

PART I
HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 14th September, 2016

No. Leg. 22/2016.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 10th September, 2016 and is hereby published for general information:—

HARYANA ACT NO. 18 OF 2016

THE HARYANA LAW OFFICERS (ENGAGEMENT) ACT, 2016

AN

ACT.

to provide for a system of engagement of Law Officers in the office of Advocate General in a transparent, fair and objective manner and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows:—

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| 1. | (1) This Act may be called the Haryana Law Officers (Engagement) Act, 2016. | Short title and Commencement. |
| | (2) It shall come into force with immediate effect. | |
| 2. | In this Act, unless the context otherwise requires,— | Definitions. |
| | (a) "Advocate General" means a person appointed under article 165 of the Constitution of India as Advocate General for the State of Haryana and includes any person appointed to act temporarily as such; | |
| | (b) "category" means the category of post of Law Officers, as may be prescribed and includes such other category, as may be determined by the State Government, by notification; | |
| | (c) "Law Officer" means an Advocate appointed under this Act as Law Officer in the office of Advocate General; | |
| | (d) "Selection Committee" means a committee constituted under Section 5; | |
| | (e) "State Government" means the Government of the State of Haryana. | |
| 3. | (1) The Advocate General shall, from time to time make an assessment regarding requirement of Law Officers in various categories and shall submit his recommendations to the State Government for the creation, abolition or filling up of posts of Law Officers in various categories, as the case may be. | Assessment of posts. |
| | (2) The State Government shall, having regard to the recommendations of the Advocate General, take decision for the creation, abolition or filling up of posts of Law Officers in various categories, as the case may be. | |
| 4. | The State Government shall be the appointing authority for the various categories of posts under this Act. | Appointing authority. |
| 5. | The State Government shall, by notification, constitute a Selection Committee consisting of a Chairperson and such other members, as may be determined by the State Government, for the selection of suitable Advocates to be appointed as Law Officers. | Constitution of Selection Committee. |
| 6. | (1) The Selection Committee shall, as per the decision taken by the State Government, regarding appointment of Law Officers in various categories, follow such procedure, as may be prescribed. | Functions of Selection Committee. |
| | (2) The Selection Committee shall prepare a panel of names of Advocates as per eligibility, merit and suitability and shall submit its recommendations to the State Government. | |
| | (3) On the recommendations made by the Selection Committee, the State Government shall, by order, make the appointment of Law Officers to the various categories: | |
| | Provided that the Advocate General may, with the approval of State Government, engage upto five Advocates, who, in his opinion possess such special qualifications and experience as he deem suitable, as Law Officers keeping in view the exigencies and for smooth functioning of his office. | |

Eligibility criteria.	7.	The eligibility criteria for selection of Law Officers shall be such, as may be prescribed.
Disqualifications.	8.	An Advocate shall be disqualified for being appointed, or for continuing as a Law Officer, if,- <ol style="list-style-type: none"> (a) he is found to be a person of unsound mind; (b) he is an undischarged insolvent; (c) he has been convicted of an offence involving moral turpitude and such conviction has not been reversed or he has not been granted full pardon in respect of such offence; (d) he has been held guilty of encroachment on any public property; (e) he has been or is disqualified by the Bar Council of the State, where he has been enrolled or Bar Council of India or any court or authority; (f) he, having a spouse living, has entered into or contracted a marriage; or (g) he has entered into or contracted a marriage with a person having a spouse living; <p>Provided that the State Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of clause (f) and (g) of this section.</p>
Nature of engagement.	9.	The engagement of Law Officers to the various categories shall be on contract basis and shall be engaged for such term, entitled to such benefits, privileges and corresponding protocol, as may be determined by the State Government by specifically mentioning the same in the terms and conditions of their engagement.
Duties of Law Officer.	10.	(1) It shall be the duty of a Law Officer,- <ol style="list-style-type: none"> (a) to give advice to the State Government 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 State Government or Advocate General; (b) to appear and defend the State Government and/or its officers/officials or any Statutory authority before the High Court, Supreme Court of India, any other court, Tribunal or authority in cases assigned by the State Government or Advocate General by any general or special order/instruction or otherwise required by any Court or authority; (c) to represent the State Government in any reference made by the President to the Supreme Court under Article 143 of the Constitution of India; (d) to discharge such other functions as are conferred on a Law Officer by or under the Constitution of India or any other Law for the time being in force. <p>(2) The Law Officer shall not appear before any court of law against the interest of the State Government.</p>
Head office.	11.	(1) The Head office of the Law Officer shall be at Chandigarh. (2) A Law Officer, who has been assigned cases beyond headquarter, shall with the permission of Advocate General hold the charge at that place.
Leave and other matters.	12.	The leave and other matters relating to appointment of Law Officers not specifically provided in this Act shall be such, as may be prescribed.
Power to disengage.	13.	Notwithstanding anything contained in this Act, the State Government may, in consultation with or on the recommendations of the Advocate General, as the case may be, disengage or dispense with engagement of any Law Officer from his office.
Right to engage other advocates.	14.	The State Government or the Advocate General with the approval of the State Government shall have the right to engage any Advocate, not having been appointed as Law Officer, to institute, prosecute or defend any particular case or class of cases on behalf of the State Government and/or its officers/officials and its instrumentalities.
Power to make rules.	15.	The State Government may, by notification, make rules for carrying out the purposes of this Act.

16. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty. Power to remove difficulties.

17. (1) The engagement or extension of Law Officers in the office of Advocate General appointed before the commencement of this Act; shall not be affected. Savings.

(2) Any action, decision or direction taken or directed by the Advocate General, in force before the commencement of this Act, shall be valid and binding, as the case may be and shall remain in force notwithstanding anything contained in this Act.

KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.

HARYANA GOVERNMENT

ADMINISTRATION OF JUSTICE DEPARTMENT

Notification

The 20th October, 2016

No. 2/10/2015-5JJ(1).—In exercise of the powers conferred by section 15 of the Haryana Law Officers (Engagement) Act, 2016 (18 of 2016), the Governor of Haryana hereby makes the following rules, namely:-

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| Short title. | 1. These rules may be called the Haryana Law Officers (Engagement) Rules, 2016. | |
| Definitions. | 2. In these rules, unless the context otherwise requires,—
(a) “Act” means the Haryana Law Officers (Engagement) Act, 2016 (18 of 2016);
(b) “Scrutiny Committee” means a committee constituted under rule 8 of these rules. | |
| Number and character of posts. | 3. The posts of Law Officers shall be as shown in Appendix A to these rules.”
Provided that nothing in these rules shall affect the inherent right of Government to make addition to, or reduction in the number of such posts or to create new posts with different designations and scales of pay, either permanently or temporarily:
Provided further that the Law Officers shall have no claim on Government job in view of their engagement as Law Offices on contract basis. | |
| Assessment. | 4. The Advocate General while making assessment under sub-section (1) of section 3 of the Act, may take into consideration the following aspects, namely:-
(i) total number of the Courts (sanctioned and working);
(ii) number of cases;
(iii) number of Law Officers already engaged/working;
(iv) nature of work involved;
(v) specialization in subject matters;
(vi) any other relevant material, as he deems fit. | |
| Constitution of Selection Committee. | 5. The Selection Committee shall consist of:-
(i) Advocate General, Haryana
(ii) Additional Chief Secretary to Government, Haryana, Administration of Justice Department.
(iii) Two eminent persons, having knowledge of legal profession or having practised as Advocates not less than 25 years of standing to be nominated by the State Government.
(iv) Law Secretary-cum-Legal Remembrancer to Government, Haryana. | Chairman
Member
Member
Member-Secretary |
| Eligibility criteria. | 6. No person shall be engaged as Law Officer unless he,-
(i) is a citizen of India;
(ii) is enrolled with a Bar Council constituted under the Advocates Act, 1961 (Act 25 of 1961);
(iii) has been practising in any court of law within the jurisdiction of India;
(iv) is a duly assessed income tax payee for the gross minimum income from legal profession as specified by the Selection Committee;
(v) is having the following qualifications as per the table given below against the respective category. | |

Table

Serial Number	Category of Post	Practising as an Advocate not less than:	Number of cases conducted in last one year not less than:
1	2	3	4
1.	Senior Additional Advocate General	15 years	75
2.	Additional Advocate General	12 years	55
3.	Senior Deputy Advocate General	10 years	45
4.	Deputy Advocate General	8 years	35
5.	Assistant Advocate General	5 years	25

Provided that the eligibility condition with regard to minimum standing as a practising Advocate shall not apply to retired Judicial Officers, the retired Law Officers of Prosecution department of the State and the Law Officers engaged under the proviso to sub-section (3) of section 6 of the Act.

7. The State Government shall invite applications for engagement as Law Officers through publication on the official website specifying therein the eligibility criteria and the last date of submission of applications. Invitation of application.

8. (1) There shall be a Scrutiny Committee consisting of,-
 (i) Special/Joint Secretary to Government, Haryana, Administration of Justice Department Chairperson
 (ii) Representative of Advocate General, Haryana Member
 (iii) Representative of Legal Remembrancer and Administrative Secretary to Government Haryana Member
 Scrutiny Committee.

(2) On receipt of applications, the scrutiny committee shall scrutinize the applications regarding fulfilment of the requisite criteria.

(3) After scrutiny of the application, the matter shall be placed before the Selection Committee for its consideration.

9. The State Government having regard to the recommendations of selection committee shall issue orders of engagements of Law Officers including such terms and conditions as determined in this regard from time to time. Issuance of engagement orders.

APPENDIX – A
(See rule – 3)

Serial Number	Designation of post	Number of posts	Pay
		Contractual	
1.	Senior Additional Advocate General	6	Fixed emoluments Rs. 1,45,000/- per month.
2.	Additional Advocate General	93	Fixed emoluments Rs. 1,40,000/-
3.	Senior Deputy Advocate General	22	Rs. 37400 - 67000 + 10000 GP + 3000 NPA per month with initial entry level minimum pay start of Rs. 43,390/- + usual allowance.
4.	Deputy Advocate General	67	Rs. 37400-67000 + 10000 GP + 2500 NPA per month with initial entry level minimum pay start of Rs. 43,390/- + usual allowance.
5.	Assistant Advocate General	62	Rs. 15600 + 39000 + 8000 GP + 2000 NPA with initial entry level minimum pay start of Rs. 28,000/- + usual allowance.

RAM NIWAS,
Additional Chief Secretary to Government Haryana,
Administration of Justice Department.

PART I

HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 28th March, 2017

No. Leg.4/2017.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 28th March, 2017 and is hereby published for general information :-

HARYANA ACT NO. 4 OF 2017

THE HARYANA LAW OFFICERS (ENGAGEMENT) AMENDMENT ACT, 2017

AN

ACT

further to amend the Haryana Law Officers (Engagement) Act, 2016.

Be it enacted by the Legislature of the State of Haryana in the Sixty- eighth Year of the Republic of India as follows:-

1. (1) This Act may be called the Haryana Law Officers (Engagement) Amendment Act, 2017.

Short title and
Commencement

(2) It shall be deemed to have come into force with effect from the 14th September, 2016.

2. After sub-section (3) of section 6 of the Haryana Law Officers (Engagement) Act, 2016, the following sub-section shall be added, namely:-

Amendment of
section 6 of
Haryana Act 18
of 2016

“(4) A Law Officer engaged before the commencement of this Act, whose term has not expired, may be granted extension of term on the recommendation of the Selection Committee who shall obtain report about his satisfactory work and conduct from the Advocate General:

Provided that there shall be no such extension unless he fulfils such criteria, as prescribed for fresh engagement.”.

KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.