



राष्ट्रीय पुस्तक न्यास, भारत

मानव संसाधन विकास मंत्रालय, भारत सरकार

NATIONAL BOOK TRUST, INDIA

Ministry of Human Resources Development, Govt. of India

Nehru Bhawan, Plot No.5, Institutional Area

Phase-II, Vasant Kunj, New Delhi-110070

NOTICE

National Book Trust, India (NBT) invites sealed applications (proposals) for engagement of an advocate on monthly remuneration basis for defending/filing court matters before various courts such as Hon'ble Supreme Court, various High Courts other lower courts, Central Administrative Tribunals (CAT), other statutory bodies, Arbitration institutions International bodies and alternative Dispute *Redressal* Forums on behalf of National Book Trust, India [NBT].

The documents containing the terms & conditions can be obtained from the office of the Assistant Director (Estt.), Nehru Bhawan, 5 Institutional Area Phase-II, Vasant Kunj, New Delhi-110070) **from 27/07/2020 to 16/08/2020** between 9:30 a.m. and 5:00 p.m. Document may also be downloaded from NBT's website.

Any modification/ compendium in the tender documents will be put up on NBT's website i.e. www.nbtindia.gov.in , applicants are advised to check NBT's website on regular basis for the same.

**EXPRESSION OF INTEREST FOR HIRING ADVOCATE ON RETAINERSHIP/ MONTHLY
REMUNERATION BASIS**

Expression of Interest (EOI) for engagement of advocate for defending/filing court matters on monthly remuneration basis before various courts such as Hon'ble Supreme Court, various High Courts other lower courts, Central Administrative Tribunals (CAT), other statutory bodies, Arbitration institutions International bodies and alternative Dispute Redressal Forums on behalf of National Book Trust, India [NBT]

National Book Trust, India

Ministry of Human Resource Development of India
Nehru Bhawan, 5 Institutional Area
Phase-II Vasant Kunj,
New Delhi-110 070
Ph. No.011-26707700.

E-mail: office.nbt@nic.in **Website:** www.nbtindia.gov.in

1. National Book Trust, India has been established under Societies Registration Act XXI of 1860 fully funded and established by Ministry of Human resource Development, Govt. of India. It is governed by Memorandum of Association Rules" and Regulations (Bye Laws). The objectives of the NBT are to produce and engage the production of good literature in English, Hindi and other Indian Languages and to makes such literature available at moderate prices to the public and to bring out book catalogues arrange book fairs/exhibition and seminars and take all necessary steps to make the people book minded.
2. National Book Trust, India intends to engage reputed advocate on monthly retainership basis for defending/filing legal matter in court on behalf of NBT before Hon'ble Supreme Court, various High Courts Lower Courts. Central Administrative Tribunals before other statutory bodies/ arbitrations. International agencies, before Arbitration dispute redressal forums and giving legal opinions etc.
3. The detailed EOI document indicating the scope of work, qualifying requirement, forms and process for submission of proposal for EOI can be obtained from Assistant Director (Establishment), National Book Trust, India, Nehru Bhawan, 5 Institutional Area Phase-II, Vasant Kunj, New Delhi-110070) **on or before 16/08/2020 between 9:30 a.m. and 5:00 p.m.** Duly filled-in application along with all will supporting documents may be dropped in the "Tender Box" placed at the main gate of National Book Trust, India, Nehru Bhawan, 5 Institutional Area Phase-II, Vasant Kunj, New Delhi-110070 **on or before 16/08/2020 till 5:30 p.m.** NBT reserves the right to accept or reject any or all the offers at any stage of the process without assigning any reason thereof and no claim/dispute in this regard shall be entertained.

(Ashish Chowdhury)
Assistant Director (Estt.)
National Book Trust, India

ABOUT NATIONAL BOOK TRUST, INDIA

The National Book Trust, India is an apex body established by the Government of India (Department of Higher Education, Ministry of Human Resource Development) in the year 1957. The objectives of the NBT are to produce and encourage the production of good literature in English, Hindi and other Indian languages and to make such literature available at moderate prices to the public and to bring out book catalogues, arrange fairs/exhibitions and seminars and take all necessary steps to make the people book minded.

OBJECTIVES of NBT:

- a) to produce and encourage the production of good literature, and to make such literature available to the public at moderate prices;
- b) In furtherance of the above objective to publish more particularly books of the following types in English, Hindi and other languages recognized in the Constitution of India:
 - i) The classical literature of India;
 - ii) Outstanding works of Indian authors in Indian languages to another;
 - iii) Translation of outstanding books from foreign languages;
 - iv) Outstanding books of modern knowledge for popular diffusion;
- c) to bring out book lists, arrange exhibitions and seminars and take all necessary steps to make the people book minded;
- d) to establish or promote the formation of regional Book Trusts in different parts of the country with objectives similar to those of the Trust;
- e) to take over or amalgamate with any other Society, Trust, Institute or Association, having objects wholly or in part similar to the objects of the Trust, and to aid any such existing institution in such manners as the Executive Committee of the Trust may think fit;
- f) to acquire by gift, purchase, lease or otherwise any property, movable or immovable, which may be necessary or convenient for the purposes of the Trust and to construct, alter and maintain any buildings for purposes of the Trust;
- g) to draw, make, accept, endorse, discount and negotiate Government of India and other promissory notes, bills of exchange, cheques and other negotiable instruments;
- h) to invest the funds of the Trust in such securities or in such manner as may, from time to time, be determined by the Executive Committee and, from time to time, to sell or transfer such investments;
- i) to sell, transfer, lease, or otherwise dispose of all or any property of the Trust;
and
- j) to do all such things as the Trust may consider necessary, incidental or conducive to the attainment of the above objects.

1. SCOPE OF WORK

NBT being an autonomous body under the Ministry of Human Resource Development, Govt. of India may be implicated by business related to NBT, India, any individual or NGO or any employee of the NBT, India who is aggrieved of any of the provisions of Rules/Regulations made there under or any of the policy of the NBT, or aggrieved of any service conditions framed by NBT, India or aggrieved of any order passed by NBT, India or they may be made as party respondents to defend their stand before the Hon'ble Supreme Court, various High Courts and Central Administrative Tribunals or any other court of law. NBT, India therefore is expected to defend all such kind of cases before various Courts of law across the Country. The candidate/ applicant selected by the expert committee will be required to make appearance before the court, prepare reply affidavit for and on behalf of NBT, India, file the same before the court of law and defend the matter before courts of law. The advocate may also be required to submit his legal opinion on the issue or on such other miscellaneous work related to court matters.

The National Book Trust, India, therefore, invites proposals from experienced Advocates to submit their monthly fee/ remuneration for the work to be carried out like defending matters on behalf of UOI/ NBT, India before various courts, preparation of draft reply affidavit to be filed in cases and other miscellaneous petitions before court of law; to give legal opinion or vetting of legal documents prepared by NBT and to assist the NBT, India in court matters.

2. Objective of the assignment

National Book Trust, India intends to engage specialized advocate involved in legal work under Advocates Act of repute for assisting NBT, India and defending court cases on behalf of NBT/ UOI, before Supreme Court/Variou High Courts/Central Administrative Tribunals or any other Court of competent jurisdiction including special courts, CBI court, criminal trials Adjudicating officers under NBT Rules and Regulations.

3. Description of work

The advocate would be required to carry out the activities indicated below: -

Preparation of draft replies, para wise comments, affidavits to the Writ Petitions or Similar legal /quasi legal petitions filed before Courts of Law.

- To prepare draft appeal as well as legal vetting to be filed before court of law against any order/judgment, injunctions of lower court/Tribunal/High Court etc. and after finalization, file the same before the appropriate court(s).
- Give legal opinion on specific legal matters referred to by the NBT, India and/ or its officials on a matter involving a point of law including any subordinate legislation.
- As and when required, defend NBT before various courts of law.
- Act as prosecutor before an arbitrator as well as draft Arbitration proceedings before an Arbitrator, in which NBT, India is a party.

- Handle labour related matters in the labour courts, industrial tribunals and other similar Tribunals.
- Prepare notices including on misleading claims/misbranding of NBT titles and issues related to misleading advertisements and on Intellectual property owned by National Book Trust, India to act as an attorney for and on behalf of NBT, India as required.

4. Applicant Status

The applicant should be an Individual, can execute legal work across the Country. Applicant must have extensive experience in similar type of work and meet the qualifying requirements as stipulated below. The evaluation would be based solely on the merit of the applicant and not on lower quote.

- The individual should have 5 years' experience in handling court cases under the provisions of service on behalf of Govt./semi Govt./Corporate or any other reputed organization and should also have adequate exposure to copy right, IT, International law, agreement issues etc. Documentary evidence and details to be provided to support the experience.
- Should be willing as well as capable of working with NBT, India for next 3-5 years for successful execution of the work, so assigned.
- Should be aware about the copy right laws, rules and regulations of service matters, International agreement/Treaties like CODEX/World Trade Organisation/UNESCO other UN bodies
- The applicant should furnish an undertaking to the effect that the individual or firm has not been black listed in India or abroad by government or any other organization in any form.
- The applicant will follow various provisions of Advocates Act and abide by the Secrecy clause.

5. Authorized Signatory

The "Applicant" mentioned in the EOI document shall mean the person who has signed the EOI documents. The applicant should be the duly Authorized Representative for all certificates and documents (including any clarifications sought and any subsequent correspondence) received, shall, as far as possible, be furnished and signed by the Authorized Representative.

6. Availability of EOI documents

The EOI document can be obtained from Assistant Director (Estt.), National Book Trust, India, Ministry of Human Resource Development of India, Nehru Bhawan, 5 Institutional Area,

Phases-II Vasant Kunj, New Delhi- 110 070. The EOI document can also be downloaded from NBT, India website at www.nbtindia.gov.in which can be submitted along with the manner indicated above at the time of proposal submission.

7. Submission of Proposal

The sealed envelope, containing proposal complete in all respect and super subscribing on top “**EOI for Engagement of Advocate on Retainership Basis**” may be dropped in the Tender Box placed at Main Gate of National Book Trust, India, Ministry of Human Resource Development, Govt. of India, Nehru Bhawan, 5 Institutional Area, Phase-II, Vasant Kunj, New Delhi- 110070 **on or before 16/08/2020.**

8. Documents to accompany EOI

The applications shall be accompanied with the following documents:

- Expression of Interest.
- Details of individual with educational qualification and experience in similar type of work in **Annexure I.**
- Details of lump-sum fee quoted for drafting/effective hearing at Supreme Court/ High Court/Tribunal/Lower Court in **Annexure II** on monthly retainership/ remuneration basis.
- Any other information sought in the scope of work.

9. Amendment to EOI

At any time, prior to the last date of receipt of proposals, NBT may for any reason, whether at its own initiative or in response to a clarification requested by a prospective applicant, modify the EOI document by an amendment. In order to provide prospective applicants reasonable time in which to take the amendment into account in preparing their proposals, NBT may, at its discretion, extend the last date for the receipt of proposals and/or make other changes in the requirements set out in the EOI.

10. Technical Presentation

Once shortlisted, if required, the shortlisted Advocate may be asked to make a presentation in NBT at a short notice and can be called for discussion and interaction etc.

11. Rejection of EOI

The application is liable to be rejected if:

- a) The application is not covered in proper sealed cover with superscription as indicated in Para 7 above.
- b) Not in prescribed form and not containing all required details/ supporting documents.
- c) Not properly signed.
- d) Received after the expiry of due date and time.
- e) Offer is received by fax, telegram or e-mail etc.

12. RIGHTS OF NBT;-

NBT, India shall have right to engage another or other Advocate/(s) including Service/(s) of Law Officer/(s) of the Country to defend the matters on behalf of NBT at its own discretion. Services of advocate, once engaged/empanelled, may be discontinued by NBT at any time at the discretion of competent authority of NBT without giving any reason/notice thereof.

13. Disclaimer

13.1 NBT shall not be responsible for any late receipt of EOI for any reason whatsoever. The EOI received late will not be considered and returned unopened to the applicant.

13.2 NBT reserves the right to reject any or all EOI/applications without assigning Any reasons thereof and to relax / waive any of the conditions stipulated in this document as deemed necessary in the best interest of NBT without assigning any reasons thereof or to include any other item in the Scope of work at any time after consultation with applicants or otherwise.

14. PRE-QUALIFICATION CRITERIA

14. Preliminary examination for the applications

14.1 National Book Trust, India shall examine the applications to determine whether they are complete in all respect, whether the documents have been signed as indicated in the documents, whether all Forms as asked have been filled in properly, whether applications are generally in order and all information as indicated under various clauses have been furnished.

14.2 NBT reserves the right to waive minor deviations in the proposal /application, if they do not materially affect the capability of applicant to perform the assignment.

14.3 Prior to detailed evaluation formalities, NBT shall determine the Substantial responsiveness of each application to the Invitation documents. A substantially responsive proposal is one which conforms to all the terms and conditions of the Invitation document without any material deviation. A material deviation is one which limits in any way responsibilities and liabilities of the applicant or any right of the employer as required in this document. NBT, India may waive any minor infirmity or non-conformity in an application which does not constitute material deviation. Non-responsiveness shall run the risk of rejection.

14.4 The evaluation shall be carried out on the basis of data available in the application/documents received from the Advocate in the first instance. No account will be taken of any further documents or clarifications or any such additional information furnished subsequently by the individual. However, NBT, India reserves the right to call for such clarifications confined in scope to the contents of the application, should such a clarification become necessary for proper judgment in evaluation.

15. Eligibility

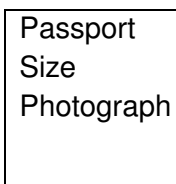
The applications will be screened on the basis of the following essential eligibility criteria: -

- 15.1 The individual should have minimum 5 years' experience in handling service matters and contractual employment direct/through agency before the respective court and adequate exposure to copy right agreement, IT/cyber law International laws issues. Documentary evidence and details to be provided to support the experience.
- 15.2 Should have technically qualified and experienced in-house resources.
- 15.3 The Advocate shall have the ability to collect relevant data/information required for the purpose without imposing any responsibility on the NBT whatsoever.
- 15.4 Should be willing to work with NBT for successful execution of the Work and to complete the works as assigned, to the logical conclusion.
- 15.5 The applicant should furnish an undertaking to the effect that the individual has not been black listed in India or abroad on issues related to legal documentation, court cases, legal advice etc.
- 15.6 Applicant must state the Court (Supreme court/High Court/other Court) where he will handle NBT cases. A general statement of experience in handling cases in all / any court will not be accepted.

17. Selection Criteria

Application will be screened by expert committee nominated by the Competent Authority of the Trust. The suitable candidate will be called for interaction, selection will be on the basis of merit, experience and professional capabilities and decision of the Competent Authority of NBT will be final.

BIO DATA OF ADVOCATE



1) Name & Address with Ph. (/Mobile)_____

2) Date of birth, Age _____

3) Educational qualifications Bachelors Masters etc. _____

4) Date of Enrollment, Name of Bar Council _____
_____(Enclosed copy of enrolment certificate)

5) Senior/Firm the Advocate was associated with earlier _____

6) Period of practice _____

7) Area of practice _____

8) Specialization, if any (constitution/taxation/ labour laws etc.) Optional: The details of a few important cases the Advocate has dealt with/handled and reported Judgment if any for NBT records. _____

9) Whether represented Union of India (indicate period) _____

10) Brief list of clients who are Govt. organizations/Corporations/PSUs/any other reputed organization _____

11) The courts where the Advocate is regularly practicing _____
_____(Enclosed Bar Association Membership Certificate)

12) Date of enrolment as an Advocate – on – record of the Supreme Court and Registration no. _____

13) Income Tax PAN Number _____

14) Computing skill _____

I declare that no Disciplinary Proceedings have ever been initiated against me before any Bar Council.

Signature
Address (office & residence/chamber)

ANNEXURE – II

To,

Date:

Assistant Director (Estt.)
National Book Trust, India
Nehru Bhawan, 5 Institutional Area
Phase-II Vasant Kunj,
New Delhi-110 070

Sub: - Submission of Expected fee.

PROFORMA FOR MONTHLY RETAINERSHIP FEE
PROFESSIONAL FEE

Brief Description (Experience) in years	Monthly Lump-sum Retainership Fee expected (all inclusive) for all cases

NOTE:- The selection will be based on merit and experience and the professional fee will be decided by the Competent Authority of NBT.

Signature of
Applicant/Advocate

Name:

Address: