



The Islamia University of Bahawalpur

LITIGATION CELL

Dated: Bahawalpur, the 31st October, 2023

NOTIFICATION

No. 507/Litigation Cell: In exercise of the powers conferred under Section 33(2) of the Islamia University of Bahawalpur Act, 1975, the Competent Authority (the Syndicate), vide the Current Item No. 08 of the 83rd meeting of the Syndicate, held on 15th July, 2023, has been pleased to make the following rules:

1. Short Title and Commencement:-

- 1) These rules may be called "the Islamia University of Bahawalpur (Litigation Cell & Legal Advisor) Rules, 2023".
- 2) These rules shall come into force at once.

2. Definitions:-

- a) "Act" means the Islamia University of Bahawalpur Act, 1975.
- b) "Contract Appointment" means appointment made under the Contract Appointment Statutes, 2006, of the University read with these rules.
- c) "Competent Authority" means the Competent Authority as defined under the Islamia University of Bahawalpur Act, 1975.
- d) "Emergency" refers to an academic, administrative, legal, or operational situation that may lead to abnormal circumstances requiring immediate action to prevent or minimize damage to the University, including its authority, officers, or functions as provided for under the Act of 1975, specifically when they are involved in an official capacity.
- e) "Finance & Planning Committee" means the Finance and Planning Committee of the University.
- f) "Legal Advisor" means legal Advisor appointed under these rules.
- g) "Legal Counsel" means a Legal Practitioner engaged on case-to-case basis from the pool.

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- h) "Legal Dashboard" mean a Legal Dashboard maintained and updated by the Litigation Cell reflecting up to date information of Litigation Cases of the University.
- i) "Legal Practitioner" means an advocate as defined in the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973).
- j) "Litigation Cell" means a distinct administrative unit established under the Registrar's Office and comprising such officers and other staff as deemed necessary to run its operations.
- k) "Panel" means panel of the Legal Advisors of the University appointed on contract basis under these rules.
- l) "Petitioner" means a petitioner who presents a petition in the Court/forum of Law.
- m) "Pool" means pool of pre-selected legal practitioners, ideally reflecting a wide range of legal expertise and bench-wise placement, to be maintained at the Litigation Cell under these rules.
- n) "Principal Stakeholder" means an office or a formation (Unit/ Branch/ Department/ Cell/ Chair/ Office, etc.) who holds primary responsibility for the business/record of the matter assailed in the Court of Law or any other forum.
- o) "Registrar" means the Registrar of the University.
- p) "Selection Committee" means Selection Committee constituted under the Islamia University of Bahawalpur (Contract Appointment) Statutes, 2006.
- q) "Syndicate" means Syndicate of the Islamia University of Bahawalpur.
- r) "University" means the Islamia University of Bahawalpur as established under the Act.
- s) "Treasurer" means the Treasurer of the University.
- t) "Vice-Chancellor" means Vice-Chancellor of the University.

3. Establishment of a Litigation Cell:-

- 1) A distinct administrative Unit, comprising such officers and such other staff as deemed necessary, under the Registrar's Office of the University institutes and, therefore, shall be denoted as "Litigation Cell" of the University.

- 2) The Litigation Cell of the University shall be headed by an officer of the rank of Additional Registrar who shall be aided with such subordinate hierarchy of officers / officials as necessary to effectively dispense the affairs of the Litigation Cell.
- 3) A panel of Legal Advisors may be maintained under the administrative control of the Litigation Cell.
- 4) The Litigation Cell shall maintain an updated pool of pre-selected legal practitioners, in addition to the panel of Legal Advisors engaged in time-bound contract service, in the form of a database.
- 5) The Litigation Cell shall be made available with such resources at its disposal as may be required to efficiently conduct its business without any obstacle or limitations.

4. Responsibilities of the Litigation Cell:-

- 1) It shall be responsible to deal with the matters of litigation at the forum of Court of Law as well as on such other fora, including but not limited to Ombudsman office, Tribunals, Appellate Authority, Accountability forums (National Accountability Bureau, Anti- Corruption Establishment), etc.
- 2) It shall be responsible for coordinating with the University authorities / Offices / Departments / Centers etc., and the legal advisor / counsel for efficient handling of cases.
- 3) It shall be responsible for coordinating between the apex courts and the University and apprise the courts with the viewpoint of the University in matters agitated / assailed or put into question before them.
- 4) It shall be responsible for seeking departmental report / viewpoint by transmitting a copy of petition or order to the principal stakeholder office / department / section etc. of the University to facilitate preparation of Report and Para-wise Comments for onward submission to the court of law / fora concerned.
- 5) It shall be responsible to scrutinize the matter / question agitated by the concerned office / department / section etc. of the University for seeking legal opinion thereof from the legal advisor / counsel of the University

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and make such arrangements as deemed necessary to facilitate early disposal of the matter.

- 6) It shall be the duty of the Litigation Cell to maintain record of litigation cases of the University in an organized and updated manner. The record shall be maintained both in hard copy (files) and on the Legal Dashboard in the form of scanned copies.
- 7) It shall be the responsibility of the Litigation Cell to accept, scrutinize, verify and process claims of legal fees, TA / DA, as admissible, and any other bills of the legal advisors / counsels of the University, to the Treasurer of the University strictly as per the approved entitlement.
- 8) It shall be the responsibility of the Litigation Cell to maintain record of the financial disbursement against each case.
- 9) It shall be the responsibility of the Litigation Cell to set up an efficient mechanism for monitoring the progress of litigation cases and performance of the Legal Advisors / Counsels of the University.
- 10) It shall be the responsibility of the Litigation Cell to periodically review the rates of remuneration fixed for the panel of Legal Advisors and initiate proposal for rationalization or revision of the rates, as the case may be, based on the factors of market trend, nature of case (including stature of the Court), and / or any other factors deemed appropriate and recorded in writing.
- 11) Similarly, a separate list of case-wise (nature of case, forum of court and bench of the court) rates of remuneration shall be maintained for the pool of legal practitioners on the recommendation of Finance & Planning Committee of the University and approved by the Syndicate.
- 12) It shall be the responsibility of the Litigation Cell to maintain a cash balance at the Litigation Cell to meet immediate needs of the Litigation Cell in terms of copy, binding, "munshiana", urgent mail, payment of service fee to assistant at the forum of court of law, and other such expenses as deemed necessary by the Litigation Cell for efficient disposal of its business.
- 13) The Litigation Cell shall develop a Manual/ SOPs to efficiently run its operations and to give effect to the provisions of these rules. The

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Manual/SOPs of the Litigation Cell and any subsequent amendments therein shall be approved by the Vice-Chancellor.

- 14) For efficient disposal of its responsibilities, the Litigation Cell shall be deemed authorized by the Vice-Chancellor to call necessary comments, reports and records of the concerned Division/ Department/ Branch or any other office of the University.

5. Appointment of a Legal Advisor of the University:-

- 1) For the purpose of maintaining a panel of Legal Advisor, appointment may be made on contract basis under the Contract Appointment Statutes, 2006 of the University.
- 2) The advertisement for the appointment of Legal Advisor(s) shall be published in at least two National dailies (including one in Urdu) and it shall clearly indicate the requisite qualification, experience and standing of the legal practitioner.
- 3) The Selection Committee shall recommend the name(s) of the Legal Practitioner(s) to be appointed as Legal Advisor(s) initially for the period of one year. Whereas, only a one-time subsequent extension may be granted in the contract by the Vice-Chancellor subject to submission of a satisfactory performance report by the Litigation Cell.

6. Qualifications:-

- 1) A legal advisor shall be a Legal Practitioner who is a Law Graduate (L.L.B) and has been practicing in the High Court for not less than five years. This shall be the minimum level of qualification & experience required for submission of application by the aspirant.
- 2) Notwithstanding anything stated at Sub-Rule (1) above, the minimum criteria of qualification & experience may vary on the higher side based on the requirement of expertise for different levels of the Courts and/or other such forums where representation through a Legal Advisor is required.

7. Duties of Legal Advisor:-

- 1) It shall be the duty of a Legal Advisor to:

- i) deal with all the legal matters of the University assigned to him / her.
- ii) render legal opinion / advice on the questions of law and / or such matters of day-to- day affairs of the University as may be agitated by the University for seeking expert opinion.
- iii) prepare Para-wise Comments based on the report of the concerned department and/or discussion with the concerned officer of the University.
- iv) appear in legal proceedings on behalf of the University in the Court of Law and/or before such forums where representation of the University is required through a Legal Advisor.
- v) submit such reports / evidence / record in the Court of Law and / or any other forum, as the case may be, on behalf of the University.
- vi) not make appearance or submit any statement on behalf of the University before any forums without prior authorization from the University.
- vii) submit daily updated status of assigned tasks through such arrangement as may be directed by the Litigation Cell.
- viii) perform any other relevant assignment(s) as may be assigned by the Litigation Cell

- 2) The Legal Advisor may be required to assist the University authorities at any legal / administrative forum if so required by the Vice-Chancellor. However, in performing his / her duties the Legal Advisor shall be strictly bound by the channel of hierarchy and relevant provisions of the Manual / SOPs of the Litigation Cell.

8. Maintaining a Pool of Legal Practitioners at the University:-

- 1) The Litigation Cell, in collaboration with the IT Department of the University, shall develop an online database for collection of expression of interest (EOI) and profile of the legal practitioners from the market.
- 2) Call of EOI may be made through announcement on the official website of the University twice a year, or as may be deemed necessary to collect a

considerable number of EOIs, and the portal shall be kept open for potential candidates for 15 days from the date of announcement.

- 3) Data of applicants / aspirants shall be scrutinized on the basis of their qualification, experience, expertise, bench of the Court and any other factor deemed appropriate by the Litigation Cell to achieve pool of the best available resource from the market.
- 4) A pool of pre-selected legal practitioners shall be maintained bench/district and expertise-wise or in combination thereof as it may be best facilitating for the purpose.
- 5) Keeping in view the nature of case, required expertise and provided that the Legal Advisor of the University is not available, for any reason, the Vice-Chancellor, in case of emergency, may engage any Legal Counsel from the pool maintained at the Litigation Cell strictly on case-to-case basis on such remuneration rates as already approved by the Syndicate.

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9. Duties of the Legal Counsel: -

The Legal Counsel shall perform all such duties as enlisted at Rule 7(1) above to the extent of case assigned to him/her, unless otherwise instructed by the Litigation Cell.

10. Remuneration: -

- 1) Legal Advisor of the University shall be paid remuneration at the rates as already approved by the Syndicate on the recommendations of Finance & Planning Committee.
- 2) Legal Counsel engaged from the pool shall be paid remuneration at the rates as already approved by Syndicate on the recommendations of Finance & Planning Committee, provided that the Legal Counsel so engaged on case-to-case basis shall not be entitled to any monthly retainerhip fee.
- 3) For the purpose of award of TA / DA, if so authorized by the University, the Legal Advisor / Counsel shall be entitled to the rates as equivalent of scale BPS-17 of the University.

11. Number of Legal Advisors / Counsels to be Engaged: -

The University may engage more than one Legal Advisor on contract basis or Legal Counsel from the pre-selected pool on case-to-case basis as and when required under the circumstances and on recommendations of the Litigation Cell.

12. Termination of Contract Service: -

- 1) The services of the Legal Advisor of the University as appointed on contract basis for a fixed term, shall stand terminated on the expiry of the term for which he / she had been appointed or grant of one time extension, as the case may be.
- 2) Notwithstanding anything contained in sub-rule (1) the Legal Advisor shall serve during the pleasure of the Vice-Chancellor.

13. Submission of Periodic Statement: -

The Legal Advisor / Counsel of the University shall be reporting to the Litigation Cell for their duties and shall be bound to submit such periodic report as may be required by the Litigation Cell on the prescribed form / format.

14. Maintenance of the Record: -

- 1) Litigation Cell shall maintain litigation record in the prescribed form showing details of each case along with its financial aspects in order to ascertain the progress and cost of each case.
- 2) Notwithstanding anything stated in sub-rule (1) above, the Litigation Cell may resort to an efficient mechanism of record maintenance in the form of digital/online record reflecting case-wise / Legal Advisor / Counsel wise cost incurred to the University.

15. Repeal: -

The Legal Advisor Rules, 2007 shall immediately cease to enforce with the enactment of the Islamia University of Bahawalpur (Litigation Cell & Legal Advisor) Rules, 2023.

16. Savings: -

All actions previously undertaken by the University to deal with the legal cases under the provisions of the Legal Advisor Rules, 2007 and if the same are still not concluded shall continue to have effect as if those were taken under the Islamia University of Bahawalpur (Litigation Cell and Legal Advisor) Rules, 2023.

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REGISTRAR/
THE SECRETARY, SYNDICATE

C.C:

A copy is forwarded to for information & necessary action to:

- 1) The Director (Media & Public Relations), the Islamia University of Bahawalpur, *(with a request to place this notification on the official website of the University, please).*
- 2) The Additional Registrar (Admin), the Islamia University of Bahawalpur.
- 3) The Additional Registrar (Litigation), the Islamia University of Bahawalpur.
- 4) The Additional Registrar (Regulations), the Islamia University of Bahawalpur, *(with a request to update the University Calendar accordingly, please).*
- 5) The Executive Secretary to Vice-Chancellor, the Islamia University of Bahawalpur.
- 6) P.A to the Registrar, the Islamia University of Bahawalpur.
- 7) P.A to the Treasurer, the Islamia University of Bahawalpur.


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(ABDUL HADI)

ASSISTANT REGISTRAR (LITIGATION)