



TATA INSTITUTE OF SOCIAL SCIENCES
V.N. Purav Marg, Deonar, Mumbai 400 088.
(A Deemed to be University under Section 3 of the UGC Act, 1956)

NOTICE INVITING APPLICATION FOR EMPANELMENT OF ADVOCATES

Tata Institute of Social Science (TISS in short), a deemed to be University registered under section 3 of the University Grants Commission Act, 1956 and fully funded by University Grant Commission, under Ministry of Education, Government of India hereby invite applications in sealed envelope from eligible Advocate(s)/Law firm(s) for empanelment to represent the University in legal cases before different Courts of Law in India.

The practicing Advocate(s)/Law firm(s) who are registered with Bar Council of India and respective State Bar Council are eligible for empanelment. The qualification, experience, schedule of fees, other terms and conditions and the application format in which the application has to be made, have been prescribed.

The Advocate(s)/Law firm(s) who are already on the panel of TISS shall cease to be on the panel, after a new panel is finalized against this Notice. Therefore, they are also required to apply afresh in response to this Notice.

SL	Particulars	Details
1.	The Tender ID	TISS/P&A/8 (56)/Adv. Emp/LO/2023
2.	Tender date	01 st December, 2023.
3.	Selection Method	As per Clause 5 of Guidelines.
4.	Earnest Money Deposit (EMD)	Rs. 5,000/- (Rupees Five Thousand Only) Earnest Money Deposit (EMD) shall be deposited by the interested applicant through Demand Draft from any Scheduled Bank in favour of "The Registrar, Tata Institute of Social Sciences" payable at Mumbai.
5.	Performance Security Deposit (PSD)	The Advocate(s)/Law firm(s) selected would be required to furnish a Performance Security Deposit of Rs. 50,000/- (Rupees Fifty Thousand Only), in the form of Demand Draft/ FDR/ Bank Guarantee from any Scheduled Bank in favour of "The Registrar, Tata Institute of Social Sciences" payable at Mumbai. In case the Performance Security is submitted in the form of Bank Guarantee, the same should be valid for a period of 3 (three) months beyond the date of expiry of the empanelment tenure.

6.	Nodal Officer for correspondence and Clarification	The Legal and Public Information Officer, Tata Institute of Social Sciences V.N. Purav Marg, Deonar, Mumbai 400 088 Contact No. 022-25525221. email: law.officer@tiss.edu
7.	Pre-Bid Meeting	A Pre - bid meeting shall be held at 11.00 AM on 06th December, 2023 in Registrar Office, Committee Room, TISS, Mumbai, Main Campus, in which the desirous applicant shall be briefed about the scope of work and the queries will be resolved, if any. All the query will be addressed during Pre-Bid meeting only. No further Query/clarification will be entertained/responded.
8.	Application format/ addendum/clarification (if any)	The eligible practicing Advocate(s)/Law firm(s) must submit the application in the format prescribed in Annexure - A enclosed herewith, along with all supporting documents alongwith Annexure – B duly notarised with Serial number, on Rs. 100/- stamp paper in a sealed envelope and send through registered post to:- The Legal and Public Information Officer, Tata Institute of Social Science, V.N. Purav Marg, Deonar, Mumbai – 400 088. The envelope must be super-scribed with the following:- “Application for Empanelment of Advocate(s)/Law firm(s) to represent the TISS, before different Courts of Law” Addendum/Clarification, if any shall be published on authorised website of TISS.
9.	Last date of receipt of duly filed Application through post	21st December, 2023, till 12:00 p.m.
10.	Opening of Applications	22nd December, 2023 at 14:00 p.m.
11.	The Applicants Presentation and Argument Skill session (Mandatory)	22nd December, 2023 at 14:30 p.m.
12.	Final result of empanelment	To be communicated later to the qualified Advocate(s)/Law firm(s).

Simply receipt of Application for empanelment does not confer any right/ assurance whatsoever; to an applicant that he/she/they will be empaneled on the panel of TISS. Letters to advocate(s)/Law firm(s) confirming their empanelment will be issued by TISS separately.

: 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 empaneling the Advocate(s)/Law firm(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

- a The Advocate or Senior Partner/representative partner/proprietor of the Law firm 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.
- b Continuous practice as an Advocate(s)/Law firm(s) of atleast 5 years in handling Educational Institutes, Universities, Government department, Autonomous bodies, PSU cases in Hon'ble Supreme Court, High Courts and District Courts all over India.
- c Empanelment on atleast two Institute(s)/organisation(s) out of which atleast one should be Government/Semi Government/Autonomous Institute/organisation under Central or State Government.
- d Having good communication skills in English, Hindi and Marathi and good knowledge of law and procedure, both in civil and criminal matters.
- e The Advocate(s)/Law firm(s) should be familiar with various branches of law especially those concerning laws of matters related to Constitutional Law, Central Civil Service Law, Labour and Union Law, Contract Law, Arbitration, Conciliation and Mediation Laws, Criminal Law, Cyber laws, University Grants Commission Act, 1956 and various rules, regulations framed thereunder, Laws concerning Universities in India, etc.
- f Preference shall be given to Advocate(s)/Law firm(s) having more relevant experience and exposure in dealing matters on behalf of Educational Institutes/Universities.

2. Documents to be submitted:-

The Advocate(s)/Law firm(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:

- a School certificate (10th Std.) in support of age of Advocate (Sr. Partner/representative partner/proprietor in case of law firm).
- b Certificates in support of educational qualifications of Advocate (Sr. Partner/representative partner/proprietor in case of law firm).
- c Certificate of Registration with respective State Bar Council and Bar Council of India.
- d Identity card issued by respective State Bar Council.
- e Details regarding representation of other Govt/PSU/Statutory Bodies/Universities etc in below format

Name of Organisation	Number and details of matters handled	Favourable outcome	Unfavourable outcome

- f Documents regarding empanelment with other Organizations including Government/Semi Government/Autonomous Institute/organisation under Central or State Government.
- g Details regarding the cases in which the Advocate was able to get favorable outcome/decision which are reported/referred in reputed legal journals etc.
- h Details of office Infrastructure and number of Associates in addition to office staff.
- i Duly notarized Affidavit – cum – undertaking on Rs. 100/- stamp paper as per format prescribed herein being Annexure – B.
- j Other relevant information, if any.

3. Tenure of Empanelment:-

The initial empanelment will be for two years. Performance of empaneled Advocate(s)/Law firm(s) shall be reviewed on annual basis. However, on completion of the term and satisfactory performance of the Advocate(s)/Law firm(s), the empanelment may be extended from year to year basis by the TISS as per the terms & conditions in effect at the time of renewal. The TISS 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:

- a The fees payable to the empaneled Advocate(s)/Law firm(s) shall be as per schedule of fees being “Annexure – C” attached herewith as amended from time to time.
- b No fixed or any other retainer fee shall be paid to any panel Advocate merely because such advocate has been empaneled.

5. Selection criteria for Empanelment:

The Competent Authority/duly constituted committee of TISS will consider the applications for empanelment on merits after taking into account the following points:

Sr. No.	Criteria	Score
1.1	Applicant's profile	30
1.1.1	Length of Practice and Specialisation	
	Upto 5 years	10
	>5- 20 years	20
	>20 years	30
1.2	The Departments represented in No. of matter	30
1.2.1	Universities:	
	More than 20 matters	10
	Less than 20 matters	07
1.2.2	Educational Institute:	
	More than 20 matters	08
	Less than 20 matters	05
1.2.3	Government Department/PSU:	
	More than 20 matters	07
	Less than 20 matters	04
1.2.4	Private Organisation:	
	More than 20 matters	05
	Less than 20 matters	03
1.3	Favourable outcomes in number of matter mentioned	10
	More than 80%	10
	More than 50% and Less than 80%	05
	Less than 50%	03
1.4	Presentation and Argument Skills	20
1.5	Practical questions related to Institution Administration	10

The Applicants must have to score atleast 50 marks out of 100 marks in above mentioned selection criteria for being considered for empanelment. The TISS may in its discretion set out more criteria in accordance with number of response received.

6. Procedure for Empanelment:

- a The applicant advocate must apply as per the format prescribed by the TISS only. No other format will be entertained.
- b Any application received after the last date prescribed in the advertisement shall not be entertained.
- c No applicant advocate(s)/Sr. Partner of Law firm(s) shall be called for interview/interaction unless he/she satisfies the eligibility conditions and is shortlisted for the same.
- d Depending upon the requirement and number of applications received, TISS reserves the right to shortlist the candidates for empanelment.
- e Merely fulfilling the eligibility criteria will not confer any right on an applicant advocate to be empaneled.
- f The decision of the Competent Authority/duly constituted committee regarding short listing and selection of the Advocate(s)/Law firm(s) shall be final.
- g Canvassing in any form shall be treated as a disqualification. The candidature of such applicants shall be canceled forthwith.
- h A list of shortlisted applicant advocates/law firm with the date, time and venue of interaction session will be uploaded on TISS website i.e. www.tiss.edu
- i The applicant advocate shall bring original documents at the time of interaction with the TISS officials/committee.
- j The list of selected advocates/law firms will be made available on TISS website www.tiss.edu Letter to applicant advocates/law firm confirming their empanelment will be issued by TISS separately.

7. Duties of the Empaneled Advocate(s)/Law firm(s):

- a The Advocate(s)/Law firm(s) shall not advise any party or accept any case against the TISS 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 TISS.

- b Timely appearance of the empaneled Advocate to contest the cases for TISS 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.
- c TISS 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.
- d The assigned matter will be handled by the concerned assignee Advocate(s)/Law firm(s) only and it will not be permitted to engage any advocate of her/his own choice and further, an empaneled Advocate(s)/Law firm(s) shall make no claim that he/she alone should be entrusted with TISS's legal matter (s).
- e 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.
- f The advocates shall accept the terms and conditions of the empanelment as determined by the TISS from time to time.
- g 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)/Law firm(s) from the panel.
- h In cases where on the request of the Union of India, Ministry of Education and University Grants Commission (UGC) is also to be represented, no extra fee shall be paid to the advocate to watch and safeguard the interests of Union of India, Ministry of Education and University Grants Commission (UGC)
- i If required the empaneled 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.
- j 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.

- k Keep TISS 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.
- l Furnish monthly statement about the cases represented by him/her before the concerned courts or any other authority and their outcomes.
- m When any case attended by him/her is decided against the University, the Advocate concerned must give considered opinion regarding the reasons for such adverse order and the advisability of filing an appeal from such a decision not later than 5 working days of the receipt of final order/judgement copy.
- n 30% of the fees payable to the empaneled Advocate/Law firm shall be deducted if the certified copy of the judgment is not handed over to the TISS within three days (excluding the time taken by the court in preparation of the copy) from the date of publication of judgment.

8. Grounds for removal from panel:

- a TISS reserves the right to terminate the empanelment of a Advocate/Law firm with one month's notice in writing without assigning any reason. The empaneled Advocate(s)/Law firm(s) may also discontinue on panel of TISS by serving one month's notice and proper handing over of brief.
- b Giving false information in the application for empanelment;
- c Failing to attend the hearing of the case without any justifiable reason and/without prior information;
- d Not acting as per TISS's instructions or going against specific instructions;
- e Threatening, intimidating or abusing any of the TISS's employees, officers, or representatives;
- f Passing on information relating to TISS's case on to the opposite parties or their advocates or any third party which is likely to cost any damage to the TISS's interests;
- g Giving false or misleading information to the TISS relating to the proceedings of the case;

- h Seeking frequent adjournments or not objecting to the adjournment moved by other party without sufficient reason;
- i 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;
- j Misappropriation of any money or property of the Institute or using or appropriating the same towards his fees without the permission of the Institute;
- k 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;
- l Committing an act that tantamount to contempt of court or professional misconduct;
- m Arrest or detention by the Law enforcement agencies or debarment by the Bar Council.

9. General Instructions:

- a The Advocate(s)/Law firm(s) shall be engaged only in cases where TISS is a necessary party. In matters where TISS is proforma party, the same shall be handled by officers of TISS and Advocates will be engaged if deemed necessary in exceptional cases.
- b The Advocates empaneled in accordance with this notice and guidelines shall not be employees of TISS for any purpose and therefore, shall not be eligible for any benefits available to its employees.
- c The size of the panel and number of Advocate(s)/Law Firm(s) in panel shall be determined by the University based on the requirement and quantum of work.
- d The engagement or allotment of cases or matters to the empaneled 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/law firm or such other circumstances of the case or matter.
- e The Advocate(s)/Law Firm(s) shall accept the terms and conditions of the empanelment as determined by the TISS from time to time.
- f The Advocate(s)/Law Firm(s) shall not advise any party or accept any case against the TISS 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 TISS. If the Advocate / law firm happens to be partner of a firm, it shall be incumbent upon the firms not to take up any case against the TISS in any court of Law / Tribunal / Commissioner/Forum or any case arising out of those cases e.g. appeals and revisions.

- g That the empaneled Advocate(s)/Law Firm(s) (either in person or through an authorized Associate), shall visit the TISS to discuss urgent legal cases/matters whenever called upon by the TISS authorised officials. The Advocate(s)/Law Firm(s) may also be consulted through telephonic call whenever required.
- h That the empaneled Advocate(s)/Law Firm(s) shall send the bills as per approved rates and complete in all respects, preferably within three months from the date of hearing.
- i That the empaneled Advocate(s)/Law Firm(s) when called upon to do so shall assist, as far as possible, the TISS staff.
- j That the empaneled Advocate(s)/Law Firm(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 Vice Chancellor, TISS and his/her decision in this regard shall be final and binding.

Officiating Registrar

Enclosure:

1. Application format for empanelment in TISS (Being Annexure – A, two pages).
2. Affidavit – cum – undertaking on empanelment in TISS (Being Annexure – B, one page)
3. Structure of Fees to be payable to Advocate (Being Annexure – C, two pages).

APPLICATION FORM FOR EMPANELMENT IN TISS

(TO BE FIELD IN BY ALL APPLICANT ADVOCATE)

To

**The Officiating Registrar,
Tata Institute of Social Science,
Deonar, Mumbai – 400 088.**

FORMAT OF BIO-DATA FOR ADVOCATE / LAW FIRMS

1	Name of the Advocate	
2	Name of the Law Firms	
3	Date of Birth	
4	Date of Enrolment, Name of Bar Council (Enclose attested copy of enrolment certificate)	
5	Period of Practice	
6	Details of Experience/Practice	
7	Area of Practice (specialized)	
8	Specialization, if any (constitution / Arbitration/ service law etc.) the details of a few important cases the advocate has dealt with/handled and reported judgment, if any.	

9	Whether Central/State Govt. Counsel/Pleader (indicate period) (with documentary evidence)	
10	Brief list of clients e.g. Govt./Organization/Institutes or Autonomous body/PSUs (Enclose the documentary evidence)	
11	The Courts where the Advocate is regularly practicing (Enclose attested copy of Bar Association Member Certificate)	
12	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.	
13	Date of enrolment as an Advocate and Registration No.	
14	Income tax PAN Number (Enclose copy of PAN Card)	
15	A brief note on suitability for empanelment. (If required please enclosed separate Sheet)	
16	Office Address (copy enclose)	
17	Residential Address (copy enclose)	
19	3 Years Income Tax Return (Enclose the supporting documents)	

Place :-

Date:-

Signature of Advocate & Name:-

AFFIDAVIT – CUM – UNDERTAKING ON EMPANELMENT IN TISS

I, _____, a practising Advocate/Partner of Law Firm, Aged _____
years, Indian Inhabitant, having Office address at
_____, Enrollment

No. _____, do hereby state on solemn affirmation as under:-

- (1) I state and declare that I have read and understood the terms and conditions of Empanelment of Advocates advertised by TISS and accordingly applied for it. I hereby agree to said terms and conditions and will abide by the same.
- (2) I state and declare that whatever information is supplied by me to TISS 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.
- (3) I state and declare that I understand that TISS is deemed to be Pubic 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 inteest in mind.
- (4) I state and declare that I never been penalized / convicted by any bar Council/Court of Law.
- (5) I undertake to maintain absolute secrecy about the case of the TISS as required under the Act, Rule and Regulation there under.
- (6) I state and declare that I agree with the Fee Scheduled notified by TISS.

Deponent

**Structure of fees to be Payable to the University Advocate(s)/Law firm(s) in
Different Courts of Law in India**

SUPREME COURT CHARGES

S. No.	Particulars	Charges (Rs/-)
1.	Drafting of Petition or Counter Affidavit	6,000/-
2.	Supplementary Affidavit or Rejoinder	4,000/-
3.	a For all Effective* hearings/pleadings b For Non – effective** hearing	10,000/- 5,000/- (maximum for 5 hearings in matter)

HIGH COURT CHARGES

S. No	Particulars	Charges (Rs/-)
1.	Drafting of Petition or Counter Affidavit	2,500/-
2.	Drafting of Supplementary Affidavit or Rejoinder	1,000/-
3.	a) For all Effective* hearings/pleadings (b) For Non – effective** hearing	4,000/- 1,100/- (maximum for 5 hearings in matter)

***“Effective hearing” 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” shall mean a hearing where Advocate on record appeared in matter, case is mentioned/called out and it is adjourned with oral direction.**

DISTRICT COURTS / LABOUR COURTS/CONSUMER FORUM / TRIBUNALS

S. No	Particulars	Charges (Rs/-)
1.	a For all Effective* hearings/pleadings b For Non – effective** hearing	2000/- 1000/- (maximum for 5 hearings in matter)
2.	Drafting of Petitions/Written statement/Counter Affidavit	2,000/-
3.	Drafting of Supplementary Affidavit / Rejoinder / Miscellaneous Applications	1,000/-

MISCELLANEOUS CHARGES

S.No	Particulars	Charges(Rs/-)
1.	For holding conference (at University)	2000/-(1500 + 500) Sitting + Conveyance)
2.	Typing charges / Courier / Speed post / Clerk	As per actual bill raised by the Advocate subject to a ceiling of 15% of the drafting charges.
3.	Drafting /Filing of Caveat Petition	2,500/-
4.	For vetting of Agreement/MoU/Lease/ Contract document etc.	4,000/-
5.	For every written Legal Opinion/Legal Notice tendered/sent on request of Institute.	2,000/-
6.	Inspection of files in various Courts/Commissions/Tribunals.	1,000/-