

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No. 139 /UHC/Admn. A /2009

Dated: August 4, 2009.

UTTARAKHAND HIGH COURT DESIGNATION OF SENIOR ADVOCATES RULES, 2009.

Whereas Section 16 (1) of the Advocates Act, 1961 provides for the designation of Advocates as Senior Advocates by the Supreme Court and the High Courts, it is expedient and in public interest that High Court of Uttarakhand frames its own Rules for prescribing and laying down the conditions and procedure for the designation of Senior Advocates;

Now, therefore, in exercise of the powers vesting in the High Court of Uttarakhand under Section 16 (2) of the Advocates Act, 1961, and in supercession of all previous Rules, Notifications, or Orders on the subject, the following Rules are hereby framed:

1. **Short title and commencement.**- (i) These Rules may be called "Uttarakhand High Court Designation of Senior Advocates Rules, 2009".

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

2. **Eligibility for Designation:** An Advocate whose name appears in the roll of Advocates maintained by the State Bar Council of Uttarakhand, who ordinarily resides in Nainital and in ordinary, normal course, practises in the Uttarakhand High Court, and who has to his credit a minimum of twenty years of practice at the Bar shall be eligible for being designated as a Senior Advocate.

3. **Mode of Recommendation:** Proposal for designation of an Advocate as a Senior Advocate shall be sponsored/introduced by a Judge of the High Court of Uttarakhand. Every such proposal shall be accompanied by a written consent of the Advocate sponsored/introduced along with his bio-data containing the following particulars:

- (i) Name in Full:
- (ii) Date of Birth:
- (iii) Educational Qualifications:
- (iv) Date of Enrolment as Advocate:
- (v) Practice at the Bar in terms of years:
- (vi) Approximate number of cases in which he/she has appeared in the Uttarakhand High Court and other Courts:
- (vii) Approximate number of pending cases in Uttarakhand High Court:
- (viii) Whether held any office in the Bar Association/Bar Council:
- (ix) Gross Annual Income from the profession of law in the last five years:
- (x) Whether contributed any Article in any publication or journal:
- (xi) Whether judgments in which he appeared as a counsel have been reported? if so, details thereof:

Note: Documentary proof in support of the contents contained in the bio-data shall also be enclosed.

4. Procedure for Designation:

(i) The proposal of the Judge of Uttarakhand High Court as mentioned in Rule 3, shall be placed by the Registrar General before the



Chief Justice, who may, in turn, place it for consideration before the Full Court.

(ii) The Full Court, upon receiving the proposal, shall accord its consideration to the same and decide whether to accept the proposal or not. If the proposal is accepted, the Advocate concerned shall stand designated as a Senior Advocate.

(iii) While according its consideration, the full Court shall be guided by the consideration of the Advocate concerned possessing the requisites as stipulated in sub-section (2) of Section 16 of the Advocates Act, 1961 viz. whether the Advocate concerned is deserving of the distinction of being designated as a Senior Advocate by virtue of his ability, standing at the Bar or special knowledge of/or experience in law.

(iv) Endeavour shall be made in the Full Court to decide upon the proposal by consensus. If, however, consensus eludes or fails, the proposal shall be decided on the basis of majority votes of the Judges constituting the Full Court.

(v) Upon the decision having been taken by the Full Court to designate the concerned Advocate as a Senior Advocate, the Registrar General shall issue a Notification to this effect in the proforma appended herewith.

Provided, however, if more than one Advocate have been designated as Senior Advocates in the same meeting, separate Notifications shall be issued with respect to all individuals so designated.

(vi) Copies of the Notification shall be sent by the Registry to the following:

- (a) Registrar General/ Secretary General, Supreme Court of India.
- (b) Bar Council of India.
- (c) Bar Council of Uttarakhand.
- (d) Registrar Generals of all the High Courts in India.

5. Record of Proceedings: The record of proceedings with respect to all designations as well as all designation cases shall be separately maintained by the Registrar General.

6. Restrictions with respect to the conduct as Senior Advocate: A Senior Advocate, after designation, shall be subject to such restrictions as may be in vogue or prescribed from time to time.

7. Canvassing : Any canvassing for designation as a Senior Advocate shall disqualify the concerned Advocate for being so designated.

8. Review: (i) If after being designated as a Senior Advocate, it is reported by a Judge of the Court or is otherwise brought to the notice of the Court that by virtue of his conduct and behaviour, either inside or outside the Court, he has forfeited this privilege/ distinction conferred upon him by the Court, the matter may be placed before the Chief Justice for being, in turn, placed before the Full Court for consideration of withdrawal/cancellation of the designation as a Senior Advocate.

(ii) The Full Court shall accord its serious consideration, either based upon a report after an enquiry to be conducted in this behalf, or upon recording its own satisfaction, as to whether the privilege of designation may be withdrawn or not. Endeavour shall be made to arrive at a decision by consensus and if this is not possible, by majority votes of the Judges constituting the Full Court. If the Full Court decides to withdraw/cancel the designation, a Notification to this effect shall be issued by the Registrar General and published in the same manner as in Rule 4.

PROFORMA OF NOTIFICATION

(Refer to Rule 4 (v))

No. _____/

Dated:

By virtue of the power vesting in the High Court of Uttarakhand under Section 16 (2) of the Advocates Act, 1961 and based upon the decision of the Hon'ble High Court of Uttarakhand taken in its meeting held on....., Mr./Ms. is hereby designated as a Senior Advocate in terms of Section 16 (2) of the Advocates Act, 1961 with immediate effect.

REGISTRAR GENERAL

By order of the Court

Sd/-

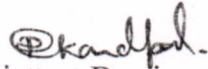
(Ravindra Maithani)
Registrar General.

Dated: August 4, 2009

No. 3128 /XI-a-1/ Admin.A /2009

Copy forwarded for information and necessary action to:

1. P.P.S. to Hon'ble the Chief Justice
2. P.S./ P.A. to Hon'ble Judges of the Court with the request to place the notification for His Lordships kind perusal.
3. Secretary cum L.R., Govt. of Uttarakhand, Dehradun.
4. All the Registrars of the Court.
5. Joint Registrar of the Court.
6. All the Deputy Registrar of the Court.
7. Director, Printing & Stationery, Govt. Press, Roorkee for publication of the Notification in the next Gazette of the Uttarakhand.
8. All the Assistant Registrars/ Section Officers.
9. Librarian with the direction that the above amendment be incorporated in all the relevant books immediately.
10. I/c N.I.C., High Court of Uttarakhand, Nainital.
11. Guard file.


Assistant Registrar.
Admin. A