



SENIOR ADVOCATE : POLITY

NEWS : *The Supreme Court designated 39 lawyers, including 10 women, as senior advocates, based on new guidelines issued in May 2023.*

WHAT'S IN THE NEWS ?

Senior Advocate

Prestigious Title:

- Senior Advocate is a distinguished title given to lawyers recognized for exceptional skill, experience, and contributions to the legal field.
- It is considered a mark of excellence within the legal profession.

Restrictions:

- Senior Advocates are subject to certain restrictions that distinguish them from other advocates:
 - **Cannot File Vakalatnama:** They are not allowed to file a vakalatnama, a document that authorizes a lawyer to represent a client.
 - **Appearances in Court:** They must appear in court with a junior advocate or an advocate-on-record; they cannot appear alone.
 - **Drafting Work:** They are restricted from engaging in drafting work.
 - **Direct Client Briefs:** They cannot directly accept briefs from clients.

Responsibilities:

- Their role is primarily advisory.
- They are expected to mentor junior advocates.
- They contribute to the development of the legal profession through guidance and expertise.

Designation Process

Background:

Pre-2018 Process:

- The process for designating Senior Advocates was less formalized before 2018.

Advocates Act (Section 16):

- Under Section 16 (1) of the Advocates Act, advocates are categorized as either Senior Advocates or Other Advocates.
- Section 16 (2) allows an advocate to be designated as a Senior Advocate if they consent to it and if the Supreme Court or High Court recognizes their legal ability and experience.



The Indira Jaising Case (2017):

- Indira Jaising, India's first woman Senior Advocate, challenged the existing designation process, calling it "opaque," "arbitrary," and prone to "nepotism."

Supreme Court Response:

- The challenge led to the development of new guidelines aimed at reforming the designation process to make it more transparent and fair.

New Guidelines for Designating Senior Advocates (2018)

- **Formation of a Committee:**
 - A "Committee for Designation of Senior Advocates" was established, chaired by the Chief Justice of India (CJI).
 - The committee includes the two senior-most Supreme Court judges, the Attorney General of India, and a nominated member of the Bar.
 - This diverse composition aims to ensure a balanced and impartial evaluation process.
- **Regular Meetings:**
 - The committee is required to meet at least twice a year to review applications and make recommendations.
 - Regular meetings ensure a systematic and consistent approach to evaluating candidates.
- **Recommendation Process:**
 - The CJI or any other judge can recommend names for senior designation.
 - Advocates themselves can also apply to the committee.
 - This dual approach of internal recommendations and self-nominations broadens the pool of candidates.
- **Evaluation Criteria:**
 - Candidates are evaluated based on various criteria, including:
 - **Years of Practice**
 - **Pro-Bono Work**
 - **Judicial Contributions**
 - **Publications**
 - This comprehensive evaluation ensures that the designation is based on merit and a broad understanding of the candidate's contributions to the legal field.
- **Transparency and Publication:**
 - The guidelines require the committee to publish the list of candidates and their proposals on the official court website.
 - This allows for public suggestions and views, enhancing transparency and enabling public scrutiny of the process.



- **Interviews and Final Decision:**
 - The committee conducts interviews and makes an overall evaluation of the candidates.
 - The final decision is made by the Full Court, which votes on the proposed designations.
 - The Full Court also has the authority to recall the designation if necessary.

Significance of the 2018 Guidelines:

- **Increased Transparency:**
 - By publishing candidate details and allowing public feedback, the process ensures that the designation of Senior Advocates is subject to public scrutiny, reducing the scope for arbitrariness.
- **Balanced Evaluation:**
 - The diverse composition of the committee and the comprehensive evaluation criteria help recognize deserving candidates based on merit and contributions.

Revised Guidelines for Designating Senior Advocates (2023)

- **Revised Guidelines:**
 - The guidelines were revised in May 2023 following a request from the Centre, which challenged the subjectivity of the point system used in evaluations.
- **Age Criteria:**
 - **New Age Requirement:**
 - Lawyers must be at least 45 years old and have practised law for a minimum of 10 years to be eligible for the Senior Advocate designation.
 - **Exceptions:**
 - For candidates directly nominated by the CJI or any other Supreme Court judge, there is no age limit.
 - Those with a combined experience of 10 years as a lawyer and in judicial roles or tribunals can also apply, providing flexibility for experienced professionals in various legal arenas.
- **Process of Selection:**
 - **Demonstrating Competence:**
 - Applicants must demonstrate their expertise through a detailed list of judgments where they have argued cases.
 - This criterion emphasizes their contribution to the field of law and their legal prowess.



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- **Annual Application:**
 - A notification inviting applications will be issued once every year.
 - Lawyers must submit their achievements and qualifications in a prescribed format, along with necessary documents and fees.
- **Review Committee:**
 - A dedicated committee, comprising the CJI, two senior judges, the Attorney General, and a bar representative, will review the applications.
 - This committee will meet twice a year and has the authority to waive the age requirement if deemed necessary.
- **Selection Criteria:**
 - **Weightage of Judgments:**
 - The quality and quantity of judgments argued by the applicants are given significant importance.
 - This criterion can earn up to 50 points, highlighting the emphasis on practical legal achievements.
 - **Transparency and Objectivity:**
 - The guidelines aim to ensure that the selection process is transparent, objective, and based on merit, reducing the scope for subjective judgments.
- **Significance of the 2023 Guidelines:**
 - **Enhancing Meritocracy:**
 - The revised regulations focus on merit and tangible achievements rather than age alone.
 - This shift allows for a more dynamic and diverse group of Senior Advocates, reflecting the evolving landscape of the legal profession.
 - **Increased Transparency:**
 - By clearly outlining the criteria and process, the new regulations enhance transparency.
 - Lawyers can better understand what is required to attain the Senior Advocate title, making the process fairer and more accessible.
 - **Flexibility for Diverse Legal Careers:**
 - The provision for candidates with combined experience in law and judicial roles acknowledges the diverse career paths within the legal field.
 - This flexibility recognizes the valuable contributions of lawyers with extensive experience in specialized areas or tribunals.

Conclusion

- **Prestigious Acknowledgement:**

**P.L. RAJ IAS & IPS ACADEMY | 1447/C, 3rd floor, 15th Main Road,
Anna Nagar West, Chennai-40. Ph.No.044-42323192, 9445032221
Email: plrajmemorial@gmail.com Website: www.plrajiasacademy.com
Telegram link: <https://t.me/plrajias2006> YouTube: P L RAJ IAS & IPS ACADEMY**



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The Senior Advocate designation is a prestigious acknowledgment of an advocate's excellence and contribution to the legal profession.

- **Evolution of the Process:**

The evolution of the designation process from an informal to a structured and transparent system reflects ongoing efforts to maintain the integrity and merit of the legal profession.

Source : <https://indianexpress.com/article/explained/explained-law/process-for-designating-senior-advocates-9515705/>

