

## **Inland Waterways Authority of India**

No.8/IWAI/Estt/09/97

Dated: 21.02.2023

### **Advertisement/ Notice**

The Inland Waterways Authority of India (IWAI) a Statutory Body under Ministry of Ports, Shipping and Waterways, Government of India intends to empanel Advocates/ Law firms for representing IWAI and its Regional/Sub Offices before different Courts, Tribunals and Arbitrators and for seeking legal advice/opinion for drafting and vetting of documents, petitions, appeals and replies etc. and other legal issues.

**The Empanelled Law Firms and advocates shall be paid fees in accordance with the fee structure as followed by the Ministry of Law and Justice as on date of empanelment and as amended from time to time.**

**The said Empanelment shall be for a period two years. However, the same may be terminated by IWAI without assigning any reasons.**

IWAI Website [www.iwai.nic.in](http://www.iwai.nic.in) may be visited for eligibility criteria, terms and conditions and fee structure. **(ANNEXURE-A)**

The interested Counsels/Law companies /Firms having adequate experience in dealing with legal matters pertaining to Labour laws/Finance /Commercial/Tender process/ Arbitration / Environmental/ Service matter, may apply in prescribed proforma along with detailed Bio-data/ Curriculum vitae to Assistant Secretary (Legal), Inland Waterways Authority of India, A-13 Sector-1 Noida, UP-201301 within thirty days from the date of release of this advertisement.

IWAI reserves the right to alter the fee schedule and withdraw /cancel this advertisement at any stage/time without any notice or assigning any reason.

SECRETARY

**NOTE: The existing panel of Advocates/ firms need to apply again in pursuance of this Notice/Advt.**

**INLAND WATERWAYS AUTHORITY OF INDIA**

**Subject: Empanelment of Advocates/ Law firms for representing and assisting the Authority before various Courts/ Tribunal etc.- regarding**

The Inland Waterways Authority of India (IWAI) intends to engage/empanel the Advocate(s)/Law Firm(s) for representing IWAI in the different Court(s)/Tribunal(s) to protect its interest, rendering legal advice, drafting of petitions, vetting of legal documents etc.

Interested Advocates/Law Firms may submit their applications in the attached Performa (**Appendix 1 and 2 respectively** ). The details of terms & conditions are as under:-

**1. General**

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

- i. 'Advocate' /'Law Firm' shall mean an advocate, entered in any roll of advocates under the provisions of Advocates Act(Section 25 of 1961).
- ii. 'Authority' shall mean Inland Waterways Authority of India as constituted under Section 3 of The Inland Waterways Authority of India Act, 1985.
- iii. The 'Competent Authority' shall be the Authority or any officer sodesignated by the Authority.
- iv. The 'Court' shall mean and include any Tribunals, Lower Courts, High Court, or Supreme Court.
- v. 'Effective Hearing' shall mean a hearing in which either one or bothor all the parties involved in a case are heard by the court. If the case is only mentioned and adjourned or only directions are given or judgment is pronounced, it would not constitute an effective hearing for the purposes of these guidelines.
- vi. In case of empanelment of Law Firms, all the terms and conditions for empanelment of the Individual Advocates shall apply mutatis mutandis to them.
- vii. If required and considered appropriate by the Competent Authority, Attorney General of India/Solicitor-General of India/ Additional Solicitor General/ Advocate General/Designated

Senior Advocates may be engaged to argue the cases on behalf of the Authority keeping in view the urgency and importance of a particular matter. They shall be engaged on case to case basis with the approval of the Competent Authority.

## **2. Tenure/terms of Empanelment of Advocates and Law firms**

The initial empanelment of the Advocate(s)/Law Firm(s) will be for a period of two years. However, on completion of the term and satisfactory performance of the advocate/law firm, the empanelment may be renewed for a further period as the Authority may decide. The Authority reserves the right to terminate the empanelment of any Advocate(s)/Law Firm(s) at any time without assigning any reasons. The Empanelment, however, shall not construe a right of work being signed to the Advocates/Law firms by IWAI and shall not make them entitled to any Retainership fee.

## **3. Eligibility for Empanelment of Advocates and Law firms**

- i) The Advocate(s)/Law Firm(s) should be familiar with various branches of law especially those concerning Constitutional law, Civil law, Commercial law, Economic laws, Corporate law, Marine law, Environmental Law, Social Security Laws and Arbitration and Conciliation Laws other relevant laws relating to regulation.
- ii) In case of Law firms it shall be mandatory for them to ensure that the Advocate handling the case of IWAI, on behalf of the law firm, has at least a minimum adequate experience of 10 years in the Supreme Court, High Court, Lower Court as the case may be.
- iii) The Advocates are required to have the minimum professional/court practice /Arbitration experience of minimum 10 years for empanelment for various courts viz Supreme Court, High Court & Lower Court.

For considering the advocates and Law Firms for empanelment, those Advocates/Law Firms who are regularly practicing, including Advocates-on-Record of the Supreme Court and those before the High Court, Lower Courts and Tribunals would be considered, if they are otherwise found to be competent and suitable.

However, the Competent Authority reserves the right to relax, any or all of the above conditions, at its discretion.

## **4. Payment of Fee and other Conditions**

The fee payable to the Advocates/ Law Firms shall be governed by

the Schedule of Fee in the line of fee structure as followed by the Ministry of Law and Justice, Govt of India as given at **Appendix-3** with terms and conditions as amended from time to time.

## **5. Procedure for Empanelment**

The Competent Authority will consider the bio-data for empanelment only on merit after due notice in this regard is published on the website of the Authority. While considering the request from the advocates, following points shall be considered: -

- i. Length of practice and specialization in the area of law concerning the Authority. Number of successful handling of court cases.
- ii. Proper and adequate infrastructure of an advocate/law firm, such as office premises, number of junior advocates, assistants, clerks, mobile phone, fixed phone, internet connection, etc.
- iii. Annual income-tax return filed with the Tax Authorities.
- iv. Track record and integrity.
- v. If considered necessary, an enquiry in the respective Bar Council/ Bar Association about the claims and conduct of the advocate/Law firm to be empaneled can also be made and credentials verified by IWAI.
- vi. If the advocate/Law firm is empaneled by other regulators/ organizations, opinion of those organizations may be obtained by IWAI.

The above list is illustrative and not exhaustive. The Competent Authority may also consider any other factor relevant for the said empanelment.

## **6. Documents to be obtained from the Advocate/Law Firm s**

The Advocates/Law Firms will be required to furnish their Bio-data as per the format given in **Appendix-1 and 2**. The attested copies of the following documents are required to be submitted with application:

- i. High School certificate in support of age in case of Advocates and Registration Certificate in case of Law Firms.
- ii. Registration with Bar Council in case of Advocates.
- iii. Identity card issued by Bar Association/ Bar Council in case of Advocates.
- iv. Copies of empanelment with other Organizations
- v. Certificates in support of educational qualifications of the Advocate.
- vi. An undertaking from the Advocate/Law firm to the effect that all information furnished by them is correct.

## **7. Communication of Empanelment**

After a decision to empanel the advocate(s)/ Firm(s) is taken, a communication in writing to this effect shall be sent to the Advocate/Law Firm as per **Appendix-3**. The process of empanelment shall be complete when Authority receives an unconditional acceptance in writing from the Advocate/Law Firm.

## **8. Right to Private Practice and Restrictions**

(i) An Advocate/Law firm shall have the right to private practice which should not however, interfere with or be in conflict with the efficient discharge of his duties as an empaneled advocate /Law Firm of the Authority.

(ii) Law Firm/Advocate shall not advise any party or accept any case against the Authority in which he /they has/have appeared or is likely to be called upon to appear or advice.

(iii) If the advocate happens to be a partner of a firm of lawyers or solicitors, it will be incumbent upon the firm not to entertain any case against the Authority arising in any court.

(iv) The Advocate or the Law firm represented by the advocate should not have any of the regulated entity as their client during any time within a period of 5 years from the date of issue of this notice.

## **9. Disablements**

Disablement on the part of the Advocate shall mean and 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 Authority;
- iii. Failing to attend the hearing of the case without sufficient reason and prior information or

Not acting as per Authority's instructions or going against specific instructions or

Not returning the brief when demanded or not allowing or evading to allow its inspection on demand;

- iv. Misappropriation of the Authority's funds or earmarking the same towards his fee without Authority's permission;
- v. Threatening, intimidating or abusing any of the Authority's employees, officers, or representatives;
- vi. Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/ appeal related to Authority's without permission,

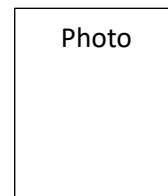
- vii. Committing an act tantamounting to contempt of Court or professional misconduct;
- viii. Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council;
- ix. Passing on information relating to Authority's case on to the opposite parties or their advocates which is likely to cause damage to the Authority's interests;
- x. Giving false or misleading information to the Authority with regard to the proceedings of the case; and
- xi. Frequent adjournment being obtained or not objecting to the adjournment moved by other party without sufficient reason.

Empanelment shall be liable to be cancelled due to occurring of any of the above on the part of the Advocate.

#### **10. Removal of Difficulty**

In the matter of implementation of these guidelines, if any, doubt or difficulty arises regarding the interpretation of any of the clauses of these guidelines, the same shall be placed before the Authority and the decision of the Authority thereon shall be final.

FORMAT OF BIO DATA FOR ADVOCATE



1. Name of the Advocate
2. Date of Birth (Age as on 01-12-2022)
3. Educational Qualifications
4. Date of Enrolment and name of the Bar Council (Enclose copy of enrolment certificate)
5. Period of Practice
6. Details of Experience/Practice/Number of successful handling of court cases
7. Area of Practice
8. Specialization, if any

(Details of a few important cases the Advocate has dealt with /handled and reported judgment, if any)

9. Whether a Central Govt. Counsel/Pleader (indicate period)
10. Brief list of clients, (for e.g., Govt./PSUs/ Commissions/ Autonomous Authorities)
11. Courts where the Advocate is regularly practicing (Enclose Bar Association Membership Certificate)
12. Date of enrolment as an Advocate-on-record of the Supreme Court of India and Registration Number
13. PAN Number
14. Experience in matters pertaining to Labour laws/Finance /Commercial/Tender process/ Arbitration / Environmental/ Service matter / Competition Law ( which may contain a brief note on suitability for empanelment)

Declaration

I declare that I have never been penalized by any Bar Council in any disciplinary proceedings. I also undertake to maintain absolute secrecy about the cases of the Authority.

Signature of Advocate

Name

Address (Office/Residence and Chamber)

Mobile No.

E-mail:

## FORMAT FOR LAW FIRM

1. Name of the Law Firm
2. Date of registration of the Firm
3. Details of experience
4. Area of Practice
5. Specialization, if any

(Details of a few important cases the firm has dealt with/handled and reported Judgment, if any)

15. Brief list of clients, for e.g., Govt/ PSUs/ Commissions/Autonomous authorities
16. The Courts where the Advocates of the Firm are regularly practicing
17. Date of enrolment as Advocate(s) on-record of the Supreme Court and Registration No. ( if having AOR in the Firm)
18. Name of the Advocate, period of practice, details of important cases handled and details of Aviation and other regulatory matters dealt with by Advocate(s)
19. PAN number
20. Details of fees for different professional services ( fees may be quoted as per the terms and conditions stipulated in this notice)
21. Experience in matters pertaining to Labour laws/Finance /Commercial/Tender process/ Arbitration / Environmental/ Service matter matters ( with a brief note on suitability for empanelment )

Yours faithfully

(Authorized Signatory)  
Address (Office and Chamber)  
Mobile No.  
Email:-