

F.No.16/1/2017-Admn.I(LA)
Government of India
Department of Legal Affairs
Admin. I(LA)

4th Floor, Shastri Bhawan, New Delhi
Dated the 6th October, 2017

OFFICE MEMORANDUM

**Subject: Appointment of Legal Consultants on contract basis by
Ministries/ Departments – reg.**

The undersigned with reference to the subject cited above is directed to state that it has been noticed by this Department, that Ministries/Departments of the Government of India are frequently engaging legal consultants for attending to the Litigation and Legal Advice work relating to their Ministries/Departments. As per the Government of India (Allocation of Business) Rules, 1961 (ABR) and the Government of India (Transaction of Business) Rules 1961 (TBR) advice on legal matters including interpretation of the constitution and the laws and conveyancing etc. have been allocated to the Department of Legal Affairs (Ministry of Law & Justice) and the TBR's mandates consultation with Ministry of Law in this regard.

2. In view of the above position, the function of tendering legal advice may not be conferred upon a contractual employee with whatever nomenclature, as such an employee cannot be considered as an officer subordinate to the President. The expenditure incurred in this regard shall be in violation of the provisions contained in clause 3 of article 266 of the Constitution.

3. It is therefore emphasized that Ministries/Departments may not resort to such contractual appointment as this practice encroaches upon the functions assigned to this Department as per the Government of India (Allocation of Business) Rules, 1961.



(Dr. Rajiv Mani)
Joint Secretary and Legal Adviser
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To

Joint Secretary (Administration) of all the Ministries/Departments as per standard list.