

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:3155
ANSWERED ON:11.12.2014
VIOLATION OF RULES BY LAW OFFICERS
Singh Shri Rama Kishore

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government is aware that the Law Officers (Conditions of Service) Rules, 1987 prohibits law officers from taking up cases except those of the Government of India or of other such institutions as authorized by the Government;
- (b) if so, whether some cases of violation of said Rules including by top law officers of the Government have come to the notice of the Government;
- (c) if so, the details thereof along with the action taken thereon by the Government; and
- (d) the other steps taken/being taken by the Government to prevent violation of these rules?

Answer

MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA)

(a) Yes Madam, Rule 8 (1) (a) of Law Officers (Conditions of Service) Rules, 1987 prohibits a Law Officer to 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, anybody or institution in which the Government has a preponderating interest. However, Rule 10 confers powers on the Central Government to relax any of the provisions of the rules for reasons to be recorded in writing.

(b) & (c) No Madam. However, several requests from Law Officers seeking permission/refaxation of Rule 8 (1) (a) of Law Officers (Conditions of Service) Rules, 1987 for appearance in private matters are received in this Department and in those cases, in which Union of India is not a party or the interest of Union of India is not adversely affected, permission is sometimes granted by the Competent Authority.

(d) Recently, this Department has issued guidelines vide OM No. F. No. 29 (13)/2014-Judl. dated 24th October, 2014, in which this Department has reiterated its earlier guidelines to all Law Officers that they should restrain from seeking permission to appear in private cases. Any request should be made only for compelling reasons and in exceptional circumstances.