

**THE GAUHATI HIGH COURT AT GUWAHATI**  
(HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR:  
TRIPURA: MIZORAM AND ARUNACHAL PRADESH)

**NOTIFICATION**

Dated Guwahati, the 9<sup>th</sup> September, 2011

No. HC.XI-05/2011/792/RC# # # # In partial modification of Schedule “E<sup>7</sup>” in Chapter XIV of the Gauhati High Court Rules, the Gauhati High Court hereby lays the Guidelines regarding designating an Advocate as Senior Advocate under the provisions of Section 16 of the Advocates Act, 1961 as follows:

**SCHEDULE “E<sup>7</sup>”**

**GUIDELINES REGARDING DESIGNATING AN ADVOCATE AS SENIOR  
ADVOCATE UNDER THE PROVISIONS OF SECTION 16 OF THE  
ADVOCATES ACT, 1961**

1. The High Court may designate an Advocate as Senior Advocate, if in its opinion by virtue of his ability, standing at the Bar or special knowledge or experience in law, the volume of his practice, his contribution to growth and consolidation of Law in the North Eastern Region, his integrity, credibility and standing in the Bar and his Courtroom manner and etiquette, the said Advocate is deserving of such distinction.
2. Such designation as Senior Advocate shall be considered on the written proposal made by –
  - (i) Any Advocate General of a State under the jurisdiction of the Gauhati High Court provided he himself is a Senior Advocate; or
  - (ii) Two existing Senior Advocates of the Gauhati High Court

Provided that no Advocate General or Senior Advocates shall propose more than two names for Designation of Senior Advocates at any given time.

3. No person shall be eligible to be designated as Senior Advocate unless –
  - (a) he has completed the age of 35 years;
  - (b) has a minimum of 10 years standing as an Advocate of which 5 years practice should be in any Court within the jurisdiction of the Gauhati High Court

Provided that an advocate convicted by any competent Criminal Court or against whom charge has been framed for moral turpitude or Contempt of Court shall not be eligible for consideration.

  - (c) is a permanent resident of any of the States under the jurisdiction of the Gauhati High Court.
  - (d) has the income of not less than two Lakhs Rupees per annum
  - (e) is presently enrolled with the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram, Arunachal Pradesh and Sikkim.

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**Provided that such a person is liable to be taxed under the Income Tax Act; and in case of those who are not liable to pay tax as statement to the extend of income shall be furnished.**

**Provided further that the High Court for the reasons to be recorded in writing, may grant exemption to any individual member from the above requirements regarding income;**

- 4. While calculating the aforesaid standing of 10 years, the period spent by a Judicial Officer during his service career shall be taken into consideration.**
- 5. The proposal be submitted in the form prescribed along with judgements in 10(ten) cases independently argued by the applicant in 12 (twelve) months immediately prior to the date of application.**

**6. Consent of the concerned Advocate:**

**So far as clauses (i) and (ii) are concerned, a proposal may be initiated after ascertaining the inclination of the advocate concerned.**

- 7. (a) On receipt of the proposals, the Registrar General shall scrutinize them and if there be any defect, bring it to the notice of the proposer, who, within fifteen days of the receipt of the notice, shall remove such defect or defects. The Registrar General on examining all the proposals shall submit a report to the Chief Justice, as to whether the proposals satisfy the requirements of the Rules for being designated as Senior Advocate.**

**(b) If the proposals satisfy the requirements, the same shall be immediately placed before the Hon'ble Chief Justice for directions to circulate the valid proposals to all the Hon'ble Judges.**

**(c) The proposals shall be placed before the Full Court for acceptance, which shall be accorded only if not less than 2/3<sup>rd</sup> of the Judges present in the meeting vote in favour of acceptance of the proposal(s).**

**Note: - In calculating the proportion of 2/3<sup>rd</sup> of the Judges, a fraction shall be ignored and only a whole number should be taken into consideration.”**

- 8. (a) Notwithstanding Clause 7, on receipt of the proposal from the Registrar General, the Chief Justice may constitute a Committee consisting of not less than three Judges for determining the maximum number of advocates for designation of Senior Advocate from each Benches and also for short listing Advocates for such designation and such Committee shall, while undertaking the exercise, consult the Portfolio Judge and the Station Judge of the Bench under which the concerned Advocate mainly practices and also the District Judge, as the case may be.**

**(b) On receipt of the names of the short listed Advocates from the Committee, the Full Court shall consider such short listed Advocates at a meeting for designation of Senior Advocates and all or any of such short listed advocates shall be accepted only if not less than two third of the total number of Judges present are in favour of accepting the same.**

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**Provided that in case of a person holding the office of Advocate General of any State under the jurisdiction of Gauhati High Court, the designation of such Advocate as Senior Advocate may be made by the Chief Justice in his discretion.**

**(c) A proposal once rejected shall not be considered again for designation as senior advocate, unless two years have expired since the date of such consideration.**

**Note: - In calculating the proportion of 2/3<sup>rd</sup> of the Judges a fraction shall be ignored and only a whole number should be taken into account.”**

- 9. (i) If, after being designated as a Senior Advocate it is reported by a Judge of the High Court or otherwise that by virtue of his conduct and behaviour either inside or outside the Court or by violating any or all of the provisions of the Rules prescribed by the Bar Council of India under Sections 16(3) and 49(1)(g) of the Advocate Act, 1961 as provided at Annexure “A” of these rules, the Advocate has forfeited his privilege to the distinction conferred upon him by the Court, the matter may be placed before the Chief Justice for consideration of the cancellation of designation as Senior Advocate.**

**(ii) If the Chief Justice, on receiving the report is satisfied that the matter should be further considered, he shall then constitute a committee of not less than three Judges of this Court. The Committee will give opportunity to the Senior Advocate to plead his case including a personal hearing and thereafter submit its proposal to the Chief Justice not later than six months from the date of reference to the Committee. The Committee is free to evolve its own procedure.**

**(iii) If the Committee in its report recommends cancellation of designation as Senior Advocate the Chief Justice shall place the report with the recommendation of the Committee at the immediate next Full Court meeting for its consideration.**

**(iv) If, two-thirds of the Judges present and voting through secret ballot at the meeting is of the view that the Senior Advocate has forfeited his privileges, the Court shall cancel his designation as a Senior Advocate.”**

- 10. Upon an Advocate being designated as Senior Advocate, or on cancellation of such designation, the Registrar General shall communicate the same to the Supreme Court of India, all the High Courts in India, the Secretary to the Bar Council of India, the Secretary to the Bar Council of Assam, Meghalaya, Manipur, Tripura, Nagaland, Mizoram and Arunachal Pradesh, the Advocate General of the concerned State, all the Districts & Sessions Judges subordinate to the High Court and to the Advocate concerned.**

- 11. A record of all such decisions shall be maintained in the Registry of the High Court.**

- 12. On notification of these guidelines, the earlier / previous Rules will stand repealed.**

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**FORM OF PROPOSAL  
FOR DESIGNATION AS SENIOR ADVOCATE**

1. Name of the Advocate :
2. Permanent Address :
3. Educational Qualification :
4. Date of Birth :
5. (i) Date of enrolment as Advocate :  
(ii) Where enrolled as Advocate :  
(iii) Where regularly practicing :
6. Number in the Roll of Advocates maintained by the State Bar Council and date thereof. :
7. Is the Advocate under proposal an assessee under the Income Tax Act in respect of his professional income. If so, give details of the income assessed for the last three years and Permanent Income Tax Account Number. :
8. Other information (optional), if any, including legal aid work publication of books, journals, participation in Seminar / Conference, Association with any Faculty of Law etc. etc. :

Date :

**SIGNATURE OF FIRST PROPOSER**  
(Please see Clause 2)

**SIGNATURE OF SECOND PROPOSER**  
(Please see Clause 2)

I hereby express and give my consent to be designated as Senior Advocate by the Gauhati High Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

**SIGNATURE OF THE ADVOCATE/ APPLICANT**

By Order  
Sd/-  
**REGISTRAR GENERAL**  
**GAUHATI HIGH COURT**

**Memo No. HC.XI-05/2011/793-829/RC, Dated: 09.09.2011.**