

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001

HHC/Rules/Adv./96-I-

Dated: Shimla, the 11th December, 2018.

NOTIFICATION

In supersession of guidelines notified vide Notification No.HHC/Rules/Adv./96-I-18692-712, dated 18/20.7.2009 and subsequent modifications, in compliance of directions passed by the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 454 of 2015 titled Ms. Indira Jaising v Supreme Court of India, through Secretary General & Ors, the committee constituted thereunder has been pleased to frame the guidelines for the designation of Advocate(s) as Senior Advocate(s), as annexed herewith.


**BY ORDER
REGISTRAR GENERAL**

Endst.No.HHC/Rules/Adv./96-I- 32940-65

Dated: 11.12.2018.

Copy forwarded for information to :-

1. The Principal Private Secretary to Hon'ble the Chief Justice, High Court of Himachal Pradesh.
2. All the Secretaries to the Hon'ble Judges, High Court of Himachal Pradesh.
3. The Assistant Registrar, Supreme Court of India w.r.t his letter No.322, dated 14.10.2017 (By Registered Post).
4. The Principal Secretary (Home) to the Government of Himachal Pradesh.
5. The L.R.-cum-Secretary (Law) to the Government of Himachal Pradesh.
6. The Advocate General, State of Himachal Pradesh.
7. The Chairman, Bar Council of Himachal Pradesh.
8. The President, High Court Bar Association.
9. The President, Bar Association, H.P. Administrative Tribunal.
10. All the Presidents, District/Sub-Divisional Bar Associations in Himachal Pradesh.
11. All the District and Sessions Judges in Himachal Pradesh with a request to circulate the same amongst all the Judicial Officers in the division.
12. All the Presiding Officers, Labour Courts, Himachal Pradesh.
13. All the Presidents, District Consumer Redressal Forum in Himachal Pradesh.
14. The Advisor to Hon'ble Lokayukta, Himachal Pradesh.
15. The Director/Joint Director/Deputy Director, Himachal Pradesh Judicial Academy, Ghandal, Post Office Shakraha, Sub-Tehsil Dhama, Shimla-171011.
16. The Member Secretary/Administrative Officer, H.P. State Legal Services Authority.
17. The Special Secretary (Law)/Additional Secretary (Law) to the Government of Himachal Pradesh.
18. The Secretary/Private Secretary/P.A.(s) to the Registrar General, Registrar (Vigilance)/District and Sessions Judge(Leave/Training Reserve)/Registrar (Judicial)/Registrar (Establishment)/Registrar (Accounts) and the CPC, High Court of Himachal Pradesh.
19. Sh. Vikas Bhardwaj, Registrar, High Court of Himachal Pradesh.
20. Sh. G.D. Verma, Senior Advocate, High Court of Himachal Pradesh.
21. The Chairman, H.P. Waqf Tribunal, Kangra at Dharamshala, H.P.
22. The Chairman, Himachal Pradesh Administrative Tribunal.
23. All the Additional Registrars, High Court of Himachal Pradesh.
24. The Section Officer (O&A), High Court of Himachal Pradesh.
25. The Section Officer (Computer) for uploading the same on the High Court website with a request to obtain a soft copy of this Notification from the Rules Branch of this Registry.
26. The Technical Director, NIC, High Court of Himachal Pradesh for updating the High Court website.


J.K. Sharma
Registrar (Judicial)

etc

**THE HIGH COURT OF HIMACHAL PRADESH (DESIGNATION OF SENIOR
ADVOCATES) GUIDELINES, 2018**

IN EXERCISE OF THE POWERS CONFERRED BY ARTICLE 225 OF THE CONSTITUTION OF INDIA, SECTION 34(1) AND SECTION 16(2) OF THE ADVOCATES ACT, 1961, READ WITH THE GUIDELINES LAID DOWN BY THE SUPREME COURT OF INDIA IN ITS JUDGMENT DATED 12.10.2017 IN WRIT PETITION NO. 454 OF 2015, THE HIGH COURT OF HIMACHAL PRADESH MAKES THE FOLLOWING GUIDELINES FOR DESIGNATION OF AN ADVOCATE AS A SENIOR ADVOCATE AND MATTERS INCIDENTAL THERETO.

1. Short title, extent and commencement.-

- (1) These Guidelines shall be called 'The High Court of Himachal Pradesh (Designation of Senior Advocates) Guidelines, 2018'.
- (2) These Guidelines will be effective forthwith.
- (3) These Guidelines shall extend to the entire jurisdiction of the High Court of Himachal Pradesh.

2. Definitions.-

- (1) In these Guidelines, unless the context otherwise requires,-
 - (a) "Advocate" means an Advocate entered in any roll prepared and maintained under the provisions of the Advocates Act, 1961.
 - (b) "Committee" means the Permanent Committee for Designation of Senior Advocates constituted under sub-clause (1) of clause 3 of these Guidelines.
 - (c) "Court" includes any authority exercising judicial powers in the State of Himachal Pradesh.
 - (d) "District Courts" means the District Courts of the State of Himachal Pradesh.
 - (e) "High Court" means the High Court of Himachal Pradesh.
 - (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 Himachal Pradesh under sub-clause (2) of clause 3 of these Guidelines.
- (2) All other words not specifically defined herein shall have the same

meaning as those defined in the Advocates Act, 1961.

3. Permanent Committee for Designation of Senior Advocates.-

- (1) All matters relating to designation of Senior Advocates in the High Court shall be dealt with by a Permanent Committee (to be known as “the Committee for Designation of Senior Advocates”) which will be headed by the Chief Justice of the High Court and shall consist:
 - i. The two senior-most sitting Judges of the High Court
 - ii. The Advocate General for the State of Himachal Pradesh.
 - iii. A member of the High Court Bar Association, to be nominated by other members of the committee.
- (2) The Committee constituted under sub-clause (1) shall be assisted by a Registrar (Rules) of the High Court and his/her office shall work as its Permanent Secretariat subject to further orders by the Committee.

4. Designation of an Advocate as a 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 Advocate is deserving of such distinction.

Explanation- The term ‘standing at Bar’ means a position of eminence attained by an Advocate at the Bar including District Court Bar by virtue of his/her seniority, legal acumen and high ethical standards maintained both inside and outside the Court.

- (2) No person shall be eligible to be designated as a Senior Advocate unless such person has practiced for ten years as an Advocate on the date of the application.

5. Motion for designation as a Senior Advocate.-

- (1) Designation of an Advocate as a Senior Advocate by the High Court may be considered:
 - a. On the written proposal made by the Chief Justice. Once the proposal is received, the Secretariat shall request such Advocate to submit Form No.1 of **Appendix-A** duly filled in within such time as directed by the Committee and in such case the requirement of having recommendation of two Senior Advocates would stand dispensed with.
 - b. On the written application of an Advocate that shall be made, as far as possible on Form No. 1 of **Appendix-A** appended to these

Guidelines with recommendation by a minimum of two Senior Advocates designated by the High Court of Himachal Pradesh.

- (2) Along with the application, as the case may be, the Advocate shall append a certificate that he/she has not applied to the Supreme Court of India or any other High Court for being designated as a Senior Advocate and that no such previous application seeking designation as a Senior Advocate has been rejected during the period of preceding two years from the date of application.
- (3) The notice inviting applications shall be published in the official website of the High Court.

6. Procedure for designation.-

- (1) All applications for designation of an Advocate as a Senior Advocate shall be submitted to the Secretariat.
- (2) On receipt of the application 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 participation in pro-bono work, reported or unreported cases or cases involving questions of law in which the Advocate has appeared and actually argued during the last five years.
- (3) The Committee may issue such directions from time to time as deemed necessary including the manner in which and the source(s) from which, the necessary data and information are to be collected, compiled and presented.
- (4) The Secretariat will notify the proposed name(s) of Advocate(s) to be designated as Senior Advocate on the official website of the Court inviting suggestions/ views of the Advocate(s) enrolled with Bar Council of Himachal Pradesh; and of other stakeholders, within such time as may be fixed by the Committee.
- (5) Suggestions/views/objections shall be addressed and submitted in a sealed cover to the Secretariat of the Committee. Suggestions/views/objections made anonymously or received after the expiry of such time as fixed under sub-clause (4) above by the Committee will not be entertained.
- (6) After the data-base is compiled and all such information as may be specifically directed by the Committee to be obtained in respect of the Advocate is collected, the Secretariat shall put up the case before the

Committee for scrutiny.

- (7) Upon submission of the case by the Secretariat for scrutiny, the Committee will examine each case in the light of the data provided and after interacting with the applicant Advocate, the Committee will make its overall assessment on the basis of the point-based format as prescribed in **Appendix-B** appended to these Guidelines.
- (8) The overall assessment report of the Committee in each case will be thereafter placed before the Full Court.
- (9) Voting by ballot will not normally be resorted to in the Full Court except when unavoidable. The motion shall be carried by consensus, failing which voting by secret ballot may be resorted to. In the event of resort to secret ballot decision(s) will be carried by a majority of the Judges who have chosen to exercise their preference/choice and the same shall constitute the opinion of the Full Court. On the approval of Full Court, an Advocate shall be designated as a Senior Advocate.
- (10) The applications which have not been forwarded by the Committee or approved by the Full Court, as the case may be, will be ordinarily reconsidered after the expiry of a period of two years.

7. Designation of Advocates as Senior Advocates.-

- (1) On the approval of the name of the Advocate by the Full Court, the Chief Justice shall designate such Advocate as a Senior Advocate under Section 16 of the Advocates Act 1961.
- (2) The Registry shall notify the designation to the Secretary General of the Supreme Court of India, the Bar Council of Himachal Pradesh, Bar Council of India and also to all the District & Sessions Judges subordinate to this High Court.
- (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.-

An Advocate on being designated as a Senior Advocate, shall be subject to such restrictions as prescribed under these Guidelines or Rules as may be prescribed by the High Court or the Bar Council of Himachal Pradesh or Bar Council of India.

9. Review and recall.-

- (1) In the event of a Senior Advocate found guilty of any such conduct

which according to the Full Court disentitles her/him to be worthy of designation as a Senior Advocate, the Full Court may review and recall its decision designating her/him as a Senior Advocate after such notice as may be directed by the Chief Justice.

- (2) In the event of recalling of such designation, the Registry shall notify the decision of such recalling of designation to the High Court Bar Association, the Bar Council of Himachal Pradesh, the Bar Council of India and the Secretary General, Supreme Court of India and a notification to that effect shall be issued and published in such manner as may be directed by the Chief Justice.

10. Undertaking by Advocate under consideration.-

- (1) The Advocate under consideration shall furnish an undertaking, that after being designated as Senior Advocate, he/she will not draft or sign pleadings in any Court, shall in all cases be assisted by another Advocate, shall not directly give consultation to any litigant, and shall not make any mention or seek an adjournment in any Court.
- (2) The Advocate under consideration shall furnish an undertaking, that after being designated as Senior Advocate, he/she will appear and argue gratis at least ten cases pro bono in a year as legal aid cases.

11. Interpretation & Relaxation.-

All questions relating to interpretation of these Guidelines and in the event of any case being made out for relaxation of the present Guidelines, such matter shall be referred to the Chief Justice and the decision of the Chief Justice thereon shall be final.

12. Repeal and Savings.-

All the previous Rules relating to the subject matter covered by these Guidelines, including the Rules/Guidelines for Designating an Advocate as a Senior Advocate, as made by the 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.

By Order of High Court of Himachal Pradesh

APPENDIX-A

FORM No. 1

APPLICATION-CUM-CONSENT LETTER

FOR BEING DESIGNATED AS SENIOR ADVOCATE

{See Guideline 5 (1)(b)}

Recent
Passport
sized
photograph
to be pasted
here

1.	Name of the Applicant Advocate (Mr./Mrs./Ms.)	:	
2.	Father's Name	:	
3.	Date of Birth	:	
4.	Age (as on date of application)	:	_____ years
5.	Address in Full	:	Official: Residential:
6.	Contact Details	:	Landline No. _____ Mobile No. _____ E-mail and Social Media Accounts if any: _____ _____
7.	Educational/Professional Qualifications (Mention award of Prize, Scholarship, fellowship or any other distinction)	:	

8.	Date of enrolment as an Advocate and enrolment No.	:			
9.	Bar Council, where registered	:			
10.	Standing as an Advocate (as on date of application)	:			
11.	Whether member of Himachal Pradesh High Court Bar Association or any District Courts Bar Association of Himachal Pradesh	:			
12.	Courts where practiced/practicing Court-wise period may be indicated	:	Courts	Duration	
				From	To
13.	Nature of practice (Civil Law, Criminal Law, Constitutional Law, Taxation Law, Labour Law, Company Law, Service Law etc.)	:			
14.	Field of Law in which applicant has Specialization/Expertise (Special knowledge of experience of law)	:			
15.	Number of reported judgments in which appeared and argued (List of citation to be provided)	:			
16.	Number of unreported judgments in which appeared and argued (List of cases with relevant particulars to be provided)	:			
17.	Details of pro bono work during	:			

	last five years		
18.	Professional income during last five years duly certified by a Chartered Accountant	:	
19.	Whether held any position in Bar Council/Bar Association; if so, details thereof	:	
20.	Whether delivered any lecture. If so, give details thereof	:	
21.	Whether the applicant has applied before the Supreme Court of India or any other High Court, if so, detailed current status thereof may be indicated	:	
22.	Whether after attaining degree of law employed at any time either part-time or full time basis, if so, give status, period and the reasons for leaving.	:	
23.	Whether appointed as Receiver/Commissioner/Observer in any case. If so, give full particulars thereof	:	
24.	Whether any FIR has ever been filed against you; if so, detailed current status thereof may be indicated	:	
25.	Whether party to any civil, criminal or other litigation. If so, the nature of involvement	:	
26.	(i) (a) Have you ever been arrested?	:	
	(b) Have you ever been prosecuted?	:	
	(c) Have you ever been kept under detention?	:	

	(d) Have you ever been bound down?	:	
	(e) Have you ever been fined by a Court of law?	:	
	(f) Have you ever been convicted by a Court of Law for any offence?	:	
	(g) Have you ever been debarred from any examination or rusticated by any authority/institution?	:	
	(h) Have you ever been debarred/disqualified by any public commission authority?	:	
	(i) Is any case pending against you in any Court of Law at the time of filling this form?	:	
	(ii) If the answer to any of the above mentioned questions is 'Yes', give full particulars of the case/arrest/detention/fine/conviction/sentence/punishment etc. and/or the nature of the case pending in the Court/Authority/Institution etc. at the time of filling up this form	:	
27.	Whether any contempt proceedings have ever been instituted against you; if Yes, give the particulars/the result/the stage of the proceedings	:	
28.	Whether any adverse remarks have ever been passed against you in any order/judgment by any Court of Law, if 'Yes', give the particulars/the result/the stage of	:	

	the proceedings		
29.	Particulars of articles, if any, published in any book(s), periodical(s), law journal(s), newspaper(s), etc. reflecting legal acumen	:	
30.	Particulars of cases, if any, in which the applicant was appointed amicus curiae by the Court	:	
31.	Whether empanelled at any point of time with the Legal Services Authority for providing free legal aid or cases where any free legal aid was provided; if 'Yes', give details thereof	:	
32.	Whether associated with any faculty of law, if so, the particulars thereof	:	
33.	Whether considered for being designated as Senior Advocate during last preceding two years by Supreme Court of India or this High Court or any other High Court, if yes, the result thereof	:	
34.	Whether you are or have been State Counsel or Standing Counsel for Union of India or the panel of Advocates for the State or Central Government or any Public Sector Authority or any Statutory Body; if so, details thereof	:	
35.	Whether any Junior Advocate(s) is/are attached to your chamber, if so, their names and period(s) or their juniorship	:	

36.	Whether any proceedings were initiated or are pending against you before Bar Council of India or State Bar Council. If so, particulars thereof	:	
37.	General State of health	:	
38.	Any other information	:	

DECLARATION

I _____ Advocate hereby give consent for being designated as a Senior Advocate.

I hereby verify that the information furnished above is true and correct to my knowledge. Nothing material is concealed or suppressed therefrom. I understand that furnishing of false information or suppression of any factual information would render me unfit from being designated as a Senior Advocate.

[Signature of the Applicant]

UNDERTAKING:

I _____ Advocate hereby undertake that on being designated as a Senior Advocate. I will not draft or sign pleadings in any Court, shall in all cases be assisted by another Advocate, shall not directly give consultation to any litigant, and shall not make any mention or seek an adjournment in any Court.

I further undertake that on being designated as a Senior Advocate I shall appear and argue gratis at least ten cases pro bono in a year as legal aid cases.

[Signature of the Applicant]

CERTIFICATION:-

I _____ Advocate hereby certify that no previous application seeking designation as a Senior Advocate has been rejected by the Supreme Court of India or any other High Court during the period of preceding two years from the date of this application.

[Signature of the Applicant]

RECOMMENDATION:-

I _____ Senior Advocate designated by the High Court of Himachal Pradesh hereby recommend the name of _____ Advocate for being designated as a Senior Advocate by the High Court of Himachal Pradesh.

[Signature]

I _____ Senior Advocate designated by the High Court of Himachal Pradesh hereby recommend the name of _____ Advocate for being designated as a Senior Advocate by the High Court of Himachal Pradesh.

[Signature]

Note: Applicants should carefully read instructions attached herewith while filling up the Application-cum-Consent Letter.

APPENDIX-B

[See Guideline 6(7)]

S. 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, Public Interest Litigation, Inter-state Water Dispute, Criminal Law, Regulatory Law, Arbitration Law, Corporate Law, Family Law, Human Rights, International Law, Law relating to women etc.	40 points
3.	Publication(s) by the applicant Advocate	15 points
4.	Personality & Suitability on the basis of interview/interaction	25 points

**GENERAL INSTRUCTIONS TO BE FOLLOWED WHILE FILLING UP
“APPLICATION-CUM-CONSENT LETTER” FOR BEING DESIGNATED AS
SENIOR ADVOCATE**

1.	Every Application-cum-Consent Letter, in the prescribed format shall be made in English, typed/printed with font size (Arial-12) in double spacing on one side of the white paper (A4 Size) with an inner margin of about four centimeters width on top and on the left side.
2.	Documents accompanying the Application should be numbered consecutively in the index, in all sets of Application.
3.	All documents annexed to the Application should be accompanied by an Index containing the details thereof. (The Permanent Secretariat, at any stage, may ask for the supportive documents for verification in the light of the facts mentioned in the Application.)
4.	Name of the Applicant should tally with his/her name as mentioned in his/her enrolment certificate. Abbreviated name shall NOT be accepted.
5.	The Application should be presented in the shape of a Paper Book, duly tagged & indexed and not in spiral binding and the like.
6.	All photocopies of the accolades/testimonials should be legible and true copy of their respective originals.
7.	10 sets of the Application in the form of Paper Book, identical in all respects, should be filed.
8.	Passport size photograph (original) should be pasted on each copy of the Application-cum-Consent Letter.
9.	The application should be accompanied by its soft copy in a searchable PDF format in a pen drive.