

RULES OF THE HIGH COURT OF DELHI RELATING TO DESIGNATING SENIOR ADVOCATES UNDER SECTION 16(2) OF THE ADVOCATES ACT, 1961

In exercise of the powers conferred by Section 7 of the Delhi High Court Act, 1966 (Act 26 of 1966), Section 16(2) of the Advocates Act, 1961 and all other powers enabling it in this behalf, the High Court of Delhi, hereby makes the following amendments in Chapter 6-L, in High Court Rules & Orders, Volume V. The following shall be substituted for the existing Chapter 6-L.

1. These Rules shall be effective from the date of publication in the Delhi Gazette.
2. An advocate may be considered for being designated as a Senior Advocate either (i) suo motu; or (ii) in accordance with the procedure prescribed herein in these Rules.

2. ELIGIBILITY CONDITIONS:

No person shall be designated as a Senior Advocate unless he-

- (i) has practised as an Advocate at the Bar for not less than 10 years;
- (ii) is enrolled with the Bar Council of Delhi;
- (iii) has been mainly practising in the High Court of Delhi and the Courts Subordinate to it;
- (iv) had a gross professional income of not less than Rs.12 lac or net professional income of not less than Rs 6 lac per annum during each of the preceding two assessment years;
- (v) is willing to file an undertaking that after designation as Senior Advocate, he/she will not draft or file pleadings in any Court, shall in all cases be assisted by an Advocate, shall not directly give consultation to any litigant and shall not make mentions or seek adjournments in any Court.

EXPLANATION:

The eligibility conditions with regard to income and minimum standing as a practising Advocate shall not apply to retired Judicial Officers having service and/or practice of 10 years at their credit and retired High Court Judges.

3. Canvassing by a nominee for designation as a Senior Advocate shall disqualify him for being so designated.

4. PROCEDURE TO BE FOLLOWED WITH REGARD TO SUO MOTO DESIGNATION OF AN ADVOCATE AS SENIOR ADVOCATE.

An Advocate who fulfils the conditions prescribed hereinbefore, may be considered suo moto by the Court for being designated as a Senior Advocate either on the proposal of a Judge or of the Chief Justice. Upon such proposal, the Chief Justice shall informally confer with two third strength of the Judges. In case the proposal finds approval, and the Advocate concerned gives his consent it shall be placed before the Full Court for passing of a formal resolution, designating him as Senior Advocate.

5. PROCEDURE FOR DESIGNATION OF AN ADVOCATE AS SENIOR ADVOCATE OTHER THAN SUO MOTO DESIGNATION.

(i) The proposal for designation of an Advocate as Senior Advocate, who fulfills the eligibility conditions mentioned above, shall be initiated and forwarded to the Registrar General, jointly by two Senior Advocates designed by Delhi High Court, with not less than 5 years individual standing at the Bar as such, accompanied by a personal information-cum-consent sheet (**Annexure 'A'** hereto) along with the undertaking as envisaged in Rule 2(v) duly filled in and signed by the Advocate concerned.

(ii) The proposal for designation of an Advocate as Senior Advocate so made will be submitted by the Registrar General to the Chief Justice, seeking directions for placing it before the Full Court for consideration and voting by secret ballot. If the proposal is approved by a two-third majority of the Judges present and voting in the Full Court meeting, the Advocate concerned shall stand designated as Senior Advocate. While calculating two-third number of Judges, fraction shall be ignored and only whole number shall be taken into account.

6. Every proposal initiated for designation as Senior Advocate shall certify that the concerned Advocate had not been considered for such designation by the Delhi High Court or any other High Court or the Supreme Court within one year prior to the date of proposal.

7. If a proposal is not approved by the Full Court, the concerned Advocate would not be eligible for being recommended for designation as a Senior Advocate for a period of one year from the date of such decision and intimation thereof will be sent to the proposers and the concerned Advocate.

8. A retired Judge of a High Court entitled to practice in the Delhi High Court on his enrolment with the Bar Council of Delhi, may be designated as a Senior Advocate if he intimates the Chief Justice of his desire to be so designated.

9. If the High Court has reason to believe that a Senior Advocate has conducted himself in a manner unbecoming of a Senior Advocate, it may, in appropriate cases, withdraw such designation after giving the concerned Advocate an opportunity of making representation, by a resolution of the Full Court of not less than two-third majority of the Judges present and voting.

10. The Full Court shall not be required to record reasons for its decision.

BY ORDER OF THE COURT:

Sd/-

(V.B. GUPTA)

Registrar General

PROFORMA OF BIO-DATA AND CONSENT

1. Name:
2. Father's/Husband's Name:
3. Address:
4. Date of birth:
5. Qualification:
6. No. and date of enrolment as an Advocate and where enrolled:
7. Date from which continuously practising and place where practising :
8. If a former member of the State Judicial Service, length of such service and the experience at the Bar:
9. Fields of speciality in branches of law:
10. Whether an assessee under the Income Tax Act?
If so, state gross and net professional Income during the preceding two assessment years. (Attach copies of relevant returns with acknowledgment showing their filing):
11. Whether considered for designation as Senior Advocate by the Delhi High Court or any other High Court or Supreme Court at any time and also within one year prior to the date of proposal/consent (Also state if proposal pending with any Court):
12. Any other information which the learned Advocate may like to furnish.

Note : Separate sheet can be used for providing answers to the aforesaid questions, if the space in this proforma is considered insufficient.

CONSENT

I _____, Advocate, do hereby consent to be designated as a Senior Advocate in terms of Section 16(2) of the Advocates Act 1961 and agree and undertake to abide by all laws, rules, regulations, norms and guidelines as are in force for the time being, or which may be prescribed hereafter for this purpose.

PLACE:

DATE:

SIGNATURE