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കേരള സർക്കാർ
GOVERNMENT OF KERALA

കേരള ഗസറ്റ്
KERALA GAZETTE

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Part III

Administration of Justice - Judiciary

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2023



THE HIGH COURT OF KERALA**NOTIFICATION**

No. DI-1/62004/2023

Ernakulam - 682 031,
Dated 20th October 2023.

In exercise of the powers conferred by 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 accordance with the Judgment dated 12-05-2023 of the Honourable Supreme Court of India in *Ms. Indira Jaising vs. Supreme Court of India* in Writ Petition (Civil) No. 454 of 2015, the High Court of Kerala hereby makes the following amendments to the High Court of Kerala (Designation of Senior Advocates) Rules, 2018 published in Kerala Gazette Vol. VII No. 11 dated 13/03/2018.

AMENDMENTS

In the said Rules,

1. In Rule 2, after the words '*designate an Advocate*', the words, '*who mainly practices in the High Court of Kerala*' shall be *inserted*.

2. In Rule 3,

(i) The existing Rule shall be *renumbered* as sub-rule (1);

(ii) After the sub-rule (1) so renumbered, the following sub-rule shall be *inserted*, namely, '*(2) Notwithstanding anything contained in these rules, the Full Court by consensus may confer the designation of Senior Advocate, suo motu, on any advocate otherwise eligible, if in the opinion of the Full Court, he/she is a person of exceptional quality, eminence and has special expertise in any field of law.*'



3. The existing Rule 4 shall be *substituted* with following rule, namely,

'4. The conditions on which Advocates shall be eligible for designation as Senior Advocates are:

(i) if he/she has actually practiced as an Advocate for not less than ten years or he/she has ten years' combined standing as an Advocate and as a District and Sessions Judge or as a Judicial Member of any Tribunal in India whose qualification for eligibility for such appointment is not less than that prescribed for appointment as a District Judge, out of which 3 years standing as an Advocate shall be post retirement.

(ii) Practice mainly in the High Court.

Note: Applicant-advocates having domain expertise of practicing before specialized Tribunals may be given concession with regard to the extent of appearances in the High Court of Kerala.

(iii) Attainment of the age of 45 years, unless the age limit is relaxed by the Committee, or the name has been recommended by the Chief Justice of the High Court of Kerala or a Judge of the High Court of Kerala.'

4. In sub-rule (1) of Rule 6,

(i) after the words, *'shall be addressed to the Registrar General'*, the words, figures and symbols, *'within twenty-one days of publication of notice in accordance with Rule 8(1)'* shall be *inserted*;

(ii) after the words *'particulars set out in'*, the words, *'proforma in'* shall be *deleted*;

(iii) after the word *'Annexure-A'*, the word *'appended'* shall be *inserted*.

5. In Rule 7,

(i) In sub-rule (1), after the sentence ending with the words and symbols, *'Indira Jaising v. Supreme Court of India and others, (AIR 2017 SC 5017).'*, the following words and symbols shall be *inserted*, namely,

'The Committee shall consist of:

(a) Chief Justice of the High Court of Kerala – Chairperson

(b) Two senior-most Judges of the High Court of Kerala - Members

(c) Advocate General for Kerala- Member



(d) A member of the Bar, nominated by the Chairperson and Members, referred to in (a) to (c) above- Member.’;

(ii) After sub-rule(1), the following sub-rule shall be *inserted*, namely,

‘(1A) The Committee shall meet at least twice in every calendar year.’

6. In Rule 8,

(i) The existing Rule shall be *renumbered* as sub-rule (2) ;

(ii) Before the sub-rule (2) so renumbered, the following sub-rule shall be *inserted*, namely,
‘(1) The notice inviting applications from Advocates shall be published on the official website of the High Court of Kerala. In addition, intimation will also be given to the High Court Advocates Association and the Bar Associations in the State.’

7. In Rule 9, after the words, ‘*reputation, conduct and integrity of the Advocate concerned*’, the words and symbols, ‘*from such source(s), as may be decided by the Committee*’ shall be *inserted*.

8. In Rule 11,

(i) The existing Rule shall be *renumbered* as sub-rule (1);

(ii) In sub-rule (1) so renumbered, after the words, ‘*make an overall assessment*’, the words and symbol, ‘*on the basis of a point-based format as indicated below*’ shall be *inserted*;

(iii) the following proviso shall be *inserted* to sub-rule (1), namely,

‘*Provided that the Committee may short-list the number of candidates to be selected for interview.*’;

(iv) After the proviso to sub-rule (1) so inserted, the following table shall be *inserted*, namely,

Sl. No	Matters	Points
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



2	<i>Judgments reported and unreported (excluding orders that do not 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.</i>	50
3	<i>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.</i>	5
4	<i>The test of personality and suitability on the basis of interview for a holistic assessment of the applicant.</i>	25

(v) After sub-rule(1), the following sub-rule shall be *inserted*, namely,

'(2). All the names that are short-listed for the interview, including the names which are cleared by the Committee, will be placed before the Full Court.'

9. In Rule 12,

(i) in places where the word '*two-third*' occurs, the word '*majority*' shall be *substituted*;

(ii) after the words '*Voting by secret ballot will be resorted to*', the words '*only when it is unavoidable*' shall be *deleted* and the words and symbols, '*in exceptional situation, for reasons to be recorded,*' shall be *inserted*.

(iii) after the sentence ending with the words and symbols, '*in favour of the proposal/ recommendation/ application.*', the following sentence shall be *inserted*, namely, '*The final decision of the Full Court will be communicated individually to all the applicants.*'

10. In Rule 13,

(i) The existing Rule shall be *renumbered* as sub-rule (1).

(ii) In sub-rule (1) so renumbered, after the words and symbols, '*on receipt of a fresh proposal/ recommendation/ application for designation*', the words, '*by following the procedure applicable at that time*' shall be *inserted*;

(iii) After sub-rule (1), the following sub-rule shall be *inserted*, namely,



'(2) All cases deferred by the Full Court for being designated as Senior Advocate shall not be considered until the expiry of one year from the date of the decision of the Full Court. After the expiry of the period, the Advocate may apply afresh in terms of the procedure applicable on the date of the fresh application.'

11. In sub-rule(1) to Rule 14, the following proviso shall be *inserted*, namely,

'Provided that in the event of such revocation, the Senior Advocate concerned shall be given an opportunity of a hearing before any such action is taken.'

12. In Rule 15, the words and symbol '*the Registrar General, Supreme Court of India*' shall be *substituted* with the words and symbol, '*the Secretary General, Supreme Court of India*';

13. After Rule 18, the following rule shall be *inserted*, namely,

'19. All questions relating to the interpretation and/or application of these Rules shall be referred to the Chief Justice of the High Court of Kerala whose decision shall be final. The Chief Justice may issue directions for the removal of difficulties either in general terms or in a particular instance as the exigencies may require.'

14. The existing '*ANNEXURE A*' shall be *substituted* with the following, namely,

ANNEXURE-A

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: (Dr./Mr./Mrs./Ms.)	
2.	Date of Birth	DD-MM-YY



3.	Age	_____ - Years	
4.	Address in full:	(i) Office -	
		(ii) Residence -	
5.	Contact Details	(i) Landline -	
		(ii) Cellphone -	
		(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	_____ -Years	
8.	Number in the Roll of Advocates maintained by the State Bar Council		
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 (No.of judgments only)	Assisting counsel (No.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 (No.of judgments only)	Assisting counsel (No.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 the 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 Articles/ books	Teaching assignments	Guest lectures delivered in law schools 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)/ Tribunal(s) etc		
			From	To
17.	Tribunal(s) where the applicant has specialized practice (Applicable to those practising before Tribunals)	Tribunal(s)	Duration	
			From	To
18.	Nature of practice - e.g. Civil, Criminal, Constitutional, Taxation, Labour, Company, Service, 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 Kerala 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) rusticated by any authority/ institution/council ?	
	(h) debarred from any examination or 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 before Bar Council of India, Bar Council of Kerala or any other State Bar Council? If so, particulars thereof	
25.	General state of health	
26.	Any other relevant information	
DECLARATION		
<p>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.</p> <p>Date:- _____ [Signature of the Applicant]</p>		
Note: Applicants should read instructions attached herewith while filling up Annexure-A.		



PRESCRIBED FORMATS**Lead Arguing Counsel**

List of Reported Judgments (excluding orders not laying down any principle of law) in the last five years

Sl. 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

Sl. 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

Sl. 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

Sl. 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

Sl. No	Court(s)	Citation/ Case Number	Cause Title	Decided on	Reportable/Unreportable

Details of five Synopses

Sl. No	Court(s)	Case Number	Cause Title	Details

Details of academic articles/books published, experience of teaching assignments in the field of law, guest lectures delivered in law schools or professional institutions connected with law

Sl.No	Topic of published academic articles/ Books/ Lecture/ Courses	Experience details of teaching assignment and guest lectures 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 Annexure-A to the High Court of Kerala (Designation of Senior Advocate) Rules, 2018

1.	Every Application-cum-Consent Letter or the Application for providing additional information in the prescribed formats marked as Annexure-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 along with Annexure-A, in searchable mode, along with the scanned photograph in case of Application-cum-Consent Letter (Annexure- A) should be submitted in a pendrive or through e-mail (cdsasecr.hc-ker@gov.in), 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 Annexure-A.

By order,

Sd/-

P. KRISHNA KUMAR
Registrar General



Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport)

The Honourable Supreme Court vide judgment dated 12-05-2023 in M.A Nos. 709/2022, 1502/2020; IA Nos. 58694/2022, 74393/2020, 75687/2021 in WP (C) No. 454/2015 – titled *Ms. Indira Jaising vs. Supreme Court of India, through Secretary General*, modified / fine-tuned some of the guidelines laid down by itself in *Indira Jaising vs. Supreme Court of India, through Secretary General and Others, (2017) 9 SCC 766*. The High Court of Kerala in exercise of the powers conferred by Sections 16(2) and 34(1) of the Advocates Act, 1961 and in accordance with the guidelines laid down in the 2017 Judgment, had framed the High Court of Kerala (Designation of Senior Advocates) Rules, 2018. Consequent amendments were required to be made to the High Court of Kerala (Designation of Senior Advocates) Rules, 2018 in accordance with the guidelines laid down in the 2023 Judgment of the Supreme Court mentioned above. Hence, the amendments.

