

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQS),
TIS HAZARI, DELHI
OFFICE OF CHAIRPERSON (ELECTION COMMITTEE),
DBA ELECTIONS-2024

No. _____/EC/DBA/2024

Dated 23.09.2024

To,
Sh. Atul Kumar Sharma,
Hony. Secretary,
Bar Association of Delhi,
Tis Hazari Courts, Delhi.

Sub: Preparation of digital signatures of Hony. Secretary, Bar Association of Delhi, Tis Hazari Courts, Delhi, in compliance of directions issued by Hon'ble High Court of Delhi on 09.08.2024.

Sir,

Please refer to your reply dated 20.09.2024 in response to our communications dated 17.09.2024 and 19.09.2024 delivered on 21.09.2024, in relation with the subject cited above.

The Election Committee, in its meeting dated 23.09.2024 has considered the representation at length. The Committee has examined the request/ concerns cited by the Delhi Bar Association in relation with:-

- i) Voting rights of members who have joined the Bar till 31.10.2023;
- ii) The declaration being defective and issuance of fresh declaration forms; and
- iii) Veracity of representations by Mr. Vikas Goel, Advocate and Ms. Ragini Singh, Advocate.

I have been instructed to communicate the decision of the Committee to the following effect:-

- i) Eligibility of members who have joined the Bar till 31.10.2023.

In terms of the judgment-"Lalit Sharma & Ors Vs. Union of India & Ors", the eligibility of a Member is to be considered as on 31st July, of the year of Election i.e. 31.07.2024. As per the other conditions laid down in the eligibility criteria, 12 appearances spanning over a year are also required for a member to qualify as a bonafide advocate, in terms of Clause 11.17 (iv) of Para 35 of the said judgment. The same implies that 12 months time prior to 31.07.2024 is to be considered.

Besides, the constitution of DBA itself requires the membership for atleast a year prior to the month of election. Having regard to the date 31.07.2024, as fixed by the Hon'ble High Court to be the date of assessment of eligibility, by necessary implication. The date of 31.07.2023 becomes the cut off date, for considering eligibility as to voting in Elections slated for 19.10.2024.

The same has already been communicated at the time of circulation of the declaration form on 09.08.2024. As such, the Committee is of

the view that it would not be feasible to try the day 31.10.2023 as the cut off date, as requested.

ii) The declaration being defective and issuance of fresh declaration forms.

In relation with the request for issuance of a rectified declaration form, the Committee is of the view that the format already circulated is explanatory in all material and relevant aspects and as such, does not need to be amended or rectified. Besides, no member who has filed any declaration, has cited any difficulty or anomaly in the form, affecting their claim to right to vote. Even otherwise, the request for rectification is being made after the process of submission of declaration has already over. Thus, the request cannot be accepted.

iii) The compliance/ representations by Mr. Vikas Goel and Ms. Ragini Singh, Advocates.

The Committee has examined the issue objectively, regardless the identities of any complainant/members, in order that a fair decision can be taken. The Delhi Bar Association has been requested to provide details as to the data of membership as well as to clarify their stand qua the date of membership of all the members whose name find mention in the list provided by Mr. Vikas Goel, Advocate.

It is further requested to supply the details of all members from amongst the list of members enrolled after 31.07.2023 at the earliest, in order that a proper decision can be arrived at in respect of citing their concern as to filing of Declaration despite their becoming member of the DBA after 31.07.2023.

It is also requested that in case the members who have joined/ obtained the membership of the Bar after 31.07.2023, may be requested to withdraw their declaration forms as the same do not qualify the conditions for eligibility as stipulated in the declaration form itself.

(Harish Sharma)

Nodal Officer, Election Committee
Delhi Bar Association 2024
Dated 23.09.2024

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No. _____/EC/DBA/2024

Copy to-

- 1) The Registrar General, Hon'ble High Court of Delhi, New Delhi.
- 2) The Worthy President, Delhi Bar Association, THC, Delhi.
- 3) PS to Ld. Principal District & Sessions Judge (Hqs), THC, Delhi.
- 4) PS to Ld. Principal District & Sessions Judge (West), THC, Delhi.
- 5) In-Charge, Caretaking Branch (HQ), THC, Delhi.
- 6) The Dealing Assistant, Website Committee, Tis Hazari Courts, Delhi with directions to upload on the official website of Delhi District Courts, Tis Hazari Courts, Delhi.

Nodal Officer, Election Committee
Delhi Bar Association 2024

Forwarded.

Ld. Chairperson
DBAEC - 23/9/24
23/9/24