

HIGH COURT OF DELHI: NEW DELHI

NOTIFICATION

No. 295/Rules/DHC

Dated : 13.03.2019

In exercise of the powers conferred by Section 7 of the Delhi High Court Act, 1966 (Act 26 of 1966), Section 16(2) of the Advocates Act, 1961 and all other powers enabling it in this behalf, the High Court of Delhi, hereby makes the following amendments in Chapter 6-L, Volume V of High Court Rules & Orders :-

The following shall be substituted for the existing Chapter 6-L:-

Part L

RULES FRAMED BY THE HIGH COURT OF DELHI UNDER SECTION 16(2) OF THE ADVOCATES ACT, 1961 FOR DESIGNATING AN ADVOCATE AS SENIOR ADVOCATE

(1) Short title, extent and commencement: -

- (i) These rules shall be called ‘The High Court of Delhi Designation of Senior Advocate Rules, 2018’.
- (ii) These Rules shall extend to the entire jurisdiction of the High Court of Delhi at New Delhi.
- (iii) These Rules shall come into force from the date of their publication in the Delhi Gazette.

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

- (i) “Advocate” means an Advocate who is duly registered with the Bar Council of Delhi constituted under the Advocates Act, 1961.
- (ii) “Committee” means the “Committee for Designation of Senior Advocates” as constituted under Rule 3 of these Rules;
- (iii) “High Court” means the High Court of Delhi
- (iv) “Full Court” means all the Judges of the High Court present
- (v) “Registrar General” means the Registrar General of the High Court
- (vi) “Secretariat” means the Secretariat established by the Chief Justice of the High Court under Rule 4 of these Rules.

(3) **Committee**:- All matters relating to designation of Senior Advocates by the High Court of Delhi shall be dealt with by a Committee – “Committee for Designation of Senior Advocates” comprising of the following members:-

- (i) Hon’ble the Chief Justice – Chairperson of the Committee
- (ii) Two Senior most Judges of the High Court
- (iii) Additional Solicitor General of India for the High Court
- (iv) To be nominated by the Administrative Committee of the High Court out of the names of three Senior Advocates given by the Government of NCT of Delhi
- (v) Member of the Bar nominated by the above

(4) **Secretariat**:-

- (i) There shall be a Secretariat of the Committee, composition of which will be as directed by Hon’ble the Chief Justice in consultation with the other members of the Committee.
- (ii) 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.

(5) **Eligibility Conditions**: No person shall be eligible for being designated as Senior Advocate unless he / she -

- (i) has practiced as an Advocate at the Bar for not less than 10 years;
- (ii) is enrolled with a Bar Council constituted under the Advocates Act, 1961;
- (iii) has been mainly practising in the High Court of Delhi and the Courts Subordinate to it; and
- (iv) has appeared and argued cases or provided legal services pro-bono.

Explanation: The eligibility condition with regard to minimum standing as a practising Advocate shall not apply to retired Judicial Officers of Delhi or those who have resigned having service and / or practice of 10 years at their credit and retired High Court Judges.

(6) **Canvassing:** Canvassing by a nominee for designation as a Senior Advocate shall disqualify him for being so designated.

(7) **Procedure for designation of an Advocate as Senior Advocate.** An advocate may be considered by the High Court for being designated as Senior Advocate either (A) Suo Motu by the High Court or (B) on a Joint Proposal by Senior Advocates

(A) Procedure Suo Motu:

(i) An Advocate who fulfills the eligibility conditions prescribed hereinbefore, may be considered suo moto by the High Court for being designated as a Senior Advocate either on the written proposal of a Judge of the High Court or of Hon'ble the Chief Justice of the High Court.

(ii) Such written proposal of a Judge or of Hon'ble the Chief Justice shall be sent to the Registrar General who shall forward it to the Secretariat after obtaining a consent – cum – personal information sheet (**Annexure-A to these Rules**) duly filled in and signed by the Advocate concerned.

(B) Procedure on Joint Proposal by Senior Advocates:

(iii) Three Senior Advocates designated by Delhi High Court, with not less than five years individual standing at the Bar, as Senior Advocate, may jointly make a proposal to the High Court for designation of an Advocate as Senior Advocate.

(iv) Provided that no such Senior Advocate shall propose more than two names in two consecutive considerations by the Full Court and that the proposal(s) so made by the Senior Advocate shall be signed and dated and a copy of the same shall be filed by the Senior Advocate making the proposal(s) with the Secretariat within four weeks of the date of issuance of such proposal(s).

(v) Such joint proposal of three Senior Advocates shall be sent to the Registrar General who shall forward it to the Secretariat after obtaining a consent – cum – personal information sheet (**Annexure-A to these Rules**) duly filled in and signed by the Advocate concerned.

(8) **Compilation of Data by the Secretariat:** On receipt of all proposals including written proposals by the Judges for designation of an Advocate as Senior Advocate, the Secretariat shall:-

(i) Publish on the official website of the High Court the proposal for designation of the particular Advocate as Senior Advocate for inviting suggestions / views of other stakeholders in his / her proposed designation within four weeks of such publication on the website of the High Court or such other period as may be prescribed by the Committee;

(ii) Collect data and information of the Advocate(s) concerned regarding his / her:-

- (a) Reputation, conduct and integrity;
- (b) Participation in pro-bono work;
- (c) Number of reported judgments in which the Advocate(s) concerned appeared for the last five years preceding the proposal for designation; and
- (d) Such other information about the Advocate(s) concerned as may be specifically directed by the Committee; and

(iii) On receipt of suggestions / views under sub-rule (i) and collection of data and information under sub-rule (ii), the Secretariat shall compile a database of the Advocate(s) concerned and put up the same before the Committee

(9) Assessment by the Committee:- The Committee shall examine each proposal for designation of an Advocate as Senior Advocate in the light of the data compiled by the Secretariat and shall also interview the concerned Advocate. The Committee shall then make its overall assessment of the concerned Advocate on the basis of the following point based format:-

S. No.	Matter	Points
1.	Number of years of practice of the Applicant Advocate from the date of enrolment. [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 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 in Specialized Areas of law	40 points
3.	Publications by the Applicant Advocate	15 points
4.	Test of Personality & Suitability on the basis of interview/interaction	25 Points

(10) Full Court:

(i) 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. Ordinarily, the Full Court may not resort to voting by secret ballot, except when unavoidable.

(ii) In the event of resort to secret ballot, decisions of the Full Court will be carried by a majority of the Judges who have chosen to exercise their preference / choice, where at least two-thirds of the total strength of the sitting Judges have cast their ballot, irrespective of the Judge casting ballot being present or not in the Full Court meeting.

(iii) The Full Court shall not be required to record reasons for its decision(s).

(11) Designation of Advocates as Senior Advocates by the Chief Justice:-

(i) On the approval of the name of the Advocate(s) by the Full Court, the Chief Justice shall designate such an Advocate as a Senior Advocate under Section 16 (2) of the Advocates' Act, 1961.

(ii) The Registrar General shall notify the designation to the Secretary General of the Supreme Court of India, the Bar Council of Delhi, Bar Council of India and also to all the District and Sessions Judges subordinate to the High Court.

(iii) A record of the proceedings of the Committee and the record received from the Full Court in this regard shall be maintained by the Secretariat for reference.

(12) Review / Reconsideration:

(i) If a proposal for designation as Senior Advocate is not favourably considered by the Full Court, the Advocate(s) concerned would be ineligible for being recommended for designation as a Senior Advocate for a period of two years from the date of such decision and intimation thereof being sent to the proposers and the Advocate(s) concerned.

(ii) The decision of the Full Court in respect of the Advocate(s) concerned may thereafter be reviewed / reconsidered by following the procedure prescribed above, as if the proposal is being considered afresh.

(13) Recall of Designation:

(i) In the event a Senior Advocate is guilty of conduct which according to the Full Court disentitles the Senior Advocate concerned to continue to be worthy of the designation the Full Court may review its decision to designate the concerned person and recall the same.

(ii) The procedure for recall shall be the same as provided under sub-rule (ii) of Rule 10.

(iii) The Registrar General shall notify the decision of recall in the same manner as provided for in Rule 11.

(14) Repeal and Saving: The Rules framed by the High Court vide notification no. 529/Rules/DHC dated 14.12.2012 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.

PROFORMA OF BIO-DATA, CONSENT AND UNDERTAKING

SL NO.	PARTICULARS	
1.	Name:	
2.	Father's/Husband's Name:	
3.	Address with Contact Number and E-Mail address:	
4.	Date of birth:	
5.	Qualification:	
6.	No. and date of enrolment as an Advocate and where enrolled:	
7.	Date from which continuously practising and place where practising :	
8.	If a former member of the State Judicial Service, length of such service and the experience at the Bar:	
9.	Fields of specialty in branches of law:	
10.	Particulars of important matters involving questions of law in which appeared in the last five years, and particulars of citations of reported cases during this period	
11.	Particulars of cases in which appeared as arguing Counsel on behalf of other Advocates (not being from own chamber / office) during the preceding three years and the names and particulars of the Advocates on whose behalf appeared	
12.	Particulars of articles, if any published in any journal or publication or books if any authored	

13.	Whether associated with any Faculty of Law of any University / College, if yes provide particulars	
14.	Particulars of cases in which appeared pro-bono and / or free legal aid given (where available, enclose orders)	
15.	Whether involved in any disciplinary proceedings before Bar Council of India, Bar Council of Delhi or Bar Council of any other state. If so the particulars / result / stage of the proceedings	
16.	Whether personally involved in any contempt proceedings	
17.	Whether any remark has ever been passed against him / her in any order / judgment by any Court of Law	
18.	Any other information which the learned Advocate may like to furnish.	
19.	Whether considered for designation as Senior Advocate by the Delhi High Court or any other High Court or Supreme Court at any time and also within one year prior to the date of proposal/consent (Also state if proposal pending with any Court):	

Note : Separate sheet can be used for providing answers to the aforesaid questions, if the space in this proforma is considered insufficient.

CONSENT

I _____, Advocate, do hereby consent to be designated as a Senior Advocate in terms of Section 16(2) of the Advocates Act, 1961 and agree and undertake to abide by all laws,

rules, regulations, norms and guidelines as are in force for the time being, or which may be prescribed hereafter for this purpose.

UNDERTAKING

I undertake that upon designation as Senior Advocate, I shall appear and argue pro-bono cases as assigned to me by any Authority under the Legal Services Authorities Act, 1987.

PLACE:

DATE:

SIGNATURE

By Order of the Court
Sd/-
(DINESH KUMAR SHARMA)
REGISTRAR GENERAL