



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-क

वर्ष ५, अंक २४(३)]

बुधवार, ऑगस्ट २८, २०१३/भाद्र ६, शके १९३५

[पृष्ठे ५, किंमत : रुपये १३.००

असाधारण क्रमांक ५०

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले
(भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांमधील इतर)
वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क),
जिल्हादंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील
इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

NOTIFICATION

No. P. 3603 /2013.—The Honourable the Chief Justice and Judges of the Bombay High Court have been pleased to make following amendments to the existing Rules framed u/s. 16(2) of the Advocate Act, 1961, contained in Schedule VI of the Bombay High Court Appellate Side Rules, 1960 and existing Rule 24 of the Bombay High Court Original Side Rules, 1980.

RULES FRAMED BY THE HIGH COURT OF JUDICATURE AT BOMBAY UNDER SECTION 16(2) OF THE ADVOCATES ACT, 1961

1. The Chief Justice and other Judges of this High Court may, upon a written proposal made by a Senior Advocate practicing in the Bombay High Court, with the consent of the Advocate concerned endorsed thereon, designate such an Advocate as a Senior Advocate, if in their opinion, by virtue of the ability, experience and standing at the Bar or special knowledge or experience in law, the Advocate is deserving of designation.
2. Every proposal for designation as a Senior Advocate shall be in the Form I appended to these Rules.
3. Every such proposal shall be accompanied by a Bio-data and the photograph of the Advocate concerned shall be affixed in Form II appended to these Rules.
4. A Senior Advocate shall not propose the names of more than two Advocates under Rule 1 in one Calendar Year.

5. The procedure for designating a Senior Advocate shall be as follows :—

(a) Proposals for designating Senior Advocates shall be submitted to the Registrar General.

(b) The Registrar General shall scrutinize the proposals received and if there be any irregularity, bring it to the notice of the candidate who shall have 15 days to remove such irregularities. The Registrar General shall on examining all the proposals submit a report to the Chief Justice stating whether and which of the proposals satisfy the requirements of the Rules for being designated as Senior Advocate.

(c) The Registrar General shall seek the directions of the Chief Justice to circulate the valid proposals to all the Judges.

(d) The Chief Justice shall constitute a Committee of Judges with a representation to the Principal Seat, Benches at Nagpur and Aurangabad and to the High Court at Panaji-Goa. The Judges may communicate their views or suggestions in respect of any of the proposals to the Committee. After considering such views/suggestions and information received from any other source the Committee shall recommend Advocates deserving designation as Senior Advocates which shall be then placed before the Full House for consideration. The Committee may regulate its own procedure and will not be required to minute the views received from the Judges or information received from any other source or its own deliberations.

(e) The proposals recommended by the Committee together with all the other proposals shall be placed before the Full Court for its acceptance. The acceptance of the Full Court to a proposal shall be accorded if not less than two thirds of the Judges present and voting at the meeting are in favour of the acceptance of the proposal.

(f) A Judge may abstain from participating in the proceedings with respect to one or more proposals. Abstentions will be excluded from consideration while determining whether not less than two thirds of the Judges present at the meeting are in favour of the proposal.

(g) Voting shall be by secret ballot. Each Judge present will be given a ballot paper in physical or electronic form without any identification, containing the names of the Advocates under consideration. The ballot papers against each name will have three columns indicating "Yes", "No", and "Abstained" when the agenda is taken up for consideration. On conclusion of the discussions, each Judge will cast the ballot in a box separately kept or circulated. Votes shall only be cast by electronic mode, where it is made available.

(h) The Registrar General shall prepare from the ballot papers/electronic data received, a list of candidates with the votes secured by each candidate.

(i) The name of candidates who have been accepted for designation by the Full House will be announced by the Chief Justice. Those advocates shall be designated as Senior Advocates.

6. The norms and guide-lines for designation as Senior Advocate shall be as follows :—

(a) The Advocate shall be enrolled with the Bar Council of Maharashtra and Goa.

(b) The Advocate should ordinarily have not less than fifteen years of standing as an advocate.

(c) The Advocate shall have paid income tax on his professional income which shall not be less than rupees seven lacs and fifty thousand per annum on the date of application :

Provided, however, that the Chief Justice may, on the recommendation of the Committee constituted under Rule 5(d) or in his own discretion, relax the applicability of the income criterion in the case of a particular candidate having due regard to the nature of the practice of the candidate. The decision of the Chief Justice shall be final.

(d) An Advocate should be deserving of designation as Senior Advocate, by virtue of his/her ability, integrity, standing at the Bar or special knowledge or experience in law.

(e) An Advocate convicted by any competent Court or against whom a charge has been framed for an offence involving moral turpitude or for contempt of court shall not be eligible for consideration.

7. Canvassing in any form by the Advocate concerned or by the proposer shall result in disqualification of the proposal.

8. (i) If, after being designated as a Senior Advocate it is reported by a Judge of the Court that by virtue of his/her conduct and behaviour either inside or outside the Court, the Advocate has forfeited his/her privilege to designation as Senior Advocate by the High Court, the matter may be placed before the Chief Justice for considering the withdrawal of designation as Senior Advocate.

(ii) The Chief Justice, on being satisfied that the matter should be further considered, shall constitute a Committee of not less than three Judges of the Court. The Committee will give a full opportunity to the Senior Advocate to plead his/her case including a personal hearing and thereafter submit its proposal to the Chief Justice no later than six months from the date of reference to the Committee. The Committee will be free to evolve its own procedure.

(iii) If the Committee in its report recommends withdrawal of designation as Senior Advocate, the Chief Justice shall place the report with the recommendation of the Committee at the next Full Court meeting for its consideration.

(iv) If a majority of Judges present and voting through secret ballot at the meeting is of the view that the Senior Advocate has forfeited his/her privilege, the Court shall recall his/her designation as a Senior Advocate.

(v) The Registrar General shall notify the decision to the Advocate and to the Bar Council of Maharashtra and Goa who shall delete the name from the list of Senior Advocates maintained by the Bar Council.

FORM I

FORM OF PROPOSAL

To,

The Honourable the Chief Justice and the Judges of the High Court of Judicature at Bombay.

I,

(Name etc.)

propose Shri/Shrimati/Kumari

(Name)

..... who was enrolled as an advocate by the Bar Council of Maharashtra on
 and who continues to be on the Roll of Advocates maintained by the said Bar
 Council and who has been practising in this Court/in the Court at
 for the last years, for being designated as Senior Advocate, as in
 my opinion by virtue of his/her ability, experience and standing at the Bar he/she is deserving of
 such distinction. The reasons why, according to me, the advocate is worthy of being designated as
 a Senior Advocate are as follows :

Dated this day of 20

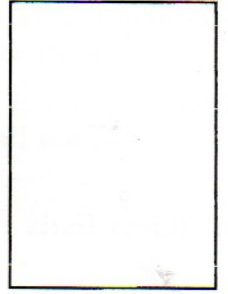
(Signature of the
Senior Advocate)

I hereby give my consent to be designated as Senior Advocate,

Dated this day of 20

(Signature of the
Advocate concerned)

FORM - II
PROFORMA OF BIO-DATA



1. Name of applicant.
2. Father's/Spouse's name.
3. Address.
4. Permanent Address.
5. Age.
6. Educational Qualifications.
7. Date of Enrollment.
8. Whether the applicant is a member of any Association of Lawyers; if yes, details.
9. Number of years of practice (or judicial service) and in which Court.
10. Whether the applicant is specialized in any stream; if yes, details.
11. (a) Whether the applicant has been a Chamber-junior to any Lawyers, if so, names of such lawyer and the period as such.
- (b) Whether any junior lawyer is attached to the applicant's chambers. If so, name of such lawyers and the period as such.
12. Whether the applicant is an assessee under the Income Tax Act in respect of applicant's professional income.
13. Whether the applicant is in the panel of or holds any office under the State or Central Government.
14. Reference to at least ten reported judgments in cases in which the applicant has appeared as arguing Counsel and contributed to the development of law.
15. Whether the applicant's name was earlier proposed for being designated as Senior Advocate of the Bombay High Court or any other High Court or of the Supreme Court of India. If so, the decision thereon, with its date.
16. Legal aid work.
17. Other information.

(In the event that the income of the candidate is less than Rs.7,50,000/- p.a., the candidate may wish to explain here in further detail the nature of his / her legal practice.)

(Signature of the
Advocate concerned)

These Rules shall be deemed to have come into force on 19th August 2013.

High Court of Judicature at Bombay,
dated 27th August 2013.

MANGESH S. PATIL,
Registrar (Judicial-I).