HIGH COURT OF JUDICATURE AT ALLAHABAD
[AMENDMENT (Admin. 'G-I') SECTION]

NOTIFICATION
NO. 130 /VIIIc
April 18, 2018

Correction Slip No. 258

In exercise of the powers conferred by Article 225 of the Constitution of India and all other powers enabling it in this behalf, the High Court of Judicature at Allahabad is pleased to make the following amendment in Allahabad High Court Rules, 1952, Volume-I, with effect from the date of its publication in the Official Gazette :

'ALLAHABAD HIGH COURT (AMENDMENT) RULES, 2018.'

1. Title and commencement :–(i)These Rules will be called "Allahabad High Court (Amendment) Rules, 2018."

(ii) These Rules shall come into force from the date of its publication in the Official Gazette of the Government.

2. Definition :–The Rule means "Allahabad High Court Rules, 1952."

3. Amendment in Chapter XXIV :–The existing provisions of Chapter XXIV of the Rules of the Court, 1952, Vol.-I, under heading 'Rules Framed Under Section 34(1) read with Section 16(2) of the Advocate's Act, 1961' regarding 'Designation of Senior Advocate Rules, 1999', shall be substituted as follows :

Amendment

THE DESIGNATION OF SENIOR ADVOCATE RULES, 2018

1. Short title, extent and commencement :–(1) These Rules shall be called 'The Designation of Senior Advocate Rules, 2018'.

(2) These Rules shall extend to the entire jurisdiction of the High Court of Judicature at Allahabad.

(3) These Rules shall come into force from the date of their publication in the Official Gazette.

2. Definitions: –In these Rules, unless the context otherwise requires :

(*a*) "Advocate" means an Advocate whose name is entered on the rolls prepared and maintained under the provisions of the Allahabad High Court Rules, 1952;

(*b*) "Committee" means the "Permanent Committee" for Designation of Senior Advocates as constituted under sub-rule (1) of Rule 3 of these Rules;

(*c*) "Court" means the same as defined in the Rules of the Court, 1952;

(*d*) "High Court" means the same as defined in section 2 (g) of the Advocate's Act, 1961;

(*e*) "Roll" means the roll of Advocates prepared and maintained under the provisions of the Allahabad High Court Rules, 1952;

(*f*) "Secretariat" means the Permanent Secretariat established by the Chief Justice of the High Court under sub-rule (2) of Rule 3 of these Rules.

3. Permanent Committee for designation of Senior Advocates :–(1) All the matters relating to designation of Senior Advocates in the High Court shall be dealt with by the Permanent Committee, which will be headed by the Chief Justice and consist of the two Senior-most Judges of the High Court; (ii) the Advocate General of the State of Uttar Pradesh; and (iii) a designated Senior Advocate of the Bar to be nominated by the members of the Committee.

(2) The Committee constituted under sub-rule (1) shall have a Secretariat, the composition of which will be decided by the Chief Justice of the High Court, in consultation with other members of the Committee.

(3) The 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.

4. Designation of an Advocate as Senior Advocate :–(1) The High Court may designate an Advocate as a Senior Advocate, if in its opinion, by virtue of his/her ability and standing at the Bar, the said Advocate is deserving of such distinction.

Explanation :–The term "standing at the Bar" means position of eminence attained by an Advocate at the Bar by virtue of his/her seniority, legal acumen, and high ethical standards maintained by him, both inside and outside the Court.

(2) An advocate who has put in at least ten years of actual practice as an advocate shall be eligible to be designated as Senior Advocate :

Provided that a retired Judge of any High Court, who is qualified to practice in the Allahabad High Court may also be recommended for being designated.

5. Motion for Designation as Senior Advocate :–Designation of an Advocate as Senior Advocate by the High Court may be considered:

(*a*) on the written proposal made by the Chief Justice or any sitting Judge of the High Court of Judicature at Allahabad :

Provided that a sitting Judge will not make a proposal for more than two Advocates in a calendar year; or

(*b*) on the written application submitted by an Advocate, recommended by two designated Senior Advocates :

Provided further that such designated Senior Advocates will not recommend the names of more than two Advocates in a calendar year.

6. Procedure for Designation :–(1) All the written proposals and applications for designation of an Advocate as a Senior Advocate shall be submitted to the Secretariat:

Provided that every application by an advocate shall be made in Form No. 1 of **APPENDIX-A** appended to these Rules:

Provided further that in case the proposal emanates from a Judge it need not be submitted in the prescribed form. However once the proposal is received, the Secretariat shall request such advocate to submit Form No. 1 duly filled in within such time as directed by the Committee and in such a case the requirement of having recommendation of two Senior Advocates would stand dispensed with.

(2) On receipt of an application or proposal for designation of an Advocate as a Senior Advocate, the Secretariat shall compile the relevant data and the information with regard to the reputation, conduct,

integrity of the advocate concerned including his participation in *pro bono* work, reported judgments of the last five years in which the concerned advocate has appeared and has actually argued.

(3) The Secretariat will notify the proposed names of the advocates to be designated as Senior Advocates on the official website of the High Court of Judicature at Allahabad, inviting suggestions and views within such time as may be fixed by the Committee.

(4) After the material in terms of the above is compiled and all such information, as may be specifically required by the Committee to be obtained in respect of any particular candidate, has been obtained and the suggestions and views have been received, the Secretariat shall put up the case before the Committee for scrutiny.

(5) Upon submission of the case by the Secretariat, the Committee shall examine the same in the light of the material provided and, if it so desires, may also interact with the concerned advocate(s) and thereafter make its overall assessment on the basis of the point based format provided in **APPENDIX-B** to these Rules.

(6) After the overall assessment by the Committee, all the names listed before it will be submitted to the Full Court along with its Assessment Report.

(7) Normally voting by ballot shall not be resorted to unless unavoidable. The motion shall be carried out by consensus, failing which voting by ballot may be resorted to. In the event of voting by ballot, the views of the majority of the Judges present and voting shall constitute the decision of the Full Court. In case the Judges present be equally divided, the Chief Justice or in his absence the Senior Judge present shall have the casting vote.

(8) The cases that have not been favorably considered by the Full Court may be reviewed/reconsidered after the expiry of a period of two years, following the same procedure as prescribed above as if the proposal is being considered afresh.

7. Designation of Advocates as Senior Advocates by the Chief Justice :–(1) On the approval of the name of the Advocate by the Full Court, the Chief Justice shall designate such an advocate as a Senior Advocate under section 16 of the Advocate's Act, 1961.

(2) The Registrar General shall notify the designation to the Secretary General of the Supreme Court of India, the Bar Council of Uttar Pradesh, Bar Council of India and also to all the District and Sessions Judges subordinate to the High Court.

(3) A record of the proceedings of the Committee and the record received from the Full Court in this regard shall be maintained by the Permanent Secretariat for further reference.

8. Restrictions on Designated Senior Advocates :–A Senior Advocate shall be subject to such restrictions as the Supreme Court,High Court, the Bar Council of India or the Bar Council of the State may prescribe from time to time.

9. Canvassing :–Canvassing in any manner by a nominee/applicant for designation as a Senior Advocate shall disqualify him/her from being so considered or designated for the next five years.

10. Interpretation :–All questions relating to the interpretation of these Rules shall be referred to the Chief Justice, whose decision thereon shall be final.

11. Review and Recall :–(1) If, after being designated as a Senior Advocate, it is reported by a Judge of the Court, that by virtue of his/her conduct or behavior either inside or outside the Court he/she has forfeited his/her privilege to the distinction conferred upon him/her by the Court, the matter may be placed by the Chief Justice before the Full Court for consideration of withdrawal of designation as Senior Advocate. If the Full Court is of the view that Senior Advocate by virtue of his/ her conduct or behavior

either inside or outside the Court has disentitled himself/herself to be worthy of the designation, the Full Court may review its decision to designate the concerned person and recall the same.

(2) The procedure for review and recall shall be the same as provided under sub-rule (7) of Rule 6. After the approval by the Full Court the Chief Justice shall recall the designation of such Senior Advocate. The Registrar General shall notify the decision in the same manner as provided in sub-rule (2) of Rule 7 of these Rules.

12. Repeal and Saving :–All previous Rules, except Rule 11 of Chapter XXIV of Allahabad High Court Rules,1952, on the subject matter covered by these Rules including the guidelines 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 / guidelines.

APPENDIX-A

[See Rule 6(1)]

Form No. 1

Form of Application for designation as Senior Advocate

Latest passport size photograph of Applicant

1	Name	
2	Father's / husband's name	
3	Address	Permanent Address
		Correspondence Address
4	Age / Date of Birth	
5	Enrollment No. Bar Council & Enrollment Date (Enclose Copy)	
6	Advocate Roll No.	
7	Name of the Bar Association of which he/she is a member	
8	Number of years of practice, and in which Court/s	
9	If specialized in any branch of Law	
10	Aadhaar No. (Enclose Copy)	
	PAN Card No. (Enclose Copy)	

11	Year from which he/she became an Income tax assessee, in respect of the professional income (enclose copies of relevant documents).
12	Particulars of annual declared gross professional income for the past five years (with copies of documents/ Income Tax returns in this regard).
13	Professional Qualification (Enclose Copy).
14	Additional Qualification (Enclose Copy).
15	Contact No.
	E. Mail
16	Whether he/she is, or has been in the panel of Advocates of the State or Central Government or a public sector undertaking, or a statutory body, or institution. If so, details thereof.
17	Particulars of important matters involving question of law in which he/she appeared in the last five years, and particulars of at least ten citations of such reported cases during this period.
18	Names and particulars of Advocates associated with him/her in his/her chamber/office.
19	Particulars of cases in which he/she appeared as an arguing Counsel, on behalf of another Advocate, (not being an advocate from his/her chamber/office), during the preceding three years, and the name and particulars of the Advocates on whose behalf he/she appeared.
20	Particulars of articles, if any, published in any journal or books, if any, authored.
21	Whether associated with any faculty of Law (If so, the particulars thereof).
22	Particulars of the cases in which he/she provided free legal aid.
23	Particulars of the pro bono work performed.
24	Whether or not his/her name was considered for being designated as Senior Advocate within last two years.

25	Whether he/she is involved in any criminal case, disciplinary proceedings before the State Bar Council. If so the particulars / the result / the stage of the proceedings.
26	Whether he/she is involved in any contempt case.
27	Whether any proceeding for professional misconduct has been initiated against him/her by the State Bar Council of Uttar Pradesh / Bar Council of India (pending or decided).
28	Whether any remark has ever been passed against him/her in any order/judgment by any Court of law.
29	Whether he/she is involved in any collateral activities which may disqualify him/her for being designated as Senior Advocate.

(SIGNATURE OF THE APPLICANT)

I, the under signed advocate, practicing in the State of Uttar Pradesh, submit my application for being designated as senior Advocate and state my consent to be so designated by the High Court.
Dated:

(Signature)

APPENDIX-B
[See Rule 6 (5)]

POINT BASED FORMAT FOR ASSESSMENT OF AN ADVOCATE FOR BEING DESIGNATED AS SENIOR ADVOCATE

S. No.	Matter	Points
1.	Number of years of practice of the Applicant Advocate from the date of enrollment [10 points for 10-20 years of practice, 20 points for practice beyond 20 years].	20 points
2.	Judgments (Reported and unreported) which indicate the legal proceeding 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 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.	40 points
3.	Publications by the Applicant Advocate	15 points
4.	Test of Personality &Suitability on the basis of interview/interaction.	25 points

By order of the Court,
(*Sd.*) ILLEGIBLE,
Registrar General.

टिप्पणी–राजपत्र दिनांक 21-04-2018 के भाग 1-क में प्रकाशित विज्ञप्ति।
[प्रतिलिपि सूचनार्थ प्रेषित–]
पी0एस0यू0पी0–13 उच्च न्यायालय–23-04-2018–10 प्रतियां (मोनो/डी0टी0पी0/आफसेट)।