

**PART B—RULES MADE BY THE HIGH COURT OF PUNJAB
AND HARYANA UNDER SECTION 34(1) OF THE
ADVOCATES' ACT, 1961.**

1. In these rules unless there is anything repugnant in the subject or context the word 'advocate' shall include a partnership or a firm of advocates.

2. Save as otherwise provided for in any law for the time being in force, no advocate shall be entitled to appear, plead or act for any person in any Court in any proceeding unless the advocate files an appointment in writing signed by such person or his recognised agent or by some other person duly authorised by or under a power of attorney to make such appointment and signed by the Advocate in token of its acceptance or the advocate files a memorandum of appearance in the form prescribed by the High Court :

Provided that where an advocate has already filed an appointment in any proceeding, it shall be sufficient for another advocate, who is engaged to appear in the proceedings merely for the purposes of pleading, to file a memorandum of appearance or to declare before the Court that he appears on instructions from the advocate who has already filed his appointment in the proceedings:

Provided further that nothing herein contained shall apply to an advocate who has been requested by the Court to assist the Court *amicus curie* in any case or a proceeding or who has been appointed at the expense of the State to defend an accused person in a criminal proceeding.

Explanation.— A separate appointment or a memorandum of appearance shall be filed in each of the several connected proceedings, notwithstanding that the same advocate is retained for the party in all the party connected proceedings.

3. ^[1]**[Advocate who is not on the Roll of Advocates:-**
An advocate who is not on the Roll of Advocates or the Bar Council of the State in which the Court is situated, shall

not appear, act or plead in such Court, unless he files an appointment along with an advocate who is on the Roll of such State Bar Council and who is ordinarily practicing in such Court.

In cases in which a party is represented by more than one advocate, it shall be necessary for all of them to file a joint appointment or for each of them to file a separate one.][¹

²[3-A. (i) Unless the Court grants leave, an Advocate who is not on the roll of Advocates in the Punjab and Haryana High Court shall not be allowed to appear, act or plead in the Punjab and Haryana High Court as the case might be unless he/she files appointment along with an Advocate who is on such roll of Punjab and Haryana High Court.

(ii) The High Court shall prepare a roll of Advocates who ordinarily practice in the Punjab and Haryana High Court.

(iii) The roll of Advocates shall bear in regard to each advocate entered, his full name, father's name, passport size coloured photograph, enrollment number, date of enrollment, e-mail I.D., complete postal address both of residence and office which shall be in Chandigarh or District Mohali or District Panchkula, as the case may be.

(iv) The rolls shall be prepared and revised periodically in the manner and under the authority as may be prescribed by the Chief Justice.

(v) ³[The Advocates, desirous of practicing in the High Court of Punjab and Haryana, are required to apply for inclusion of their names in the list of Roll of Advocates as per 'proforma' appended at the end of this Chapter, alongwith necessary requisites as prescribed by the High Court from time to time.]

(vi) This Rule 3-A shall come into force after notification by the Chief Justice on completion of compilation of the roll of advocate.]

4. In cases in which a party is represented by more than one advocate, it shall be necessary for all of them to file a joint appointment or for each of them to file a separate one.

5. The acceptance of an appointment on behalf of a firm or partnership of advocates shall be indicated by a partner affixing his own signature as a partner on behalf of the firm or partnership -of advocates.

6. ⁴[An Advocate at the time acceptance of his appointment/engagement shall also record his residential/office address, telephone/cell number, enrolment number and if available, e-mail as well as fax number on the Vakalatnama/Memo of Appearance/Written Authorization, which shall be address for service within the meaning of the Rule 5 of Order 3 of Code of Civil Procedure, 1908.

Provided that where more than one Advocate accepts the appointment/engagement, it shall be sufficient for one of them to record his address.

1. Rule 3 substituted vide Correction Slip No. 181Rules/II.D4. dated 25.02.2019.

2. Rule 3-A inserted vide Correction Slip No. 181Rules/II.D4. dated 25.02.2019.

3. Rule 3-A(v)- inserted vide Correction Slip No. 187Rules/II.D4. dated 12.01.2021.

4. Rule 6 amended vide Correction Slip No. 172/Rules/II.D4. dated 15.03.2018.

Provided further that every Vakalatnama/Memo of Appearance/Written Authorization shall be affixed with the requisite Advocate Welfare Fund Stamp. In case of urgency, if the Advocate Welfare Fund Stamp is not available, the filing will be accepted subject to the undertaking furnished by the counsel that the requisite stamp will be affixed. The matter shall be listed before the Court only after compliance of the undertaking unless otherwise ordered by the Court. In the case of respondent also where the counsel files Vakalatnama/Memo of Appearance/Written Authorization, it shall be affixed with the requisite Advocate Welfare Fund Stamp, and in case of urgency, if the Advocate Welfare Fund Stamp is not available, the same will be accepted subject to the undertaking as above.]

7. Where an advocate appointed by a party in any of the proceedings is prevented by reasonable cause from appearing and conducting the proceedings at any hearing he may instruct another advocate to appear for him at that hearing

8. (1) In civil cases, the appointment of an advocate unless otherwise limited, shall be deemed to be in force to the extent provided in that behalf by rule 4 of Order 3 of the Code of Civil Procedure, 1908.

(2) In Criminal cases, the appointment of an advocate unless otherwise limited, shall be deemed to be in force until determined with the leave of the Court by writing signed by the party or the advocate, as the case may be, and filed in Court or the advocate dies, or until all proceedings in the case are ended so far as regards the party.

(3) For the purposes of sub-rule (2) a case shall be deemed to mean every kind of enquiry, trial or proceeding before a Criminal Court whether instituted on a police report or otherwise than on a police report, and further-

- (i) an application for bail or reduction, enhancement or cancellation of bail in the case;
- (ii) an application for transfer of the case from one Court to another;
- (iii) an application for stay of the case pending disposal of a civil proceeding in respect of the same transaction out of which the case arises;
- (iv) an application for suspension, postponement or stay of the execution of the order or sentence passed in the case;
- (v) an application for the return, restoration or restitution of the property as per the order of disposal of property passed in the case;
- (vi) an application for leave to appeal against an order of acquittal passed in the case;

- (vii) any appeal or application for revision against any order or sentence passed in the case;
- (viii) a reference arising out of the case;
- (ix) an application for review of an order or sentence passed in the case or in an appeal, reference or revision arising out of the case;
- (x) an application for making concurrent sentences awarded in the case or in an appeal, reference, revision or review arising out of the case;
- (xi) an application relating to or incidental to or arising in or out of any appeal, reference, revision or review arising in or out of the case (including an application for leave to appeal to the Supreme Court);
- (xii) any application or act for obtaining copies of documents or for the return of articles or documents produced or filed in any case or in any of the proceedings mentioned hereinbefore;
- (xiii) any application or act for obtaining the withdrawal of the refund or payment of or out of the moneys paid or deposited in the Court in connection with the case or any of the proceedings mentioned hereinbefore (including moneys paid or deposited for covering the costs of the preparation and the printing of the Transcript Record of Appeal to the Supreme Court);
- (xiv) any application for the refund of or out of the moneys paid or recovered as fine or for the return, restitution or restoration of the property forfeited or confiscated in the case or in any appeal, reference, revision or review arising out of the case as per final orders passed in that behalf;
- (xv) any application for expunging remarks or observations on the records of or made in the judgment in the case or any appeal, reference, revision or review arising out of the case, and
- (xvi) any application or proceeding for sanctioning prosecution under Chapter XXXV of the Code of Criminal Procedure, 1898, or any appeal or revision arising from and out of any order passed in such an application or proceeding,

shall be deemed to be proceedings in the case :

Provided that where the venue of the case of the proceedings is shifted from one Court (Subordinate or otherwise) to another, the Advocate filing the appointment referred to in sub-rules (1) and (2) above in the former Court shall not be bound to appear, act or plead in the latter court, unless he files or he has already filed a memorandum signed by him in the latter Court that he has instructions from his client to appear, act and plead in that Court.

9. (1) Except when specially authorised by the Court or by consent of the party, an advocate, who has advised in connection with the institution of a suit, appeal, or other proceeding or has drawn up pleadings in connection with such matter, or has during the progress of any suit, appeal, or other proceeding appeared, acted or pleaded for a party, shall not, unless he first gives the party whom he has advised or for whom he has drawn up pleadings, appeared, acted or pleaded an opportunity of engaging his services, appear or act or plead in such suit, appeal or other proceeding or in an appeal or application for revision arising there from or in any matter connected therewith for any person whose interest is in any manner in conflict with that of such party :

Provided that the consent of the party may be presumed if he engages another advocate to appear, act or plead for him in such suit, appeal or other proceeding without offering an engagement to the advocate whose services were originally engaged by him or on his behalf.

(2) Where it appears on the face of the record that the appearance of an advocate in any proceeding for any party is prejudicial to the interest of the other party on account of the reasons mentioned in sub-rule (1) above. the Court may refuse to permit the appearance to be filed or cancel such appearance if it has already been filed, after giving the said advocate an opportunity of being heard.

(3) An advocate who disclosed to any party information confined to him in his capacity as an advocate by another party without the latter's consent shall not be protected merely by reason of his being permitted to appear, act or plead for the said party.

10. (a) The appointment of a firm or partnership of advocates may be accepted by any partner on behalf of the firm.

(b) No such firm or partnership shall be entitled to appear, act or plead in any Court unless all the partners thereof are entitled to appear, act or plead in such Court.

(c) The name of the firm or partnership may contain the names of the persons who were or are members of the partnership but of no others.

(d) The words 'and Company' shall not be affixed to the name of any such partnership or firm.

(e) The names of all the members of the firm shall be recorded with the Registrar of the High Court and/ or the District Judge, as the case may be, and the State Bar Council, and the names of all the partners shall also be set out in professional communication issued by the partners or the firm.

(f) The firm of advocates shall notify to the Registrar of the High Court and/or the District Judge as the case may be, and the State Bar Council, any change in the composition of the firm or the fact of its dissolution as soon as may be from the date on which such change occurs or its dissolution takes place.

(g) Every partner of the firm of advocates shall be bound to disclose the names of all the partners of the firm whenever called upon to do so by the Registrar of the High Court, the District Judge, the State Bar Council, any Court or any party for or against whom the firm or any partner thereof has filed the appointment or memorandum of appearance.

(h) In every case where a partner, of a firm of advocates signs any document or writing on behalf of the firm he shall so in the name of the partnership and shall authenticate the same by affixing his own signature as partner.

(i) Neither the firm of advocates nor any partner thereof shall advise a party or appear, act or plead on behalf of a party in any matter or proceeding where the opposite party is represented by any other partner of the firm or by the firm itself.

11. No advocate shall be permitted to file an appointment or memorandum of appearance in any proceeding in which another advocate is already on record for the same party save with the consent of the former advocate on record or the leave of the Court, unless the former advocate has ceased to practise or has by reason of infirmity of mind or body or otherwise become unable to continue to act.

¹⁶⁹[11-A. Notwithstanding anything hereinbefore contained, when an Advocate, having practice of 10 years or more to his credit, is appointed to appear, plead or act for any party or person in any Court in any Civil Suit or appeal where the value of the subject matter of the suit or appeal is Rs. 25,000 or above or in any Criminal case or appeal involving the charge of commission of an offence punishable with death or imprisonment for life, then such an Advocate shall not be entitled to appear, plead or act for any such party or person unless he is accompanied by an Advocate having practice of less than ten years.]

12. An advocate may correct any clerical error in any proceedings with the previous permission of the Registrar or an officer of the Court specially empowered in this behalf by the Court obtaining on a memorandum stating the correction desired.

13. No advocate who has been debarred or suspended or whose name has been struck off the Roll of advocates shall be permitted to act as a recognised agent of any party within the meanings of order 3 of the Code of Civil Procedure, 1908.

14. No advocate who has been found guilty of contempt of court shall be permitted to appear, act or plead in any court unless he has purged himself of contempt.

15. Advocates appearing before the Court shall wear the following dress :—

(1) Advocates other than lady advocates

(a) Black buttoned-up coat (Chapkan, achkan or sherwani), Barrister's or Advocate's gown and bands, or

(b) Black open collar coat, white shirt, white collar, stiff or soft, with Barrister's or Advocate's gown or bands.

^[70](2) (a) Black full or half sleeve jacket or blouse, white collar stiff or soft, with white bands and Advocate's Gowns.

(b) Sarees or long skirts (white or black or any mellow or subdued colour without any print or design) or Flare (White, black or black striped or grey) or Punjabi dress (Churidar Kurta or Salwar-Kurta with or without dupatta) white or black.]

^[71] [Provided that the wearing of Barrister's or Advocate's gown and bands shall not be necessary for Advocates appearing in Courts subordinate to the High Court :]

Provided further that the advocates appearing in the Courts of District Judges, Additional District Judges, Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges may wear black tie in place of bands.

^[72] ["Provided further that gowns need not be worn at any period of time during hot weather as may be fixed by the High Court from time to time".]

^[73]**1.[16.** Strike by advocate/advocates would be considered interference with the administration of justice and advocate(s) participating in the strike may be barred from practising before the High Court and the Courts subordinate to it.]

PROFORMA
(see Rule 3-A)

Form Sr. No. _____ (For office use)

**Application for registration on the Roll of Advocates [Part-A]
practicing in the High Court of Punjab and Haryana-20_____.**

1. Full Name of the Advocate :
(In capital letters)
2. Father's/Husband's Name :
3. Year of passing L.L.B :
(Please attach attested copy of L.L.B Final year result/Degree)
4. Enrollment number :

Affix the self-
attested colour
photograph
with band

Year : State :
(Please attach attested copy of registration certificate)

5. Date of Enrollment :
6. Complete postal address of Chandigarh/Mohali/Panchkula: (Please attach proof)
 - (a) Residence :
 - (b) Office :
 - (c) Chamber in the High Court :

7. Telephone Numbers

- (a) Office :
- (b) Residence :
- (c) Mobile :

8. E-mail ID :

Undertaking:

I declare that I am practicing in this Hon'ble High Court and that I have not made any application anywhere else for listing my name on the Rolls of Advocates except in this High Court. I further declare that all the information mentioned above is correct to my personal knowledge and that changes, if any, occurring therein, in the future, will be intimated, without delay, to the Registrar General.

Date:

Signature of the Applicant

Note:

1. A certificate from the Bar Association/Advocate's Association, Punjab and Haryana High Court, Chandigarh, to the effect that the applicant is ordinarily practicing in the High Court of Punjab and Haryana, Chandigarh shall be attached with the application form. In case the applicant is not a member of any of these associations, a certificate of the Registrar General, High court of Punjab and Haryana to the effect that the applicant is ordinarily practicing before High Court of Punjab and Haryana, be attached with the application form.
2. Please attach your two recent passport size coloured photos with band. One self-attested photograph is to be pasted on the application itself while the second photo to be unattested.
3. The advocates who had passed their qualifying (L.L.B.) Examination in the year 2009-10 and thereafter, will be provisionally enrolled unless they pass All India Bar Exam (AIBE) within 2 years from the date of enrollment in the Bar Council of Punjab and Haryana, Chandigarh and submit the **Certificate of Practice (COP)**, issued by Bar Council of India and in default of submitting the same, their names will be automatically struck off from the Roll of Advocates. **(As per clarification issued by Bar Council of India, New Delhi, the Advocates whose L.L.B results have been declared on or after 01.07.2010, are mandatorily required to pass All India Bar Exam.**
4. The advocates who had graduated in the academic year 2009-10 (L.L.B.) results declared on or after 01.07.2010 and onwards, having completed two years of enrollment with Bar Council of Punjab and Haryana, Chandigarh will be enrolled on Roll of Advocates only after they furnish the **Certificate of Practice (COP)**, issued by Bar Council of India.