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JUNIOR AND SENIOR ADVOCATES AND THE APPOINTMENT OF HIGH COURT JUDGES IN INDIA

A SOCIO-LEGAL STUDY

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Abstract

The legal profession in India has traditionally been structured around a relationship between senior and junior members of the Bar. Junior advocates acquire professional knowledge, courtroom skills and practical experience through their association with senior advocates and established chambers. At the same time, advocates practicing before High Courts constitute one of the principal sources from which appointments to the High Court judiciary are made. Article 217 of the Constitution of India provides that a person is qualified for appointment as a Judge of a High Court if, among other requirements, he or she has been an advocate of a High Court or of two or more such Courts in succession for at least ten years¹. The appointment process, however, involves the High Court Collegium, the Supreme Court Collegium and the Union Government within the constitutional framework that has developed through the Judges Cases.

This article examines the relationship between the structure of the legal profession and the appointment of advocates to the High Court judiciary from a socio-legal perspective. It considers whether the opportunities available to junior advocates to develop independent practice, professional visibility, advocacy skills, legal research capabilities and financial stability have any bearing on their long-term prospects of entering the higher judiciary. The article also examines the institutional distinction between senior advocates and other advocates under the Advocates Act, 1961 and the professional significance attached to senior designation. It further considers the extent to which professional experience, merit, reputation, courtroom exposure and institutional visibility operate within the judicial appointment process. The study argues that the formal constitutional eligibility of advocates is broader than the practical opportunities available to all members of the Bar and therefore calls for continued attention to transparency, diversity, professional development and equal opportunity within the legal

¹ INDIA CONST. art. 217(1) (2). Under article 217(2), the advocacy route requires at least ten years as an advocate of a High Court, or of two or more such Courts in succession.

profession and the higher judiciary.

Keywords: Junior Advocates, Senior Advocates, High Court Judges, Judicial Appointments, Collegium, Legal Profession, Socio-Legal Research, Professional Hierarchy.

INTRODUCTION

The legal profession occupies a central position in the administration of justice. Advocates are not merely representatives of individual litigants; they are also officers of the court and important participants in the functioning of the justice delivery system. The professional experiences acquired at the Bar may consequently have a significant relationship with the development of judicial talent.

The Indian legal profession contains several layers of professional hierarchy. At the beginning of their careers, many advocates work as juniors under experienced advocates or within established chambers. During this period, junior advocates may undertake legal research, drafting, case preparation, filing, briefing, client interaction and court appearances. With increasing experience, some advocates establish independent practices, while others become associated with senior advocates or specialized chambers.

The Advocates Act, 1961 recognizes two classes of advocates: senior advocates and other advocates². The designation of a senior advocate is associated with professional standing, special knowledge or experience in law and professional distinction. The Supreme Court has developed procedures intended to make the process of designation more transparent and objective³. The Court's current materials also record guidelines governing designation of senior advocates.

The professional hierarchy of advocates becomes particularly significant when considering appointments to the higher judiciary. Article 217 of the Constitution provides that a person may qualify for appointment as a High Court Judge if the person has been a judicial officer for at least ten years or has been an advocate of a High Court, or of two or more such Courts in succession, for at least ten years.

Therefore, the Constitution expressly recognizes advocates as a potential source of High Court judges. In practice, however, eligibility is only one stage of the process. Recommendations for

² Advocates Act, 1961, No. 25 of 1961, § 16 (India). Section 16 recognises “senior advocates” and “other advocates” as the two classes of advocates.

³ *Indira Jaising v. Supreme Court of India*, (2017) 9 SCC 766 (India); Supreme Court of India, Guidelines for Designation of Senior Advocates by the Supreme Court of India, 2026 (India).

High Court appointments originate within the High Court Collegium and subsequently pass through the constitutional and institutional process involving the State Government, Government of India and Supreme Court Collegium. The Department of Justice describes the process as a continuous and collaborative process involving the executive and judiciary.

This creates an important socio-legal question: Does the structure and social reality of the legal profession affect the opportunities available to advocates for eventual appointment to the High Court?

The question cannot be answered merely by examining constitutional provisions. It requires examination of the social and professional conditions in which advocates build their careers.

STATEMENT OF THE PROBLEM

The constitutional framework establishes a formal qualification for advocates seeking appointment as High Court judges. Nevertheless, advocates do not enter the profession with identical professional circumstances.

A junior advocate may begin practice with limited financial resources, limited professional contacts and limited opportunities for independent courtroom appearances. Another advocate may enter an established chamber and receive extensive exposure to constitutional, commercial or appellate litigation. The quality and nature of professional opportunities may therefore differ considerably.

Senior advocates, on the other hand, occupy a distinctive position within the legal profession. Their professional standing, experience and visibility may provide them with greater exposure to significant litigation and interaction with institutions of the justice system.

The central problem examined in this research is therefore the relationship between:

1. The formal legal requirements for appointment as a High Court Judge;
2. The professional hierarchy between junior and senior advocates;
3. Access to meaningful litigation and courtroom experience;
4. Professional mentorship and networking;
5. Economic sustainability during the early years of practice; and
6. Opportunities for advocates to become suitable candidates for the higher judiciary.

The study does not assume that seniority or professional status automatically determines judicial appointment. Instead, it examines the institutional and social factors that may influence the development and visibility of potential candidates.

RESEARCH GAP

Considerable legal literature exists concerning the collegium system, judicial independence and appointments to the higher judiciary. Separate literature also examines the working conditions and professional difficulties of junior advocates.

However, comparatively less attention is given to the continuum between the early professional life of an advocate and eventual consideration for appointment to the High Court judiciary.

The legal framework establishes a minimum period of professional experience, but the professional journey through which an advocate acquires that experience deserves greater socio-legal examination.

The research therefore seeks to connect two areas that are often examined separately: the social and professional structure of the legal profession and the institutional process of appointing High Court judges.

RESEARCH QUESTIONS

1. What is the legal and professional distinction between junior/other advocates and senior advocates in India?
2. What opportunities and challenges are ordinarily encountered by junior advocates during the early years of practice?
3. What role do mentorship, chamber structure, courtroom exposure and professional networking play in the development of advocates?
4. What are the constitutional qualifications for appointment of advocates as High Court judges?
5. How are advocates considered for appointment to the High Court judiciary under the present collegium-based framework?
6. Does the existing professional structure of the Bar provide equal opportunities for advocates from different professional and socioeconomic backgrounds to develop the experience required for consideration for higher judicial office?
7. What measures could improve transparency, professional development and accessibility within the legal profession without compromising judicial independence and merit?

OBJECTIVES OF THE STUDY

The objectives of this research are:

- a) To examine the legal framework governing junior/other advocates and senior advocates in India.
- b) To study the professional relationship between senior and junior advocates.
- c) To examine the socioeconomic and professional challenges faced by junior advocates.
- d) To analyse the constitutional qualifications for appointment of advocates as High Court judges.
- e) To study the present institutional procedure for appointment of High Court judges.
- f) To examine whether professional opportunities, mentorship, courtroom exposure and economic conditions affect the development of advocates seeking long-term professional advancement.
- g) To identify possible measures for improving professional opportunities and transparency within the legal profession.

HYPOTHESIS

The study proceeds on the hypothesis that although the constitutional framework provides a formal and uniform eligibility requirement for advocates seeking appointment as High Court judges, the professional and socioeconomic conditions under which advocates acquire litigation experience are not uniform. Differences in mentorship, chamber exposure, financial sustainability, access to significant litigation and professional networks may affect the development and visibility of potential candidates for higher judicial office.

The hypothesis does not suggest that such factors determine judicial appointments. Rather, it proposes that the conditions in which professional merit is developed deserve examination as part of the broader socio-legal study of judicial appointments.

RESEARCH METHODOLOGY

The research is doctrinal research

Doctrinal Research

The doctrinal component will examine:

- i. Constitution of India;
- ii. Article 217;
- iii. Advocates Act, 1961;

- iv. Bar Council of India Rules;
- v. rules relating to senior advocates;
- vi. Supreme Court judgments concerning designation of senior advocates;
- vii. judgments concerning judicial appointments and the collegium system;
- viii. Memorandum of Procedure concerning appointment of High Court judges;
- ix. relevant reports, official documents and institutional materials.

The Supreme Court's current materials identify the constitutional and institutional framework governing senior advocate designation, while the Department of Justice explains the present procedure for High Court judicial appointments.

LEGAL FRAMEWORK GOVERNING ADVOCATES

Advocates Act, 1961

The Advocates Act provides the principal statutory framework concerning the legal profession and Bar Councils in India.

Section 16 recognizes two classes of advocates:

- a) senior advocates; and
- b) other advocates.

The distinction is professional rather than a division into two separate professions.

Senior Advocates

Senior designation is associated with professional standing and special knowledge or experience in law. The Supreme Court has progressively developed procedures intended to make senior designation more structured and transparent.

The Supreme Court's current website records the existence of the 2026 Guidelines for Designation of Senior Advocates and maintains current lists of designated senior advocates.

The distinction is also relevant to the organization of legal practice. A senior advocate is subject to restrictions concerning certain forms of direct engagement and ordinarily works through an instructing advocate. This creates a professional relationship between senior advocates and the wider Bar, including junior advocates.

THE JUNIOR ADVOCATE: PROFESSIONAL REALITY

The initial years of legal practice are often characterized by learning through observation and practical participation.

Junior advocates may be involved in: legal research; drafting pleadings; preparing case notes;

filing and procedural work; briefing seniors; attending court; assisting in conferences; communicating with clients; preparing evidence and documents; and observing arguments and judicial proceedings.

The junior-senior relationship can therefore serve as an informal professional training system. However, this system may also create difficulties. Junior advocates may face limited remuneration, long working hours, uncertainty of income, limited opportunities for independent appearances and dependence upon the chamber or senior with whom they work. From a socio-legal perspective, these conditions are significant because professional experience required for advancement is accumulated within a social and economic environment.

FROM JUNIOR ADVOCATE TO ESTABLISHED PRACTITIONER

Professional development at the Bar is not necessarily linear.

A junior advocate may:

Junior Practice → Chamber Experience → Independent Appearances → Established Practice
→ Senior Designation / Continued Independent Practice

Not every advocate follows this path.

Some advocates remain independent practitioners throughout their careers. Some specialise in particular fields. Others move into academia, corporate legal practice, government service or alternative dispute resolution.

The important issue for this research is that the quality of professional exposure during the early years may influence the development of advocacy, legal research, drafting and courtroom skills.

Consequently, professional hierarchy should not be examined solely as a matter of status. It should also be examined as a system through which legal knowledge and professional opportunities are distributed.

APPOINTMENT OF HIGH COURT JUDGES

Article 217 of the Constitution establishes the constitutional framework for appointment of High Court judges. Among the qualifications, an individual may qualify by having been an advocate of a High Court or of two or more such Courts in succession for at least ten years.

Thus, advocates constitute an important potential source of candidates for High Court judicial office.

The appointment process, however, is not equivalent to a competitive recruitment examination⁴. It operates within the constitutional framework and the collegium system developed through judicial decisions.

According to the Department of Justice's description of the Memorandum of Procedure, proposals for High Court appointments are initiated by the Chief Justice of the concerned High Court, with the High Court Collegium making recommendations. The recommendations are considered alongside inputs from the State Government and Government of India and are ultimately considered by the Supreme Court Collegium.

The Supreme Court's official website also publishes collegium resolutions concerning appointments to High Courts, illustrating the continuing operation of this process.

THE COLLEGIUM SYSTEM AND ADVOCATE CANDIDATES

The contemporary system of judicial appointments developed through the Second and Third Judges Cases.⁵

Under the present framework, the High Court Collegium plays an important role in identifying and recommending candidates for appointment.

For advocates, this raises questions concerning how professional suitability is assessed.

Relevant considerations may include: professional competence; knowledge of law; integrity; professional reputation; quality of advocacy; experience; judgments/orders or professional work where relevant; standing at the Bar; suitability for judicial office; and other institutional considerations recognized within the appointment process.

The Department of Justice describes judicial appointments as involving multiple constitutional authorities and characterizes the process as continuous and collaborative.

SENIOR ADVOCATES AND HIGH COURT JUDICIAL APPOINTMENTS

Senior advocates occupy a visible position within the legal profession. Their designation reflects professional recognition, but senior designation and judicial appointment are legally distinct processes.

A person does not become eligible for appointment as a High Court judge merely because he or she has been designated a senior advocate.

Conversely, Article 217 does not require an advocate to be a designated senior advocate in

⁴ Memorandum of Procedure for Appointment of Judges of the High Courts (India); INDIA CONST. art. 217.

⁵ Supreme Ct. Advocates-on-Record Ass'n v. Union of India, (1993) 4 SCC 441 (India) (Second Judges Case); In re Special Reference No. 1 of 1998, (1998) 7 SCC 739 (India) (Third Judges Case).

order to qualify on the advocate route.

The formal constitutional eligibility requirement is based, among other things, on the required period of advocacy. The professional reality, however, involves the development of experience, reputation and competence over time.

The research therefore asks whether the concentration of significant litigation and professional visibility among established members of the Bar creates structural advantages for some advocates while making professional advancement more difficult for others.

This is a question for empirical investigation rather than an assumption that senior advocates are necessarily preferred or that junior advocates are necessarily excluded.

The doctrinal position may be summarized as follows: (i) Article 217 creates the constitutional route and eligibility requirement; (ii) the Advocates Act regulates the legal profession and recognizes senior and other advocates; (iii) the Judges Cases explain the institutional appointment framework; (iv) Mahesh Chandra Gupta distinguishes eligibility from suitability; and (v) Indira Jaising regulates the professional designation process for Senior Advocates. This integrated framework provides a stronger legal foundation for the empirical questions proposed in the article.

The statutory provisions and cases strengthen the central hypothesis of this article without converting it into a conclusion about discrimination or exclusion. The legal framework supplies a uniform formal threshold, but advocates reach that threshold through different professional environments. Chamber structure, mentorship, financial sustainability, independent appearances, access to complex litigation, research and drafting opportunities and professional networks may all affect the development and visibility of advocates. These are therefore appropriate variables for empirical investigation. The case law supports examining the distinction between eligibility, suitability, professional recognition and institutional visibility rather than assuming that any one of these concepts determines judicial appointment.

IMPLICATIONS FOR THE PRESENT SOCIO-LEGAL STUDY

This distinction also prevents an analytical error in socio-legal research. Professional status, professional visibility and judicial suitability are related concepts, but they are not identical. A study of the pathways from junior practice to higher judicial office should therefore examine the mechanisms through which professional opportunities arise without treating any one status marker as a substitute for the constitutional and institutional assessment required for judicial appointment.

Two separate legal processes must be kept conceptually distinct. Senior designation under

Section 16 of the Advocates Act concerns professional recognition by the Supreme Court or a High Court on the basis of ability, standing at the Bar or special knowledge or experience in law. High Court appointment under Article 217 is a constitutional appointment made by the President after the constitutionally prescribed consultation. An advocate can satisfy the Article 217(2) eligibility requirement without being a designated Senior Advocate. Conversely, senior designation does not itself confer eligibility beyond the constitutional requirements and does not create a right to judicial appointment.

DISTINCTION BETWEEN SENIOR DESIGNATION AND HIGH COURT JUDICIAL APPOINTMENT

The socio-legal significance is that the law establishes a formal threshold, while the professional environment determines how advocates acquire the experience, courtroom exposure, drafting ability, research skills, reputation and professional networks through which suitability may later be assessed. The article therefore should not assume that senior advocates are preferred or that junior advocates are excluded. Instead, the legally relevant question is how opportunities to develop professional competence and visibility are distributed across the Bar, and whether those conditions affect the pool of advocates who become institutionally visible for higher judicial office.

The cases collectively establish several propositions relevant to the research questions. First, Article 217(2) provides the formal constitutional threshold for an advocate candidate: ten years of qualifying advocacy. Second, the Second and Third Judges Cases place the recommendation process within a collegium-based institutional structure. Third, Mahesh Chandra Gupta distinguishes objective eligibility from the broader assessment of suitability. Fourth, Indira Jaising demonstrates that senior designation is a distinct statutory-professional recognition governed by an evolving transparency framework. Consequently, senior designation cannot be treated as a constitutional prerequisite for High Court appointment, and ten years of practice cannot be treated as an automatic entitlement to consideration or appointment.

CASE-LAW SYNTHESIS: FROM PROFESSIONAL EXPERIENCE TO JUDICIAL SUITABILITY

S.P. Gupta v. Union of India⁶ represents the earlier stage of the appointment's jurisprudence. The majority view treated the executive as having a more substantial role in the appointment

⁶ S.P. Gupta v. Union of India, 1981 Supp SCC 87 — First Judges Case

process and interpreted “consultation” as distinct from concurrence. The Second Judges Case subsequently departed from this approach on the question of primacy. Including the First Judges Case is important for a complete doctrinal account because the present collegium system cannot be understood without the constitutional disagreement that preceded it.

Subsequent Supreme Court proceedings have continued to examine the operation of the senior designation framework, including questions concerning transparency, cut-off marks and the use of secret ballot. The later orders do not erase the core principle of structured consideration; rather, they illustrate that the institutional design of senior designation remains subject to refinement. The Supreme Court's current materials also record continuing guidelines and lists concerning designation of Senior Advocates. This continuing development is relevant to the article's socio-legal argument because professional status is not static and may be shaped by institutional rules and access to professional recognition.

Indira Jaising-related subsequent proceedings and the continuing framework

Indira Jaising v. Supreme Court of India⁷ addressed the designation of Senior Advocates under Section 16 of the Advocates Act. The Court found a need for greater transparency and objectivity and prescribed a structured mechanism for designation, including a Permanent Committee and a process for evaluation of candidates. The decision is important for this study because it demonstrates that senior designation is itself an institutional professional process rather than an automatic consequence of years of practice. It also provides a doctrinal basis for examining how professional visibility, standing, ability and experience are converted into formal recognition at the Bar.

Mahesh Chandra Gupta is particularly relevant to the distinction between eligibility and suitability⁸. The Supreme Court explained that eligibility concerns objective constitutional qualifications, whereas suitability involves the assessment of fitness for judicial office. Article 217(2) is therefore principally concerned with eligibility, while the consultation process under Article 217(1) concerns suitability. This distinction is directly relevant to advocates: completion of ten years of qualifying advocacy establishes the constitutional threshold but does not answer the separate question whether the advocate is suitable for appointment. The decision also has implications for the scope of judicial review, because the Court has distinguished reviewable questions of eligibility from the more limited review of suitability and the content of collegium deliberation.

⁷ Indira Jaising v. Supreme Court of India, (2017) 9 SCC 766

⁸ Mahesh Chandra Gupta v. Union of India, (2009) 8 SCC 273 (India).

In the NJAC case⁹, the Constitution Bench considered the Constitution (Ninety-ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014. The majority held the amendment and the statutory scheme unconstitutional on the ground that judicial independence, including the judicial role in appointments, forms part of the basic structure. The Court restored the collegium framework while also acknowledging concerns about the functioning of the existing system and the need for improvement. For the present study, the case demonstrates the constitutional importance attached to judicial independence and explains why reforms to transparency and accountability must be considered within the constitutional structure.

The Third Judges Case¹⁰ further clarified the working of the collegium. The Supreme Court expanded and specified the consultation required before the Chief Justice of India forms the institutional opinion on appointments. For High Court appointments, the decision recognized the importance of inputs from the Chief Justice and senior judges of the concerned High Court and from Supreme Court judges familiar with the relevant High Court. The decision is significant for this article because it shows that the constitutional appointment process involves institutional consultation and plurality rather than the personal preference of a single office-holder.

The nine-Judge Bench decision in Supreme Court Advocates-on-Record Association v. Union of India,¹¹ is the principal decision establishing the modern collegium framework. The Court reconsidered the meaning of “consultation” in the constitutional provisions concerning judicial appointments and held that the opinion of the Chief Justice of India, formed in consultation with senior colleagues, had primacy in the appointment process. In relation to High Courts, the judgment strengthened the role of the Chief Justice of India and the judiciary in the recommendation process. The case is important for the present research because an advocate who satisfies Article 217(2) enters a selection environment in which professional experience and suitability are considered through an institutional process rather than through a conventional competitive examination.

The relationship between advocates and High Court judicial appointments is best understood through the development of case law. The following decisions provide the principal doctrinal background for the issues examined in this study.

⁹ Supreme Court Advocates-on-Record Association v. Union of India — NJAC Case, (2015) 5 SCC 1

¹⁰ In re Special Reference No. 1 of 1998 — Third Judges Case, (1998) 7 SCC 739

¹¹ Supreme Court Advocates-on-Record Association v. Union of India — Second Judges Case, (1993) 4 SCC 441

LEADING CASE LAW ON SENIOR ADVOCATE DESIGNATION AND JUDICIAL APPOINTMENTS

The statutory framework is supplemented by the Bar Council of India Rules. The Supreme Court also explains that a Senior Advocate is not entitled to appear in the Supreme Court without an Advocate-on-Record and is subject to restrictions concerning the filing of pleadings and affidavits, advising on evidence and certain drafting functions. Such restrictions make the senior-junior relationship institutionally significant: the instructing advocate and junior advocates often perform procedural, drafting and case-management functions around senior advocacy. The restrictions, however, should not be confused with a constitutional preference for senior advocates in judicial appointments.

Bar Council of India Rules and Senior Advocate Restrictions

Section 35 provides the statutory framework for punishment of advocates for professional or other misconduct through disciplinary proceedings¹². Section 49 empowers the Bar Council of India to make rules, including rules concerning professional conduct and etiquette and restrictions applicable to senior advocates. These provisions are relevant to the present study because professional reputation, integrity and ethical conduct form part of the broader institutional assessment of advocates, while the statutory scheme separates professional discipline from the constitutional process of appointment to judicial office.

DETAILED CONSTITUTIONAL AND STATUTORY PROVISIONS

Sections 35 and 49 of the Advocates Act

Section 23 deals with the right of pre-audience and gives senior advocates a statutory position in the order of hearing, subject to the scheme of the Act and applicable rules. Section 29 recognizes advocates as the class of persons entitled to practice the profession of law, subject to the Act and rules. Section 30 confers on an advocate whose name is entered on a State roll the right to practice throughout the territories to which the Act extends, including courts and other legally authorized forums, subject to the statutory framework. Section 33 states the general rule that advocates alone are entitled to practice, subject to the Act and other applicable law. Section 34 empowers High Courts to make rules laying down conditions subject to which an advocate may be permitted to practice in that High Court and subordinate courts. Together, these provisions demonstrate that professional standing at the Bar is regulated through a combination of statute, Bar Council rules and court rules.

¹² Advocates Act, 1961, No. 25 of 1961, § 35 (India); id. § 49.

Sections 23, 29, 30, 33 and 34 of the Advocates Act

Section 16 expressly recognizes two classes of advocates: senior advocates and other advocates. Under Section 16(2), an advocate may, with consent, be designated as a senior advocate when the Supreme Court or a High Court is of the opinion that, by reason of ability, standing at the Bar or special knowledge or experience in law, the advocate deserves the distinction. Section 16(3) subject's senior advocates to restrictions concerning their practice as prescribed by the Bar Council of India. The statutory distinction is therefore a professional classification and not a separate constitutional category of persons eligible for High Court judgeship.

Section 16 of the Advocates Act, 1961

Article 219 concerns the oath or affirmation by Judges of High Courts. Article 224 provides for the appointment of Additional and Acting Judges in the circumstances specified by the Constitution. These provisions are relevant because the constitutional status of a High Court Judge is not exhausted by the selection stage; appointment, tenure, oath and the temporary or additional judicial arrangements are governed by the constitutional scheme. For advocates being considered for elevation, Article 217 remains the principal provision concerning qualification and appointment.

Articles 219 and 224

Although Article 217 specifically concerns High Courts, the interpretation of the expression "consultation" in Articles 124(2) and 217(1) became central to the judicial appointments jurisprudence. The Second Judges Case treated judicial participation in appointments as constitutionally significant and gave primacy to the collective opinion of the Chief Justice of India and senior Supreme Court judges. The Third Judges Case subsequently clarified the institutional composition and working of the collegium. These decisions transformed the practical meaning of the constitutional consultation mechanism while leaving the text of Article 217 as the source of the formal appointment framework.

Article 124(2) and its relevance to the Judges Cases

Article 217(1) provides that every Judge of a High Court is appointed by the President by warrant under his hand and seal after consultation with the Chief Justice of India, the Governor of the State and, in the case of a Judge other than the Chief Justice, the Chief Justice of the High Court. Article 217(2) lays down the constitutional qualification: a person must be a citizen of India and must either have held judicial office in the territory of India for at least ten years or have been an advocate of a High Court, or of two or more such Courts in succession, for at least ten years. The provision therefore creates a direct constitutional route from legal practice

at the Bar to eligibility for appointment to the High Court. The ten-year requirement is a threshold of eligibility; it does not itself amount to a guarantee of appointment.

Article 217 of the Constitution of India

The constitutional and statutory framework should be read together because the formal eligibility of an advocate, the professional status of an advocate and the institutional process for judicial appointment arise from different legal sources. The following provisions supplement the discussion already contained in this article.

ECONOMIC SUSTAINABILITY AND PROFESSIONAL DEVELOPMENT

Economic sustainability is an important issue during the early years of litigation practice¹³.

A junior advocate who receives inadequate financial support may need to leave litigation practice before acquiring substantial courtroom experience.

This creates a possible relationship between economic circumstances and professional continuity.

However, access to high-quality mentorship may depend upon the chamber in which an advocate works and the nature of cases handled there.

A socio-legal study can therefore investigate whether mentorship operates as an effective professional-development mechanism and whether junior advocates have adequate opportunities to develop independent professional skills.

CONCLUSION

The relationship between junior advocates, senior advocates and the appointment of High Court judges is an important but complex subject of socio-legal inquiry.

The Constitution establishes a formal route through which experienced advocates may qualify for appointment to the High Court judiciary. Article 217 requires, among other alternatives, at least ten years of advocacy before a High Court or successive High Courts. The actual appointment process, however, takes place through an institutional framework involving the High Court Collegium, the Supreme Court Collegium and the executive authorities.

The professional journey leading to the accumulation of ten years of advocacy is not socially or economically identical for every advocate. Junior advocates may experience financial insecurity, limited independent appearances and dependence upon senior practitioners, while

¹³ Bar Council of India, Rules on Standards of Professional Conduct and Etiquette, pt. VI, ch. II (India).

established advocates may have greater access to complex litigation and professional networks. At the same time, senior designation is itself a separate professional process and cannot be equated with appointment to the judiciary. The distinction between senior and other advocates therefore needs to be understood in its proper statutory and professional context.

A socio-legal approach allows the study to move beyond the question of what the law formally provides and examine how the legal profession operates in practice. The objective should not be to assume that the existing appointment system either favours or excludes a particular category of advocates. Rather, it should be to identify the professional and social conditions through which advocates develop competence, experience and professional visibility and to examine whether the legal profession provides sufficiently broad opportunities for such development.

Ultimately, strengthening the professional environment for junior advocates, maintaining meaningful standards of professional excellence and continuing to develop transparent institutional processes can contribute to the broader health of the legal profession and the justice system.

