

## **FREQUENTLY ASKED QUESTIONS**

### **ON EMPANELMENT OF ADVOCATES FOR UNION OF INDIA**

#### **Q.1 What is 'Panel Counsel' for Union of India?**

Department of Legal Affairs has been mandated with conduct of litigations on behalf of Union of India before various courts / tribunals in India. For this purpose, Department of Legal Affairs empanels Advocates for various courts / tribunals in the country generally for a period of three years or until further orders, whichever is earlier. There are several categories (court-wise) in which this Department empanels Advocates and such empanelled Advocates are collectively called as 'Panel Counsel' for Union of India. However, 'Panel Counsel' is not a civil post and as such they are not regular Government Servant.

#### **Q.2 Documentation / details required in the application for empanelment as a Panel Counsel for Union of India?**

- (a) Name of court / tribunal seeking empanelment for.
- (b) Desired category of Panel Counsel available in that court / tribunal.
- (c) Certification on part of willing Advocate that he/she will be bound by all the terms & conditions (including fee) applicable to desired category of 'Panel Counsel' in the desired court/tribunal.
- (d) A detailed and duly signed Bio-data may be enclosed with application incorporating the necessary details like name, postal address, contact numbers, email, legal qualifications, full enrollment number with the Bar Council concerned.

#### **Q.3 What categories of Panel Counsel for Union of India are available with Department of Legal Affairs?**

<b>Sl. No.</b>	<b>Name of Court / Tribunal</b>	<b>Available categories of Panel Counsel</b>
1.	Supreme Court of India	(i) Group 'A' Panel Counsel (ii) Group 'B' Panel Counsel (iii) Group 'C' Panel Counsel
2.	High Court of Delhi	(i) Central Govt. Standing Counsel (ii) Senior Panel Counsel (iii) Government Pleader
3.	High Court of Bombay (PB) at Mumbai, and, High Court of Calcutta (PB) at Kolkata along-with CAT Mumbai and Kolkata Bench	(i) Special Counsel (ii) Senior Counsel Group – I (iii) Senior Counsel Group – II (iv) Junior Counsel
4.	All the other High Courts and their Benches alongwith Benches of High Court of Bombay at Nagpur, Aurangabad & Goa and the High Court of Calcutta at Jalpaiguri, Port Blair.	(i) Senior Panel Counsel (ii) Central Government Counsel

5.	All CAT Benches throughout the country (except CAT Benches at Mumbai and Kolkata)	(i) Senior Central Government Standing Counsel (ii) Senior Panel Counsel (iii) Additional Central Government Standing Counsel
6.	All AFT Benches throughout the country	(i) Senior Central Government Standing Counsel (ii) Senior Panel Counsel (iii) Central Government Counsel
7.	District Courts in Delhi	(i) Senior Panel Counsel (ii) Additional Central Government Counsel
8.	All District & Subordinate Courts throughout the country (except in Delhi)	(i) Standing Government Counsel (ii) Additional Standing Government Counsel

#### **Q.4 What emoluments are paid to 'Panel Counsel'?**

As 'Panel Counsel' for Union of India are not Government Servant, they are not paid salaries and allowances. They are paid professional fee on case to case basis in lieu of their services as per the fee schedule applicable to their panel category. However, there are a few categories of 'Panel Counsel' which are paid retainership fee on monthly basis throughout their term in the entitled category. The fee schedule in this regard is as per this Department's OM No. [26\(1\)/2014-Judl. dated 01.10.2015](#) to be read with other OMs containing detailed terms & conditions applicable to 'Panel Counsel'.

#### **Q.5 What is procedure for allotment of cases to 'Panel Counsel'?**

Except in the Supreme Court of India, in all other courts / tribunals, allotment of cases to Panel Counsel is made by the Litigation In-charge of court concerned. The Litigation In-charges have been decided by the Department of Legal Affairs in [OM No. J-12017/1/2019-Judicial dated 21.10.2019](#). While in Supreme Court, Ld. Attorney General for India selects cases for his own appearance while other cases are marked by the Ld. Solicitor General of India to Additional Solicitors General of India and Panel Counsel vide [OM No. J-12017/1/2022-Judicial dated 13.09.2022](#).

#### **Q.6 Is there any sanctioned strength of Panel Counsel (Court-wise)?**

As stated earlier 'Panel Counsel' for Union of India is not a civil post hence, the concept of sanctioned strength is not applicable in case of 'Panel Counsel'. Advocates are empanelled for a particular court / tribunal by Department of Legal Affairs in numbers as required from time to time.

#### **Q.7 Are the Panel Counsel for Union of India allowed for private practice?**

Panel Counsel for Union of India may continue their private practice but with restriction to the extent that they cannot appear / advise in matters against Union of India in any manner vide Department of Legal Affairs [OM No. J-16/11/2017-Judicial dated 08.02.2018](#).

**Q.8 What are the terms & conditions applicable to Panel Counsel for Union of India?**

The detailed terms & conditions applicable to various categories of panel counsel (court-wise) are governed by various Office Memoranda of Department of Legal Affairs, as indicated below:

SI.No.	OM No. and date	Applicable to panel for
1.	<a href="#">21(4)/99-Judl. dated 24.09.1999</a>	Supreme Court of India
2.	<a href="#">24(2)/99-Judl. dated 24.09.1999</a>	Delhi High Court, CAT (PB), AFT (PB)
3.	<a href="#">23(1)/1987-Judl. dated 24.04.1987</a>	High Court of Bombay (PB) at Mumbai, CAT Mumbai Bench
4.	<a href="#">23(1)/87-Judl. dated 05.06.1987</a>	High Court of Calcutta (PB) at Kolkata, CAT Kolkata Bench
5.	<a href="#">26(2)/99-Judl. dated 24.09.1999</a>	High Court of Karnataka (PB) at Bengaluru, CAT Bengaluru Bench
6.	<a href="#">25(3)/99-Judl. dated 24.09.1999</a>	High Court of Madras (PB) at Chennai, CAT Chennai Bench
7.	<a href="#">26(1)/99-Judl. dated 24.09.1999</a>	Rest of the High Courts in the country including Benches of the High Court of Bombay and the High Court of Calcutta, CAT Benches (excluding CAT Mumbai & CAT Kolkata) and AFT Benches in the country.
8.	<a href="#">27(11)/99-Judl. dated 24.09.1999</a>	All the District & Subordinate Courts throughout the country.

All the above OMs are available on website of this Department i.e. [www.legalaffairs.gov.in](http://www.legalaffairs.gov.in) under tab 'Judicial Section' in the link '[Circulars pertaining to litigation](#)'.

**Q.9 What action can be taken against a Panel Counsel on mis-conduct?**

On receipt of a complaint against any panel counsel, due enquiry is conducted and in case a mis-conduct or violation of terms & conditions by a Panel Counsel is proved, the Hon'ble Minister for Law & Justice can remove him / her from the panel.

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