

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAIPUR BENCH, JAIPUR

:: ORDER ::

D.B. CIVIL WRIT PETITION (PIL) NO.18688/2013

09.02.2015

**HON'BLE THE ACTING CHIEF JUSTICE MR. SUNIL AMBWANI**  
**HON'BLE MR. JUSTICE VEERENDR SINGH SIRADHANA**

Mr.Poonam Chand Bhandari, petitioner present in person.  
Mr.Sanjeev Prakash Sharma, Senior Advocate assisted by  
Mr.Gaurav Sharma,  
Mr.Rakesh Chandel, for the petitioner.

Mr.N.K.Maloo, Senior Advocate assisted by  
Mr.V.K.Tamoliya,  
Mr.Manoj Sharma,  
Ms.Naina Saraf,  
Mr.S.S.Hora, for the respondents.  
Mr.Bhuvnesh Sharma, for the applicants.

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An application has been filed by Shri Bhuvnesh Sharma, Advocate with the prayers to allow the applicants, to be impleaded as party-respondents, and to issue any other order or direction, which this Court may deem fit and proper.

It is submitted that the Court had passed an order on 9.10.2014 to hold the elections of the Bar Associations in the State of Rajasthan, in accordance with the principles laid down by Hon'ble Supreme Court in **Supreme Court Bar Association & Ors. Vs. B.D.Kaushik, (2012) 6 SCC 152**, in which the principle of "One Bar One Vote" has been accepted, in the elections to the Bar Association of Supreme Court, and was further accepted by the Bar Council of Rajasthan under the Bar Associations of Rajasthan Rules, 2013, which were approved

by the Bar Council of India. We also directed that since the elections to elect the office bearers of the Bar Associations, are proposed by the Bar Council of Rajasthan in the second week of December, 2014, each Advocate of any category, practising in the State of Rajasthan and who is a member of any Bar Association, or of more than one Bar Association will file an affidavit in the proforma, prescribed in Schedule 1 of the Bar Associations of Rajasthan Rules, 2013, upto 10.11.2014.

An application for clarification was filed, which was disposed of on 26.11.2014.

Shri Bhuvnesh Sharma has enclosed two letters of the Bar Council of Rajasthan dated 28.11.2014 and 16.1.2015. In the first letter, the Bar Council of Rajasthan had informed the President of the Rajasthan High Court Bar Association, Jaipur, that four lists, totalling 3052 Advocates, have been received in the office of the Bar Council, by email. The email dated 24.11.2014 had five attached files. The first attachment file contained names of 621 Advocates, second file contained names of 249 Advocates, third contained names of 550 Advocates, fourth contained names of 1010 Advocates and fifth file contained names of 622 Advocates. In this manner, a list of total 3052 Advocates has been received, but the details of date of filling of the application on proforma in Schedule 1, with affidavit is not mentioned in the lists.

In the letter dated 16.1.2015, the Bar Council of Rajasthan has informed the Presidents and the Secretaries of all the Bar Associations, that in the General Body Meeting dated 14.12.2014, the Bar Council on considering some deficiencies and objections, the Bar Council of Rajasthan Rules, 2013 were decided to be withdrawn, and further that,

the General House has passed Bar Council of Rajasthan Rules, 2014. The General Body also decided that all those Bar Associations, whose election were due upto March, 2015, will get their elections conducted, in accordance with their Bye-laws, upto 31.3.2015; in respect of those Bar Associations, where the elections are scheduled after 1.4.2015, their elections may be conducted before December, 2015. The Bar Council of Rajasthan has thereafter, in the fourth paragraph of its letter dated 16.1.2015, made it clear that under the Rules, one Advocate will be entitled to vote in only one Bar Association, and will be entitled to contest the elections from the Bar Association, where his place of practice is recorded in the records of the Bar Council, and that will be the place of his voting.

It is submitted that on account of the letters issued by the Bar Council of Rajasthan, some doubts have arisen, for which the application has been filed.

We do not find that letters of the Bar Council of Rajasthan dated 28.11.2014 and 16.1.2015, can raise any doubts, which require clarification of the Court. In the letter dated 28.11.2014, the list of Advocates, who had filed their applications alongwith affidavit, has been disclosed. The President and Secretary of the Rajasthan High Court Bar Association, Jaipur, present in the Court, have informed us that they had received the applications and affidavits of 3052 Advocates, upto 10.11.2014, and in this manner, all these 3052 Advocates are entitled to participate in the elections. So far as the letter dated 16.1.2015 is concerned, the enforcement of the new Rules, is permissible only after the withdrawal of the Rules of 2013, and thereafter, the new Rules of 2014 are approved by the Bar Council

of India. It is admitted that the Bar Council of India has not yet considered, either the withdrawal of the Rules of 2013, or the enforcement of the new Rules of 2014, and in the circumstances, the Rules of 2013 will continue to prevail, until a decision is taken in this regard, by the Bar Council of India. We are happy to note that the Bar Council of Rajasthan, has accepted the principle of "One Bar One Vote", and the electors to contest the elections from their place of practice, recorded in the records of the Bar Council of Rajasthan. These principles therefore, should be the guiding principles of holding the elections in all the Bar Associations in the State of Rajasthan.

The pending applications are accordingly disposed of.

**(VEERENDR SINGH SIRADHANA), J. (SUNIL AMBWANI), ACTG. CJ.**

Skant/-, Proof Reader

All the corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

Shashi Kant Gaur,  
Proof Reader

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