

¹ THE HIGH COURT OF SIKKIM (DESIGNATION OF SENIOR ADVOCATES) RULES, 2019

(As amended upto 14.11.2025)

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 V. Hon'ble Supreme Court of India through Secretary General & Ors., the High Court of Sikkim frames the following Rules for Designation of Senior Advocates and the matters incidental thereto.

[1] Short title and commencement

- (i) These Rules shall be called the "**High Court of Sikkim (Designation of Senior Advocates) Rules, 2019.**"
- (ii) These Rules shall come into force from the date of publication in the Government Gazette.

[2] Definitions- In these Rules, unless the context otherwise requires:-

- (a) "The Act" means the Advocates Act, 1961.
- ²[(b) "Advocate" means an Advocate entered in any roll under the provisions of the Advocates Act, 1961.]
- ³[Omitted]
- (c) "Chief Justice" means the Chief Justice of the High Court of Sikkim.
- ⁴[(d) "Full Court" means the Full Court of High Court of Sikkim as may be convened by the Chief Justice from time to time."]
- (e) "Judge" means a Judge of the High Court of Sikkim.
- ⁵[(f) "Permanent Secretariat" means the Secretariat constituted under rule 4(ii) of these rules to assist Full Court of the High Court."]
- (g) "Registrar General" means the Registrar General of the High Court of Sikkim.

1. Notified Vide Notification No. 10/HCS, dated 15.06.2019 (Gazette No. 279 of 2019), came into force on 9th July, 2019.

2. Substituted Vide Notification No. 40/HCS, dated 14.11.2025 (Gazette No. 427 of 2025) came into force on 14th November, 2025.

3. Omitted Vide Notification No. 40/HCS, dated 14.11.2025 (Gazette No. 427 of 2025)

4. Inserted Vide Notification No. 40/HCS, dated 14.11.2025 (Gazette No. 427 of 2025)

5. Substituted Vide Notification No. 40/HCS, dated 14.11.2025 (Gazette No. 427 of 2025)

- (h) "Registry" means the Registry of the High Court of Sikkim.
- (i) "State" means the State of Sikkim.
- (j) "The said rule" means "**High Court of Sikkim (Designation of Senior Advocates) Rules, 2019.**"

[3] Eligibility Conditions: No person shall be eligible for being designated as Senior Advocate unless he/she:

- (i) has practiced as an Advocate at the Bar for not less than 10 years;
- (ii) is enrolled with a Bar Council constituted under the Advocates Act, 1961;
- (iii) has been practicing in the High Court of Sikkim and/or the Courts Subordinate to it; and
- (iv) has also appeared and argued cases or provided legal services pro-bono.

Explanation: The eligibility condition with regard to minimum standing as a practicing Advocate shall not apply to retired Judicial Officers of Sikkim or those who have resigned, having service and/or practice of 10 years at their credit and retired ¹[Chief Justice/] High Court Judges.

²[4] Procedure for Designation

- (i) The decision to confer designation of Senior Advocate shall be of the Full Court of the High Court of Sikkim and all matters relating to designation of Senior Advocate shall be dealt with by the Full Court.
- (ii) There shall be a Permanent Secretariat to assist the Full Court in matters relating to designation of Senior Advocate, the composition and framework of which shall be as decided by the Chief Justice from time to time.
- (iii) If the Full Court is of the opinion that an Advocate residing and/or ordinarily practicing before the High Court of Sikkim or District Courts under its jurisdiction or in any Specialized Tribunal(s), by virtue of his ability, standing at the Bar or special knowledge or experience in law, character, integrity and honesty is deserving of such distinction so as to be designated as a Senior Advocate, it may consider conferring designation of Senior Advocate on such Advocate.
- (iv) An Advocate desirous and seeking conferment of distinction as Senior Advocate may also submit an application in that regard in the prescribed

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format to the Permanent Secretariat.

- (v) On receipt of directions from the Full Court with regard to conferring of designation of Senior Advocate on an Advocate or an application from an Advocate seeking distinction as Senior Advocate, the Permanent Secretariat shall compile the relevant data and information with regard to the standing at the Bar, ability, reputation, conduct, integrity of the Advocate/s concerned including his/her participation in *pro bono* matters and such other factors including income to be assessed in the manner as prescribed by the Chief Justice, as may be considered relevant for the purpose of conferment of designation of Senior Advocate.
- (vi) The Permanent Secretariat shall publish the proposal for designation of a particular Advocate as Senior Advocate in the official website of the High Court and the District Courts under its jurisdiction, inviting suggestions/views, if any, of the members of the Bar and other stakeholders in the proposed designation within fifteen (15) days or such time as may be ordered by the Chief Justice from the date of its publication in the website. The suggestions/views shall be in writing and shall bear the name and full address of the sender. It shall be addressed to the Registrar General of High Court who shall place it before the Permanent Secretariat for such action as may be considered and ordered by the Chief Justice.
- (vii) With the approval of the Chief Justice, the Permanent Secretariat shall place the matter pertaining to Senior designation of an Advocate before the Full Court for consideration.
- (viii) Voting by secret ballot may not normally be resorted 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.
- (ix) The Permanent Secretariat shall meet at least once in a calendar year.
- (x) The exercise to designate Senior Advocate may be carried out at least once in every calendar year.
- (xi) All cases that may not be favourably considered by the Full Court may be reviewed/reconsidered after expiry of a period of two years following the manner indicated above as if the proposal is being considered afresh.

- (xii) All those cases which are deferred by the Full Court for being designated as Senior Advocate shall be considered after completion of one year from the date of deferment.
- (xiii) In the event a Senior Advocate is guilty of conduct which accordingly to the Full Court disentitles the Senior Advocate concerned to continue to be worthy of the designation, the Full Court may review its decision to designate the concerned person and recall the designation conferred earlier.]

[5] Interpretation

All questions relating to the interpretation of these Rules shall be referred to the Chief Justice, whose decision thereon shall be final.

[6] Repeal and Savings

All previous rules namely, High Court of Sikkim designation of Senior Advocates Rules, 2009 ¹[and High Court of Sikkim (Designation of Senior Advocates) (Amendment) Rules, 2023 hereby stand] repealed. However, this repeal shall not, by itself, invalidate the action taken under the repealed Rules/guidelines.

1. Inserted Vide Notification No. 40/HCS, dated 14.11.2025 (Gazette No. 427 of 2025)

APPLICATION OF BIO-DATA, CONSENT AND UNDERTAKING

SL NO.	PARTICULARS	
1.	Name:	
2.	Father's/Husband's Name:	
3.	Address with Contact Number and E-Mail address:	
4.	Permanent Address:	
5.	Date of birth:	
6.	Qualification:	
7.	No. and date of enrolment as an Advocate and where enrolled:	
8.	Date from which continuously practicing and place where practicing :	
9.	If a former member of the State Judicial Service, length of such service and the experience at the Bar:	
10.	Particulars of important matters in which appeared in the last five years, and particulars of citations, if reported.	
11.	Particulars of articles, if any published in any journal or publication or books if any authored	
12.	Particulars of cases in which appeared pro-bono and / or free legal aid given (where available, enclose orders)	
13.	Whether involved in any disciplinary proceedings before Bar Council of India or Bar Council of any other state. If so the particulars / result / stage of the proceedings	
14.	Whether personally involved in any contempt proceedings	
15.	Any other information which the learned Advocate may like to furnish.	
16.	Whether considered for designation as Senior Advocate by the Sikkim High Court or any other High Court or Supreme Court at any time and also within one year prior to the date of proposal/consent or submissions of application. (Also state if proposal pending with any Court).	

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

PLACE:

DATE:

SIGNATURE OF THE ADVOCATE