

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 322 CUTTACK, FRIDAY, FEBRUARY 15, 2019/MAGHA 26, 1940

PUBLISHED UNDER THE AUTHORITY OF THE
HIGH COURT OF ORISSA, CUTTACK
NOTIFICATION

The 13th February 2019

No. 324-R.---In exercise of the power conferred by Section 34(1) read with Section 16(2) of The Advocates Act, 1961 and in accordance with the guidelines laid down by the Supreme Court of India in its Judgment, dated 12th October, 2017 in Writ Petition (Civil) No. 454 of 2015, the High Court of Orissa frames the following Rules for Designation of Senior Advocate and the matters incidental thereto.

1. Short title and commencement

- (1) These Rules shall be called 'High Court of Orissa (Designation of Senior Advocate) Rules, 2019'.
- (2) These Rules shall come into force from the date of their publication in the Official Gazette.

2. Definitions- In these Rules, unless the context otherwise requires:-

- (a) "Advocate" means an Advocate entered in any roll under the provisions of The Advocates Act, 1961.
- (b) "Committee" means the Permanent Committee for Designation of Senior Advocates as constituted under sub-rule (1) of Rule 3 of these Rules.
- (c) "High Court" means the High Court defined in Section 2 (g) of The Advocates Act, 1961;
- (d) "Secretariat" means the Secretariat established by the Chief Justice of the High Court of Orissa under sub-rule (2) of Rule 3 of these Rules.

3. Permanent Committee for designation of Senior Advocates:-

- (1) All the matters relating to designation of Senior Advocates in the High Court shall be dealt with by the Permanent Committee, which will be headed by the Chief Justice and consist of the two Senior-most Judges of the High Court; (ii) the Advocate General of the State of Odisha; and (iii) a designated Senior Advocate of the Bar to be nominated by the members of the Committee.
- (2) The Committee constituted under sub-rule (1) shall have a Secretariat, the composition of which will be decided by the Chief Justice of the High Court, in consultation with other members of the Committee.
- (3) The Committee may issue such directions from time to time as deemed necessary regarding functioning of the Secretariat, including the manner in which, and the source(s) from which, the necessary data and information with regard to designation of Senior Advocates are to be collected, compiled and presented.

4. Designation of an Advocate as Senior Advocate:-

- (1) The High Court may designate an Advocate as a Senior Advocate, if in its opinion, by virtue of his/her ability and standing at the Bar, the said Advocate is deserving of such distinction.

Explanation: The term “standing at the Bar” means position of eminence attained by an Advocate at the Bar by virtue of his/her seniority, legal acumen, and high ethical standards maintained by him, both inside and outside the Court.

- (2) No person shall be eligible to be designated as Senior Advocate unless he/she:
 - (i) has a minimum ten years of practice as an Advocate in the High Court of Orissa or in the Courts subordinate to the High Court of Orissa.
 - (ii) has appeared and actually argued cases in High Court of Orissa or Courts Subordinate to it.

5. Motion for designation as Senior Advocate:-

- (1) Designation of an Advocate as Senior Advocate by the High Court of Orissa may be considered on the written proposal made by:
 - (a) the Chief Justice or any sitting Judge of the High Court of Orissa;

Provided that every such proposal shall be made, as far as possible, in Form No.1 of Appendix-A appended to these Rules and shall carry a written consent of the Advocate concerned to be designated as Senior Advocate.

- (2) Designation of an Advocate as Senior Advocate by the High Court of Orissa may also be considered on the written application of the Advocate concerned that shall be made, as far as possible, in Form No. 2 of Appendix-A appended to these Rules.
- (3) Along with the proposal or application, as the case may be, the Advocate concerned shall append his certificate that he has not applied to any other High Court for being designated as Senior Advocate and that his application has not been rejected by the High Court within a period of two years prior to the date of the proposal or application.

6. Procedure for Designation:-

- (1) All the written proposals or applications for designation of an Advocate as a Senior Advocate shall be submitted to the Secretariat.

Provided further that in case the proposal emanates from a Judge, the Secretariat shall request such Advocate to submit Form No. 2 duly filled in within such time as directed by the Committee.
- (2) On receipt of an application or proposal for designation of an Advocate as a Senior Advocate, the Secretariat shall compile the relevant data and the information with regard to the reputation, conduct, integrity of the Advocate concerned and on the matters covered by Sl. Nos. 2 & 3 of Appendix-B covering a period of last 5 years.
- (3) The Secretariat will notify the proposed names of the Advocates to be designated as Senior Advocates on the official website of the High Court of Orissa, inviting suggestions and views within such time as may be fixed by the Committee.
- (4) After the material in terms of the above is compiled and all such information, as may be specifically required by the Committee to be obtained in respect of any particular candidate, has been obtained and the suggestions and views have been received, the Secretariat shall put up the case before the Committee for scrutiny.
- (5) Upon submission of the case by the Secretariat, the Committee shall examine the same in the light of the material provided and, if it so desires, may also interact with the concerned Advocate(s) and thereafter make its overall assessment on the basis of the point based format provided in **APPENDIX-B** to these Rules.

- (6) After the overall assessment by the Committee, all the names listed before it will be submitted to the Full Court along with its Assessment Report.
- (7) Normally voting by ballot shall not be resorted to unless unavoidable. The motion shall be carried out by consensus, failing which voting by ballot may be resorted to. In the event of voting by ballot, the views of the majority of the Judges present and voting shall constitute the decision of the Full Court. However the Seniormost Judge or Chief Justice as the case may be present in the Full Court shall not cast his vote. In case the Judges present be equally divided, the Chief Justice or in his absence the Seniormost Judge present shall have the casting vote.
- (8) The cases that have not been favorably considered by the Full Court may be reviewed/reconsidered after the expiry of a period of two years, following the same procedure as prescribed above as if the proposal is being considered afresh.
- (9) Notwithstanding the above noted procedure for designation of an Advocate as Senior Advocate, Full Court on its own can designate an Advocate as Senior Advocate even without any proposal from Hon'ble Judges or application from the Advocate if it is of the opinion that by virtue of his/her ability or standing at the Bar said Advocate deserves such designation.

7. Designation of Advocates as Senior Advocates by the Chief Justice:-

- (1) On the approval of the name of the Advocate by the Full Court, the Chief Justice shall designate such an Advocate as a Senior Advocate under Section 16 of the Advocate's Act, 1961.
- (2) The Registrar General shall notify the designation to the Secretary General of the Supreme Court of India, Registrar General of other High Courts, the Bar Council of Odisha, Bar Council of India and also to all the District & Sessions Judges subordinate to the High Court of Orissa.
- (3) A record of the proceedings of the Committee and the record received from the Full Court in this regard shall be maintained by the Permanent Secretariat for further reference.

8. Restrictions on Designated Senior Advocates:-

A Senior Advocate shall be subject to such restrictions as the Supreme Court, High Court, the Bar Council of India or the Bar Council of the State may prescribe from time to time.

9. Canvassing:-

Canvassing in any manner by a nominee/applicant for designation as a Senior Advocate shall disqualify him/her from being so considered or designated for the next five years.

10. Interpretation:-

All questions relating to the interpretation of these Rules shall be referred to the Chief Justice, whose decision thereon shall be final.

11. Review and Recall:-

If, after being designated as a Senior Advocate, it is reported by a Judge of the Court, that by virtue of his/her conduct or behavior either inside or outside the Court he/she has forfeited his/her privilege to the distinction conferred upon him/her by the Court, the matter may be placed by the Chief Justice before the Full Court for consideration of withdrawal of designation as Senior Advocate. If the Full Court is of the view that Senior Advocate by virtue of his/her conduct or behavior either inside or outside the Court has disentitled himself/herself to be worthy of the designation, the Full Court may review its decision to designate the concerned person as Senior Advocate and recall the same. The Registrar General shall notify the decision in the same manner as provided in sub-rule (2) of Rule 7 of these Rules.

12. Repeal and Saving:-

All previous rules/guidelines/instructions on the subject matter covered by these Rules for designating an Advocate as Senior Advocate are hereby repealed. However this repeal shall not, by itself, invalidate the actions taken under the repealed rules/guidelines.

BY ORDER OF THE HON'BLE CHIEF JUSTICE

(C.R.DASH)

REGISTRAR (JUDICIAL)

APPENDIX-A

FORM NO.1

[Rule 5(1)]

FORM OF PROPOSAL FOR DESIGNATION AS A SENIOR ADVOCATE

It is proposed that the Advocate whose particulars are given below may be designated as a Senior Advocate by the High Court of Orissa:

1. Name of the Advocate :
2. Permanent Residential Address and mobile :
number of the Advocate
3. Email Address :
4. Education Qualification :
5. Date of Birth :
6. Date of enrolment as an Advocate and :
where enrolled
7. Enrolment Number :
8. Other information, if any, including reported :
cases, legal aid work / publication /
participation in Seminar or Conference /
association with any Faculty of Law etc.

Dated:

SIGNATURE OF JUDGE

I hereby express and give my consent to be designated as a Senior Advocate by the High Court of Orissa.

Dated:

SIGNATURE OF ADVOCATE

APPENDIX-A**[See Rule 5(1)]****Form No.2****FORM OF APPLICATION FOR DESIGNATION AS SENIOR ADVOCATE**

Latest passport size photograph of Applicant

1.	Name	:	
2.	Father's /Husband's Name	:	
3.	Address	Permanent Address	:
		Correspondence Address	:
4.	Age/Date of Birth	:	
5.	Enrollment No. Bar Council & Enrollment Date (Enclose copy)	:	
6.	Advocate Roll No.	:	
7.	Name of the Bar Association of which he/she is a member	:	
8.	Number of years of practice, and in which Court(s)	:	
9.	If specialized in any branch of Law	:	
10	Professional Qualification (Enclose Copy)	:	
11.	Additional Qualification (Enclose Copy)	:	

12.	Contact No.	:	
	Email	:	
13.	Whether he/she is, or has been in the panel of Advocates of the State or Central Government or a public sector undertaking, or a statutory body, or institution. If so, details thereof.	:	
14.	Particulars of important matters involving question of law in which he/she appeared in the last five years, and particulars of at least ten citations of such reported cases during this period.	:	
15.	Names and particulars of Advocates associated with him/her in his/her chamber/office.	:	
16.	Particulars of cases in which he/she appeared as an arguing Counsel, on behalf of another Advocate, (not being an advocate from his/her chamber/office), during the proceeding three years, and the name and particulars of the Advocates on whose behalf he/she appeared.	:	
17.	Particulars of articles, if any, published in any journal or books, if any, authored.	:	
18.	Whether associated with any Law Colleges/Universities (if so, the particulars thereof).	:	
19.	Particulars of the cases in which he/she provided free legal aid.	:	

20.	Particulars of the pro bono work performed.	:	
21.	Whether or not his/her name was considered for being designated as Senior Advocate within last two years.	:	
22.	Whether he/she is involved in any criminal case, disciplinary proceedings before the State Bar Council. If so the particulars/the result/the stage of the proceedings.	:	
23.	Whether he/she is involved in any contempt case.	:	
24.	Whether any proceeding for professional misconduct has been initiated against him/her by the State Bar Council of Odisha/Bar Council of India (pending or decided).	:	
25.	Whether any remark has ever been passed against him/her in any order/judgment by any Court of Law.	:	
26.	Whether he/she is involved in any collateral activities which may disqualify him/her for being designated as Senior Advocate.	:	

(SIGNATURE OF THE APPLICANT)

I, the undersigned Advocate have gone through the Bar Council of India Rules, 1975 governing the conduct of Senior Advocate, practicing in the State of Odisha and submit my application for being designated as Senior Advocate and state my consent to be so designated by the High Court.

Dated

(Signature)

APPENDIX-B
[See Rule 6(5)]

**POINT BASED FORMAT FOR ASSESSMENT OF AN ADVOCATE FOR BEING DESIGNATED
AS SENIOR ADVOCATE**

Sl. No.	Matter	Points
1.	Number of years of practice of the Applicant Advocate from the date of enrollment. [10 points for 10-20 years of practice, 20 points for practice beyond 20 years]	20 points
2.	Judgments (Reported and unreported) which indicate the legal proceeding formulations advanced by the concerned Advocate in the course of the proceedings of the case; pro bono work done by the concerned Advocate; domain Expertise of the Applicant Advocate in various branches of law, such as constitutional law, Inter-State Water Disputes, Criminal Law, Arbitration Law, Corporate Law, Family Law, Human Rights, Public Interest Litigation, International Law, Law relating to women, etc.	40 points
3.	Publications by the Applicant Advocate	15 points
4.	Test of Personality & Suitability on the basis of interview/interaction	25 points

By Order of the Court

Registrar (Judicial)