

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA-171001

No.HC/Rules/SeniorAdvocate/2025

Dated: 10.11.2025

NOTIFICATION

In compliance of the judgment dated 13.05.2025 passed by the Hon'ble Supreme Court of India in Criminal Appeal No. 865 of 2025 titled *Jitender @ Kalla vs. State (Govt. of NCT of Delhi) & Another*, and in exercise of the powers conferred under Article 225 of the Constitution of India read with Sections 34(1) and 16(2) of the Advocates Act, 1961, and in supersession of the High Court of Himachal Pradesh (Designation of Senior Advocates) Guidelines, 2018, the High Court of Himachal Pradesh is pleased to notify the following Rules for the Designation of Advocates as Senior Advocates.

1. Short Title and Commencement:-

- (i) These Rules shall be called "The High Court of Himachal Pradesh (Designation of Senior Advocates) Rules, 2025".
- (ii) These Rules shall come into force with immediate effect.

2. Definitions

(1) In these Rules, unless the context otherwise requires.-

- (i) "Advocate" means an Advocate entered in any roll prepared and maintained under the provisions of the Advocates Act, 1961;
- (ii) "Advocate General" means Advocate General of the High Court of Himachal Pradesh;
- (iii) "Advocates Act" means the Advocates Act, 1961;
- (iv) "Chief Justice" means Chief Justice of High Court of Himachal Pradesh;
- (v) "Court" includes any authority exercising judicial powers in the State of Himachal Pradesh;

(vi) "District Courts" means the District Courts of the State of Himachal Pradesh;

(vii) "High Court" means the High Court of Himachal Pradesh;

(viii) "Judge" means judge of High Court of Himachal Pradesh;

(ix) "Registrar General" means Registrar General of the High Court of Himachal Pradesh;

(x) "Registry" means the Registry of the High Court of Himachal Pradesh;

(xi) "State" means the State of Himachal Pradesh;

(xii) "State Bar Council" means the Bar Council of Himachal Pradesh and shall include the authority exercising such powers.

(2) All other words not specifically defined herein shall have the same meaning as those defined in the Advocates Act, 1961.

3. Eligibility :-

An Advocate shall be eligible to be designated as a Senior Advocate, if he/she:

(i) has a minimum standing of 10 years at the Bar ordinarily practicing in the High Court of Himachal Pradesh/District Judiciary/Tribunals, falling under the supervisory jurisdiction of the High Court of HP, preceding the date of consideration of his/her case for designation as a Senior Advocate;

(ii) has attained position of eminence at the Bar and possesses qualities of a professional viz. integrity, respect, confidence, dependability, honesty, communication skills and commitment to administration of justice and rule of law.

(iii) possesses ability, legal acumen, special knowledge related to the field of law.

(iv) he/she maintains decorum while conducting cases before the Court; always acts first as an officer of the Court and, thereafter, a mouthpiece of his/her client; follows the highest standards of professional etiquette and ethics; acts as a mentor to the Junior Advocates; he/she has participated in *pro bono* work.

(v) he/she has not been convicted by a competent court of law and should not have been punished for an offence involving moral turpitude or contempt of court or should not have been punished by the Bar Council of Himachal Pradesh or by Bar Council of India for any act of misconduct.

Explanation: An application by an Advocate mainly practicing before the Trial Courts/District Judiciary/Tribunals and having gained domain expertise will also be considered irrespective of his/her limited number of appearances before the High Court. The High Court can call for the views of the District Judges or Heads of Tribunals on such applications. At the time of consideration of applications, views of Administrative Judge of concerned District can also be called for.

4. Procedure:-

- (i) The designation of an Advocate as Senior Advocate by the High Court of Himachal Pradesh shall may be considered on a written application of the concerned Advocate made in **Form-I** along with relevant documents moved before the Permanent Secretariat.
- (ii) The decision to confer designation shall be of Full Court of High Court of Himachal Pradesh.
- (iii) There shall be a Permanent Secretariat, headed by the Registrar (Rules) or any other Registrar designated for this purpose, who shall be assisted by the concerned seat in Organization and Administration Branch of this Registry.
- (iv) The process for designation of Senior Advocates shall be initiated with cut off date being 15th March of every year.
- (v) The applications of all candidates found to be eligible by the Permanent Secretariat along with relevant documents submitted by the applicants shall be placed before the Full Court.
- (vi) That it shall be the prerogative of the Full Court, to decide the number of successful applicants by taking into consideration standing of an advocate at Bar, which means the position of eminence attained by an advocate at the Bar by virtue of his ability, seniority, legal acumen and high ethical standards maintained by him/her, both inside and outside the Court.

(vii) While considering the applications for designation of Senior Advocate, the Full Court shall make an endeavor to arrive at a consensus. However, if a consensus on designation of Advocates is not arrived at, the decision-making shall be by a democratic method of voting, by way of secret ballot.

(viii) In case of voting, the decision shall be carried out by majority of Judges present and voting. However, in case of a tie, the Chief Justice shall have the casting/deciding vote.

(ix) The application of the Applicant/Advocate shall be deemed to be his/her consent.

((x) The Full Court may, in deserving cases, confer designation *SUO MOTO*, upon an Advocate fulfilling the eligibility criteria, after obtaining consent of the said Advocate.

5. 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 of Senior Advocates;
- b) He/she 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;
- d) He/she shall not file Vakalatnama or memo of appearance in any Court or Tribunal. However, the Assisting Advocate shall file a memo of intimation in the concerned Court intimating the appearance of Senior Advocate in the case so engaged;
- e) He/she shall neither appear for mentioning of any matters before the Court nor should he/she appear for getting adjournments; and
- f) He/she shall mentor and maintain minimum 2/3 young lawyers with less than three years of experience.

6. Registration as Senior Advocate:-

(i) Upon furnishing of the Undertaking in the manner stated in Rule 5, the name of advocate who has been designated as Senior Advocate, shall be entered in the register of Senior Advocates to be maintained by the Registry. The order to this effect shall be issued conferring such distinction on the Advocate, by the Registrar General. The Advocate shall thereafter be addressed as "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 and all the High Courts and Bar Council of India, the State Bar Councils and Bar Associations of the State. The Bar Council of Himachal Pradesh shall maintain separate register for the said purpose. The Registrar General shall notify the same on the official website of the High Court also.

7. Review and Recall:-

a) If it is found that any Senior advocate has-

- i. committed any professional misconduct;
- ii. shown intemperate behavior either inside or outside the Court;
- iii. been found invariably negligent in discharge of professional duties;
- iv. been found by Bar Council of India or Bar Council of Himachal Pradesh or Bar Council of any other State to have committed professional or other mis-conduct;
- v. been convicted of an offence involving moral turpitude or for contempt of the Court; and
- vi. for any other reason lost the privilege to be a Senior Advocate, for any/one or more of the foregoing reasons.

b). The name of such Senior Advocate will be placed before the Chief Justice for recalling the designation.

c) On being satisfied that the matter should be further considered, the Chief Justice shall refer the issue to the Full Court.

d) If majority of the Judges present in the meeting are of the view that the Senior Advocate has forfeited his/her privilege, the Full Court shall recall his/her designation as Senior Advocate. However, in case of a tie, the Chief Justice shall have casting/deciding vote.

e) The Registrar General shall notify the decision to the Advocate and to the Bar Council of Himachal Pradesh and other concerned who shall delete the name from the list of Senior Advocates maintained by them in their respective registers.

f) Nothing contained in these Rules shall prevent an Advocate, who has been designated by the High Court of Himachal Pradesh as a Senior Advocate, from submitting an application to withdraw or recall his/her designation as a Senior Advocate. In the event of such an application addressed to the Permanent Secretariat being submitted, the Permanent Secretariat shall place it before the Full Court for appropriate orders thereon.

g) The Registrar General shall notify the withdrawal of the designation in official website of the High Court while communicating the same to the concerned.

8. Rights and Privileges of the Senior Advocates:-

a) The Senior Advocate shall have a preferential right of audience in all Courts according to his/her seniority as such Advocate;

b) The Senior Advocate shall be entitled to wear special robes meant for Senior Advocates;

c) The Senior Advocate shall be entitled to such other rights and privileges conferred by the practice of Senior Advocates under the Advocates Act, 1961.

9. Reconsideration

If an application of an Advocate for designation as Senior Advocate is not favorably considered by the Full Court, the said Advocate shall not be allowed to make fresh application for a period of two years from the date of such decision of the Full Court. However, after the lapse of two years, the said Advocate can make a fresh application as

per Rules, for reconsideration. Similarly, an Advocate, whose application has not been favorably considered by the High Court of Himachal Pradesh, he shall not move a similar application before the Supreme Court of India or any other High Court of the country within two years as aforesaid.

10. Repeal and Savings

All the previous Rules/Guidelines/Criteria governing designation of an Advocate as a "Senior Advocate" made by the High Court of Himachal Pradesh with all amendments/modifications, are hereby repealed. However, this shall not, by itself, invalidate the actions taken under the superseded/repealed Rules/Guidelines/Criteria and all those actions are saved under these Rules.

BY ORDER

**HIGH COURT OF
HIMACHAL PRADESH**

REGISTRAR GENERAL

FORM-I
Personal Information and Consent

1. Name:-
2. Father's/Husband's Name:
3. Address including e-mail:
4. Permanent Address:
5. Age/Date of Birth:
6. Education Qualification:
7. No. and Date of enrolment & its particulars:
8. Name of Bar Association of he/she is a member:
9. No. of years of practice and the Court/place of practice:
10. If specialized in any branch of law:
11. Whether considered for designation as Senior Advocate by the High Court of H.P. or Supreme Court at any time prior to the date of consent. (Also state if any, prior application for designation of Senior Advocate is pending before any other Court):
12. Whether associated with any faculty of Law (If so, the particulars thereof):
13. Particulars of the cases in which he/she has provided free legal aid & *pro bono* work:

14. Whether involved in any Criminal case, or Disciplinary proceedings before the State Bar Council. If so, the particulars, the result/the stage the proceedings:

15. Any other information which the Learned Counsel/Advocate may like to furnish:

Note: Separate sheet can be used for providing answers to the aforesaid questions, if the space in this proforma is considered insufficient.

CONSENT

I do hereby consent to be designated as a Senior Advocate in terms of Section 16(2) of the Advocates Act 1961 and agree and undertake to abide by all laws, rules, regulations and norms as are for the time being in force or which may be prescribed hereafter for this purpose.

Place:

Date:

SIGNATURE

Copy forwarded for information to:-

1. The Principal Private Secretary to Hon'ble the Chief Justice, High Court of Himachal Pradesh.
2. All the Secretaries to the Hon'ble Judges, High Court of Himachal Pradesh.
3. The Additional Chief Secretary (Home) to the Government of Himachal Pradesh.
4. The L.R.-cum-Secretary (Law) to the Government of Himachal Pradesh.
5. The Advocate General, State of Himachal Pradesh.
6. The Chairman, Bar Council of Himachal Pradesh.
7. The President, High Court Bar Association, Shimla.
8. All the Presidents, District/Sub-Divisional Bar Associations in Himachal Pradesh.
9. All the District and Sessions Judges including D&SJ (Family Courts) and D&SJ (Forests) in Himachal Pradesh with a request to circulate the same amongst concerned Judicial Officers in the divisions under their kind control.
10. All the Presiding Officers, Labour Courts, Himachal Pradesh.
11. All the Presidents, District Consumer Redressal Forum in Himachal Pradesh.
12. The Chairman, H.P. Wakf Tribunal, Kangra at Dharamshala, H.P.
13. The Registrar, Lokayukta, Himachal Pradesh.
14. The Director/Joint Director/Deputy Director, Himachal Pradesh Judicial Academy, 16-Mile, Shimla-171011.
15. The Member Secretary/Administrative Officer, H.P. State Legal Services Authority.
16. The Secretary/Private Secretary/PA(s) to the Registrar General, Registrar (Vigilance)/Registrar (Judicial)/Registrar (Admn,IT & GAD)/Registrar (Rules, J.B. & Recruitment)/Registrar (Establishment)/Registrar (Accounts) and the CPC, High Court of Himachal Pradesh.
17. All the Additional Registrars, High Court of Himachal Pradesh.
18. The Section Officer (O&A), High Court of Himachal Pradesh.
19. The Section Officer (Computer) for uploading the same on e-Gazettee.
20. The Technical Director, NIC, High Court of Himachal Pradesh for uploading the High Court website.

10/11/25
(Nitin Kumar)
Registrar (Rules)