

U.P. Zila Panchayats Appointment of Counsel Rules, 1973

UTTAR PRADESH

India

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Rule

U-P-ZILA-PANCHAYATS-APPOINTMENT-OF-COUNSEL-RULES-1973 of 1973

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U.P. Zila Panchayats Appointment of Counsel Rules, 1973Published vide Notification No. 3582-B/33-234-72, dated 14th March, 1973In exercise of the powers under sub-section (1) of Section 237 of the Uttar Pradesh [Kshettra Panchayats] [Substituted by U. P. Act No. 9 of 1994.] and [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] Adhiniyam, 1961 (U.P. Act No. 33 of 1961), the Governor is pleased to make the following rules after their previous publication with Notification No. 3582 B/33-4 110)-65, dated October 9, 1972 as required by sub-section (2) of Section 237 of the said Adhiniyam :

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] (Appointment of Counsel) Rules, 1973.(2)They shall come into force with effect from the date of their publication in the Gazette.

2. Continuance of existing Counsels.

- The existing Counsel engaged by a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] for giving legal advice or doing legal work in Courts of law before the enforcement of these rules shall be allowed to continue to render legal advice and to do legal work for and on behalf of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] on the same terms and conditions as heretofore :Provided that if the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] is not satisfied with the work of the Counsel aforesaid the Panchayat may engage another Counsel :Provided further that the opinion of the District Magistrate about the suitability of the Counsel appointed by a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] prior to coming into force of these rules, shall

be obtained by the Panchayat and if he is not found suitable, the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] may terminate his appointment as Counsel of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.].

3. Classes of Counsel.

- For the work of [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] there may be two classes of Counsel Le. Senior Counsel and Junior Counsel.

4. Procedure of appointment.

(1)When it is proposed to engage a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Counsel, the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] shall call for the recommendations of the District Magistrate and shall make the selection out of the persons recommended by the District Magistrate for this purpose. The District Magistrate shall send his recommendations to the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] confidentially containing the names of twice the number of Counsel intended to be appointed, giving the order of preference and stating their age, experience and his own opinion on their individual merits; if only one Counsel is to be appointed the District Magistrate shall similarly recommend three names :Provided that a person who has less than ten years' of regular practice at the Bar shall not be eligible for appointment as Senior Counsel and a person with less than seven years' regular practice for appointment as Junior Counsel:Provided further that where a person who is a member of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] or is holding any office under the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] shall not be appointed as [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Counsel.(2)Before recommending the names of legal practitioners under sub-rule (1) the District Magistrate shall invite applications from the local lawyers for appointment as [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Counsel by affixing a notice on the notice board of the office of the District Magistrate, District Judge and outlying Civil Court, if any, and the Bar Association or Associations at least ten days before the date of receiving the applications. While selecting the candidates, the District Magistrate shall consider the length of practice of the applicant, the qualifications, general reputation, integrity etc., and shall also consult the District Judge in the matter. The District Government Counsel, Additional District Government Counsel, Assistant District Government Counsel or the panel of the panel lawyer of the Government shall not be considered for appointment as [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Counsel.

5. Condition of appointment and bar on accepting brief against [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.].

- The appointment of [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Counsel on a regular basis shall be subject to the conditions that he shall not accept any brief from any party against the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] authorities or render advice to any party against such authorities.

6. Panel of Counsels.

- The [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.], if it considers necessary, may, in consultation with the District Magistrate constitute a panel of lawyers for its work on the Civil side and another on the Criminal side. It shall be open to the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] to entrust a case to any of the Counsel on the panel.

7. Remunerations.

- The Counsel appointed on regular basis shall get fixed allowance of rupees one hundred per month plus rupees ten per day for pleading in an individual case.