

## **GUIDELINES FOR EMPANELMENT OF ADVOCATES**

The interested applicants before applying is hereby advised to peruse the following guidelines, which will regulate the manner and procedure for empanelling the Advocate(s) These guidelines shall supersede all existing instruction and terms if any, and is subject to change without assigning any reason thereto. In case of empanelment of Law firms, all the terms and conditions enumerated herein shall be applicable to them.

### **1. Eligibility of Empanelment:**

- 1.1 The Advocate shall possess the Bachelors degree in Law/Masters in Law from a recognized University and registration with Bar Council of India and respective State Bar Councils.
- 1.2 Continuous practice as an Advocate(s) of at least 10 years. Desirable in handling Educational Institutes, Universities, Government department, Autonomous bodies, PSU cases in Hon'ble Supreme Court, High Courts and District Courts all over India.
- 1.3 Having good communication skills in English, Hindi and good knowledge of law and procedure, both in civil and criminal matters.
- 1.4 The Advocate(s) should be familiar with various branches of law especially those concerning laws of matters related to Constitutional Law, Central Civil Service Law, Labor, Contract Law, Criminal Law, Cyber laws, University Grants Commission Act, 1956, Additional Dispute Resolution (ADR) and various rules, regulations framed there under etc.
- 1.5 Preference shall be given to Advocate(s) having more relevant experience and exposure in dealing matters on behalf of Educational Institutes/Universities.

### **2 Documents to be submitted:**

The Advocate(s) will be required to submit their Applications in the prescribed format as given in Annexure-A. The self attested copies of the following documents are required to be submitted with application:

- 2.1 School Certificate (10<sup>th</sup> Std.)
- 2.2 Certificates in support of educational qualifications.
- 2.3 Certificate of Registration with respective State Bar Council and Bar Council of India.
- 2.4 Identity card issued by respective State Bar Council.
- 2.5 Details regarding representation of other Govt./PSU/Statutory Bodies/Universities/Firms etc in below format

<b>Name of Organization</b>	<b>Number and details of matters handled</b>	<b>Favorable Outcome</b>

- 2.6 Documents regarding empanelment with other Organizations including Government/Semi Government/Autonomous Institute/Organization under Central or State Government.
- 2.7 Details regarding the cases in which the Advocate was able to get favorable outcome/decision which are reported/referred in reputed legal journals etc.
- 2.8 Details of office Infrastructure and number of Associates in addition to office staff.
- 2.9 Duly notarized Affidavit – cum – undertaking on Rs. 10/- stamp paper as per format prescribed herein being Annexure – B.
- 2.10 Other relevant information, if any.

### **3 Tenure of Empanelment:**

The initial empanelment will be for three years. Performance of empanelled Advocate(s) shall be reviewed on annual basis. However, on completion of the term and satisfactory performance of the Advocate(s), the empanelment may be extended from year to year basis by the NIOS as per the terms & conditions in effect at the time of renewal. The NIOS reserves the right to terminate the empanelment of any Advocate at any time without assigning any reason thereof.

### **4 Payment of Fee and Other Conditions:**

- 4.1 The fees payable to the empanelled Advocate(s) shall be as per O.M. 26(1)/2014/judl. dated 01.10.2015, Min. of Law & Justice, Dept. of Legal Affairs (Annexure – C) attached herewith as amended from time to time.
- 4.2 No fixed or any other retainer fee shall be paid to any panel Advocate merely because such advocate has been empanelled.

### **5 Selection criteria for Empanelment:**

The applications for empanelment will be considered on the merits in consideration of the experience in educational institution, remarkable/reportable judgment in favor of them (if any). The professional commitment will be evaluated. The NIOS has reserve right to set out more criteria in accordance with number of response received.

## **6 Procedure for Empanelment:**

- 6.1 The applicant advocate must apply as per the format prescribed by the NIOS only. No other format will be entertained.
- 6.2 Any application received after the last date prescribed in the advertisement shall not be entertained.
- 6.3 No applicant advocate(s) shall be called for interview/interaction unless he/she satisfies the eligibility conditions and is shortlisted for the same.
- 6.4 Depending upon the requirement and number of applications received, NIOS reserves the right to shortlist the candidates for empanelment.
- 6.5 Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be empanelled.
- 6.6 The decision of the Competent Authority/duly constituted committee regarding short listing and selection of the Advocate(s) shall be final.
- 6.7 Canvassing in any form shall be treated as a disqualification. The candidature of such applicants shall be canceled forthwith.
- 6.8 A list of shortlisted applicant advocates with the date, time and venue of interaction session will be uploaded on NIOS website i.e. *www.nios.ac.in*
- 6.9 The applicant advocate shall bring original documents at the time of interaction with the NIOS officials/committee.
- 6.10 The list of selected advocates will be made available on NIOS website *www.nios.ac.in*. Letter to applicant advocates confirming their empanelment will be issued by NIOS separately.

## **7 Duties of the Empanelled Advocate(s):**

- 7.1 The Advocate(s)/shall not advise any party or accept any case against the NIOS in which he/she has appeared or is likely to be called upon to appear for or advise which is likely to affect or lead to litigation against the NIOS.
- 7.2 Timely appearance of the empanelled Advocate to contest the cases for NIOS in the court is a must. His/her/their absence in the Court, without any reasonable ground and notice in advance, will not be accepted.
- 7.3 NIOS will send the information to the panel advocates through email regarding entrustment of a case and after receiving the e-mail, it is the duty of the panel Advocates to collect the brief/copy of petition at the earliest.
- 7.4 The assigned matter will be handled by the concerned assignee Advocate(s) only and it will not be permitted to engage any advocate of her/his own choice and further, an empanelled Advocate(s) shall make no claim that he/she alone should be entrusted with NIOS's legal

matter (s).

- 7.5 Refusal by any advocate to accept any work without any reasonable cause (e.g. on grounds of conflict of interest, demand for higher fees than enumerated in this advertisement) may entail removal of such advocate from the panel, forthwith without waiting for the empanelment period to expire.
- 7.6 The advocates shall accept the terms and conditions of the empanelment as determined by the NIOS from time to time.
- 7.7 In order to ensure that there is effective check on the cases being conducted, the Advocates on the panel must report the status of the cases after each date of hearing through e-mail. Failure to submit status report will be a ground for removal of the name of the Advocate(s) from the panel.
- 7.8 If required the empanelled advocate has to render all assistance to special or senior Counsel engaged in a particular cases before the Supreme Court, High Court and other judicial bodies.
- 7.9 These guidelines shall also be applicable to the designated Senior Advocate of the High Court and Supreme Court, Sr. Counsel or Special Counsel engaged with permission of Competent Authority for all purposes except the requirement of empanelment.
- 7.10 Keep NIOS informed and updated on all important developments in the designated cases, dates of hearing, order of the court on the date of its pronouncement, supplying copy of orders/judgment etc as soon as possible.
- 7.11 Furnish monthly statement about the cases represented by him/her before the concerned courts or any other authority and their outcomes.
- 7.12 Legal opinion may be taken from Empanelled Advocates as and when required in the interest of NIOS.

## **8 Grounds for removal from panel:**

- 8.1 NIOS reserves the right to terminate the empanelment of an Advocate with one month's notice in writing without assigning any reason in regular manner. The empanelled Advocate(s) may also discontinue on panel of NIOS by serving one month's notice and proper handing over of brief.
- 8.2 Giving false information in the application for empanelment.
- 8.3 Failing to attend the hearing of the case without any justifiable reason and/without prior information.
- 8.4 Not acting as per NIOS's instructions or going against specific instructions.
- 8.5 Threatening, intimidating or abusing any of the NIOS's employees, officers, or representatives.

- 8.6 Passing on information relating to NIOS's case on to the opposite parties or their advocates or any third party which is likely to cost any damage to the NIOS's interests.
- 8.7 Giving false or misleading information to the NIOS relating to the proceedings of the case; seeking frequent adjournments or not objecting to the adjournment moved by other party without sufficient reason.
- 8.8 Not returning the brief or matter or giving No objection when demanded by the Institute or not allowing or evading to allow the inspection of case records on demand.
- 8.9 Misappropriation of any money or property of the Institute or using or appropriating the same towards his fees without the permission of the Institute
- 8.10 Making or allowing any of his associates or juniors to appear on behalf of any opposite party in any case or matters against the interest of the Institute
- 8.11 Committing an act that tantamount to contempt of court or professional misconduct
- 8.12 Arrest or detention by the Law enforcement agencies or debarment by the Bar Council.

## **9 General Instructions:**

- 9.1 The Advocate(s) shall be engaged only in cases where NIOS is a necessary party. In matters where NIOS is proforma party, the same shall be handled by officers of NIOS and Advocates will be engaged if deemed necessary in exceptional cases.
- 9.2 The Advocates empanelled in accordance with this notice and guidelines shall not be employees of NIOS for any purpose and therefore, shall not be eligible for any benefits available to its employees.
- 9.3 The size of the panel and number of Advocate(s) in panel shall be determined by the University based on the requirement and quantum of work.
- 9.4 The engagement or allotment of cases or matters to the empanelled Advocates shall be at the sole discretion of the Institute. However, the allotment shall be done in an equitable manner without prejudice or bias; but regard shall be had for the nature of the case or matter, subject under challenge, experience, merit, performance and competent of the Advocate or such other circumstances of the case or matter.
- 9.5 The Advocate(s) shall accept the terms and conditions of the empanelment as determined by the NIOS from time to time.
- 9.6 The Advocate(s) shall not advise any party or accept any case against the NIOS in which he/she has appeared or is likely to be called upon to

appear for (or) advise which is likely to affect or lead to litigation against the NIOS. If the Advocate happens to be partner of a firm, it shall be incumbent upon the firms not to take up any case against the NIOS in any court of Law/Tribunal/Commissioner/Forum or any case arising out of those cases.

- 9.7 That the impaneled Advocate(s) (either in person or through an authorized Associate), shall visit the NIOS to discuss urgent legal cases/matters whenever called upon by the NIOS authorized officials. The Advocate(s) may also be consulted through telephonic call whenever required.
- 9.8 That the empanelled Advocate(s) shall send the bills as per approved rates and complete in all respects, preferably within three months from the date of hearing.
- 9.9 That the empanelled Advocate(s) when called upon to do so shall assist, as far as possible, the NIOS staff.
- 9.10 That the empanelled Advocate(s) should have proper infrastructural facilities including man power. It includes scanner, photocopier, computer etc. as well as peon, dealing clerk and Associate advocate.

#### **10 Interpretation/Doubt/Difficulty:**

If any doubt/difficulty arises with respect to interpretation of any clauses of these guidelines, the same shall be placed before the Secretary, NIOS and the decision of the Secretary in this regard shall be final and binding.

#### **Enclosure:**

1. Application format for empanelment in NIOS (Annexure – A).
2. Affidavit – cum – undertaking on empanelment in NIOS (Annexure – B)
3. Structure of Fees to be payable to Advocate (Annexure – C).

<p><b>Note: 1. Submit 05 Recent Order Sheet in favor of your name. 2. Attach Self Attested copy of the entire document.</b></p>
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**APPLICATION FORM FOR EMPANELMENT IN NIOS**

**(TO BE FIELD IN BY ALL APPLICANT ADVOCATE)**

**FORMAT OF BIO-DATA FOR ADVOCATE**

Paste  
duly self-  
attested  
Photo

1	Name of the Advocate	
2	Date of Birth	
3	Date of Enrolment, Name of Bar Council (Enclose attested copy of Enrolment Certificate)	
4	Period of Practice	
5	Details of Experience/Practice	
6	Area of Practice (specialized)	
7	<p>Specialization, if any Constitution/Arbitration/Service law Labour Law, Mediation, Tax Matter/Trade Mark, Patent, Copy Right, Procurement etc.)</p> <p>The detail of a few important cases the advocate has dealt with/handled and reported judgment, if any.</p>	
8	Whether Central/State Govt. Counsel/Pleader (indicate period) (with documentary evidence)	
9	Brief list of Partnership/clients e.g. Govt./Organization/Institutes or Autonomous body/PSUs/Firm (Enclose the documentary evidence)	

10	The Courts where the Advocate is regularly practicing (Enclose attested copy of Bar Association Member Certificate)	
11	Proper and adequate infrastructure of an advocate such as office premises, number of junior advocates, assistants, clerks and fax mobile phone, fixed phone and internet connection etc.	
12	Date of Enrolment as an Advocate and Registration No.	
13	Income tax PAN Number (Enclose copy of PAN Card)	
14	A brief note on suitability for empanelment. (If required please enclosed separate Sheet)	
15	Office Address (copy enclose) with E-mail & Contact No.	
16	Residential Address (copy enclose) with E-mail & Contact No.	
17	3 Years Income Tax Return (Enclose the supporting documents)	

Place :

Date:

(Candidate Name & Signature)



**AFFIDAVIT – CUM – UNDERTAKING ON EMPANELMENT IN NIOS**

I, \_\_\_\_\_, a practicing Advocate, Aged \_\_\_\_\_ years, \_\_\_\_\_ Indian Inhabitant, having Office address at \_\_\_\_\_ Enrollment No. \_\_\_\_\_, do hereby state on solemn affirmation as under:

- a. I state and declare that I have read and understood the terms and conditions of Empanelment of Advocates advertised by NIOS and accordingly applied for it. I hereby agree to said terms and conditions and will abide by the same.
- b. I state and declare that whatever information is supplied by me to NIOS with respect to my professional and personal criteria is true and correct. I understand that in case, the same is found to be false, my empanelment will be liable to terminated immediately and the same may also informed to respective State Bar Council and Bar Council of India.
- c. I state and declare that I understand that NIOS is deemed to be Public University fully funded by University Grant Commission under Ministry of Education, Government of India and hence, I agree to discharge my professional duty with utmost dedication and keeping larger Public interest in mind.
- d. I state and declare that I never been penalized / convicted by any bar Council/Court of Law.
- e. I undertake to maintain absolute secrecy about the case of the NIOS as required under the Act, Rule and Regulation there under.
- f. I state and declare that I agree with the Fee Scheduled notified by NIOS.

**(Deponent)**

**STRUCTURE OF FEES**

**SUPREME COURT / HIGH COURT / DISTRICT COURTS**

<b>S. No</b>	<b>Particulars</b>	<b>Charges ( Rs.)</b>
1.	Drafting of Petition or Counter Affidavit	As per O.M. 26(1)/2014/judl. dated 01.10.2015 Min. of Law& Justice Dept. of Legal Affairs
2.	Drafting of Supplementary Affidavit or Rejoinder	
3.	Effective hearings* Non-Effective hearing**	
4.	Conference	
5.	Typing charges/Miscellaneous/Clerkage	

**\*Effective hearing defined as per office memorandum** shall mean a hearing in which either one or both parties involved in case are heard by the Court i.e. arguments/submissions are advanced by the Advocate of any of the parties, examination – in - chief, cross examination is conducted, issues/charges has been framed and other proceedings took place recording appearance of Advocates.

**\*\*Non-Effective hearing defined as per office memorandum** shall mean a hearing where Advocate appeared in matter, case is mentioned/called out and it is adjourned with direction.