

Terms of Reference (ToR) for Law Advisor

1. Background and general description:

Article 18A of the Constitution of the People's Republic of Bangladesh, covers the protection and security of forests, wildlife and biodiversity. The country's forests play an important role in countering the adverse effects of climate change and it is imperative to conserve forest, wildlife, biodiversity and maintain forest ecosystem service.

Due to increasing population and industrialization, structural development, urbanization etc. the pressure on forest land is continuously increasing. Moreover, forestland is being encroached by various illegal encroaching individual and institutions, which is imperative to prevent.

These cases arise as a result of steps taken to stop change of land use of forest land, prevent unauthorized encroachment of forest land, properly conserve of forest land, enforcement of forest and wildlife act and related rules.

2. Objectives:

The objective of this assignment is to deal with the Writ Petitions, cases and others legal issues of ministry's judiciously and efficiently in order to dispose of the review timely.

3. Duration of the service Contract:

Duration of service contract will be 01(one) year. But duration may increase/decrease depending on the needs and satisfaction of the services provided by appointed Law Advisor.

4. Duties and responsibilities:

The Law Advisors will work together in partnership with the officials of the Ministry of Environment, Forest and Climate Change, Forest Department, Law Advisor and Government Prosecutors of Hon'ble High Court Division and Appellate Division of Supreme Court. The services to be provided such as drafting and preparation of Para-wise reply/affidavit-in-compliance on the Rule Nisi, the orders, revisions, affidavits, petitions and objection must be within the time specified in the Court's order. Law Advisor will report to the Chief Conservator of Forests through Deputy Conservator of Forests, Legal Unit. Law Advisor will work closely with Legal Unit of Forest Department to undertake or provide legal services on the areas set out (but not limited to) below:

(i) Hon'ble Appellate Division of Supreme Court:

- a) Perusal of papers, consultations and discussion for preparation of leave to appeal and revision.
- b) Drafting for filing cases for civil revision of writ petition, review petition and appeal, affidavits, applications, vacating stay petition etc. and including typing, printing filing (mandatory).
- c) Filing of Civil Miscellaneous Petition (CMP) or Civil Petition for Leave to Appeal (CP).
- d) Formal appearance in The Court/in Chamber Judge hearing including filing Power, documents obtaining permission, mentioning or fixing dates or attending court.
- e) Withdrawing the certified copy of the judgment, order and other documents if required.
- f) Other relevant legal assistance will provide as required.

(ii) Hon'ble High Court Division of Supreme Court:

Activities involves in the high court are as follows:

- (a) Perusal of papers, consultation and discussion for preparation of Writ Cases and other cases.
- (b) Preparation of Para-wise reply/Statement of facts for rule nisi/the appeal/ revision/affidavit-in-opposition/affidavit-in-compliance/petition/objection etc. in compliance /petition/objection etc. including typing, printing and filing (mandatory).
- (c) Formal appearance in the Court including filing powers and documents, mentioning, fixing the matter in court or attending court for hearing in civil/criminal/writ matter/contempt proceeding (as required).
- (d) Withdrawing the certified copy of the judgment, order and other documents (as required).
- (e) Providing legal opinion in other activities such as agreement, drafting laws and rules etc. (as required).
- (f) Withdrawing the certified copy of the judgment, preliminary decree or final decree and other documents (as required).
- (g) Other relevant legal support when required.

(iii) The Forest Court/ Special Magistrate Court/The Environment Court/ Administrative Tribunal/Administrative Appeal Tribunal etc.:

Activities involves in Forest Court/Environment Court/Special Magistrate Court/Administrative Tribunal Court are as follows-

- (a) Consultation and discussion for preparation of Investigation report/Charge Sheet/Cases etc.
- (b) Formal appearance in Court for hearing in Administrative of Forest, Wildlife, Biodiversity, and Environment related cases proceeding (as required).
- (c) Withdrawing the certified copy of the judgment, order and other documents (as required).
- (d) Other relevant legal supports when required.

5. Deliverables for individual Law Advisor:

SI No	Deliverables	Frequency/ Time
1	Progress and status Report on assessment of overall performance over the month	Report have to be submitted Monthly to Deputy Conservator of Forests, Legal Unit, Office of the Chief Conservator of Forests
2	Report on update of the writ petitions that have been heard in the last 4 months in different Court.	Report have to be submitted in Quarterly basis (4) to Deputy Conservator of Forests, Legal Unit, Office of the Chief Conservator of Forests
3	Other Reports to be assigned by Department of Forest	As per instruction by the Chief Conservator of Forests (CCF) or Deputy Conservator of Forests, Legal Unit or an officer authorized by CCF.

6. Selection Criteria:

Applicants meet the following requirements are encouraged to apply-

- Minimum LLB from UGC recognized any University.
- Minimum 10 (ten) years of experience as Advocate ship in Supreme Court of Bangladesh
- Applicant must have Bar Council Enrollment certificate for Hon'ble High court Division and Enrollment in the Hon'ble Appellate Division.
- Experience in handling matters related to forest, wildlife, biodiversity and forest land case will be preferred.
- Having excellent analytical and communication skills.

7. Location(s) and facilities provided to the consultant by the client:

The appointed Law Advisors shall perform duties in the Hon'ble Appellate Division and Hon'ble High Court Division of Supreme Court, Special Magistrate Court, Administrative Tribunal, Administrative Appeal Tribunal, Forest Court, Environmental Court in Dhaka. Besides, various cases need to be discussed with the concerned officials including the Deputy Conservator of Forests of Legal Unit, Office of the Chief Conservator of Forests of the Department of Forest at Ban Bhabhan, Agargaon, Dhaka. Necessary documents will be provided from the Department of Forest for response to the case or preparation of documents or affidavit-in-compliance. The duty and responsibilities of the appointed Law advisor shall be allotted by the Chief Conservator of Forests or an officer authorized by him (usually Deputy Conservator of Forests of Legal Unit). Without informing Chief Conservator of Forests or Deputy Conservator of Forests of Legal Unit or an authorized officer, appointed lawyers cannot appear in court for hearing in any writ petition or Cases. The Law Advisor will receive a fixed remuneration per month as per the contract for enrollment. In addition, bill will be paid on a monthly basis by calculating the prescribed Fee for each activity performed per month.

8. Estimated volume of various activities for each Law advisor is as follows. Activities volume may increase or decrease per year.

SL. No	Items of activities	Unit	Tentative Qty per year
1	2	3	4
1	Drafting, preparation and filing of Para-wise reply/ Statement of facts for rule nisi/the appeal/revision/affidavits-in-compliance/ petition/interim application in pending matters/objection affidavit in opposition writ petition/review petition/application/ vacating stay petition etc. according ToR (including typing, printing, formatting and filing.) (3 Sets)	Nos.	20
2	Withdrawing the certified copy of the judgment/order/preliminary decree/final decree/other documents on the basis of judgments paper size (up to 3 pages)	Nos.	2
3	Withdrawing the certified copy of the judgment/order/preliminary decree/final decree/other documents on the basis of judgments paper size (above 3 pages)	Nos.	2

SL. No	Items of activities	Unit	Tentative Qty per year
4	Formal appearance in the court (High Court/Administrative tribunal/ Other relevant Courts as per ToR) including filing powers and documents/mentioning/fixing the matter in court or attending court for permission regarding in civil/criminal/writ matter/contempt proceeding and hearing.	Nos.	10
5	Providing legal opinion in other activities such as agreement/drafting laws/rules/MoU/reply to legal notice/Other relevant legal supports.	Nos.	10
6	Court Appearance in High Court Division with hearing for Single Case (per day)	Nos.	10
7	Court Appearance in High Court Division without hearing for bundle Cases (per day) If the cause list is in the order of 1-50 and there is no hearing, then the bill is due even if there is no hearing	Nos.	1
8	Filing of Civil Miscellaneous Petition (CMP) and Civil Petition for Leave to Appeal (CP) with paper book (Single case) (3 sets)	Nos.	4
9	Court Appearance in appellate division with hearing for Single Case (per day)	Nos.	10
10	Court Appearance in Appellate division with hearing for bundle Cases (per day)	Nos.	4

9. Deliverables for each Law Advisor

SI No	Deliverables for Law Advisor	Unit	Estimated No. of reports for Law Advisor
1	Progress and status Report on assessment of overall performance over the month	Nos.	2
2	Report on update of the writ petitions that have been heard in the last 4 months in different Court.	Nos.	1
3	Other Reports to be assigned by the Forest Department	Nos.	2

Re

Approved

[Signature]
Md. Amir Hosain Chowdhury
Chief Conservator of Forest
Forest Department, Dhaka

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