

25.09.2026

PRESS STATEMENT

We, the Lawyers Association for Constitution, write with deep respect for the Supreme Court of India and its long role as the guardian of the Constitution. It is in that spirit that we note, with concern, recent public reports raising questions of judicial propriety in two matters heard on 23 September 2026 by benches consisting of Justice Satish Chandra Sharma. We believe that openly addressing these concerns will only strengthen the high regard in which the Court is held.

The first matter concerns the challenge to the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023. On 23 September 2026, a bench of Justice Dipankar Datta and Justice Satish Chandra Sharma delivered a split opinion on whether the matter should go to a Constitution Bench, and the papers have been placed before the Hon'ble Chief Justice of India. On the same day, a bench presided over by Justice Sharma stayed the Allahabad High Court's strictures and its direction to recover compensation from Ms Medha Roopam, District Magistrate, Noida. Ms Roopam is the daughter of the present Chief Election Commissioner. After the publication of news about the improper listing of the case, the order was subsequently revised as well.

It has since been reported that the son of Justice Sharma is empanelled as a standing counsel for the Election Commission of India before the Hon'ble High Court of Madhya Pradesh. We do not know whether this was brought to the notice of the parties in either matter. We wish to state that we are not on the merits of the case but on how these circumstances may appear to the public.

The Supreme Court has long held that the test in such situations is not whether a judge was in fact influenced. The test is whether a fair-minded and informed observer might reasonably apprehend a possibility of bias. These principles exist to protect judges as much as litigants.

In this light, we request that the order dated 23 September 2026, as modified on 24 September 2026, in SLP (Crl) Diary No.56202/2026 *Medha Roopam v. Akriti Chaudhary & Ors.*, and the connected matter, be recalled and the matter be listed before the bench that holds the regular roster. We also respectfully request that the question of referring the challenge to the 2023 Act to a Constitution Bench be heard afresh by a bench of which Justice Sharma is not a member. We would further welcome clarity on how the *Medha Roopam* matter came to be listed, and we suggest that the Court consider a transparent protocol on disclosure and recusal where close relatives of a judge are engaged as counsel by a party or an interested institution.

LAWYERS ASSOCIATION FOR CONSTITUTION