

ASSAM LEGAL SERVICE RULES, 1962

PART I

General

1. Short title and commencement.

- (1) These rules may be called the Assam Legal Service Rules, 1962.
- (2) They shall come into effect from the date of publication.

2. Definitions.

In these rules unless there is anything repugnant to the subject or the context-

- (i) **"Advocate or pleader"** means an Advocate or Pleader enrolled under the Indian Bar Council Act, 1926 or the Legal Practitioners Act, 1879 respectively and includes a person who is qualified to be enrolled as an Advocate under the Advocates' Act, 1961;
- (ii) **"Existing members of the service"** means those who are holding the post of Legal Remembrancer, Draftsman, Deputy Legal Remembrancer and Law

Assistant to Legal Remembrancer to the Government of Assam;

- (iii) "**Service**" means the Assam Legal Service;
- (iv) "**Judicial Officer**" means an officer holding a post in the Assam Judicial Service, Senior or Junior;
- (v) "**Members of the service**" means officers appointed to the Assam Legal Service from the date of publication of these rules;
- (vi) "**Schedule**" means a Schedule appended to these rules'

3. Constitution of the Assam Legal Service.

There shall be constituted a service to be known as the Assam Legal Service consisting of-

- (a) persons appointed to the service at the commencement of these rules under R. 6; and
- (b) persons recruited to the service after such commencement under R.7

PART II

Cadre

4. Strength of the service.

- (1) The strength of the service and each kind of post therein shall be determined by the Governor from time to time.
- (2) The strength of the service and each kind of post therein shall be as given in Schedule I.
- (3) The Governor may from time to time leave until or hold in abeyance any post in the cadre or manner, increase the cadre by the creation of additional permanent or temporary posts as may be found necessary.

COMMENTS

Sub-rule (2) of R. 4 has been substituted vide Notification No.LJJ-284/74/8, dated 19-11-1976.

PART III

Recruitment, probation and confirmation, etc.

5. Recruitment.

Every post in the cadre shall be filled up by appointment thereto of-

- (a) a member of the service in the appropriate grade, or
- (b) any other person eligible for recruitment to the service in the appropriate grade.

6. Absorption of existing members.

The existing members of the service shall be deemed to have been appointed substantively in their respective posts in the Assam Legal Service from the date of publication of these rules:

Provided that any member having a lien in any other service under the Government shall not be so absorbed, and option once exercised shall be final.

7. Selection of candidates.

- (1) In case of selecting persons for appointment to the service directly, the Governor shall make selection from qualified legal practitioners or Judicial Officers

taking into consideration the person's legal qualifications, fact, general intelligence, integrity and previous experience, if any:

Provided that in the case of appointment of a person to the service from amongst the Judicial Officers, no such appointment shall be made without consulting the Assam High Court.

- (2) It shall not be necessary for the Governor to consult the Public Service Commission for filling up the posts in Grade I and Grade II of the service but appointments to Grade III and Grade IV of the service shall always be in consultation with the Public Service Commission.

8. Qualifications for appointment.

Any person appointed directly to a post in the service must be qualified in the following manner:

- (1) In relation to recruitment to Grade I of the service, an advocate of a High court who has practised as such for at least 10 years or a Judicial Officer qualified to be appointed as a High Court Judge;
- (2) In relation to recruitment to Grade II of the service, an Advocate of a High court who has practised as such for

at least 7 years or a Judicial Officer qualified to be appointed as a District Judge;

- (3) In relation to recruitment to Grade III of the service an Advocate of a high Court or a Pleader of a District Court who has practised as such for at least 5 years or a Judicial Officer of at least 5 years' standing; and
- (4) In relation to recruitment to grade IV of the service-
 - (i) An Advocate enrolled under the Advocate's Act, 1961 who has been practising as such for at least 3 years; or
 - (ii) A Judicial of at least 3 years' standing; or
 - (iii) A Chief Language Officer of the Legislative Department holding a Degree in Law and having 3 years' experience as such officer or with 2 years' experience as such officer if he has previous experience as an Advocate for at least 3 years; or
 - (iv) A Language Officer of the Legislative Department holding a Degree in Law and having 5 years' experience as such officer or 2 years' experience as Language Officer if he has previous experience as an Advocate for at least 4 years.

- (5) For direct recruitment in Grade I and II of the service a candidate shall not be more than 45 years of age on the 1st January of the year of advertisement excluding the concession given to candidates belonging to Scheduled Castes and Scheduled Tribes.
- (6) For direct recruitment in Grade III and IV of the service candidate shall not be more than 35 years of age on the 1st January of the year of advertisement excluding the age-concession given to candidates belonging to Scheduled Castes and Scheduled Tribes.

COMMENTS

In sub-R. (4) of R.8, the words "or a Chief Translator.....of a recognised University" have been added vide Notification No.LJJ-284/74/13, dated 20-1-1977. Sub-rules (5) and (6) also have been added ibid.

Sub-rule (4) was substituted by Notification No. JOJ 51/90/27, dated 21-12-1990.

9. Promotion.

Notwithstanding anything contained in r. 8 above, a member of the service shall be eligible for promotion from a lower grade to the next higher grade, whether in a substantive or

officiating capacity, and in the case of such promotion the qualifications laid down for direct recruitment shall not be applicable:

Provided that for promotion from Grade II to Grade I, from Grade III to Grade II and from Grade IV Grade III of the service, the incumbent must have had put in service at least for a period of 3 years in the grade immediately below the one to which he has to be considered for promotion;

Provided further that the Governor in appropriate cases may relax the period or service hereinbefore prescribed.

10. Seniority.

Seniority of members in the service will depend on the date of appointment in the case of persons confirmed in the service but members of the service in higher grade shall be senior to those in a lower grade irrespective of the date of substantive appointment to the post.

COMMENTS

The words "for a period of 3 years" in proviso to R. 9 have been substituted vide Notification No.LJJ-284/74/PT/5, dated 16-11-1977.

11. Probation and confirmation.

- (1) A member of the service appointed to a permanent post shall be placed on probation for a period of one year from the date of appointment to such post:

Provided that the service rendered in an officiating or temporary capacity may be taken into account in computing the period of probation;

Provided further that the Governor may in all suitable cases relax or extend the period of probation.

- (2) A probationer may be confirmed at the end of the period of probation.
- (3) A probationer shall be liable to discharge from the service at any time without assigning any reason.

PART IV

PAY

12. Pay.

- (1) The scale of pay admissible to the members of each class of service in the different grades is shown in column (2) of Schedule II:

Provided that any existing member of the service shall continue to draw in the said relevant scale of pay at the rate which he would have drawn but for the introduction of these rules as well as increments therein on dates on which they would have been admissible in the old scale.

- (2) The members of the service in different grades as shown in column (1) of Schedule II holding the posts of Secretary, Joint Secretary and Under-Secretary respectively of the Government of Assam shall also be entitled to special pay as shown in column (3) of the said Schedule.

13. Leave, pension, etc.

Except as provided in these rules, pay, allowance, pension, leave and other conditions of service shall be regulated by the Civil Services (Classification, Control and Appeal) Rules,

Fundamental Rules, Assam Subsidiary Rules, Assam Pension Manual and other relevant rules for the time being in force.

COMMENTS

Sub-rule (2) of R.12 has been substituted vide Notification No.LJJ-284/74/8, dated 19-11-1976.

14. Other conditions of service.

The conditions of service of members in respect of matters for which no provision is made in the rules shall be the same as are for the time being applicable to other officers of the Government of Assam of Corresponding status.

15. Power of relaxation.

For the purpose of removing any difficulty in the implementation of these rules, it will be within the discretion of the Governor to relax any of the rules to resolve the said difficulty.

SCHEDULE I

Judicial Department

Grade I	Legal Remembrancer and Secretary to the Government of Assam.	1
Grade II	Joint Legal Remembrancer and Joint Secretary to the Government of Assam	1
Grade III	Deputy Legal Remembrancer and Deputy Secretary to the Government of Assam.	1
Grade IV	Law Assistant to Legal Remembrancer and Under-Secretary to the Government of Assam.	1

Legislative Department

Grade I	Secretary to the Government of Assam	1
Grade II	Senior Legislative Counsel and Joint Secretary to the Government of Assam.	1
Grade III	Deputy Secretary to the Government of Assam.	1
Grade IV	Junior Legislative Counsel and Under-Secretary to the Government of Assam.	1

COMMENTS

Schedule I has been substituted vide Notification No. LJJ-284/74/8, dated 19-11-1976.

SCHEDULE II

(1)	(2)	(3)
Grade I	Rs.11, 025-400-14,625-475-17,000	Special pay as is paid to Secretaries, Joint
Grade II	Rs.10, 050-325-11,025-400-14,625-475-15,575.	Secretary, Deputy Secretaries and Under-Secretary
Grade III	Rs.9075-325-11, 025-11,025-400-11,825-EB- 400-14,225	to the Government of Assam
Grade IV	4390-90-4480-120-5200-175-6075- EB-175-6600-250-8100-325-11, 025-400-11,425.	

COMMENTS

Revised vide Report of Assam Pay Commission, 1994 published in the Assam Gazette, Extraordinary No.134, dated 4-7-1998, pp.1325-1326.