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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 5th May, 2025

+ **W.P.(C) 10363/2021 & CM APPL. 26579/2025**

LALIT SHARMA AND ORS.

.....Petitioners

Through:

versus

UNION OF INDIA &ORS.

.....Respondents

Through:

Mr. Ruchir Mishra, Mr. Sanjiv Kr. Saxena, Ms. Poonam Shukla, Ms. Harshita Sharma, Mr. Mukesh Kumar Tiwari and Ms. Reba Jena Mishra Advocates, Advs. for UOI.

Mr. T. Singhdev & Mr. Tanishq Srivastava, Advs. for BCD. (M:9999012345)

Dr. Amit George, Ms. Ibansara S., Ms. Suparna Jain & Mr. Arkaneil Bhaumik, Advs.

Mr. Ajay Kumar Agarwal, Adv. for BCD.

Mr. Anshu Dawar & Pulkit Agarwal, Advs. for Chairperson, Shahdara Bar Association.

Mr. Narveer Dabas and Mr. Sunil Kumar, Advs. for SBA.

Mr. Sanjay Lao, SC (CrI.) for State with Ms. Priyam Agarwal, Mr. Aryan Sachdeva and Mr. Abhinav Kr. Arya, Advs.

Mr. Sidhant Kumar and Mr. Om Batra, Advs. for ECI.

Mr. A.K. Kashyap and Mr. Neel Kumar Sharma, Advs.

Mr. Vikash M, Vice President.

Ms. Anita Dhingra, Candidate for



Secretary, SBA.

Ms. Kirti Madan, Candidate for Vice Secretary, SBA.

Ms. Shobha Gupta, Mr. Raman Sharma & Ms. Sanskriti S. Gupta, Advs.

Mr. V. K. Singh, Mr. Vivek Kumar Khushwaha, Mr. Deepak Tomar & Mr. Shaurya Sethi, Advs.

Mr. Prashant Gautam, DCP Shahdra with Mr. Amu Tyagi, SHO, PS Farsh Bazar.

Mr. Mohinder Rupal, Adv. for DU.

Mr. Vikram Singh Panwar and Ms. Chandrika Gupta, Advs. for DHCBA.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE NAVIN CHAWLA

JUSTICE C. HARI SHANKAR

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 26579/2025 (for directions) in W.P.(C) 10363/2021

2. In the present writ petition, directions have been issued from time to time, in respect of conduct of elections to the Delhi High Court Bar Association as also the various Bar Associations in the District Courts. *Vide* order dated 21st February, 2025, finally, elections were fixed for being conducted in all Courts simultaneously on 21st March, 2025.

3. The elections to all the Bar Associations were concluded on 21st March, 2025 except in respect of the Saket Bar Association and the Shahdara Bar Association, which were called off due to various reasons. Accordingly, certain applications were filed in respect of these two Bar Associations which



were considered by this Court on 7th April, 2025 and the said applications were disposed of in terms of necessary directions issued for the conduct of elections on 9th May, 2025.

4. On the last date of hearing *i.e.*, 3rd May, 2025, the Court had considered the present application filed by Justice Talwant Singh (Retd.), *Id.* Chairperson of the Shahdara Bar Association Election Committee (hereinafter “*the Election Committee*”), who was appointed by this Court vide order dated 7th April, 2025 for conducting the elections of the respective Bar Association. In the application, certain apprehensions have been expressed, *inter alia*, regarding the lack of requisite security at the Karkardooma Court Complex for smooth conduct of elections scheduled for 9th May, 2025, as also regarding the expenses for the Electronic Voting Machines (hereinafter “*the EVMs*”). Considering the apprehensions raised in the present application, the Court had passed certain directions. The relevant portion of the order dated 3rd May, 2025 reads as under:

“6. *There are various reasons given leading to the application including possibility of disturbances being caused by unwanted elements during the elections. Ld. Chairperson, Justice Talwant Singh (Retd.) has, therefore, prayed that the election to the Shahdara Bar Association scheduled to be conducted on 9th May, 2025, be permitted to be conducted through online mode using the registered mobile numbers of the eligible voters, as also through the offline mode.*

7. *Considering the orders that have already been passed by this Court dated 7th April, 2025 and 25th April, 2025, and considering the above averments which have been made on behalf of the Applicant, at this stage, the following directions are issued:*



i. Notice regarding the filing of this application shall be issued to the following candidates who are contesting the elections for the various posts in the Shahdara Bar Association elections. Let court notice and intimation of this application be issued upon the following candidates contesting for the post of President, Vice-President and Secretary, by the Registry today itself through SMS and WhatsApp on the mobile numbers of the candidates:

Contestants for the post of President

S. No.	NAME OF THE ADVOCATE	Mobile No.
1.	SH. A.K. SHARMA	9868188582
2.	SH. GANGA PRASAD SINGH DIWAKAR	9917038491
3.	SH. JAGDEEP SHARMA	9810455080
4.	SH. MAHESH SHARMA	9868552844
5.	SH. MANOJ CHAUHAN	9999177278
6.	SH. SURESH CHANDRA	9871052561
7.	SH. SWARAN SINGH	9810089350
8.	SH. V. K. SINGH	9810144934

Contestants for the post of Vice President (Male)

S. No.	NAME OF THE ADVOCATE	Mobile No.
1.	SH. AMIT KUMAR TANWANAR	9910869655
2.	SH. ANURAG JAIN	9711008287
3.	SH. NAVEEN KALRA	9560810195
4.	SH. SANJAY GAUR	9990689514
5.	SH. SUNIL KUMAR	9871415089
6.	SH. MINTU TRIVENDRA	9891916084
7.	SH. VIKAS MEHAN	9873984233



Contestants for the post of Vice President (Female)

S. No.	NAME OF THE ADVOCATE	Mobile No.
1.	MS. KIRTI MADAN	9818849440
2.	MS. LEKHA SAROJ GAUTAM	8920981085
3.	MS. SHOBHA	9818316886
4.	MS. SUNITA BANSAL	9899884380
5.	MS. VIBHA GAUTAM (@VIBHA SHARMA	9868211975

Contestants for the post of Hony. Secretary

S. No.	NAME OF THE ADVOCATE	Mobile No.
1.	MS. ANITA DHIGRA	9871439621
2.	SH. D.D. PANDEY	9810389119
3.	SH. KULDEEP	9911120990
4.	SH. NARVEER DABAS	9868272621
5.	SH. RAMAN SHARMA	9212000352
6.	SH. SHAKIR HUSSAIN	9810314978

The above-mentioned candidates who are contesting for the election shall be sent a copy of this order so that they can either be represented before this Court on the next date of hearing or remain present for making submissions.

ii. Notice be issued to the Election Commission of India as well, from whom EVMs are being sourced for the election to the Shahdara Bar Association. In addition, notice be issued to Mr. Siddhant Kumar, Id. Counsel (Mob: 9873047772) for the Election Commission of India. Id. counsel shall obtain instructions upon the expenses of the EVMs.



iii. *Mr. Sanjay Lao, ld. Standing Counsel (Crl.) shall enquire and obtain instructions from the DCP of the concerned area in respect of providing adequate security for fair and peaceful conduct of the election to the Shahdara Bar Association . Such security would be required to be provided from 8th May, 2025 onwards until the results of the election are declared. A status report to this effect shall be filed by Mr. Lao, ld. Standing Counsel (Crl.) and the concerned DCP shall remain present in Court on the next date i.e., 5th May, 2025 at 2:30 p.m.”*

5. Further to the previous order, Mr. Prashant Gautam, DCP, Shahdara District, Delhi is present before the Court and Mr. Sanjay Lao, ld. Counsel for the Delhi Police has placed on record a status report dated 5th May, 2025, which is taken on record. The relevant portions of the said status report are extracted hereunder:

“2. That it is submitted that earlier the elections for various posts of Shahdara Bar Association were held at the premises of the Karkardooma Courts, Delhi on 21.03.2025. In order to conduct the fair and peaceful elections and to maintain the law and order situation inside and around the Karkardooma Courts complex, the security arrangement was deployed under the close supervision of the undersigned. In this arrangement, the area inside and around the Karkardooma Courts complex, was divided in three zones and each zone was sub-divided into sectors. The security under each zone was closely supervised by the officer of the rank of Asstt. Commissioner of Police and that of sectors was supervised by the officers of the rank of Inspector. Further, the staff of three districts along with CAPF staff was deployed to provide the security cover in the area. A total of 406 Delhi Police personnel (Upper Subordinate - 124, Lower Subordinates- 282) along with 03 companies of CAPF (2 male companies and 01



female company) and Security Unit staff were deployed. The staff was properly briefed by the undersigned regarding the importance of the arrangement before deploying them at their duty points on 21.03.2025. The arrangement was deployed till the completion of the counting process of the votes and announcement of the results. The election was declared as cancelled due by the Election committee deployed to supervise the election process due to some problem inside the voting center. The copy of police arrangement no. 6481-510/X-I/Shahdara District, Delhi Dated 19.03.2025 is enclosed for ready reference.

3. That it is also pertinent to mention here that no complaint/call regarding any law and order issue was received by the District Police on that day regarding Shahdara Bar elections.

4. That it is further submitted that as the fresh election for various posts of the Shahdara Bar Association has again been scheduled to be held on 09.05.2025, a similar police arrangement will be deployed in and around the Karkardooma Courts complex to ensure the fair and peaceful conduct of the elections. Besides, we have also demanded 6 Coy. Male and 3 Coy. Female for 09.05.2025 and additional 1 Coy Male and 2 Sec. Female for 10.05.25 Outside Force for Shahdara Bar Association arrangement. The Force will remain at the disposal of the Election Committee till the completion of the Election Process and declaration of the results.”

6. As can be seen from the above status report, the Delhi Police has agreed to provide enhanced security of six companies (male) and three companies (female) for the day of election i.e. 9th May, 2025, as also one additional company (male) and two sections (female) for 10th May, 2025, as outside force for the Shahdara Bar Association elections.



7. The Court has considered the status report. On a query from the Court, Mr. Gautam, DCP, Shahdara District, has assured the Court that the extent of deployment, as mentioned in the status report, would be sufficient for ensuring peaceful conduct of the concerned elections, including the counting of votes. Mr. Gautam however submits that the police may be permitted to verify the proximity card before permitting entry.

8. In respect of installation of CCTV cameras at the respective places during conduct of the elections, the Court is informed that the same are already in place at certain locations. However, it is requested by Mr. Lao that one feed of the said CCTV cameras may be provided to the concerned police officials.

9. Heard. In view of what is submitted in the status report and before the Court, let the enhanced security be deployed on 9th and 10th May to ensure fair and peaceful conduct of the elections. The Court has also made it clear that the concerned police officials are free to take appropriate action against any individuals- lawyers or non-lawyers, who may cause disturbance or may try to, in any manner, obstruct the peaceful conduct of the elections.

10. The Court has also impressed upon all the contesting candidates to whom notice was issued, that any supporters or campaigners whom they may engage, shall not be permitted to cause disturbance during the election process. Further, the said supporters or campaigners shall cooperate in the peaceful conduct of the elections by the Election Committee. The concerned candidates have assured the Court that they would ensure that no disturbance or obstruction, in any manner, is caused to the voters or to the Election Committee in the conduct of the concerned elections.

11. Insofar as the EVMs are concerned, it is submitted by Mr. Sidhant



Kumar, Id. Counsel for the Election Commission of India (hereinafter “*the ECI*”), that the ECI has not provided EVMs, even in the past, to the District Bar Associations or any other private bodies. It is further submitted that the EVMs procured by the ECI, are manufactured by two Public Sector Undertakings (hereinafter “*PSUs*”) namely, M/s. Electronics Corporation of India Limited and M/s. Bharat Electronics Limited. Some of the contesting candidates who are appearing before the Court today, have submitted that the EVMs in the past District Bar Association elections had been procured from Hyderabad from one of the said PSUs.

12. Another suggestion put forth by the Id. Counsels is that the Delhi University (hereinafter, “*DU*”) also has certain EVMs which they provide on rental basis and the same may be procured for the concerned elections. In respect of the same, Id. Counsel for the ECI has handed over order dated 11th September, 2022 and 12th March, 2025 passed in *W.P.(C) 13240/2022* titled *Delhi High Court Bar Association & Anr. v. University of Delhi & Ors.* and *W.P.(C) 3125/2025* titled *Jaibir Singh Nagar v. Central Delhi Court Bar Association and Ors.*, respectively. In the said matters, certain directions have been passed *qua* the Delhi University to provide EVMs, if available, for the concerned Bar Associations elections.

13. Having heard all the concerned parties, including the contesting candidates, the Delhi Police, the ECI and M/s. SEC Communications Pvt. Ltd. (hereinafter “*SEC Communications*”), the concerned agency who has provided the proximity cards to the eligible voters, the following directions are issued:



Qua deployment of police force and smooth conduct of elections:

- i. The deployment of police force shall be made by the Delhi Police in terms of paragraph 4 of the status report dated 5th May, 2025, as extracted above. The Delhi Police shall ensure that each of the lawyers/eligible voters, who would be given entry into the concerned election area, are carrying their respective proximity card. The said lawyers/ eligible voters shall be admitted into the concerned election area only after proper verification of their proximity card.
- ii. No supporters/ campaigners of the contesting candidates would be permitted to gather any crowd outside the concerned election area or even outside the Karkardooma Court complex, where election is to be held. Candidates whose supporters or campaigners are seen to violate this condition would be liable to disqualification, if the need so arises.
- iii. If any disturbance is caused by any group or individuals either lawyers or non-lawyers, including the supporters/ campaigners of the contesting candidates, the concerned police officials are free to take strict action against them in order to ensure that the said group/individuals do not cause any disturbance/obstruction in the smooth conduct of the elections.

Qua installation of CCTV cameras:

- iv. The concerned election area shall be covered by CCTV and one feed shall be made available to the concerned DCP who may use the same for taking action in real time, if required.



Qua procurement and use of EVMs:

- v. In respect of the procurement and use of EVMs, the Election Committee, through the Chairperson, Justice Talwant Singh (Retd) is free to approach any PSUs manufacturing EVMs, the Delhi University or any other body who is capable of making the same available to it.
- vi. Insofar as the cost of the EVMs are concerned, several of the contesting candidates, present in Court today, have agreed to make contributions to cover the said cost. Accordingly, the Election Committee shall be free to collect contributions, uniformly, from all the contesting candidates standing for the post of President, Sr. Vice-Presidents, Vice-Presidents and Secretary, for the purpose of covering the cost of the EVMs.
- vii. As far as operating of the EVMs is concerned, if any trained election staff is required, the Election Committee is free to hire such personnel on a contractual basis.
- viii. In case, the Election Committee is unable to procure EVMs from any of the above stated suppliers, the Election Committee shall take steps for conduct of elections through paper ballot. In such a case, it is reiterated, that the ballot boxes etc., shall be fully safeguarded by the police personnel who are being deployed by the Delhi Police, as mentioned hereinabove.

Qua the counting of votes:

- ix. During the time of counting of votes, no one except the contesting candidates and /or one authorised representative on behalf of each



of the contesting candidates, shall be given entry into the concerned area for observing the process of counting of votes.

Qua duplicate proximity cards:

- x. In respect of such voters who may have requested for issuance of duplicate proximity cards, Dr. Amit George, Id. Counsel appearing for the concerned agency - SEC Communications, submits that as per the directions passed by this Court, all the duplicate proximity cards have been handed over to the Election Committee. Accordingly, the eligible voters who had requested for the duplicate proximity cards are free to collect the same from the Election Committee.

14. The above directions are being passed for deployment of police personnel on 9th May, 2025 and 10th May, 2025, on the presumption that the counting of votes would be completed by 10th May, 2025. If the same is, however, not completed by 10th May, 2025, another day's extension of deployment of police personnel shall be made by the Delhi Police till 11th May, 2025. The deployed personnel shall be withdrawn after consultation with the Chairperson, Election Committee, by Mr. Gautam DCP.

15. At this stage, Mr. Mohinder Rupal, Id. Standing Counsel for the Delhi University, has joined the proceedings through video conferencing and he has assured the Court that he would take instructions from the said University for making available the EVMs to the Election Committee. Accordingly, the Chairperson of the Election Committee is free to contact Mr. Rupal, Id. Counsel, so that if the EVMs are available, the same can be requisitioned on payment of the usual charges, as decided by the said University.



16. The present application is disposed of in said terms.

**PRATHIBA M. SINGH
JUDGE**

**NAVIN CHAWLA
JUDGE**

**C. HARI SHANKAR
JUDGE**

MAY 05, 2025
dj/msh/ss.