

## EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 2852 CUTTACK,

FRIDAY,

DECEMBER 15,

2023/MARGASIRA 24,

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#### THE HIGH COURT OF ORISSA, CUTTACK

#### **NOTIFICATION**

No.1525/R, Dated the 8th December, 2023

In exercise of the power conferred by the sub-section (1) of Section 34 read with sub-section (2) of Section 16 of the Advocates Act, 1961 (Act No.25 of 1961) and in pursuance of Judgment Dated 12<sup>th</sup> May, 2023 passed in M.A. Nos. 709/2022, 1502/2021 in W.P.(C) No.454 of 2015 by the Supreme Court of India, the High Court of Orissa is hereby pleased further to amend the "High Court of Orissa (Designation of Senior Advocate) Rules, 2019", namely;

- 1. Short title and commencement:-
  - (1) These Rules shall be called the "High Court of Orissa (Designation of Senior Advocate) Amendment Rules, 2023".
  - (2) These Rules shall come into force from the date of their publication in the Official Gazette.
- 2. In the "High Court of Orissa (Designation of Senior Advocate) Rules, 2019" (hereinafter referred to as the 'said rules'), in Rule-2, insert the followings after clause-(d);
  - (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. In the said Rules, the following shall be substituted for the existing sub-Rule (1) of Rule-3;
  - (1) 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 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.
- 4. In the said Rules, in Rule-4, insert the followings after the existing clause (ii) of sub-rule (2);
  - (iii) 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.

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. In the said Rules, insert the following after the existing sub-rule (3) of Rule-5;
  - (4) Along with the proposal or application, as the case may be, the Advocate concerned shall submit five of their best *synopses* for evaluation.

- 6. In the said Rules, in Rule-6;
  - (i) Insert the words "the Chief Justice or" after the words "emanates from" and before the words "a Judge" occurring in the Proviso appended to sub-Rule-(1).
  - (ii) Substitute sub-Rule (9) with the following;
    - (9) 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 that by virtue of his/ her ability or standing at the Bar, the said Advocate deserves such designation.
  - (iii) Insert the following sub-Rule after the existing sub-Rule (9);
    (10) The process of designation of Advocate as Senior Advocate shall be carried out at least once in a year.
- 7. In the said Rules, insert the words "Specialized Tribunals" after the words "Bar Council of India," and before the words "and also" occurring in the 3<sup>rd</sup> line of sub-Rule (2) of Rule-7.
- Substitute the words "SIGNATURE OF CHIEF JUSTICE / JUDGE" for the words
  "SIGNATURE OF JUDGE" occurring in the Form No.1 of APPENDIX-A appended to
  the Rules.
- 9. In the said Rules, the Form No.2 of APPENDIX-A appended to the Rules shall be substituted as follows:

## APPENDIX-A

Form No.2

[Rule- 5(1)]

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

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2.	Date of birth	CE OF CHIEF JUSTICE bing in the Form No.1 of A	D	D N	1 M	Y	Y	Y	Y
3.	Age		Years Years			di			
4.	Address in full:	(i ) Office -							
7.	Address in run.	(ii) Residence -							
		(i) Landline -							
5.	Contact Details:	(ii) Cell phone -							
		(iii) Email -							
6.	Educational/Professi	onal Qualifications:							
7.	(i) Date, Month and	Year of Enrolment as							
	an Advocate								
	(ii) Enrolment Numl	ber (copy of enrolment							
	certificate to be	attached)							
	(iii) Number of year	s of practice from the					4 6		
	date of enrolme	nt							

8.	(i) Bar council, where registered;	anacamma en maair	166 SM	S   Whether	
	(ii) Whether registered as an Advocate. If	дойке			
	so, date, month and year of				
	registration; and	e applicant is prablis			
	(iii) Advocate code Number	od may be indicated		(Court s	
9.	Number of reported judgments (excluding	Lead Arguing	Assi	sting Counse	
	orders that do not lay down any principle of	Counsel(Number of		Number of	
	law) in the last five years in cases in which the applicant has appeared as –	judgments only)	Jud	gments only)	
	(i) lead arguing counsel; and				
*	(ii) assisting counsel;				
10.	Number of unreported judgments (excluding	Lead Arguing	Assi	sting Counsel	
	orders that do not lay down any principle of	Counsel (Number		(Number of	
	law) in the last five years in cases in which the	of judgments only)	Jud	Judgments only)	
	applicant has appeared as -	earlynaoilgge ari) eas	fw.(z)1	Steeding L. T.	
	(i) lead arguing counsel; and	fror eldsoilggA) poir,	ng bas	rlsipaga	
	(ii) assisting counsel;	(alecurdin') s	ag befu		
11.	Pro bono/amicus curiae work during last five years.				
12.	Five synopses for evaluation		And the state of t		
	(Copies of synopses to be attached)	-901			
13.	Whether applicant is a first generation lawyer.	nat, Censtimmonat, a my. Services, etc.	l Chun Compe	eg Crvi	
14.	Articles/ books published, experience of	Academic Tea	ching	Guest	
	teaching assignments in the field of law, guest	Article / Ass	sign-	lectures delivered in	
	lectures delivered in law schools or	Books me	nt(s)	law school	
	professional institutions connected with law.			or professiona institutions	
	to my country live at get times	which the appli	ni .	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	sitation; and course code? of reported in not do not lay	admaW R' 9 - engbro mi (wel 1
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17.	Tribunal(s) where the applicant has specialized practice (Applicable to those practicing before Tribunals)	Tribunal(s)	<u>Du</u> <u>From</u>	To
	6vi) isg	e work during	duses for eva	H., Pro lose  (2. Five sa
18.	Nature of practice- e.g Civil, Criminal, Constitutional, Taxation, Labour, Company, Services, etc.	tbailestta 5d e	-	Copies
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	in the field of in taw ser ns countailed w		

20.	Whe	ther 1	the applicant had applied earlier to	To the answer to any of
	the F	ligh (	Court of Orissa for designation; if so,	mentioned agestions is "Yes
			atus of application.	
01				particulars of the case / arrest
21.			he applicant has applied to any other	/ fine / conviction /
	High	Cour	rt; if so, current status of application	punishment etc. and / or the n
	Ta		A report of A second second	Last pending in the Court I V
22.	Whe	ther a	any FIR has ever been filed against	Institution etc. at the nane of
	the a	applic	cant; if so, current status must be	norte of consult.
	indic	ated.	And the bulleton class in eliverities	
23.		******	the applicant is a party to any civil,	24. Whether ony unoccedency were rest
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	criminal or other litigation. If so, the nature of			before that Council of India, that
	invo	veme	ent.	Odisha or any other State Bas Con-
				particulars thereof
	(i)	Has the applicant at any point of time		
		beer		25 Constal State of Health marriage
			Arrested?	26. Any other relevant information
		(a)		
	T. (9)	(b)	Prosecuted?	
	J	(c)	Kept under detention?	me or the A
		(d)	Bound down?	Advocate
		(e)	Fined by a court of law?	
yor 1	est o	(f)	Convicted by a court of law for any	I hereby verify that the information fu
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		(8)		angles to nemanatorial octat at game and
	Hig.		rusticated by any authority/	for being deargnated as Seldor Advocate
		ne ner	institution/ council?	America
		(h)	Debarred/ disqualified by any	
	neoile	nA 91	public commission / authority?	Date
	(ii)	Is at	ny case pending against the applicant	
	(-1)		any court of law at the time of	and the second second
	As	subi	mitting this application?	Note: Applicants should read instructions

	(iii) If the answer to any of the above-	Designs but reprinted the application and applied
	mentioned questions is 'Yes', give full	the High Court of Cirists for designar
	particulars of the case / arrest / detention	correct status of application
	/ fine / conviction / sentence /	21. Whether the applicant has applied to
	punishment etc. and / or the nature of the	High Court; if so, current status of ap
	case pending in the Court / Authority or	James Aliab Land Land Land
	Institution etc., at the time of submitting	22. Whether any Fift has ever been the
	this application.	the applicant; if so, corrent status
24.	Whether any proceedings were initiated or are	Longitus and the second
	pending against the applicant the applicant	23. Whether the applicant is a pany to
	before Bar Council of India, Bar Council of	animinal of other liftgation. If so, the
	Odisha or any other State Bar Council? If so,	involventent
	particulars thereof.	
25.	General State of Health	gry year he may higher outs content (i) i
26.	Any other relevant information	
	Declaratio	n (b) Froscented?
T	Advocate hereby of	ve consent for being designated as Senior
Adv	ocate.	ve consent for being designated as semon
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I he	reby verify that the information furnished abo	ve is true and correct to the best of my
knov	wledge and belief. Nothing material is concealed	or suppressed therefrom. I understand that
furn	ishing of false information or suppression of any	factual information would render me unfit
for b	being designated as Senior Advocate.	ma ve bassaisin
	or honor has been some from	
	Commission arbunated the colored	
Date	Cuin	[Signature of the Applicant]

 $\underline{Note}: Applicants \ should \ read \ instructions \ attached \ herewith \ while \ filling \ APPENDIX-A.$ 

#### 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
	,				
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#### **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 /	Cause Title	Decided on	Legal formulation
		Case Number	and Subject Matter		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
					2

### 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 /	Cause Title	Decided on	Legal formulation
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### List of matters in which you have appeared as Pro-Bono/ Amicus Curiae in the last five years

S. No.	Court(s)	Citation /	Cause Title	Decided on	Reportable /
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#### Details of five Synopses

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## 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
			law.	
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# 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. Wel will drive between betw
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.

10. In the said Rules, the provisions of APPENDIX-B appended to the Rules shall be substituted as follows;

#### **APPENDIX-B**

[See Rule 6(5)]

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

SI. No.	Matter	Points
1.	Number of years of practice of the Applicant Advocate from the date of enrolment.	20 points
	(10 points for 10 years of practice and 1 point each for every additional year of practice, subject to a maximum of 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/(SUMAN KUMAR MISHRA)
REGISTRAR (JUDICIAL)