The Haryana Law Officers (Engagement) Act, 2016

Act 18 of 2016

Keyword(s):
Advocate General, Category, Law Officer, Selection Committee

Amendments appended: 4 of 2017, 18 of 2021
### LEGISLATIVE SUPPLEMENT

#### CONTENTS

<table>
<thead>
<tr>
<th>PART-I</th>
<th>ACTS</th>
<th>PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>THE HARYANA LAW OFFICERS (ENGAGEMENT) ACT, 2016</td>
<td>101—103</td>
</tr>
<tr>
<td></td>
<td>(HARYANA ACT NO. 18 OF 2016)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PART-II</th>
<th>ORDINANCES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NIL</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PART-III</th>
<th>प्रत्यायोजित विधान</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>आदेश संख्या का०००००३२ /१९६००२ /१८९९ / दां 9 / २०१६, दिनांक १४ सितंबर, २०१६—</td>
<td>371—372</td>
</tr>
<tr>
<td></td>
<td>शुल्क माफ करने बारे।</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>आदेश संख्या का००००३३ /१९०८ / दां ७८ / दां ७९ / दां १९६६, दिनांक १४ सितंबर, २०१६—</td>
<td>373—374</td>
</tr>
<tr>
<td></td>
<td>पंजाब सरकार, राजस्थान विभाग, अधिसूचना संख्या का००००३६ /१९०८ / दां ७८ / दां ७९ / दां १९६६, दिनांक ७ फरवरी, १९६६</td>
<td></td>
</tr>
<tr>
<td></td>
<td>में संशोधन करने बारे।</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(प्राथिकृत अंग्रेजी अनुवाद सहित)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PART-IV</th>
<th>CORRECTION SLIPS, REPUBLICATIONS AND REPLACEMENTS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NIL</td>
<td></td>
</tr>
</tbody>
</table>

Price: Rs. 5.00 (lix)
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:-

1. (1) This Act may be called the Haryana Law Officers (Engagement) Act, 2016.
   (2) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—
   (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.
   (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.

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.

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.
   (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.
7. The eligibility criteria for selection of Law Officers shall be such, as may be prescribed.

8. An Advocate shall be disqualified for being appointed, or for continuing as a Law Officer, if,-
   (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:

   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.

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.

10. (1) It shall be the duty of a Law Officer,-
   (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.

   (2) The Law Officer shall not appear before any court of law against the interest of the State Government.

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.

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.

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.

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.

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.

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.

(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.

विषय परिचय

भाग-१ अधिनियम

1. हरियाणा विधि अधिकारी (विनियोजन) संशोधन अधिनियम, 2017 (2017 का हरियाणा अधिनियम संख्या 4).

2. हरियाणा पशु मेला (संशोधन) अधिनियम, 2017 (2017 का हरियाणा अधिनियम संख्या 9).

3. पंजाब ग्राम शामलात भूमि (विनियोजन) हरियाणा संशोधन अधिनियम, 2017 (2017 का हरियाणा अधिनियम संख्या 10).

भाग-२ अध्यादेश

कुछ नहीं

भाग-३ प्रत्यायोजित विधान

कुछ नहीं

भाग-४ शुद्धि परियोजना, पुन: प्रकाशन तथा प्रतिस्थापन

कुछ नहीं
हरियाणा सरकार
विधि तथा विधायी विभाग
अधिसूचना
दिनांक 5 जून, 2017

संख्या लेख, 4/2017— हरियाणा लोक अधिकार (इमोजेंमेंट) अंबेडकर्ड एक्ट, 2017, का निम्नलिखित हिंदी अनुवाद हरियाणा के राज्यपाल की दिनांक 18 मई, 2017, की स्वीकृति के अधीन पुस्तकालय प्रकाशित किया जाता है और यह हरियाणा राज्याधिकारी अधिनियम, 1969 (1969 का 17), की धारा 4—क के खंड (क) के अंदर उक्त अधिनियम का हिंदी भाषा में प्रामाणिक पाठ समझा जाएगा:—

2017 का हरियाणा अधिनियम संख्या 4

हरियाणा विधि अधिकारी (विनियोजन) संशोधन अधिनियम, 2017
हरियाणा विधि अधिकारी (विनियोजन) अधिनियम, 2016,
को आगे संशोधित करने के लिए
अधिनियम

भारत गणराज के अंतर्गत वर्ष में हरियाणा राज्य विधानसभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो:—

1. (1) यह अधिनियम हरियाणा विधि अधिकारी (विनियोजन) संशोधन अधिनियम, 2017, कहा जा सकता है।

(2) यह 14 सितंबर, 2016 से लागू हुआ समझा जाएगा।

2. हरियाणा विधि अधिकारी (विनियोजन) अधिनियम, 2016 की धारा 6 की उप-धारा (3) के बाद, निम्नलिखित उप-धारा जोड़ी जाएगी, अर्थात्:—

"(4) इस अधिनियम के प्रारम्भ से पूर्व नियोजित किसी विधि अधिकारी, जिसकी अवधि समाप्त नहीं हुई है, को चयन समिति, जो महाविकला से उसके संतोषजनक कार्य और आचरण के बारे में रिपोर्ट प्राप्त करेगी, की सिफारिश पर अवधि का विस्तार प्रदान किया जा सकता है:
परन्तु कोई भी ऐसा विस्तार तब तक नहीं होगा जब तक वह ऐसे मानदंड, जो नए विनियोजन के लिए विधित किया जाए, को पूरा नहीं करता है।"

कुन्दीन जैन,
सचिव, हरियाणा सरकार,
विधि तथा विधायी विभाग।

LEGISLATIVE SUPPLEMENT

CONTENTS

PART-I ACTS

THE HARYANA LAW OFFICERS (ENGAGEMENT) AMENDMENT ACT, 2020 (HARYANA ACT NO. 18 OF 2021).

PART-II ORDINANCES

NIL

PART-III DELEGATED LEGISLATION

NIL

PART-IV CORRECTION SLIPS, REPUBLICATIONS AND REPLACEMENTS

NIL
PART - I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 17th June, 2021

No. Leg.18/2021.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 26th November, 2020 and is hereby published for general information:-

HARYANA ACT NO. 18 OF 2021

THE HARYANA LAW OFFICERS (ENGAGEMENT) AMENDMENT ACT, 2020

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 Seventy-first Year of the Republic of India as follows:-

1. This Act may be called the Haryana Law Officers (Engagement) Amendment Act, 2020.

2. In the Haryana Law Officers (Engagement) Act, 2016 (hereinafter called the principal Act), for the words “appointed, appointing and appointment” wherever occurring, the words “engaged, engaging and engagement” shall respectively be substituted.

3. In the proviso to sub-section (3) of section 6 of the principal Act, for the word “five”, the word “ten” shall be substituted.

4. After section 9 of the principal Act, the following section shall be inserted, namely:-

“9A. Re-designation of Law Officer.- The State Government may, on recommendation of the Advocate General, re-designate any Law Officer to any higher post of Law Officer provided he fulfill the conditions relating to experience and number of cases conducted prescribed for the higher post in the rules made under this Act”.

BIMLESH TANWAR,
Administrative Secretary to Government, Haryana,
Law and Legislative Department.