



SUPREME COURT BAR ASSOCIATION (Regd.)

SUPREME COURT OF INDIA, TILAK MARKG, NEW DELHI-110001 (INDIA)

SCBA/EC.2019-20

05.06.2020

Mr. Dushyant A. Dave (Sr.)
President

Mr. Kailash Vasdev (Sr.)
Vice President

Mr. Ashok Arora
Hony. Secretary
(Under Suspension)*

Mr. Rohit Pandey
Acting Hony. Secretary

Mr. Meenesh Kumar Dubey
Treasurer

Ms. Shamsravish Rein
Joint Treasurer

SENIOR EXECUTIVE MEMBERS :

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Dr. Adish Chandra Aggarwala (Sr.)
Mr. Chander Uday Singh (Sr.)
Mr. Arijit Prasad (Sr.)
Col. R. Balasubramanian (Sr.)
Mr. Anip Sachthey (Sr.)

EXECUTIVE MEMBERS :

Mr. Amrendra Kumar Singh
Dr. Ritu Bhardwaj
Ms. Anjali Chauhan
Ms. Prerna Kumari
Ms. K.V. Bharathi Upadhyaya
Mr. Upendra Narayan Mishra
Mr. R. Anand Padmanabhan
Mrs. Alka Agarwal
Ms. Reena Rao

* Mr. Ashok Arora suspended from
the post of Hony. Secretary vide
EC resolution Dated 08.05.2020

Shri Ashok Arora
Advocate
4C, Sagar Apartments
6, Tilak Marg
New Delhi

NOTICE TO SHOW CAUSE

WHEREAS you were elected as the Honorary Secretary of the Supreme Court Bar Association (" SCBA" for short) at the elections held in December,2019, and you and other elected office bearers and Members of the Executive committee of the SCBA assumed respective roles thereafter.

AND WHEREAS in terms of Rule 10 of the RULES & REGULATIONS OF 'SUPREME COURT BAR ASSOCIATION' (As Amended up-to 8th December, 2010), (herein after referred as " The Rules ibid") the affairs of the SCBA shall be managed inter alia, subject to these rules by the Executive Committee consisting of the President, the Vice-President, the Secretary, the Asstt. Secretary, the Treasurer, the Asstt. Treasurer and 15 Members of the Executive Committee.

AND WHEREAS while purporting to act as the Honorary Secretary of the SCBA, you had committed the following acts of commission and omission as revealed from the records and documents including electronic messages:

1. Disruption of EC Meetings and creating a hostile atmosphere to make regular and cordial functioning of the EC impossible:

1(a). From the inception of the present EC, at its very first meeting held on 18.12.2019, you adopted a deliberately hostile obstructionist and confrontational approach with the President AND Members of the Executive Committee. You insisted that since the Honorary Secretary (Hony. Secy., for short) is the chief executive officer of the SCBA, you alone have the right to conduct meetings, and repeatedly tried to disrupt the proceedings, thereby compelling the President to leave the Meeting. At the second meeting of the EC on 10.01.2020, you once again repeated the same tactics, stating that it is the Hony. Secy. who is to conduct all meetings, and the President has no right to speak except at the end after the Hony. Secy. and all other EC members have had their say.

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You implead that the President is only a figurehead, who can cast his vote in the event of a tie, but that it is only the Hony. Secy. as the CEO who has to conduct the meeting. When the President requested that in future the EC Meetings be called after you have prepared an agenda in consultation with the President, and have circulated the same in advance to all EC members, you started shouting violently and at the top of your voice, and created an extremely unruly scene. You tried to justify the lack of Agenda by stating that your father was in the ICU on life support, and when the President said that he was sorry to hear that, you shouted that you do not need any sympathy from the President. When the President then said that he withdraws his remarks, you started shouting even louder, indeed screaming at the top of your lungs that the President had insulted your father who was critically ill. It was only after considerable efforts by all other EC members present that you were ultimately pacified to hurriedly complete the said meeting.

1(b). In view of what had transpired at the said EC Meeting, Mr. Chander Uday Singh, member executive (senior), addressed a detailed Email dated 13.01.2020 to all office-bearers and EC members, in which he fully analysed the Constitution and Rules of the SCBA, and explained that it is only the President, and in his absence the Vice President, who is authorized to preside over and conduct all meetings, and that the Hon. Sec. has no role whatsoever to play in conduct of meetings, except to prepare the Agenda in consultation with the President, record the Minutes, and so on. It was pointed out that under the Rules, even if both the President and Vice President are absent, it is not the Hon. Sec. who presides over or conducts the said meeting, but the members present elect one of them to so preside. The Hon. Secretary's functions were explained in detail in the said Email, and the correct meaning of the phrase "chief executive officer" was expounded upon in detail. To avoid needless repetition, the said Email dated 13.01.2020 may be referred to.

1(c). The said Email dated 13.01.2020 was accepted without demur or disagreement by all concerned, including yourself, and the contents thereof were not disputed by you.

1(d). Despite this, even thereafter you never cooperated with the President, the Vice-President, or the other office-bearers to allow orderly and decorous functioning of the EC. You refused to consult the President for preparation of any Agenda for the EC, and indeed no proper Agenda was ever



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printed and circulated in advance; despite being repeatedly asked to desist from conducting all official business of the EC on the social media platform known as WhatsApp, you continued to use only that platform; on at least one occasion you unilaterally called an EC meeting during Court hours, with just a couple of hours' notice on WhatsApp, when you were asked about the Agenda, you hurriedly wrote out an unnumbered and continuous sentence containing various broad and undefined subjects or issues, with no specific Agenda for discussion on each of the said subjects or issues. At the ensuing "meeting", you simply dictated various purported decisions on the said amorphous and unexplained "Agenda".

1(e). In this manner, you have rendered it difficult and impossible to conduct the affairs of the SCBA in a systematic, orderly, and decorous manner, based on properly prepared Agendas made in consultation with the President, and properly recorded Minutes at meetings to be conducted by the President, and in his absence the Vice President.

2. **Use of un-parliamentary, abusive, threatening and intemperate language containing wild insinuations against elected office bearers and Members of the Executive Committee of the SCBA, which further vitiated the atmosphere in this august body, and created a stalemate in its functioning:**

2(a). The SCBA being a body of Advocates practicing before the highest court of the country is obliged to conduct themselves with dignity, respect, poise, and compassion in their day to day interaction both in their professional duties and in their personal interaction towards its Members. They cannot use abusive and intemperate language against fellow Members. More importantly, the Members of the Executive Committee and its Office bearers ought to conduct themselves with dignity at all times and their use of language in the course of transacting business of the Executive Committee is onerous. Under no circumstances can a Member use indecent and unparliamentary language against fellow Members of the Executive Committee or otherwise.

2(b). On the contrary, you have been found to be using objectionable, intemperate, abusive and language containing insinuations against the office bearers of the Executive Committee. Especially, in whatsapp messages sent by you to the Executive Committee Group while transacting/ discussing official business of the Executive Committee you have

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copiously used unwanted abusive remarks, insinuations and threatening language against office bearers calculated to create dissension and hatred in the cohesive working of the Executive Committee.

2(c).To quote a few examples:

(i) In your message dated 16.01.2020 sent at 23:23 hours on EC 2020 Group you wrote " Playing dirty politics on long due condolence meetings of members who left for heavenly abode a few months back surely reflect the character of certain members. God bless. Good night".

(ii) On 20.01.2020 in a message sent at 11.24, you wrote " Under what capacity have you posted this message, under whose instructions, he left the first meeting, then left the EC group and now playing dirty politics" with apparent reference to the President, SCBA.

(iii) On 22.01.2020 in a message sent by you at 10:10, you wrote " In what capacity he is to inform is a big question, still unanswered by Meenesh and those issuing directions to him."

(iv) Again at 10:15 on same day you wrote " I am not stopping Meenesh to respond. In fact I want him to respond to expose the total indiscipline and breach of trust by some senior members".

(v) On 29.01.2020 at 10.47 you forwarded two media reports and wrote in EC Group " President should explain his stand so that we act accordingly".

(vi) Again on same day at 14:14 you wrote " Serious allegations against any one is an issue of ethics and gross professional misconduct, why it shouldn't be explained or discussed is a matter of grave concern not politics, wish we all notice what's being discussed on this issue".

(vii) On 31.01.2020 at 10.36 you wrote " Courtesy was to ask me instead of posting, keep showing your true colours" aimed directly at Treasurer Mr.Meneesh Dubey.

(viii) On 10.02.2020 at 19:05 you wrote " Meenesh knowing fully well that both me and RohitAsst Secretary are out of city till Tuesday has mischievously fixed important meeting of finance Committee on 11.2.2020. All are requested to boycott and warn him accordingly".



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(ix) On 06.03.2020 at 10.01 you sent a long message which read as follows:

"EC members may kindly give suggestions about proposed agenda and date of next EC meeting, we can have it on 6.3.2020 at 2pm or on 7.3.2020 at 11am.
Proposed agenda for EC meeting

1. Vaccination Issue: Whether the President insulted the Bar first by offering to contribute ten lac and then sending a message, "I would pay only for those who can not afford and so to do so they must give self certification saying so and committee EC as suggested clears that."? This is worth mentioning here that the President had promised to contribute ten lac in our meeting with Hon CJI in the presence of other two Hon Judges, Secretary General and Dr from CGHS. we can surely seek the comments from CJI's Office.

2. Whether the President insulted the President, Prime Minister and the nation by boycotting the International Judicial Conference organized by the Supreme Court on 22.2.2020? It is worth mentioning here that on earlier two occasions also the President boycotted the functions of Hon, CJI.

3. Should we appreciate or condemn the above act of the President? Has he not sabotaged the cause of the bar by writing indiscreet articles and letters to the CJI and registry? He was condemned for writing one such article in a sub-judice matter by the BCI. President must share all his articles and letters written to CJI/other Judges and Registry.

4. What was the hurry to pass a resolution by circulation with regard to Justice Arun Mishra's comments about the Prime Minister? Why it was not considered to discuss it in the EC/ GBM when six members had asked for it? Who all in conspiracy with each other committed theft and sent that document to the press. It was the property of SCBA till it was officially released by the Secretary? What action should be taken against the culprits? It is worth mentioning here that at least four of the signatories didn't approve of document being released to the press.

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5. Discuss the issue regarding Relief camp: Before the visit to the site many members of the Social Justice Committee were consulted. Many members, including the President appreciated the move. After the visit everyone was informed that we could help in providing free legal aid and rehabilitation. we had strictly instructed every one to spread message of love and peace to promote harmony. It was also clearly told that no one should name any political party or organisation and any one using provocative language would be doing at his/her own risk. Suggestions were invited and those willing to help were allowed to organise relief camp. Since a few members are objecting we can discontinue the relief camp if EC members don't want to proceed with these efforts.

6. Should the President not clear his stand on the issue of chamber allotment instead of dividing the Bar? He once suggested that we should call GBM, in Judges committee he suggested single allotment and in last EC meeting he said chamber was not a luxury it should be shared.

7. Should the President delay the process of possession of halls at his whims? He cancelled the meeting with the architects, refused to share the contact number of his choice of architect and didn't permit EC to suggest another architect as suggested in EC group. He recently refused to agree to two dates suitable to the registry and the secretary.

8. All pending applications and representation .any other item with the permission of the chair."

(x) On 12.03.2020, at 10:58, while discussing the issue regarding passing of a resolution against the reported move to bring in the Advocates within the ambit of "service" under the Consumer Protection Act, you sent a whatsapp message stating **"I decide the issues on merit without caring for those accused of theft. I pity those not having basic etiquette's. I pity their upbringing. Kindly discuss with those cowards firing from other's shoulders to call a GBM on important issues"**.

(xi) On 03.05.2020, when the SCBA planned to organise the farewell function of Hon'ble Mr Justice Deepak Gupta through web platform in view of COVID-19 pandemic it was decided to omit the customary speeches by the Vice President and the



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Secretary of SCBA due to paucity of time and peculiar circumstances as explained by the Vice President in his message sent at 16:56, in response you sent a message at 17:03 "This is **absolutely unjustified, immoral and unscrupulous excuse. We need to call urgent General Body Meeting**".

(xii) Again between 17:05 and 17:11 you sent series of following messages containing abusive language:

[17:06, 03/05/2020] "President has been dividing the EC & BAR right from the day one. This is another example of his unscrupulous character"

[17:08, 03/05/2020] "Vice President should also tell first the EC members and then Bar & society how he insulted five senior judges, including the CJI in presence of his favourite private hospitals. List is too long of his corrupt moves, let's start putting in groups now"

[17:10, 03/05/2020] : "Kailashji you must honestly inform the EC members about our meeting with five judges and healthy ministry officials in presence of three office bearers of SCAORA".

[17:11, 03/05/2020] : "This man has divided the EC right from day one. इसके पाप का मटका आज भर गया है"

Then between 17:12 and 17:14 you sent the following messages:

" He is still hiding **shameless creature. I will expose him soon**"

" **Let me hear the views of those who are more loyal to President than to their own souls**"

"**Don't sell your soul, please reply to my questions**" addressed to the Vice President.

Then in series of messages sent you wrote

[17:17, 03/05/2020] " You won't be able to defend this **corrupt, ill mannered, insensitive man in court of law and general body meeting**. I am asking him to take screen shot and prosecute me if has the guts to face my cross



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examination, which would expose every bit of his polluted soul"

[17:21, 03/05/2020] " We must make all the discussion in EC group public before the Farewell function to **expose this corrupt man**"

[17:22, 03/05/2020] It is proof of too many **cognizable offences for which no permission of EC is required**"

(xiii) When the use of such abusive language against office bearers of the SCBA was objected by some of the Executive Committee Members through what-sap messages and you were advised to restrain from using such language, you wrote the following:

[17:25, 03/05/2020]"I am so happy to be back in EC after almost two decades to be friends with a few fine Souls and expose one **Ravana**"

[17:32, 03/05/2020]: "Rituji thanks for your wise advice but it is blessings in disguise. I mean each word and challenge this man on any platform any court so that I can expose him. **My Dharma is to kill Devils not play Arjuna and throw the weapons**"

" Anipji first tell President and Vice president to disclose how President insulted five Judges in presence of health ministry officials. Also please ask your soul whether we should follow the traditions & Constitution or the **delicates of a corrupt arrogant**. Please be sincere to conscience. It is defining moment for many souls, including many EC members. I am so thrilled that soulful thoughts are flowing everywhere, which would make **Ravans uncomfortable**"

" Please carry on the discussions and email to Judge concerned, other judges, bar and press. It would be a good reading for posterity to study"

" Dear Rohit it is not harmonious construction. This is **unscrupulous manipulation** by the President right from the day one. Couple of minutes for secretary to follow the tradition would maintain the harmony. In any case since it is the function, which is being attended by the Supreme Court Judges we should use official video conferencing of Supreme court not the one arranged by the President"

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" I think it is a very serious issue. We can share the discussions with Bar members so that the Bar knows who is saying what. It would also enable us to inform the members how many functions of CJI he boycotted, how he boycotted the function of Prime Minister, how many times he insulted the Prime Minister & President. How he divided the EC & Bar. How he spoiled the relationship between bench and bar? Why CJI didn't give any appointment for the first meeting for good 48 days, which happened only when I made a request on 29th Jan. List of his sins, is too long. I am just giving samples"

" Chanderji to maintain harmony we follow the traditions and not break the traditions. Couple of minutes from Secretary to start the function would only support the Dharma. I sincerely wish that members should show commitment to Dharma, their soul and Bar instead of playing **Bheesham Pitamah & Karana by supporting Adharrma, Sin and Duryodhana.** Defining moment comrades, Bar& Posterity is recording every word every act, every Sin...

"I am not surprised that **Duryodhna is still arrogant and unmoved.** Krishna couldn't prevail upon him. He is real source of destruction but many of would not be judged on the side of Dharma"

"I will wait only till evening before going public with all his misdeeds and making all discussions public because he has committed crime, which has to be reported to Police, press, Bar and Judiciary"

" Kailashji was not to plan it. As secretary it is my duty and I am capable to plan it. According to me the Secretary, I should introduce in less than three minutes and invite them one by, each of them taking about 5 to 7 minutes and then I conclude with vote of thanks in two minutes. So total five/ six minutes for secretary is traditional, ethical and harmonious suggestion. Anyone else having ego on it should be told Chanderji. I am very clear in my mind it is not ego it is fighting for Dharma. **I wish those loyal to Duryodhna may search their Souls before it is too late.**"

(xiv) After you had been suspended by the Executive Committee vide Resolution dated 07.05.2020, you have again sent a message to the Members on 26.05.2020 at 9:25, wherein you wrote "

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" An arrogant leader of Supreme Court Bar Neck Deep in Sins" "Insulted the President & Prime Minister of India" "Misbehaved with many Justices in the recent past" "Destroyer of Relationship, Between Bench & Bar, Unity of Executive Committee & Unity of Bar, "Killed Democracy, Insulted mandate of electorate, flouted SCBA Rules, Rudimentary Principles of Justice, Decency, Fair play & Secular Heritage of Bar" "Threatened SCBA Staff" He is not only arrogant he is a Narcissist, Insensitive & thoroughly Corrupt too.....". Whereas you yourself had used SCBA banner, SCBA bus to campaign in riot affected area without knowledge of EC.

You had personally threatened the President Mr. Dushyant Dave, in April, 2020.

"You should be thankful to me that I haven't told the Bar as to how you sabotaged the welfare of Bar, relationship between Bench & Bar by insulting five senior judges in the presence of representatives of your private hospitals, by boycotting functions of Supreme Court, CJI, Prime Minister & President, by writing confrontationist articles as President of Bar, by dividing the Bar by making contradictory statements regarding Chamber allotment, by joining or leaving the EC group at your whims, by misbehaving with the Secretary when his father was on death bed, by insulting the bar by first promising the CJI & two future CJI's to give ten lacs for Vaccination and then asking them to give self certification of their inability to pay, I just can't complete the list. I have always tried to ignore your immature messages & behaviour, **I sent you my profile to make you aware to whom you were dealing with**, I haven't said a word about resolution of four hundred members asking for your removal, you first insulted the Prime Minister of India more than once even during national calamity and then donated fifty lacs, first passed a resolution to assist needy members out of charity received and then planned obstruction through your favourites, wish you do a bit of introspection and get back to me. I can surely help you evolve your soft skills, which would be great service to Bar & society since I sincerely believe that together we make a good team. Ball is in your court President, warmly Ashok"



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3. Use of threatening language and issuing illegal notice to Mr. Meenesh Dubey, Treasurer, SCBA:

3(a). On 03.04.2020, at 7:30 am you issued a Show Cause Notice on WhatsApp to Sh.Meenesh Dubey, Treasurer, SCBA, without any authority or prior intimation to the Executive Committee or power to do so. In a whatsapp message in the SCBA EC Group you issued the said notice stating the following:

" Serious charges against Meenesh, 1. He procured and posted incomplete list of riot victims to promote enmity between different groups and there by committed criminal offense under section 153A IPC. 2 He committed theft by releasing to the press purported resolution against Justice Arun Mishra, this document was not a resolution till it was signed by the Secretary and was the property of SCBA so couldn't be released, without the authority of the Secretary. 3. He committed breach of trust by releasing the above document to the press because many members who signed in good faith wanted discussion on that and never wanted to release that to press. 4. He hurt the dignity of SCBA members by saying that those who could not survive for a few days had no right to be SCBA members.5 He tried to sabotage the will of executive by delaying the delivery of cheques to Shobha Gupta and humiliated her. She has already informed CUSingh & Mrs.AmrendraSharan about it.6. He used filthy and abusive language against Adish Sr & Secretary many times. WhatsApp group has all the record. 7. He again defied the will of EC by refusing to sign the cheque for the salary of SCBA employee Kishore by saying that unless Dushyant sir approved he would not sign that although it had been approved by 19 EC members. He signed this cheque after more than fifteen days and delayed the salary of a helpless employee. I am issuing him this show cause notice to explain why disciplinary proceedings shouldn't be initiated against him and the matter may not be placed before the disciplinary committee".

3(b). The President had to send a reply through a whatsapp message at 7:39 stating the following: "Secretary Sir, please don't take this path . It will bring down effectiveness of the EC and therefor of the SCBA . Even otherwise , you alone have no authority , moral or executive , to issue such a notice . Please do not move further and refrain from bringing it into public . Do not harm the image of the EC . No further nonsense on this chat . Let us become mature persons and work for welfare .Please !"



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3(c). Needless to state that you neither had any authority under the Rules *ibid* to issue a show cause notice nor was the issue of show cause placed, discussed and authorised by the Executive Committee of the SCBA at any point of time. By this act of yours, you seriously undermined the office of the Treasurer, SCBA and tried to create rift in the working of the Executive Committee of SCBA.

4. Non maintenance of Records of minutes of Meeting of Executive Committee.

4(a). In terms of Rule 12(f) *ibid*, the Executive Committee shall *inter-alia*, normally transact its business by resolutions passed by the majority of the members present and voting. As mandated by Rule 22, the Secretary's role, albeit as the CEO of the SCBA, is subject to such directions as the Committee may from time to time issue. He is expected to perform an administrative or executive function as against a policy-making or decision-making one. As an office-bearer and member of the EC, the Secretary enjoys an equal vote on par with all other EC members. The Secretary does, however, is charged with the duty to call meetings; to prepare and circulate (after obtaining the approval of the President/Vice-President) the Agenda or Notice of a Meeting; and to record the Minutes of Meetings and get the same signed by the Chairman of the Meeting.

4(b). The Secretary has numerous other duties which are crucial and absolutely essential for the well-being of the Association and its members, such as coordinating with the Treasurer to get the accounts audited, presenting the Annual Accounts along with the Treasurer, effecting payments of salaries and other expenses (subject to the limits or checks and balances laid down by the EC from time to time), managing the staff and office of the SCBA, ensuring that Notices and Circulars are issued when required by the President, Vice-President or the EC et al.

4(c). As the Hony. Secy., it was incumbent upon you to record and ensure maintenance of proper documentation of the minutes of the Executive Committee meeting and duly signed by the Chairman of the meeting and the Secretary and placed on record.

4(d). The records reveal that not only that the documentation of the minutes and record of meetings were not properly maintained but case for approvals were initiated on whatsapp messages, which led to objections from Members of the



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Executive Committee. One of the Sr. Executive Committee Member wrote a detailed e mail dated 13.01.2020 addressed to all including yourself of the need to maintain proper record. Similarly, another Sr Executive Committee Member sent a whatsapp message on 27.01.2020 at 12:54 emphasising the need to discuss matters in Meeting and place all record before the Executive Committee after giving proper notice with agenda so that every member can place his/ her view. Another Sr Executive Member vide whatsapp message sent on same day at 13:03 requested that all resolutions of the Executive Committee should be passed either in a regular meeting or by way of circulation in case of urgency by way of e mail. The Vice President by a message sent on same day at 20:45 emphasized the need to have proper minutes of the meeting whether of Executive Committee or Sub Committee.

4(e). Another Sr Executive Committee Member sent a Whatsapp message on 19.02.2020 at 12:56 objecting to your calling calling of an urgent meeting giving about 2 hours notice to discuss an important issue regarding chamber allotment without proper agenda and requested you to consult the President or Vice President. Similarly other Executive Committee Members also objected to your calling the emergent meeting of such an important issue.

4(f). On 11.03.2020 despite the Members of the Executive of the SCBA asking you to move a proper resolution by circulation by Email opposing the reported move to include advocates in the category of consumer service, you instead tried to circulate such an important issue by WhatsApp message at 22:26 to members asking for their vote. Your action of trying to run the solemn affairs of the SCBA by social media messages and "thumbs up" responses was seriously objected to by several Members.

4(g).The records maintained at the office of the SCBA further reveals that number of reports/works done by various sub committees have not been processed as per procedure and placed before the Executive Committee for further approval and necessary action. The records reveal that the works/reports were left incomplete and processed by the Secretary.

5. Embarrassment caused by you to the SCBA and high ranking dignitaries in the lecture delivered on 24.02.2020 by Hon'ble Mr Justice Deepak Gupta at ISIL auditorium.



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5(a). On 24.02.2020, a lecture was organised by the Lectures and Training Sub Committee at the ISIL Auditorium. The guest speaker was a sitting Judge of the Supreme Court, Hon'ble Mr. Justice Deepak Gupta, which was attended by other high ranking dignitaries including Ld Attorney General, Shri KK Venugopal, many senior and junior members of the SCBA, and even students deputed by the Jindal Global Law School who had come all the way from Sonapat to attend the eagerly awaited lecture.

5(b). **To the embarrassment of many who had gathered for the lecture, you spoke at the lecture rudely, loudly with unseemly outburst and your conduct was found both embarrassing and did not behave well of the position of Honorary Secretary that you were holding. After the lecture many of the Executive Committee Members expressed their anguish at your conduct displayed in public by sending whatsapp messages in the EC Group. Your conduct was completely uncalled for and unacceptable.**

6. Unauthorised and illegal convening of the General Body Meeting of the SCBA.

6(a). **On 07.05.2020, In continuation of this litany of your disruptive and unlawful actions when you appear to have decided to settle scores with the President and the EC. To do so, you issued unilaterally and without authority and/or authorization or approval by the Executive Committee, a public notice dated 7th May, 2020 (copy enclosed as Annexure-1) purportedly exercising a non- existent power and assuming to yourself a self- proclaimed power under Rule 22 of the Rules ibid, convening a General Body Meeting (" GBM" for short) on 11th May, 2020 to consider an alleged requisition allegedly signed by 400 members/ persons for nullifying a validly passed EC Resolution dated 26.02.2020 and for removing Shri Dushyant Dave from the position of the duly elected President of the SCBA as also from the Primary Membership of the SCBA. The illegal notice issued by you also contained certain other agenda for discussion by the General Body.**



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6(b). The illegal and unauthorized Notice dated 07.05.2020 issued by you on your own was never placed as an Agenda and or discussed in any meeting of the EC of the SCBA at any point of time. In fact, the issue of removing Mr. Dushyant Dave from the position of the elected President and his primary membership of the SCBA was too serious and a sensitive issue fraught with serious consequences to the prestige, honour and standing of the SCBA as a recognized and reputed institution in the country.

6(c). Rule 14 prescribes that it is the President who shall preside at all three types of meetings, and in his absence the Vice-President shall preside. If both the President and Vice-President are absent, the members present shall elect one of them to preside over the meeting. Rule 14 further provides that if any question arises with respect to a matter not provided for in the Rules or Bye-laws, such question shall be decided by the President, whose decision shall be binding unless subsequently overruled by the General Body of the SCBA. Therefore, in no circumstances does the Secretary preside over any type of meeting, or take over its conduct; and that the Rules envisage primacy of the President (and, in his absence, the Vice-President).

6(d). Rule 25 also makes it clear that even at General Meetings, it is the Chairman of the meeting alone who has full authority to regulate the proceedings and maintain order thereat, in such manner as he deems fit.

6(e). Needless to state that Rule 22 *ibid* empowers only "The Committee", i.e. the Executive Committee, to call a GBM requisition, and though the requisition is to be addressed to the Secretary, the Rule does not authorize or empower the Secretary to call such a GBM, and yet, without obtaining the explicit approval of the EC, you caused havoc and consternation among thousands of SCBA members throughout the length and breadth of India by unilaterally calling the GBM.

6(f). After your illegal and unauthorised action of unilaterally calling a GBM Meeting of the SCBA meeting on 11.05.2020, six of the Executive Committee Members called for an urgent Meeting of the Executive Committee. Thereupon, you sent a whatsapp message on 08.05.2020 to the Members of the Executive Committee and wrote " Hon members are informed that in view of the suggestions received from many members that it is a time to unite, the Emergency General Meeting convened for 11th May stands adjourned sine die....."



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6(g). Being a registered Society of advocates practising before the Supreme Court of India, who are Members of the SCBA, your action of issuing such an unauthorised and illegal notice unilaterally besides setting a dangerous illegal precedent damaged the standing of the SCBA in the eyes of the public in general and Members of the SCBA in particular. Your act of issuing such an unauthorised and illegal notice led to adverse vide publicity in the print and electronic media widely, and damaged the reputation of the SCBA leading to enormous unpleasant and unsavory remarks being passed by many that the Executive Committee of the SCBA is not discharging its role and functions for which it was elected. There is a lot of infighting going on in the Executive Committee of the SCBA during the COVID19 pandemic crisis which is consuming their time instead of looking after the welfare of the Members.

6(h). Your actions have caused serious embarrassment and incalculable damage to the reputation and standing of the SCBA and its Executive Committee and violated Article 3 (iii) of the Memorandum of Association of the SCBA in particular.

7. The present notice is premised *inter-alia* and on the messages and mails exchanged over the Whatsapp and emails which are in your power and possession as you have been a member and privy to the said message/mails.

8. Considering your actions being derogatory and against the interests of the Supreme Court Bar Association some members of the Executive Committee called for holding an urgent meeting of the Committee to consider your conduct and to initiate action if found necessary. Specific agendas were sent in the requisitions. An urgent meeting of the Executive Committee was called by giving due notice to all members of the Executive Committee. The meeting was held on 8.05.2020 over the Zoom application in which you participated and made your submission. After hearing all members the Executive Committee including yourself. The majority of members present and voting resolved *inter-alia* to suspend you as the Hony. Secretary of the Supreme Court Bar Association and divest you of the said powers.

In the circumstances before initiating any further action against you, this notice to show cause is being sent calling upon you to file your reply to the imputations made within one week of the receipt hereof.

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Phones: Off. : 23385903, 23384874 • Library-1 : 23385551, 82285552 • Library-2 : 23384150, 23381762
Library-4 : 23385615 • Ladies Bar : 23070443 • Lounge : 23070449 • Arbitration Room : 23072101 • Meeting Room : 23070264
• E-mail : scbaec@gmail.com • Website : www.scbaindia.org



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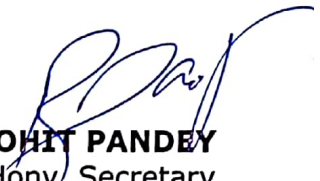
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8. We inform you that in case you do not admit any of the acts of commission and omission or partially admit some and deny the others, the matter shall be referred to a Three Member Committee for an independent enquiry.

10. In case you choose not to reply this show cause notice the matter shall be proceeded ex-parte and the matter shall be placed before the Executive Committee of the SCBA for further consideration and necessary action as deemed fit.


ROHIT PANDEY
Acting Hony. Secretary

ANNEXURE.1

SCBA Notice: 7.5.2020

Hon members of SCBA are hereby informed that an 'Emergent General Meeting' has been convened under Rule 22 of SCBA Rules by the undersigned for 11th of May 2020 at 4.30 pm. The meeting shall be conducted over webinar. Members are requested to attend and participate in the discussion. The Meeting ID & Password shall be conveyed a few hours in advance.

AGENDA

To consider the resolutions signed by four hundred and ten members of SCBA, addressed to the Secretary SCBA, undersigned;

1. To condemn the unauthorised resolution dated 25.02.2020 purportedly passed by the Executive Committee (Through Circulation) and to immediately withdraw the same.
2. Not to use the office of SCBA for political agendas.
3. To remove Sh. Dushyant Dave from the post of President SCBA
4. To remove Sh Dushyant Dave from the primary membership of the SCBA for working against the interest of Bar.

Warm regards

Sd/-
Ashok Arora 9810062089
Hony Secretary SCBA
Email ashokarora2310@gmail.com

True Copy
