

# **High Court of Orissa (Designation of Senior Advocate) Rules, 2019**

**(All Amendments till 15.12.2023 incorporated)**

**PUBLISHED UNDER THE AUTHORITY OF THE HIGH COURT  
OF ORISSA, CUTTACK**

**NOTIFICATION**

**No.324/R, Dated.13.02.2019**

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 12th October, 2017 in Writ Petition (Civil) No. 454 of 2015, the High Court of Orissa frames the following Rules for Designation of Senior Advocate and the matters incidental thereto.

**1. Short title and commencement**

(1) These Rules shall be called 'High Court of Orissa (Designation of Senior Advocate) Rules, 2019'.

(2) 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 entered in any roll under the provisions of The Advocates Act, 1961.

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

(c) "High Court" means the High Court defined in Section 2 (g) of The Advocates Act, 1961;

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

<sup>1</sup>[(e) "Specialized Tribunal" means National Company Law Tribunal, Appellate Tribunal for Electricity, Appellate Tribunal under the Prevention of Money Laundering Act, 2002, Telecom Disputes Settlement and Appellate Tribunal, Consumer Dispute Redressal Commission etc.

(f) "Year" means a calendar year.]

**3. Permanent Committee for designation of Senior Advocates:-**

(1) <sup>2</sup>[All the matters relating to designation of Senior Advocates in the High Court shall be dealt with by the Permanent Committee consisting of (i) the Chief Justice and two Senior most Judges of the High Court; (ii) the Advocate General of the

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<sup>1</sup> Inserted vide Gazette No. 2852 dtd. 15.12.2023

<sup>2</sup> Substituted vide Gazette No. 2852 dtd. 15.12.2023

State of Odisha; and (iii) a designated Senior Advocate of the Bar to be nominated by the members of the Committee.

Provided that in order to become a Member of the Permanent Committee under Clause (iii) of sub- Rule- (1) of Rule 3, a Senior Advocate of the Orissa High Court Bar Association has to possess the following eligibility criteria;

1. He should be a designated Senior Advocate.
  2. He must have 35 years of experience of actual practice in the Bar.
  3. He should have held office of either President of the High Court Bar Association former or present, or Former Advocate General of the State or Chairman of the Odisha State Bar Council.
  4. Doctorate degree in law be preferred.]
- (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) No person shall be eligible to be designated as Senior Advocate unless he/she:
- (i) has a minimum ten years of practice as an Advocate in the High Court of Orissa or in the Courts subordinate to the High Court of Orissa.
  - (ii) has appeared and actually argued cases in High Court of Orissa or Courts Subordinate to it.
  - (iii)<sup>3</sup> [has a minimum ten years of practice as an Advocate in any Specialized Tribunal of the State and appeared and actually argued cases in the Specialized Tribunal or High Court of Orissa.

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<sup>3</sup> Inserted vide Gazette No. 2852 dtd. 15.12.2023

Provided that Applicant-Advocates having domain expertise of practising before specialized Tribunals may be given concession with regard to the extent of the number of appearances.

- (iv) has attained the age of 45 years, unless the age limit is relaxed by the Permanent Committee and the Full Court to designate an exceptional Advocate below 45 years of age having extra bit of ability as Senior Advocate.]

#### **5. Motion for designation as Senior Advocate:-**

- (1) Designation of an Advocate as Senior Advocate by the High Court of Orissa may be considered on the written proposal made by:

- (a) the Chief Justice or any sitting Judge of the High Court of Orissa;

Provided that every such proposal shall be made, as far as possible, in Form No.1 of Appendix-A appended to these Rules and shall carry a written consent of the Advocate concerned to be designated as Senior Advocate.

- (2) Designation of an Advocate as Senior Advocate by the High Court of Orissa may also be considered on the written application of the Advocate concerned that shall be made, as far as possible, in Form No. 2 of Appendix-A appended to these Rules.
- (3) Along with the proposal or application, as the case may be, the Advocate concerned shall append his certificate that he has not applied to any other High Court for being designated as Senior Advocate and that his application has not been rejected by the High Court within a period of two years prior to the date of the proposal or application.
- (4) <sup>4</sup>[Along with the proposal or application, as the case may be, the Advocate concerned shall submit five of their best *synopses* for evaluation.]

#### **6. Procedure for Designation:-**

- (1) All the written proposals or applications for designation of an Advocate as a Senior Advocate shall be submitted to the Secretariat.

Provided further that in case the proposal emanates from <sup>5</sup>[the Chief Justice or] a Judge the Secretariat shall request such Advocate to submit Form No. 2 duly filled in within such time as directed by the Committee.

- (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

<sup>4</sup> Inserted vide Gazette No. 2852 dtd. 15.12.2023

<sup>5</sup> Inserted vide Gazette No. 2852 dtd. 15.12.2023

information with regard to the reputation, conduct, integrity of the Advocate concerned and on the matters covered by Sl. Nos. 2 & 3 of Appendix B covering a period of last 5 years.

- (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 Orissa, inviting suggestions and views within such time as may be fixed by the Committee.
- (4) After the material in terms of the above is complied 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. However the Senior most Judge or Chief Justice as the case may be present in the Full Court shall not cast his vote. In case the Judges present be equally divided, the Chief Justice or in his absence the Senior most Judge present shall have the casting vote.
- (8) The cases that have not been favourably 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.
- (9) <sup>6</sup>[Notwithstanding the above noted procedure for designation of an Advocate as Senior Advocate, the Full Court *suo motu* may designate an exceptional and eminent Advocate as Senior Advocate through consensus, if it is of the opinion

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<sup>6</sup> Substituted vide Gazette No. 2852 dtd. 15.12.2023

that by virtue of his/ her ability or standing at the Bar, the said Advocate deserves such designation.]

- (10) <sup>7</sup>[The process of designation of Advocate as Senior Advocate shall be carried out at least once in a year.]

**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, Registrar General of other High Courts, the Bar Council of Odisha, Bar Council of India, <sup>8</sup>[Specialized Tribunals] and also to all the District & Sessions Judges subordinate to the High Court of Orissa.
- (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:-**

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 behaviour 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 behaviour either inside

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<sup>7</sup> Inserted vide Gazette No. 2852 dtd. 15.12.2023

<sup>8</sup> Inserted vide Gazette No. 2852 dtd. 15.12.2023

or outside the Court has disintitiled himself/herself to be worthy of the designation, the Full Court may review its decision to designate the concerned person as Senior Advocate and recall the same. 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/guidelines/instructions on the subject matter covered by these Rules 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.

**BY ORDER OF THE HON'BLE CHIEF JUSTICE**

**Sd/-**

**(C.R.DASH)**

**REGISTRAR (JUDICIAL)**

**APPENDIX-A****FORM NO.1**

[Rule 5(1)]

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

It is proposed that the Advocate whose particulars are given below may be designated as a Senior Advocate by the High Court of Orissa:

1. Name of the Advocate :

2. Permanent Residential Address :

and mobile number of the Advocate

3. Email Address :

4. Education Qualification :

5. Date of Birth :

6. Date of enrolment as an Advocate :

and where enrolled

7. Enrolment Number :

8. Other information, if any, :

including reported cases, legal aid

work/ publication/ participation

in Seminar or Conference /

association with any Faculty of

Law etc.

Dated: <sup>9</sup>SIGNATURE OF CHIEF JUSTICE/ JUDGE

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

Dated: SIGNATURE OF ADVOCATE

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<sup>9</sup> Substituted vide Gazette No. 2852 dtd. 15.12.2023



**APPENDIX-A**<sup>10</sup>Form No.2

[Rule- 5(1)]

**APPLICATION-CUM-CONSENT LETTER FOR DESIGNATION AS SENIOR  
ADVOCATE**

		Recent Passport size colour photograph (original) to be pasted here								
1.	Name of the Applicant-Advocate									
2.	Date of birth	<table border="1" style="display: inline-table;"> <tr> <td>D</td><td>D</td><td>M</td><td>M</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td> </tr> </table>	D	D	M	M	Y	Y	Y	Y
D	D	M	M	Y	Y	Y	Y			
3.	Age	_____ Years								
4.	Address in full:	(i) Office -								
		(ii) Residence -								
5.	Contact Details:	(i) Landline -								
		(ii) Cell phone -								
		(iii) Email -								
6.	Educational/Professional Qualifications:									
7.	(i) Date , Month and Year of Enrolment as an Advocate (ii) Enrolment Number (copy of enrolment certificate to be attached) (iii) Number of years of practice from the date of enrolment									
8.	(i) Bar council, where registered; (ii) Whether registered as an Advocate. If so, date , month and year of registration; and (iii) Advocate code Number									

<sup>10</sup> Substituted vide Gazette No. 2852 dtd. 15.12.2023

9.	Number of reported judgments (excluding orders that do not lay down any principle of law) in the last five years in cases in which the applicant has appeared as – (i) lead arguing counsel; and (ii) assisting counsel;	Lead Arguing Counsel (Number of judgments only)	Assisting Counsel (Number of Judgments only)	
10.	Number of unreported judgments (excluding orders that do not lay down any principle of law) in the last five years in cases in which the applicant has appeared as – (i) lead arguing counsel; and (ii) assisting counsel;	Lead Arguing Counsel ( Number of judgments only)	Assisting Counsel (Number of Judgments only)	
11.	Pro bono/amicus curiae work during last five years.			
12.	Five synopses for evaluation (Copies of synopses to be attached)			
13.	Whether applicant is a first generation lawyer.			
14.	Articles/ books published, experience of teaching assignments in the field of law, guest lectures delivered in law schools or professional institutions connected with law.	Academic Article / Books	Teaching Assign-ment(s)	Guest lectures delivered in law school or professional institutions connected with law
15.	Whether the applicant is a member of the High Court Bar Association			
16.	Courts where the applicant is practising: (Court wise period may be indicated)	Supreme Court of India /High Court (s) /District /Lower Court (s) /Tribunals		
			<u>From</u>	<u>To</u>

17.	Tribunal(s) where the applicant has specialized practice (Applicable to those practicing before Tribunals)	<u>Tribunal(s)</u>	<u>Duration</u>	
			<u>From</u>	<u>To</u>
18.	Nature of practice- e.g Civil, Criminal, Constitutional, Taxation, Labour, Company, Services, etc.			
19.	Field of Law-domain expertise (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) in which the applicant has specialization / expertise.			
20.	Whether the applicant had applied earlier to the High Court of Orissa for designation; if so, current status of application.			
21.	Whether the applicant has applied to any other High Court; if so, current status of application			
22.	Whether any FIR has ever been filed against the applicant; if so, current status must be indicated.			
23.	Whether the applicant is a party to any civil, criminal or other litigation. If so, the nature of involvement.			
	(i) Has the applicant at any point of time been:			
	(a) Arrested?			
	(b) Prosecuted?			
	(c) Kept under detention?			
	(d) Bound down?			
	(e) Fined by a court of law?			
(f) Convicted by a court of law for any offence?				

	(g)	Debarred from any examination or rusticated by any authority/ institution/ council?	
	(h)	Debarred/ disqualified by any public commission / authority?	
	(ii)	Is any case pending against the applicant in any court of law at the time of submitting this application?	
	(iii)	If the answer to any of the above-mentioned questions 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 submitting this application.	
24.	Whether any proceedings were initiated or are pending against the applicant the applicant before Bar Council of India, Bar Council of Odisha or any other State Bar Council? If so, particulars thereof.		
25.	General State of Health		
26.	Any other relevant 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 for being designated as Senior Advocate.

Date:

[Signature of the Applicant]

Note : Applicants should read instructions attached herewith while filling APPENDIX-A.

**PRESCRIBED FORMATS****LEAD ARGUING COUNSEL**

(List of Reported Judgments (excluding orders not laying down any principle of law) in the last five years)

S. No.	Court(s)	Citation / Case Number	Cause Title and Subject Matter	Decided on	Legal formulation advanced by the applicant

**ASSISTING COUNSEL**

(List of Reported Judgments (excluding orders not laying down any principle of law) in the last five years)

S. No.	Court(s)	Citation / Case Number	Cause Title and Subject Matter	Decided on	Legal formulation advanced by the applicant

**LEAD ARGUING COUNSEL**

(List of Unreported judgments (excluding orders not laying down any principle of law) in the last five years)

S. No.	Court(s)	Citation / Case Number	Cause Title and Subject Matter	Decided on	Legal formulation advanced by the applicant

ASSISTING COUNSEL

(List of Unreported Judgments (excluding orders not laying down any principle of law) in the last five years)

S. No.	Court(s)	Citation / Case Number	Cause Title and Subject Matter	Decided on	Legal formulation advanced by the applicant

List of matters in which you have appeared as Pro-Bono/ Amicus Curiae in the last five years

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

Details of five Synopses

S. No.	Court(s)	Case Number	Cause Title	Details

Details of academic articles/books published, experience of teaching assignments in the field of law, guest lecturers delivered in law schools or professional institutions connected with law

S. No.	Topics of published academic articles/ Books/ Lecture/ Courses	Experience details of teaching assignment and guest lecturers delivered in law schools or professional institutions connected with law	Names of law schools or professional institutions connected with law.	Any other relevant details

**General instructions to be followed for filling up APPENDIX-A to the High Court of Orissa (Designation of Senior Advocate) Rules, 2019**

1.	Every Application-cum-Consent Letter or the Application for providing additional information in the prescribed formats marked as Appendix-A shall be made in English, typed/printed with font size (Arial-14) in double spacing on both sides of the white paper (A4 Size) with an inner margin of about four centimeters width on top and on the left side.
2.	Documents accompanying the Application should be numbered consecutively in the Index, in all sets of Application.
3.	All documents annexed to the Application should be accompanied by an Index containing the details thereof. (The Registry, at any stage, may ask for the supportive documents for verification in the light of the facts mentioned in the Application).
4.	Name of the applicant should tally with his/her name as mentioned in his/her enrolment certificate. Abbreviated name shall NOT be accepted.
5.	The Application should be presented in the shape of a Paper Book, duly tagged & indexed and not in spiral binding and the like.
6.	(i) All photocopies of the accolades / testimonials should be legible and true copies of their respective originals. (ii) English translation of vernacular documents (if any) should be annexed thereto.
7.	10 sets of the Application(s) in the form of Paper Book, identical in all respects, should be filed.
8.	Passport size colour photograph (original) should be pasted on each copy of the Application(s). One additional recent passport size colour photograph (mentioning the name of the applicant on its back side) should be provided in a separate envelope.
9.	The soft copy of the Application(s) in Form No. 1/ Form No. 2 of Appendix-A, in searchable mode along with the scanned copies of the supporting documents accompanying Form No. 2 should be submitted in a pendrive or through e-mail as notified time to time, in addition to the hard copy thereof.
10.	Information relating to reported judgments, unreported judgments, pro bono/amicus curiae, five synopses, articles / books / teaching assignments / guest lectures, may be provided in the prescribed formats, which are parts of APPENDIX-A.



**<sup>11</sup>APPENDIX-B**

[See Rule 6(5)]

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

<b>Sl. No.</b>	<b>Matter</b>	<b>Points</b>
1.	Number of years of practice of the Applicant Advocate from the date of enrolment. (10 points for 10 years of practice and 1 point each for every additional year of practice, subject to a maximum of 20 points).	20 points
2.	Judgments Reported and unreported (excluding orders that don't lay down any principle of law; pro bono work done by the Advocate; domain Expertise (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) of the applicant advocate.	50 points
3.	Publication of academic articles, experience of teaching assignments in the field of law, guest lectures delivered in law schools and professional institutions connected with law.	05 points
4.	The test of Personality & Suitability on the basis of interview for a holistic assessment of applicant.	25 points

**By Order of the Court****Sd/-****REGISTRAR (JUDICIAL)**<sup>11</sup> Substituted vide Gazette No. 2852 dtd. 15.12.2023