

The High Court of Kerala (Designation of Senior Advocates) Rules, 2018 has also been published in the Kerala Gazette Vol. VII, No.11 dated 13/03/2018.

THE HIGH COURT OF KERALA

D1- 90619/2014

Kochi- 682 031,
Dated : 16-02-2018.

NOTIFICATION

In exercise of the powers conferred by Sections 16(2) and 34(1) of the Advocates Act, 1961 (Central Act 25 of 1961), the High Court of Kerala hereby makes the following Rules regarding designation of an Advocate as a Senior Advocate:

RULES

1(a). These Rules shall be called “The High Court of Kerala (Designation of Senior Advocates) Rules, 2018.”

1(b). These Rules shall come into force at once.

2. The High Court may designate an Advocate as a Senior Advocate, if in its opinion, by virtue of his/her ability, standing at the Bar, or special knowledge or experience in law, the said Advocate deserves conferment of such distinction.

3. An Advocate may be considered for being designated as a Senior Advocate:

(a) On his/her name being proposed by the Chief Justice or any other Judge of the High Court of Kerala;

(b) On his/her name being recommended by any two designated Senior Advocates practising in the High Court of Kerala;

(c) On application made by the Advocate concerned, endorsed by two designated Senior Advocates practising in the High Court of Kerala.

4. An Advocate shall be considered for being designated as a Senior

Advocate only if he/she has actually practised as an Advocate for not less than ten years.

5. The Advocate whose name is proposed/recommended for being designated as a Senior Advocate/who applies for being designated as a Senior Advocate, should have been an income-tax assessee as on the date of the application, for a minimum period of ten years.

6. (1) Proposals for designation of an Advocate as a Senior Advocate by a Judge of the High Court of Kerala shall be addressed to the Chief Justice. Recommendations by Senior Advocates and applications by Advocates shall be addressed to the Registrar General and shall contain the particulars set out in the proforma in Annexure A to these rules, which shall be enclosed with the application.

(2) The written consent of the Advocate concerned shall accompany the proposal/recommendation for designation as a Senior Advocate along with a declaration by the Advocate concerned that no proposal/recommendation/application to designate him/her as a Senior Advocate has been rejected by the Supreme Court of India or the High Court of Kerala and/or any other High Court in India, within a period of two years immediately preceding the date of the proposal/recommendation/application. Such a declaration shall accompany applications for designation as well.

(3) If the proposal for designation of an Advocate as a Senior Advocate is made under Clause (a) of Rule 3 above, the particulars mentioned in Rule 6(1) shall be obtained from the Advocate concerned, by the Secretariat mentioned in Rule 7(2) of these Rules. In the case of recommendations under clause (b) and applications under clause (c) of Rule 3 above, the particulars mentioned in Rule 6(1) shall be supplied by the Advocate concerned.

(4) Canvassing in any form shall disqualify the Advocate concerned from being designated.

7. (1) The proposal/recommendation/application for designation as a Senior Advocate shall be processed by a permanent committee of the High Court known as the "Committee for Designation of Senior Advocates" (hereinafter referred to as "the Committee" for short) constituted in accordance with the judgment delivered by the Hon'ble the Supreme Court of India in **Indira Jaisingh v. Supreme Court of India and others** (AIR 2017 SC 5017).

(2) The Secretariat of the Registrar General of the High Court shall be the Secretariat of "the Committee" and the Registrar General of the High Court shall, ex-officio, be the Secretary of "the Committee".

8. The Secretariat of "the Committee" shall as soon as proposals/recommendations/applications for designation are received, cause a summary of the proposals/recommendations/applications for designation to be published in the official website of the High Court of Kerala and invite suggestions/views of the members of the Bar and other stakeholders in the matter, within 30 days from the date of publication. The suggestions/views shall be in writing, shall bear the name and full address of the sender and shall be addressed to the Registrar General of the High Court. Anonymous petitions /representations will not be entertained.

9. All proposals/recommendations/applications for designation as Senior Advocates shall be scrutinised by the Secretariat of "the Committee", which shall collect relevant data and information with regard to the reputation, conduct and integrity of the Advocate concerned; verify the details

regarding his/her participation in pro bono work, if any; reported judgements in which he/she has appeared; the number of such judgements reported during the last five years and other matters referred to in the particulars furnished in terms of Rule 6(1) and prepare and submit a report to "the Committee" regarding every proposal/recommendation/application for designation.

10. The Secretariat of "the Committee" shall place the proposals/recommendations/applications for designation before "the Committee" after the expiry of the period of 30 days from the date of publication of the proposals/recommendations/applications for designation in the official website of the High Court of Kerala.

11. The Committee will examine each proposal/recommendation/application for designation as Senior Advocate in the light of the materials on record including the materials provided by the Secretariat, the suggestions/views of the members of the Bar and other stakeholders, interview/interact with the Advocate concerned, make an overall assessment and place the proposals/recommendations/applications for designation, before the Full Court for consideration, along with its recommendations.

12. A proposal/recommendation/application for designation as a Senior Advocate shall be considered as accepted by the Full Court if two-third of the Judges present and voting, vote in favour of such proposal/recommendation/application. Voting by secret ballot will be resorted to only when it is unavoidable and in the event of such secret ballot also, the proposal/recommendation/application for designation as a Senior Advocate shall be considered as accepted, if two-third of the Judges present and voting, vote in favour of the proposal/recommendation/application.

13. A proposal/recommendation/application for designation which is not accepted by the Full Court will be considered afresh only after the expiry of a period of two years from the date on which the proposal/recommendation/application was not accepted by the Full Court and that too, only on receipt of a fresh proposal/recommendation/application for designation.

14. (1) The designation of an Advocate as a Senior Advocate shall be liable to be revoked, after due notice to him/her, in the event of it being found by the Bar Council of India/Bar Council of Kerala/Bar Council of any other State that he/she has committed professional/other misconduct or if the High Court is satisfied that he/she has violated all or any of the provisions of the Rules framed and issued by the High Court of Kerala under sub-section (1) of Section 34 of the Advocates Act, 1961. The designation shall also be liable to be revoked after due notice to the Senior Advocate concerned if he/she 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 for an offence involving moral turpitude or for contempt of court. The proposal for revocation of designation shall be considered as accepted by the Full Court if two-third of the Judges present and voting, vote in favour of such revocation.

(2) Nothing contained in these rules shall stand in the way of an Advocate who has been designated by the High Court of Kerala as a Senior Advocate, from submitting an application to withdraw or recall his/her designation as a Senior Advocate. In the event of such an application addressed to the Registrar General being submitted, the Registrar General shall place it before the Chief Justice for appropriate orders thereon.

15. On the designation of an Advocate as a Senior Advocate or on the revocation or withdrawal of such designation, the Registrar General shall notify the said fact to the Registrar General, Supreme Court of India, the Bar Council of Kerala, the Bar Council of India, the Bar Councils of other States in India and to all the District and Sessions Judges subordinate to the High Court of Kerala. The notification shall also be published in the official website of the High Court and a copy thereof communicated to the Judges of the High Court.

16. A record of all decisions relating to designation/revocation/withdrawal of designation shall be maintained in the Secretariat of the Committee.

17. On the date of coming into force of these Rules, the Rules framed and issued by the High Court of Kerala under Section 16(2) of the Advocates Act, 1961, by Notification No.D2(J)-54532/97 dated 31.8.1999 and published in the Kerala Gazette No.3 dated 18.1.2000, shall stand repealed.

18. All pending applications for designation shall be returned to the applicants concerned for applying afresh in accordance with these Rules. All pending proposals/recommendations for designation shall also be likewise returned.

ANNEXURE A

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PROFORMA

1. Name :
2. Qualifications :
3. Date of birth :
4. Permanent Address :

5. Address to which communications are to be sent. :

6. Date of enrolment as Advocate and place of enrolment :

7. Number in the roll of Advocates maintained by the State Bar Council. :
8. Are you a member of any Association of Lawyers? If so, give details. :

9. Number of years of practice and in which Court? :

10. Have you specialised in any field of law? If so, give details. :

11. Have you been a chamber junior to any lawyer? If so, furnish the name of such lawyer/lawyers and the duration. :

12. Is any junior Lawyer attached to your chamber? If so, furnish the name(s) of such lawyer(s) and the duration. :

- 13.(i) Since when have you been an assessee under the Income Tax Act, 1961? :
- (ii) Permanent Account Number (PAN);

14. Are you in the panel of lawyers or do you hold office as State or Central Government Pleader? :

15. List of important cases in which you have appeared as counsel. :
16. Do you have to your credit any publication in any Journal? If so, give details. :
17. Have you attended or participated in any seminar/ conference relating to law? :
18. Have you been a faculty member of any Law College or Law Department of any University or Law University? :
19. Has the Bar Council of India/Bar Council of Kerala/ Bar Council of any other State found you guilty of misconduct or is any such proceeding for misconduct pending? If so, give details. :
20. Have you been convicted for an offence involving moral turpitude/is any such proceeding pending against you? If so, give details. :
21. Has any proposal/application for designating you as a Senior Advocate been made to the High Court of Kerala or any other Court before? If so, with what result? :
22. Are you ordinarily practising within the territorial limits of the jurisdiction of the High Court of Kerala? :
23. Other information/particulars, if any, including legal aid work. :

(BY ORDER)



N. ANIL KUMAR,
REGISTRAR GENERAL

12/10
A.S.M.

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Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Honourable Supreme Court in its judgment in W.P.(C) No. 454/2015 entitled *Indira Jaisingh v. Supreme Court of India and others* (AIR 2017 SC 5017), laid down norms/guidelines for designation of an Advocate as a Senior Advocate.

The High Court after considering the matter in detail decided to issue separate rules providing guidelines for designation of an Advocate as a Senior Advocate.

This notification is intended to achieve the above object.