

THE GAUHATI HIGH COURT AT GUWAHATI
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

NOTIFICATION NO. 18
Dated Guwahati, the 14th March, 2019

In exercise of the 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 Hon'ble Supreme Court of India in its judgment dated 12.10.2017, in Writ Petition No. 454 of 2015, Gauhati High Court is pleased to make the following rules for designation of an Advocate as a Senior Advocate and matters incidental thereto:

1. Short title and commencement.-

- (1) These Rules shall be called '**Gauhati High Court (Designation of Senior Advocates) Rules, 2018**'.
- (2) These Rules shall come into force at once.

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 constituted under sub-rule (1) of Rule 5 of these Rules.
- (c) "Court" means a civil, criminal, or revenue Court and includes any tribunal or any other authority constituted under any law, for the time being in force, to exercise judicial or quasi-judicial functions.
- (d) "High Court" means the High Court defined in Section 2(g) of the Advocates Act, 1961;
- (e) "Roll" means the roll of Advocates prepared and maintained under the Advocates Act, 1961;
- (f) "Secretariat" means the Secretariat established by the Chief Justice of the Gauhati High Court under sub-rule (2) of Rule 5 of these Rules.

3. Designation of an Advocate as a Senior Advocate.-

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

Explanation: The term "standing at the Bar" means the position 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.

(2) No person shall be eligible to be designated as a Senior Advocate unless he has actually practiced as an Advocate for not less than ten years in the Gauhati High Court or in any court subordinate to the Gauhati High Court and has appeared and actually argued in some reported cases or cases involving important questions of law.

4. Motion for designation as a Senior Advocate.-

(1) Designation of an Advocate as a Senior Advocate by the Gauhati High Court may be considered on the written proposal made by:

- (a) the Chief Justice or any sitting Judge of Gauhati High Court; or
- (b) two Senior Advocates practicing in the Gauhati High Court and its outlying benches in Kohima, Aizawl and Itanagar.

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 also carry a written consent of the Advocate concerned, to be designated as a Senior Advocate, in Form No.2 of Appendix-'A'.

(2) Designation of an Advocate as a Senior Advocate by the Gauhati High Court may also be considered on the written application of an Advocate that shall be made, as far as possible, in Form No.2 of Appendix-'A', appended to these Rules. Said application shall have to be certified and approved by at least two Senior Advocates.

(3) Along with the proposal or application, as the case may be, the Advocate shall append a certificate that he has not applied to any other High Court for being

designated as a 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 Advocates.-

- (1) All matters relating to designation of Senior Advocates in the Gauhati High Court shall be dealt with by a state wise permanent committee in respect of each of the states of Assam, Nagaland, Mizoram and Arunachal Pradesh (to be known as "Committee for Designation of Senior Advocates" for the respective state) which will be headed by
 - i. the Chief Justice and consist of
 - ii. two senior-most sitting Judges of Gauhati High Court;
 - iii. the Advocate General of the respective state from which the concerned Advocates are proposed to be designated as Senior Advocates.; and
 - iv. a designated Senior Advocate practicing in the respective State of which the Advocates under consideration are from, to be nominated by the other members of the committee.
- (2) The Committee constituted under sub-rule (1) above shall have a Secretariat, the composition of which shall be decided by the Chief Justice of Gauhati High Court in consultation with the other members of the Committee.
- (3) 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 source/s from which, the necessary data and information are to be collected, compiled and presented.

6. Procedure for designation.-

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

- (2) On receipt of the application or proposal for designation of an Advocate as a Senior Advocate, the Secretariat shall compile the relevant data and information with regard to the reputation, conduct, and integrity of the Advocate including his participation in pro-bono work and reported cases or cases involving questions of law in which he had appeared and actually argued during the last five years.
- (3) The Secretariat will publish the application/proposal received for designation of an Advocate as a Senior Advocate in the official website of the Gauhati High Court inviting suggestions/views of other stakeholders to the proposed designation within such time as may be directed by the Committee.
- (4) The Secretariat will place the suggestions/views of other stakeholders to the proposed designation before the Committee for taking further instructions. The Committee may, if considered fit and necessary, seek the response from the Advocate on the suggestions/views received in relation to his proposed designation, within such time as may be directed.
- (5) 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 the Advocate is collected, and the suggestions/views of the other stakeholders as also the response from the Advocate, if any, have been received, the Secretariat shall put up the case before the Committee for scrutiny.
- (6) Upon submission of the case by the Secretariat for scrutiny, the Committee shall examine the same in the light of the data provided and shall interview the Advocate; and shall, thereafter, make its overall assessment on the basis of the point-based format provided in Appendix –'B' appended to these Rules.
- (7) After the overall assessment of Advocates by the Committee, the names of those Advocates will be submitted to the Full Court along with the respective assessment reports.
- (8) On the approval of Full Court, an Advocate shall be designated as a Senior Advocate.
- (9) The cases that have not been favorably considered by the Full Court may be reviewed/reconsidered after expiry of a period of two years in the manner indicated above, as if the proposal/application is being considered afresh.

7. **Restrictions on Senior Advocates.** - An Advocate on being designated as Senior Advocate shall be subject himself/herself to all such restrictions as may be applicable under the law.
8. **Canvassing.** - Canvassing in any manner by a nominee/applicant shall disqualify him for being designated as a Senior Advocate.
9. **Review and recall.** - In the event of a Senior Advocate being guilty of any such conduct which according to the Full Court disentitles him to be worthy of designation as a Senior Advocate, the Full Court may review and recall its decision to designate him as a Senior Advocate after such notice to him as may be directed by the Chief Justice.
10. **Notification of designation/recall:-** In the event of designation of an Advocate as a Senior Advocate, or on recalling of any such designation, the notification to that effect shall be issued and published in such manner as may be directed by the Chief Justice.
11. **Interpretation.** - All questions relating to interpretation of these rules shall be referred to the Chief Justice whose decision thereon shall be final.
12. **Repeal and Savings.-** All the previous Rules, Notifications, Orders, etc relating to the subject matter covered by these Rules, including the Guidelines for Designating an Advocate as a Senior Advocate, as made by the Gauhati High Court with all its amendments/modifications, are hereby repealed. However, this repeal shall not, by itself, invalidate the actions taken under the repealed Rules/Guidelines, etc.
13. Pending applications, if any, for designation shall be returned to the Advocates concerned for applying afresh in accordance with these Rules. All pending proposals/recommendations for designation shall also be likewise returned.

By Order of Gauhati High Court,

Sd/-

Registrar General
Gauhati High Court

APPENDIX –AFORM No.1

[Rule 4(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 Gauhati High Court:

1. Name of the Advocate :
2. Permanent Residential Address and
Mobile number of the Advocate :
3. Email Address :
4. Educational 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. :
9. The State from which the Advocate is
proposed to be designated as Senior
Advocate:” :

Dated:

SIGNATURE OF PROPOSER

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

Dated:

SIGNATURE OF ADVOCATE

FORM No.2

[Rule 4(2)]

FORM OF APPLICATION FOR DESIGNATION AS A SENIOR ADVOCATE

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

1. Name of the Advocate :
2. Permanent Residential Address and
Mobile number of the Advocate :
3. Email Address :
4. Educational 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. :
9. The State from which the Advocate
desires to be designated as Senior
Advocate:” :

Dated:

SIGNATURE OF THE APPLICANT



APPENDIX -B**POINT BASED ASSESSMENT OF SHRI/SMTI _____
ADVOCATE FOR BEING DESIGNATED AS A SENIOR ADVOCATE**

[Rule 6(5)]

Sl. No	Matter	Points
1	Number of years of practice of the 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 Advocate in the course of proceedings of the case; pro-bono work done by the Advocate; domain expertise of the Advocate in various branches of law, such as Constitutional Law, Inter-state Water Dispute, Criminal Law, Property Law, Service Law, Arbitration Law, Corporate Law, Family Law, Human Rights, Public Interest Litigation, International Law, Law relating to Women, Customary Laws in the State of Assam etc.	40 points
3	Publications by the Advocate	15 points
4	Personality & Suitability on the basis of interview/interaction	25 points

By Order**Sd/-****Registrar General
Gauhati High Court**

Q.

Memo No.HC.III-50/2016/ 685/G, Dated the 14th March, 2019

Copy to:

1. The Secretary General, Supreme Court of India, New Delhi.
2. The Secretary, Law Department, Govt. of Nagaland, Kohima / Govt. of Mizoram, Aizawl / Govt. of Arunachal Pradesh, Itanagar.
3. The L.R. & Secretary to the Govt. of Assam, Judicial Department, Dispur.
4. The Registrar General, High Court of _____
5. The Registrar (_____) Gauhati High Court, Guwahati.
6. The Registrar, Gauhati High Court, Kohima Bench, Kohima / Aizawl Bench, Aizawl/ Itanagar Bench, Naharlagun.
7. The District & Sessions Judge _____ (Assam).
8. The Registrar-cum-Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati
9. The Secretary to the Bar Council of India, New Delhi
10. The Chairman, the North East Bar Council, Gauhati High Court, Guwahati
11. The President / Secretary General, Gauhati High Court Bar Association, Gauhati High Court, Guwahati
12. The President / General Secretary, Gauhati High Court Advocates' Association, Guwahati.
13. The Joint Registrar (_____), Gauhati High Court, Guwahati.
14. The Secretary, High Court Bar Association, Gauhati High Court, Kohima Bench, Kohima / Aizawl Bench, Aizawl, Itanagar Bench, Naharlagun.
15. The Deputy Registrar (_____), Gauhati High Court, Guwahati.
16. The Asstt. Registrar (_____), Gauhati High Court, Guwahati.
17. Librarian cum Research Officer, Gauhati High Court, Guwahati.
18. The System Analyst, Gauhati High Court, Guwahati. He is requested to upload the Notification in the website of the Gauhati High Court.
19. The Private Secretary to Hon'ble Mr./Mrs. Justice _____, Gauhati High Court, Guwahati.
20. The Admn. Officer (Judl.), _____.
21. CA to the Registrar General, Gauhati High Court, Guwahati.
22. The Notice Board, Gauhati High Court, Guwahati.


14-03-19
REGISTRAR GENERAL
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