203) CB/in/compliance
13/5/25

OFFICE OF THE ELECTION COMMIITTEE, KARKARDOOMA COURTS, DELHI

No. 7006 /BAR-Election-SBA/KKD/2025 Dated, Delhi 13 MAY 2025

To

The Officer Incharge, Computer Branch

Karkardooma Courts, Delhi.

Sub: Uploading of the Order dated 08.05.2025 passed in W.P. (C) Lalit Sharma and Ors. Vs. Union of India & Ors. by Hon'ble High Court of Delhi, New Delhi, regarding Elections of Shahdara Bar Association.

Sir,

I am directed by Hon'ble Chairperson, the Election Committee, Shahdara Bar Association, Delhi to enclosed herewith Order dated 08.05.2025 passed in W.P. (C) Lalit Sharma and Ors. Vs. Union of India & Ors. by Hon'ble High Court of Delhi, New Delhi regarding Elections of Shahdara Bar Association, with the request to direct the concerned official to upload the same in the web site of Karkarcooma Courts Delhi forthwith.

With regards,

Yours faithfully

Encl. As above.

(Manmohan Sharma)

PJFC/East District

For Chairperson/Election Committee

Shahdara Bar Association, Delhi

$~1 (FB)

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

Date of decision: 8th May, 2025

\+ **W.P.(C) 10363/2021**

LALIT SHARMA AND ORS. .....Petitioners

Through:

versus

UNION OF INDIA &ORS. .....Respondents

Through: Mr. Ruchir Mishra, Mr. Sanjiv Kumar Saxena, Mr. Mukesh Kumar Tiwari, Ms. Poonam Shukla and Ms. Reba Jena Mishra Advocates, Advs. for UOI.

Mr. T. Singhdev, Ms. Yamini Singh & Mr. Tanishq Srivastava, Advs. for BCD. (M:9999012345)

Mr. Arkaneil Bhaumik, Adv. for Dr. Amit George, Adv.

Mr. Ajay Kumar Agarwal, Adv. for BCD.

Ms. Anshu Dawar & Pulkit Agarwal, Advs. for Chairperson, Shahdara Bar Association.

Mr. Narveeer Dabas, Adv. contesting for Hony. Secy. in SBA.

Mr. Sanjay Lao, SC (Crl.) for State with Mr. Aryan Sachdeva and Mr. Abhinav Kr. Arya, Advs. for Delhi Police with Mr. Prashant Gautam, DCP, Shahdara and Insp. Amul Tyagi, SHO Farsh Bazar.

Mr. Sidhant Kumar and Mr. Om Batra, Advs. for ECI.

Mr. A.K. Kashyap and Mr. Neel Kumar Sharma, Advs.

Mr. Vikash M, Vice President.

Ms. Anita Dhingra, Candidate for Secretary, SBA.

Ms. Kirti Madan, Candidate for Vice Secretary, SBA.
Ms. Shobha Gupta, Mr. Raman Sharma & Ms. Sanskriti S. Gupta, Advs.
Mr. V. K. Singh, Mr. Vivek Kumar Khushwaha, Mr. Deepak Tomar & Mr. Shaurya Sethi, Advs.
Mr. Mohinder Rupal, Adv. for DU.
Mr. Vikram Singh Panwar and Ms. Chandrika Gupta, Advs. for DHCBA.
Mr. Sanaf Khan and Mr. Rashid Ali, Advs.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE NAVIN CHAWLA
JUSTICE C. HARI SHANKAR

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. Today, the matter has been taken up on office noting.

3. In the present writ petition, directions have been issued from time to time, in respect of conduct of elections to the Delhi High Court Bar Association as also the various Bar Associations in the District Courts. *Vide* order dated 21st February, 2025, finally, elections were fixed for being conducted in all Courts simultaneously on 21st March, 2025.

4. The elections to all the Bar Associations were concluded on 21st March, 2025 except in respect of the Saket Bar Association and the Shahdara Bar Association, which were called off due to various reasons. Accordingly, certain applications were filed in respect of these two Bar Associations which were considered by this Court on 7th April, 2025 and the said applications were disposed of and necessary directions were issued for the conduct of

elections on 9th May, 2025.

5. Thereafter, an application was filed by Justice Talwant Singh (Retd.), ld. Chairperson of the Shahdara Bar Association Election Committee (hereinafter "*the Election Committee*"), who was appointed by this Court vide order dated 7th April, 2025 for conducting the elections of the respective Bar Association. The application was filed by the ld. Chairperson for seeking issuance of directions upon various issues with respect to the conduct of elections.

6. While disposing of the said application, the Court issued the following directions for efficient conduct of elections at Karkardooma Courts for Shahdara Bar Association:

> *"13. Having heard all the concerned parties, including the contesting candidates, the Delhi Police, the ECI and M/s. SEC Communications Pvt. Ltd. (hereinafter "SEC Communications"), the concerned agency who has provided the proximity cards to the eligible voters, the following directions are issued:*
>
> ***Qua deployment of police force and smooth conduct of elections:***
>
> *i. The deployment of police force shall be made by the Delhi Police in terms of paragraph 4 of the status report dated 5th May, 2025, as extracted above. The Delhi Police shall ensure that each of the lawyers/eligible voters, who would be given entry into the concerned election area, are carrying their respective proximity card. The said lawyers/ eligible voters shall be admitted into the concerned election area only after proper verification of their proximity card.*
>
> *ii. No supporters/ campaigners of the contesting candidates would be permitted to gather any crowd*

outside the concerned election area or even outside the Karkardooma Court complex, where election is to be held. Candidates whose supporters or campaigners are seen to violate this condition would be liable to disqualification, if the need so arises.

iii. If any disturbance is caused by any group or individuals either lawyers or non-lawyers, including the supporters/ campaigners of the contesting candidates, the concerned police officials are free to take strict action against them in order to ensure that the said group/individuals do not cause any disturbance/obstruction in the smooth conduct of the elections.

Qua installation of CCTV cameras:

iv. The concerned election area shall be covered by CCTV and one feed shall be made available to the concerned DCP who may use the same for taking action in real time, if required.

Qua procurement and use of EVMs:

v. In respect of the procurement and use of EVMs, the Election Committee, through the Chairperson, Justice Talwant Singh (Retd) is free to approach any PSUs manufacturing EVMs, the Delhi University or any other body who is capable of making the same available to it.

vi. Insofar as the cost of the EVMs are concerned, several of the contesting candidates, present in Court today, have agreed to make contributions to cover the said cost. Accordingly, the Election Committee shall be free to collect contributions, uniformly, from all the contesting candidates standing for the post of President, Sr. Vice-Presidents, Vice-Presidents and Secretary, for the purpose of covering the cost of the EVMs.

vii. As far as operating of the EVMs is concerned, if

any trained election staff is required, the Election Committee is free to hire such personnel on a contractual basis.

viii. In case, the Election Committee is unable to procure EVMs from any of the above stated suppliers, the Election Committee shall take steps for conduct of elections through paper ballot. In such a case, it is reiterated, that the ballot boxes etc., shall be fully safeguarded by the police personnel who are being deployed by the Delhi Police, as mentioned hereinabove.

Qua the counting of votes:

ix. During the time of counting of votes, no one except the contesting candidates and /or one authorised representative on behalf of each of the contesting candidates, shall be given entry into the concerned area for observing the process of counting of votes.

Qua duplicate proximity cards:

x. In respect of such voters who may have requested for issuance of duplicate proximity cards, Dr. Amit George, ld. Counsel appearing for the concerned agency - SEC Communications, submits that as per the directions passed by this Court, all the duplicate proximity cards have been handed over to the Election Committee. Accordingly, the eligible voters who had requested for the duplicate proximity cards are free to collect the same from the Election Committee.

14. The above directions are being passed for deployment of police personnel on 9th May, 2025 and 10th May, 2025, on the presumption that the counting of votes would be completed by 10th May, 2025. If the same is, however, not completed by 10th May, 2025, another day's extension of deployment of police personnel shall be made by the Delhi Police till 11th May, 2025. The

deployed personnel shall be withdrawn after consultation with the Chairperson, Election Committee, by Mr. Gautam DCP.

15. At this stage, Mr. Mohinder Rupal, ld. Standing Counsel for the Delhi University, has joined the proceedings through video conferencing and he has assured the Court that he would take instructions from the said University for making available the EVMs to the Election Committee. Accordingly, the Chairperson of the Election Committee is free to contact Mr. Rupal, ld. Counsel, so that if the EVMs are available, the same can be requisitioned on payment of the usual charges, as decided by the said University."

7. A report dated 7th May, 2025 has been filed by Justice Talwant Singh (Retd.), ld. Chairperson of the Election Committee , raising certain difficulties which are being faced in conducting the elections to Shahdara Bar Association. The said issues, which have been raised in the report are as under:

- ***Qua availability of EVMs.*** -

i. It is submitted by the ld. Chairperson that in furtherance to the directions of this Court in order dated 5th May, 2025, he contacted Mr. Mohinder Rupal, ld. Counsel for Delhi University and was informed that the EVMs from Delhi University have been requisitioned for the Saket Bar Association elections scheduled to take place on 9th May, 2025.

ii. However, Delhi University further communicated its willingness to provide the EVMs for conducting elections to the Shahdara Bar Association on 24th May, 2025. Hence, ld. Chairperson to the Shahdara Bar Association has sought directions from this Court for the election to be rescheduled for 24th May, 2025.

iii. Furthermore, the view of the Chairperson is that the paper ballot elections would be extremely complex and expensive as well. Thus, his recommendation is for conducting the elections through EVMs.

- ***Qua the expenses for the elections*** -

i. As per the report filed by the ld. Chairperson, the total expenses for the election to the Shahdara Bar Association would amount approximately to the tune of Rs.22 lakhs to 25 lakhs.

ii. A detailed breakup of the expenses has been furnished in the report filed by the ld. Chairperson. The ld. Chairperson has, therefore, sought directions to 34 candidates contesting for the post of President, Senior Vice President, Vice President (Male), Vice President (Female), respectively, to contribute Rs.65,000/- each in the bank account of the Election Committee to enable the conduct of the elections.

8. The Court has considered the report dated 7th May, 2025 filed by Justice Talwant Singh (Retd.), ld. Chairperson of the Election Committee. Having heard all concerned parties including ld. Counsel appearing for the Chairperson, the contesting candidates, ld. Standing Counsel (Crl.) appearing for Delhi Police as also Mr. Mohinder Rupal, ld. Counsel appearing for the Delhi University, this Court is of the opinion that it would be in the fitness of things to accept the recommendation of the ld. Chairperson of the Election Committee *qua* the postponement of election.

9. Accordingly, the election to the Shahdara Bar Association shall now be conducted on Saturday, 24th May, 2025. The list of candidates who are required to deposit an amount of Rs. 65,000/- for covering the expenses of the elections, shall now also include the candidates contesting for the post of the

Treasurer. The number of candidates contesting for the said posts are listed herein below:

S. No.	Post	Number of Candidates
1.	President	8
2.	Sr. Vice President	8
3.	Vice President (Male)	7
4.	Vice President (Female)	5
5.	Hon. Secretary	6
6.	Treasurer	4
	Total	38

10. Each of the candidates contesting for the above mentioned posts shall contribute a sum of Rs. 65,000/- in the bank account of the Election Committee by 13th May, 2025. Those candidates who do not deposit the said amount will not be allowed to contest the elections, by the Election Committee. The court is compelled to take this extreme step as the second round of elections was necessitated due to the irregularities in the first round leading to the same being countermanded. For the first round substantial expenses had already been incurred by the Shahdara Bar Association and currently the Association is stated to be having only approx.3 lakhs in its bank account. If there is no contribution by candidates, the elections cannot be held. Accordingly, the candidates contesting for the posts set out above shall ensure that their obligation to contribute to the election is duly discharged.

11. The elections are scheduled in Saket Bar Association on 9th May 2025. The Saket Bar Association Election Committee shall ensure that the EVMs provided to them by the Delhi University are released immediately after the counting process of the elections scheduled for 9th May, 2025 is concluded. This shall ensure that the Delhi University can make the EVMs available to

the Election Committee of the Shahdara Bar Association in a timely manner, for the elections scheduled for 24th May, 2025.

12. In light of the above stated fresh directions, the previous directions as contained in the order dated 5th May, 2025, with necessary modifications, relating to the conduct of the elections, especially in respect of the deployment of police force, installation of CCTVs cameras, procurement of EVMs, counting of votes, shall continue to apply for the election scheduled for 24th May, 2025.

13. The petition is already disposed of. No further orders are called for.

PRATHIBA M. SINGH
JUDGE

NAVIN CHAWLA
JUDGE

C. HARI SHANKAR
JUDGE

MAY 08, 2025/*dk/ss*