THE INDIAN LEGAL SERVICE RULES, 1957

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and of all other powers enabling him in that behalf, the President hereby makes the following rules:-

1. SHORT TITLE AND COMMENCEMENT:

1) These Rules be called the Indian Legal Service Rules, 1957.
2) They shall come into force on the 1st day of October, 1957.

2. DEFINITIONS: In these rules,-

a) ‘Commission’ means the Union Public Service Commission;
b) ‘Department’ means the Department of Legal Affairs or the Legislative Department in the Ministry of Law;
c) ‘duty post’ means any post in the Ministry of Law whether permanent or temporary of a category specified in the First Schedule;
d) ‘grade’ means a grade of the Service;
e) ‘qualified legal practitioner’ means-
   i) in relation to appointment to a duty post in Grade II by direct recruitment, an Advocate or a pleader who has practiced as such for at least thirteen years, or an attorney of the High Court of Bombay or Calcutta who has practiced as such attorney and an advocate for a total period of at least eleven years;
   ii) in relation to appointment to a duty post in Grade III by direct recruitment, an advocate or a pleader who has practiced as such for at least ten years, or an attorney of the High Court of Bombay or Calcutta who has practiced as such for at least eight years or has practiced as such attorney and an advocate for a total period of at least eight years;
   iii) in relation to appointment to a duty post in Grade IV by direct recruitment, an advocate or a pleader who has practiced as such for at least seven years, or an attorney of the High Court of Bombay or Calcutta who has practiced as such for at least five years or has practiced as such attorney and an advocate for a total period of at least five years;
f) ‘Schedule’ means a Schedule to these rules; and
g) ‘Service’ means the Indian Legal Service constituted under rule 3.
3. CONSTITUTION OF INDIAN LEGAL SERVICE:
   
   1) There shall be constituted a Service to be known as the Indian Legal Service.
   2) There shall be four grades in the service and each grade shall consists of the duty posts specified in the First Schedule.

4. MEMBERS OF THE SERVICE:
   
   1) The following persons shall be members of the Service with effect from the date indicated against them:-
      
      a) Persons appointed to the Service at the commencement of these rules under rule 5, from the date of such commencement;
      b) Persons appointed to the Service after such commencement but before the commencement of the Central Legal Service (Second Amendment) Rules, 1963, from the date they were so appointed;
      c) Persons other than those referred to in clauses (a) and (b) holding duty posts at the commencement of the Central Legal Service (Second Amendment) Rules, 1963, from the date of such commencement; and
      d) Persons appointed to duty posts after the commencement of the Central Legal Service (Second Amendment) Rules, 1963 from the date they are so appointed.
      
   2) A Member of the Service holding any duty post in any grade immediately before the commencement of the Central Legal Service (Second Amendment) Rules, 1963 shall, on such commencement be deemed to be a member of the Service in that grade.
   
   3) A person appointed to any duty post in any grade after the commencement of the Central Legal Service (Second amendment) Rules, 1963 shall be a member of the Service in that grade.
   
   4) Any person who, before the commencement of the Central Legal Service (Second Amendment) Rules, 1963, was a member of the Service in any grade and was appointed to any duty post in a higher grade for any period before such commencement shall be deemed to have been appointed to that higher grade for such period.
5. **INITIAL APPOINTMENT TO THE SERVICE:**

1) The Central Government may at the commencement of these rules appoint to the Service any person-

   a) who at the commencement of these rules is holding any post specified in part A of the Second Schedule; or

   b) any person who, while holding any such post or any post specified in part B of the Second Schedule, was temporary appointed to any other civil post under the Central Government and has been continuously holding that or any other post under the Central Government until the commencement of these rules.

2) Every person appointed to the service under Sub-rule (1) shall be appointed to one of the grades.

6. **Filling up duty posts.**

   1) A duty post in Grade I or Grade II, barring the duty post of Grade II of the Service cadre of Legal Advisers and Grade II of the Service cadre of Government Advocates, shall be filled by promotion of a member of the Service in the next lower grade failing which by direct recruitment. The duty post of Grade II of the Service cadre of Legal Advisers (Additional Legal Adviser) shall be filled 90% by promotion failing which by deputation and 10% by direct recruitment. The duty post of Grade II of the Service cadre of Government Advocates (Additional Government Advocate) shall be filled 33.33% by promotion failing which by deputation and 66.67% by direct recruitment.

   2) A duty post in Grade III of the Service shall be filled alternatively by direct recruitment and by promotion of a member of the Service in Grade IV.

   3) A duty post in Grade IV of the Service, barring the duty post in Grade IV of the Service cadre of Legal Advisers, Grade IV of the Service cadre of Government Advocates and Grade IV of the Service cadre of Law Officers in the Law Commission of India, shall be filled by promotion of persons holding any post specified in the Third Schedule and by direct recruitment in the ratio of 1:1 (namely 50% by promotion and 50% by direct recruitment). A duty post in Grade IV of the Service cadre of Legal Advisers shall be filled by promotion of persons holding any post specified in the Third Schedule under the Service cadre of Legal Advisers and by direct recruitment in the ratio of 1:1 (namely 50% by promotion and 50% by direct recruitment). A duty post in Grade IV of the Service cadre of Government Advocates shall be filled by promotion of persons holding the post specified in the Third Schedule.
under the ILS cadre of Government Advocates and by direct recruitment in the ratio of 1:1 (namely 50% by promotion and 50% by direct recruitment). The officers holding the post in the Third Schedule under the Service cadre of Government Advocates 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. A duty post in Grade IV of the Service cadre of Law Officers in the Law Commission of India shall be filled 20% by promotion of persons holding post specified in the Third Schedule under the Service cadre of Law Officers, 40% by deputation/absorption; and 40% by direct recruitment.

6-A. FILLING OF DUTY POSTS BY DEPUTATION/ABSORPTION:

The field of selection for deputation/absorption to the various grades shall be as under:

Additional Legal Adviser (PB-4, Rs.37,400-67,000/- plus Grade Pay Rs.8,700/-)

Deputation

Officers of the Central Government:

(a) (i) holding analogous post on regular basis in the parent cadre/department; or
(ii) with five years’ service in the grade rendered after appointment on regular basis in posts in the scale of pay of Rs.12,000-16,500/- or equivalent in the parent cadre/department; and
(b) possessing the educational qualifications and experience prescribed for direct recruitment under rule 7.

Additional Government Advocate (Rs.14,300-18,300)

Deputation

Officers of the Central Government;
(a) (i) holding analogous post on regular basis in the parent cadre/department; or
(ii) with five years’ service in the grade rendered after appointment thereto on regular basis in posts in PB-3, Rs.15,600-39,100/- plus Grade Pay Rs.7,600/- or equivalent in the parent cadre/department; and
(b) possessing the educational qualifications and experience for direct recruitment prescribed under rule 7 and is eligible for enrolment 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.

Grade IV of the Service cadre of Law Officers of the Law Commission of India [PB-3, Rs.15,600-39,100/- plus Grade Pay Rs.6,600/-]

**Deputation/absorption**

Officers of the Central Government:

(a) (i) holding analogous post on regular basis in the parent cadre/department; or
(ii) with five years’ service in the grade rendered after appointment thereto on regular basis in posts in the Pay Band-3 of Rs.15,600-39100/- plus Grade Pay-Rs.5400/- or equivalent in the parent cadre/department; or
(iii) with six years’ service in the grade rendered after appointment thereto on regular basis in post Pay Band-2 of Rs.9,300-34,800/- plus Grade Pay-Rs.4800/-or equivalent in the parent cadre/department; and

(b) possessing the educational qualifications and experience prescribed for direct recruitment under rule 7.

The period of deputation shall be three years, which may in special circumstances, be extended to five years as the Central Government may think fit”.

7. **APPOINTMENT TO DUTY POST BY DIRECT RECRUITMENT:**

1) A person shall not be eligible for appointment by direct recruitment-

   a) to a duty post in Grade I, unless he holds a Degree in Law of a recognized University or equivalent and unless he has been a member of the Indian Civil Service permanently allotted to the judiciary or of a State Judicial Service for a period of not less than sixteen years or has held a superior post in the legal department of a State for a period of not less than sixteen years or a Central Government servant who has had experience in legal affairs for not less than sixteen years;

   b) to a duty post in Grade II, unless he holds a Degree in Law of a recognized University or equivalent and unless he has been a member of a State Judicial Service for a period of not less than thirteen years or has held a superior post in the legal department of a State for a
period of not less than thirteen years or a Central Government servant who has had experience in legal affairs for not less than thirteen years or is a qualified legal practitioner;

c) to a duty post in Grade III, unless he holds a Degree in Law of a recognized University or equivalent and unless he has been a member of a State Judicial Service for a period of not less than ten years or has held a superior post in the legal department of a State for a period of not less than ten years or a Central Government servant who has had experience in legal affairs for not less than ten years or possesses a Master’s Degree in Law and has had teaching or research experience in Law for not less than eight years or is a qualified legal practitioner of not less than 35 years.

d) to a duty post in Grade IV, unless he holds a Degree in Law of a recognized University or equivalent 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 legal affairs 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 of not less than 30 years.

Note 1- The upper age limit for direct recruitment under clauses (a) to (d) of sub-rule (1) shall be as follows:-

<table>
<thead>
<tr>
<th>Grade</th>
<th>Age Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade I</td>
<td>Preferably below 50 years</td>
</tr>
<tr>
<td>Grade II</td>
<td>Preferably below 50 years</td>
</tr>
<tr>
<td>Grade III</td>
<td>50 years</td>
</tr>
<tr>
<td>Grade IV</td>
<td>40 years</td>
</tr>
</tbody>
</table>

Note 2- The upper limit in respect of all the above posts is relaxable for Government servants up to five years in accordance with the instructions and order issued by the Central Govt.

Note 3- The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than in the Andaman and Nicobar Islands and Lakshadweep).

1A). In making appointment by direct recruitment to a duty post in Grade I, Grade II, Grade III or Grade IV, preference shall be given:-

i) to a person (not being a member of a State Judicial Service or a legal practitioner) with experience in legal advice work if such post is in the Legal Adviser Service cadre in the Department of Legal Affairs, research work if such post is in the Law Officer Service cadre in the
Department of Legal Affairs and experience of litigation work if such post is in the Government Advocate Service cadre of the Department of Legal Affairs. Further, in making appointment by direct recruitment to any duty post in the Government Advocate Service cadre 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, 1950 as amended from time to time and for registration as an Advocate-on-Record of that court under the said rules.

ii) to a person with experience in legislative drafting, if such post is in the Legislative Department.

2. Every direct recruitment to a duty post shall be in consultation with the Commission unless such consultation is not necessary under the general regulations in force in that behalf.

3. For the purposes of sub-rule (1):

   a) in computing the period during which a person has held any office in the State Judicial Service or in the Legal department of a State or under the Central Government, there shall be included any period during which he has held any of the other aforesaid offices or any period during which he has been a legal practitioner;

   b) in computing the period during which a person has been a qualified legal practitioner, there shall be included any period during which he has held any office in the State Judicial Service or has held a superior post in the legal department of a State or has been a Central Government servant having experience in legal affairs.

8. **PROMOTIONS:**

   1) A person shall not be eligible for promotion:

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

      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;

      iii) to a duty post in Grade III, unless he has held a duty post in Grade IV for a total period of not less than three years;

      iv) to a duty post in Grade IV, unless he has held one or more posts specified in the Third Schedule and possesses six years’ regular service in post of Superintendent (Legal) (PB-2 Rs.9300-34,800/-)
plus Grade Pay of Rs.4800/-) failing which eight years’ combined regular service in the posts of Assistant (Legal) (PB-2 Rs.9300-34,800/- plus Grade Pay of Rs.4600/-) and Superintendent (Legal) (PB-2 Rs.9300-34,800/- plus Grade Pay of Rs.4800/-) out of which three years’ regular service shall be in the post of Superintendent (Legal);

or

possesses seven years’ regular service in the posts of Junior Central Government Advocate/Librarian Grade-I (PB-2 Rs.9300-34,800/- plus Grade Pay of Rs.4600/-):

Provided that for promotion to a duty post in Grade-IV in the Government Advocate Service Cadre in the Department of Legal Affairs, the person shall be eligible for enrolment as an advocate in the Supreme Court under the Supreme Court Rules, 1966, as amended from time to time, and for registration as an Advocate-on-Record of that Court under the said rules.

Note: 1: In the case of officers who are holding any of the posts mentioned in the Third Schedule on regular basis on the date of commencement of the Indian Legal Service (Amendment) Rules, 1987, the eligibility service for promotion to posts in Grade IV shall be three years’ regular service in the feeder grade.

Note: 2: Where juniors who have completed their qualifying or eligibility service are being considered for promotion, their seniors shall also be considered provided they are not short of the requisite qualifying or eligibility service by more than half of such qualifying or eligibility service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying or eligibility service.

Note: 3: The eligibility list for promotion to the grade of Assistant Legal Adviser shall be prepared with reference to the date of completion of the prescribed qualifying service by the officers in the respective grade or post.”
2) Unless the Central Government otherwise decides, promotion to a duty post in any grade in a Department shall be made from amongst persons holding duty posts, or, as the case may be, posts specified in the Third Schedule, in the Department.

3) Every person promoted to a duty post in any grade under this rule shall be initially appointed to that post in an officiating capacity.

4) Every promotion for a period exceeding three months shall be by selection made on the recommendation of the Departmental Promotion Committee constituted for the purpose in accordance with the general rules in force in that behalf.

5) In computing for the purposes of this rules, the period for which a person has held a duty post in any grade or, as the case may be, a post specified in the Third Schedule,

   i) any period for which he has held such duty post in any grade, or, as the case may be, a post specified in the Third Schedule, on ad-hoc basis shall be excluded;

   ii) There shall be included-

      a) any period for which he has held a duty post in a higher grade;

      b) any period of his deputation for which he would have held that duty post but for his deputation;

      c) any period for which he has held a post which, in the opinion of the Central Government, corresponds to or is higher than such duty post, or as the case may be, a post specified in the Third Schedule.

9. **PROBATION**

1) Every person appointed to a duty post, whether by direct recruitment or by promotion shall be on probation for a period of two years.

2) The Central Government may, in the case of any such person extend or reduce the period of probation.

3) At any time during the period of probation and without any reasons, being assigned, a person appointed to a duty post on probation may,-

   i) if he is appointed thereto by direct recruitment be discharged from service in that post;

   ii) if he is appointed thereto by promotion, be reverted to the post held by him immediately before such promotion.
4) In computing for the purposes of this rule the period for which a person is on probation in a duty post, there may be included the period for which he has officiated in that duty post.

10. **SUBSTANTIVE APPOINTMENTS TO DUTY POSTS:**

Appointments of members of the Service to duty posts in any grade in a substantive capacity shall be made in accordance with the general rules in force in that behalf.

11. **SENIORITY:**

(1) A list of members of the service shall be maintained separately for Legislative Department and each of the three cadres in the Department of Legal Affairs as indicated in the 'First Schedule' to these rules, in the order of their seniority.

(2) The seniority of members of the service in each Department shall be determined in accordance with the general instructions issued by the Central Government in that behalf, from time to time.

12A. **BENEFIT OF ADDED YEARS OF SERVICE FOR SUPERANNUATION PENSION:**

The benefit of addition to qualifying service for the purpose of superannuation pension shall be admissible to the members of the Service, who are appointed to the Service by direct recruitment from open market in terms of rule 30 of the Central Civil Services (Pension) Rules, 1972, as applicable to them from time to time.

13. **OTHER CONDITIONS OF SERVICE:**

The conditions of service of members of the Service in respect of matters for which no provision is made in these rules shall, unless the Central Government otherwise orders be the same as are applicable from time to time to officers of the Central Civil Services, Class I.

14. **AMENDMENT OF FIRST SCHEDULE:**

The Central Government may, by order, amend the First Schedule from time to time by way of addition of any post thereto as duty post or alteration of the strength of duty posts or pay or time-scale of pay and when the First Schedule is so amended, any reference to that Schedule in these rules, shall be construed as a reference to such Schedule as so amended.

14-A. **POWER TO RELAX:**

Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and, in consultation with the Union Public Service commission relax any of the
provisions of these rules with respect to any class or category or persons or any posts.

14-B. **SAVING:**

Nothing in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

15. **INTERPRETATION:**

If any question arises relating to the interpretation of these rules, the decision of the Central Government thereon shall be final.
The Central Government has, in exercise of the powers conferred by rule 14 of the principal rules vide its order number 81 dated 27th September, 2007 de-merged the cadre of Government Counsels in the Service in the Department of Legal Affairs and created three different cadres within that department consisting of the following cadres with duty posts as under:-

**Legal Advisers Service cadre in the Main and Branch Secretariats:**

<table>
<thead>
<tr>
<th>Name of the duty post</th>
<th>Grade</th>
<th>Scale of pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint Secretary and Legal Adviser</td>
<td>Grade I</td>
<td>PB-4, Rs.37,400-67,000/- plus Grade Pay Rs.10,000/-</td>
</tr>
<tr>
<td>Additional Legal Adviser</td>
<td>Grade II</td>
<td>PB-4, Rs.37,400-67,000/- plus Grade Pay Rs.8,700/-</td>
</tr>
<tr>
<td>Deputy Legal Adviser</td>
<td>Grade III</td>
<td>PB-3, Rs.15,600-39,100/- plus Grade Pay Rs.7,600/-</td>
</tr>
<tr>
<td>Assistant Legal Adviser</td>
<td>Grade IV</td>
<td>PB-3, Rs.15,600-39,100/- plus Grade Pay Rs.6,600/-</td>
</tr>
</tbody>
</table>
## Law Officer Service cadre in the Law Commission of India:

<table>
<thead>
<tr>
<th>Name of the duty post</th>
<th>Grade</th>
<th>Scale of pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joint Secretary and Law Officer</td>
<td>Grade I</td>
<td>PB-4, Rs.37,400-67,000/- plus Grade Pay Rs.10,000/-</td>
</tr>
<tr>
<td>Additional Law Officer</td>
<td>Grade II</td>
<td>PB-4, Rs.37,400-67,000/- plus Grade Pay Rs.8,700/-</td>
</tr>
<tr>
<td>Deputy Law Officer</td>
<td>Grade III</td>
<td>PB-3, Rs.15,600-39,100/- plus Grade Pay Rs.7,600/-</td>
</tr>
<tr>
<td>Assistant Law Officer</td>
<td>Grade IV</td>
<td>PB-3, Rs.15,600-39,100/- plus Grade Pay Rs.6,600/-</td>
</tr>
</tbody>
</table>

## Government Advocate Service cadre in the Central Agency Section and Branch Secretariats in Mumbai and Kolkata:

<table>
<thead>
<tr>
<th>Name of the duty post</th>
<th>Grade</th>
<th>Scale of pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Government Advocate</td>
<td>Grade I</td>
<td>PB-4, Rs.37,400-67,000/- plus Grade Pay Rs.10,000/-</td>
</tr>
<tr>
<td>Additional Government Advocate</td>
<td>Grade II</td>
<td>PB-4, Rs.37,400-67,000/- plus Grade Pay Rs.8,700/-</td>
</tr>
<tr>
<td>Deputy Government Advocate</td>
<td>Grade III</td>
<td>PB-3, Rs.15,600-39,100/- plus Grade Pay Rs.7,600/-</td>
</tr>
<tr>
<td>Assistant Government Advocate</td>
<td>Grade IV</td>
<td>PB-3, Rs.15,600-39,100/- plus Grade Pay Rs.6,600/-</td>
</tr>
</tbody>
</table>

## Legislative Department

<table>
<thead>
<tr>
<th>Grade</th>
<th>Designation</th>
<th>Permanent</th>
<th>Temporary</th>
<th>Scale of Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Joint Secretary and Legislative Counsel</td>
<td>5</td>
<td>1</td>
<td>PB-4, Rs.37,400-67,000/- plus Grade Pay Rs.10,000/-</td>
</tr>
<tr>
<td>II</td>
<td>Additional Legislative Counsel</td>
<td>4</td>
<td>Nil</td>
<td>PB-4, Rs.37,400-67,000/- plus Grade Pay Rs.8,700/-</td>
</tr>
<tr>
<td>III</td>
<td>Deputy Legislative Counsel</td>
<td>9</td>
<td>Nil</td>
<td>PB-3, Rs.15,600-39,100/- plus Grade Pay Rs.7,600/-</td>
</tr>
</tbody>
</table>
IV  Assistant Legislative Counsel  13  Nil  PB-3, Rs.15,600-39,100/- plus Grade Pay Rs.6,600/-

| Cadre Strength of Indian Legal Service in the Ministry of Law and Justice |
|-----------------|-----------------|-----------------|
| Grade | Permanent posts | Temporary posts |
| I    | 21              | 2               |
| II   | 31              | 3               |
| III  | 28              | 3               |
| IV   | 58              | Nil             |

** The single post of Government Advocate in the scale of Rs.16400-20000 in Central Agency Section of the Department of Legal Affairs stands downgraded from the pay scale of Rs.16400-20000 to the pay scale of Rs.14300-18300 with effect from 1st December, 2007

THIRD SCHEDULE
(See rule 6(3) and 8(1) (iv))

POSTS IN THE MINISTRY OF LAW AND JUSTICE

Department of Legal Affairs

Feeder post to the Legal Adviser cadre of the Service  Feeder post to the Law Officer cadre of the Service  Feeder post to the Government Advocate cadre of the Service

1. Superintendent (Legal)  2. Librarian (Grade I)  Superintendent (Legal) in Law Commission of India  Junior Central Government Advocate

Legislative Department

Superintendent (Legal) in the Legislative Department”.

Note: The principal rules were published in the Gazette of India vide number SRO:3084-A (CLSR), dated 25.9.1957 and subsequently amended vide number:

(i) GSR 1608, dated 28.09.1963;
(ii) GSR 1416, dated 27.07.1968;
(iii) GSR 1423, dated 27.07.1968;
(iv) GSR 1050, dated 03.05.1969;
(v) GSR 1981, dated 23.08.1969;
(vi) GSR 1900, dated 21.11.1970;
(vii) GSR 2, dated 06.01.1979;
(viii) GSR 72, dated 20.01.1979;
(ix) GSR 658, dated 12.05.1979;
(x) GSR 270(E), dated 29.03.1982;
(xi) GSR 668, dated 17.09.1983;
(xii) GSR 1161(E), dated 22.10.1986;
(xiii) GSR 658, dated 29.06.1987;
(xiv) GSR 872, dated 28.11.1987;
(xv) GSR 658, dated 20.08.1988;
(xvi) GSR 176, dated 10.08.1988;
(xvii) GSR 228(E), dated 21.03.2003;
(xviii) GSR 751(E), dated 28.12.2005;
(xix) GSR 358 (E), dated 10.5.2008;
(xx) GSR 275 (E), dated 28.3.2011; and
(xxi) GSR 904 (E), dated 27.12.2011.