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04.06.2025

Hon'ble Mr. Justice Bhushan Ramkrishna Gavai

The Chief Justice of India

Supreme Court of India

New Delhi - 110001

Subject: Role of Supreme Court Advocates-on-Record Association in matters relating to general Bar and general infrastructure of Supreme Court.

Dear Sir,

I would like to place on record certain important aspects concerning Supreme Court Bar Association (SCBA) and the Supreme Court Advocates-on-Record Association (SCAORA), in order to clarify roles and responsibilities and ensure harmonious functioning of the Bar. The SCBA was established in 1951, as the court-annexed Bar Association. The concept of Advocates-on-Record (AoR) was formalized later, in 1965, only for the purpose of permitting such advocates to file matters in the Supreme Court. Thereafter, SCAORA was constituted in 1985, for the benefit of AoRs who were desirous of becoming its members. Notably, in the Rules and Regulations of SCAORA, it was made a prerequisite for any individual seeking membership of SCAORA to first be a member of SCBA. Consequently, SCAORA forms a sub-set of SCBA. While all SCAORA members are, by rule, members of SCBA, the reverse is not true even for AoRs. A significant number of AoRs are not members of SCAORA but continue to be members of SCBA, primarily to avail of general Bar facilities and chamber allotments, etc.

Surprisingly, in the recent times, SCAORA, while acting beyond its mandate, has been issuing communications on matters relating to the general infrastructure, facilities and issues concerning general Bar members of the Supreme Court. These subjects strictly fall within the exclusive domain of SCBA, which represents the collective interests of all categories of lawyers practicing in the Supreme Court. SCBA today comprises 22,734 members, which include 10,013 permanent members and 12,309 temporary members. There are 401 pending membership requests at present. These 22,734 members include 906 Senior Advocates, AoRs, and about 19000 non-AoR practitioners. Notably, the AoRs registered with the Supreme Court as on date are 3786 in number, while only about 3000 of them are members of SCAORA. In that view of the matter, SCAORA does not even represent all AoRs registered in Supreme Court.

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As the parent body representing the entire Bar, it is the SCBA's responsibility to raise concerns, seek improvements, and engage with the Registry and other stakeholders on issues of infrastructure, facilities, and policy that affect the Bar as a whole. SCAORA, on the other hand, has a distinct role that primarily pertains to issues concerning AoR practice – such as matters related to filing procedures, registry protocols, and AoR-specific concerns.

A recent instance of SCAORA going beyond its mandate is the letter Ref. No.213 SCAORA.2025 dated 02.06.2025 issued by the Secretary of SCAORA to Mr. Shekhar C. Munghate, Secretary General, Supreme Court of India, regarding biometric entry for lawyers, presented as being on behalf of the entire Bar. There is absolutely no question of members of the Bar voluntarily offering such extensive personal information to the Registry of the Supreme Court. If on the other hand, there is any mandate from the Supreme Court, for security reasons, upon discussion with the SCBA, the Bar would, of course, fully cooperate.

Sir, you will appreciate that in today's context, where data privacy laws are becoming increasingly stringent, the collection and sharing of highly sensitive personal data must be approached with great caution. The more such data is circulated among multiple institutions, the greater the risk of misuse. It is common knowledge that individuals with intent to access private data often succeed by exploiting weak links across different data-collecting bodies. Therefore, suggesting that lawyers should volunteer such information without any official requirement or broader consensus is fundamentally flawed. The existing proximity card system is already functioning effectively. Each time a card is swiped, the photograph of the member appears on the screen, and security personnel can verify the identity of the entrant. Given this, the need for biometric data collection from Bar members—particularly on a voluntary basis suggested without proper consultation—is completely unwarranted.

SCAORA is the premiere body formed to look after the interests of AoRs. However, when any matter concerns the general Bar or relates to Supreme Court infrastructure and facilities, such communication should be routed through the SCBA. We welcome SCAORA to share its views with us on any subject it deems important. These will be duly considered by the SCBA Executive Committee, and if found appropriate, will be communicated to the concerned authorities through SCBA—ensuring that representation is unified and consistent. Nevertheless, SCAORA will always be well within its mandate to initiate and manage welfare activities for its own members.

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This Hon'ble Court in *Supreme Court Bar Assn. v. B.D. Kaushik*, (2011) 13 SCC 774 has recognized that the Supreme Court Bar Association is the **only** association that represents the interests of all its members including Senior Advocates, Advocates as well as AoRs practicing in the Supreme Court of India. Relevant extracts of the judgment are reproduced as under:

"28. There is no manner of doubt that court-annexed Bar Associations constitute a separate class different from other lawyers' associations such as Lawyers' Forum, All India Advocates' Association, etc. as they are always recognised by the court concerned. Court-annexed Bar Associations function as part of the machinery for administration of justice. As is said often, the Bench and the Bar are like two wheels of a chariot and one cannot function without the other. The court-annexed Bar Associations start with the name of the court as part of the name of the Bar Association concerned. That is why we have the Supreme Court Bar Association, Tis Hazari District Court Bar Association, etc. The very nature of such a Bar Association necessarily means and implies that it is an association representing members regularly practising in the court and responsible for proper conduct of its members in the court and for ensuring proper assistance to the court. In consideration thereof, the court provides space for office of the association, library and all necessary facilities like chambers at concessional rates for members regularly practising in the court, parking place and canteen besides several other amenities. In the functions organised by the court-annexed Bar Associations the Judges participate and exchange views and ascertain the problems, if any, to solve them and vice versa. There is thus regular interaction between the members of the Bar Association and the Judges. The regular practitioners are treated as officers of the court and are shown due consideration."

Clearly, the Supreme Court Bar Association is the **only recognized court-annexed bar association** in terms of the above judgment of this Hon'ble Court that represents the members regularly practising in the Supreme Court **and not** the Supreme Court AoR Association/SCAORA. Given that SCAORA is considered a sub-set of the SCBA, its members are not precluded from voting in SCBA elections under the 'one-bar-one-vote' principle.

It is also important to recall the Supreme Court's judgment in the case of *Gopal Jha v. Supreme Court of India*, (2019) 13 SCC 161, wherein the Writ Petitioner was seeking to quash Clause 3 of the Lawyers Chambers (Allotment and Occupancy) Rules which mandates that the applicant should be a member of SCBA. After hearing all the parties

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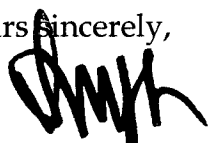
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at length, the Supreme Court upheld the said clause and held that membership of SCBA is mandatory for getting chamber allotted in Supreme Court. Relevant extracts:

"35. Having regard to the existence of Rule 4 in the Rules and Regulations of SCAORA itself, the entire edifice of the petitioners' case stands demolished. No doubt, SCAORA has its significant position in this Court. However, we are concerned with the issue of allotment of chambers. The petitioners have submitted that members of SCAORA should be treated as sufficient eligibility for allotment of chambers. Yet, in order to become a member of SCAORA, as per Rule 4 of the Rules and Regulations of SCAORA itself, an advocate has to be the member of SCBA. Therefore, unless an advocate is an AoR and also a member of SCBA, he cannot become the member of SCAORA. This requirement itself accepts the position that SCBA is an umbrella organisation and also recognises the vital role it plays. Thus, the argument based on Article 14 of the Constitution would be of no avail"

Sir, I am placing these concerns on record to set the matter straight and to ensure that the functioning of this institution remains cohesive, disciplined, and free from unnecessary overlaps or conflicts—particularly in matters concerning the general interests of the Bar or the infrastructure of the Supreme Court. The purpose of this communication is to promote a unified voice within the Bar, ensuring seamless collaboration and respect for institutional integrity, while maintaining harmony between the Bar and Bench.

Yours Sincerely,



[VIKAS SINGH]

CC:

1. Hon'ble Mr. Justice Surya Kant
2. Hon'ble Mr. Justice Vikam Nath
3. Hon'ble Mr. Justice J.K. Maheshwari
4. Hon'ble Mr. Justice B.V. Nagarathna
5. Hon'ble Mr. Justice M.M. Sundresh
6. Hon'ble Mr. Justice Pamidighantam Sri Narasimha
7. Hon'ble Mr. Justice Sudhanshu Dhulia
8. Hon'ble Mr. Justice J.B. Pardiwala
9. Hon'ble Mr. Justice Dipankar Datta
10. Hon'ble Mr. Justice Pankaj Mithal

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11. Hon'ble Mr. Justice Sanjay Karol
12. Hon'ble Mr. Justice Sanjay Kumar
13. Hon'ble Mr. Justice Ahsanuddin Amanullah
14. Hon'ble Mr. Justice Manoj Misra
15. Hon'ble Mr. Justice Rajesh Bindal
16. Hon'ble Mr. Justice Aravind Kumar
17. Hon'ble Mr. Justice Prashant Kumar Mishra
18. Hon'ble Mr. Justice K.V. Viswanathan
19. Hon'ble Mr. Justice Ujjal Bhuyan
20. Hon'ble Mr. Justice Sarasa Venkatanarayana Bhatti
21. Hon'ble Mr. Justice Satish Chandra Sharma
22. Hon'ble Mr. Justice Augustine George Masih
23. Hon'ble Mr. Justice Sandeep Mehta
24. Hon'ble Mr. Justice Prasanna Bhalachandra Varale
25. Hon'ble Mr. Justice N. Kotiswar Singh
26. Hon'ble Mr. Justice R. Mahadevan
27. Hon'ble Mr. Justice Manmohan
28. Hon'ble Mr. Justice K. Vinod Chandran
29. Hon'ble Mr. Justice Joymalya Bagchi
30. Hon'ble Mr. Justice Nilay Vipinchandra Anjaria
31. Hon'ble Mr. Justice Vijay Bishnoi
32. Hon'ble Mr. Justice Atul Sharachchandra Chandurkar
33. Secretary General, Supreme Court of India
34. Mr. Vipin Nair, President, Supreme Court Advocate-on-Record Association
35. Mr. Nikhil Jain, Honorary Secretary, Supreme Court Advocate-on-Record Association