal to categorize the nine posts of Executive Members based on years of membership is a commendable and forward-looking reform aimed at fostering inclusive representation within the Executive Committee. Allocating three posts each to members with up to 10 years, 10 to 20 years, and over 20 years of continuous membership in the SCBA ensures that members from all stages of professional experience have a voice in the association's governance. This structured approach promotes broader participation, reflects the diverse interests of the Bar, and strengthens institutional balance.

However, the suggestion of having only one woman member in each category is inadequate to achieve genuine gender equality. Women's representation must not be compromised and should be meaningfully enhanced. It is therefore recommended that at least three women be included among the Junior Executive Members, two among the Senior Executive Members, and at least one woman hold an Office Bearer post. Such representation will ensure substantive gender balance, empower women advocates, and strengthen the inclusive and equitable spirit of the SCBA.

3. Given the stature and responsibility associated with the office of the President of the Supreme Court Bar Association (SCBA), it is imperative that the candidate embodies both professional excellence and the confidence of the Bar. The recommendation that candidates should possess

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a demonstrable standing and reputation within the legal community is well-justified, as the President serves as the primary representative of the Association before the Supreme Court on matters of significance.

Requiring a minimum of 20 appearances as lead counsel, with at least 10 of those resulting in reported judgments during the preceding five years, sets a high and appropriate benchmark. This criterion ensures that only advocates with substantial courtroom experience, consistent engagement, and proven advocacy before this Hon'ble Court are eligible for this distinguished position. Such a standard not only upholds the dignity and credibility of the office but also promotes capable and experienced leadership within the SCBA.

4. The proposal regarding security deposits and nomination fees for the Supreme Court Bar Association (SCBA) elections, while aimed at ensuring commitment of candidates, raises concerns regarding accessibility and fairness. The issue is not merely whether the deposit is refundable, but whether the amount and structure allow all eligible members to contest without undue financial burden. The proposed nomination fees are excessively high, which may prevent members with limited means from participating. This could lead to dependence on sponsorships, thereby compromising the fairness and independence of the elections. To ensure equitable and genuinely representative elections, the nomination fees

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should be set at a reasonable level that allows independent candidates to contest freely without financial constraints.

5. The 2025–2026 SCBA elections, in practice, fell far short of being fair or credible. Multiple election-related matters required judicial intervention, and the process has been prolonged over the past two years due to the Hon’ble Court’s involvement. The primary cause of these delays appears to be the self-interest of certain individuals intent on retaining their positions. The elections have become highly politicized, with candidates focusing on consolidating personal power rather than serving the collective interests of the Bar. As a result, the process has undermined the integrity of the Association’s democratic functioning and failed to benefit the Bar as a whole.

6. The recommendation to adopt electronic voting machines (EVMs) for SCBA elections is a commendable and practical measure to ensure a fair electoral process. EVMs would streamline voting, eliminate time-consuming manual counting, and provide faster and more accurate results. While the initial cost is higher than paper ballots, the long-term benefits in terms of efficiency, transparency, and reliability make it worthwhile.

Additionally, implementing online voting through verified email IDs would further enhance the fairness and accessibility of the elections. Members registered with the SCBA could receive secure voting links, reduce the risk of bogus voting, and allow those who are unable to be

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physically present to participate easily. This approach would also lower election expenses, simplify counting, and minimize irregularities, ensuring a smooth, transparent, and genuinely representative electoral process for all members.

7. The suggestion to extend the tenure of the SCBA Executive Committee from one year to two years is not recommended. Maintaining the existing one-year term is essential to ensure accountability, responsiveness, and the regular infusion of fresh leadership within the Association. Shorter tenures serve as a safeguard against complacency and the consolidation of power, compelling the Committee to remain attentive to the needs and interests of the Bar.

Annual elections allow for meaningful democratic review and broaden participation, ensuring that diverse voices contribute to the Association's governance. While concerns such as holidays and campaigning may slightly reduce the effective working period, these can be addressed through operational improvements and smooth transitions, rather than by extending terms, which could dilute electoral accountability.

To strengthen SCBA's democratic structure, the following measures are recommended:

- a) Tenure: Retain the one-year term for all elected Executive Committee posts.

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- b) Cooling-Off Period: Introduce a mandatory one-term cooling-off period for any individual who has held an elected post, preventing them from contesting the immediate next election for any position.
- c) Term Limit per Post: Reduce the maximum number of terms for any post from four to two, whether consecutive or non-consecutive.
- d) Overall Term Cap: Impose a cap of four terms across all Executive Committee posts to prevent prolonged dominance by a few individuals.

These reforms are crucial to fostering democratic diversity, preventing monopolization of power, and encouraging wider leadership participation. Repeated or prolonged electoral success by the same individuals risks stagnation and undermines the representative character of the SCBA. For a national legal body, leadership must remain transparent, accountable, and inclusive, with reforms aimed at enhancing democratic processes rather than extending tenure or relaxing eligibility.

8. The Election Committee should be constituted at least two months before the date of polling to ensure the smooth and efficient conduct of elections. It is not necessary to mandate the inclusion of an Advocate-on-Record in the Committee. Instead, the Committee should be broad-based, consisting of two senior advocates who are not contesting in the current or any future SCBA elections, along with the senior-most member of the Bar. This composition will ensure impartiality, uphold the integrity of the process, and bring both experience and neutrality to the management of the elections.

 Filed by:
YOGMAYA M.G.
APPLICANT

Place: New Delhi
Dated: 18.10.2025