

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:2876

ANSWERED ON:06.08.2015

Designation of Senior Counsels

Reddy Shri Ch. Malla

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government has any criteria/procedure to designate an(d) advocate as a Senior Counsel in the country;
- (b) if so, the details thereof and if not, whether the Government proposes to devise necessary guidelines for the purpose;
- (c) if so, the details thereof; and
- (d) the details of responsibilities assigned to Senior Counsels along with the privileges available to them?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI D.V. SADANANDA GOWDA)

(a) to (c) : No Madam. At present, there is no proposal under consideration before the Government for devising necessary guidelines as to the criteria/ procedure to designate an Advocate as a Senior Counsel. As per the provisions of Section 16(2) of the Advocates Act, 1961, the authority to designate an advocate as a Senior Advocate is vested with the Supreme Court or the High Courts. The section 16 (2) of the Advocates Act, 1961 runs as follows:

16(2) An advocate may, with his consent, be designated as senior advocate if the Supreme Court or a High Court is of opinion that by virtue of his ability standing at the Bar or special knowledge or experience in law he is deserving of such distinction.

(d) According to ORDER IV Rule 2 of the Supreme Court Rules 1966: (i) a Senior Advocate shall not file a Vakalatnama or file an appearance or any pleading(s) in any Court or Tribunal in India; (ii) He shall not appear without an advocate on record in the Court or without a junior in any other Court or Tribunal in India; (iii) He shall not accept instructions to draw pleadings or affidavits, advise on evidence or do any drafting work of an analogous kind in any Court or Tribunal in India or undertake conveyancing work of any kind whatsoever but the prohibition shall not extend to settling any such matter as aforesaid in consultation with a junior; (iv) He shall not accept directly from a client any brief or instructions to appear in any Court or Tribunal in India. Accordingly to Order IV Rule 3 of the Supreme Court Rules, 1966, every Senior Advocate appearing before the Court shall wear such robes and costume as may from time to time directed by the Court.