

HIGH COURT OF CHHATTISGARH, BILASPUR

NOTIFICATION

No. 10151

Date 25/10/18

High Court of Chhattisgarh (Designation of Senior Advocate) Rules, 2018

In exercise of powers 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 12/10/2017 in Writ Petition (C) No. 454 of 2015, the High Court of Chhattisgarh framed the following rules for Designation of Senior Advocate and the matters incidental thereto.

1 Short title, extent and Commencement :-

- (i) These Rules shall be called 'High Court of Chhattisgarh (Designation of Senior Advocate) Rules, 2018.
- (ii) These Rules shall extend to the whole jurisdiction of the High Court of Chhattisgarh.
- (iii) These Rules shall come into force immediately.

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

- (a) "Acting" means filling an appearance or any pleadings or applications in any Court, Tribunal or Authority in India, or any act (other than pleading) required or authorized by law to be done by a party in such Court or Tribunal either in person or by his recognized agent or by an advocate or attorney on his behalf;
- (b) "Advocate" means an advocate defined in the Advocates Act, 1961.
- (c) "Chief Justice" means the Chief Justice of the High Court of Chhattisgarh.
- (d) "Committee" means the Permanent Committee for Designation of Senior Advocates as constituted under sub-rule (i) of Rule 5 of these Rules,
- (e) "High Court" means the High Court defined in Section 2(g) of the

Advocates Act, 1961.

- (f) "Roll" means the roll of Advocates prepared and maintained under the Advocates Act, 1961.
- (g) "Secretariat" means the Secretariat established by the Chief Justice of the High Court of Chhattisgarh sub-rule (ii) of Rules 5 of these Rules.
- (h) "Instructing Advocate" means an advocate other than a Senior Advocate, who has been instructed by the party in the matter.
- (i) "Registrar General" means Registrar General of the High Court of Chhattisgarh.
- (j) "Tribunal" includes any authority or persons, legally authorized to take evidence and before whom advocates are by or under any law for the time being in force, entitled to practice.

3 Power to designate a Senior Advocate :-

- (i) The High Court may designate an Advocate as Senior Advocate, if in its opinion, by virtue of his ability and standing at the Bar, the said Advocate deserves such distinction.

Explanation : The term 'standing at the Bar' means the positions of eminence attained by an advocate at the Bar by virtue of his seniority, legal acumen and high ethical standards maintained by him, both inside and outside the court.

- (ii) No person shall be eligible to be designated as Senior Advocate unless he :
 - (a) has a minimum of ten years of regular practice as an Advocate in the High Court of Chhattisgarh.
 - (b) has appeared and actually argued in some reported cases

4 Motion for designation as Senior Advocate :-

- (i) Designation of an advocate as Senior Advocate by the High Court of Chhattisgarh be considered on the written proposal made by :
 - (a) the Chief Justice or any sitting Judge of the High Court of Chhattisgarh; or
 - (b) the Advocate General of the State of Chhattisgarh; or
 - (c) three Senior Advocates of the High Court of Chhattisgarh:

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.

- (ii) Designation of an Advocate as Senior Advocate by the High Court of Chhattisgarh 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.
- (iii) 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.

5 Permanent Committee for Designation of Senior Advocate:-

- (i) All the matters relating to designation of Senior Advocate in the High Court of Chhattisgarh shall be dealt with by a permanent Committee (to be known as "Committee for Designation of Senior Advocate") which will be headed by the Chief Justice and consist of :
 - (a) two senior most sitting Judges of the High Court of Chhattisgarh.
 - (b) the Advocate General of the State of Chhattisgarh; and
 - (c) a member of the Bar, to be nominated by other members in the first meeting of the Committee.
- (ii) The Committee constituted under sub-rule (i) above shall have a Secretariat, the composition of which will be decided by the Chief Justice of the High Court of Chhattisgarh in consultation with the other members of the Committee.
- (iii) The Committee may issue such directions from time to time as deemed necessary as regards functioning of the Secretariat, including the manner in which, and the sources from which, the necessary data and information are to be collected, compiled and presented.

6 Procedure for designation :-

- (i) All the application and written proposals for designation of an Advocate as Senior Advocate shall be submitted to the Secretariat.
- (ii) On receipt of any application or proposal for designation of an Advocate as Senior Advocate, the Secretariat shall compile the relevant data and information with regard to the reputation, conduct, integrity of the Advocate concerned including his participation in pro-bono work; reported judgment for the last five years in which the concerned Advocate has appeared and actually argued.
- (iii) The Secretariat will publish the application/proposal for designation of a particular Advocate as Senior Advocate in the official website of High Court of Chhattisgarh, inviting the suggestions/views of other stakeholders in the proposed designation within such time as may be directed by the Committee.
- (iv) After the data-base in terms of the above is compiled and all such information as may be specifically directed by the Committee to be obtained in respect of any particular candidate is collected; and the suggestions/views of the other stakeholders have been received, the Secretariat shall put up the case before the Committee for scrutiny.
- (v) Upon submission of the case by the Secretariat, the Committee shall examine the same in the light of the data provided and shall interview the concerned Advocate; and shall, thereafter, make its overall assessment on the basis of the point-based format provided in Appendix 'B' appended to these Rules.
- (vi) After the overall assessment by the Committee, all the names listed before it will be submitted to the Full Court along with the assessment report.
- (vii) Voting by secret ballot will not be normally resorted to in the Full Court except when unavoidable. In the event of resort to secret ballot, decisions will be carried by a majority of the Judges who have chosen to exercise their preference/choice.
- (viii) On the approval of the Full Court, an Advocate shall be designated as Senior Advocate.

7 Designation of Senior Advocate :-

On approval by Full Court, the concerned advocate shall be designated as Senior Advocate by the High Court. On such designation the Registrar General shall notify the fact to the Secretary General,

Supreme Court, the Bar Council of Chhattisgarh, the Bar Council of India and also to all the District and Sessions Judges subordinate to the High Court.

8 The name not to be reconsidered for next two years :-

If the name of an Advocate has been considered and not approved by the Full Court, it shall not be reconsidered for next two years.

9 Restriction on Senior Advocates :- A senior advocate shall not;

- (a) file a Vakalatnama or Memo of Appearance or act in any Court or Tribunal;
- (b) appear before a Court or Tribunal without an instructing advocate;
- (c) accept instruction to draw pleadings or affidavits, advise on evidence or do any drafting work of an analogous kind in any Court or Tribunal or undertake conveyancing work of any kind whatsoever. However, these prohibitions shall not extend to settling any such matter as aforesaid in consultation with an instructing advocate;
- (d) accept directly from a party any brief or instructions to appear in any Court or Tribunal;
- (e) enter into direct professional correspondence with a litigant;
- (f) be a standing counsel of any government, public sector undertaking, institution or local or corporate body and if he holds such a position, he shall resign or relinquish the same upon being designated a senior advocate;

Provided that, for the purpose of this sub-rule, holding of the office of the Advocate General, Attorney General, Solicitor General or Additional Solicitor General shall not amount to being a standing counsel.

10 Canvassing :-

Canvassing in any manner by a nominee/applicant for designation as Senior Advocate shall disqualify him for being designated.

11 Withdrawal of the conferment of Senior Advocate :-

- (a) The designation of Senior Advocate may be withdrawn by the High Court in the event it is found that after being designated as a Senior Advocate, he has violated any or all provisions of this Rule or the Rules prescribed by the Bar Council of India under sub-section (3) of Section 16 of the Advocates Act, 1961.
- (b) On receiving information of such violation or in case of his conviction by any competent Court of framing of charges for the offence involving moral turpitude or the Contempt of Courts Act, 1971, the Chief Justice may direct the matter to be placed before the Committee. The Committee after due notice to the senior advocate and after making such enquiry, as may deem fit, submit its recommendation to the Chief Justice.
- (c) The Chief Justice may direct to place recommendation of the Committee before the Full Court.
- (d) The Full Court may consider and decide recommendation of the Committee by 2/3 rd majority of working strength of the Judges by voting through secret ballot.
- (e) If the opinion of the Full Court the Senior Advocate has forfeited his/her privilege, then the High Court may withdraw his/her designation as a Senior Advocate.

12 Intimation of withdrawal of the conferment of designation of Senior Advocate :-

On withdrawal of designation of a Senior Advocate, the Registrar General shall notify the fact to the Secretary General, Supreme Court, the Bar Council of Chhattisgarh, the Bar Council of India as also to all the District & Sessions Judges subordinate to the High Court. The Registrar shall also inform the advocate in writing whose designation of Senior Advocate has been withdrawn.

13 A record of all Designation to be maintained :-

A record of all such designations and withdrawals shall be maintained in the Registry of the High Court.

14 Interpretation :-

All the questions relating to the interpretation of these rules shall be referred to the Chief justice whose decision thereon shall be final.

15 Repeal and Saving :-

All the previous Rules in respect of the subject matter covered by these Rules, including the Guidelines for Designation an Advocate as Senior Advocate, as made by the High Court of Chhattisgarh on 14/03/2014 with all its amendments/modifications, are hereby repealed. However, this repeal shall not, by itself, invalidate the actions taken under the repealed Rules/Guidelines.

FORM NO. 1

{Rule 4 (i)}

FORM OF PROPOSAL FOR DESIGNATION AS SENIOR ADVOCATE

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

1. Name of the Advocate :
2. Permanent Residential Address :
and mobile number of the Advocate
3. E-mail Address :
4. Educational Qualification :
5. Date of Birth :
6. Date of enrollment as an Advocate :
and where enrolled
7. Enrollment Number :
8. Other information, if any, including :
reported cases, legal aid work/
publication/participation in Seminar or
Conference/association any Faculty
of law etc.

Dated

Signature of proposer

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

Dated

Signature of Advocate

FORM NO. 2
{Rule 4 (ii)}

I, the undersigned Advocate, practicing in the State of Chhattisgarh, submit my application for being designated as Senior Advocate and state my consent to be so designated by the High Court of Chhattisgarh.

1. Name of the Applicant :
2. Educational Qualification :
3. Date of Birth :
4. Permanent Residential Address :
and mobile number of the Advocate
5. Address of professional office :
6. E-mail Address :
7. Date of enrollment as an Advocate :
and where enrolled
8. Number in the roll of Advocates :
maintained by the State Bar Council
and the date on which enrolled
9. Are you a member of any Association :
of Lawyers? If so, give details
10. Number of years' practice (or judicial :
service) and in which Court?
11. Have you specialized in any field of :
law? If so, give details.
12. Have you been a chamber junior to :
any lawyer? If so, furnish name of such
Lawyer/Lawyers and the period held as
such.
13. Are you in the panel or do you hold :
any office under the State or Central
Government?
14. Reference to any important matter in :
which you have appeared.
15. Have you had to your credit any :
Journal? If so, give details.
16. Have you attended or participated in :
any seminar/conference relating to law.
17. Are you connected with any faculty of :
law? If so, give details.
18. Has any application designation as :
Senior Advocate been made to the
High Court of Chhattisgarh or any
other Court before? If so, with what
result?
19. Are you ordinarily practicing within :
the jurisdiction of the High Court of
Chhattisgarh?
20. Other information/particulars, if any, :
including, reported cases, legal aid
work/publication etc.

Signature of the Applicant

**POINT BASED FORMAT FOR ASSEMENT OF AN ADVOCATE FOR
BEING DESIGNATION AS SENIOR ADVOCATE**

{Rule 6 (v)}

Sl. No.	Matter	Points
1	Number of years practice of the Advocate from the date of enrollment. {10 points for 10-20 years of practice; 20 points for practice beyond 20 years}	20 points
2	Judgment (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 of the Advocate in various branches of law, such as Constitutional law, Criminal Law, Arbitration Law, Corporate Law, Family Law, Human Rights, Public Interest Litigation, International Law, Law relating to women, Customary Laws in the State of Chhattisgarh	40 points
3.	Publications by the applicant Advocate	15 points
4.	Tests of Personality & Suitability on the basis of interview/interaction.	25 points

BY ORDER OF THE HIGH COURT

Sd/-
(Neelam Chand Sankhla)
Registrar General


Endt No 10152 /Rules/2018 Bilaspur, dated 25/10/18

Copy forwarded to :-

1. Deputy Registrar-cum-P.P.S. to Hon'ble the Chief Justice, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
2. Private Secretary to Hon'ble Mr. Justice Prashant Kumar Mishra, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
3. Private Secretary to Hon'ble Mr. Justice Manindra Mohan Shrivastava, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
4. Private Secretary to Hon'ble Mr. Justice Goutam Bhaduri, High Court of Chhattisgarh, Bilaspur for information of his Lordship.

5. Private Secretary to Hon'ble Mr. Justice Sanjay K. Agrawal, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
6. Private Secretary to Hon'ble Mr. Justice P. Sam Koshy, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
7. Private Secretary to Hon'ble Mr. Justice Sanjay Agrawal, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
8. Private Secretary to Hon'ble Mr. Justice Rajendra Chandra Singh Samant, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
9. Private Secretary to Hon'ble Mr. Justice Sharad Gupta, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
10. Private Secretary to Hon'ble Mr. Justice Ram Prasanna Sharma, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
11. Private Secretary to Hon'ble Mr. Justice Arvind Singh Chandel, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
12. Private Secretary to Hon'ble Mr. Justice Parth Prateem Sahu, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
13. Private Secretary to Hon'ble Mr. Justice Gautam Chourdiya, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
14. Private Secretary to Hon'ble Mrs. Justice Vimla Singh Kapoor, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
15. Private Secretary to Hon'ble Mrs. Justice Rajani Dubey, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
16. Private Secretary to Registrar General, High Court of Chhattisgarh, Bilaspur, for information.
17. Steno to Registrar (Vigilance/Establishment) High Court of Chhattisgarh, Bilaspur, for information.
18. Director, Chhattisgarh State Judicial Academy, High Court of Chhattisgarh, Bilaspur for information.
19. Principal Secretary, Govt. of Chhattisgarh, Law & Legislative Affairs Department, Mahanadi Bhawan (Capital Complex), Mantralaya, New Raipur for information.
20. The District & Sessions Judge, Bastar at Jagdalpur/ Bilaspur/ Durg/ Raigarh/ Raipur/Rajnandgaon/Dakshin Bastar at Dantewara/Janjgir-Champa/Dhamtari/ Korba/ Mahasamund/ Kabirdham (Kawardha)/ Uttar Bastar (Kanker)/Korea (Baikunthpur)/ Jashpur at Jashpurnagar/Balod/Bemetara/Kondagaon/Surajpur/ Surguja at Ambikapur/ Baloda-Bazar/ Mungeli/Balrampur at Ramanujganj for information.
21. The Principal Judge/Judge, Family Court Bemetara/ Bilaspur/ Korba/Raipur/ Durg/Rajnandgaon/ Dhamtari/Mahasamund/Jashpur/Kanker/Janjgir-Champa Bastar at Jagdalpur/Kabirdham (Kawardha)/ Surguja at Ambikapur/ Korea (Manendragarh) for information.
22. Joint Registrar (S&A Cell/C.S.J.A.), High Court of Chhattisgarh, Bilaspur for information.
23. The Budget Officer, High Court of Chhattisgarh, Bilaspur for information.
24. Additional Registrar (Admn./Judicial/D.E./O/o R.G. & E./Classification/ Checker & D.D.O./Criminal/Civil), High Court of Chhattisgarh, Bilaspur for information.
25. Officer-on-Special Duty-cum-C.P.C. High Court of Chhattisgarh, Bilaspur for information.
26. Member Secretary, Chhattisgarh State Legal Services Authority, Vidhik Seva Marg, Bilaspur for information.

27. The President, Chhattisgarh State Industrial Court, Near Ghadi Chowk, Raipur with a request to circulate all the Presiding Officers of the Labour Courts.
28. Commercial Court, Sector-19, Kotara Bhantha, Naya Raipur, C.G. 492101.
29. Secretary, High Court Legal Services Committee, High Court of Chhattisgarh, Bilaspur for information.
30. Advocate General, High Court of Chhattisgarh, Bilaspur.
31. Assistant Solicitor General, High Court of Chhattisgarh, Bilaspur.
 1. State Bar Council of Chhattisgarh, Bilaspur.
32. President, High Court Bar Association, High Court of Chhattisgarh, Bilaspur.
33. Deputy Registrar (Accounts & Pay Bill/Central Filing & Copying/ Writ/Confidential/Vigilance and I &E/Works), High Court of Chhattisgarh, Bilaspur for information.
34. Library, High Court of Chhattisgarh, Bilaspur for information.
35. Court Manager, High Court of Chhattisgarh, Bilaspur for information.
36. In-Charge, NIC High Court Computer Cell, High Court of Chhattisgarh, Bilaspur with a direction to upload in the official web-site of this High Court.
37. Deputy Director, Government Regional Press, In front of Indravati Bhawan, Eminities Hall, Naya Raipur. C.G. with a request to publish it in the forthcoming issue of Chhattisgarh Gazette.


25-10-2018
(Neelam Chand Sankhla)
Registrar General