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PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**HIGH COURT AT CALCUTTA  
APPELLATE SIDE**

**NOTIFICATION**

No. 2575-G - dated 3<sup>rd</sup> July, 2018 — In exercise of powers conferred upon the High Court under Section 16 (2) of the Advocates Act, 1961 and in view of the order of the Hon'ble Supreme Court dated 12<sup>th</sup> October, 2017 passed in Writ Petition (C) No. 454 of 2015 (Ms. Indira Jaising -Vs.- Supreme Court of India), the High Court at Calcutta frames the following guidelines which will come into effect on its publication in the Kolkata Gazette Extraordinary.

1. Only such Advocates shall be designated as Senior Advocates who, by virtue of their ability, standing at the Bar or special knowledge or experience in law are deserving of such distinction.
2. No person shall be designated as Senior Advocate unless he has put in practice of 10 years and more at the Bar.
3. Cessation of right to practice of a Senior Advocate on elevation will not disentitle him to practice as a Senior Advocate on his superannuation or resignation from the office of a Judge of any High Court.
4. The Chief Justice shall constitute a Permanent Committee to be known as "Committee for Designation of Senior Advocates."
5. The Permanent Committee will be headed by the Chief Justice, two senior most Judges of the High Court and the Advocate General for the State of West Bengal. The above four members of the Permanent Committee will nominate a member of the Bar, who himself is a Senior Advocate, to be the 5<sup>th</sup> member of the Permanent Committee for a term of 2 years.
6. The first four members of the Permanent Committee, in consultation with each other, may renominate the fifth member of the Permanent Committee if such fifth Member desires to recuse himself from the Committee.
7. In case the first four members of the Permanent Committee are of the opinion that the 5<sup>th</sup> member is incapable of discharging his duties due to old age, physical and mental incapacity

or a vacancy occurs due to death or in case of his temporary absence even before expiry of the period of 2 years for the reasons as mentioned in the preceding paragraph, or refuses or neglects to attend two consecutive meetings without any reasonable cause, the first four members shall, on consultation renominate any other designated Senior Advocate from the Bar as the fifth Member.

8. There shall be a Permanent Secretariat for the permanent Committee, the composition of which will be decided by the Chief Justice in consultation with the other members of the Permanent Committee. The staff of the Permanent Committee shall be appointed by the Permanent Committee members on consultation from amongst the existing staff of the High Court who shall discharge duties as staff of the Permanent Committee in addition to their substantive post and until a Permanent Secretariat is constituted, the Secretariat attached to the office of the Chief Justice will act as Secretariat for the Permanent Committee.
9. When any staff of the Secretariat of the Permanent Committee retires, resigns, or is transferred or is incapacitated, the Permanent Committee shall appoint any person in his place in the same manner as in the preceding paragraph.
10. All matters relating to designating of Senior Advocates in the High Court shall be dealt with by the Permanent Committee.
11. All applications by the Learned Advocates, regularly practicing in the High Court, intending to be designated as Senior Advocates shall be submitted to the Secretariat in filled up proforma prescribed hereunder with supporting documents and a declaration prescribed hereunder.
12. The Hon'ble Judges of the High Court may, in writing, propose names of Learned Advocates regularly practicing in the High Court to be designated as Senior Advocates.
13. On receipt of a proposal from an Hon'ble Judge, the Secretariat, through its Secretary, shall inform the Advocate of the proposal of the Hon'ble Judge and seek his consent for consideration of his name for being designated as a Senior Advocate. In case the Advocate consents, to have his name considered, the Secretary of the Secretariat shall request the Advocate to furnish the particulars in the prescribed proforma with supporting documents and a declaration in the proforma prescribed hereunder, duly filled up.
14. On receipt of the application in the prescribed proforma, in either cases, the Secretariat will compile the relevant data and information with regard to the expertise, reputation, conduct and integrity of the Advocate concerned including his/her participation in pro bono work; reported and unreported judgments of matters in which the concerned Advocate had appeared and actually argued evincing formulation of legal points for answer by the Court as evident therefrom; and the number of such judgments during the last five years preceding the application submitted in the proforma.

The Secretariat shall collect the information/data in respect of the applicant Advocates from the following sources:

- a) Judgments reported in recognized law journals;
- b) Unreported judgments to be collected from the applicant Advocate;
- c) Legal Services Authority for pro bono work;
- d) Bar Council of West Bengal or such other State Bar Council with which the applicant Advocate is enrolled in regard to disciplinary proceedings;
- e) Police authorities in regard to any criminal proceedings;
- f) Civil Courts in regard to civil proceedings;

15. The Secretariat shall publish the proposal of designation of the Advocate in the official website of the Calcutta High Court inviting suggestions/views from the stakeholders within two weeks from such publication. The suggestions/views of only those stakeholders who disclose their identity and addresses would be considered as valid.

For the above purpose, the expression "stakeholder" shall mean –

- (a) Present and past President(s) and Secretary(s) of the Bar Association/Bar Library Club/ Incorporated Law Society of which the applicant Advocate is a member;
  - (b) Designated Senior Advocates;
  - (c) Such other person or persons, if any, that the Permanent Committee may decide from time to time.
16. The Secretariat shall also obtain such information as may be specifically directed by the Permanent Committee to be obtained in respect of any applicant Advocate seeking such designation.
17. After receipt of the suggestions/views of stakeholders, the Secretariat will compile all information, data, views/suggestions of stakeholders as also the information directed to be collected by the Permanent Committee, and put up the case before the Permanent Committee for scrutiny.
18. The Permanent Committee will examine each case in the light of the information and data provided by the Secretariat of the Permanent Committee; interview the Advocate; and make its overall assessment on the basis of a point-based format indicated below:

Sl. No.	Matter	Points
1.	Number of years of practice of the applicant Advocate from the date of enrolment; [10 points for 10-20 years of practice, 20 points for practice beyond 20 years]	20 points
2. (a)	Judgements (reported and unreported) evincing the applicant advocate's formulation of legal point(s) for answer by the Court in course of arguing a case;	40 points
(b)	Pro bono work done by the applicant Advocate;	
(c)	Domain expertise of the applicant Advocate in various branches of law, such as constitutional law, Inter-State Water Disputes, Criminal law, Arbitration law, Corporate law, Family law, Human Rights, Public Interest Litigation, International law, Law relating to Women etc.	
3.	Publications by the applicant Advocate	15 points
4.	Test of Personality & Suitability on the basis of interview/interaction	25 points

19. All members of the Permanent Committee shall provide separate marks in individual score sheets and the marks of all the members should be compiled by the Secretariat to calculate the percentage of marks secured by each applicant Advocate.
20. Only those applicant Advocates who secure at least 60 marks shall be designated as Senior Advocates. However in a deserving case, for favourable consideration, the Permanent Committee may relax the benchmark of 60 marks upto a maximum of 10 marks and designate an applicant Advocate as Senior Advocate.

21. If any of the information, supplied by the applicant Advocate is found to be incorrect and/or misleading, his/her application will be considered as cancelled, and he/she will not be considered for designation as Senior Advocate subsequently.
22. Names of Advocates cleared by the Permanent Committee shall be placed in the meeting of the Full Court. Upon consideration, the Full Court will take a final decision by two third majority of the total number of Judges present in the Full Court.
23. Voting by secret ballot will not normally be resorted to by the Full Court except when unavoidable. In the event of secret ballot, decisions will be carried by a majority of the Judges who have chosen to exercise their preference/choice.
24. The Judges who are on duty but not at principal seat of the High Court, could send their opinion in a sealed cover to the Chief Justice and the same will be presumed to be voting as person present and voting.
25. The Judges sitting in Andaman & Nicobar Bench can participate in the proceedings through Video conference and their votes will also to be counted for ascertainment of two third majority.
26. All cases that have not been favourably considered by the Full Court may be reviewed/reconsidered after expiry of a period for two years following the manner indicated above as if the proposal is being considered afresh.
27. In the event a Senior Advocate is guilty of such conduct which according to the Full Court is deemed to be unworthy of such designation, Full Court may review its decision to so designate and recall its decision.
28. The Permanent Committee shall sit twice a year, preferably in January and July of each year, to deal with matters relating designation of Senior Advocates in Calcutta High Court.
29. The 'Guidelines of the High Court at Calcutta relating to designating Senior Advocates under Section 16 (2) of the Advocates Act, 1961' vide No.4124-G dated 29<sup>th</sup> September, 2014 published in the Kolkata Gazette on 17<sup>th</sup> February, 2015 stand repealed. Provided, however, that the designation of Senior Advocates made shall not be affected by such repeal of the said Guidelines of 2014 and shall continue to be governed by the guidelines repealed hereunder.

## PROFORMA APPLICATION

1. Name:-
  2. Father's/Husband's Name:-
  3. Address:-
  4. Date of Birth:-
  5. Date of Enrolment as an Advocate with enrolment No:-
  6. Number of years of practice from the date of enrolment:-
  7. Judgments (reported and unreported) evincing formulation of legal points for answer by the Court in the course of arguing cases:-
  8. Details of the pro bono work done:-
  9. Domain expertise in branches of law:-
  10. Publications in.....:
  11. Whether he/she has been a chamber junior to any lawyer, if so, name of such lawyer and the period of juniorship ?
  12. Whether any junior lawyers are/have been attached to his/her chamber. If so, their names and the periods of their juniorship ?
  13. Professional income particulars as reflected in the Tax Returns filed in the past 5 years:-
  14. Whether in any panel of Central/State Government or other Institutions. If so, details thereof ?
  15. Details of important matters in which he/she appeared:-
  16. Number of briefs received/handled every year in the past three years:-
  17. Any other information which the applicant Advocate may wish to furnish:-
- Note: Separate sheet can be used for providing answers to the aforesaid Questions, if the space in this proforma is considered insufficient.

Place:-

Date:-

SIGNATURE

List of Enclosures:-

- 1.
- 2.
- 3.
- 4.
- 5.

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**PROFORMA 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

**PROFORMA DECLARATION**

I....., Advocate do hereby declare that no investigation and/or criminal case is pending against me as on date. I have never been arrested in connection with any investigation or criminal case and I have not been convicted by any Court of Law.

Place:-

Date:-

SIGNATURE

By Order of the High Court,

Sd/-

**SUBHASIS DASGUPTA**  
**Registrar General**  
**High Court, Calcutta.**