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W.P.No.30161 of 2019

and

W.M.P.Nos.30117, 30118 & 30121 of 2019

S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

[Interim order of the Court was made by

S.M.SUBRAMANIAM, J.]

The writ petition has been instituted mainly challenging the proceedings of the Bar Council of Tamil Nadu and Puducherry dated 14.09.2019.

2. The Bar Council of Tamil Nadu and Puducherry clarified in the impugned order that recognized Bar Association by the Bar Council of Tamil Nadu and Puducherry, i.e., the Egmore Court Advocate's Association (hereinafter referred to as 'ECAA') should conduct Election by following the order dated 24.05.2019 passed by the Enrollment Committee in the matter of G.T.Bar Association.

3. It is brought to the notice of this Court that the term of the elected Office Bearers expired long back and the Office Bearers even



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after expiry of term is continuing, which is causing a concern amongst the Advocates practicing in ECAA. The members of ECAA have insisted to conduct election and on account of the pendency of the present writ petition, elections are unable to be conducted.

4. We are of the considered view that the democratic process of election must be conducted without causing any undue delay. No elected Office Bearers should be allowed to continue after expiry of their term as prescribed under the byelaws approved by the competent Authority under the statute. Now, there is no impediment to conduct election for ECAA. Few Bar members, who all are present before this Court made a request that the elections are to be conducted in the interest of the ECAA. Mr.T.Mohan, learned Senior Counsel appearing on behalf of the petitioner has no objection to conduct election to ECAA.

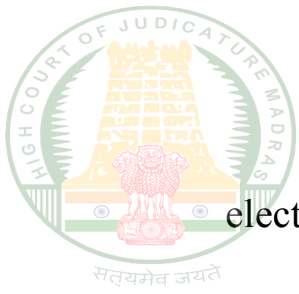
5. Though the parties have expressed different ideas regarding conduct of election either through this Court by appointing an Election Commissioner or through the Election Commissioner



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appointed by the General Body of the Association. This Court is not inclined to appoint the Election Officer by this Court for conducting election. Equally, we are not inclined to go by the General Body Resolution, in the present case, in view of the dispute prevailing amongst the members of the ECAA.

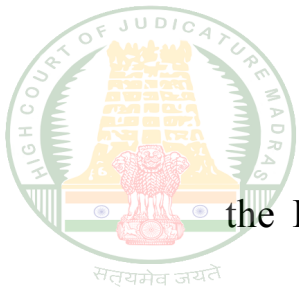
6. The Bar Council of Tamil Nadu and Puducherry is the Statutory Body recognising the Bar Associations across the State of Tamil Nadu. Hundreds of such Associations are recognized by the Bar Council of Tamil Nadu and Puducherry and their activities are being monitored by them. Recognition of Bar Associations by the Bar Council of Tamil Nadu and Puducherry is of paramount importance for varieties of reasons. Bar Associations are provided accommodation by the Court which is a public premise. The Advocates are Officers of the Court and they are part justice delivery system. They have got duty towards the Court, litigant and their colleagues. They cannot be treated as aliens in the Court premises. Their duties towards the Court are onerous, as they are part of the institution. The elections of the Bar Associations cannot be conducted in an isolated manner, since such



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elections are conducted within the Court premises, which is a public premise. Utmost decorum is to be maintained while conducting activities of the Bar Associations recognized not only by the Bar Council of Tamil Nadu and Puducherry, but also by the Judicial Administration in the State of Tamil Nadu and Puducherry. When free accommodations and other infrastructure facilities are provided by the Judicial Administration for Bar Associations for their benefit to practice legal profession in a peaceful manner, equally they are duty bound to maintain decorum and integrity, while practicing legal profession both inside and outside the Court premises.

7. The functions of the Bar Council of Tamil Nadu need not be undermined unnecessarily by the Courts by appointing an Election Commissioner at the choice of the Court. The Bar Council is the body constituted under the Act and they are recognizing the Associations based on the provisions of the Act and Rules. Thus, the Bar Council is bound to take responsibility for conducting peaceful elections in recognised Associations. In the event of any unruly behavior of the members of the Bar Association or any unlawful or illegal activities,



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the Bar Council of Tamil Nadu and Puducherry is bound to initiate appropriate disciplinary action against the Advocates, involving in such activities.

8. In view of the facts and circumstances, the first respondent-Bar Council of Tamil Nadu and Puducherry is directed to appoint Election Commissioner and required number of Officers to assist the Election Commissioner to conduct peaceful election for ECAA and the Election Schedule also shall be published by the Bar Council of Tamil Nadu. The entire exercise of completion of election process and declaration of results must be done on or before 30.08.2024.

9. It is needless to state that the present election will be conducted as per the existing approved byelaws of ECAA. The third respondent/Commissioner of Police is directed to provide necessary police protection for conduct of election by the Bar Council of Tamil Nadu and Puducherry at Egmore Association premises in a peaceful manner.



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10. The first respondent is directed to submit a report of compliance before this Court on 30.08.2024.

11. Post the matter on 30.08.2024, under the caption 'for reporting compliance'.

[S.M.S., J.] [C.K., J.]
19.06.2024
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S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

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