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**24 AASHWIN, 1945 (S)**

**No. 612**

**RANCHI, MONDAY 16<sup>TH</sup> OCTOBER, 2023**

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**HIGH COURT OF JHARKHAND**

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**NOTIFICATION**

**13<sup>th</sup> October, 2023**

**No. 17/2023/R&S**--In exercise of the powers conferred by section 34(1) read with section 16(2) of the Advocates Act, 1961 and all other powers enabling in this behalf as well as in pursuance to the Order / Judgment dated 12.05.2023 of the Hon'ble Supreme Court of India in **M.A. No. 709 of 2022 in W.P. (C) No. 454 of 2015 (Indira Jaising vs. Supreme Court of India & Ors.)**, the High Court of Jharkhand hereby makes the amendments in Rule 3(3), Rule 4 (ii), Rule 5(2), Rule 6(i), (ii) & (vii), Rule 7(i), Rule 8(i) & (ii) and Rule 10 as well as Appendix-A & Appendix-B of '**The High Court of Jharkhand (Designation of Senior Advocates) Rules, 2019**' which shall be read as under :-

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

Rule 4. (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 or any tribunal in Jharkhand and has appeared and actually argued in some reported cases or cases involving important questions of law.

Rule 5. (2) Every year in the month of January and additionally at any other time, if necessary, 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. But the whole process must be concluded within six months from the last date of submission of applications.

Rule 6. Procedure Before the Secretariat:

i. All applications including written proposals by the Hon'ble Chief Justice or Judges of this High Court shall be submitted to the Secretariat.

ii. On receipt of such applications or proposals from Hon'ble the Chief Justice or Judges of this High Court, 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; Synopses filed in the Court.

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. The Permanent Committee may take assistance of other Sr. Advocates or academics to assess the quality of writing of the publication, if any, of the Advocate.

Rule 7 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 make assessment of the candidate and award marks in point-based format appended to these Rules vide Appendix- B except the head " Personality & Suitability on the basis of interview/ interaction" and may fix a cut-off marks to shortlist the Advocates to be called for interview. Then the Permanent Committee shall take interview / interact with the candidates and award marks. Such marks will be the average of marks awarded by each of the members of the Permanent Committee.

The Permanent Committee shall then make overall assessment of the candidate as per the point-based format in Appendix-B of these Rules.

The entire records and recommendation of the Permanent Committee shall be forwarded to be placed before the Full Court.

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 are in favour of such proposal/application.

ii. Voting by secret ballot shall be resorted after recording the reasons for the same 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.

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 Secretary 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, Tribunals in the State 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 Chief Justice and 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.

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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. Gender: Male / Female / Transgender:
4. Email Address :
5. Address for correspondence:
6. Educational Qualification :
7. Date of Birth :
8. Date and place of enrollment as an Advocate :
9. Enrollment Number :
10. Other information, if any, including reported cases, legal aid work/ publication/ participation in Seminar or Conference/ association with any Faculty of Law, Synopses , Whether a first generation lawyer, Whether belongs to Scheduled Caste / Scheduled Tribe / Other backward classes 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. Gender:- Male / Female / Transgender:
4. Email Address :
5. Address for correspondence:
6. Educational Qualification with area of specialization in any field of law:
7. Date of Birth :
8. Date and place of enrollment as an Advocate :
9. Ordinary place of practice:
10. Enrollment Number :
11. PAN Number:
12. Have you been a chamber junior to any lawyer?:  
If yes, furnish the name of such lawyer(s) and the duration.
13. Is any junior lawyer attached to your chamber?  
If yes, furnish the name of such lawyer(s) and the duration.
14. Since when have you been an assessee under the Income Tax Act, 1961:
15. List of important cases in which you have appeared as counsel and argued and your contribution in the same:
16. Number of book Publication or publication in any legal journal to credit?  
Give details:
17. 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:

18. Have you been convicted for any offence(s) involving moral turpitude or is any such proceeding is pending against you? Give details:

19. 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?

20. Any other information, if any, including reported cases, legal aid work/ publication/ participation in Seminar or Conference/ association with any Faculty of Law etc. :

21. Attach (Pin) four recent passport size color photographs.

22. Attach your five best synopses filed in the Court.

23. Specify your role in the matter where number of Advocates are appearing with you.

24. Whether a first generation lawyer:

25. Whether belongs to Scheduled Caste / Scheduled Tribe / Other backward classes:

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)]

Sl. No.	Matter	Points
1	Number of years of practice of the Advocate from the date of enrollment. One point each for every year of practice between 10-20 years, 20 points for practice beyond 20 years	20
2	Judgments (Reported and unreported) not the Orders which indicate the legal formulations advanced by the Advocate in the course of proceedings of the case; Synopses filed by the Advocate; 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.	50
3	Publications by the Advocate, Teaching Assignments / guest courses delivered by Advocate at law schools	5
4	Personality & Suitability on the basis of interview/interaction	25

The aforesaid amendments shall take effect from the date of its publication in the e-Gazette of State of Jharkhand.

By order

**(Mohammad Shakir)**

Registrar General

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