

MINUTES OF THE MEETING OF ELECTION COMMITTEE (SAKET BAR ASSOCIATION), SAKET COURTS HELD ON 21.09.2024 AT 12.30 PM IN THE CONFERENCE ROOM, 5th FLOOR, NEW COURT BLOCK-II, SAKET COURT COMPLEX, NEW DELHI.

In Chair:-

Sh. Raj Kumar Tripathi, District Judge (Comm.) (SE) /Chairperson

Quorum:-

Sh. Tejeshwar Sharma, Advocate/ Member.

Sh. Vineet Baliyan, Advocate, Member.

In Cons. :

- 1) Order dated 23.08.2024 passed by Hon'ble High Court of Delhi in writ petition W.P.(C) 6338/2023, titled as P.K. Dash Vs. Saket Bar Association & Another.
- 2) Letter dated 27.08.2024 recd. from Sh. Daud Ahmad, Advocate
- 3) Letter dated 07.09.2024 recd. from Sh. Shoeb Shakeel & other three Advocates.

Committee perused the order dated 23.08.2024 of Hon'ble High Court of Delhi passed in writ petition W.P.(C) 6338/2023, titled as P.K. Dash Vs. Saket Bar Association & Another.

Petitioner therein, Sh. P. K. Dash pointed out that in terms of para 11.9 (IV) of judgment dated 19.03.2024 in above matter, advocates who have twelve (12) appearances before courts in a year, shall be considered as bonafide advocates however, appearance of advocates is being marked despite their absence in Courts, thereby defeating the purpose of this requirement. Further, he informed to the Hon'ble Court that in a recent incident in the Court of Ld. District Judge, North, Rohini Courts, presence of one hundred thirty (130) advocates have been marked in a single order. He also alleged that advocates are fabricating soft copies of the order sheets by editing their names.

This Committee notices that said issues have already been addressed on petitioner's letter dated 06.08.2024 and this Committee vide notice dated 16.08.2024 has already advised the members of Bar to avoid such inappropriate practice to prove their eligibility for voting rights. Further, it has been warned that if any such manipulated document(s) came to the notice of Committee it shall entail appropriate proceedings against the erring member of Bar and accordingly, the matter shall liable to be reported to the Bar Council of Delhi for an action alongwith simultaneous deletion of his/ her name from the voter list for ensuing elections.

So far as other issue is concerned, there is no mechanism available with Committee, which can ascertain as to whether the Advocate(s) whose presence has been marked in the order sheet were physically present before the court or not. However, if the order sheet is signed by the Ld. Presiding Officer/ Reader of the court, there is no reason with the Committee to disbelieve the same. Therefore, this issue raised by the applicant, stands disposed of and the Advocate(s) whose presence is marked in the order sheet will be considered in the category of "**bonafide advocates**".

Vide representation dated 27.08.2024, Sh. Daud Ahmad, Advocate has pointed out that a number of declaration forms do not contain mobile numbers of prospective voters for election of SBA. Since, there is no requirement of such information in the format issued

vide notice dated 27.07.2024, the Committee does not find any infirmity in such declaration forms.

Another representation dated 07.09.2024 has been received jointly from S/Sh. Shoeb Shakeel, Vishal Raj Sehijpal, Purushendra Bhardwaj & Yuvraj, Advocates. They have pointed out that according to the directive issued in the case of Lalit Sharma (supra), it is mandated that all membership dues should be paid by candidates and members from their personal accounts. This mandate aims to preserve the integrity and fairness of the electoral process. However, it has come to their notice that some candidates have contravened this ruling by paying the dues of certain members from their own accounts.

This Committee considers the issue in details and resolves that the advocates who have paid their dues/ subscription through his/her own bank account or through the bank account of his/her immediate family member/immediate blood relative, shall be considered as "**bonafide advocates**", whereas the declaration form(s) of the member(s) whose dues have been paid by some other member(s), shall liable to be rejected in terms of judgment of Hon'ble High Court of Delhi in the matter. Accordingly, Saket Bar Association through it's President/ Hony. Secretary to verify such fact and submit a list of such advocates/ members whose dues have been paid by advocates other than himself/herself or his/her immediate family member(s) or immediate blood relative(s), within three days of issuance of these minutes.

The office has informed to the Committee that 5002 nos. of declaration forms were received from Saket Bar Association after due verifications of particulars at Sl. No. 1 to 8 of declaration forms, under the letter(s) of Hony. Secretary, SBA. Out of the above said declaration forms, 50 forms were found in duplicate. They have been deleted from the list(s). One applicant Ms. Preeti Chauhan, D/3768/2015 withdrew her declaration form no. 2658 through her letter dated 07.09.2024. This Committee unanimously allows her request.

Although, it was difficult to cross check all the order sheets, however on random scrutiny, prima facie order sheets filed by Ms. Atiya Waris, D/7901/2021 (Form No. 204), Ms. Arfa Ali, D/12617/2022 (Form No. 205), Sh. Kafeel Ahmad, D/11168/2022 (Form No. 206) & Sh. Faizan Ali Hasan Nakvi, D/4667/2015 (Form No. 520), are found manipulated. Taking in account the resolution of this Committee passed vide MoM dated 13.08.2024, this Committee unanimously rejects declaration forms of abovesaid four advocates/ members of SBA. This Committee also recommends show cause notice to them as to why appropriate disciplinary action may not be proposed to the Bar Council of Delhi and the matter may not be reported to Registrar General, High Court of Delhi. President/Hony. Secretary, SBA to issue show cause notice to above said advocates and invite their reply within three days of issuance of these minutes. Rest of the advocates/members of SBA be given last opportunity/call to withdraw their forms immediately if such malpractices are adopted therein, failing which they shall be liable for appropriate action as per law, without any further notice.

The lists of tentative voters for elections of SBA and a list of advocates whose declaration forms under objection(s) have been prepared. The advocates/members of SBA may submit their response to above said lists by 30.09.2024 till 4:00 p.m. A format of response is finalized.

The list of tentative voters for elections of SBA, simultaneously list of advocates whose declaration forms have objections, alongwith format of response, be communicated

to Saket Bar Association through it's President/Hony. Secretary for wide publicity amongst it's members. Same be uploaded on the website of Delhi District Court delhidistrictcourts.nic.in and on the websites of South & South East districts districts.ecourts.gov.in/southdelhi & districts.ecourts.gov.in/southeastdelhi in PDF read only format and be displayed on the notice board(s) of this court complex for information of all concerned.

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**RESPONSE TO OBJECTIONS RAISED IN DECLARATION FORMS OF PROSPECTIVE VOTERS /
OBJECTIONS TO LIST OF TENTATIVE VOTERS**

Responder :

Self :

Objector to Declaration Form of others :

*** Tick the relevant.**

1	Name of Applicant (Mr./Ms.)	
2	Mobile No.	
3	BCD Enrollment No.	
4	SBA Membership No.	
5	Declaration Form No. (In Question)	
6	Name of Advocate submitted the Declaration Form (in case objection is against other's Declaration Form) #	
7	Bar Council Enrollment No. of Advocate mentioned at Sl. No. 6, above	
8	Membership No. of Saket Bar Association of Advocate mentioned at Sl. No. 6, above	
9	Type of response	
	a) Withdrawing the Declaration Form	
	b) Removing objections	
	c) Objections to other's Declaration Form	
	d) Submission	
10	Supporting Documents	1.
		2.
		3.
		4.

Objections against declaration of other Member would be summarily rejected if an advance copy of the objection is not served upon that party and acknowledge is not taken on this form itself.

Date: _____

(Signature of Applicant)

Received copy.....	(Signature of Member in Column No. 6) Mobile No.
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