

Memo No. D-16022/01/2023/NMC/Admn

DATE: 23rd May 2023

**EXPRESSION OF INTEREST (EOI) INVITING APPLICATIONS FOR
EMPANELMENT OF ADVOCATE(S) AS STANDING COUNSELS**

General Info regarding NMC

1. The National Medical Commission (NMC) has been constituted by an Act of Parliament known as National Medical Commission Act, 2019 which came into force on 25.09.2020 by Gazette Notification dated 24.09.2020. The Commission consists of four Autonomous Boards, namely Under-Graduate Medical Education Board (UGMEB), Post-Graduate Medical Education Board (PGMEB), Medical Assessment and Rating Board (MARB) and Ethics and Medical Registration Board (EMRB). The Commission grants recognition of medical qualifications, gives accreditation to medical institutions, grants registration to medical practitioners, and monitors medical practice, and assesses the medical infrastructure in India.

Proposal to engage Standing Counsels

2. The National Medical Commission invites application for engagement of Standing Counsels to represent it in the Hon'ble Supreme Court, High Courts and their Benches all over the country and at other Legal fora, rendering legal advice, drafting of petitions / counter affidavits and vetting of legal documents, etc. For further details, kindly refer Schedule-III underneath.

Detailed info regarding submission of Application etc.

3. The EOI document containing detailed eligibility criteria and the format for application can be perused/downloaded from the website of NMC at www.nmc.org.in (What's New).

Manner of submitting Application

4. The interested Advocate (Candidate) must apply on the format prescribed by the NMC only (**Annexure "A" & "B"**). No other format will be entertained.

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5. The last date for submission of applications is 23rd June 2023. Applications received in NMC after due date shall not be entertained.

Selection Procedure

6. The procedure for selecting Standing Counsels shall be, as far as practicable, as follows:
 - a) Applications received shall be scrutinized by a Screening Committee.
 - b) Once approved by the Competent Authority, the shortlisted candidates shall be interviewed by physical/virtual mode, at the discretion of the Competent Authority.
 - c) NMC reserves the right to increase or decrease the vacancies without assigning any reason.

Note: *It may be noted that even shortlisting or selection by itself shall not confer any right whatsoever in this regard in favour of the Applicant.*

Sd./-
Secretary
National Medical Commission

SCHEDULE - I**NUMBER OF REQUIRED POSITIONS OF STANDING COUNSELS**

S.N.	Supreme Court/High Court/Bench	No. of positions
1.	Supreme Court of India, New Delhi	4
2.	High Court of Andhra Pradesh, Amaravati	3
3.	High Court of Karnataka	
	Bengaluru Bench	2
	Dharwad Bench	2
	Kalburgi Bench	2
4.	High Court of Kerala	2
5.	High Court of Madras	
	Principal Bench at Chennai	5
	Madurai Bench	4
6.	High Court of Telangana at Hyderabad	2
7.	High Court of Delhi at New Delhi	5
8.	High Court of Allahabad	
	Allahabad Bench	2
	Lucknow Bench	2
9.	High Court of Punjab & Haryana at Chandigarh	2
10.	High Court of Uttarakhand at Nainital	1
11.	High Court of Himachal Pradesh at Shimla	1
12.	High Court of Jammu & Kashmir & Ladakh at Srinagar	
	Srinagar	1
	Jammu	1
13.	High Court of Rajasthan	
	Jodhpur Bench	2
	Jaipur Bench	2
14.	High Court of Bombay	
	Mumbai Bench	2
	Aurangabad Bench	2
	Nagpur Bench	2
	Goa Bench at Panaji	2
15.	High Court of Gujarat at Ahmedabad	2
16.	High Court of Madhya Pradesh	
	Jabalpur Bench	1
	Indore Bench	1
	Gwalior bench	1

17.	High Court of Guwahati: High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh.	
	Guwahati Bench	1
	Itanagar Bench (State of Arunachal Pradesh)	1
	Kohima Bench (State of Nagaland)	1
	Aizwal Bench (State of Mizoram)	1
18.	High Court of Jharkhand at Ranchi	1
19.	High Court of Calcutta at Kolkata	
	Kolkata	2
	Circuit Bench at Port Blair	1
	Circuit Bench at Jalpaiguri	1
20.	High Court of Orissa at Bhubaneswar	1
21.	High Court of Patna	2
22.	High Court of Chhattisgarh at Bilaspur	2
23.	High Court of Sikkim at Gangtok	1
24.	High Court of Tripura at Agartala	2
25.	High Court of Manipur at Imphal	1
26.	High Court of Meghalaya at Shillong	2

SCHEDULE-II

TERMS AND CONDITIONS OF THE EMPANELMENT

1. Eligibility for Empanelment

- i) The Advocate should be registered with the concerned State Bar Council;
- ii) He/She must have passed the All India Bar Examination(AIBE), if Applicable;
- iii) He/She should not be less than 35 years and should not be exceed more than 70 years of age as on 01.05.2023;
- iv) The Advocate must have 100 appearances before Supreme Court / High Court in last 3 years.
- v) The Advocate should possess minimum experience of 10 years in handling cases pertaining to Constitutional / Civil / Criminal / Educational Institutions matters and etc. at High Court. An Advocate on Record (AoR), Supreme Court of India having minimum experience of 10 (Ten) years required for the empanelment for Supreme Court of India. The preference will be given to those Advocates who have experience in handling Medical Institution / Medical Negligence matters;
- vi) The priority/preference may be given to the Advocate, who has experience of handling court cases of Government Organizations / Institutions / Govt. Departments / PSUs.
- vii) The Competent Authority may relax the eligibility conditions in deserving cases.

2. Undertaking by the Selected Candidate

When selected, the candidate shall have to submit an undertaking that he shall not accept brief against the NMC whether in same court or any other Court whatsoever. The Specimen of the Declaration-cum-Undertaking is given at **ANNEXURE-B**.

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3. Tenure of Empanelment/Engagement

The term of engagement/empanelment will be for a period of three (3) years or until further orders, whichever is earlier. The term of engagement may be extended further on the basis of performance of the Counsel at the discretion of the Competent Authority.

4. Fees and other conditions

- i) No retainer fee will be paid to any of the empanelled Advocate.
- ii) The fee payable to the Advocates shall be governed by the Guidelines for engagement and determination of Professional fee of the Counsels of the NMC bearing no. L-11011/01/2023/NMC/Legal/014627 dated 23.03.2023 issued by the NMC (available at www.nmc.org.in) (What's New).

5. Termination

- a) The Competent Authority reserves the right and discretion to remove any Standing Counsel without assigning any reason.
- b) In case, the Counsel want to discontinue or resign from the engagement, he/she shall give an advance notice of two months to the Competent Authority.

6. Other terms and conditions

- i) The Advocate will be engaged on case-to-case basis and the allocation of work will be decided by NMC. The Advocate will take necessary steps to protect the interest of the NMC in matters entrusted to him from time to time.
- ii) Empanelment does not confer any right or claim that the Advocate shall alone be entrusted with the work of NMC.

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- iii) NMC reserves the right to engage any other Advocate or Government Law Officer in case of need.
- iv) The Advocate shall keep NMC informed regarding the developments in the matters entrusted to her/ him.
- v) In case of any misconduct, the Competent Authority may take appropriate action against the Advocate which includes filing complaint with the concerned Bar Council and recovery of financial loss caused to the Commission due to misconduct/omission of the Advocate.
- vi) In case of any doubt relating to the above terms and conditions and in respect of any item not covered by the above terms and conditions, the decision of NMC shall be final and binding.

7. Confidentiality

The engaged Advocate shall maintain absolute secrecy and confidentiality about the cases of the NMC and any other sensitive information acquired by him/her during the course of defending the NMC in various forums or otherwise.

8. Submission details

Only one application that too for a particular Court/Bench where the Applicant is ordinarily practicing will be accepted from an Advocate against the EOI.

SCHEDULE – III
SCOPE OF SERVICES

The empanelled Advocate shall be responsible for providing the following services to NMC:

- A. represent/ appear on behalf of NMC before the Court for which he/she has been empanelled.
- B. briefing / conferencing with the Senior Advocate engaged in a particular case before the Court / Tribunals and other judicial bodies, and if required, render all assistance to such Senior Advocate, if required.
- C. drafting of brief notes for Senior Law Officers like the Ld. AG, SG, Addl. SGs, DSGs etc.
- D. examination and drafting of legal documents to be filed in various courts of law, including Petitions (such as SLP / Writ Petition / Transfer Petition / Criminal Complaints etc.), Replies/Counter Affidavit, etc., Applications (such as Additional Affidavit/ Miscellaneous Applications, etc.), Appeals (revision/review) on behalf of NMC, as well as prompt removal/curing of defects in Appeals/Petitions filed; as may be pointed out by the registry.
- E. drafting of detailed proceeding Notes for cases.
- F. coordinating with other Ministries/Departments whenever required.
- G. doing legal research for litigation, including research on case citations and precedent cases.
- H. drafting, vetting, settling correspondences, replies to requests from other Ministries/ Departments/ Authorities etc.
- I. render legal advice or written opinions to NMC on civil, criminal, service and such other matters arising in the course of administration of NMC as are referred to him/her.

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- J. apply for the copy of orders/judgments from the Court, of the matters attended by him/her and share the copy of judicial pronouncements at the earliest, from the date of such order (excluding the time taken by the concerned Court in preparation of the copy).
- K. keep NMC informed and updated on all important developments in the designated/entrusted cases, dates of hearing etc..
- L. furnish monthly & yearly statement about the cases represented by him/her before various Courts/Tribunals or any other authority and their outcomes/ developments.
- M. co-ordination with officers of the NMC.
- N. perform such other duties of legal nature which may be assigned to him/her by NMC.

Application for Empanelment as an Advocate/Standing Counsel**Place for Empanelment - (SC/HCs/HC Benches_____)**

1.	Name of the Advocate: Father's Name: Gender: Date of Birth (Age as on 01.05.2023): Residential Address: Office Address: Contact Nos.: Email ID.:				
2.	Years of experience as an Advocate: (Enrolment details-Enclose self-attested copy of Bar Council license)				
3.	Place of practice (Courts/Forums/Tribunals):				
4.	Educational Qualifications [From Matriculation to LLB/LLM] (Enclose self-attested copies of certificates):				
	Sl. No	Qualification	University/Institution	Year of Passing	Marks Obtained/Total Marks
	1	10th			
	2	LL.B			
	3	LL.M			
	4	Others			
	5				
5.	Areas of specializations: (Enclose three(03) Writ Petitions, Counter Affidavits and Rejoinders filed in different cases)				
6.	Names, address & experience details: i) Sr. Associate(s) ii) Associate(s)				

7.	Details of cases won in the applied area of specialization: (Enclose copy of judgments of SC/HC)	
8.	Number of appearances before: i. Supreme Court: ii. High Court:	
9.	Details of empanelment, if any, in State Govt./Union Govt./University/Govt. Institutions/PSUs (Enclose self-attested copy of proof) :	
10.	List of Publications in Law Journal, Reportable Judgment and Books (if any) :	
11.	Annual Income/Turnover for past three financial years:	1. 2019-20: 2. 2020-21: 3. 2021-22:
12.	Misc. (Any other relevant information) (Max. 500 words):	

Signature of Applicant
With seal

Name of Advocate: _____

Date: _____

Place: _____

Declaration-cum-Undertaking

I, _____, S/o _____
R/o _____

_____, hereby, declare that I have verified the details indicated here-in-above and also confirm that all the information submitted is true to the best of my knowledge & belief. In case of any mis-representation /violation/non adherence of any terms and conditions mentioned in the policy, NMC may reject my application at any stage of empanelment without providing any reason.

Further, any information shared by NMC during empanelment process will be confidential information and I will not share, upload or quote, inform to any person, firm or organization under any circumstances what-so-ever. I also undertake that in case any legal action is initiated by concerned Advocate, I will not make NMC as party of legal proceedings and will not make NMC liable/ responsible to any act or omission liable to pay any amount, claim, compensation or damages.

Furthermore, I hereby also undertake that I will not accept brief against the NMC whether in same court or any other Court whatsoever

Signature of Applicant
With seal

Name of Advocate: _____

Date: _____

Place: _____