



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 119]

CHENNAI, SATURDAY, APRIL 29, 2017
Chithirai 16, Hevilambi, Thiruvalluvar Aandu-2048

Part III—Section 1(a)

**General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.**

NOTIFICATIONS BY GOVERNMENT

PUBLIC DEPARTMENT (Law Officers)

APPOINTMENT OF LAW OFFICERS OF HIGH COURT OF MADRAS AND ITS BENCH AT MADURAI (APPOINTMENT)
RULES, 2017

[G.O. (Ms.) No. 369, Public (Law Officers), 29th April 2017, சித்திரை 16, ஹேவிலாம்பி,
திருவள்ளூர் ஆண்டு-2048.]

No. SRO A-19(b)/2017.

The Government of Tamil Nadu hereby make the following rules relating to the appointment of Law Officers in the High Court of Madras and its Bench at Madurai:-

RULES

CHAPTER-I

Preamble

These rules have been made with a view to bring transparency in the appointment of Law Officers in the High Court of Madras and its Bench at Madurai.

1. Short Title, Commencement and Application:-

(a) These rules may be called the Law Officers of High Court of Madras and its Bench at Madurai (Appointment) Rules, 2017.

(b) These rules shall come into force at once.

2. Definitions:- In these rules unless the context otherwise requires -

(a) "Additional Advocate General" means an Advocate appointed by the Government to conduct such case as may be entrusted to him for and on behalf of the State in the High Court;

(b) "Additional Government Pleader" means an Advocate appointed by the Government to assist the Advocate General, Additional Advocate General, Government Pleader or a Special Government Pleader or to conduct such civil cases as may be entrusted to him for and on behalf of the State in the High Court;

- (c) "**Additional Public Prosecutor**" means an Advocate appointed as an Additional Public Prosecutor under section 24 of the Code of Criminal Procedure, 1973 for the High Court;
- (d) "**Advocate General**" means an Advocate appointed as the Advocate General for the State of Tamil Nadu under Article 165 of the Constitution of India;
- (e) "**Government Advocate**" means an Advocate appointed by the Government to assist the Advocate General, Additional Advocate General, Government Pleader, Additional Government Pleader or a Special Government Pleader or to conduct such civil cases as may be entrusted to him for and on behalf of the State in the High Court, including preparation of Pleadings;
- (f) "**Government Pleader**" means an Advocate appointed by the Government to assist the Advocate General and to conduct civil cases and prepare pleadings for and on behalf of State in the High Court;
- (g) "**Government Law Officer**" means an Advocate General, Additional Advocate General, Public Prosecutor, Government Pleader, Additional Government Pleader, Special Government Pleader, Additional Public Prosecutor and Government Advocate;
- (h) "**High Court**" means the High Court of Judicature at Madras and its Bench at Madurai;
- (i) "**Public Prosecutor**" means an Advocate appointed as the Public Prosecutor under section 24 of the Code of Criminal Procedure for the High Court;
- (j) "**Selection Committee**" means the Committee constituted to select the eligible persons for appointment as Law Officers;
- (k) "**Special Government Pleader**" means an Advocate appointed by the Government to assist the Advocate General and to conduct civil cases as entrusted to him for and on behalf of the State in the High Court.

CHAPTER-II

Law Officers in the High Court

3. Set-Up In the High Court:-(1) Besides the Advocate General there shall be the following categories of Government Law Officers in the High Court, namely:-

- (I) Additional Advocate General;
- (II) Public Prosecutor;
- (III) Additional Public Prosecutor;
- (IV) Government Pleader;
- (V) Special Government Pleader;
- (VI) Additional Government Pleader;
- (VII) Government Advocate;

(2) The number of Law Officers in Categories I, III, V, VI and VII of sub-rule (1) shall be such as may be fixed by the Government from time to time.

4. Eligibility of Government Law Officers:- Subject to rule 8, no person shall be eligible for appointment in the High Court ,-

- (i) (a) as an Additional Advocate General unless he has been in practice as an Advocate for not less than ten years out of which a minimum of not less than seven years in the High Court;
- (b) as a Public Prosecutor unless he has been in practice as an Advocate for not less than ten years out of which a minimum of not less than seven years in the High Court;
- (c) as a Government Pleader unless he has been in practice as an Advocate for not less than ten years out of which a minimum of not less than seven years in the High Court;
- (d) as a Special Government Pleader unless he has been in practice as an Advocate for not less than ten years out of which a minimum of not less than seven years in the High Court;
- (e) as an Additional Government Pleader unless he has been in practice as an Advocate for not less than seven years out of which a minimum of not less than five years in the High Court;
- (f) as a Government Advocate unless he has been in practice as an Advocate for not less than five years out of which a minimum of not less than three years in the High Court;

- (ii) unless he is a Citizen of India;
- (iii) unless he has obtained a Law Degree from a University in India Recognised by Bar Council of India after undergoing the Law Course;
- (iv) if he is convicted by a Court of Law to be involved in an act of moral turpitude.

5. Method of Appointment of Government Law Officers In the High Court:-

(1) The appointment of an Additional Advocate General, Government Pleader, Additional Public Prosecutor, Special Government Pleader, Additional Government Pleader and Government Advocate shall be made by the Government.

(2) The Public Prosecutor and Additional Public Prosecutor shall be appointed in consultation with the High Court in accordance with section 24 of the Code of Criminal Procedure, 1973.

(3) There shall be a Selection Committee to select the Law Officers in the High Court from and out of a panel consisting of names for each of the posts. The Committee shall consist of the following members:

The Advocate General - Chairman

The Secretary (Public) - Member

The Secretary (Home) - Member

The Secretary (Law) - Member

(4) The Advocate General shall forward the list of Advocates as per the eligibility norms prescribed in rule 4, to Government after preliminary scrutiny for selection of Law Officers and the Government shall place the same to the Selection Committee.

(5) The Selection Committee shall be satisfied about the qualification, experience, integrity, reliability, reputation and antecedents of the candidates.

(6) After ascertaining the antecedents of the candidates recommended by the Selection Committee, the State Government may appoint such person as a Law Officer of the State for the specified Post.

(7) All Law Officers shall be appointed by the Government and such Law Officers shall hold office during the pleasure of the Government.

CHAPTER-III

Term of Law Officers

6. Term of Law Officers:-

(1) All Government Law Officers appointed by the Government, except Government Advocates shall hold office during the pleasure of the Government.

(2) Government Advocate shall hold office for a period of 2 years at a time. He may be considered for a further term of 2 years each, if the Government are satisfied that he has proven efficiency and good performance and for a third term in exceptional cases.

CHAPTER-IV

Removal of Law Officers

7. Removal of Law Officers:-

(1) A Government Law Officer shall be liable to be removed from the office without assigning any reason by giving one month notice or on payment of one month retainer fee in lieu of such notice.

(2) A Government Law Officer may resign his office by giving one month notice in writing to the Government.

(3) A Government Law Officer shall be removed from office if he suffers from any of the disqualifications mentioned in rule 8.

(4) A Government Law Officer shall also be removed from his duty for any act or conduct which is incompatible with his duties as a Law Officer.

CHAPTER-V

Disqualifications for Law Officers**8. Disqualifications for Law Officers:-**

(1) No person who has completed the age of sixty years shall be appointed as a Government Law Officer other than as the Advocate General, Additional Advocate General, Public Prosecutor, Government Pleader, Special Government Pleader to do Government work.

(2) A Government Law Officer is debarred from accepting a brief from any private person in any criminal case in any Court.

(3) A Government Law Officer may accept a brief from any private person for a civil case in any Court provided that such acceptance does not interfere with the discharge of his duties as a Law Officer.

(4) A Government Law Officer is debarred from accepting a brief on behalf of an Advocate in proceedings taken against him under the provisions of the Advocates Act or Rules framed by the Bar Council of Tamil Nadu or any other State.

(5) A Government Law Officer shall not accept appointment as a Director or Advisor or Retainer in any company public or private without the sanction of the Government.

(6) A Government Law Officer shall not appear for or give Legal Advice to Private Persons or matters in which the interests of the person are likely to be adverse to the Government.

(7) A Government Law Officer shall not give advice in any case to private persons if he is likely to be called upon to advise the Government in the same case.

(8) A Government Law Officer shall not accept a brief from any person, whether a petitioner or respondent in proceedings initiated in an Election Petition in connection with an Election to a Local Authority or the State Legislative Assembly or Parliament.

(9) A person who is a member of the Parliament or the Legislature of the State, a Municipal Corporation, a Municipal Council, a Panchayat or any other Local Authority shall not, as long as he holds that office, be eligible for appointment as a Government Law Officer.

CHAPTER-VI

Review of Pendency of Cases and performance**9. Review of Pendency of Cases :-**

The Advocate General shall hold periodical review meetings once in three months with the Law Officers concerned about the pendency of cases. Similarly the Special Government Pleader / Additional Government Pleader and other Government Law Officers shall hold review meetings with the departmental Secretary concerned once in three months and the periodical report shall be sent to Government.

10. Review of performance:-

The work of the Law Officer shall be assessed every year by the Advocate General of Tamil Nadu and such assessment shall be sent to the Government for review of the performance of each Law Officer.

GIRIJA VAIDYANATHAN,
Chief Secretary.