

PRASAR BHARATI
(India's Public Service Broadcaster)
Doordarshan Bhawan, Copernicus Marg
NEW DELHI -110001

No.: 03/21/2024-LC (250580)

Dated: 26th September, 2024

NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF
ADVOCATES IN PRASAR BHARATI

Applications are invited from eligible Advocates practicing in the Courts of Delhi and also located in Delhi, for preparation of a common panel of Prasar Bharati (PB) Counsels for conducting litigations for and on behalf of Prasar Bharati and its constituent verticals before various courts in Delhi/ New Delhi (the Hon'ble Supreme Court of India, the High Court of Delhi, Central Administrative Tribunal (Principal Bench), New Delhi, Central Government Industrial Tribunal (CGIT), District Courts of Delhi and other judicial fora including arbitral tribunals, CESTAT, TDSAT, etc.) in various civil matters (including service & labour matters, commercial disputes, economic offences, etc.).

2. The Advocates who are on the existing panel of DG: Akashwani, DG: DD, Prasar Bharati Secretariat are also required to apply afresh in response to this Notice.

3. It is stated for the information of prospective advocate-applicants that the nature/ subject of litigation of Prasar Bharati and its different verticals pertain to different kinds of matters viz. service, service conditions (government and non-government), media-related contractual disputes (in respect of cultural/ entertainment/ educational content, news, sports events, broadcasting/ digital platforms, signal sharing, revenue sharing, etc), commercial disputes, contracts/ agreements (in respect of construction works, procurement, AMCs, manpower & other services hiring contracts), IPR/ Copyright-related matters, labour, taxation, arbitration, etc. Hence, the advocate-applicant should have sound knowledge and experience of laws in the fields of litigation of Prasar Bharati as enumerated.

4. The number of advocates in the panel of counsels shall be determined by Prasar Bharati based on the number of litigation matters and quantum of legal-related work.

5. The T&C relevant to advocate-applicants (at the time of submission of application) are at *Annexure 'A'* – (i) eligibility criteria for empanelment; (ii) instructions for advocate-applicants; (iii) method of selection.

6. The Application Form is at *Annexure 'B'*.

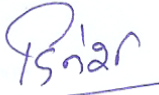
7. The T&C relevant to advocate-applicants on their empanelment are at *Annexure 'C'* – (i) term of empanelment; (ii) services to be rendered by empanelled advocates; (iii) fee; (iv) general terms & conditions of empanelment.

8. Mere submission of applications by the advocate-applicants for empanelment as PB Counsels will not confer any right or assurance that they will be empanelled by Prasar Bharati.

9. Mere empanelment will not confer any right to the empanelled advocates to be entrusted with litigation work by Prasar Bharati and its verticals.

10. Eligible Delhi-based practicing advocates may send their applications by email to vakilpanel@prasarbharati.gov.in in the format prescribed at *Annexure 'B'* to this Notice alongwith all supporting documents.

11. Last date for receipt of applications is **17.10.2024**.


(D.P.Singh)
DDG (Legal)

T&C Relevant to Advocate-Applicants
(at the time of submission of application)

1. Eligibility Criteria - Essential

A. Experience for empanelment as Panel Counsel of PB:

- a) At least 10 years' experience of conducting litigations in Supreme Court of India/ High Courts/ Central Administrative Tribunals/ District courts/ TDSAT/ CESTAT/ Arbitrations/ other judicial and quasi-judicial fora in civil matters/ service/ labour matters/ commercial arbitrations/ copyright & media-related matters/ GST/ Service Tax/ Income Tax matters/ in other fields of law related to PB's cases.
- b) The experience will be counted from the date, the advocate-applicant has commenced practice post-registration in Bar Council as evidenced by the enclosed Court Orders attached with *Annexure 'B'* to this Notice.

B. Bar Council Registration:

The advocate-applicant must be enrolled with any of the Bar Councils of India.

C. Educational Qualifications:

- a) The advocate-applicant must possess a Bachelor's Degree in Law which is the minimum requirement for Bar Council registration and which is conferred by an University/ Institution recognized by the Bar Council of India.

2. Eligibility Criteria - Desirable

A. Experience for empanelment as Panel Counsel of PB:

It is desirable that a certain proportion of the experience of the applicant-advocates should be with respect to conducting litigations during final hearing of cases for which weightage would be given.

B. Educational Qualifications:

Notwithstanding the mandated professional law qualification/ degree as above, weightage would be given to additional professional qualification in different fields of law and to basic law degree acquired from NLUs or academic institutions offering five-year law degree courses.

3. Instructions for Advocate-Applicants

The instructions for Advocate-Applicants for submitting applications (Annexure 'B') alongwith the supporting documents are as under:

- a) All email correspondence may be done only at email ID as given above i.e. at vakilpanel@prasarbharati.gov.in
- b) Submission of the Application Form as given at **Annexure 'B'** to this NIA - in softcopy via email (scanned copy).
- c) Submission of Bar Council Registration Certificate - in softcopy via email (scanned copy).
- d) Submission of documents w.r.t. educational qualifications - in softcopy via email (scanned copy).
- e) Submission of List of Court Cases handled by the advocate-applicant and in which he has appeared/ argued.

- f) Submission of court orders/ judgments in his/her first appearance and those of last five years, in cases handled by the Advocate-Applicant - in softcopy via email (scanned copy).
- g) Submission of court orders/ judgments of final hearings, of last three years, in cases where the advocate-applicant has lead the arguments - in softcopy via email (scanned copy).

4. Method of Selection

- A.** The scrutiny, shortlisting and selection of advocate-applicants for empanelment as PB Counsels shall be done by the competent Committee(s) nominated for the purpose by the Competent Authority.
- B.** The following steps are envisaged to be followed by the competent Committee(s):
 - a) The applications received in response to this NIA will be first scrutinized for compliance. In order, that an Application is considered compliant and complete, it should meet the following pre-requisites and have following enclosures:
 - i. Fulfilling eligibility criteria (para 1 above)
 - ii. Duly signed and filled-in Application Form (*Annexure 'B'* of this NIA) complete in all respects
 - iii. Submission of documents/ attachments as listed in para 3 above.
 - b) Where considered necessary, PB may seek clarifications from the advocate-applicants through email.
 - c) The compliant applications will be scrutinized and ranked after allotting appropriate weightage (marks) to different attributes with respect to the advocate-applicants. The attributes that could be considered for allotting marks/ ranking are:

- i. Area of practice viz. service, commercial (arbitration/ taxation/ contracts, etc.), IPR/ Media
- ii. Appearance in various judicial fora viz Supreme Court, High Court, CAT, district courts, tribunals, etc.
- iii. Years of experience
- iv. Types of clients viz government, corporate, private clients.
- v. Educational Qualifications
- vi. Notable achievements viz. empanelment in different establishments/ courts, AOR in SC, any other distinguished work in the field of law, etc.

Note: Sl no (i) to (iii) above will carry around 60% weightage.

C. If required, PB may invite shortlisted advocate-applicants for personal interaction.

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**Application Form**  
**for Empanelment of Panel Counsel of Prasar Bharati**

Affix recent  
passport size  
photo

| <b>Sl No.</b> | <b>Details</b>                                                                                                                                 | <b>Description</b> |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1.            | Name                                                                                                                                           |                    |
| 2.            | Father's Name                                                                                                                                  |                    |
| 3.            | Date of Birth                                                                                                                                  |                    |
| 4.            | Enrolment no. and name of the Bar Council (refer para 3 (c) of <i>Annexure 'A'</i> )                                                           |                    |
| 5.            | Educational qualification (graduation & thereafter) including law-related professional qualification (refer para 3(d) of <i>Annexure 'A'</i> ) |                    |
| 6.            | Office address (if any)                                                                                                                        |                    |
| 7.            | Residential address                                                                                                                            |                    |
| 8.            | Contact phone number (landline & mobile)                                                                                                       |                    |
| 9.            | Email ID                                                                                                                                       |                    |
| 10.           | Years of Experience/ practice (refer para 3 (e) of <i>Annexure 'A'</i> )                                                                       |                    |
| 11.           | Major field of Specialization/ practice/ Experience                                                                                            |                    |
| 12.           | Additional fields of practice                                                                                                                  |                    |

| Sl No. | Details                                                                                                                                                                                                                   | Description |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 13.    | Court(s) where advocate-applicant is regularly practising<br>a) Period of practice<br>b) Area of practice<br><br>To attach List of Court Cases handled by the advocate-applicant; refer para 3 (e) of <i>Annexure 'A'</i> |             |
| 14.    | Brief list of clients (especially Govt./ PSUs/ Autonomous Authorities)                                                                                                                                                    |             |
| 15.    | Details of important/ major decided cases the Advocate-Applicant has handled and their reported judgments, if any, in the last five years. (refer para 3 (f) of <i>Annexure 'A'</i> )                                     |             |
| 16.    | Details of cases where the advocate-applicant has led the argument in the final hearing in the last 3 years (refer para 3 (g) of <i>Annexure 'A'</i> )                                                                    |             |
| 17.    | Achievements, if any (empanelment in different establishments/ courts, AOR in SC, any other distinguished work in the field of law, etc.)                                                                                 |             |
| 18.    | A brief note on the suitability of empanelment in Prasar Bharati (max. 200 words)                                                                                                                                         |             |
| 19.    | Have you ever been convicted under any law or currently facing any criminal proceedings? If yes, please provide details                                                                                                   |             |



| Sl No. | Details                                                                         | Description |
|--------|---------------------------------------------------------------------------------|-------------|
|        |                                                                                 |             |
| 20.    | Any other relevant information<br>(Separate sheet may be attached, if required) |             |

### **Declaration**

I hereby declare and confirm that all the information provided above is true and nothing has been concealed. I have never been penalized by any Bar Council in any disciplinary proceedings. I agree to abide by the general terms & conditions and other stipulations mentioned in this Notice. I also undertake to maintain absolute secrecy about the work assigned by Prasar Bharati, if empanelled. I further understand that if at any time I am found to have concealed/ distorted any material information or do any act or omission against the interest of Prasar Bharati, my empanelment shall be terminated.

**Signature of Advocate-Applicant**

Place:

Date:

Address:

Tel./ Mobile No.:

E-mail:

**T&C Relevant to Advocate-Applicants on their Empanelment**

**1. Term of Empanelment**

- A. The term of initial empanelment will be for three years or until further orders, whichever is earlier.
- B. Performance of empanelled advocates will be reviewed on annual basis.
- C. 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.
- D. Prasar Bharati reserves the right to terminate the empanelment of any advocate at any time without assigning any reason therefor.
- E. In case of any professional misconduct on the part of the empanelled advocate, Prasar Bharati shall take appropriate action which may include removal from the panel, filing of complaint with Bar Council and action for recovery of financial losses caused to Prasar Bharati. Professional misconduct shall include any of the following:
- Giving false information in the application for empanelment.
  - Failing to attend the hearing of the case without any sufficient reason and/ or prior information and not acting as per Prasar Bharati's instructions or going against specific instructions.
  - Giving false or misleading information to the Prasar Bharati and its constituent verticals relating to the proceedings of the case.
  - Seeking frequent adjournments or not objecting to the adjournments moved by other party without sufficient reason
  - Handing over the brief or matter to another advocate without prior written permission of Prasar Bharati and not returning the Brief when demanded or not allowing or evading to allow its inspection on demand.

- Making any of his associates or juniors to appear on behalf of any opposite parties in cases/ appeal related to Prasar Bharati and 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 Prasar Bharati.
- Committing an act that is tantamount to contempt of court or professional misconduct.
- Conviction of the empanelled advocate in any offence resulting in arrest or detention or disbarment by the Bar Council.

## **2. Services to be Rendered by Empanelled Advocates**

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

- A. To represent Prasar Bharati and its constituent verticals before the Supreme Court, High Court of Delhi, Central Administrative Tribunal (Principal Bench), CGIT, CESTAT, TDSAT, District Courts of Delhi, Arbitral Tribunals and other judicial and quasi-judicial fora in Delhi. Depending upon requirements, they may also be required to represent Prasar Bharati in Courts/ Tribunals outside Delhi.
- B. To examine litigation cases and advise on the course of action to be taken. Where required, relevant records may be called for and/ or conferences held with concerned officials of Prasar Bharati.
- C. To draft legal documents such as replies, petitions, applications, affidavits, caveats, notices, etc. to be filed in various courts/ judicial fora on behalf of PB.
- D. To constantly interact and maintain liaison with concerned officials and Legal Wing of Prasar Bharati for the assigned cases.
- E. To promptly remove/ cure defects in petitions/ appeals/ applications filed before various judicial fora, as may be pointed out by the registry/ arbitrator.

- F. To keep track and apprise PB from time to time of the developments in the assigned cases, filing of papers, dates of hearings and their outcome.
- G. To immediately apply for and obtain copies of pronounced judgments/ orders and provide the same to Prasar Bharati within 3 days from the date of pronouncement of such judgments/ orders (excluding the time taken by the court in preparation of copies).
- H. To necessarily furnish considered legal opinion on further course of action in case of adverse judgments/ orders; giving considered opinions regarding feasibility of filing an appeal.
- I. To submit periodical report pertaining to assigned cases which may be called for by Prasar Bharati from time to time.
- J. To assist government counsels/ counsels where engaged by Prasar Bharati and/ or by Ministry of Information & Broadcasting in or outside Delhi; fees for the same will be determined with the approval of the competent authority.
- K. To perform other legal functions entrusted/ assigned by Prasar Bharati and its verticals during the term of empanelment viz. rendering legal opinion on referred matters, drafting/ vetting of MoUs/ Agreements/ Deeds, etc.

### **3. Fee**

- A. Fee payable to the empanelled Advocates for their services will be as per the fee schedule prescribed by Prasar Bharati through orders issued in this regard from time to time.
- B. 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.
- C. 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 (A) above.

**D.** In exceptional cases, the Competent Authority may approve payment of fee higher than the fee prescribed in the fee structure referred to in para (A) above, if he is satisfied that such higher fee is justified in view of the importance of the matter and efforts involved.

**E.** No retainer fee shall be payable to the PB panel counsels merely because such Advocates have been empanelled.

**F.** The items of work for which fees would be payable at prescribed rates are:

| <b>Sl No</b> | <b>Item of Work</b>                                                                                                                                                                      |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>a)</b>    | <b>Hearings &amp; Appearances In Various Courts/ Tribunals</b>                                                                                                                           |
| i)           | Effective hearing – suits/ writ/ appeals/ petitions/ OA/ CP/ SLP                                                                                                                         |
| ii)          | Effective hearing – identical cases                                                                                                                                                      |
| iii)         | Non-effective hearing - suits/ writ/ appeals/ petitions/ OA/ CP/ SLP (Subject to max 5 such non-effective hearings in a case)                                                            |
| iv)          | Non-effective hearing – identical cases                                                                                                                                                  |
| v)           | Appearances before Registrar (judicial)                                                                                                                                                  |
| vi)          | Appearances before Registrar (Admn) and before judicial fora for misc applications viz. application for leave, adjournment applications, deletion of name of respondent, affidavits, etc |
| <b>b)</b>    | <b>Drafting &amp; Vetting</b>                                                                                                                                                            |
| i)           | Drafting of replies (to Suits/ writ/ appeals/ Petitions/ OA/ CP, etc), of appeals (SLP applications, writ petitions)                                                                     |
| ii)          | Drafting of replies to legal notices, affidavits, compliance-related drafting (Speaking orders), rejoinder, counter affidavit, miscellaneous applications, caveats, etc                  |
| <b>C.</b>    | <b>Before Arbitration Tribunals</b>                                                                                                                                                      |
| i)           | Per Appearance - effective                                                                                                                                                               |
| ii)          | Per Appearance – non-effective                                                                                                                                                           |
| iii)         | Drafting/ vetting of Pleadings                                                                                                                                                           |
| <b>D.</b>    | <b>Outstation Work/ Visit (in addition to applicable &amp; entitled legal fees)</b>                                                                                                      |
| i)           | Travel, Conveyance charges local (outside HQrs) & Daily allowance including Accommodation Charges                                                                                        |
| <b>E.</b>    | <b>Other Miscellaneous Expenses</b>                                                                                                                                                      |
| i)           | Clerkage                                                                                                                                                                                 |
| ii)          | Out-of-pocket expenses (Court fees, amount deposited in courts for obtaining orders, stamps, photocopying, postal charges, etc)                                                          |

| Sl No     | Item of Work                                                                                                                            |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>F.</b> | <b>Other Legal Functions</b>                                                                                                            |
| i)        | Written Opinion/ advice inclusive of consultations/ discussions in cases not entrusted to empanelled advocates                          |
| ii)       | Conferences with PB Officials – on an average 1 for settling of pleadings in each case & max upto 3 in each case of SLP/ Writ petitions |
| iii)      | Drafting of Agreement/ MoUs/ Deeds                                                                                                      |

#### **4. General Terms & Conditions of Empanelment**

- A.** The empanelled advocate/ PB Counsel shall directly and personally deal with the cases and shall not entrust the assigned cases to other advocates or to his/ her junior advocates. The empanelled advocate shall ensure that he/ she attends all hearings, unless there is a justified reason for not attending the same.
- B.** The empanelled advocate shall take all necessary steps to protect the interest of Prasar Bharati. The empanelled advocate shall not resort to unjustified and frequent adjournments; he/ she shall also not fail to object to such adjournments by opposite party.
- C.** The empanelled advocate shall maintain absolute secrecy and confidentiality about cases assigned to him/ her and about all information gathered during the tenure of empanelment.
- D.** The empanelled advocate shall have right to private practice which should not, however, interfere with the efficient discharge of his/ her duties as empanelled advocate of Prasar Bharati.
- E.** The empanelled advocate shall not advise any party or accept any case against Prasar Bharati or Ministry of I&B. The empanelled advocate, after conclusion of his tenure, shall not accept any brief against Prasar Bharati in cases assigned to him/ her during his/ her tenure.

- F.** The empanelled advocate may, at the sole discretion of Prasar Bharati, continue to hold brief in assigned cases even after cessation of his/ her tenure.
- G.** The empanelled advocate shall not use the logo/ name/ symbol of Prasar Bharati in his/ her letter head/ signboard/ name plates, etc.
- H.** This empanelment does not confer any right or claim to the empanelled advocate for being considered as an employee of Prasar Bharati or for further employment in Prasar Bharati.
- I.** The empanelled advocate shall not receive summons/ notices in r/o cases pertaining to Prasar Bharati in courts unless assigned to him/ her. If received, he/ she shall inform Prasar Bharati without loss of time and shall deal with the matter only after *vakalatnama* is given in his favour.
- J.** The empanelled advocate shall promptly return all the files and records/ documents pertaining to assigned cases on cessation of his tenure.
- K.** The empanelled advocate shall promptly submit bills for payment of fees.
- L.** Prasar Bharati shall, at its sole discretion, assign cases – ongoing as well as fresh - to the empanelled advocates. However, the allocation of cases shall be done on equitable basis.

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