

News

No One Dares Question President Or Secretary: SCBA EC Member Senior Advocate Shobha Gupta Pens Open Letter Criticizing Its Operations



"Selecting a wrong candidate or allowing a wrong candidate to win the election is a gravely irreversible choice",

Senior Advocate Shobha Gupta pens.

Senior Executive Committee member Supreme Court Bar Association (SCBA), Senior Advocate Shobha Gupta wrote a trenchantly worded open letter strongly reproaching the working of the Executive Committee (EC) 2024–2025.

Gupta has in the letter reproached the culture of silence, marginalisation, and untrammelled power, particularly in so far as the SCBA President and Secretary are concerned.

Gupta, who alleges that she was made a Senior Executive Member of the SCBA after being "virtually pressurized" into submitting her nomination, states in her piece that hopes for a robust and effective committee remained just a dream. Explaining the reality within the EC, she states,

"Most of the EC members were rendered absolutely redundant...The Sub-Committees were constituted by the Secretary and the Vice President without any consultation with rest of the EC... approval of EC [became] a completely futile exercise."

In her letter, she has alleged that the EC worked in an environment where the members were too afraid to voice anything, "Nobody would want or rather dare to question the President or the Secretary," she says, adding that providing a different opinion "is taken as opposing someone and starts the lobbying, etc.

" Consequently, she writes, opposition members were excluded and even punished, "The members of EC who would express their concern on the process... would become an eyesore, would be left out in all activities... Trivial things, like denying bar participation, not at all sending or sending at the 24th hour the invites issued by even Supreme Court... would be done with you."

Gupta directly challenges the leadership style, reporting that despite numerous attempts by a group of EC members to bring about constructive changes, there was still no change.

She states,

"We sent representations and mails from time to time to the President, but for no response and no reactions. In fact, matters raised under signature of 8 EC members, were never attended to or placed before the EC meetings till date despite reminders. She has expressed in the letter, "In this almost 1 year period of EC 2024, we could know nothing about how and why the decisions were being taken."

We had no option but to either remain silent in the EC agreeing with the decisions of the Secretary either with or without the information and consent of the President and vice

president or to feel embarrassed by demanding an enlightened democratic process being followed. The majority of us clearly had no existence, value, worth or value in the EC operations than only to sign the minutes whenever if at all requested, or to simply attend the functions without any responsibility of a job."

She remembers one occasion where EC members directly approached the President,

"We... informed him that we wish to work together and you as head of the EC, kindly play that crucial role... but we did not get a change of situation even afterward."

Gupta said President Kapil Sibal, Vice President, and Secretary used to "leave the meeting in between" when some objections were raised.

Decisions were apparently made without process, such as a decision to employ 39 more SCBA staff, of which most EC members were

"completely in the dark" about.

"Although in consideration of the serious objections... the Secretary promised to withdraw this circular, consistent with no time... he also issued a new circular to fill 39 vacancies,"

she explains,

detailing how even that decision was sought to be taken by circulation to circumvent the EC. She narrates that the majority of dysfunction was due to the unchecked political power and finance control in a few hands and further states,

"If all these areas which involve so much money... are taken out from the hands of the Association... no non-serious lawyer would even think of getting into these elections."

Apart from her own frustrations, Gupta states that she was asked not to quit during the early periods of the term, in hope that matters shall improve, though it did not, and narrates that the timely election in order to bring in a different EC instead of the current EC appears to be the only respite.

She signs off the letter by writing,

"We elect our office bearers to represent us and to look after our best interest... The intention of these Bar Associations should be to serve the members of the Bar and the litigants... not to engage in self-serving activities... Selecting a wrong candidate or allowing a wrong candidate to win the election, is seriously irreversible decision."

In February this year, eleven members of the Executive Committee, among them Senior Advocate Shobha Gupta, had written to its President Kapil Sibal, requesting him to summon a meeting of the Executive Committee within a span of seven days.

In August of last year, the EC members, Senior Advocate Shobha Gupta, had sent a letter to Sibal following a resolution on the SCBA letterhead being released, signed by Sibal, on the subject of the incident at the RG Kar Medical College and Hospital. The EC Members have accused the so-called resolution of not having been placed before the EC at all.

Sibal was subsequently representing the State of West Bengal in a suo motu case filed by the Apex Court on the same event.