

**THE GAUHATI HIGH COURT AT GUWAHATI**  
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,  
TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

**NOTIFICATION**

Dated Guwahati, the 11<sup>th</sup> March, 2010

**Gauhati High Court (Conditions of Practice of Advocates) Rules,  
2010**

NO.HC.XI-10/2008/ 114 /RC # # In exercise of the powers conferred by Section 34(1) of the Advocates Act, 1961 (Act No. 25 of 1961) and all other powers vested in it by law and in supersession of all previous orders, the Gauhati High Court (High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh) (hereafter for short referred to as the 'High Court'), hereby frames the following Rules laying down the conditions subject to which an Advocate shall be permitted to practice in this High Court and Courts subordinate thereto.

1. These Rules shall be named as "The Gauhati High Court (Conditions of Practice of Advocates) Rules, 2010.
2. In these Rules unless there is anything repugnant in the subject or context, the word 'Advocate' would have the same meaning as assigned by the Advocates Act, 1961.
3. Save as otherwise provided for in any law for the time being in force, no Advocate other than Designated Senior Advocate shall be entitled to appear, plead or act for any person in any Court in any proceeding unless he/she files an appointment in writing signed by such person or his recognized agent or by some other person duly authorised by or under a power of attorney to make such appointment and signed by the Advocate in token of acceptance or the Advocate files a memorandum of appearance in the form prescribed by the High Court.

Provided that where an Advocate has already filed an appointment in any proceeding, it shall be sufficient for another Advocate, who is engaged to appear in the proceedings merely for the purposes of pleading, to file a memorandum of appearance or to declare before the Court that he/she appears on instructions from the Advocate, who has already filed his appointment in the proceedings:

Provided further that nothing in Rule (2) contained shall apply to an Advocate, who has been requested by the Court to assist it as amicus curiae in any case or a proceeding or who has been appointed at the expense of the State to defend an accused person in a criminal proceeding.

**Explanation** – A separate appointment or a memorandum of appearance shall be filed in each of the several connected proceedings, notwithstanding that the same Advocate is retained for the party in all the party connected proceedings.

4. An Advocate, who is not on the Roll of Advocates of the Bar Council of the State, in which the Court is situated, shall not appear, act or plead in such Court, unless he files an appointment along with an Advocate, who is on the Roll of such State Bar Council and who is ordinarily practising in such court.
5. In case in which a party is represented by more than one Advocate, it shall be necessary for all of them to file a joint appointment or for each of them to file a separate one.
6. The acceptance of an appointment on behalf of a firm or partnership of Advocates shall be indicated by a partner affixing his own signature as a partner on behalf of the firm or partnership of Advocates.
7. An Advocate at the time of acceptance of his appointment shall also endorse on it his/her address, which address shall be regarded as one for service within the meaning of the Rule 5 of Order 3 of the Code of Civil Procedure, 1908 (as amended).
8. Where an Advocate appointed by a party in any of the proceedings is prevented by reasonable cause from appearing and conducting the proceedings at any hearing, he may instruct another Advocate to appear for him/her at that hearing.
9. (1) In civil cases, the appointment of an Advocate unless otherwise limited, shall be deemed to be in force to the extent provided in that behalf by Rule 4 of Order 3 of the Code of Civil Procedure, 1908 (as amended).  
 (2) In criminal cases, the appointment of an Advocate unless otherwise limited, shall be deemed to be in force until determined with the leave of the Court by writing signed by the party or the Advocate, as the case may be and filed in Court or on the demise of the Advocate or until all proceedings in the case end so far as regard the party.  
 (3) For the purposes of sub-rule (2) a case shall be deemed to mean every kind of enquiry, trial or proceedings before a Criminal Court whether instituted on a police report or otherwise than on a police report, and further
  - (i) an application for bail or for alteration/modification of the conditions thereof or for cancellation of bail in the case;
  - (ii) an application for transfer of the case from one Court to another;
  - (iii) an application for stay of the case pending disposal of a civil proceeding in respect of the same transaction out of which the case arises.

- (vi) an application for leave to appeal against an order of acquittal passed in the case;
- (vii) any appeal or application for revision against any order or sentence passed in the case;
- (viii) a reference arising out of the case;
- (ix) an application for review of an order or sentence passed in a case or in an appeal, reference, revision or review arising out of the case;
- (x) an application for making concurrent sentences awarded in the case or in an appeal, reference, revision or review arising out of the case;
- (xi) an application relating to or incidental to or arising in or out of any appeal, reference, revision or review arising in or out of the case (including an application for leave to appeal to the Supreme Court);
- (xii) an application or act for obtaining copies of documents or for the return of articles or documents produced or filed in any case or in any of the proceedings mentioned hereinabove;
- (xiii) an application or act for obtaining the withdrawal of the refund or payment of or out of the moneys paid or deposited in the Court in connection with the case or any of the proceedings mentioned herein before (including money paid or deposited for covering the costs of the preparation and the printing of the Transcript Record of appeal to the Supreme Court);
- (xiv) an application for the refund of or out of the money paid or recovered as fine or for the return, restitution or restoration of the property forfeited or confiscated in the case or in any appeal, reference, revision or review arising out of the case as per final orders passed in that regard;
- (xv) an application for expunging remarks or observations on the records of or made in the judgment in the case or any appeal, reference, revision or review arising out of the case, and
- (xvi) an application or proceedings for sanctioning prosecution under Chapter XXXV of the Code of Criminal Procedure, 1898, or any appeal or revision arising from and out of order passed in such an application or proceeding shall be deemed to be proceedings in case:

Provided that where the venue of the case or the proceedings is shifted from one Court (Subordinate or otherwise) to another, the Advocate filing the appointment referred to in sub-rules (1) and (2) above in the former Court shall not be bound to appear, act or plead in the latter court, unless he

