HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(Office of the Registrar General (Camp) at Jammu)

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NOTIFICATION

No.: /784of 2025/RG/LP **Dated:29.05.2025**

In pursuance of the Judgment dated 13.05.2025 passed by Hon'ble Supreme Court of India in Criminal Appeal No. 865 of 2025 titled **Jitender @ Kalla Vs State (Govt. of NCT of Delhi) and another** and in exercise of the powers conferred by Article 227(2)(b) of Indian Constitution read with Sections 34 (1) and 16 (2) of the Advocates Act, 1961 and in supersession of previous notification No.2541/RG/LP dated 30.10.2023, the High Court of Jammu & Kashmir and Ladakh is pleased to notify the Rules for Designation of an advocate as Senior Advocate.

1.Short Title and Commencement

(i) These Rules shall be called **"The High Court of Jammu & Kashmir and Ladakh (Designation of Senior Advocates) Rules, 2025"**.

(ii) These Rules shall come into force from the date of their publication.

2. Definitions

(i) **"Advocate"** means an Advocate who has been admitted to the rolls and continues to be on the rolls of the Bar Council of Jammu & Kashmir and Ladakh constituted under the Advocates Act, 1961.

(ii) **"Advocate General"** means Advocate General of the UT of J&K;

(iii) **"Advocates Act"** means Advocates Act, 1961;

(iv) **"High Court"** means the High Court of Jammu & Kashmir and Ladakh;

(v) **"Chief Justice"** means Chief Justice of High Court of Jammu & Kashmir and Ladakh and includes a Judge appointed under the Constitution to perform the duties of Chief Justice;

(vi) **"Judge"** means judge of High Court of Jammu & Kashmir and Ladakh;

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(vii) **"Registrar General"** means Registrar General of the High Court of Jammu & Kashmir and Ladakh;

(viii) **"Registry"** means the Registry of the High Court of Jammu & Kashmir and Ladakh;

(ix) **"Rules"** means the Jammu & Kashmir High Court Rules;

(x) **"State"** means the Union Territory of Jammu & Kashmir and Union Territory of Ladakh;

(xi) **"State Bar Council"** means the Bar Council of Jammu & Kashmir and Ladakh and shall include the authority exercising such powers.

3. <u>Eligibility Conditions for Designation of Senior Advocates</u>

An Advocate shall be eligible to be designated as a senior Advocate, if he/she:

(i) has a minimum standing of 10 years at the Bar ordinarily practicing in the High Court of Jammu & Kashmir and Ladakh/District Judiciary/Specialized Tribunals, preceding the date of consideration of his/her case for designation as a Senior Advocate;

(ii) has attained position of eminence at the Bar, rather has several qualities of a professional viz. integrity, respect, confidence, dependability, honesty, communication skills and commitment to administration of justice and rule of law.

(iii) possesses ability, legal acumen, special knowledge or distinction and reputation achieved in practice of law, such as he/she is always fair while conducting cases before the Courts and his/her behavior with the Judges and other members of the Bar is respectful;

(iv) he/she maintains decorum while conducting cases before the Court;

(v) he/she always acts first as an officer of the Court and, thereafter, a mouthpiece of his/her client;

(vi) he/she follows the highest standards of professional etiquette and ethics;

(vii) he/she acts as a mentor to the Junior Advocates;

(viii) he/she has participated in ***pro bono*** work;

(ix) he/she has not been convicted by a competent court of law and should not have been punished for an offence involving moral turpitude or contempt of court or should not have been punished by the Bar Council of Jammu & Kashmir and Ladakh or by Bar Council of India for any act of misconduct.

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Explanation: An application by an Advocate mainly practicing before the Trial Courts/District Judiciary and before Specialized Tribunals and having gained domain expertise shall be considered irrespective of his/her limited number of appearances before the High Court. The High Court can call for the views of the Principal District

Judges or Heads of Tribunals on such applications. Moreover, at the time of consideration of applications, views of Administrative Judge of concerned District can also be called for.

4.Procedure

(i) The designation of an Advocate as Senior Advocate by the High Court of Jammu & Kashmir and Ladakh may be considered on a written application of the concerned Advocate made in Form-I along with relevant documents moved before a Permanent Secretariat.

(ii) The decision to confer designation shall be of Full-Court of High Court of Jammu & Kashmir and Ladakh;

(iii) There shall be a Permanent Secretariat, the composition of which will be decided by the Chief Justice;

(iv) The applications of all candidates found to be eligible by the Permanent Secretariat along with relevant documents submitted by the applicants shall be placed before the Full-Court.

(v) The process for designation of Senior Advocates shall be initiated at least once in a year.

(vi) That it shall be the prerogative of the Full-Court, to decide the number of successful applicants by taking into consideration standing of an advocate at Bar, which means the position of eminence attained by an advocate at the Bar by virtue of his ability, seniority, legal acumen and high ethical standards maintained by him/her, both inside and outside the Court.

(vii) While considering the applications for designation of Senior Advocate, the Full-Court shall make an endeavor to arrive at a consensus. However, if a consensus on designation of Advocates is not arrived at, the decision-making shall be by a democratic method of voting.

(viii) In case of voting, the decision shall be carried out by majority of judges present and voting. However, in case of a tie, the Chief Justice shall have the casting/ deciding vote.

(ix) The application of the Applicant/Advocate shall be deemed to be his/her consent.

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(x) The Full Court may, in deserving cases, confer designation *SUO MOTO,* upon an Advocate fulfilling the eligibility criteria, after obtaining consent of the said Advocate.

5. Undertaking

An advocate who has been designated as "Senior Advocate" shall furnish an undertaking that:

a) He/she will abide by the rules regulating the practice of Senior Advocates;
b) He/she will not draft or file pleadings in any Court and shall in all cases be assisted by another Advocate;
c) He/she shall not directly give consultation to any litigant;
d) He/she shall not file Vakalatnama or memo of appearance in any Court or Tribunal. However, the Assisting Advocate shall file a memo of intimation in the concerned Court intimating the appearance of Senior Advocate in the case so engaged; and
e) He/she shall neither appear for mentioning of any matters before the Court nor should he/she appear for getting adjournments.
f) He/she shall mentor and maintain minimum 2/3 young lawyers with less than three years of experience.

6. <u>Registration as senior Advocate</u>

(i) Upon furnishing of the Undertaking in the manner stated in Rule 5, the name of advocate who has been designated as Senior Advocate, shall be entered in the register of Senior Advocates to be maintained by the Court. The order to this effect shall be issued conferring such distinction on the Advocate, by the Registrar General. The Advocate shall thereafter be addressed as "Senior Advocate" of the High Court.
(ii) Upon an Advocate being designated as Senior Advocate, the Registrar General shall communicate the same to the Supreme Court of India and all the High Courts and Bar Council of India, the State Bar Councils and Bar Associations of the State. The Registrar General shall notify the same on the official website of the High Court also.

7. <u>Review and Recall</u>

a) If it is found that any Senior advocate has-
   i. committed any professional misconduct;
   ii. shown intemperate behavior either inside or outside the Court;
   iii. been found invariably negligent in discharge of professional duties;
   iv. been found by Bar Council of India or Bar Council of Jammu & Kashmir and Ladakh or Bar Council of any other State to have committed professional or other mis-conduct;
   v. been convicted of an offence involving moral turpitude or for contempt of the court; and

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vi. for any other reason lost the privilege to be a Senior Advocate, for any/one or more of the foregoing reasons.

b) The name of such Senior Advocate will be placed before the Chief Justice for recalling the designation.

c) On being satisfied that the matter should be further considered, the Chief Justice shall refer the issue to the Full-Court.

d) If majority of the Judges present in the meeting are of the view that the Senior Advocate has forfeited his/her privilege, the Full- Court shall recall his/her designation as Senior Advocate. However, in case of a tie, the Chief Justice shall have casting/deciding vote.

e) The Registrar General shall notify the decision to the Advocate and to the Bar Council of Jammu & Kashmir and Ladakh and other concerned who shall delete the name from the list of Senior Advocates maintained by them in their respective registers.

f) Nothing contained in these Rules shall prevent an Advocate, who has been designated by the High Court of Jammu & Kashmir and Ladakh 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 Permanent Secretariat being submitted, the Permanent Secretariat shall place it before the Full-Court for appropriate orders thereon.

g) The Registrar General shall notify the withdrawal of the designation in official website of the High Court while communicating the same to the concerned.

8. <u>Rights and Privileges of the Senior Advocates</u>

a) The Senior Advocate shall have a preferential right of audience in all Courts according to his/her seniority as such Advocate;

b) The Senior Advocate shall be entitled to wear special robes meant for Senior Advocates;

c) The Senior Advocate shall be entitled to such other rights and privileges conferred by the practice of Senior Advocates under the Advocates Act, 1961.

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9. <u>Reconsideration</u>

If an application of an Advocate for designation as Senior Advocate is not favorably considered by the Full Court, the said Advocate shall not be allowed to make fresh application for a period of two years from the date of such decision of the Full-Court. However, after the lapse of two years, the said Advocate can make a fresh application as per Rules for reconsideration. Similarly, an Advocate, whose application has not been favorably considered by the High Court of Jammu & Kashmir and

Ladakh, he shall not move a similar application before the Supreme Court of India or any other High Court of the country within two years as aforesaid.

10. Repeal and Savings

All the previous Rules/Guidelines/Criteria governing designation of an Advocate as a "Senior Advocate" made by the High Court of Jammu & Kashmir and Ladakh with all amendments/modifications, are hereby repealed. However, this shall not, by itself, invalidate the actions taken under the superseded/repealed Rules/Guidelines/Criteria and all those actions are saved under these Rules.

By Order of the Hon'ble High Court.

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(M.K. Sharma)
Registrar General (Officiating)

No:29354-83/RG/LP Dated: 29.05.2025

Copy of the above forwarded to the:

1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K and Ladakh.
2. Secretary to Hon'ble Mr./Mrs. Justice _____,
   .... for information of their Lordships.
3. Registrar Vigilance, High Court of J&K and Ladakh, Srinagar.
4. Registrar Rules, High Court of J&K and Ladakh, Srinagar.
5. Registrar Judicial, High Court Wing, Jammu/Srinagar.
   .... for information.
6. Director, J&K State Judicial Academy, Srinagar.
7. President, J&K High Court Bar Association, Jammu/Srinagar.
8. Private Secretary to the Ld. Advocate General, Jammu.
   ..... for information and necessary action.
9. Secretary, Bar Council of India, New Delhi for information.
10. Central Project Coordinator E-Courts High Court of J&K and Ladakh, Jammu for uploading on the High Court website.
11. Joint Registrar, Legal Section, High Court, Main wing, Jammu.
    ..... for information and necessary action.
12. Manager Government Press, Jammu/Srinagar for publication in the Government Gazette.
13. Incharge NIC, High Court of J&K and Ladakh for getting the same uploaded on the official website of the Hon'ble High Court.
14. Incharge Library, Jammu/Srinagar for information and keeping the record of the same.

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Registrar General (Officiating)

FORM-I

Personal Information and Consent

1. Name:-

2. Father's/Husband's Name:

3. Address including e-mail:

4. Permanent Address:

5. Age/Date of Birth:

6. Education Qualification:

7. No. and Date of enrolment
   & its particulars:

8. Name of Bar Association of
   he/she is a member:

9. No. of years of practice and
   the Court/place of practice:

10. If specialized in any branch of law:

11. Whether considered for designation as Senior Advocate by the J&K High Court or Supreme Court at any time prior to the date of consent.(Also state if any prior application for designation of Senior Advocate is pending before Court):

12. Whether associated with any faculty of
    Law (If so the particulars thereof):

13. Particulars of the cases in which he/she has
    provided free legal aid & pro bono work:

14. Whether involved in any Criminal case,
    or Disciplinary proceedings before the State Bar
    Council. If so, the particulars, the result/the stage
    of the proceedings:

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15. Any other information which the Learned Counsel/Advocate may like to furnish:

Note: *Separate sheet can be used for providing answers to the aforsaid questions, if the space in this proforma is considered insufficient.*

CONSENT

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

Place:
Date:

SIGNATURE

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