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SUPREME COURT
OF INDIA

NEW DELHI

Dated : 6th May, 2017

IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)

INTERLOCUTORY APPLICATION NO. 5

(Application for directions)

IN

WRIT PETITION (CIVIL) NO. 454 OF 2015

(Under Article 32 of the Constitution of India)

Ms. Indira Jaising

... Petitioner

Versus

Supreme Court of India,
Through Secretary General & Ors.

... Respondents

WITH TRANSFERRED CASE (CIVIL) NO. 1 OF 2017

To,

Accredited Bar Associations of all the High Courts

Whereas, the writ petition above-mentioned with the following prayers has been filed in this Court by Ms. Indira Jaisingh, Senior Advocate:

- “(a) Issue writ order, or direction declaring that the system of designation of Senior Advocates by recently introduced method of vote is arbitrary and contrary to the notions of diversity violating Art. 14, 15 and Art. 21 and therefore, it is unconstitutional and null and void; and
- (b) Issue writ order or direction for appointment of a permanent Selection Committee with a secretariat headed by a lay person, which includes the Respondent 4 Attorney General of India, representatives from the Respondent 5 SCBA and the Respondent 6 AOR Association and academics, for the designation of Senior Advocates on the basis of an assessment made on a point system as suggested in Annexure P8; and

- (c) Issue a writ of mandamus or direction directing the Respondent-1 representing Chief Justice and Judges of the Supreme Court to appoint a Search Committee to identify the Advocates who conduct Public Interest Litigation (PIL) cases and Advocates who practice in the area of their Domain Expertise viz., constitutional law, international arbitration, inter-State water disputes, cyber laws etc. and to designate them as Senior Advocates;
- (d) Issue a writ of mandamus or direction directing the Respondent-1 representing Chief Justice and Judges of the Supreme Court to frame guidelines requiring the preparation of an Assessment Report by the Peers Committee on the Advocates who apply for designation based on an index 100 points as suggested in Annexure P8;
- (e) Issue a writ of mandamus or direction directing the Respondent-1 representing Chief Justice and Judges of the Supreme Court to reconsider its decision taken in the Full Court meetings held on 11.02.2014 and 23.04.2015 and designate as Senior Advocate all those Advocates whose applications seeking designation had received recommendation by not less than five Judges of the Supreme Court (including deferred applicants) during the process of circulation ordered by the Chief Justice;
- (f) Pass such other Order or Orders as are deemed fit and necessary in the interest of justice.”

AND WHEREAS, the said matter was listed before the Court from time to time and further, the matter has been referred to the larger bench vide order dated 22.03.2017.

AND WHEREAS, in the meantime, I. A. No. 5 has been filed in this Court on behalf of the petitioner in the writ petition above mentioned praying for the following prayers:-

- “(a) Direct Respondent No. 1 i.e. the Secretary General of this Hon'ble Court to file an affidavit in reply to the present petition reflecting the decision

of the Full Court on matters raised in this petition indicating that the matter has been considered by the Full Court in accordance with law;

- (b) Direct Respondent No. 1 i.e. the Secretary General of this Hon'ble Court to request all Registrar Generals of High Courts to send their extant rules, regulation and resolutions if any outlining their practice and procedure in the matter of designation of Senior Advocate(s);
- (c) Direct Respondent No. 1 i.e. the Secretary General of this Hon'ble Court to place on the website of this Hon'ble Court the fact of the pendency of this petition and informing accredited bar associations of the High Court that they may intervene with their suggestions if any in the matter of designation of Senior Advocate(s) under Section 16(2) of the Advocates Act 1961 within a given time frame;
- (d) Direct status quo to be maintained in relation to designation of Senior Advocate(s) by this Hon'ble Court during the pendency of this petition;
- (e) Direct the Listing of the present Writ Petition for hearing as expeditiously as possible; and
- (f) Pass any other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

AND WHEREAS, I. A. No. 5 above mentioned was listed before the Hon'ble Court on 24.04.2017 & 02.05.2017, when the following orders were passed:

(i) **Order dated 24.04.2017**

"List the matter on 2nd May, 2017.

The Secretary General of the Supreme Court will take steps to inform the Registrar General of all the High Courts about the pendency of the present petition. Thereafter, it is left open to the High Courts to take further course of action in the matter, as may be advised."

(ii) **Order dated 02.05.2017**

"We have perused the reply affidavit filed on behalf of the respondent No.1. As prayers (b) and (c) in I.A. No.5 of 2017, amongst others is not being objected to by the respondent No.1, we direct the respondent No.1 to give full effect to the directions sought for in the aforesaid prayers (b) and (c) so that the hearing of the main case can be taken up before the larger Bench at the earliest.

Insofar as prayer (d) is concerned, we do not consider it necessary to entertain the said prayer at this stage and pass any order beyond what has been observed in our Order dated 22.03.2017. In this regard we have also taken note of the instructions received by the learned counsel for the respondent No.1 as placed before the Court with regard to convening of a Full Court Meeting of this Court.

The present order will also govern the prayers made in I.A. No.1 of 2017 in Transferred Case (C) No.1 of 2017. The Registry is directed to list the cases for final disposal before the appropriate larger Bench as ordered by us earlier on 20th July, 2017."

TAKE NOTICE THAT the matters above-mentioned will now be listed before the Court on 20th day of July, 2017.

You are, hereby, informed that you may intervene with your suggestions, if any, in the matter of designation of Senior Advocate(s) under Section 16(2) of the Advocates Act, 1961, in terms of the order dated 02.5.2017 as quoted hereinabove.

Dated this the 6th day of May, 2017 New Delhi.


SECRETARY GENERAL