

THE LAW OFFICERS (CONDITIONS OF SERVICE) RULES, 1987

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THE LAW OFFICERS (CONDITIONS OF SERVICE) RULES, 1987

In exercise of the power conferred by the proviso to Article 309 of the Constitution read with Article 76 of the Constitution and in supersession of the Law Officers (Conditions of Service) Rules, 1972, except as respects things done or omitted to have been done, the President hereby makes the following rules, regulating the remuneration, duties and other terms and conditions of the Attorney-General for India, the Solicitor-General for India and the Additional Solicitor-General for India, namely :-

1. Short title and commencement :-

- (1) These rules may be called the Law Officers (Conditions of Service) Rules, 1987.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires-

- (a) "Attorney-General" means the person appointed under clause (1) of Article 76 of the Constitution as the Attorney-General for India and includes any person appointed to act temporarily as the Attorney-General for India;
- (b) "Solicitor-General" means a person appointed as the Solicitor-General for India,
- (c) "Additional Solicitor-General" means a person appointed as the Additional Solicitor-General for India; and
- (d) "Law Officer" means and includes the Attorney-General for India, the Solicitor-General for India, and Additional Solicitors-General for India.

3. Terms of Office :-

- (1) A Law Officer shall hold office for a term of three years from the date on which he enters upon his office. Provided that-
 - (a) where the post of Additional Solicitor-General for India has been created for a period of less than three years, the person appointed to such post shall hold office for the period for which such post has been created;
 - (b) the appointment of a Law Officer may, at any time during his term of office, be terminated by three months' notice in writing by either side.
- (2) A person who has held or who holds office as a Law Officer shall, on the expiration of his term of office, be eligible for re-appointment to that office for a further term not exceeding three years.

4. Headquarters :-

- (1) The Headquarters of a Law Officer shall be at New Delhi;
- (2) A Law Officer may, with the permission of the Government of India, leave the headquarters during the vacation of the Supreme Court: Provided that he shall make himself available for duties whenever required by the Government of India.

5. Duties :-

It shall be the duty of a Law Officer-

- (a) to give advice to the Government of India upon such legal matters, and to perform such other duties of a legal character, as may from time to time, be referred or assigned to him by the Government of India;
- (b) to appear whenever required, in the Supreme Court or in any High Court on behalf of the Government of India in cases (including suits, writ petitions, appeal and other proceedings) in which the Government of India is concerned as a party or is otherwise interested;
- (c) to represent the Government of India in any reference made by the President to the Supreme Court Under

Article 143 of the Constitution; and

(d) to discharge such other functions as are conferred on a Law Officer by or under the Constitution or any other Law for the time being in force.

Explanation.--For the purpose of this rule and sub-rule.(1) of Rule 8, the expression "Government of India" includes the Government of a Union Territory also.

6. Entitlement of Leave :-

The Government of India may grant to a Law Officer such leave as it may deem fit.

7. Retainer, fee and allowances :-

1 .-For the performance of the duties mentioned in Rule 5, a Law Officer shall be paid -

(a) a retainer, except during the period of his leave,

(i) in the case of the Attorney General for India, of rupees twenty-five thousand per month;

(ii) in the case of the Solicitor-General for India, of rupees twenty thousand per month: and

(iii) in the case of Additional Solicitor General for India, of rupees fifteen thousand per month; and

(b) an office allowance of rupees one thousand per month, except during the period of his leave;

(c) a fee for appearance and other work on behalf of the Government of India in cases before the Supreme Court, various High Courts, Commissions of Inquiry/Tribunals etc., on the following scales, namely :-

Explanation.-

(1) If two or more cases involving substantially identical questions are heard together with common arguments, Law Officer shall be entitled to only one fee as for a single case.

(2) A daily fee of rupees seven thousand per case, subject to (i) above, shall be payable to Law Officers for the days of his absence from the headquarters in connection with appearance in any High Court, or a Tribunal or a Commission of Inquiry or an Arbitrator, including the days of departure from intervening holidays and arrival back at the headquarters, but no fee shall be paid for the day of departure if he leaves the headquarters after court hours or for the day of arrival, if he arrives at the headquarters before Court hours.

(d) The Attorney-General for India shall be paid sumptuary allowance of rupees three thousand per month, except during the period of his leave.

(e) Where a Law Officer is required to perform journeys outside the headquarters in the course of his duties, he shall be paid or reimbursed the actual expenses incurred on travelling and on boarding and lodging.

(f) If a Law Officer is called upon to perform any duty other than those referred to in Rule 5, such as, acting as Arbitrator or giving opinion after hearing both the sides, one being the Government of India, he shall be paid such fee as may be determined by the Government.

Substituted for " 7 . Retainer, fee and allowances .- (1) For the performance of the duties mentioned in Rule 5 , a Law Officer shall be paid- (a) a retainer, during except the period of his leave, (i) in the case of the Attorney-General for India, of rupees five thousand per month; (ii) in the case of the Solicitor-General for India, of rupees four thousand per month; and (iii) in the case of the Additional Solicitor General for India, of rupees three thousand and five hundred per month; and (b) an office allowance of rupees one thousand per month, except during the period of his leave; (c) a fee for appearance and other work on behalf of the Government of India in cases before the Supreme Court, various High Courts, Commissions of Inquiry/Tribunals etc., on the following scales, namely:

S. No.	Nomenclature of the item of work	Rates of fees payable for appearance and other work in cases before the Supreme Court, High Courts (including Delhi High Court) and any Court (other than the Supreme Court or High Court) or a Tribunal or a Commission of Inquiry or an Arbitrator.
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(i) Suits, with petitions, appeals and references under Article 143. (ii) Special leave petitions and other applications. (iii) Settling pleadings (including affidavits.) (iv) Settling statement of case. (v) For giving opinions in statements of case sent by the Ministry of Law. (vi) For written submissions before the Supreme Court, High Court and Commissions of Inquiry/Tribunals.

Explanation.- (1) If two or more case involving substantially identical questions are heard together with common arguments, Law officer shall be entitled to only one fee as for a single case. (2) A daily fee of rupees two thousand per case, subject to (1) above shall be payable to Law Officers for the days of his absence from the headquarters in connection with appearance in any High Court, or a Tribunal or a Commission of Inquiry or an Arbitrator, including the days of departure from, intervening holidays and arrival back at the headquarters. but no fee shall be paid for the day of departure if he leaves the headquarters after court hours or for the day of arrival, if he arrives at the headquarters before court hours. (d) The Attorney-General for India shall be paid an entertainment allowance of rupees five hundred per month, except during the period of his leave. (e) Where a Law Officer is required to perform journeys outside the headquarters in the course of his duties he shall be paid or reimbursed the actual expenses incurred on travelling and on boarding and lodging. (f) If a Law Officer is called upon to perform any duty other than those referred to in Rule 5 , such as acting as Arbitrator or giving opinion after hearing both the

sides, one being the Government of India, he shall be paid such fee as may be determined by the Government. ", vide " Law Officers (Conditions of Service) Rules, 1987" Dt.June 2, 1999 Published in [266] Ministry of Law, Justice and Company Affairs (Deptt. of Legal Affairs), Noti. No.G.S.R. 403(E), dated June 2, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 3rd June, 1999, pp. 2-3, No. 272 [No. F. 18(1)/98-Judl.] [L]

8. Restrictions :-

(1) A Law officer shall not:-

(a) hold briefs in any Court for any party except the Government of India or the Government of a State or any University, Government School or College, local authority, Public Service Commission Port Trust, Port Commissioners, Government aided or Government managed hospitals, a Government company as defined in S.617 of the Companies Act 1956, any Corporation owned or controlled by the State, any body or institution in which the Government has a preponderating interest;

(b) advise any party against the Government of India or in cases which he is likely to be called upon to advise, or appear for, the Government of India;

(c) defend an accused person in a criminal prosecution, without the permission of the Government of India ; or

(d) accept appointment to any office in any company or corporation without the permission of the Government of India.

(2) Where a Law Officer appears or does other work on behalf of bodies of Union of India such as the Election Commission, the Union Public Service Commission etc. he shall only be entitled to fees on the scales mentioned in clause (c) of sub-rule (1) of Rule 7.

9. Perquisites :-

(1) The services of personal staff, office accommodation and telephones at the office and residence of a Law Officer shall be provided by the Government of India free of cost: Provided that a Law Officer shall be liable to make payment for the telephone calls, other than the telephone calls for official purposes, made from his residential telephone, if they exceed such number of telephone calls or such charges for telephone calls in respect of the residential telephone as the Government of India may, from time to time, determine in this regard;

Explanation.-For the purpose of this rule "personal staffs" means;- (i) a Private Secretary in the appropriate grade, a Stenographer, and a Jamadar.

(2) A Law Officer would be provided by the Government of India suitable residential accommodation on payment of usual rent fixed by the Government from time to time.

10. Power to relax :-

Where the Central Government is of the opinion that it is necessary or expedient so to do, may, by order, and for reasons to be recorded in writing, relax any of the provisions of these rules.

² "Provided that the provisions of Rule 8 shall not be relaxed in relation to any matter where the Government of India or any Central Government instrumentality is or is likely to be affected."

In Rule 10 proviso shall be inserted by Law Officers (Conditions of Service) Amendment, Rules, 2001 Ministry of Law, Justice and Company Affairs (Deptt. of Legal Affairs), Noti. No. G.S.R.345(E), dated May 10, 2001, published in the Gazette of India, Extra., Part II, Section 3(i), dated 11th May, 2001, p. 2, No. 233