

Dr. ADISH C AGGARWALA
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7.7.2015

Mr. Dushyant Dave,
President SCBA,
New Delhi. And all Executive Committee Members of SCBA

Subject : General Body Meeting on 8.7.2015

Dear Mr. Dave,

By Notice No. SCBA/GBM.38/2015/20003, dated 3.7.2015 and SCBA/GBM.38/2015/20004, dated 3.7.2015 uploaded on the official website of SCBA, it has been informed that a General Body Meeting has been convened in the Plaza Canteen, Supreme Court premises on 8.7.2015 at 3 p.m. The circular regarding this meeting was issued for the first time by the Honorary Secretary on 3.7.2015. I am sorry to point out that because of the fact that you have no experience of the affairs of Supreme Court Bar Association and you have no knowledge of the rules of Supreme Court Bar Association and as you have a personal enmity with the present Chief Justice of India as you are not being given any extra mileage by the present Chief Justice of India and in fact he is treating every lawyer on equal footing, you are bent upon to spoil the cordial relationship between the Bench and Bar by trying to adopt such biased resolution as enumerated in the Notice. It appears that you are trying to make fool of the learned members of this Bar by posing that Supreme Court Bar Association will not hold any "farewell function to Hon'ble Retiring Judges till 2nd December 2015 or till such time as our Just Requests, detailed in our various communications dated 15.01.2015, 28.01.2015, 29.01.2015, 04.02.2015, 20.02.2015, 14.05.2015, 22.05.2015, which are absolutely necessary in the interests of Members of the Bar, are acceded to, in an atmosphere of mutual respect." I am sorry to observe that you don't know that which Judges are going to retire by 02.12.2015. I could not understand what the basis of taking this date of 02.12.2015 is. This date is not the end of your tenure. Kindly be informed that whatever decisions are being taken by SCBA are for the institution and not for the individuals. This is not your personal property. Please note that whatever demands you are trying to put are not to be decided by the Chief Justice of India alone. You should know being the President of SCBA for the past 7 months, there is a Committee of Judges that decides this. If you really have the guts and if you sincerely feel that the demands are genuine and that have not been acceded by the Supreme Court in spite of repeated written requests, then kindly take a decision to go on strike till "your genuine demands are not acceded". I may point out that there is only one Judge who will be retiring till 2.12.2015 and that is the Chief Justice of India (who will be retiring on 2.12.2015).

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In my earlier letter dated 8.3.2015, I pointed out inter alia, "The meeting venue is highly inappropriate as the Plaza Canteen has a capacity of only 125 persons, while the general body of SCBA comprises of over 10,000 members, with about 1687 having voting rights last year. Knowing fully well that the venue cannot accommodate even a fraction of the general body, the meeting has been called in Plaza Canteen, clearly as a farce so that only very few persons can attend and most of the members are deprived of a say in the matter. The SCBA is a democratic body and must not depart from its cherished objective of providing a say to each member. The choice of venue, aiming at scuttling the voice of its members and denying them a right to participate in and contribute to the meeting, is deprecated. Due to insufficiency of space there is possibility of quarrel or incidence of violence for seating space. It may be noted that there is only one common entry and exit gate for the said canteen and we must avoid any untoward incident. Such a farcical meeting will not have any value and decisions taken therein would also not be binding on its members. Several Hon'ble members of SCBA, and especially senior members, have apprised me that they will not attend such meeting to avoid any untoward incident. You may be not aware that by Special General Body Meeting dated 8.12.2010, an amendment was brought in SCBA Rules providing that the Voting on any amendment/modification to the Constitution/Rules of the Association shall be only by way of "Secret Ballot". This amendment was brought as there used to be no adequate space for the meeting and there no proper discussion and counting of hands."

In the situation I request for change of venue of this meeting scheduled for 8.7.2015 or take decision by secret ballot.

I also request that notice of the meeting must be circulated by post so that everybody can participate and any decision being put to vote must be by secret ballot so that members can freely express their views without influence of pressure by some of the office bearers.

I am also reproducing the relevant Rule 23 of SCBA for your perusal and necessary action. I may point out that the Bar Association has not sent the notice of this meeting to all members neither by post nor even by WhatsApp as SCBA is not having the mobile numbers of every member. Moreover whoever has a mobile number does not necessarily have WhatsApp facility. Therefore, I request you to send the agenda of this important meeting to our Hon'ble Members by post enabling them to attend this important meeting.

23. NOTICE OF MEETING

1. The notice of the Annual General Meeting of any of the Special Meeting shall be given by:-

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- a) Circulating the notice, to such members as can conveniently be informed in that way;
- b) Sending out such notices by post addressed to every non-resident and associate member and to every resident member who may have required the Secretary to send the notice in this way and has registered his address in the office of the Association;

The notice of the meeting other than the Annual General Meeting shall be given by;

- a) Affixing the notice on the notice board of the Association;
- b) Circulating the notice to such members as may be conveniently informed in that way.

Some of the Hon'ble members have also pointed out that you are trying to pass such resolution as a fall out of some Hon'ble Judges including Hon'ble Chief Justice of Supreme Court not according extra leeway to some of the senior members (including you) of the association and treating them on par with other common lawyers. Such vindictive and arm twisting tactics defaming the institution and maligning the reputation of judges is subversive of the justice delivery system, and also threatens the delicate balance of bar bench relations.

Therefore, I request you to hold this general body meeting at a venue which can accommodate all members, specially who have voting rights, after dispatching of Notice of the meeting with agenda, by post at member's address and the issue be decided by secret ballot. Please note that I have been elected once as Vice President of SCBA, once as Senior Executive member of SCBA and twice as Executive Committee member of SCBA, besides being elected as Vice Chairman of Bar Council of India, Chairman and Vice Chairman of Bar Council of Delhi and have also been elected Member of Bar Council of Delhi. I am requesting my supporters to boycott the aforesaid illegal meeting on 8.7.2015 as we don't want any physical confrontation. I have observed that there is so much resentment amongst the Hon'ble members of SCBA, who were your supporters and my opponents in the last election held in December 2014. I have received a message from Mr. Birendra Kumar Choudhary, Additional Advocate General of Haryana and Mr. Arun Kumar, Additional Advocate General of Haryana, "We should oppose the colourable agendas of President, SCBA to settle personal score with CJI at GBM. He is exploiting general sentiment of members against judiciary. His move of Boycotting INDEPENDENCE DAY AND LAW DAY to attain his personal rift wt CJI is disregard to Constitution - Birendra Kumar Choudhary and Arun Kumar." Even after boycotting of this illegal meeting by me and my supporters there is so much resentment amongst your supporters for holding the aforesaid meeting to implement your hidden agenda in the garb of providing facilities to common lawyers. There is likelihood of physical violence while entering and

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discussing in the said illegal meeting at the said Plaza Canteen. You may not be aware that there is only one gate for both entry and exit. In case of any violence causing loss to any person or property, you will be solely responsible. So kindly take notice.

I am sorry to observe that you misled the Hon'ble members by claiming that Hon'ble Chief Justice of India has called you and accepted the demands. I understand that you requested Mr. K.K. Venugopal to request Chief Justice of India to allow you to meet so that the General Body Meeting fixed for 10.3.2015 can be withdrawn. After feeling sorry to the Hon'ble Chief Justice of India, you cancelled the meeting fixed for 10.3.2015 (actually you were not permitted to hold meeting due to security reasons). If you were actually having the permission to hold meeting on 10.3.2015 you would have come to the meeting and then informed the Hon'ble members about the outcome of the meeting with the Chief Justice of India. If you were actually invited by Chief Justice of India on 10.3.2015 then it was your duty to take your Executive Committee Members in that meeting and specially Vice-President and Honorary Secretary.

In the circumstances, I hasten to inform you kindly hold the meeting at an appropriate place which can accommodate about 2000 Hon'ble members and after informing them by post, take the decision by secret ballot which is mandatory under our rules. Please note any decision taken by you in the present manner on 8.7.2015 will not be honored by Hon'ble members and we will be hosting a unique farewell party for the retiring Chief Justice of India on 2.12.2015. And also please note if you are holding meeting as per law, your proposal will be rejected by 90% voters.

With regards,

Yours sincerely,



(Dr. Adish C. Aggarwala)

CC : The DCP, Supreme Court of India with a request not to allow the holding of general body meeting in Plaza Canteen as there is no space for sitting of more than 125 members while there are 10,000 members of Supreme Court Bar with about 1687 members having voting rights and as there is a likelihood of law and order problem due to lack of space.



(Dr. Adish C. Aggarwala)

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