



*Extraordinary*  
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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**

**NOTIFICATION**

No. 3061-G - 25<sup>th</sup> July, 2023 — In exercise of the power conferred by Section 34(1) read with Section 16(2) of The Advocates Act, 1961 and in accordance with the guidelines laid down by the Supreme Court of India in its Judgment dated 12<sup>th</sup> October, 2017 in Writ Petition (Civil) No. 454 of 2015, and further orders in the same case dated 4<sup>th</sup> May, 2022 and 12<sup>th</sup> May, 2023, the High Court at Calcutta frames the following Rules for Designation of Senior Advocate and the matters incidental thereto.

**1. Short title, Extent and commencement:**

1. These Rules shall be called 'High Court at Calcutta, Designation of Senior Advocate Rules, 2023'.
2. These Rules shall extend to the entire jurisdiction of the High Court at Calcutta.
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,-**

“**Advocate**” means an Advocate entered in any roll under the provisions of the Advocates Act, 1961;

“**Advocate General**” means the Advocate General for the State of West Bengal.

“**Chief Justice**” means Chief Justice of the High Court at Calcutta.

“**Court**” includes any authority exercising judicial powers in the State of West Bengal except courts and tribunals under any law relating to the Armed Forces.

“**High Court**” means the High Court at Calcutta.

“**Judge**” means sitting Judge of High Court at Calcutta.

“**Permanent Committee for Designation of Senior Advocates**” means the Permanent Committee for Designation of Senior Advocates constituted under Rule 3 of these Rules.

“**Roll**” means the roll of Advocates prepared and maintained under the Advocates Act, 1961;

“**Permanent Secretariat**” means the Secretariat established by the Chief Justice of the High Court at Calcutta under Rule 4 of these Rules.

“**Senior Advocate**” means an Advocate designated as a Senior Advocate under Section 16 (2) of the Advocates Act, 1961.

“**Stakeholders**” means (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, under sub-rules 7- (3), (5).

“**Tribunal**” includes any authority or person legally authorized to take evidence and before whom advocates are by or under any law for the time being in force, entitled to practice.

### 3. Constitution of the Permanent Committee:

- (1) The Chief Justice shall constitute a Permanent Committee to be known as the “Committee for Designation of Senior Advocates.”
- (2) The Permanent Committee shall be headed by the Chief Justice. It shall also include 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 shall nominate a Senior Advocate from the Bar, to be the 5th member of the Permanent Committee. The Committee shall have a term of 2 years.
- (3) The first four members of the Permanent Committee, in consultation with each other, may re-nominate the fifth member of the Permanent Committee if such fifth Member desires to recuse himself from the Committee.
- (4) In case the first four members of the Permanent Committee are of the opinion that the 5th member is incapable of discharging his duties due to his old age, physical or mental incapacity or in case a vacancy occurs due to his death or in case of his temporary absence even before the expiry of the period of 2 years for the reasons as mentioned in the preceding paragraph or in case he refuses or neglects to attend three consecutive meetings without any reasonable cause, the first four members shall, on consultation with one another nominate any other designated Senior Advocate from the Bar as the fifth Member.
- (5) All matters relating to designating Senior Advocates in the High Court shall be dealt with by the Permanent Committee.
- (6) The Permanent Committee shall meet at least once in a Calendar year, to deal with matters relating to the designation of Senior Advocates in the High Court.

#### 4. Formation of Permanent Secretariat:

There shall be a Permanent Secretariat for the Permanent Committee, the composition of which shall be decided by the Chief Justice in consultation with the other members of the Permanent Committee.

- (1) The staff of the Permanent Secretariat 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 until a Permanent Secretariat is constituted. The Collegium Secretariat attached to the office of the Chief Justice shall act as Secretariat for the Permanent Committee in the interregnum.
- (2) 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.

#### 5. Qualification for Designation of an Advocate as a Senior Advocate:

- (1) If the Chief Justice or any other sitting Judge of this Court is of the opinion that an Advocate by virtue of his ability, standing at the Bar or special knowledge or experience in law is deserving of such distinction so as to be designated as Senior Advocate, the Chief Justice/the Judge may, in writing, recommend not more than 3 names of such Advocates for being considered for designation as Senior Advocate. Such a recommendation shall be submitted to the Secretariat. No Judge shall make more than one recommendation within a span of 3 months.

**Explanation:** The expression “standing at the Bar” means the position of eminence attained by an Advocate at the Bar by virtue of his ability, seniority, legal acumen, special knowledge or experience, and high ethical standards maintained by him or her, both inside and outside the Court.

- (2) No person shall be eligible to be designated as Senior Advocate unless he:
  - i) is ordinarily practising and actually argued cases in the High Court at Calcutta or its Circuit Benches and/or Courts Subordinate to it, including Tribunals within its jurisdictional territory for not less than 10 years preceding the last date of submission of his application for designation as Senior Advocate; or
  - ii) No Advocate is eligible to be designated as a “Senior Advocate”, if
    - a) a charge has been framed against him for an offence involving moral turpitude or he has been convicted by any court of law for an offence involving moral turpitude, or
    - b) any proceeding for professional misconduct is pending before the Bar Council or if he has been found guilty of professional misconduct by the Bar Council.
    - c) any contempt of court proceeding is pending before any Court of law or if he has been found guilty of contempt of court.
  - iii) The Permanent Committee and the Full Court shall take into account the calibre, merit, ability and academic distinction of the Advocate concerned, including his character, conduct and behaviour towards the court and other members of the Bar.

## 6. Initiative for designation as a Senior Advocate:

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

(1) his name being proposed, in writing, by the Chief Justice or any sitting Judge of the High Court at Calcutta.

(1A) 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 make an online application in the format prescribed in the Appendix-"A" or as suggested by the Secretariat; or,

(2) an application is made by an Advocate, in the Format prescribed in the Appendix-"A" in accordance with the notification published on the website of Calcutta High Court.

Provided that all proposals and documents are to be submitted to the Secretariat. Documents as per Sub Rule 1A and the applications as per Sub Rule 2 shall be submitted online with sufficient number of hard copies as and when decided by the Permanent Committee.

## 7. Procedure for Designation:

(1) On receipt of the application as prescribed in Appendix-"A", in either cases, the Secretariat shall compile the relevant data and information with regard to the expertise, reputation, conduct and integrity of the Advocate concerned including his participation in pro bono work; reported and unreported judgments of matters in which the concerned Advocate has appeared and actually argued the case; and the number of such judgments during the last five years preceding the application etc., as submitted in the proforma.

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

- i) Judgments reported in recognized law journals to be verified by the Librarian of the Hon'ble Judges' Library in terms of the information furnished in the Sl. No. 17 of Appendix-"A";
- ii) Unreported judgments to be collected from the applicant Advocate;
- iii) Appropriate Authority for pro bono work;
- iv) Bar Council of West Bengal or such other State Bar Council with which the applicant Advocate is enrolled in regard to disciplinary proceedings;
- v) Police authorities in regard to any criminal proceedings;
- vi) Civil Courts in regard to civil proceedings;

(3) The Secretariat shall publish the proposal for the 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.

- (4) 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.
- (5) After receipt of the suggestions/views of stakeholders, the Secretariat shall compile all information, data, views/suggestions of stakeholders and also the information directed to be collected by the Permanent Committee, and put up the same before the Permanent Committee for scrutiny.
- (6) The Permanent Committee shall examine each case in the light of the information and data provided by the Secretariat of the Permanent Committee; interact with 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;	20 points	
	for 10 years of practice		10 point
	for 10 to 20 years of practice		one point each shall be added for every year of practice
	More than 20 years		20 points
2.(a)	Judgments (reported and unreported) where the applicant has argued the matter;	50 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	05 points	
4.	Test of Personality & Suitability on the basis of interaction	25 points	

- (7) 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 average percentage of marks secured by each applicant Advocate.
- (8) Only those applicants who have secured the cut-off mark as decided by the Full Court shall be designated as Senior Advocates.
- (9) If any of the information, supplied by the applicant Advocate is found to be incorrect and/or misleading, his application shall be considered as cancelled and he shall not be considered for designation as Senior Advocate subsequently.

#### 8. Procedure Before the Full Court:

- (1) All the names of Advocates with the points awarded by the Permanent Committee shall be placed in the meeting of the Full Court. Upon consideration, the Full Court shall take a final decision by simple majority of the total number of Judges present in the Full Court. The quorum shall be at least half the total strength of Judges in the High Court.

- (2) Voting by secret ballot shall not normally be resorted to by the Full Court except when unavoidable. In the event of the secret ballot, decisions shall be taken on the basis of the majority of votes secured by an Advocate.
- (3) The Judges who are on duty but not at the principal seat of the High Court may express their opinion via video-conferencing in Full Court meeting or send their opinion in a sealed cover or through the e-mail to the Chief Justice and the same shall be presumed to be voting as a person present for voting.
- (4) All cases that have not been favourably considered by the Full Court may be reviewed/reconsidered after the expiry of a period of two years from the date of publication of the notification designating the Senior Advocates. Such review/reconsideration shall be on the basis of fresh application received pursuant to notification issued under Rule 6(1A) or proposal under Rule 6(1).
- (5) The final decision of the Full Court shall be communicated to the applicants individually.

#### **9. Suo Motu Power:**

Notwithstanding anything contained in these Rules, the Full Court by consensus may confirm the designation of Senior Advocate on any advocate otherwise eligible if in the opinion of the Full Court he is a person of exceptional quality, eminence and has special expertise in any field of law.

#### **10. On Designation of Advocates As Senior Advocates:**

- (1) On designation as a Senior Advocate, the Advocate concerned shall not:
  - a) file any Vakalat or Memo or Appearance,
  - b) appear before any court, tribunal or judicial authority unless assisted by another Advocate,
  - c) directly make consultation with any litigant,
  - d) appear for mentioning any matter to the Court nor seek an adjournment in any Court, except under special circumstances to the satisfaction of the Court,
  - e) accept instruction to draw pleadings or affidavits, advise on evidence or do any drafting or work of an analogous nature in any Court or Tribunal, or undertake conveyancing work of any kind whatsoever. However, these prohibitions shall not extend to settling any such matter as aforesaid in consultation with an instructing advocate,
  - f) be a standing counsel of any Government, Public Sector undertaking, institution or local corporate body and if he holds such a position, he shall resign or relinquish the same upon being designated a Senior Advocate.
- (2) Upon designation as Senior Advocate, the name of such Senior Advocate shall be entered in the Roll of Senior Advocates to be maintained by the Registry and an order to that effect shall be issued conferring such distinction on the Advocate, by the Registrar General, whereupon, the Advocate shall thereafter be addressed as a 'Senior Advocate' of the High Court.
- (3) Upon an Advocate being designated as Senior Advocate, the Registrar General, shall communicate the same to the Supreme Court of India, all the High Courts, Bar Council of

India, the State Bar Councils and the Bar Associations of the Calcutta High Court and its Circuit Benches.

- (4) The notification shall also be published in the official website of the High Court at Calcutta and a copy thereof shall be communicated to the Judges of the High Court. The Secretariat of the committee shall maintain the record of all the decisions relating to designation/ revocation/ withdrawal of designation.

#### **11. Privileges of the Senior Advocate:**

A Senior Advocate:

- (a) shall have a preferential right of audience in all Courts according to seniority;
- (b) shall be entitled to wear special robes meant for Senior Advocates;
- (c) shall be entitled to such other rights and privileges conferred upon a Senior Advocate by the Advocates Act, 1961.

#### **12. Withdrawal of Designation by the Court:**

In the event that a Senior Advocate is found guilty of any professional conduct or for involvement in any alleged offence involving moral turpitude or is found guilty or contempt of court or found guilty of misconduct by the Bar Council, rendering him unworthy to continue as Senior Advocate, the Full Court may review its decision to designate the person concerned and recall the same, after complying with the principles of natural justice, and the decision to recall the designation shall be intimated / notified in the same manner as provided in Rule 10(3) of these Rules.

#### **13. Residuary:**

For pending proposals / applications available to the Secretariat for the designation of an Advocate as a Senior Advocate, the Advocate concerned shall resubmit their applications online under present proforma (Appendix-A) with soft copies of documents submitted; such candidates shall have the liberty to update or replace their applications within a stipulated time determined by the Permanent Committee.

#### **14. Canvassing:**

Canvassing in any form shall disqualify the Advocate concerned from being so designated.

#### **15. Repeal and Savings:**

All other previous rules, regulations and guidelines for the designation of an Advocate as Senior Advocate are hereby repealed.

Notwithstanding anything contained in these Rules, any act covered by these Rules and done prior to the commencement of these rules shall not be invalidated.

#### **16. Interpretation of Rule:**

On any question(s) relating to the interpretation of these Rules; the opinion of the Permanent Committee shall be final.

**APPENDIX - "A"****APPLICATION - CUM - CONSENT LETTER**  
**FOR BEING DESIGNATED AS SENIOR ADVOCATE**  
**[FOR ADVOCATES - ON - RECORD / ADVOCATES]**

		Recent Passport size photograph to be pasted here
1.	Name of the Applicant-Advocate : (Mr./Mrs./Ms.)	
2.	Gender	Male/ Female / Third
3.	Father's Name	
4.	Date of Birth	Day / Month / Year
5.	Age (as on last date of application)	
6.	Address in full : (i) Office Address -	
	(ii) Residential Address -	
	(iii) Within the jurisdiction of the Police Station -	
7.	Contact Details : (i) Landline No. -	
	(ii) Mobile No. -	
	(iii) E-mail Id. -	
	(iv) Social media accounts, if any	



8.	Educational / Professional Qualifications : (Mention award of prize, scholarship, fellowship or any other distinction.)		
9.	(i) Date of Enrolment as Advocate  (ii) Enrolment Number (copy of Enrolment Certificate to be attached)		
10.	(i) Bar Council, where registered		
11.	Standing as an Advocate as on date (Number of years of practice)		
12.	Whether Member of Supreme Court Bar Association		
13.	Place/Courts where practising: (Court-wise period may be indicated)	Courts (District)	Duration From      To
14.	Whether a first generation Advocate	Yes / No	
15.	Nature of Practice - Civil, Criminal, Constitutional, Taxation, Labour, Company, Service, etc.		
16.	Field of law in which Applicant has Specialization/ Expertise (special knowledge or experience in law)		
17.	Number of Reported Judgments in matters in which appeared (List of citation to be provided)		
18.	Number of Un-reported Judgments in matters in which appeared (List of cases with relevant particulars to be provided)		
19.	Details of pro bono work during last five years:		
20.	Whether held any position in Bar Council/ Bar Association: if so, details thereof		
21.	Whether delivered any Lecture. If so, give details thereof		
22.	Publications by the applicant Advocate, if any		
23.	Whether the applicant had applied earlier: if so, detailed current status thereof may be indicated.		
24.	Whether employed at any time either on part-time or full-time basis. If so, give status and period and the reasons for leaving:		

25.	Whether appointed as Receiver / Commissioner / Observer / Amicus Curiae in any case, if so, give full particulars thereof.			
26.	Whether any FIR has ever been filed against you; if so, detailed current status thereof may be indicated.			
27.	Whether party to any civil, criminal or other litigation, if so, the nature of involvement.			
28.	(i)	(a)	Have you ever been arrested?	
		(b)	Have you ever been prosecuted?	
		(c)	Have you ever been kept under detention?	
		(d)	Have you ever been bound down?	
		(e)	Have you ever been fined by a Court of Law?	
		(f)	Have you ever been convicted by a court of Law for any Offence?	
		(g)	Have you ever been debarred from any examination or rusticated by any authority / institution?	
		(h)	Have you ever been debarred / disqualified by any Public Commission / Authority?	
		(i)	Is any case pending against you in any Court of Law at the time of filling up this Form?	
	(ii)	If the answer to any of the above-mentioned question is 'Yes' give full particulars of the case / arrest / detention / fine / conviction / sentence / punishment etc. and / or the nature of the case pending in the Court / authority or institution etc. at the time of filling up this form.		
29.	Whether any proceedings were initiated or are pending against you before Bar Council of India or State Bar Council. If so, particulars thereof.			
30.	General state of health.			
31.	Any other information:			

**Declaration:**

I \_\_\_\_\_, Advocate, hereby give consent for being designated as Senior Advocate.

I hereby verify that the information furnished above is true and correct to the best of my knowledge and belief. Nothing material is concealed or suppressed therefrom. I understand that furnishing of false information or suppression of any factual information would render me unfit from being designated as Senior Advocate.

[Signature of the Applicant]

**PROFORMA CONSENT**  
**[As per Rule 6(1A)]**

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, regulation, norms and guidelines as are in force of the time being or which may be prescribed hereafter for this purpose.

Place:-

Date:-

[Signature of the Applicant]

**PRESCRIBED FORMATS****List of Reported Judgments in matters in which you have appeared**

Sl. No.	Court (s)	Citation/ Case Number	Cause Title	Subject Matter and the legal formulation advanced by the applicant

**List of Unreported Judgments in matters in which you have appeared**

Sl. No.	Court (s)	Case Number	Cause Title	Decided on

**List of Pro Bono matters in which you have appeared**

Sl. No.	Court (s)	Citation / Case Number	Cause Title	Decided on	Reportable / Unreportable

**List of matters in which you have appeared as Amicus Curiae**

Sl. No.	Court (s)	Citation / Case Number	Cause Title	Decided on	Reportable / Unreportable

By order of the High Court,  
Sd/-  
[CHAITALI CHATERJEE (DAS)]  
Registrar General.

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