



युनाइटेड बैंक ऑफ़ इंडिया
UNITED BANK OF INDIA
विधि विभाग
Legal Department

प्रधान कार्यालय
11, हेमंत बसु सरणी, कोलकाता -700 001,

Head Office:
11, Hemanta Basu Sarani, Kolkata-700001

POLICY ON

EMPANELMENT OF ADVOCATES,

ENGAGEMENT OF SENIOR ADVOCATES

& SOLICITORS (INCLUDING LAW FIRMS)

2016-17

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POLICY ON EMPANELMENT OF ADVOCATES, ENGAGEMENT OF SENIOR ADVOCATES & SOLICITORS
(INCLUDING LAW FIRMS) 2016-17

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In view of increased number of Non Performing Assets, filing of recovery suits before DRTs and civil courts followed by appeals under SARFAESI Act and Writ Petitions before various High Courts have increased manifold. As a result, huge funds of the Bank which could otherwise be profitably deployed have got stuck in litigation for indefinite period thereby seriously affecting Bank's profitability. Filing of suits, taking timely remedial measures and to effectively and efficiently manage the suit filed accounts, obtaining orders of injunction, attachment before judgment and sale of mortgaged/hypothecated and other assets of the borrowers/guarantors will help in taking the legal proceedings to their logical end.

To achieve the desired results, it is imperative to frame policy guidelines and mechanism for empanelling the advocates from time to time as per the Bank's requirement.

The modalities on empanelment of Advocates were last circulated through H.O. Circular No. LD/BB/OM-384/202/2001 dated 20.01.2001.

In order to obviate the delay in empanelment of Advocates, the application to be submitted by the intending Advocates for empanelment was modified and the said modification was circulated to all the Branches/Regional Offices vide H.O. Circular No. LEGAL/EMP-ADVO/3/OM-238/15-16 dated 30.07.15. As per the said modification, the application to be submitted by the Advocates for empanelment should contain the following details/particulars (self attested):

1. Photocopy of the certificates & marks sheets from the higher secondary stage to the LL.B stage.
2. Photocopy of all the testimonials of the concerned Advocate as referred to in the bio-data.
3. Photocopy of PAN Card.
4. Photocopy of enrollment certificates issued by Bar Association where the concerned Advocate is practicing.

5. Two character-cum-performance certificates from sitting/retired judges/judicial magistrate/ eminent persons of the judiciary/reputed Sr. Advocate of Bar/ places where the applicant is in practice, name of the Bar and the Court where the services of the concerned Advocates are to be utilized.
6. Letter of permission of concerned State Bar Council for shifting place of practice from one state to another state.
7. Due Diligence Report of the concerned branches on the performance and reputation of the Advocates. It is also mentioned in the said circular that while recommending the names for empanelment, preference be given to the Advocates who are already in the panel of SBI & other nationalized banks, having good record of performance. For the purpose of empanelment, the Advocates/partners of the law firm must have completed five years of practice at the Bar. All the applications for empanelment of Advocates/Law Firm must be routed through the Regional Offices along with the recommendation of Regional Heads.

The following is the list of empanelled advocates (State Wise) who are in the panel of the Bank:

S.No	State	Number of advocates empanelled
1	Andhra Pradesh	42
2	Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh	125
3	Bihar	66
4	Chattisgarh	13
5	Delhi	69
6	Gujarat	38

7	Himachal Pradesh	6
8	Jammu & Kashmir	3
9	Jharkhand	18
10	Karnataka	30
11	Kerala	13
12	Madhya Pradesh	20
13	Maharashtra & Goa	21
14	Orissa	91
15	Punjab & Haryana	95
16	Rajasthan	41
17	Tamil Nadu	44
18	Uttar Pradesh	98
19	Uttarakhand	13
20	West Bengal	416
	TOTAL	1262

The complete list of the empanelled advocates has been uploaded in Bank's intranet site

I. CRITERIA FOR EMPANELMENT OF ADVOCATE

(a) For being included in the panel, an advocate should have experience of at least 5 (five) years independent and effective practice at Bar preferably in attending commercial matters or bank suits and be conversant with banking laws. The experience as a retired law officer of a Bank/PSU or as a Judicial Officer may also be considered for the purpose. However the period of five years of experience as stated above may be relaxed in exceptional cases where an Advocate is already on the panel of other banks and PSUs. **MD & CEO shall be the competent authority to accord the relaxation.**

(b) The advocate should have undoubted legal acumen and unblemished integrity. A certificate in this regard issued by the concerned Bar Association shall be provided by the advocate as per the format provided at **Annexure 'A'**.

(c) There will be panels for advocates practicing at High Courts, DRATs, DRTs, Dist. Consumer Forums & State Consumer Commissions, Civil Courts, Criminal Courts and other Trial Courts/Tribunals.

(d) Advocates practicing in specialized areas such as Income tax matters, Labour Law matters, Cyber Law, MRTP etc will also be considered for empanelment.

(e) There will be separate panel for Supreme Court, High Courts, National Consumer Commission, National Company Law Tribunal, DRTs etc.

(f) Advocates having practice of more than 10 years at the bar will be placed in the senior panel and Advocates below 10 years of practice will be in the junior panel. Such panel will be reviewed from time to time and upon completion of more than 10 years experience an advocate of junior panel will be placed in the senior panel.

(g) Matters/cases involving upto Rs 1.00 crore will be entrusted to advocates from junior panel and cases involving outstanding of Rs 1.00 crore & above and also cases involving complicated matters irrespective of the amount involved will be entrusted to advocates from senior panel.

II. PROCEDURE FOR EMPANELMENT

a) Applications from the intending advocates for empanelment will be invited on quarterly basis. An advertisement to this effect will be issued in the National Daily Newspapers and where there is specific requirement, it shall be published in the local newspapers. The intending advocates will be required to visit the Bank's website to know the details and also to download the application and the other requisites relating to the empanelment.

b) The intending advocates shall submit the duly filled in applications to the concerned Regional Offices along with the self attested copies of the documents as stipulated in the application as per **Annexure "B"**.

c) The applications so received shall be scrutinized by the Regional Office and after scrutiny the applications which are complete in all aspects and in conformity with the requirements shall be forwarded by the concerned Regional Office to Legal Department, H.O along with their recommendation and also after conducting a due diligence exercise at their end in respect of the intending advocate(s).

d) Upon receiving the duly filled in and complete applications along with due diligence certificate and recommendation of Regional Office, the said applications shall be placed before the committee as indicated in paragraph 'f' hereunder for consideration.

e) While considering the eligibility criteria, preference will be given to the advocates having requisite seniority at the Bar, legal acumen, association with other Banks/ PSUs and impeccable integrity.

(f) After short listing the names of the eligible advocate(s) as indicated hereinabove, Legal Department, H.O shall place the applications before the Managing Director & CEO through a Committee constituting of Executive Director, General Manager (In charge of Legal), General Manager (Recovery), General Manager (Credit) and General Manager (Inspection) for approval. The same shall be placed before BOD for their noting.

III. OTHER TERMS AND CONDITIONS FOR EMPANELMENT.

(a) Advocate(s) should agree to abide by the Bank's terms and conditions as to the professional fees, charges etc.

(b) The concerned advocate(s) will be informed in writing of his empanelment and the terms and conditions of his empanelment as per **Annexure 'C'**. **The panel will remain valid for one year or till next empanelment process is concluded, whichever is later on continuous basis for the purpose of continuity of the briefs with the empanelled advocate(s).**

(c) It shall be made clear to the advocate(s) that approval in Bank's panel of advocates does not amount to an appointment or right for an appointment and Bank is free to engage any advocate of its choice and the empanelled advocate cannot claim to be entrusted with Bank's work.

(d) The advocate(s) should undertake not to appear against the Bank and they do not support the litigation which is detrimental to Bank's interest.

(e) It shall be made clear that under no circumstances they should use any legend containing Bank's name or symbol in letter heads, signboards, name plates etc. such as legal advisor to United Bank of India or advocate for United Bank of India etc.

The empanelled advocates shall, upon receiving the letter from the Bank confirming their empanelment, submit a letter of acceptance (on their letter heads) as per **Annexure 'D'**.

IV. DUTIES AND RESPONSIBILITIES OF PANEL ADVOCATES:-

- i. The panel advocate(s) should undertake the job for search relating to encumbrance, title clearance report etc. of the property only after receipt of proper communication from the concerned Branch/ Regional Office of the Bank.
- ii. The panel advocate(s) should not accept any request for obtaining non encumbrance certificate or issuing title clearance report from the Bank's present/proposed constituent for the purpose of availing loan from our Bank.
- lii. The panel advocate(s) should verify the "Title Documents' in original before submitting his report to the concerned Branch / R.O of the Bank.
- iv. The panel advocate(s) should submit to the concerned Branch/R.O of the bank the original receipts for deposit of "Fee for Search" in the Registration Office/Registrar of Companies/ Court etc along with his report.
- v. The panel advocate(s) should point out any defect(s), whether legal or otherwise in the title documents which is prima facie apparent/manifest
- vi. The panel advocate(s) should himself verify the registration records of the property offered as security.
- vii. The panel advocate(s) should inform the Bank of pendency of any litigation concerning the property if it comes to his knowledge at the time of search or at any time subsequent to furnishing the search report.
- viii. While pursuing/defending any litigation on behalf of the Bank, the panel advocate(s) should -
 - a. Intimate the day to day progress of the matter to the concerned Branch/ Regional Office of the Bank.
 - b. Not seek adjournments without any valid and cogent reasons and without concurrence of the Bank.
 - c. Not make any submission before the court without proper instructions from the concerned Branch/ Regional Office/Head Office of the Bank.
 - d. May advise the concerned Branch/R.O for engaging Senior Advocate/Counsel, if required, to protect the interest of the Bank.
 - e. Not appear either directly or through his juniors/ assistant advocate against the Bank in any matter.

V. MAINTENANCE OF PANEL

- (a) An up to date record of panel advocates for all Regions centers shall be maintained by H.O Legal Department and will be circulated to all branches/offices of the Bank. Such list will also be available in the Bank's Intranet Site.
- (b) The Branches/R.O will be free to choose any advocate from the panel depending upon the nature of the case, vicinity, capacity to complete the work expeditiously etc. in consultation with the Law Officer posted at R.O. The advocate(s) will be advised in writing for such engagement.
- (c) The Regional Heads shall ensure that the work is distributed equitably amongst the advocate(s) in panel and that the work is not unduly concentrated in the hands of anyone/ few advocate(s)
- (d) The entrustment of cases/ title clearance report shall be made / obtained from amongst the local advocate(s) only. Engagement of advocate(s) from other stations should normally be discouraged to avoid problems in follow up and travel and halting expenses.
- (e) Bio Data of advocate(s) shall be kept in the panel file with proper index at Legal Department, H.O.
- (f) Register of empanelled advocate(s) will be maintained at H.O/ R.O. It can be maintained in electronic form also. The register will contain name of advocate, address, phone number, date of empanelment etc.
- (g) For all high value accounts where the balance outstanding is more than Rs 1.00 crore and also where complicated issues are involved, prior discussion/consultation of Legal Department Head Office is to be undertaken before finalizing the name of the Advocate(s) to be entrusted with the brief. Similarly prior permission of respective R.O is to be obtained before engaging any Counsel/Advocate in Supreme Court/High Courts & National Consumer Commission.

**VI. PERFORMANCE REVIEW OF ADVOCATES/REMOVAL OF ADVOCATES
(PANEL ADVOCATES) FROM APPROVED PANEL.**

(a) Review of performance of advocates shall be done by the Regional Offices on half yearly basis. The Regional Heads shall submit the report on review of performance of advocates with their comments/recommendations to Head Office, Legal Department. **The empanelment shall be subject to renewal after every five (5) years by the competent authority of the Bank.**

(b) The report on review of performance of advocates as received from the Regional Heads, shall be placed before General Manager (in charge of Legal), H.O and if it is found that the performance of any advocate is not satisfactory or not upto the mark, his name shall be removed from the panel upon obtaining approval of the MD & CEO. Before removing the name of the advocate from the panel, due intimation shall be given to such advocate along with reasons thereof.

(c) If it is found that any advocate on panel represents interests which are adverse to the Bank and is guilty of professional misconduct, the Regional Head shall send his recommendations to the General Manager (in-charge of Legal) for removal of such advocate from the panel and upon concurrence by H.O, such Regional Head shall take steps to withdraw all cases/matters forthwith preferably before issuance of the letter of removal and consequential follow up action should be taken to protect Bank's interest.

(d) If it is found that any advocate acts contrary to any of the terms of empanelment, does not follow his duties and responsibilities, his empanelment shall be cancelled.

(e) If there are any adverse reports or advices received from Regional Offices/ H.O Vigilance Department or any other department about the conduct of any advocate on panel, the General Manager (in-charge of Legal) shall initiate action for his de-panelment on the basis of recommendations of the Regional Heads or any department at H.O. All the matters entrusted to such advocate (s) will be immediately withdrawn and further action, as decided may be taken.

(f) In case of removal or de-panelment of advocate on the grounds as mentioned in (c) & (e) herein above, and also on the grounds of involvement of fraud or forgery or resulting loss to the Bank, such

matters will be referred by Legal Department, H.O to the General Managers Committee at H.O comprising of General Manager (in-charge of Legal), General Manager (Credit) & General Manager (Inspection). The said committee shall refer the matter to the Managing Director & CEO through the Executive Director for removal/de-panelment of such advocates and also for taking appropriate action by reporting the incident to IBA for circulation. The same shall be placed before MCBOD for their noting. Such action will also be reported to the respective Bar Councils for cancelling their enrolment.

(g) List of the depanelled advocates shall be immediately circulated to all the Regions/branches in order to protect Bank's interest. List of de-panelled advocates will be available in Bank's Intranet Site.

VII. OTHER MISCELLANEOUS ASPECTS.

(a) Advocates shall intimate / inform the outcome/ developments in cases to the concerned Branch and / or Regional Offices immediately on the date of hearing and give consolidated position in writing at least once in a month. The advocates shall also intimate important developments in writing.

(b) In a particular matter or in group accounts, Legal Scrutiny Report (LSR) if already given to one branch, the advocate should declare/ disclose the fact to another Branch, if such branch entrusts a similar job relating to the same property to the said advocate.

c) In some cases, it is observed that advocates who act expeditiously in the matter of filing suits do not show any interest in execution proceedings. Such advocates need not be retained in the panel unless there are other compelling circumstances to do so. In the event advocates do not agree to accept the fee schedule of the bank, they may not be empanelled or retained in the panel unless there are compelling reasons to do so. Higher fees may be considered with prior approval of MD & CEO.

d) In matters where there is no prescribed fee by the bank, the Regions are advised to settle the fees from "Start to Finish Basis" in consultation with the Law Officers posted at the Region and obtain the concurrence of the same from the advocates to avoid any disagreement / complication /dispute in future. In such cases, for professional fees above 0.25 lac, approval of H.O is to be taken and for professional fees upto Rs 0.25 lac, approval of Regional Head will be required.

(e) In case of situations warranting change of Advocates/ Counsels due to elevation to the judiciary, change in occupation, change of place of work, transfer of cases to different courts/ tribunals or death or any other situation, it shall be ensured by the concerned Branch/ RO to attend such cases forthwith. The brief and documents entrusted to such advocates /counsels be taken back and the matter be appropriately dealt with by engaging other suitable empanelled advocates.

VIII. ENGAGEMENT OF SOLICITOR FIRMS/SENIOR ADVOCATE/COUNSELS

(a) In particular cases, where the services of an advocate of proven ability/ Senior Counsel in a specialized branch of law or a lawyer working for a reputed firm of Solicitors, is required and his name is not in the Banks panel, on the specific recommendations of the Regional Head, the General Manager in-charge of Legal Department may approve such engagement as a special case to protect the interest of the Bank.

(c) The amount of fee payable to such Senior Counsel/ Senior Advocate towards professional fee shall be as per the Delegated Discretionary power as contained in HO Circular No O&M/DP/OM-590/2015-16 dated 30.12.2015 read with Circular No RMD/EXP COMM/18 OM-591/2015-16 dated 30.12.2015.

(d) So far as engagement of Junior Advocate or Associate Advocate by the Bank's approved Advocate for his convenience or assistance (except where court rules make it compulsory to the Senior Advocate to have a Junior Advocate) it should be made clear to the Advocate that it should not be construed as an implied consent and no separate fee is payable to such Junior Advocate or Associate Advocate. Moreover he will be responsible for all the acts and actions of such Junior or associate whether engaged with or without consent of the Bank and he should ensure that the Banks job is properly accomplished and not to put the Banks interest into jeopardy in any manner.

FORMAT OF CERTIFICATE TO BE OBTAINED FROM THE CONCERNED BAR ASSOCIATION.

This is to certify that Sri/Smt/Ms S/o, W/o, D/o having residence at chamber/office at is a bonafide member of this Bar Association since and is practicing since in Court on Civil/Criminal/Labour Laws/Property Laws/Banking Laws etc (Whichever is applicable).

It is further certified that Sri/Smt/Ms is efficient and having good knowledge in the field of his/her practice and is conducting cases independently.

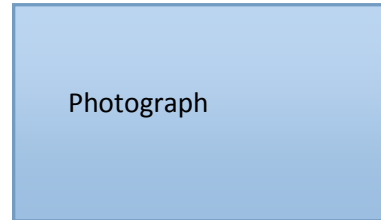
Sri/Smt/Ms is hard working and enjoys good moral character and no adverse report against him/her has come to my knowledge. I wish him/her the very best in all their future endeavour.

Sd/-
President/Secretary
..... Bar Association.

Place:

Date:

Annexure B



BIO DATA of Advocate

1	Name of Advocate	
2	Name of Father/Husband	
3	Date of Birth	
4	Educational Qualifications (Photo copy of Provisional Degree / LL. B certificate to be enclosed)	
5	Name of Bar Council, Month/Year of Enrollment & Enrollment Number (enclose photo copy of Bar Council enrolment certificate & ID)	

6	(i) Residential Address with Phone No. (ii) Office Address with Phone No.	
7	Period of practice/ Place of practice/ Court of practice (attach experience certificate from court/Bar)	
8	In which office trained as Junior / apprentice / Name of senior	
9	List of Banks, Financial Institutions, companies etc where empanelled. (attach photo copy of proof)	
10	Whether willing to undertake Banks legal work on Bank's terms	
11	Whether belonging to SC/ST/OBC/MC	
12	PAN Number issued by Income Tax Department (Photo copy of PAN Card to be enclosed)	

13	Name of two referees with their address & contact number	
14	Any other relevant information	

Signature of Advocate

Note: Photo copy of the documents to be self attested with date.

UNITED BANK OF INDIA
..... REGION

Annexure C

REF :

Date :

To,

Sri....., Advocate

Address :

Reg: Empanelment of your name in the Bank's Panel

With reference to your request / letter dated _____ for empanelment, we are pleased to inform that your name is included in the Bank's panel on the following terms and conditions:

1. You shall accept professional fee as may be prescribed by the Bank.
2. You will not claim / not be entitled to any fee for any opinion purpose, in connection with the suits entrusted to you.
3. You will not claim / not entitled to any TA, DA or any type of reimbursement for visiting branches, courts etc.
4. You will not use any logo containing the Bank's name or symbol in your letter- heads, sign boards, name plates etc as panel lawyer of Bank etc
5. You have clearly understood that inclusion of your name in the approved panel does not amount to any appointment or right for an appointment to be made by the Bank and the Bank is free to employ any advocate of its choice and no right exists for any empanelled advocate to claim that he / she alone should be entrusted with the Bank's work.
6. You have been included in the panel of approved lawyer without any retainer fee.

7. You are required to submit bills to the branch in duplicate with break up details of expenses incurred indicating separately the amount legally recoverable from the party and otherwise.

8. So long as you are in Bank's approved panel, it is normally expected that you would not appear in any of the cases against our Bank and when there is no conflict of interest, you have to seek prior concurrence of the Bank in writing.

9. You would render free advice on routine banking matters whenever referred to you by the Branch and would charge reasonable fees for servicing registered notices for the work for searching of papers/ documents in different offices / courts as and when required.

10. You must bestow your sincere efforts for expeditious disposal of the cases entrusted to you and should report the progress to the branch / RO on monthly basis in writing and important developments immediately after the date of hearing.

11. You will adhere to the duties and responsibilities as prescribed from time to time and including the following Duties and Responsibilities of Panel Advocates :

i. The Panel Advocate should undertake the job for search relating to encumbrance etc of the property only after receipt of a communication from the concerned branch / office of the Bank.

ii. The Panel Advocate should not accept any request of Non Encumbrance Certificate from the constituent for the purpose of availing loan from our Bank.

iii. The Panel Advocate should verify the "Title Documents" in original with the certified copy to be obtained from the concerned office of the Registrar / Sub Registrar before submitting his report to concerned branch / office of the Bank.

iv. The Panel Advocate should submit to the concerned branch / office of the Bank the original receipts for deposit of "Fee for Search" in the Registration Office/ Registrar of Companies/Court etc along with his report.

v. The Panel Advocate should point out any defect(s), whether legal or otherwise, in the "Title Documents" which is prima facie apparent / manifest.

vi. The Panel Advocate should himself verify the Registration records of the property offered as security.

vii. In case, the verification of the Registration records is done by associate advocates/ assistants of the Panel Advocate, he should specify the same in his report and undertake full responsibility for such reliance.

viii. The Panel Advocate should inform the Bank of pendency of any litigation concerning the property, if it comes to his knowledge at the time of search or at any time subsequent to furnishing the search report.

ix. While pursuing / defending any litigation on behalf of the Bank the panel advocate should -

a) Intimate the day to day progress of the matter to the concerned branch / office of the Bank.

b) Not seek adjournments without any valid and cogent reasons.

c) Not make any submission before the Court without proper instructions from the concerned branch / office of the Bank.

d) May advise the concerned branch / office of the Bank for engaging Senior Advocate / Counsel if required to protect the interest of the Bank.

e) Not appear either directly or on behalf of his juniors / assistant advocates against the Bank.

12. You would abide by such other reasonable terms and conditions that the Bank may stipulate from time to time.

13. The aforesaid empanelment is initially for one year and likely to continue subject to your satisfactory performance. The Bank has the discretion to delete your name from the panel at any time without assigning any reasons.

Please acknowledge receipt and convey acceptance of the terms and conditions.

Yours faithfully,

Annexure - D

(On Advocate's Letter Head)

Date:

The Dy. General Manager/ Asst General Manager
..... Bank,
..... Regional Office

Dear Sir,

I have received your Letter No. _____ dated _____ regarding empanelment as advocate for your Bank and I hereby accept all the terms and conditions stipulated therein, and expressly agree to abide by such other reasonable terms and conditions as may be stipulated from time to time.

- 1) I shall accept my professional fees as per the Bank's norm, and submit the bills through the concerned Manager of the Branch / Bank.
- 2) I will not claim any TA, DA or any type of reimbursement for visiting Branches / Courts.
- 3) I will not appear in any of the cases against your Bank as long as I am in the approved panel.
- 4) I also agree to render free advice on routine banking matters whenever referred to me by the Branch and would charge nominal fees for serving registered notices to the parties and in carrying the work for searching of papers / documents in different offices / courts as and when required.
- 5) I will devote sufficient time for Bank's cases and also take special interest for filing all Execution petitions of all decreed cases without any delay in order to realize expeditiously all money / dues of the Bank.

6) I agree to give progress reports of all pending cases with suit no. thereof along with the up - to-date developments of all cases once in a month in duplicate (with a copy to the concerned Branch) and another to the Regional Office directly

7) I clearly understand that my empanelment may be cancelled / terminated at any time if it is found that due to my actions, the Bank's interest is exposed to risk and I further understand that my name may be referred to the IBA/ RBI/ Bar Council of India and / or the Bank may take action against me as it deems appropriate.

8) I agree to abide with all the terms and conditions as contained in your letter No Dated

Yours faithfully,

ADVOCATE

Bar Council
Enrolment No.