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**HIGH COURT OF JHARKHAND, RANCHI**

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**NOTIFICATION**

**22nd March, 2021**

**THE HIGH COURT OF JHARKHAND (DESIGNATION OF  
SENIOR ADVOCATES) RULES, 2019**

*No. 08/2021/R&S -- 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 Supreme Court of India in its judgment dated 12.10.2017 in writ petition no. 454 of 2015, the High Court of Jharkhand hereby makes the following rules for designation of an advocate as a Senior Advocate and matters incidental thereto.*

**1. Short title and commencement-**

(i). These Rules shall be called '**The High Court of Jharkhand (Designation of Senior Advocates) Rules, 2019**'.

(ii) These Rules shall come into force on the date of its notification in the Official Gazette of the State of Jharkhand.

**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) “**Permanent Committee**” means the Permanent Committee for Designation of Senior Advocates constituted under sub-rule (1) of Rule 3 of these Rules.

(c) “**Court**” includes any authority exercising judicial powers in the State of Jharkhand.

(d) “**High Court**” means the High Court of Jharkhand.

(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 High Court of Jharkhand under sub-rule (2) of Rule 3 of these Rules.

**3. Constitution of the Permanent Committee:**

(1) The Permanent Committee shall be headed by the Chief Justice and consist of –

- |   |                     |
|---|---------------------|
| (i) The Chief Justice of High Court of Jharkhand  | <b>-Chairperson</b> |
| (ii) <b>Two</b> senior-most Judges of the High Court  | <b>- Member</b>     |
| (iii) The Advocate General of the State of Jharkhand, who shall be (ex-officio) member of the Permanent Committee.            | <b>-Member</b>      |
| (iv) <b>One</b> advocate member of the High Court of Jharkhand Bar nominated by other four members of the Permanent Committee | <b>- Member</b>     |

(2) The Permanent Committee shall have a Secretariat. The Secretariat of the Chief Justice shall be the Secretariat of the Permanent Committee and the Registrar General of the High Court of Jharkhand shall be the ex-officio Secretary of the Permanent Committee.

(3) The Permanent Committee shall meet at least twice in a Calendar year.

**4. Qualification for Designation of an Advocate as a Senior Advocate.-**

(i) The Chief Justice or any other sitting Judge of High Court of Jharkhand is of the opinion that an Advocate by virtue of his ability and standing at the Bar or special knowledge or experience in law is deserving of such distinction so as to be designated as Senior Advocate.

**Explanation:** The expression “standing at the Bar” means the position of eminence attained by an Advocate at the Bar by virtue of his ability, seniority, legal acumen, special knowledge or experience and high ethical standards maintained by him or her, both inside and outside the Court.

(ii) An Advocate shall not be eligible to be designated as a Senior Advocate unless he or she has actually practiced as an Advocate for not less than ten years in the High Court of Jharkhand or in any Court subordinate to the High Court of Jharkhand and has appeared and actually argued in some reported cases or cases involving important questions of law.

(iii) The advocate whose name is proposed for being designated as a Senior Advocate or who applies for being designated as a Senior Advocate shall be an income tax assessee as on the date of the proposal/application, for a minimum period of 10 (Ten) years.

#### **5. Initiative for designation as a Senior Advocate.-**

(1) An Advocate may be considered for being designated as a Senior Advocate on:

(a) his/her name being proposed, in writing, by the Chief Justice or any sitting Judge of the High Court of Jharkhand; or

(b) an application is made by the Advocate concerned, in the prescribed Format.

All the proposals and the applications shall be submitted to the Secretariat.

Provided that every proposal under sub-clause (1)(a) shall be made in **Form No.-1** of **Appendix-'A'** and all application under sub-clause (1)(b) shall be made in **Form No.-2**. Of **Appendix-'A'**.

(2) Every year in the month of January and July, the Secretariat of the Permanent Committee shall invite applications from members of the Bar Council of the State of Jharkhand to be designated as Senior Advocate by publishing notice to that effect in the website of the High Court of Jharkhand.

(3) The application by an advocate desirous of being designated as Senior Advocate shall be addressed to the Registrar General.

(4) The Proposal/application shall also contain the written consent of the Advocate for his/her designation as Senior Advocate along with a declaration to the effect that no proposal/application to designate him/her as a Senior Advocate has been rejected by the Supreme Court of India or the High Court of Jharkhand or any other High Court, within a period of two years immediately preceding the date of proposal/application.

Provided that in case of proposal under Sub Clause(a) of Clause 1, the written consent and declaration as above shall be obtained from the concerned advocate by the Secretariat whereas, in case of application by the desirous advocate the written consent and declaration shall be supplied by him/her.

#### **6. Procedure Before the Secretariat:**

i. All applications including written proposals by the Hon'ble Judges shall be submitted to the Secretariat.

ii. On receipt of such applications or proposals from Hon'ble Judges, the Secretariat shall compile the relevant data and information with regard to the reputation, conduct and integrity of the Advocate(s) concerned and verify the details of his/her participation in *pro-bono* work, if any, reported judgments in which he/she has appeared; the number of such judgments reported during the last five years.

iii. The source(s) from which information/data will be sought and collected by the Secretariat shall be as decided by the Permanent Committee.

iv. The Secretariat shall publish the proposal/application for designation of a particular Advocate in the official website of the High Court of Jharkhand inviting the suggestions/views of other stakeholders in the proposed designation within 30 (Thirty) days.

v. The Secretariat shall place the suggestions/views of other stakeholders to the proposed designation before the Permanent Committee for taking further instructions. The Permanent Committee may, if considered fit and necessary, seek the response from the Advocate concerned, on the suggestions/views received in relation to his/her proposed designation within such time as it may deem fit.

vi. The views/suggestions shall be in writing, bear the name and full address of the sender and shall be addressed to the Registrar General of the High Court. Any anonymous petition/representation shall be liable to be rejected.

vii. 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 Permanent Committee for scrutiny.

#### **7. Procedure Before the Permanent Committee:**

i. The proposal(s)/application(s) for designation as Senior Advocate shall be examined by the Permanent Committee in the light of the materials provided by the

Secretariat which shall include the suggestions/views of the members of the Bar and other stakeholders. The Permanent Committee shall interview the Advocate(s), make overall assessment of the candidate and award marks in point-based format appended to these Rules vide Appendix – B. The entire records and recommendation of the Permanent Committee shall be forwarded to be placed before the Full Court.

ii. Qualifying cut-off marks shall be decided by the Hon'ble Permanent Committee.

#### **8. Procedure Before the Full Court:**

i. A proposal/application for designation as a Senior Advocate shall be considered as accepted by the Full Court, if the majority of Judges present vote in favour of such proposal/application.

ii. Voting by secret ballot shall normally be resorted to in the Full Court when it becomes unavoidable. In the event of resort to secret ballot, a proposal/application for designation as a Senior Advocate shall be considered as accepted if majority of the Judges present vote in favour of the proposal/application.

iii. On the approval of Full Court, an Advocate shall be designated as a Senior Advocate.

iv. A Proposal/application that has not been found favourable by the Full Court, it may be reviewed/reconsidered on the fresh application, after expiry of a period of two years in the manner indicated above.

#### **9. Revocation and Surrender of Designation:**

(a) The designation of an advocate as a Senior Advocate shall be liable to be revoked after due notice to him/her, if-

i. the Bar Council of India/Bar Council of the State of Jharkhand/Bar Council of any other State finds that he/she has committed professional/other misconduct or if the High Court is otherwise satisfied that he/she has violated all or any provisions of the Rules framed and issued by the High Court of Jharkhand under sub-section (1) of section-34 of the Advocates Act, 1961;

Or

ii. a designated Senior Advocate is guilty of any misconduct which, in the opinion of the High Court, disentitles him/her to continue to be worthy of the designation or if he/she is convicted of an offence involving moral turpitude or for the contempt of the Court;

the Full Court may review and recall its decision to designate him/her as a Senior Advocate after such notice to him/her as may be directed by the Chief Justice.

(b) Notwithstanding anything contained in these rules, an Advocate who has been designated as a Senior Advocate may surrender the designation conferred on him/her by making an application to withdraw the same to the Registrar General.

The Registrar General shall place the application before the Chief Justice for appropriate orders thereon.

**10. Notification of designation, revocation or withdrawal of Senior Designation:**

The Registrar General shall notify the fact of designation of an advocate as Senior Advocate or revocation or withdrawal of such designation to the Registrar General, Supreme Court of India, the Bar Council of India, the Bar Council of State of Jharkhand, the Bar Councils of other States and to all the Principal District & Sessions Judges, subordinate to the High Court of Jharkhand.

The notification shall also be published in the official website of the High Court of Jharkhand and a copy thereof, be communicated to the Judges of the High Court. The Secretariat of the committee shall maintain the record of all the decisions relating to designation/ revocation/withdrawal of designation.

**11. Residuary:** All pending proposals/applications for designation of an advocate as Senior Advocate shall be returned to the Advocate concerned for applying afresh in accordance with these rules.

**12. Canvassing:** Canvassing in any form shall disqualify the Advocate concerned from being so designated.

**13. Repeal and Savings:** All other previous rules, regulations and guidelines for designation of an Advocate as Senior Advocate are hereby repealed.

Notwithstanding anything contained in these rules any act done prior to commencement of these rules shall not be invalidated.

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**APPENDIX – 'A'**

**FORM No.1 [Rule 5(1) (a)]**

**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 Jharkhand:

1. Name of the Advocate :
2. Permanent Residential Address and  
Mobile number of the Advocate:
3. Email Address :
4. Address for correspondence:
5. Educational Qualification :
6. Date of Birth :
7. Date and place of enrollment as an Advocate :
8. Enrollment Number :
9. 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 PROPOSER

**FORM No.2 [Rule 5(1)(b)]**  
**PROFORMA APPLICATION**  
**(To be filled by the Advocate)**

Affix Recent Passport Size Photo
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1. Name of the Advocate :
2. Permanent Residential Address and  
Mobile number of the Advocate:
3. Email Address :
4. Address for correspondence:
5. Educational Qualification with area of specialization in any field of law:
6. Date of Birth :
7. Date and place of enrollment as an Advocate :
8. Ordinary place of practice:
9. Enrollment Number :
10. PAN Number:
11. Have you been a chamber junior to any lawyer? :  
If yes, furnish the name of such lawyer(s) and the duration.
12. Is any junior lawyer attached to your chamber?  
If yes, furnish the name of such lawyer(s) and the duration.
13. Since when have you been an assessee under the Income Tax Act, 1961:
14. List of important cases in which you have appeared as counsel and argued:
15. Number of book Publication or publication in any legal journal to credit?  
Give details:
16. Have you been found guilty of misconduct by the Bar Council of India/ Bar Council of the  
State of Jharkhand or any other State Bar Council or is any such proceeding for misconduct is  
pending? Give details:



17. Have you been convicted for any offence(s) involving moral turpitude or is any such proceeding is pending against you? Give details:
18. Whether any proposal/application for designating you as a Senior Advocate had earlier been made to the High Court of Jharkhand?  
If yes, with what result?
19. Any other information, if any, including reported cases, legal aid work/ publication/ participation in Seminar or Conference/ association with any Faculty of Law etc. :
20. Attach (Pin) four recent passport size color photographs.

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

Dated:

**SIGNATURE OF ADVOCATE**

**APPENDIX –B**

**POINT BASED ASSESSMENT OF Shri/Smt. \_\_\_\_\_, ADVOCATE FOR BEING DESIGNATED AS  
A SENIOR ADVOCATE** [Rule 7(i)]

<b>Sl. No.</b>	<b>Matter</b>	<b>Points</b>
1	Number of years of 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
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 Jharkhand etc.	40
3	Publications by the Advocate	15
4	Personality & Suitability on the basis of interview/interaction	25

By order

Sd/-

**(Ambuj Nath)****Registrar General****22/03/2021**

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