



SUPREME COURT BAR ASSOCIATION (Regd.)

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

Mr. Pravin H. Parekh (Sr.)
President

Mr. V. Shekhar (Sr.)
Vice-President

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Hony. Secretary

Dr. Sandeep Singh
Joint Secretary

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Executive Members:-

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Mr. Meenesh Kumar Dubey
Mr. Ravi Prakash Gupta
Mr. Gaurav Dhingra
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Mr. Anurag Pandey
Ms. Meera Bhatia
Mr. Palwai Venkat Reddy

SCBA/CJI.9/2014/16564

Dated 06.08.2014

CIRCULAR

The Hon'ble Members of the Supreme Court Bar Association are hereby informed that Hon'ble the Chief Justice of India had invited the President, the Vice President and Hony. Secretary of Supreme Court Bar Association for a meeting yesterday, 05th August, 2014, to find out the views of the Supreme Court Bar Association on the Supreme Court Rules-2013.

2. At the outset, the two pages resolution, which was passed today by the Executive Committee, was read over to Hon'ble the Chief Justice of India and handed over to the Secretary General. A request was made to postpone the enforcement of the Supreme Court Rules-2013 beyond 19th August, 2014 and to have further deliberations.

3. In response to our objection that the Rules had been made without any consultation with the Bar, the Hon'ble Chief Justice of India informed us that the process of Rule making had commenced from 1997 and various representations were received from the Bar from time to time and in the proceedings presided over by Hon'ble Mr. Justice R.V. Ravindran, written suggestions were given by the office bearers and other members on behalf of the SCBA and all those representations were considered. However, the Chief Justice of India also said that the consultation with the Bar is an ongoing process and he is always open for suggestions from the Bar.



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4. We pointed out the anomaly in the Rules regarding misconduct in Order IV rule 10 and the fact that it would be practically impossible for the members of the Bar to follow. We requested that so long as the matter is properly defended by any lawyer, the non presence of AOR and submission of appearance slip by the lawyer appearing in the matter, should not be taken as misconduct. The Chief Justice of India was prima facie of the opinion that the explanation (b) and (c) of Rule 10 Order IV, requires to be re-looked and in the meanwhile, he will, in consultation with the Rules Committee, consider postponing the operation of this particular rule. We requested the Hon'ble CJI that Order I Rule 1. (2) empowers the CJI to appoint different dates for different provisions of these rules.

5. We also articulately pressed the issue of sharp increase in court fee and the fact that it would affect the poor litigants.

6. In addition to the issues raised in our resolution, we also highlighted our objection regarding the issue of fixing personal liability of the Advocate under Order XLIX Rule 2 towards costs, fees etc. We represented about the books of accounts which is not possible for every advocate to maintain as required in order IV Rule 7 (d). It was however, pointed out by the Registrars that these rules already existed in the previous rules and there was no amendment or addition on these issues.

7. The Hon'ble CJI was of the view that our objections should be in two separate sections, regarding new changes and old rules which are continued into the new Rules, because in any case, the issues and objections which existed in the Supreme



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Court Rules-1966, which are currently in existence, will continue to operate even if the coming into force of some or all of the new Rules-2013 is deferred.

8. The Hon'ble Chief Justice of India asked us to make proper representation supported with reasons and statistics, if necessary, in two parts, one containing our grievances and suggestions to the specific amended rules, which are being amended/alterd for the first time in the 2013 Rules and a second part on the specific rules which existed in the 1966 Rules but ought to be amended in the 2013 Rules.

9. The Hon'ble Chief Justice of India said that he would forward our representation to the Rules Committee with a request to consider them on merits. We also made a request that the Rules Committee may be requested to hear our representatives. The Chief Justice of India said that he will recommend it to the Rules Committee.

10. The Executive Committee meeting is to be held on Monday, the 11th August, 2014 at 4.10 pm in which we will finalise the objection/suggestions to be given in two parts as mentioned above along with reasons and we request our Hon'ble members and members of the Executive Committee to give their suggestions by Sunday, 10th August 2014, so that they can be compiled, discussed and effectively articulated in Monday's meeting.


AISHWARYA BHATI
Hony. Secretary