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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.54 OF 2015**

Bombay Lawyers' Association	... Petitioner
Versus	
Union of India and Ors.	... Respondents

Mr. Ahmed Abdi a/w Mr. Satyaprakash Sharma i/by Abdi & Co. for the Petitioner.

Mrs. Neeta V. Masurkar for the Respondent No.1.

Mrs. P.H. Kantharia, Government Pleader for the Respondent No.3.

**CORAM : A.S. OKA &
P.D. NAIK, JJ.**

DATE : 18th MARCH, 2016

PC.

1 The only substantive prayer in this PIL is prayer clause (a) which reads thus :-

“(a) This Hon'ble Court be pleased to issue appropriate writ or direction or order to the Respondents to consider carrying out appropriate amendment in Section 16 of the Advocates Act, 1961 for declaration of Advocates having 25 years practice as Senior Advocate in the larger public interest.”

2 Firstly, this Court in exercise of its power under Article 226 of the Constitution of India cannot direct the legislature to legislate. Secondly, the concept “Senior Advocate” as provided in Section 16

appears to be that a member of the Bar can be designated as a Senior Advocate provided, the Supreme Court of India or a High Court, as the case may be, is of the opinion that such member of the Bar deserves distinction after considering his ability, experience and standing at the Bar or special knowledge or experience in law. Merely because a member of the Bar has a long standing only in terms of the length of practice, he cannot be given such designation.

3 If every member of the Bar who has completed 25 years of practice is designated as a Senior Advocate, the very object of the concept of designating a member of the Bar as “Senior Advocate” will be defeated. Moreover, we fail to understand how it will be in the public interest to designate every Advocate having 25 years of practice as a Senior Advocate. The prayer is not in public interest. Hence, this is not a fit case to entertain the PIL.

4 The learned counsel appearing in the PIL at this stage points out that the representation made by the Petitioner has been forwarded by the Government of India to the Bar Council of India and the issue is under consideration of the Bar Council of India. Suffice it to say that a writ as prayed cannot be issued. Subject to what is observed above, the Petition is rejected.

(P.D. NAIK, J)

(A.S. OKA, J)