

Open letter to the bar

Dear Colleagues,

I am writing this open letter to the bar to share my experience of my maiden accidental stint with SCBA Executive Committee 2024 as one of its senior executive member.

In my 28 years long inning in SC, I have never been much involved in SCBA/SCAORA elections, though had always been supporting good candidates. I always thought that these things are not my cup of tea. I was though many a times asked by my friends and colleagues to contest, but I had always turned down such suggestions very politely.

This time i.e. in 2024 elections, I was called by Sibal Sir to sign as proposer on his candidature form for the post of President SCBA to which I could not say no due to my high regards for him. It was otherwise also a most welcoming decision of his at that point of time as the Bar was looking for a very strong candidate for the President Post. While we all gathered downstairs to submit his form, I was virtually pressurized by a few of esteemed seniors, to whom it was difficult for me to say 'no' and hence the nomination form for me was submitted the same day for the post of 'senior executive member', where in 2 out of 6 posts were reserved for women candidates in view of directions of the Hon'ble Supreme Court.

Once submitted the form under 'no excuse' circumstance, now my herculean task began to request other women senior advocates to fill up their form so that there is a contest and voting takes place, but for no luck. They were rather like once you have submitted the form, now let us not put up a contest, let this remain unopposed, etc. As a result, only 2 women senior advocates had submitted the form and thus both got elected unopposed as senior executive members even before the actual voting, i.e. I and Ms. Sonia Mathur Sr. Adv.

We all thought a very strong executive has been elected and that we would perform extremely well to serve the interest of the bar to its fullest, but alas, that remained a dream only.

It took me no time to get the feeler of the hard reality of EC functioning. I can't give you incident after incident and case by case detail, but what I can say broadly is that, all these years I had only been listening that there is so much money involved in SCBA, that so much corruption goes on, that people do make money, etc., which I could never believe barring one actual incident where a committee was formed and finding of embezzlement of money was drawn against an office bearer, as a result of which that particular lawyer had even deposited that amount with SCBA. All this is part of record with SCBA archives.

Executive Committee of SCBA is a sufficiently big team of 21 lawyers, and if put to work in good harmony and with unconditional commitment to serve the bar to its fullest minus any self-serving agendas, greed or desire for personal gains, it can really do very good and constructive job, but what many of us experienced was

that most of the EC members were rendered absolutely redundant. The Sub-Committees were formed by the Secretary and the Vice President without any consultation with rest of the EC. In some sub-committees there were 12-13 members, which in itself make the majority thus rendering approval of EC a completely futile exercise. Least said is better for these sub-committees. A set of executive members were made part of many sub-committees very selectively.

In this almost 1 year span of EC 2024, we could know nothing about how and why the decisions were being taken. We were left with no choice but to either mutely agree in the EC on the decisions taken by the Secretary with or without the knowledge and approval of the President and the vice president or feel humiliated for raising our voice asking for an informed democratic procedure to be adopted. Most of us clearly had no role, value, existence or worth in the EC functioning than only to sign the minutes whenever if at all asked for, or to merely attend the functions minus any job responsibility.

Interestingly, many executive members and office bearers, most of the time would not even read the Agenda of the EC meeting. For many an opportunity to give away bouquet to the Hon'ble Judges and a photo opportunity in bar functions was the glory/ price enough to just put their signature where-so-ever asked. Many of them are intelligent enough to remain in good books of the power than to unnecessarily miss the fortunes for raising issues. Nobody would want or rather dare to question the President or the Secretary, as questioning them or giving an opinion otherwise is considered as opposing and individual and begins the lobbying, etc. Thus the members of EC who would show their concern on the process or object the decision making process or the decision itself, would become an eyesore, would be sidelined in all activities and suffer at the hands of dirty politics. Petty things, like denying participation in bar activities, not at all sending or sending at the 24th hour the invites issued by even Supreme Court or shared to them by the Registry, etc. would be done with you.

You would agree that a person who would contest for the post of President would normally be a busy lawyer (barring a few exceptions), thus role of the Secretary and rest of the EC members becomes crucial. They all shall become eye and ear of the President to help him understand and resolve the concerns of the Bar effectively. This big bunch of 21 lawyers (EC) can play a good role provided the concentration is not on money making. In this one year period I realized that if all these areas which involve so much money, if taken out from the hands of the Association, which is nothing but a private body, then no non-serious lawyer would even think of getting into these elections.

The association shall be denuded from their power to buy books for the library, employing staff to work either in parking areas, libraries or even in association office, giving catering contracts for canteens, deployment of parking employees, giving financial help to our members, organizing matches, buying dresses, this is an endless list to mention all. Bottom line is that though the SCBA office is meant for all, but by practice and use of clout it becomes office of power for a few. There is so much power acquired or given to the post of Secretary who is referred in the

Rules as a CEO, that this is bound to be mis-utilised and if in a given situation the President repose all his confidence in the Secretary and looks through the glasses of the secretary, then the whole EC activities tend to be reduced to a one man show only.

The last elections took place on 16th May 2024, immediately thereafter the summer vacations started. After reopening and after facing many of the instances of high-handedness, 7 of us (EC members) met our President at his office, told him that we want to work in harmony and you being head of the EC, please play that pivotal role and become instrumental in making sure that everybody gets along well, please involve us also in the decision making process, let there be consultations amongst members before taking any major decision, but we saw no change of situation even after that. We sent mails and representations from time to time to the President, but for no response and no reactions. Infact issues raised under signature of 8 EC members, were never addressed or put up before the EC meetings till date despite reminders. In the EC meetings (which were very few that too on repeated requests and reminders) the moment objections were raised on any issue, most of the time the President, vice president and the Secretary left the meeting in between.

We had to put an exceptional effort to ensure that computers/ printers are not purchased on exorbitant price or that unnecessarily large numbers of computers are not purchased. Today, anyone can visit the Milon Banerjee room to witness how the replaced computers are kept. My suggestion to give it to the young members of bar by way of lottery either free of cost or for a minimal amount, was out rightly thrown to dust.

Recently, a desperate move is being pursued to appoint additional 39 staff for SCBA. On 24.01.2025 one such circular came out under the signature of the Secretary SCBA inviting application for 39 vacancies in SCBA. Most of the EC members had no clue of any such need to appoint not 1 or 2 but 39 staff employees and whether any consultation process if at all taken place in past to consider any such requirement. When the objections were raised by many of us then an impression was given that such decision is taken by the staff and establishment sub committee, if so then also the decision had to be placed before the EC and above all before the members of Bar for their opinion and approval, before inviting applications. After all it is the subscription money of the members of the Bar which would be utilised to pay salaries of these additional 39 SCBA proposed employees and thereby cutting out funds which would otherwise can be utilized to help ours members in the hours of their need. Though in view of the serious objections raised by many of the EC members with the specific objection that no such staff committee meeting had taken place, the Secretary said he would withdraw this circular, but in no time i.e. on 06.02.2025 he issued a revised circular to fill up 39 posts of staff in SCBA. In EC meeting dated 26.03.2025 this issue was referred to the Finance Committee to examine the financial implications and viability. A few days later we found that an exercise to get the said resolution

cleared by circulation started to bypass the EC decision. This is unfortunately was not one odd incident. The whole year of this EC was full of such activities.

Fortunately the tenure of the SCBA EC is 1 year, which is getting over in May, 2025. Though I was desperate to resign in the very beginning after having realized what I had got into, but I was asked rather ordered not to do so. All such advisors were with high hope that things would certainly change, it did not. A timely election to replace this EC by another one seems to be the only reprieve.

Friends, we must take our Bas Association Elections very seriously, as choosing a wrong candidate or letting a wrong candidate win the election, is seriously irreversible decision. We should elect only responsible practitioners of this court and once any member is found guilty of any kind of misconduct or misappropriation, then such a member should not be allowed to contest the Bar Elections ever. Being the Bar of the highest court of the country, we must set up very high standards of practice even in activities of our Bar Associations. To disallow voting rights to outsiders, there should be a strict condition of minimum 25 appearances in a year and minimum 50 digitised accesses/ entry in the main court building.

There is a crying need to make changes in the whole of this EC business. Lot of money and power is involved in it. Only after being part of the EC, I have come to know why people want to contest so desperately for SCBA elections. Many of you would agree with me that the purpose of these Bar Associations should be to serve the members of the Bar and the litigants and to become a smooth sailing bridge between Bar and the Bench to help the functioning of both bar and bench in the process of administration of justice and not to get into self-serving activities. We choose our office bearers to represent us and to take care of our best interest. Canteen, library and parking must be taken out from the hands of SCBA EC. More checks are needed to be applied on functioning of these Bar Associations, including their staff. How come such a big body is allowed to function within Supreme Court Complex minus any check over their activities?

I have written this open letter as I firmly believe that transparency is the key for any democratic activity and that EC of SCBA is nothing but merely a representative body for all of us. We all thus have an absolute right to know how things work within the EC.

With warm regards to All.



Shobha Gupta, Sr. Adv.

& Sr. Executive Member of SCBA EC 2024-2025.