

No.F.18(1)/86-Judl.
Government of India
(Bharat Sarkar)
Ministry of Law and Justice
(Vidhi Aur Nyaya Mantralaya)
Department of Legal Affairs
(Vidhi Karya Vibhag)

New Delhi, the 1st January 1987
Pausa 11, 1908 (Saka)

NOTIFICATION

G.S.R. No.1(E) In exercise of the powers 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 Officer (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, Additional Solicitor-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.

Provided that he shall make himself available for duties whenever required by the Government of India.

¹{4. Headquarters (1) The headquarters of the Attorney-General and Solicitor-General shall be at New Delhi and the Headquarters of Additional Solicitor-General shall be at New Delhi or Bombay or Calcutta or Madras ²or Allahabad as may be specified, from time to time, by the Government of India in the case of each Additional Solicitor –General.

(2) (a) A Law Officer, appointed for cases in the Supreme Court may, with the permission of the Government of India leave the headquarters during the vacation of the Supreme Court; and

(b) A Law Officer, who has been appointed for cases in the High Court of Delhi, Bombay, Calcutta, ³Madras or Allahabad may, with the permission of the Government of India leave the headquarters during the vacation of the respective High Court.

Provided that a Law Officer who has been permitted to leave headquarters under this sub-rule shall make himself available for duties whenever required by the Government of India. }

5. Duties- It shall be the duty of a Law Officer –

¹ Substituted vide GSR 473 (E) dated 22nd June 1993.

² Inserted vide GSR ... (E) dated 16th December, 2005.

³ Substituted vide GSR ... (E) dated 16th December, 2005.

- (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.

⁴7. 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 the 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:-

⁴ Substituted vide G.S.R. 403 (E) dated 2nd June 1999.

Sl.No	Nomenclature of the item of work	Rates of fees payable for appearance and other 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
1.	2.	3.
(i)	Suits, writ petitions, appeals and references under Article 143.	Rs.8000/- per case per day.
(ii)	Special leave petitions and other applications	Rs.5000/- per case per day.
(iii)	Settling pleadings (including affidavits)	Rs.2500/- per pleading
(iv)	Settling statement of case	Rs.3000/- per case.
(v)	For giving opinions in statement of case sent by the Ministry of Law	Rs.5000/- per case.
(vi)	For written submissions before the Supreme Court, High Court and Commissions of Inquiry/Tribunals	Rs.5000/-

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 (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 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.”}

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 Section 617 of the Companies Act, 1956 (1 of 1956), any Corporation owned or controlled by the State, any body or institution in which the Government has a preponderating interest;
- (b) ⁵{ advise any party against the Government of India or a Public Sector Undertaking, or in cases in which he is likely to be called upon to advise, or appear for, the Government of India or a Public Sector Undertaking; }
- (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;
- (e) {advise any Ministry or Department of Government of India or any statutory organization or any Public Sector Undertaking unless the proposal or a reference in this regard is received through the Ministry of Law and Justice, Department of Legal Affairs.}⁶

(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 clauses (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.

⁵ Substituted vide G.S.R. 397 (E) dated 14th April 1987.

⁶ Inserted vide G.S.R. ... (E) dated 25th February, 2005

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;

⁷“Explanation – For the purpose of this rule “ Personal staff” means: –

- (i) in the case of Attorney General and Solicitor General - a Principal Private Secretary in the appropriate grade, a stenographer and a jamadar;
- (ii) in the case of Additional Solicitor General - 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, it may, by order, and for reasons to be recorded in writing, relax any of the provisions of these rules.

⁷ Substituted vide GSR ... (E) dated 16th December, 2005.

⁸{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.

⁸ Inserted vide G.S.R. 345 (E) dated 10th May 2001.
