

CHAPTER XII

LEGAL PRACTITIONER BEFORE THE TRIBUNAL

61. Appearance of legal practitioner – Subject as hereinafter provided no legal practitioner shall be entitled to appear and act in any proceedings before the Tribunal unless he files into Tribunal a Vakalatnama in the prescribed form duly executed by or on behalf of the party for whom he appears.

62. Appearance on behalf of Government, etc. – (a) Any legal practitioner appearing on behalf of the Central Government or State Government or any Government servant sued or suing in his official capacity or any authority/corporation/society notified under section 14 of the Act shall not be required to file a vakalatnama but he shall file into Tribunal a Memo of Appearance in Form No. 11 duly signed by him.

(b) A presenting officer other than a legal practitioner representing any of the parties referred to in sub-rule (a) shall also file a memo of appearance in Form No.11.

63. Nomination or engagement of another legal practitioner – Where a legal practitioner who has filed the vakalatnama engages or nominates another legal practitioner to appear and argue his client's case but not to act for the client, the Tribunal may permit such other legal practitioner to appear and argue.

64. Consent for engaging another legal practitioner – A legal practitioner proposing to file a vakalatnama in any case or proceeding before the Tribunal in which there is already a legal practitioner on record, shall do so only with the written consent of legal practitioner on record or when such consent is refused, with the permission of the Tribunal.

65. Restrictions on appearance - A legal practitioner who has tendered advice in connection with the institution of any case or other proceeding before the Tribunal or has drawn pleadings in connection with any such matter or has during the progress of any such matter acted for a party, shall not, appear in any case or proceeding or other matter arising therefrom or in any matter connected therewith for any person whose interest is opposed to that of his former client, except with the prior permission of the Tribunal.

66. Access to information - A legal practitioner appearing for the party in any matter before the Tribunal shall be entitled to communicate personally with or receive any information regarding the said matter from any officer of the Tribunal subject to such conditions as may be prescribed by the Tribunal.

67. Form and execution of vakalatnama – (a) Every vakalatnama authorizing a legal practitioner to plead and act shall be in Form No.12. The name of the legal practitioner so appointed shall be inserted in the vakalatnama before it is executed. It shall be dated at the time of its execution and of its acceptance. Its execution shall be attested by Judicial officer, Gazetted Officer serving in connection with the affairs of the Union or of any State in India or a legal practitioner other than the legal practitioner accepting the vakalatnama.

(b) The authority attesting the vakalatnama under sub-rule (a) shall certify that it has been duly executed in his presence and subscribe his signature giving his name and designation. Attestation shall be made only after the name of the legal practitioner is inserted in the vakalatnama before its execution. When a vakalatnama is executed by a party who appears to be illiterate, blind or unacquainted with the language of the vakalatnama, the attestor shall certify that the vakalatnama was read, translated and explained in his presence to the executant, that he seemed to understand it and that he signed or affixed his thumb mark in his presence.

(c) Every vakalatnama shall contain an endorsement of acceptance by the legal practitioner in whose favour it is executed and shall also bear his address for service. If the vakalatnama is in favour of more than one legal practitioner, it shall be signed and accepted by all of them, giving the address for service of any one of them.

68. Restriction on party's right to be heard – The party who has engaged a legal practitioner to appear for him before the Tribunal shall not be entitled to be heard in person unless he withdraws the vakalatnama with the leave of the Tribunal.

69. Professional dress for the Advocate – While appearing before the Tribunal, the Advocate shall wear the same professional dress as prescribed for appearance before the High Court.