

HIGH COURT OF JAMMU AND KASHMIR
(office of the Registrar General at Srinagar)

Notification

No. 921

Dated:- 19/08/2017

In exercise of the powers conferred by section 16(2) of the Advocates Act, 1961, the High Court of Jammu and Kashmir is pleased to frame the following criteria for designating Senior Advocates in the State of Jammu and Kashmir:

- (a). This criteria shall be called "Criteria for Designating Senior Advocates, 2017."
- (b). It shall come in to force from the date of publication in the Government Gazette.

(1) Definitions:-

- (a) **'Advocate'** means a State Subject who is duly registered / enrolled with a Bar Council constituted under the Advocates Act 1961;
- (b) **'Advocate General'** means Advocate General of the State of Jammu & Kashmir.
- (c) **'Advocates Act'** means Advocates Act, 1961 (Act 26 of 1961)
- (d) **'Chief Justice'** means Chief Justice of the High Court of Jammu and Kashmir and includes a Judge appointed under the Constitution to perform the duties of the Chief Justice;
- (e) **'High Court'** means the High Court of Jammu and Kashmir;
- (f) **'Registrar General'** means Registrar General of the High Court of Jammu and Kashmir;
- (g) **'Registry'** means the Registry of the High Court of Jammu and Kashmir;
- (h) **'Rules'** means the Jammu and Kashmir High Court Rules, 1999;
- (i) **'State'** means the State of Jammu and Kashmir;
- (j) **'State Bar Council'** means the Bar Council of Jammu and Kashmir;

(2) Eligibility Conditions:-

- (a) An Advocate shall be eligible to be designated as a Senior Advocate, if he/she :
 - (i) has attained the position of eminence at the Bar;
 - (ii) possesses ability, legal acumen, special knowledge or distinction and reputation achieved in practice of law;
 - (iii) has completed 40 years of age and is ordinarily practising in the High Court of Jammu and Kashmir for not less than ten years preceding the date of consideration of his/her case for designation as a Senior Advocate;
 - (iv) is a duly assessed income tax payee for the last ten years and his/her annual gross professional income is not less than rupees ten lacs in each of the last three financial years preceding the date of consideration;
 - (v) has been assisting the Court in administration of justice maintaining high ethical standards, both inside and outside the court expected of a Senior Advocate;
 - (vi) has furnished at least 15 judgments, in the preceding three years, where he has contributed to the growth of law;

Provided in exceptional cases, the Chief Justice may dispense with the compliance of any of the aforesaid conditions.

Explanation:

The eligibility condition with regard to standing as a practising advocate shall not apply to retired additional Judges of the High Court and retired District Judges of the State.

(3) Procedure:-

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- i) An Advocate who fulfills the eligibility conditions prescribed in clause (2) may be considered suo moto by the Court for being designated as a "Senior Advocate". The proposal in this regard shall be processed by the Registrar General after seeking information and consent from such Advocate in the format prescribed in Annexure-A to these criteria. The proposal in this regard shall be deliberated upon by the Full Court and in case the proposal finds approval, a formal resolution designating him/her as "Senior Advocate" shall be adopted.
 - ii) The High Court on motion by a Judge or on the recommendation of the Chief Justice may by a majority of two-thirds of the total number of Judges present and voting in the meeting convened for the purpose, designate an Advocate as a Senior Advocate provided the Advocate fulfills the eligibility conditions mentioned in clause (2). The views of the Judges shall be ascertained by a secret ballot in the meeting.

Explanation:

A retired additional Judge of a High Court, entitled to practice in the High Court, on his enrolment with Bar Council, as also the Advocate General may be designated as Senior Advocate if he/she intimates the Chief Justice of his/her desire to be so designated. The requirement of 2/3rd majority of Judges in this case shall stand dispensed with.

(4) 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 and fee of Senior Advocates;
- b) he 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; and
- d) he/she shall not make mention or seek adjournments in any case,

(5) Registration as Senior Advocate:-

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- i) Upon furnishing of the undertaking in the manner stated in clause (4), the name of the 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 a "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, all the High Courts, Bar Council of India, the State Bar Councils and Bar Associations of Jammu and Srinagar.