

ROHINI COURTS BAR ASSOCIATION (RCBA) ELECTION COMMITTEE 2017

{Constituted in compliance of the judgment of the Hon'ble High Court of Delhi in WP (C) No. 8106/2010 titled P. K. DASH, ADVOCATE & ORS. versus BAR COUNCIL OF DELHI & ORS. vide the date of decision 31.05.2016 further modified vide judgment dated 18.10.2016}

MINUTES OF MEETING DATED 28.01.2017

Coram:

1. Shri Man Mohan Sharma, Additional District & Sessions Judge, Delhi presently posted as Judge Incharge Mediation, Delhi Mediation Centre, Rohini Courts, Delhi—
in Chair
2. Shri Yesh Pal Singh, Advocate—Member
3. Shri Javed Mohd, Advocate—Member

The RCBA Election Committee 2017 has held its *maiden* meeting on Saturday, the 28th day of January 2017.

2. At the outset, the members of the Committee extend thanks to all concerned for reposing faith in them and seek divine blessings to perform their duties to the best of their abilities and also look forward to the support of all members of the Rohini Courts Bar Association in carrying out the task entrusted to them.

3. The RCBA Election Committee 2017 has its *genesis* in the judgment of the Hon'ble High Court of Delhi pronounced in WP (C) No. 8106 of 2010 titled P. K. DASH, ADVOCATE & ORS. versus BAR COUNCIL OF DELHI & ORS. vide the date of decision 31.05.2016, further modified vide judgment dated 18.10.2016.

Yeshpal Singh
Man Mohan Sharma

Man Mohan Sharma

4. Para 52 of the judgment dated 31.05.2016 reads as under:

"52. In the light of the above findings and conclusions, the following directions are issued:

(a) The following rule, incorporating the one-bar, one vote principle shall stand incorporated forthwith in relation to every Bar Association in Delhi (including the Delhi High Court Bar Association, the Delhi Bar Association, the New Delhi Bar Association, the Rohini, Shahdara, Saket and Dwarka Court Bar Association and all other Court/Tribunals attached Bar Associations):

"A member who exercises her or his right to vote in any year in the High Court or a District Court Advocate's/Bar Association election shall not be eligible to cast her or his vote and/or contest for any post-either as member of the executive or of an office Bearer, at the election of any other Bar Association. Every member before casting his vote shall in the prescribed form furnish a Declaration that she/he has not voted and is not voting in the immediately preceding election to any other Bar Association and is not voting in any election of the Supreme Court Bar Association or any other Bar Association. Provided, however, that if such a declaration is found to be false, it shall entail automatic suspension of the member giving such false declaration from membership of the Association for a period of three years."

6. Further vide the judgment dated 18.10.2016 in the same *lis*, it has been held as under:

"13. The following directions shall be added by way of modifications:

(a)(i) For every election, the Bar Association shall constitute an Election Committee of three members. This Committee shall be formed three months before the end of the tenure of the office bearers of the Bar Association. The Committee shall comprise of two advocates with not less than 20 years' standing, who would not contest in the forthcoming elections, chaired by a Judicial Officer not below the rank of Additional

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District Judge of five years' standing nominated by the concerned District Judge.

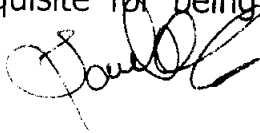
(a)(ii) Such Election Committee would be responsible for the task of verifying the declarations and preparing the list of members eligible to vote having regard to the directions in para 52(a) above. Such list shall be prepared and displayed for objection after which the final list of voters shall be prepared at least four weeks before the date of voting.

(a)(iii) The Chairman of the Election Committee i.e. the concerned Judicial Officer shall ensure the preservation of the records relevant to verify the declarations. Such record, including the declarations given by the members, the final list of voters and the final list of candidates with their declarations shall be kept in the custody of the concerned District Judge and available for scrutiny. The District Judge shall in turn ensure that such documents are digitized and kept in safe custody."

7. In compliance of the aforesaid judgment of the Hon'ble High Court of Delhi and on the recommendations of the Rohini Court Bar Association, the Ld. District & Sessions Judge (North West) has nominated Shri Man Mohan Sharma, Additional District & Sessions Judge, Delhi presently posted as Judge Incharge Mediation, Delhi Mediation Centre, Rohini Courts, Delhi, as Chairman of the Election Committee. Rohini Court Bar Association has accepted the same and has nominated two members of the Committee namely Shri Yesh Pal Singh, Advocate and Shri Javed Mohd, Advocate.

8. Shri Yesh Pal Singh, Advocate states and declares that he has been in practice for the last more than 20 years and shall not contest the election of Rohini Courts Bar Association in the forthcoming elections, therefore in his opinion he complies with the qualifications requisite for being a member of the Election

Yeshpal Singh




Committee in terms of the judgment of the Hon'ble High Court of Delhi in WP (C) No. 8106/2010 titled P. K. Dash, Advocate & Ors. versus Bar Council of Delhi & Ors vide the date of decision 31.05.2016 further modified vide judgment dated 18.10.2016.

9. In the same vein, Shri Javed Mohd, Advocate states and declares that he has been in practice for the last more than 20 years and shall not contest the election of Rohini Courts Bar Association in the forthcoming elections, therefore in his opinion he complies with the qualifications requisite for being a member of the Election Committee in terms of the judgment of the Hon'ble High Court of Delhi in WP (C) No. 8106/2010 titled P. K. Dash, Advocate & Ors. versus Bar Council of Delhi & Ors vide the date of decision 31.05.2016 further modified vide judgment dated 18.10.2016.

10. The Chairman of the Committee, Shri Man Mohan Sharma Additional District & Sessions Judge, Delhi presently posted as Judge Incharge Mediation, Delhi Mediation Centre, Rohini Courts, Delhi states and declare that in his opinion he attracts no disqualification to function as the Chairman of the Election Committee to conduct the RCBA Elections.

11. In compliance of the judgment of the Hon'ble High Court of Delhi in WP (C) No. 8106/2010 titled P. K. Dash, Advocate & Ors. versus Bar Council of Delhi & Ors vide the date of decision 31.05.2016, further modified vide judgment dated 18.10.2016, the prime task of the Committee is as under:

- (i). Verifying the declarations and preparing the list of members eligible to vote having regard to the directions in para 52(a) of the above referred to judgment of the Hon'ble High Court of Delhi;

Yashpal Singh

Javed Mohd

Man Mohan Sharma

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- (ii). Displaying the list of members eligible to vote for objection;
- (iii). Preparing the final list of voters at least four weeks before the date of voting;
- (iv). Preserving the records relevant to verifying the declarations with the following compliances:-
 - (a) Such record, including the declarations given by the members, the final list of voters and the final list of candidates with their declarations shall be kept in the custody of the concerned District Judge and available for scrutiny.
 - (b) The District Judge shall in turn ensure that such documents are digitized and kept in safe custody.

12. The Committee has deliberated upon the matter and unanimously resolved as under:

"The Rohini Court Bar Association be written a letter, under the signatures of all the constitutes of the Election Committee, to invite the declarations from the eligible members as per the directions of the Hon'ble High Court of Delhi in WP (C) No. 8106/2010 titled P. K. Dash, Advocate & Ors. versus Bar Council of Delhi & Ors. The declarations be invited by 15.02.2017 as the cut-off date. The declarations be submitted before the Election Committee for compilation of the list of eligible voters."

Further unanimously resolved

"In the said letter the RCBA be proposed to hold the election on 31.03.2017, subject to the scrutiny of declarations and

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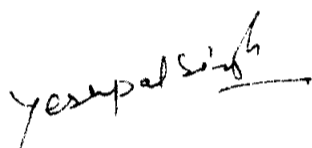
Manojan
Sharma


preparation of the final list of voters in compliance of the directions of the Hon'ble High Court of Delhi."

A copy of these minutes be sent to the Ld. District & Sessions Judge (North West) for his kind information and records.

Meeting ended with a votes of thanks to the Chair.


(Javed Mohd.)
Advocate
Member


(Yesh Pal Singh)
Advocate
Member


(Man Mohan Sharma)
Additional District & Sessions Judge
Chairman

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ROHINI COURTS BAR ASSOCIATION (RCBA) ELECTION
COMMITTEE 2017

{Constituted in compliance of the judgment of the Hon'ble High Court of Delhi in WP (C) No. 8106/2010 titled P. K. DASH, ADVOCATE & ORS. versus BAR COUNCIL OF DELHI & ORS. vide the date of decision 31.05.2016 further modified vide judgment dated 18.10.2016}

MINUTES OF MEETING DATED 04.02.2017

Coram:

1. Shri Man Mohan Sharma, Additional District & Sessions Judge, Delhi presently posted as Judge Incharge Mediation, Delhi Mediation Centre, Rohini Courts, Delhi—
inChair
2. ShriYesh Pal Singh, Advocate—Member
3. ShriJavedMohd, Advocate—Member

The RCBA Election Committee 2017 has held its *second* meeting on Saturday, the 4th day of February 2017.

2. The members have taken note of the fact that there are posters/banners pasted in the Rohini Courts complex by various Advocates, election aspirants etc.

3. Hon'ble High Court of Delhi has vide order dated 24.02.2016 passed in the case titled "Pankaj Yadav vs. Union of India & Anr." W.P. (C) 7718/2015 & CM 15135/2015 & 26986/2015 has directed as under:-

"Another issue which has been highlighted is the issue of pasting of posters on the walls by vendors and by advocates contesting elections of the Delhi Bar Association/Bar Council. It is agreed by all that this should not happen. It is the prime responsibility

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Yeshpal Singh

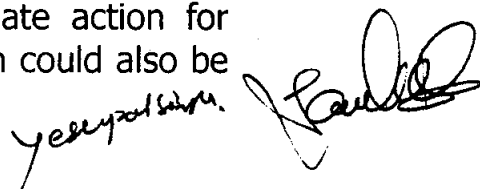
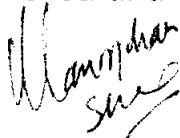
Javed Mohd

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of the Bar Associations to ensure that no vendor or election candidate should put up a poster in the buildings of the Court Complexes. This direction pertains to the all Court Complexes and is not limited to Tis Hazari Court or the Karkardooma Courts. In fact, the Bar Associations should incorporate an election rule of the concerned Bar Association indicating that if any candidate puts up a poster on the walls of the Court complex, he would be disqualified. With regard to vendors' defacing the wall, the District & Sessions Judge shall take immediate action for having them removed. Action may be taken under the Delhi Prevention of Defacement of Property Act, 2007 (Delhi Act 1 of 2009)."

4. Further in the same matter Hon'ble High Court of Delhi has vide order dated 11.01.2017 has directed as under:

"It has been brought to our notice by the petitioner that there is rampant defacement of property by pasting of posters in the Tis Hazari Complex both in the main building and in the chamber complex. There are posters of vendors as well as of advocates contesting elections to the Delhi Bar Association. As far back as on 24.02.2016, it had been agreed by all the counsel for the parties including the counsel for Delhi Bar Association that this should not happen. It is also noted in the aid order that it is the prime responsibility of the Bar Associations to ensure that no poster is put up in the buildings of court complexes which includes the Tis Hazari Court complex. We had also indicated that the Bar Associations should incorporate an election rule indicating that if any candidate puts up posters on the walls in the court complexes he would be disqualified. Unfortunately, no such rule has been incorporated in the rules of the Delhi Bar Association. We had also directed that in case there were posters pasted by vendors, the District & Sessions Judge should take immediate action for having them removed and that action could also be



taken under the Delhi Prevention of Defacement of Property Act, 2007.

A copy of this order be placed before the District & Sessions Judge, Headquarters to ensure that the defacement of the Tis Hazari Complex by pasting of posters does not take place. We also direct the election committee of the Delhi Bar Association to take serious action with regard to the posters passed on the walls of the court complex. The bar association should also take steps immediately to have all such posters removed which are contrary to our directions dated 24.02.2016 and to the order passed today."

5. As it is the prime responsibility of the Rohini Court Bar Association (RCBA) to ensure the compliance of the aforesaid directions, it is unanimously resolved to send a letter to it drawing its attention to the orders dated 11.01.2017 and 24.02.2016 to the various directions passed by the Hon'ble High Court of Delhi in W.P. (C) No. 7718/2015 & CM 15135/2015 & 26986/2015 titled Pankaj Yadav vs. Union of India and to ensure that the directions contained therein are complied with in letter and spirit.

6. It is further unanimously resolved that in the said letter to the RCBA it be requested to prominently display a notice as per ANNEXURE 'A' at its Notice Boards for the compliance of all concerned and report removal of all notices, banners, writings etc. by 08.02.2017.

7. It is further unanimously resolved that in the said letter to the RCBA it be requested to prominently display a notice as per ANNEXURE 'A' at its Notice Boards for the compliance of all concerned and report removal of all notices, banners, writings etc. by 08.02.2017.

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Yashpal Singh

Paul

8. It is further unanimously resolved that in the said letter to the RCBA it be requested to incorporate an election rule indicating that if any candidate puts up posters on the walls in the court complexes he would be disqualified.

9. It is also unanimously resolved that various Bar Association in Delhi be sent a letter of request through Ld. District & Sessions Judge North-West to send the record of declarations and the final list of Voters prepared by them in paper as well as e-format in excel sheets.

A copy of these minutes be sent to the Ld. District & Sessions Judge (North West) for his kind information and records.

Meeting ended with a votes of thanks to the Chair.



(Javed Mohd.)

Advocate
Member



(Yesh Pal Singh)

Advocate
Member



(Man Mohan Sharma)

Additional District & Sessions Judge
Chairman

ANNEXURE 'A'

It is brought to the notice of all the aspirants in the forthcoming elections Rohini Courts Bar Association and all other concerned that they shall refrain from putting up/pasting any poster, banner or canvassing material on the staircases, lifts, lift lobbies, corridors, main Court building, Chamber Blocks, Multilevel Parking, Utility Blocks, Court signboards, electric and telephone poles, all walls in the Court Complex (including Lawyers' Chambers Block) and periphery wall or defacing the building of the Court Complex in any manner whatsoever. Any material already pasted/written be removed by them by ~~07.02.2017~~.

Any violation of these directions shall attract penal action under the provisions of Delhi Prevention of Defacement of Property Act, 2007 (Delhi Act 1st of 2009) and other legal consequences shall also ensue.

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Sharma

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ROHINI COURTS BAR ASSOCIATION (RCBA) ELECTION COMMITTEE 2017

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MINUTES OF MEETING DATED 10.02.2017

Coram:

1. Shri Man Mohan Sharma, Additional District & Sessions Judge, Delhi presently posted as Judge Incharge Mediation, Delhi Mediation Centre, Rohini Courts, Delhi—
inChair
2. Shri Yesh Pal Singh, Advocate - Member
3. Shri Javed Mohd, Advocate - Member

The RCBA Election Committee 2017 has held its *third* meeting on Friday, the 10th day of February 2017.

2. The Committee has considered a representation sent in writing by some of the Advocate Members of RCBA alleging that some interested persons are allowed to take declaration forms of other member(s) without their consent. In this way, such persons are influencing the members/voters.

3. The Committee has considered the pleas. It is unanimously felt that the sanctity of process is sine-qua-non for a free and fair election. It is unanimously resolved that let a communication be sent to RCBA to ensure that the process of filling of declaration form is conducted with complete sanctity and the forms be given only to the member(s) concerned and not to any third person(s).

Yeshpal Singh

Javed Mohd

Man Mohan Sharma

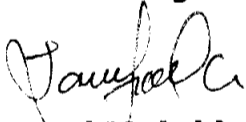
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4. The Committee has also noticed that no compliance has been reported to its letter dated 04.02.2017, wherein RCBA was called upon to ensure that all the notices, banners, writing etc. be removed by 08.02.2017 also to incorporate an election rule regarding disqualification of a candidate in case he/she puts up posters/banners etc. on the walls in the Court Complex or outside or defaces the public property in any manner.

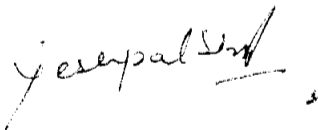
5. It is unanimously resolved that the communication in this regard be conveyed further stating that the legal course would be set in motion against the candidates indulging in the defacement of Court building by putting up posters/banners/hoardings etc. in and around the Rohini Courts Complex or defacing the public property in any way.

A copy of these minutes be sent to the Ld. District & Sessions Judge (North West) for his kind information and records.

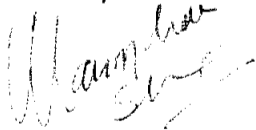
Meeting ended with a votes of thanks to the Chair.



(Javed Mohd.)
Advocate/Member



(Yesh Pal Singh)
Advocate/Member



(Man Mohan Sharma)
Additional District & Sessions Judge
Chairman