

HIGH COURT OF DELHI: NEW DELHI

NOTIFICATION

No. 18/Rules/DHC

Dated: 14.03.2024

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, Volume V of High Court Rules & Orders :-

The following shall be substituted for the existing Chapter 6-L :

Part L

RULES FRAMED BY THE HIGH COURT OF DELHI UNDER SECTION 16(2) OF THE ADVOCATES ACT, 1961 FOR DESIGNATING AN ADVOCATE AS SENIOR ADVOCATE

(1) Short title, extent and commencement: -

- (i) These rules shall be called 'The High Court of Delhi Designation of Senior Advocate Rules, 2024'.
- (ii) These Rules shall extend to the entire jurisdiction of the High Court of Delhi at New Delhi.
- (iii) These Rules shall come into force from the date of their publication in the Delhi Gazette.

(2) Definitions:- In these Rules, unless the context otherwise requires:

- (i) "Advocate" means an Advocate who is duly registered with the Bar Council constituted under the Advocates Act, 1961.
- (ii) "Full Court" means all the Judges of the High Court present
- (iii) "High Court" means the High Court of Delhi
- (iv) "Permanent Committee" means the "Committee for Designation of Senior Advocates" as constituted under Rule 3 of these Rules;
- (v) "Registrar General" means the Registrar General of the High Court
- (vi) "Secretariat" means the Secretariat established by the Chief Justice of the High

Court under Rule 4 of these Rules.

(3) Permanent Committee:-

All matters relating to designation of Senior Advocates by the High Court shall be dealt with by a Permanent Committee to be known as the "Committee for Designation of Senior Advocates" comprising of the following members:-

- (a) Hon'ble the Chief Justice – Chairperson of the Permanent Committee
- (b) Two Senior most Judges of the High Court - Members
- (c) Additional Solicitor General (High Court of Delhi) - Member
- (d) To be nominated by the Administrative Committee of the High Court out of the names of three Senior Advocates given by the Government of NCT of Delhi – Member
- (e) A member of the Bar nominated by the above.

The Permanent Committee shall meet at least once every calendar year.

(4) Secretariat:-

- (i) The Permanent Committee shall have a Secretariat. The composition of the Secretariat will be decided by the Chief Justice in consultation with the members of the Committee.
- (ii) The Permanent Committee may issue such directions from time to time as deemed necessary regarding functioning of the Secretariat, including the manner in which, and the source/s from which, the necessary data and information with regard to designation of Senior Advocates are to be collected, compiled and presented.
- (iii) The Secretariat of the Permanent Committee shall initiate the process for designation of Senior Advocate at least once every year by inviting applications from Advocates for designation as Senior Advocates.
- (iv) The notice inviting applications from Advocates shall be published on the official website of the High Court. In addition, intimation will also be given to the Delhi High Court Bar Association.
- (v) At least twenty-one days' time shall be given to applicants to submit their applications. An Advocate seeking designation as a Senior Advocate would have to apply in the format attached to these Rules as Annexure-A and Annexure A1.

(5) Eligibility Conditions:

No person shall be eligible for being designated as Senior Advocate unless he / she –

- (i) has practiced as an Advocate at the Bar for not less than 10 years;

- (ii) is enrolled with the Bar Council constituted under the Advocates Act, 1961;
- (iii) has been mainly practicing in the High Court and the Courts Subordinate to it;
- (iv) has appeared and argued cases or provided legal services pro-bono; and
- (v) has attained the age of 40 years, unless the age limit is relaxed by the Permanent Committee.

Note : Applicant/advocates having domain expertise of practicing before specialized Tribunals may be given concession with regard to the extent of appearance in the High Court.

Explanation: The eligibility condition with regard to minimum standing as a practicing Advocate shall not apply to retired Judicial Officers of Delhi or those who have resigned having service and / or practice of 10 years at their credit.

- (6) **Canvassing:** Canvassing by a nominee for designation as a Senior Advocate shall disqualify him for being so designated.
- (7) **Procedure for designation of an Advocate as Senior Advocate.** An advocate may be considered by the High Court for being designated as Senior Advocate either (A) Suo Moto by the High Court or (B) on an application by the advocate.

(A) Procedure Suo Moto:

- (i) An Advocate who fulfils the eligibility conditions prescribed hereinbefore, may be considered suo moto by the High Court for being designated as a Senior Advocate on the written proposal of the Chief Justice or a judge of the High Court.
- (ii) Such written proposal of the Chief Justice or a judge of the High Court shall be sent to the Registrar General who shall forward it to the Secretariat after obtaining consent-cum-personal information sheet (**Annexure-A and Annexure-A1 to these Rules**) duly filled in and signed by the Advocate concerned.

(B) Procedure on application by an Advocate:

Any Advocate who fulfils the eligibility conditions prescribed hereinbefore may submit a written application, in pursuance to the notice inviting application by

the Secretariat for being designated as Senior Advocate, addressed to the Registrar General who shall forward it to the Secretariat after obtaining consent-cum-personal information sheet (**Annexure-A and Annexure-A1 to these Rules**) duly filled in and signed by the Advocate concerned.

(8) Compilation of Data by the Secretariat:

On receipt of all proposals including written proposal by the Chief Justice for designation of an Advocate as Senior Advocate, the Secretariat shall:-

- (i) Publish on the official website of the High Court the proposal for designation of the particular Advocate as Senior Advocate for inviting suggestions / views of other stakeholders in his / her proposed designation within four weeks of such publication on the website of the High Court or such other period as may be prescribed by the Permanent Committee;
- (ii) Collect data and information of the Advocate(s) concerned regarding his / her:-
 - (a) Reputation, conduct and integrity;
 - (b) Participation in pro-bono work;
 - (c) Number of judgments in which the Advocate(s) concerned appeared; and
 - (d) Such other information about the Advocate(s) concerned as may be specifically directed by the Permanent Committee.
- (iii) On receipt of suggestions / views under sub-rule (i) and collection of data and information under sub-rule (ii), the Secretariat shall compile a database of the Advocate(s) concerned and put up the same before the Permanent Committee.

(9) (A) Assessment by the Permanent Committee:-

The Permanent Committee shall examine each proposal for designation of an Advocate as Senior Advocate in the light of the data compiled by the Secretariat and shall also interview the concerned Advocate. The Permanent

Committee shall then make its overall assessment of the concerned Advocate on the basis of the following point based format:-

| No. | Matter | Points |
|-----|---|--------|
| 1. | Number of years of practice of the Applicant Advocate from the date of enrolment. (10 points for 10 years of practice and 1 point each for every additional year of practice, subject to a maximum of 20 points). | 20 |
| 2. | Judgments which indicate the legal formulations advanced by the concerned Advocate in the course of the proceedings of the case; pro bono work done by the concerned Advocate; Domain Expertise in Specialized Areas of law. It shall also include best five synopses for evaluation. | 50 |
| 3. | Publication of books/journals, academic articles, experience of teaching assignments in the field of law, guest lectures delivered in law schools and professional institutions connected with law. | 5 |
| 4. | The test of personality and suitability on the basis of interview for a holistic assessment of the applicant. | 25 |

The Permanent Committee may restrict the number of interviews to the appropriate amount as deemed feasible, keeping in mind the number of Senior Advocates to be designated at a given time and total number of applicants.

The Permanent Committee may also decide the manner of assigning points under category 3 i.e. publications including the possibility of taking external assistance of other Senior Advocates or academics to gauge the quality thereof.

- (B)** Retired Judicial Officers or those who have voluntarily retired after ten years of service of Delhi Higher Judicial Service may at any time submit a letter of request to the Committee for designation as Senior Advocate. The Secretariat shall place the same before the Full Court with approval of the Permanent Committee. The point assignment criteria shall not be applicable to the retired judicial officers. However, such request shall not be considered in case the applicant(s) has/have accepted or consented to accept any full time assignment or as long as they hold that assignment.

(10) Full Court:

- (i) After the overall assessment by the Permanent Committee, all the names listed before it will be submitted to the Full Court along with its Assessment Report. The Full Court shall not be required to record reasons for its decision(s).
- (ii) Voting by secret ballot shall be an exception. In case it has to be resorted to, the reasons for the same should be recorded. In the event of secret ballot, decisions of the Full Court will be carried by a majority of the Judges who have chosen to exercise their preference / choice, where at least two-thirds of the total strength of the sitting Judges have cast their ballot, irrespective of the Judge casting ballot being present or not in the Full Court meeting.
- (iii) The final decision of the full Court shall be communicated individually to all the applicants.

(11) Designation of Advocates as Senior Advocates by the Chief Justice:-

- (i) On the approval of the name of the Advocate(s) by the Full Court, the Chief Justice shall designate such an Advocate as a Senior Advocate under Section 16 (2) of the Advocates' Act, 1961.
- (ii) The Registrar General shall notify the designation to the Secretary General of the Supreme Court of India, Bar Council of India, the Bar Council of Delhi, the Registrar General of all High Courts and also to all the Principal District and Sessions Judges subordinate to the High Court.
- (iii) A record of the proceedings of the Permanent Committee and the record received from the Full Court in this regard shall be maintained by the Secretariat for reference.

(12) Review / Reconsideration:

- (i) If a proposal for designation as Senior Advocate is not favourably considered by the Full Court, the Advocate(s) concerned would be ineligible for being recommended for designation as a Senior Advocate for a period of two years from the date of such decision.
- (ii) The decision of the full court in respect of the Advocate (s) concerned may thereafter be reviewed /reconsidered by following the procedure prescribed above, as if the proposal is being considered afresh.

(13) Recall of Designation:

- (i) In the event a Senior Advocate is guilty of conduct which according to the Full Court disentitles the Senior Advocate concerned to continue to be worthy of the designation, the Full Court may review its decision to designate the concerned person and recall the same. The Full Court would give an opportunity of hearing before any such action is taken.
- (ii) The procedure for recall shall be the same as provided under Rule 10.
- (iii) The Registrar General shall notify the decision of recall in the same manner as provided for in Rule 11.

(14) Removal of Difficulties

All questions relating to interpretation and/or application of these rules shall be referred to the Chief Justice whose decision shall be final. The Chief Justice may issue directions for the removal of difficulties either in general terms or in a particular instance as the exigencies may require.

(15) Repeal and Saving:

The Rules framed by the High Court vide Notification No. 295/Rules/DHC dated 13.03.2019 further amended vide Notification No. 679/Rules/DHC dated 20.08.2019 for designating an Advocate as Senior Advocate are hereby repealed. However, this repeal shall not, by itself, invalidate the actions taken under the repealed rules.

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| 7. | <p>(i) Date, Month and Year of Enrolment as an Advocate</p> <p>(ii) Enrolment Number (Copy of Enrolment Certificate to be attached)</p> <p>(iii) Number of years of practice from the date of Enrolment upto the date of notification</p> <p>(iv) Number of completed years of service upto the date of notification.</p> | <table border="1"> <tr> <td>D</td><td>D</td><td>M</td><td>M</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td> </tr> </table> | D | D | M | M | Y | Y | Y | Y | <p style="text-align: center;">____Years</p> | |
| D | D | M | M | Y | Y | Y | Y | | | | | |
| 8. | <p>(i) Bar Council, where registered;</p> | | | | | | | | | | | |
| 9. | <p>Particulars of judgments involving question of law in cases in which the applicant has appeared as-</p> <p>(i) lead arguing counsel; and</p> <p>(ii) assisting counsel;</p> <p>Note: Maximum ten judgments best to the wisdom of the applicant may be annexed.</p> | <p>Lead Arguing Counsel (Number of Judgments only)</p> | <p>Assisting Counsel (Number of Judgments only)</p> | | | | | | | | | |
| 10. | <p>Pro bono/amicus curiae work.</p> | | | | | | | | | | | |
| 11. | <p>Five synopses for evaluation (Copies of synopses to be attached)</p> | | | | | | | | | | | |
| 12. | <p>Whether the applicant is a first generation lawyer?</p> | | | | | | | | | | | |

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| 13. | Articles/books/journals published, experience of teaching assignments in the field of law, guest lectures delivered in law schools or professional institutions connected with law. | Academic Articles/ Books/ Journals | Teaching Assignment(s) | Guest lectures delivered in law schools or professional institutions connected with law. | |
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| 14. | Whether the applicant is a member of the Delhi High Court Bar Association? | | | | |
| 15. | Courts where the applicant is practicing: (Court-wise period may be indicated) | Supreme Court/High Court(s)/District Court(s)/ Tribunal(s) etc. | | | |
| | | | From | To | |
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| 16. | Tribunal(s) where the applicant has specialized practice (Applicable to those practicing before Tribunals) | Tribunal(s) | Duration | | |
| | | | From | To | |
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| 17. | Nature of practice- e.g. Civil, Criminal, Constitutional, Taxation, Labour, Company, Service, etc. | | | | |

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| 18. | Field of Law-domain expertise (such as, Constitutional law, Criminal law, Arbitration law, Corporate law, Family law, Human Rights, Public Interest Litigation, law relating to women) in which the applicant has specialization/expertise. | |
| 19. | Whether the applicant had applied earlier to the Supreme Court / any High Court for designation; if so, current status of application? | |
| 20. | Whether the applicant has applied to Supreme Court / any other High Court; if so, current status of application? | |
| 21. | Whether any FIR has ever been filed against the applicant; if so, current status must be indicated? | |
| 22. | Whether the applicant is a party to any civil, criminal or other litigation? If so, the nature of alleged involvement. | |
| (i) | Has the applicant at any point of time been: | |
| (a) | arrested? | |
| (b) | prosecuted? | |
| (c) | kept under detention? | |
| (d) | bound down? | |
| (e) | finned by a court of law? | |

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| | (f) | convicted by a court of law for any Offence? | |
| | (g) | debarred from any examination or rusticated by any authority/ institution/council ? | |
| | (h) | debarred/ disqualified by any public commission/ authority? | |
| | (i) | Held guilty of contempt of Court? | |
| | (ii) | Is any case pending against the applicant in any court of law at the time of submitting this application? | |
| | (iii) | 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 or Institution etc., at the time of submitting this application. | |
| 23. | | Whether any proceedings were initiated or are pending against the applicant before Bar Council of India or State Bar Council? If so, particulars thereof. | |

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| 24. | General state of health | |
| 25. | Any other relevant information | |
| <p><u>DECLARATION</u></p> <p>I _____ Advocate hereby give consent for being designated as Senior Advocate.</p> <p>I hereby verify that the information furnished above is true and correct to the best of my knowledge and belief. Nothing material is concealed or suppressed therefrom. I understand that furnishing of false information or suppression of any factual information would render me unfit for being designated as Senior Advocate.</p> <p>Date:- _____ [Signature of the Applicant]</p> | | |
| <p><u>Note:</u> Applicants should read instructions attached herewith while filling up Annexure-A.</p> | | |

PRESCRIBED FORMAT

LEAD ARGUING COUNSEL

(List of Judgments)

| S.No. | Court(s) | Citation / Case Number | Cause Title and Subject Matter | Decided on | Legal formulation advanced by the applicant. |
|-------|----------|------------------------|--------------------------------|------------|--|
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ASSISTING COUNSEL

(List of Judgments)

| S.No. | Court(s) | Citation / Case Number | Cause Title and Subject Matter | Decided on | Legal formulation advanced by the applicant. |
|-------|----------|------------------------|--------------------------------|------------|--|
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List of matters where appeared as Pro-Bono/ Amicus Curiae

| S.No. | Court(s) | Citation/Case Number | Cause Title | Decided on |
|-------|----------|----------------------|-------------|------------|
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Details of five Synopses

| S.No. | Court(s) | Case Number | Cause Title | Details |
|-------|----------|-------------|-------------|---------|
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Details of academic articles/books/journals published, experience of teaching assignments in the field of law, guest lectures delivered in law schools or professional institutions connected with law.

| S.No. | Topic of published Academic articles / Books / Journals. | Experience details of teaching assignment and guest lectures delivered in law schools or professional institutions connected with law | Names of law schools or professional institutions connected with law | Any other relevant details |
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GENERAL INSTRUCTIONS TO BE FOLLOWED FOR FILLING UP ANNEXURE-A AND ANNEXURE-A1

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| 1. | Every Application-cum-Consent Letter or the Application for providing additional information in the prescribed formats marked as Annexure-A and Annexure-A1 shall be made in English, typed/printed with font size (Arial-14) in double spacing on both sides 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. |
| 3. | All documents annexed to the Application should be accompanied by an Index containing the details thereof. (The Registry, 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. | (i) All photocopies of the accolades/testimonials should be legible and true copies of their respective originals. (ii) English translation of vernacular documents (if any) should be annexed thereto. |
| 7. | Only one set of the Application in the form of Paper Book, should be filed. |
| 8. | Passport size colour photograph (original) should be pasted on the Application. One additional recent passport size colour photograph (mentioning the name of the applicant on its back side) should be provided in a separate envelope. |

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| 9. | The soft copy of the Application/s along with Annexure-A and Annexure-A1, in searchable mode, along with the scanned photograph should be submitted through e-mail, as mentioned in the notification, in addition to the hard copy thereof. |
| 10. | Information relating to judgments, pro bono/amicus curiae, five synopses, articles/books/journals/teaching assignments/guest lectures may be provided in the prescribed formats, which are parts of Annexure-A and Annexure-A1. |

BY ORDER OF THE COURT
Sd/-
(KANWAL JEET ARORA)
REGISTRAR GENERAL