

No. 17(21)/2020-PL/NGT

Government of India

Ministry of Environment, Forest and Climate Change

Policy and Law Division

NOTICE INVITING APPLICATIONS FOR EMPANELMENT OF COUNSELS

**REQUIREMENT OF COUNSELS FOR EMPANELMENT TO REPRESENT
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE BEFORE THE
NATIONAL GREEN TRIBUNAL**

The Ministry of Environment, Forest and Climate Change (MoEF&CC) intends to make a panel of Counsels for attending to the legal cases of the Ministry before the National Green Tribunal (NGT) at its Principal Bench at New Delhi and the Zonal Benches at Kolkata, Bhopal, Pune and Chennai.

The Qualification, Experience, Eligibility, Tenure of empanelment, Payment of Fee and other Terms and Conditions and the application format have been prescribed and given in the Guidelines enclosed herewith.

The Counsels on the existing panel of MoEF&CC shall cease to be on the panel of MoEF&CC after the new panel is finalized against this notice. Therefore, they are also required to apply afresh to this notice.

Eligible practicing Counsels may send their applications in the format prescribed in Annexure enclosed herewith along with all supporting documents to the below mentioned address:

The Director,
Policy & Law Division,
Level-III, Jal Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi. 110003.

The last date for receiving applications in the prescribed format along with supporting documents is **26th June, 2020**.

Complete details of the advertisement along with Application Form can be downloaded from the Ministry's website **www.moef.gov.in**

Note: Applying for empanelment with MoEF&CC does not confer any right/assurance whatsoever that an applicant will be empaneled on the panel of MoEF&CC. Intimation to the Counsels confirming their empanelment will be issued by MoEF&CC separately.

GUIDELINES AND TERMS OF REFERENCE FOR EMPANELMENT OF COUNSELS TO REPRESENT THE MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE (MOEF&CC) BEFORE THE NATIONAL GREEN TRIBUNAL (NGT) AT ITS PRINCIPAL BENCH AND ZONAL BENCHES

GUIDELINES FOR EMPANELMENT OF COUNSELS

Following guidelines are to provide and regulate the manner and procedure for empanelling the Counsels to represent and assist the MoEF&CC before the National Green Tribunal and for regulating the referrals of the cases and payment of fee/ remuneration payable to such Counsels. These guidelines shall supersede all existing instructions in this regard, if any.

Definitions:

For the purposes of these Guidelines, the terms used will have the following meaning:

- i. "Counsel" means an advocate, entered in any roll of advocates under the provisions of The Advocates Act, 1961.
- ii. "Competent Authority" shall be the Hon'ble Minister for EF&CC or any officer of the Ministry designated by the Hon'ble Minister for EF&CC.
- iii. "NGT" shall mean the Principal Bench at New Delhi and its Zonal Benches at Kolkata, Bhopal, Pune and Chennai.

1. Qualifications:

Essential:

The Counsel must possess a Bachelor's degree in Law. Bachelor degree in Law means and includes a degree in law conferred by a University recognized by the Bar Council of India.

Desirable:

- i. Specialisation in environment related subject, e.g., Degree/ Diploma/ Certificate.
- ii. Preference will be given to those applicants who have experience in dealing with environment related legal matters.

2. Eligibility/ Conditions for Empanelment

In addition to the qualifications prescribed, the applicants are advised to carefully read and follow the eligibility criteria, tenure of empanelment, fee structure and other terms & conditions specifically mentioned for empanelment of Counsels mentioned herein below:

Eligibility for empanelment:

- i. The Counsel must be enrolled with the Bar Council of India or State Bar Councils.
- ii. The Counsel should have a minimum of seven (07) years' experience/ practice in various Courts and Tribunals.

Other conditions:

- i. The MoEF&CC/ Union of India (UoI) reserves the right to de-empanel any Counsel from the panel at any time without assigning any reason.
- ii. No separate fee will be payable for any miscellaneous application or proceedings taken in the same suit or appeal.
- iii. No fee shall be payable where no legal work is done but the Counsel appears for pending instructions.
- iv. The panel Counsel shall bring to the notice of the Officers concerned of the Ministry and if necessary, to the notice of the Tribunal, the provisions of relevant Acts/ Rules/ Regulations.
- v. The panel Counsel engaged for a case shall be in charge of the case entrusted to him/ her. He/she will be required to advise the Ministry at any time in any matter. He/she will also be required to submit a status report, giving day to day progress in each case, to the Officers concerned of the Ministry on the following day of hearing.
- vi. The Counsels would take all steps in the litigation including acting and pleading and taking execution proceedings where cases are decided in favour of the Ministry and obtaining and advising about the availability of filing an appeal where the cases are decided against the Ministry.
- vii. The panel Counsels will not be paid any retainer fee except the professional fee for conducting the cases.
- viii. No panel Counsel shall appear for parties against the Ministry of EF&CC/ UoI in any Court or Tribunal.

Provided that the Competent Authority may relax the above conditions at its discretion, in certain exceptional cases.

3. Tenure of Empanelment and Payment of Fee:

- i. The initial empanelment will be for a period of **one year** or until further orders, whichever is earlier. The Competent Authority reserves its right to terminate the empanelment of any advocate at any time without assigning any reason.
- ii. The performance of the empaneled Counsels shall be reviewed periodically, every six months. However, on completion of the term and satisfactory performance of the Counsel, the empanelment may be renewed for a period of one year at a time. The maximum tenure of the empanelment would not exceed four (4) years.
- iii. Payment of fee would be as notified by the Ministry from time to time.
- iv. The Competent Authority shall have the right in exceptional cases to approve the payment of a higher fee than the fee notified by the Ministry, keeping in

view the importance of the matter and the labour and efforts put in by the Counsel in a particular case.

4. Documents to be submitted:

The Counsels will be required to furnish an application, with latest passport size photograph, as per the prescribed format given in **Annexure**, along with self-attested copies of the following documents:

- i. Certificates in support of educational qualifications;
- ii. Certificate of registration with the Bar Council of India/ State Bar Councils;
- iii. AIBE Certificate, in case the Counsel was enrolled after 2009, AIBE;
- iv. PAN Card;
- v. Proof of empanelment with other Ministries/ Departments etc.;
- vi. Any other documents regarding experience or achievements etc.

Merely fulfilling the eligibility criteria will not confer any right on any Counsel for empanelment. The decision of the Competent Authority of the Ministry regarding empanelling the Counsels shall be final. Letters and/ or E- mails to Counsels confirming their empanelment will be issued by the Ministry separately. The process of empanelment shall be complete when the Ministry receives an acceptance letter from the Counsel.

5. Duties of the Empanelled Counsels:

- i. The Counsels shall not advise any party or accept any case against the MoEF&CC/ UoI, 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 Government of India.
- ii. Timely appearance of the Counsel to contest the cases in the Tribunal is must. His/ her absence in the Tribunal without any reasonable ground will not be accepted and the Ministry may consider to de- empanel such Counsel.
- iii. The Counsel shall not appoint a "Proxy Counsel" to attend the case in his/ her absence.
- iv. Officer(s) concerned shall send the information to the empanelled Counsels through email/ SMS, regarding entrusting of a case and after receiving email/ SMS, it would be the duty of the empanelled Counsel to collect the brief/ copy of the petition along with entrustment letter from the concerned Division/ Section of the Ministry.
- v. Refusal by any Counsel to accept any work without any reasonable cause (e.g. on grounds of conflict of interest) may entail removal of such Counsel from the panel.
- vi. The Counsels shall accept the terms and conditions of the empanelment without any condition.

- vi. In order to ensure that there is effective check on the cases being conducted, the Counsels on the panel shall report the status of the cases, after each date of hearing. Failure to submit status report will be a ground for removal of the name of the Counsel concerned from the panel.
- vii. The Counsels will be required to keep the Officer(s) concerned informed and updated on all important developments in the designated cases, dates of hearing, order of the Tribunal on the date of pronouncement, supplying copy of judgement etc.
- ix. Each Counsel will be required to furnish monthly statement to the Divisions concerned about the cases represented by him/ her before the NGT and their outcomes, without fail.
- x. Whenever any case attended to by a Counsel is decided against the Ministry/ Union of India, a considered opinion regarding the advisability of filing an appeal from such a decision must be furnished immediately, not later than 7 working days of the order.
- xi. The Counsels shall provide certified copy of the judgement to the Ministry within seven (7) days (excluding the time taken by the Tribunal in preparation of the copy) from the date of judgement.
- xii. The Counsel shall furnish the Bill for payment of Professional Fee on the conclusion of the hearing of the case within a period of 15 days from the date of judgement.

6. Removal from Panel

Empanelment shall stand cancelled automatically due to occurrence of any of the following disablements on the part of the Counsel. No reasons/ justification shall be given by the Ministry in this regard. No correspondence in the matter shall be entertained.

Disablements:

- i. Giving false information in the application for empanelment;
- ii. Failing to attend the hearing of the case without any sufficient reason and/ or prior information;
- iii. Not acting as per the Ministry's instructions or going against specific instructions;
- iv. Handing over the brief or matter to another Counsel without prior written permission of the Ministry;
- v. Not returning the brief when demanded or not allowing or evading to allow its inspection on demand;
- vi. Non-cooperation with the Officers/ Officials of the Ministry or threatening, intimidating or abusing any of the Ministry's employees or representatives.
- vii. Making any of his/ her associates or juniors to appear on behalf of any of the opposite parties in cases / appeal related to MoEF&CC/ UoI;
- viii. Committing an act that tantamount to contempt of court or professional misconduct;
- ix. Passing on information relating to MoEF&CC's case to the opposite parties or

their advocates or any third party which is likely to cause any damage to the MoEF&CC's interests;

- x. Giving false or misleading information to the Ministry relating to the proceedings of the case; and
- xi. Seeking frequent adjournments or not objecting the adjournment moved by other party without sufficient reason.

7. Maintaining of Professional Ethics

During the term of empanelment and thereafter, the Counsels shall maintain confidentiality of the matters pertaining to the MoEF&CC/ UoI. They shall neither advise any party nor accept any case against the MoEF&CC/ UoI during the term.

8. Doubt/ Difficulty

If there arises any doubt/ difficulty with respect to the implementation / interpretation of any clause of these Guidelines, the same shall be placed before the Competent Authority in the Ministry and the decision in the regard shall be final and binding.

Annexure

APPLICATION FORM

Affix recent
Passport size
Photograph

To,

The Director,
Policy & Law Division,
Level-III, Jal Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi – 110003.

Subject: Empanelment of Counsels to represent the Ministry of Environment, Forest & Climate Change (MoEF&CC) before the National Green Tribunal (NGT) at its Principal Bench and Zonal Benches -reg.

Sir,

Reference your Advertisement dated _____ uploaded on the MoEF&CC's website on the subject noted above, I intend to represent the Ministry as Counsel and accordingly request that I may be empanelled to represent the Ministry of Environment, Forest & Climate Change (MOEF&CC) before the National Green Tribunal (NGT) at Principal Bench, New Delhi or Zonal Bench at

My particulars are given below:

1.	Name (CAPITAL LETTERS)	
2.	Father's Name	
3.	Educational/ Professional Qualification	
4.	Date of Birth	
5.	Office Address	
6.	Residential Address	
7.	Mobile No.	
8.	Alternate Mobile No.	
9.	Email ID	
10.	Alternate Email ID	
11.	PAN No.	
12.	Date of enrolment with Bar Council of India/ State Bar Council (Attach copy of enrolment certificate)	
13.	Major field of Specialisation/ practice (ONLY ONE)	

14.	Additional field(s) of practice, if any	
15.	Other achievements, if any	

15. A brief note on the suitability for empanelment with details of important cases the applicant has dealt with/ handled and brief report on the judgement, if any

16. Details of experience with/ practice with other Ministries/ Departments of Govt. of India

UNDERTAKING

1. I undertake to maintain absolute integrity and secrecy about the cases of the Ministry/Union of India.
2. I will abide by the Fee Schedule notified by the Ministry from time to time.

**Signature of Counsel with Seal
Address (Office & Residence/ Chamber)**

DECLARATION

I declare that I have never been penalized by any Bar Council in any Disciplinary Proceedings. I undertake that the information given above is true and correct.

List of Enclosures:

Date:

Place:

**Signature of Counsel with Seal
Address (Office/ Chamber and Residence)**