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AJAYINDER SANGWAN & ORS.

v.

BAR COUNCIL OF DELHI

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(Transferred Case (Civil) No. 126 of 2015)

NOVEMBER 24, 2017

**[R. K. AGRAWAL AND ABHAY MANOHAR SAPRE, JJ.]**

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*Bar Council – Election of State Bar Council – Supreme Court by order dated 23.8.2017, directed to hold election of various State Bar Councils with certain directions – The advocates were given time to submit applications for necessary verification of their degrees for the purpose of including their names in electoral roll – A number of applications were filed by various State Bar Councils as also by individuals stating that the Universities were taking lot of time to verify the Law Degrees and the advocates who have submitted their forms for verification should not be left out from participating in the elections – Bar Council of India (BCI) filed affidavit on 15.11.2017 wherein the report of the Minutes of the Meeting of the Central Verification Committee of the BCI was enclosed which showed that a total number of 15,34,531 advocates were enrolled with various State Bar Councils, out of which, only 6,44,768 advocates submitted their forms for verification – The State Bar Councils sent 5,23,706 LLB Degrees for verification, out of which, the Universities have sent the reports with regard to only 1,65,339 degrees – The Universities have not yet sent the reports regarding verification of the Law Degrees in respect of 3,58,367 advocates – Thus, about 4,79,429 advocates who have already submitted their forms and Law Degrees for verification would be adversely affected for no fault of theirs – In view of these facts, order dated 23.08.2017 is modified – Direction passed that all those 6,44,768 advocates, who have submitted their application forms along with Law Degrees for verification be enrolled and be shown in the electoral list – The State Bar Councils to conclude all proceedings by 15.02.2018 – Permission granted to those advocates, who have submitted their forms with Law Degrees but their cases are still pending for*

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*verification to participate in the election by including their names in the electoral roll – However, if on verification, the Law Degrees of such advocates are found false or fake as per the report of the concerned University then appropriate orders, in relation to their enrolment and also in relation to the elections in which they were allowed to participate, would accordingly be passed by this Court on receipt of the report of the Committee – The result of the elections would be subject to the final result of this petition – The order dated 23.08.2017 is modified accordingly – The Universities are directed to expedite the process of verification of Law Degrees and complete the same by 31.03.2018 – All the interlocutory applications are disposed of accordingly – Matter to be listed in the second week of March, 2018.*

CIVIL ORIGINAL JURISDICTION: Transferred Case (Civil)  
No. 126 of 2015.

Under Article 32 of the Constitution of India.

Jayant Bhushan, Rajiv Dutta, Y. P. Adhyaru, Sr. Advs., Vivek Narayan Sharma, Raj Kumar Sharma, S. N. Sharma, S. K. Sharma, Tarunesh Kumar, Arun Rathi, Deepak Schrawat, Gaurav Chandhok, Dushyant Yadav, Dhan Singh, Pradeep Sharma, Rohan Sharma, Irfan Firdous, Ms. Rishina Parashar, Narendra Singh, Anirudha Kumar, V. P. Singh, Kunal Chopra, Ms. Sweety Chattopadhyay, Vikas Kumar Dangi, Kaushikesh Kumar, Sanjay Singh, Sabyasachi Shekhar, Siddharth Mahajan, Amit Kumar Sharma, Sachin Choudhary, Anmol Singh, Summinder Paswan, Karmesh Sharma, Puneet, D. P. Mohanty, Aditya Sharma, Akash Jindal, Tanuj Agrawal (For M/S. Parekh & Co.), Ardhendumauli Kumar Prasad, Ms. Taruna Ardhendumauli Prasad, Nirmal Kumar Ambastha, Ms. Gunwant Dara, Rajesh Ranjan, Ms. Kirti Dua, M. K. Maroria, Mrs. Sarla Chandra, Praveen Agrawal, Gagan Gupta, H. Chandra Sekhar, Ashwani Kumar Dubey, Venkateswara Rao Anumolu, Prabhakar Parnam, Anand K. Sethi, Mrs. Nandini Gore, Parmanand Pandey, Ranjan Rastogi Singh, Mata Prasad Singh, Uttkarsh Pandey, Niraj Srivastava, V. K. Vasdeo, V. K. Bhardwaj, Keshav Rai, Sudarshan Singh Rawat, Ms. Poli Kataki, R. Balasubramanian, Gaurav Sharma, Dhawal Mohan, Amandeep Kaur, Prateek Bhatia, Abhishek, Rameshwar Prasad Goyal, Ms. K. V. Bharathi Upadhyaya, M. Shoeb

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- A Alam, Ms. Fauzia Shakil, Ujjwal Singh, Mojahid Karim Khan, Mohinder Jit Singh, Ms. Slomita Rai, Prang Newmai, E. C. Agrawala, Himinder Lal, Shibashish Misra, Mritunjay Kumar Sinha, Subhasish Mohanty, Mohammed Sadique T.A., Amol B. Karande, Gopal Prasad, Anupam Lal Das, P.Venkat Reddy, Prashant Kr. Tyagi (For M/S. Venkat Palwai Law Associates). Ms. Sneha Kalita, Vikas Upadhyay, Vidit Monga,
- B Ms. Aparna Jha, Suresh C. Sati, Pradeep C. Sati (For Dr. Kailash Chand), Jogy Scaria, Beena Victor, Miranda Solomon, Rakesh K. Sharma, Ms. Ruchi Kohli, Dr. Manish Singhvi, Irshad Ahmad, Vipin Kumar, Abhishek Tandon, Harish Tandon, Baldev Atreya, Deepak Goel, Aditya Singh, Rituraj Chaudhary, Pijush K. Roy, Ms. Kakali Roy, Rajan
- C K. Chourasia, Ms. Lalita Kohli, Abhishek Swarup (For M/S. Manoj Swarup and Co.), Sudhanshu S. Choudhari, Ms. Surabhi Guleria, Ms. Pushpa Devi Sikri, Ms. Manju Jetley, Ms. Malini Poduval, D. P. Mohanty, Aditya Sharma, Akash Jindal, Tanuj Agrawal (For M/S. Parekh & Co.), Anurag Dubey, Ms. Meenakshi Paniker, Rajesh Pandey,
- D S. R. Setia, Mrs. Santosh Singh, Ms. Kamakshi S. Mehlwal, Y. Raja Gopala Rao, Kunal Chatterji, Ms. Maitrayee Banerjee, Rajeev Singh, Anjani Kumar Mishra, Ms. Hardeep Kaur, Ms. Christi Jain, Harvinder Chowdhury, M/S. Lemax Lawyers & Co., Vishal Khattar, M. A. Chinnasamy, Ms. C.Rubavathi, V. Senthil Kumar, P. V. Dinesh,
- E A. V. Rangam, Sunil Fernandes, Harsh V. Surana, K. V. Mohan, K. V. Balakrishnan, Gaurav Agarwal, Amit Kapur, Kunal Singh, Ms. Alvia Ahmad, Pukhrambam Ramesh Kumar, Uday Manaktala, Shishir Pinaki, Rajiv Kumar Sinha, Ms. Sumi P. S., Vibhakar Mishra, K. K. Gautam, Nischal Kumar Neeraj, D. Kumanan, Suvendu Suvasis Dash, Shekhar Kumar, Ms. Kasturika Kaumudi, Ms. Daisy Hannah, Ms. Ekta Pradhan,
- F Ms. Sreoshi Chatterjee, Manoj Ranjan Sinha, Ms. Mani Shandilya, Kishor Lambat, Ms. Manju Jaitely, Atul Jha, Sandeep Jha, Dharmendra Kumar Sinha, Advs. for the appearing parties.

Ajayinder Sangwan, Petitioner-in-Person

The Order of the Court was delivered by

- G **R. K. AGRAWAL, J. 1.** A bunch of Interlocutory Applications for clarification/impleadment/direction/intervention/ appropriate order, in the lead matter, after the order passed by this Court on 23.08.2017, is being disposed of by this common order.

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2. Heard learned counsel for the parties. A

3. All the impleadment applications are allowed. Let them be impleaded as respondents.

4. Vide order dated 23.08.2017, this Court had directed to hold the election of various State Bar Councils with certain directions. The said directions are reproduced hereinbelow:- B

“7) We have been informed by learned senior counsel for the Bar Council of India as well as the respective State Bar Councils that the process of verification is not completed yet. In view of that, to do complete justice to the parties, it would be proper for us to provide a last opportunity for the same as mentioned below:- C

(1) 15 (fifteen) days' time be given to cure the defective applications by the concerned Advocates and to all such advocates to submit their complete application forms for necessary verification of their degrees if they have not submitted the same earlier, from the date of publication of advertisement in two leading newspapers, one in English language and the other in regional language having wide circulation in the respective State/Union Territories, for which advertisement shall be published within 7 days from the passing of this order. D E

(2) 1 (one) month time for verification of applications, without any charge, by the State Bar Councils, after the expiry of the above 15 (fifteen) days.

(3) The University Authorities shall ensure the verification of degrees awarded by them, without any charge, within 1 (month) on its presentation. F

(4) The respective State Bar Councils shall publish a Final Electoral Roll by including the names and particulars of such advocates whose degrees attached with the application forms have been verified by the concerned University authorities. The names of all such advocates who have not removed the defects in the application G

- A forms already submitted within the specified time and also such persons whose degrees on verification have been found false or fake by the University authorities shall not be included in the Electoral Rolls.
- B (5) Bar Council of India to declare the schedule of elections in respective State Bar Councils to be held after the expiry of 75 (seventy five) days, as mentioned above, within one week mentioning therein:-
- C (i) 15 days for nomination.  
(ii) 1 week for withdrawal of nomination.  
(iii) to upload final candidates' list in 1 (one) week.  
(iv) to decide the date of election.
- D 8) We further make it clear that all the steps be taken by all the parties concerned in the matter for the purpose of elections in respect of all the Bar Councils where the term of the existing members have already expired or to be expired. We further make it clear that although this order has been passed in favour of the verification only for the purpose of the election but it would also include for the purpose of the verification of all other learned lawyers who have already applied within the time stipulated by this Court.
- E 9) We direct all the State Bar Councils to take necessary steps and to conclude all proceedings by 31.12.2017 and send a reply to the Bar Council of India. Thereafter, the Bar Council of India, after receiving all the replies from the State Bar Councils, would file a status report.”
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G 5. A number of applications have been filed by various State Bar Councils as also by individuals stating that the Universities are taking lot of time to verify the Law Degrees and the advocates who have submitted their forms for verification should not be left out from participating in the elections of the Members of various State Bar Councils with which they have been enrolled.

H 6. An affidavit has been filed on behalf of the Bar Council of India (BCI) on 15.11.2017 wherein the report of the Minutes of the

Fourth Meeting of the Central Verification Committee of the Bar Council of India held on 12.11.2017 has been enclosed. From a perusal of the said Minutes, we find that a total number of 15,34,531 advocates have been enrolled with various State Bar Councils, out of which, only 6,44,768 advocates have submitted their forms for verification. The State Bar Councils have sent 5,23,706 LLB Degrees for verification, out of which, the Universities have sent the reports with regard to only 1,65,339 degrees.

7. The Committee has further found that the progress cannot be said to be very good but at least it is satisfactory. From the aforesaid, we find that the State Bar Councils have not sent 1,21,062 LLB Degrees for verification to the various Universities. Further, the Universities have not yet sent the reports regarding verification of the Law Degrees in respect of 3,58,367 advocates. Thus, about 4,79,429 advocates who have already submitted their forms and Law Degrees for verification would be adversely affected for no fault of theirs. Taking into consideration the aforesaid facts, we deem it fit and proper to modify our order dated 23.08.2017 and direct that all those 6,44,768 advocates, who have submitted their application forms along with Law Degrees for verification be enrolled and be shown in the electoral list. Of course, those advocates whose Law Degrees have been found false or fake as per the reports of the Universities shall be excluded from the electoral list. The electoral list be published by 30.11.2017 and the time schedule mentioned in para 7 of the order dated 23.08.2017 will start from 01.12.2017. The State Bar Councils shall conclude all proceedings by 15.02.2018.

8. We make it clear that we have provisionally permitted those advocates, who have submitted their forms with Law Degrees but their cases are still pending for verification to participate in the election by including their names in the electoral roll. However, if on verification, the Law Degrees of such advocates are found false or fake as per the report of the concerned University then appropriate orders, in relation to their enrolment and also in relation to the elections in which they were allowed to participate, would accordingly be passed by this Court on receipt of the report of the Committee.

9. We also make it clear that the result of the elections would be subject to the final result of this petition.

10. The order dated 23.08.2017 is modified accordingly. We also direct the Universities to expedite the process of verification of Law

A Degrees and complete the same by 31.03.2018. All the interlocutory applications are disposed of accordingly.

11. List the matter in the second week of March, 2018 on a Non Miscellaneous Day (NMD).

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Devika Gujral

Directions issued.