

**HIGH COURT OF SIKKIM
GANGTOK**

No 46/HW/COYD

Dated: 28/11/23

N-O-T-I-F-I-C-A-T-I-O-N

In exercise of the power conferred by Section 34(1) read with Section 16(2) of the Advocate Act, 1961 and in accordance with the guidelines laid down by the Supreme Court of India in its Judgment dated 12th October, 2017 in Writ Petition (C) No. 454 of 2015, Ms. Indira Jaisingh Vs. Hon'ble Supreme Court of India through Secretary General & Ors., the High Court of Sikkim frames the following Rules further to amend the Sikkim High Court (Designation of Senior Advocates) Rules, 2019, namely:-

Short title, extent and commencement

[1] (i) These Rules shall be called the "High Court of Sikkim (Designation of Senior Advocates) Amendment Rules, 2023."

(ii) They shall extend to the whole of Sikkim.

(iii) These Rules shall come into force from the date of publication in the Government Gazette.

Amendment of sub-rule (iv) of rule [4]

[2] In sub-rule (iv) of rule [4] of the High Court of Sikkim (Designation of Senior Advocates) Rules, 2019 (herein after shall be referred to as the said rules), after the words " High Court of Sikkim or its Subordinate Courts" and before words " by virtue of his ability" the following shall be inserted:-

"or any specialized tribunals such as 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 et cetera"

Amendment of sub-rule (ix) of rule [4] [3] In sub-rule [ix] of rule [4] of the said rules, for the existing table, the following table shall be deemed to have been substituted:-

Sl. No.	Matter	Points								
1.	<p>Number of years practice of the applicant Advocate from the date of enrollment;</p> <table border="1" data-bbox="326 607 1175 836"> <tr> <td data-bbox="326 607 753 652">For 10 years of practice</td> <td data-bbox="753 607 1175 652">10 points</td> </tr> <tr> <td data-bbox="326 652 753 765">For 10 to 20 years of practice</td> <td data-bbox="753 652 1175 765">one point each shall be added for every year of practice</td> </tr> <tr> <td data-bbox="326 765 753 810">More than 20 years</td> <td data-bbox="753 765 1175 810">20 points</td> </tr> <tr> <td data-bbox="326 810 753 836"></td> <td data-bbox="753 810 1175 836"></td> </tr> </table>	For 10 years of practice	10 points	For 10 to 20 years of practice	one point each shall be added for every year of practice	More than 20 years	20 points			20 points
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2.	<p>Judgments (reported and unreported) dealing significant and contested legal issues which also indicate the role and legal formulations advanced by the concerned Advocate in the course of the proceedings of the case, and the quality of the synopses filed in the Court; pro bono work done by the concerned Advocate; Domain Expertise of the Applicant Advocate in various branches of law, 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 and other laws.</p> <p>Note:-</p> <ol style="list-style-type: none"> 1. Merely looking into the number of appearances would not suffice. 2. Candidates should be permitted to submit at least five of their best synopses for evaluation with their applications. 3. Specialized lawyers with domain expertise should be permitted to concentrate on their field and not be deprived of the opportunity of being designated as Senior Advocates. Thus in the case of such Advocates, a concession is required to be given with regards to the number of appearances. 	50 points								
3.	<p>Publications by the Applicant Advocate. Determination under this criteria must also include teaching assignments or guest courses delivered by Advocate at law schools. Further, quality of writing by an Advocate should be an important factor in allocating points under this category.</p> <p>Note: The Permanent Committee may also seek external assistance such as from Senior Advocates or academics, to gauge the quality of publications.</p>	05 points								
4.	<p>Test of Personality & Suitability on the basis of interview/interaction. Due consideration should be given in the interest of diversity, particularly with respect to gender and first generation lawyers, which would encourage meritorious Advocates to come into the field knowing that there is scope to rise to the top. Newcomers must be encouraged.</p>	25 points								

Insertion of
new sub-rule
(ix) (a) of rule [4]

[4] After sub-rule (ix) of rule [4] of the said rules, the following sub-rule shall be inserted:-

“ (ix) (a) Where more than one interview session is considered necessary, it shall be restricted to the appropriate number as may be deemed feasible by the Permanent Committee, keeping in mind the number of Senior Advocates to be designated at a given time”.

Amendment of
sub-rule (xi) of
rule [4]

[5] In sub-rule (xi) of rule [4] of the said rules, after the words “except when it is unavoidable”, and before words “In the event of resort to secret ballot” the following shall be inserted:-

“and for reasons to be recorded. It shall not be the rule but clearly an exception”

After the above amendment, sub-rule (xi) would read as under:-

*“ Voting by secret ballot will not normally be restored to by the Full Court except when it is unavoidable **and for reasons to be recorded. It shall not be the rule but clearly an exception.** In the event of resort to secret ballot decisions will be carried by a majority of the Judges who have chosen to exercise their choice.”*

Insertion of new
sub-rule (xiii) (a) of
rule [4]

[6] After sub-rule (xiii) of rule [4] of the said rules, the following sub-rule shall be inserted:-

“(xiii) (a) Permanent Secretariat shall meet at least once in a calendar year”.

BY ORDER OF THE HON'BLE THE CHIEF JUSTICE

**Sd/-
REGISTRAR**