NOTICE

Department of Legal Affairs is examining a proposal of amendment in Recruitment Rules for Indian Legal Service. In this regard, draft ILS Rules have been prepared and same have been approved by the Competent Authority.

Before, taking up the proposal with DoPT, UPSC and other agencies involved for finalizing the draft RRs; comments, if any, are invited from all stakeholders in the matter for looking into consideration with a period of twenty days from the date of such notification in the website of Ministry of Law & Justice i.e. by 22nd Jan. 2017. The objections and suggestions which may be received from stakeholder with respect to the said draft recruitment rules within the specified period shall be considered by the Central Government as per rules/requirement.

The comments may be furnished to Shri Bhakti Lal, Under Secretary, Department of Legal Affairs, Room No. 410'D', Shastri Bhawan, New Delhi.

(Madhu Bala Soni)
Section Officer(Admn.I)
G.S.R..................(E). – In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Indian Legal Service Rules, 1957, namely:–

1. Short title and commencement.– (1) These rules may be called the Indian Legal Service (Amendment) Rules, 2017.
   (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Indian Legal Service Rules, 1957,–
   (a) in rule 2, for clause (e), the following clause shall be substituted, namely:–
      “(e) ‘qualified legal practitioner’ means an advocate who has practised as such for at least seven years in relation to appointment to a duty post in Grade IV;”;
   (b) in rule 6,–
      (i) for sub-rule (1), the following sub-rule shall be substituted, namely:–
         “(1) a duty post in Grade I or Grade II or Grade III of the Service shall be filled by promotion of a member of the Service failing which by deputation.”;
      (ii) sub-rule (2) shall be omitted;
      (iii) for sub-rule (3), the following sub-rule shall be substituted, namely:–
         “(3) a duty post in Grade IV of the Service shall be filled by;
            (a) 75% by direct recruitment;
            (b) 25% by promotion of persons holding:–
               (A) a duty post in Grade IV of the Legal Advisers’ cadre of the Service shall be filled by the persons holding posts specified in the Third Schedule under the Legal Advisers cadre of the Service;
               (B) a duty post in Grade IV of the Government Advocates’ cadre of the Service shall be filled by the persons holding the post specified in the Third Schedule under the Government Advocates cadre of the
Service. The officers holding the post in the Third Schedule under the Government Advocates' cadre of the Service will be eligible for promotion if they are eligible for enrollment as an advocate in the Supreme Court under the Supreme Court Rules, 1950 as amended from time to time and for registration as an Advocate-on-Record of that court under the said rules;

(C) a duty post in Grade IV of the Law Officers' cadre of the Service in the Law Commission of India shall be filled by the persons holding any post specified in the Third Schedule under the Law Officers' cadre of the Service;

(D) a duty post in Grade IV of the Legislative Counsels' cadre of the Service in Legislative Department shall be filled by the persons holding any post specified in the Third Schedule under the Legislative Counsels' cadre of the Service.

failing which by deputation/absorption.

(c) in rule 7,-

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) A person shall not be eligible for appointment by direct recruitment to a duty post in Grade IV, unless he holds a Degree in Law of a recognised university and unless he has been a member of a State Judicial Service for a period of not less than seven years or has held a superior post in the Legal Department of a State for a period of not less than seven years or a Central Government servant who has had experience in the Department for not less than seven years or possesses a Master's Degree in Law and has had teaching or research experience in Law for not less than five years or is a qualified legal practitioner.”

(ii) for Note 1 and Note 2, the following notes shall respectively be substituted, namely:-

"Note 1 - The upper age limit for direct recruitment for Grade IV shall be forty years.

Note 2 - The upper age limit in respect of Grade IV of Indian Legal Service is relaxable for Government servants upto five years in accordance with the instructions and orders issued by the Central Government.”;

(iii) for sub-rule (1A), the following sub-rule shall be substituted, namely:-

“(1A) In making appointment (from the stage of fixing criteria to the stage of interview) by direct recruitment to a duty post in Grade IV of the service, preference shall be given:-

(i) to a person (not being a member of a State Judicial Service or a legal practitioner) with experience:"
a) in legal advice if such post is in the Legal Advisers' cadre of the Service in the Department of Legal Affairs;

b) in litigation work if such post is in the Government Advocates' cadre of the Service of the Department of Legal Affairs. Further, in making appointment by direct recruitment to Grade IV of the Government Advocates' cadre of the Service in the Department of Legal Affairs, the candidate should be eligible for enrollment as an advocate in the Supreme Court under the Supreme Court Rules, 2013 as amended from time to time and for registration as an Advocate-on-Record of that court under the said rules;

c) in research work if such post is in the Law officers' cadre of the Service in the Department of Legal Affairs;

ii) to a person with experience in drafting of legislation and vetting of subordinate legislation, if such post is in the Legislative Counsels' cadre of the Service in the Legislative Department."

(d) in rule 8, in sub-rule (1),-

(i) for clause (i), the following clause shall be substituted, namely:-

"(i) to a duty post in Grade I unless he has held a duty post in Grade II for a period of not less than two years, or unless he has held a duty post in Grade II and Grade III for a total period of not less than six years;

or

has held a duty post in Grade II, Grade III and/or Grade IV for a total period of not less than thirteen years;"

(ii) for clause (ii), the following clause shall be substituted, namely:-

"(ii) to a duty post in Grade II unless he has held a duty post in Grade III for a total period of not less than three years;

or

has held a duty post in Grade IV for a total period of not less than ten years;"

[F.No.8/3/2015-Admn.I(LA)]
G.S. Yadav, Joint Secretary and Legal Adviser(Admn.)

Note: The Indian Legal Service Rules, 1957 were published in the Gazette of India vide number SRO:3084-A (CLSR), dated the 25th September, 1957 and subsequently amended vide the following numbers:

(i) GSR 1608, dated the 28th September, 1963;
(ii) GSR 1416, dated the 27th July, 1968;
(iii) GSR 1423, dated the 27th July, 1968;
(iv) GSR 1050, dated the 3rd May, 1969;
(v) GSR 1981, dated the 23rd August, 1969;
(vi) GSR 1900, dated the 21st November, 1970;
(vii) GSR 2, dated the 6th January, 1979;
(viii) GSR 72, dated the 20th January, 1979;
(ix) GSR 658, dated the 12th May, 1979;
(x) GSR 270(E), dated the 29th March, 1982;
(xi) GSR 668, dated the 17th September, 1983;
(xii) GSR 1161(E), dated the 22nd October, 1986;
(xiii) GSR 658, dated the 29th June, 1987;
(xiv) GSR 872, dated the 28th November, 1987;
(xv) GSR 658, dated the 20th August, 1988;
(xvi) GSR 176, dated the 10th August, 1988;
(xvii) GSR 228(E), dated the 21st March, 2003;
(xviii) GSR 751(E), dated the 28th December, 2005;
(xix) GSR 358 (E), dated the 10th May, 2008;
(xx) GSR 275 (E), dated the 28th March, 2011; and
(xxii) GSR 904 (E), dated the 27th December, 2011.