

**GOVERNMENT OF PAKISTAN
OFFICE OF THE CUSTODIAN OF ENEMY PROPERTY FOR PAKISTAN
COMMUNICATIONS DIVISION**

TERMS OF REFERENCE (TORS) FOR HIRING OF LAW FIRM/ ASSOCIATION/ CHAMBER

BACKGROUND OF THE DEPARTMENT:

Office of the Custodian of Enemy Property for Pakistan is functioning under the administrative control of Ministry of Communications. With the outbreak of 1965/1971 wars with India the properties owned by the Indian nationals in Pakistan were declared as "Enemy Property" under the Defence of Pakistan Rules, 1965/1971. The subject of "Enemy Property" was allocated to Ministry of Communications by the Cabinet Division on 3rd June, 1967.

ELIGIBILITY CRITERIA FOR LAW FIRM/ASSOCIATION/ CHAMBER:

1. Law Firm/ association/ chamber should have the panel of specialized trial lawyers with 10-15 year experience in litigation relating to immovable properties.
2. Firm/ association/ chamber must have NTN certificate and must have at least one partner having a practicing license of the Supreme Court and at least 4 partners having a practicing license of the Lahore High Court. It should maintain panel of lawyers specializing in litigation of immovable properties.
3. The firm/ association/ chamber is required to furnish its complete profile, giving details of its clientele, experience, financial worth, capacity etc. for technical & financial evaluation.
4. It has never been black listed by any Government / Private Company.

SHORT-LISTING OF LAW FIRM:

Enemy Property for Pakistan shall determine criteria for short listing. Three or more Law Firms/ association/ chamber will be short listed. Any other factor that Department may deem relevant, not inconsistent with these regulations or Public Procurement Rules, 2004. All applicants shall be informed whether or not they have been shortlisted, as per PPRA Rules 2004.

TERMS & CONDITIONS (CRITERIA / DOCUMENTS):

Following documents / criteria is required for preliminary examination and selection of a Law Firm:

- a) Interested Law Firm/ association/ chamber may apply to Additional Custodian EP with attested copies of documents.
- b) The relevant Committee will scrutinize all the applications along-with supportive documents. List of such scrutinized applications will be put up for approval of the Custodian EP Cell i.e. Secretary (C).
- c) Law Firm/ association/ chamber shall provide a certificate that it has not indulged in corrupt and fraudulent practices issued by any Government (Federal, Provincial).

- d) Affidavit on legal stamp paper of Rs. 100/- that the firm has not been blacklisted in the past on any ground by any Government (Federal, Provincial), a Local Body or a Public Sector Organization.
- e) Complete profile i.e. office address, telephone / Fax numbers of Firm/ association/ chamber along with Logistical & Staff capacity
- f) Under PPRA rule-33(A) the procuring agency may reject all bids or proposals at any time prior to the acceptance of bid or proposal reasons will be conveyed on formal request only.
- g) The law firm/ association/ chamber shall provide /quote its rates on single case basis category wise i.e. Civil Court/District Courts, High Court, or any other Special Court/Tribunal and Supreme Court.
- h) Hiring of Law firm/ association/ chamber shall be initially for one year extendable for similar terms subject to satisfactory performance.
- i) The hiring shall be liable to termination on 30 day notice in advance by both parties.

SELECTION PROCESS:

The consultant Law firm/ association/ chamber will be selected in accordance with the criteria laid down in "Public Procurement Rules 2004" and instruction of the Federal Government. The selection process of the Custodian cannot be challenged in any Court of Law of Pakistan.

TERMS OF REFERENCES (TORs):

1. The selected firm/ association/ chamber would undertake in depth review/ analysis of all cases under litigation, identify deficiencies and present comprehensive time bound plan for the settlement and the disposal of cases. The plan would envisage short, medium and long term measures.
2. The fee/remuneration will be linked with the performance on the basis of agreed deliverables provided in the plan by the firm/ association/ chamber for early disposal of the cases.
3. The firm/ association/ chamber would develop and deploy a robust technology based real time monitoring mechanism for effective monitoring of the cases.
4. The firm/ association/ chamber would develop SOPs to ensure expeditious disposal of the cases. These steps/ measures would be specific and produce in written format for this office review.
5. The firm/ association/ chamber would ensure that all prerequisite are met for the timely hearing of the cases which may include but not limited to quality of judgment based comments, early hearing of and 100% attendance and proper documentation etc.
6. Perform all other responsibilities as per enrollment letter and as per Legal Practitioner and Bar Council Act, 1973.
7. To perform any other function/ task related to EP's Court Cases as assigned from time to time.

HIRING OF CONSULTANT / LAW FIRM:

1. The selected Law firm/ association/ chamber would be paid performance based mutually agreed fee/ remuneration on monthly bases.
2. All such cases shall be routed through Additional Custodian Enemy Property for examination and submission to the Custodian for EP for approval.
3. Consultant fee and its terms and conditions shall be fixed by the Selection Committee through negotiation based on performance based deliverables/ targets. .
4. The following committee is mandated to evaluate the technical/ financial proposal and to recommend the Law Firm to the authority for approval:

i.	Additional Custodian EP	Chairman
ii.	Deputy Secretary (Postal)	Member
iii.	Assistant Custodian EP	Member
iv.	Drawing & Disbursing Officer EP	Member
v.	Technical Expert	Co-Opted Member