

# The Odisha Gazette



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 2852 CUTTACK, FRIDAY, DECEMBER 15, 2023/MARGASIRA 24, 1945

THE HIGH COURT OF ORISSA, CUTTACK

NOTIFICATION

No.1525/R, Dated the 8<sup>th</sup> 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.
8. 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**

		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; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px; text-align: center;">D</td> <td style="width: 20px; height: 20px; text-align: center;">D</td> <td style="width: 20px; height: 20px; text-align: center;">M</td> <td style="width: 20px; height: 20px; text-align: center;">M</td> <td style="width: 20px; height: 20px; text-align: center;">Y</td> <td style="width: 20px; height: 20px; text-align: center;">Y</td> <td style="width: 20px; height: 20px; text-align: center;">Y</td> <td style="width: 20px; height: 20px; text-align: center;">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			
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	<table border="1"> <tr> <td data-bbox="1068 701 1252 857"><u>From</u></td> <td data-bbox="1252 701 1435 857"><u>To</u></td> </tr> <tr> <td data-bbox="1068 857 1252 925"></td> <td data-bbox="1252 857 1435 925"></td> </tr> <tr> <td data-bbox="1068 925 1252 992"></td> <td data-bbox="1252 925 1435 992"></td> </tr> <tr> <td data-bbox="1068 992 1252 1048"></td> <td data-bbox="1252 992 1435 1048"></td> </tr> </table>	<u>From</u>	<u>To</u>						
<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>	<table border="1"> <tr> <td colspan="2" data-bbox="1068 1048 1435 1126"><u>Duration</u></td> </tr> <tr> <td data-bbox="1068 1126 1252 1205"><u>From</u></td> <td data-bbox="1252 1126 1435 1205"><u>To</u></td> </tr> <tr> <td data-bbox="1068 1205 1252 1283"></td> <td data-bbox="1252 1205 1435 1283"></td> </tr> <tr> <td data-bbox="1068 1283 1252 1368"></td> <td data-bbox="1252 1283 1435 1368"></td> </tr> </table>	<u>Duration</u>		<u>From</u>	<u>To</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 / Unrepeatable

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.

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**

<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/-**

**(SUMAN KUMAR MISHRA)**

**REGISTRAR (JUDICIAL)**