

PRASAR BHARATI
(India's Public Service Broadcaster)
Prasar Bharati Secretariat
PRASAR BHARATI HOUSE
COPERNICUS MARG, NEW DELHI

No. **File No.03/05/2020/LC**

Dated: 25.11.2021

**NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF
ADVOCATES/LAW FIRMS**

Applications are invited from eligible Advocates enrolled with the Bar Council of Delhi as also Law Firms having offices in Delhi/New Delhi preparation of a common panel of Senior Panel Counsels/Panel Counsels conducting litigations for and on behalf of Prasar Bharati and its constituent organisations [Directorate of All India Radio(DG:AIR), Directorate of Doordarshan (DG:DD), Directorate of DD News (DG:DD News), Directorate of AIR News Service (DG: NSD, AIR), Civil Construction Wing (CCW), AIR, etc. before various courts (the Hon'ble Supreme Court, the High Court of Delhi, Central Administrative Tribunal (Principal Bench), New Delhi, Central Government Industrial Tribunal (CGIT), District Courts of Delhi and other judicial for a (including arbitral tribunals) in various civil (including commercial disputes, service matters and labour matters) and criminal matters.

2. The Advocates/ Law Firms who are on the existing panel of DG: AIR/ DG:DD/ Prasar Bharati Secretariat are also required to apply afresh in response to this Notice.
3. The eligibility criteria for empanelment as Senior Panel Counsels/Panel Counsels, services to be rendered, schedule of fees, tenure of empanelment and other terms and conditions are as at **ANNEXURE 'A'** to this Notice.
4. Mere empanelment will not confer any right to the empanelled Advocates/Law Firms to be entrusted with litigation work by Prasar Bharati and its constituent organisations/ units.
5. Mere submission of applications for empanelment by Advocates/ Law Firms will not confer any right or assurance that they will be empanelled by Prasar Bharati.
6. Eligible Law Firms and practicing advocates may send their applications by email <**commonpanelpb@gmail.com**> in the

format prescribed at **ANNEXURE 'B'** to this Notice along with all supporting documents (scanned). Hard copy of the Application may also be sent to the below mentioned address:

**'The Deputy Director General (Legal),
Prasar Bharati Secretariat,
Prasar Bharati House,
Copernicus Marg, New Delhi-110001.'**

7. Last date for receipt of applications in Prasar Bharati Secretariat is **27th December, 2021.**



**(P. Das)
DDG (Legal)**

ANNEXURE A

1. ELIGIBILITY CRITERIA

i. FOR EMPANELMENT AS SENIOR PANELCOUNSEL:

At least 5 years experience of conducting litigations in Supreme Court of India, High Courts, Central Administrative Tribunals, District Courts, Arbitrations, and various other judicial and quasi-judicial fora in civil and criminal matters, including service and labour matters, commercial arbitrations, copyright matters, GST, Service Tax and Income Tax matters, etc.

ii. FOR EMPANELMENT AS PANEL COUNSEL:

At least 3 years experience of conducting litigations in High Courts, Central Administrative Tribunal, District Courts, and various other judicial and quasi-judicial fora in civil and criminal matters, including service and labour matters, commercial arbitrations, copyright matters, GST, Service Tax and Income Tax matters, etc.

2. METHOD OF SELECTION:

Eligible Advocates/Law Firms will be shortlisted after scrutiny of the Resume/particulars received from them. The Screening Committee constituted by Prasar Bharati shall assess the suitability of such shortlisted eligible Advocates/ Law Firms and make its recommendations on the basis of their experience, areas of specialization, etc. If required, the Screening Committee may invite shortlisted applicants for personal interaction. The recommendations of the Screening Committee will be submitted for approval or otherwise to the competent authority.

3. TERM OF EMPANELMENT:

The term of initial empanelment will be for three years or until further orders, whichever is earlier. Performance of empanelled Advocates/Law Firms will be reviewed on annual basis. On completion of the term, empanelment may be renewed on mutual consent for a further period not exceeding three years by Prasar Bharati subject to satisfactory performance of the Advocates/Law Firms. Prasar Bharati

reserves the right to terminate the empanelment of any Advocate/Law Firm at any time without assigning any reason therefore.

4. SERVICES TO BE RENDERED BY EMPANELLED ADVOCATES/LAW FIRMS:

The empanelled Advocates/ Law Firms shall be required to perform the following functions:

- i. Representing Prasar Bharati and its Constituent organisations/units before the Supreme Court, High Court of Delhi, Central Administrative Tribunal (Principal Bench), New Delhi, Central Government Industrial Tribunal (CGIT), District Courts of Delhi and other judicial and quasi-judicial fora. Depending upon requirements, they may also be required to represent Prasar Bharati in Courts/ Tribunals outside Delhi.
- ii. Providing other legal services to Prasar Bharati and its Constituent organisations/units in civil, criminal, service, taxation, commercial and such other matters as arising in the course of operations and administration of Prasar Bharati including:
 - a. Providing legal advice on the referred matters.
 - b. Examination and drafting of legal documents.
 - c. Drafting of applications, petitions etc., to be filed in various courts, etc.
 - d. Prompt removal/ curing of defects in appeals/ petitions filed; as may be pointed out by the Registry.
- iii. Applying for the copy of judgment from the Court in cases represented by them immediately after pronouncement of judgment/order and supplying a copy of the same within 3 days from the date of such judgment or order (excluding the time taken by the Court in preparation of the copy).
- iv. If required, rendering all assistance to Special Counsel or Senior Counsel engaged in a particular case before the Supreme Court, High Courts and other judicial and quasi-judicial bodies.

- v. Regularly and promptly reporting on all important developments in assigned cases, including dates of hearing, interim orders passed by the Court, etc.
- vi. In the event of judgments/orders (including interim orders) going against Prasar Bharati, promptly giving considered opinions regarding feasibility of filing an appeal.
- vii. Performing such other functions of legal nature, which may be assigned by Prasar Bharati and its constituent organisations/units during the term.

5. FEE:

- i. Fee payable to the empanelled Advocates/Law Firms for their services will be as per the fee schedule prescribed by Prasar Bharati through orders issued in this regard from time to time. Normally, such fee schedule is likely to be broadly based on the fee structure prescribed from time to time by the Department of Legal Affairs, Ministry of Law and Justice, Government of India.
- ii. Whenever such need arises, the Competent Authority, through an order issued in this regard, may prescribe fee for any such service which is not covered in the fee schedule referred to in para (i) above. Any such order shall be treated as part of such schedule.
- iii. In exceptional cases, the Competent Authority may approve payment of fee higher than the fee prescribed in the fee structure referred to in para (i) of above, if he is satisfied that such higher fee is justified in view of the importance of the matter and labour and efforts involved.
- iv. No retainer fee shall be payable to Panel Advocates/Law Firms merely because such Advocates/Firms have been empanelled.

6. GENERAL TERMS AND CONDITIONS OF EMPANELMENT:

- i. Refusal by any Advocate/ Law Firm to accept any work without any reasonable cause (e.g., on grounds of conflict of interest) may entail removal of such Advocate/Firm from the panel.

- ii. The empanelled Advocates/ Law Firms shall not delegate cases to any other Advocate/ law Firm and shall handle the same either themselves or through their Associates. They may also be required to coordinate and work with designated Senior Advocates, if any, engaged in the case as well as with the officers of the Ministry of I&B/ Prasar Bharati, if required.
- iii. The empanelled Advocates/Law Firm shall maintain absolute secrecy and confidentiality about the cases handled by them.
- iv. The empanelled Advocates/Law Firms shall agree to accept the changes in terms and conditions of the empanelment as made by Prasar Bharati from time to time during their term.
- v. Private Practice and Restrictions:
 - a. Empanelled Advocates/ Laws Firm shall have the right to private practice which should not, however, interfere with or be in conflict with the efficient discharge of his/its duties as an empanelled Advocate/ Law Firm of the Prasar Bharati.
 - b. Empanelled Advocates/ Laws Firm shall not advise any party or accept any case against Prasar Bharati or Ministry of I&B.
- vi. Empanelled Advocates/ Law Firms will take all necessary steps to protect the interests of the Ministry of I&B/Prasar Bharati in matters entrusted to them from time to time.
- vii. Empanelment does not confer or create any inherent or automatic right or claim in favour of an Empanelled Advocate/Law Firm with regard to assignment of cases or any other legal work.
- viii. In the event of performance of an Empanelled Advocate/Law Firm in any assigned matter being found to be unsatisfactory in the opinion of Prasar Bharati, Prasar Bharati may at any time, at its discretion, remove such Empanelled Advocate/Law Firm from the concerned proceeding/matter/brief and

may also remove him/it from the panel without paying any further fees.

- ix. Unless a case is specially assigned by the Prasar Bharati, Empanelled Advocates/ Law Firms will not on their own receive Summons/Notices on matters pertaining to Prasar Bharati and its constituent organizations/units, and even if received, they shall not deal with the matter unless Vakalatnama is given in such cases. Further, they will immediately inform the concerned official of Prasar Bharati in this regard.
- x. Empanelled Advocates/Law Firms shall not use Prasar Bharati's name or symbol, logo in their letter heads, sign boards name plates, etc.
- xi. Performance of the Empanelled Advocates/ Law Firms will be reviewed on yearly basis and if their services are not required/ found up to the mark, Prasar Bharati may remove the Empanelled Advocates/ Law Firms from the panel. In such eventuality, they shall return the briefs/records of the cases/matters entrusted to them forthwith.

7. PROFESSIONAL MISCONDUCT:

In case of any professional misconduct, the Prasar Bharati may take appropriate action against the Empanelled Advocate/ Law Firm, which may include removal from the panel, filing of complaint with the Bar Council and action for recovery of financial losses caused to the Prasar Bharati due to his/ its misconduct.

Professional misconduct shall include any of the following:

- i. Giving false information in the application for empanelment.
- ii. Handing over the brief or matter to another advocate without prior written permission of the Prasar Bharati.
- iii. Failing to attend the hearing of the case without anysufficient reason and/or prior information.
- iv. Not acting as per Prasar Bharati's instructions or

going against specific instructions.

- v. Not returning the brief when demanded or not allowing or evading to allow its inspection on demand.
- vi. Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/appeal related to Prasar Bharati.
- vii. Committing an act that is tantamount to contempt of court or professional misconduct.
- viii. Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council.
- ix. Passing on information relating to Prasar Bharati to the opposite parties or their advocates or any third party which is likely to cause any harm to the interests of Prasar Bharati.
- x. Giving false or misleading information to the Prasar Bharati and its constituent organisations relating to the proceedings of the case; and
- xi. Seeking frequent adjournments or not objecting to the adjournments moved by other party without sufficient reason.

8. TERMINOLOGY:

For the purposes of Empanelment, the terms used will have the following meaning: -

- i. 'Advocate' means an advocate, entered in any roll of advocates under the provisions of The Advocates Act, 1961 (The Act).
- ii. 'Competent Authority' shall be CEO, Prasar Bharati or any other officer so designated by CEO, Prasar Bharati.
- iii. 'Court' shall mean all courts of law including District Courts all over India, any High Court, Supreme Court, Tribunals, and other judicial and quasi-judicial forums including Arbitrators

9. Documents required to be submitted by the Advocates/Law Firms along with application for empanelment:

The Advocates/Law Firms will be required to submit their Applications in the prescribed format as given in **Annexure-B**. Self-attested copies of the following documents are required to be submitted with application:

- a. Certificates in support of educational and professional qualifications.
- b. Certificate of Registration with Bar Council.
- c. Copies of court judgments/orders/arbitration awards of the last three/five years in which the applicant has appeared

10. COMMUNICATION OF EMPANELMENT:

After a decision regarding empanelment of Advocates/Law Firms is taken, a communication in writing to this effect will be sent to the shortlisted Advocates/Law Firms as per **Annexure-C** with acknowledgement and acceptance letter. The process of empanelment will be complete when Prasar Bharati receives an acceptance letter from the Advocate/Law Firm.

11. DOUBT/ DIFFICULTY:

If there arises any doubt/difficulty with respect to the implementation/ interpretation of any clause of this document, such doubt/difficulty will be placed before CEO, Prasar Bharati for his consideration and his decision in this regard shall be final and binding.

ANNEXURE 'B'

FORMAT OF APPLICATION FOR EMPANELMENT AS SENIOR PANEL COUNSEL/PANEL COUNSEL OF PRASAR BHARATI

1. Name:
2. Date of birth:
3. Educational qualification :
4. Professional qualifications :
5. Date of Enrolment :
(Please attach a copy of enrolment certificate)
6. Period of practice :
7. Details and areas of experience/practice /achievements :
8. Experience in Govt. Organization/ Supreme Court/High Courts/Tribunals/Lower Court:
9. Achievements, if any :
10. PAN Number :
11. Office Address:
12. Residence Address :
13. Contact Number :
14. E- Mail:
15. A brief note on suitability for empanelment.
16. Details of major decided cases dealt with/contested by the applicant during the last three/five years. (Please enclose copies of court judgments/orders/arbitration awards.)

Declaration:

- i. I/We declare that I have never been penalized by any BarCouncil in any Disciplinary Proceeding.
- ii. I/We agree to abide by the general terms & conditions and other stipulations mentioned at ANNEXURE 'A' to the

Notice.

Signature of Advocate
(Partner in case of Law Firm)

Address (office&residence/chamber)

Tel.No./MobileNo.

Fax No./Email ID

***Note: In case the applicant is a Law Firm, please mention the legal status of the Firm and the required details regarding the partners and associates.**

ANNEXURE 'C'

To

Mr/Ms/M/s.....
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Dear Sir/Madam,

Subject: Empanelment as Sr. Panel Counsel/Panel Counsel of PrasarBharati.

This is with reference to your application dated
for Empanelment as **Sr. Panel Counsel/Panel Counsel** of Prasar Bharati.

We are pleased to inform that your application has been considered favorably and you are advised to give your consent for empanelment on the terms and conditions stipulated in the Notice inviting Applications and Annexures thereto.

You are requested to return the duly signed duplicate copy of this letter indicating your unconditional consent.

Yours faithfully,

(_____)
For and on behalf of Prasar Bharati
Name :.....
Designation:.....
Email id:.....
Contact No:.....