

THE HIGH COURT OF KARNATAKA AT BENGALURU

NOTIFICATION

No. HCK/PS(S)/1/2018, BENGALURU, DATED 8th JUNE, 2018.

THE HIGH COURT OF KARNATAKA (DESIGNATION OF SENIOR ADVOCATES) RULES, 2018

IN EXERCISE OF THE POWERS 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 12.10.2017 IN WRIT PETITION No. 454 of 2015, THE HIGH COURT OF KARNATAKA MAKES THE FOLLOWING RULES FOR DESIGNATION OF AN ADVOCATE AS A SENIOR ADVOCATE AND MATTERS INCIDENTAL THERETO.

1. Short title and commencement.-

- (1) These Rules shall be called '**The High Court of Karnataka (Designation of Senior Advocates) Rules, 2018**'.
- (2) These Rules shall come into force at once.

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 constituted under sub-rule (1) of Rule 5 of these Rules.

- (c) "Court" includes any authority exercising judicial powers in the State of Karnataka.
- (d) "High Court" means the High Court defined in Section 2(g) of the Advocates Act, 1961;
- (e) "Roll" means the roll of Advocates prepared and maintained under the Advocates Act, 1961;
- (f) "Secretariat" means the Secretariat established by the Chief Justice of the High Court of Karnataka under sub-rule (2) of Rule 5 of these Rules.

3. Designation of an Advocate as a Senior Advocate.- (1) The High Court of Karnataka may designate an Advocate as a Senior Advocate, if in its opinion, by virtue of his ability and standing at the Bar, he is deserving of such distinction.

Explanation: The term "standing at the Bar" means the position of eminence attained by an Advocate at the Bar by virtue of his 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 a Senior Advocate unless he has actually practiced as an Advocate for not less than ten years in the High Court of Karnataka or in any Court subordinate to the High Court of Karnataka and has appeared and actually argued in some reported cases or cases involving important questions of law.

4. Motion for designation as a Senior Advocate.-

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

- (a) the Chief Justice or any sitting Judge of the High Court of Karnataka; or
- (b) the Advocate General for State of Karnataka; or

(c) two Senior Advocates practicing in the High Court of Karnataka.

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 a Senior Advocate.

(2) Designation of an Advocate as a Senior Advocate by the High Court of Karnataka may also be considered on the written application of an Advocate 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 shall append his certificate that he has not applied to any other High Court for being designated as a 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.

5. Permanent Committee for Designation of Senior Advocates.-

(1) All matters relating to designation of Senior Advocates in the High Court of Karnataka shall be dealt with by a Permanent Committee (to be known as "Committee for Designation of Senior Advocates") which will be headed by the Chief Justice and consists of: (i) two senior-most sitting Judges of the High Court of Karnataka; (ii) the Advocate General for State of Karnataka; and (iii) a member of the Karnataka High Court Bar, to be nominated by the other members of the committee.

(2) The Committee constituted under sub-rule (1) above shall have a Secretariat, the composition of which shall be decided by the Chief Justice of the High Court of Karnataka in consultation with the other members of the Committee.

(3) The Committee may issue such directions from time to time as deemed necessary as regards functioning of the Secretariat, including the manner in which, and the source/s from which, the

necessary data and information are to be collected, compiled and presented.

6. Procedure for designation.-

- (1) All applications and written proposals for designation of an Advocate as a Senior Advocate shall be submitted to the Secretariat.
- (2) On receipt of the application or proposal for designation of an Advocate as a Senior Advocate, the Secretariat shall compile the relevant data and information with regard to the reputation, conduct, and integrity of the Advocate including his participation in pro-bono work and reported cases or cases involving questions of law in which he had appeared and actually argued during the last five years.
- (3) The Secretariat will publish the application/proposal received for designation of an Advocate as a Senior Advocate in the official website of the High Court of Karnataka inviting suggestions/views of other stakeholders to the proposed designation within such time as may be directed by the Committee.
- (4) The Secretariat will place the suggestions/views of other stakeholders to the proposed designation before the Committee for taking further instructions. The Committee may, if considered fit and necessary, seek the response from the Advocate on the suggestions/views received in relation to his proposed designation, within such time as may be directed.
- (5) After the data-base in terms of the above is compiled and all such information as may be specifically directed by the Committee to be obtained in respect of the Advocate is collected, and the suggestions/views of the other stakeholders as also the response from the Advocate, if any, have been received, the Secretariat shall put up the case before the Committee for scrutiny.

- (6) Upon submission of the case by the Secretariat for scrutiny, the Committee shall examine the same in the light of the data provided and shall interview the Advocate; and shall, thereafter, make its overall assessment on the basis of the point-based format provided in Appendix – B appended to these Rules.
- (7) After the overall assessment of Advocates by the Committee, the names of those Advocates will be submitted to the Full Court along with the respective assessment reports.
- (8) Voting by secret ballot will not normally be resorted to in the Full Court except when unavoidable. In the event of resort to secret ballot, decisions will be carried by a majority of the Judges who have chosen to exercise their preference/choice.
- (9) On the approval of Full Court, an Advocate shall be designated as a Senior Advocate.
- (10) The cases that have not been favourably considered by the Full Court may be reviewed/reconsidered after expiry of a period of two years in the manner indicated above, as if the proposal/application is being considered afresh.

7. Restrictions on Senior Advocates.- An Advocate on being designated as Senior Advocate, shall be subject to such restrictions as the High Court of Karnataka or the Bar Council of India may prescribe.

8. Canvassing.- Canvassing in any manner by a nominee/applicant shall disqualify him for being designated as a Senior Advocate.

9. Review and recall.- In the event of a Senior Advocate being guilty of any such conduct which according to the Full Court disentitles him to be worthy of designation as a Senior Advocate, the Full Court may review and recall its decision to designate him as a Senior Advocate after such notice to him as may be directed by the Chief Justice.

10. Notification of designation/recall.- In the event of designation of an Advocate as a Senior Advocate, or on recalling of any such designation, the notification to that effect shall be issued and published in such manner as may be directed by the Chief Justice.

11. Interpretation.- All questions relating to interpretation of these rules shall be referred to the Chief Justice whose decision thereon shall be final.

12. Repeal and Savings.- All the previous Rules relating to the subject matter covered by these Rules, including the Guidelines for Designating an Advocate as a Senior Advocate, as made by the High Court of Karnataka with all its amendments/modifications, are hereby repealed. However this repeal shall not, by itself, invalidate the actions taken under the repealed Rules/Guidelines.

13. All pending applications for designation shall be returned to the Advocates concerned for applying afresh in accordance with these Rules. All pending proposals/recommendations for designation shall also be likewise returned.

By Order of High Court of Karnataka,

Sd/-
Registrar General
High Court of Karnataka

APPENDIX -A

FORM No.1
[Rule 4(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 Karnataka:

1. Name of the Advocate :
2. Permanent Residential Address :
and mobile number of the
Advocate
3. Email Address :
4. Educational 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:

SIGNATURE OF PROPOSER

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

Dated:

SIGNATURE OF ADVOCATE

FORM No.2
[Rule 4(2)]

FORM OF APPLICATION FOR DESIGNATION AS A SENIOR ADVOCATE

I, the undersigned Advocate, practicing in the State of Karnataka, submit my application for being designated as a Senior Advocate and give my consent to be so designated by the High Court of Karnataka.

1. Name of the Applicant :
2. Permanent Residential Address :
and mobile number of the Applicant
3. Email Address :
4. Educational 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 :

SIGNATURE OF THE APPLICANT

APPENDIX -B

POINT BASED ASSESSMENT OF SHRI _____, ADVOCATE FOR BEING DESIGNATED AS A SENIOR ADVOCATE

[Rule 6(5)]

Sl. No.	Matter	Points
1	Number of years of practice of the Advocate from the date of enrolment. (10 points for 10-20 years of practice, 20 points for practice beyond 20 years)	20 points
2	Judgments (Reported and unreported) which indicate the legal formulations advanced by the Advocate in the course of proceedings of the case; pro-bono work done by the Advocate; domain expertise of the Advocate in various branches of law, such as Constitutional Law, Inter-state Water Dispute, Criminal Law, Property Law, Service Law, Arbitration Law, Corporate Law, Family Law, Human Rights, Public Interest Litigation, International Law, Law relating to Women, Customary Laws in the State of Karnataka etc.	40 points
3	Publications by the Advocate	15 points
4	Personality & Suitability on the basis of interview/interaction	25 points
