

MINUTES OF THE MEETING OF THE HONOURABLE PERMANENT COMMITTEE FOR DESIGNATION OF SENIOR ADVOCATES HELD ON MONDAY, THE 14th DAY OF SEPTEMBER, 2020:

The Committee was apprised of the representations received from three learned Advocates, as also the representation moved by the Senior Advocates Forum, through Mr.P.S.Raman, learned Senior Advocate. Upon deliberations, the Committee resolves as follows:

1. The suggestion with regard to an amendment in Rule 10 of the Madras High Court Designation of Senior Advocates Rules, 2020 for amending the phrase “professional conduct” to “professional misconduct” was considered and it was unanimously considered appropriate to introduce the words “unbecoming of a Senior Advocate” after the word “conduct” and before the word “or”. This amendment may, therefore, be placed before the Full Court by circulation and be, accordingly, dispatched for notification thereafter.
2. The suggestion with regard to clarifying the terminology “Standing Counsel” in Rule 8(1)(f) of the Rules was considered and the Committee does not find any necessity at this stage to amend the Rule, which would stand clarified to the effect that the word “Standing Counsel” used in the aforesaid Rule does not mean to include either the learned Advocate General, or the learned Additional Advocate Generals of the State, or the learned Additional Solicitor General of India, as they do not file Vakalatnama/Memo of Appearance.

3. The question of fixing a minimum age of 45 years for designation as a Senior Advocate was deliberated at length, and the Committee is of the opinion that since there are variations in this regard in the Rules of designation of Senior Advocates in the High Courts throughout the country, it would be appropriate that an interim application is moved before the Hon'ble Apex Court for its consideration in this regard in the case of Indira Jaisingh v. Supreme Court of India and others [Writ Petition (C) No.454 of 2015], so as to make a request to the Court to give an indication for a uniform pattern to be applied, and in the event any orders are passed by the Hon'ble Supreme Court, or directions given, the matter shall be again placed before the Committee for consideration.

The Registrar Judicial shall take appropriate steps for drafting of the application to be moved before the Apex Court, as resolved above, and seek instructions accordingly from the Hon'ble Chief Justice.

4. The Committee at this stage does not find any other necessity for bringing about amendments in the existing Rules as suggested in the representations.

5. The Committee was informed that 24 recommendations have been received from Hon'ble Judges for designating Senior Advocates and three recommendations have been made by learned Senior Advocates. In addition thereto, it is also informed that six applications prior to the announcement of the Rules were received and were pending, since the last designations took place in December, 2016. Since a considerable time has elapsed thereafter, it was considered appropriate to proceed with the process of inviting applications under the existing Rules, for which the Secretariat shall notify that applications will now be received

as per Rules 5 and 6 of the Rules and it shall be open to an Advocate to submit the required information as per the aforesaid Rules latest by 15th October, 2020 before the Registrar (Judicial) of the High Court, Madras. All applications received shall be processed accordingly, and the same shall be published by 31st October, 2020 in terms of Rule 6(3) of the Rules.

The Secretariat shall duly notify that all pending applications, proposals, or recommendations for designation prior to the commencement of these Rules shall be returned to the advocate concerned for applying in accordance with these Rules. The proposals that have been received on the recommendations of the Hon'ble Judges and the learned Senior Counsel after the publication of the Rules shall be processed as per Rule 5(4) of the Rules by the Secretariat requesting all such advocates to submit an application in the form prescribed in Appendix 'A' within fifteen days, duly complying with all the provisions of the Rules and the requirements stipulated in the form.