



सत्यमेव जयते

# **GOVERNMENT OF MEGHALAYA**

## **MEGHALAYA LEGAL SERVICE RULES**

**FOR THE YEAR 1985**

The 1<sup>st</sup> June 1985

**No. LJ.(A)138/76/129**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor of Meghalaya is pleased to make the following Rules for regulating the recruitment and conditions of service of persons appointed to the Meghalaya Legal Service, namely:-

**THE MEGHALAYA LEGAL SERVICE RULES, 1985**

1. **Short title and commencement**—(1) These rules may be called the Meghalaya Legal Service Rules, 1985.  
(2) They shall come into force the date of their publication in the Official Gazette.
2. **Definitions**—In these rules, unless there is anything repugnant in the subject or context—
  - (a) “Appointing Authority” means the Governor of Meghalaya;
  - (b) “Commission” means the Meghalaya Public Service Commission;
  - (c) “Committee” means either the Departmental Promotion Committee or the Committee constituted under rule 11 as the case may be;
  - (d) “Government” means the Government of the State of Meghalaya;
  - (e) “Governor” means the Governor of Meghalaya;
  - (f) “Member of the Service” means a person appointed or deemed to have been appointed under these rules to any post in the Service;
  - (g) “Rules” means the Meghalaya Legal Service Rules, 1985.
  - (h) “Service” means the Meghalaya Legal Service constituted under these rules;
  - (i) “Schedule” means the Schedule appended to these rules; and
  - (j) “Year” means a Calendar Year.
3. **Constitution of the Service**—There shall be constituted a Service to be known as the Meghalaya Legal Service consisting of the following persons, namely—
  - (a) Persons who immediately before the commencement of these rules are holding any of the posts shown in the Schedule and every such person shall be deemed to have been appointed under these rules; and
  - (b) Persons appointed to the Service in accordance with the provisions of these rules.
4. **Composition of the Service**—(1) The Service shall consist of such categories of posts as the Governor may from time to time determine.  
(2) The Service shall, at the commencement of these rules, consist of the following grades and categories of posts, namely—

Grade I	(a) Legal Remembrancer and Secretary to the Government Law Department.
Grade II	(b) Draftsman and Joint Secretary to the Government Law Department.
Grade III	(c) Deputy Legal Remembrancer and Deputy Secretary to the Government Law Department
Grade IV	(d) Assistant Legal Remembrancer and Under-Secretaries to the Government, Law Department
	(e) Law Officers

(3) Each of the categories of posts in sub-rule (2) shall for an independent cadre. Members of any category shall have no claim for appointment to a higher category except in accordance with the provisions of these rules.

5. **Strength of the Service**—(1) The strength of the Service and the posts therein shall be as the Governor may from time to time determine.  
(2) At the commencement of these rules, the strength of the service and the posts therein shall be as shown in the Schedule.
6. **Appointment to the post of Legal Remembrancer and Secretary Law**—Appointment to the post of Legal Remembrancer and Secretary, Law shall be made by promotion from the Select List prepared under rule 14 from amongst the Draftsman and Joint Secretaries Law who have rendered not less than five years of service as a Draftsman and Joint Secretary, Law on the first day of the year in which the selection is made:  
Provided that if no suitable candidate is available, the Governor may fill up the post by any other method considered necessary, other than by promotion, in consultation with the Commission.
7. **Appointment to the post of Draftsman and Joint Secretary, Law**—Appointment to the post of Draftsman and Joint Secretary, Law shall be made by promotion from the select list prepared under rule 14 from amongst the Deputy Legal Remembrancers and Deputy Secretaries, Law who have rendered not less than four years of service as a Deputy Legal Remembrancer and Deputy Secretary, Law on the first day of the year in which the selection is made:  
Provided that if no suitable candidate is available, the Governor may fill up the post by any other method considered necessary, other than by promotion, in consultation with the Commission.
8. **Appointment to the post of Deputy Legal Remembrancer and Deputy Secretary, Law**—Appointment to the post of Deputy Legal Remembrancer and Deputy Secretary, Law shall be made by promotion from the Select list prepared under Rule 14 from amongst the Assistant Legal Remembrancers and Under-Secretaries, Law who have rendered not less than four years of service as an Assistant Legal Remembrancer and Under-Secretary, Law on the first day of the year in which the selection is made.
9. **Appointment to the post of Assistant Legal Remembrancers and Under-Secretary, Law**—Appointment to the post of Assistant Legal Remembrancers and Under-Secretary, Law shall be made by promotion from the Select list prepared under Rule 14 from amongst the Law Officers who have rendered not less than four years of service as a Law Officer on the first day of the year in which the selection is made.
10. **Recruitment through the Commission**—Appointment to the post of Law Officer shall be made by direct recruitment on the result of the competitive examination to be conducted by the Commission. In case, however, the number of application received in response to the advertisement for the post is small, recruitment may be made by the Commission through interview alone.

11. **Department Promotion Committee**—(1) For the purpose of appointment by promotion under Rule 7, Rule 8 and Rule 9, there shall be a Department Promotion Committee consisting of the following members, namely—

Chairman—Chief Secretary.

Member—Advocate General/Secretary/Additional Secretary, Personnel Department.

Member—Special Secretary/Secretary, Finance Department

Member-Secretary—Secretary, Law Department

(2) For the purpose of making appointment by promotion to the post of Legal Remembrancer and Secretary, Law under Rule 6 there shall be a Committee consisting of the Chief Secretary, the Advocate General and a senior-most I.A.S. Officer in the State as Members and the Committee may devise its own procedure in the discharge of its functions.

12. **Consideration and recommendation by the committee for appointment**—(1) As soon as a case for promotion to any post in the Service arises the Appointing Authority shall send to the respective Committee the Character Rolls, Service records and other relevant records of the officers concerned and such other available information as may be required by the Committee to enable it to consider candidates fit for the promotion.

(2) After due consideration of the merit and seniority of the candidates the Committee shall make its recommendation in respect of such persons considered fit for promotion and place their names in order of preference in the respective list. The list shall be forwarded by the Committee to the Appointing Authority.

(3) For appointment to the post of Legal Remembrancer and Secretary Law, the Committee shall take into consideration among other things, the person's qualification, integrity, general intelligence, experience in legal affairs, legislative and other drafting work.

13. **Approval of the list by the Appointing Authority**—The Appointing Authority shall consider the list forwarded under sub-rule (2) of Rule 12 along with the Character Rolls and Service records of such persons and approve the list unless it considers any change necessary. If the Appointing Authority considers any change necessary in the list he shall inform the Committee of the changes proposed and after taking into consideration the comments, if any, of the Committee, may approve the list finally with such modifications as may, in his opinion, be considered to be just and proper.

14. **Approval of the list by the Commission**—(1) The list so prepared shall be forwarded to the Commission along with the Character Rolls of such persons and with the observation of the Appointing Authority, if any, on the recommendation of the Committee.
- (2) The Commission shall consider the list along with other documents received and approve the list unless it considers any change necessary. If the Commission considers that any change is necessary in the list shall inform the Appointing Authority of the changes proposed and after taking into consideration the comments, if any of the Appointing Authority, shall approve the list finally with such modification as the Commission may consider to be just and proper. The list as finally approved by the Commission shall form the Select list for the purpose of appointment under Rule 6, Rule 7, Rule 8 or Rule 9, as the case may be.
15. **Period of Validity of the Select list**—The Select list shall ordinarily be in force until it is reviewed or revised: provided that in the event of any great lapse in the conduct or performance of duties on the part of any person in the Select list, the Appointing Authority may, if he thinks fit, remove the name of any such person from the Select list in the consultation with the Commission. The reason for such action is to be recorded in writing.
16. **Appointment through Competitive Examination**—(1) The competitive examination or interview, as the case may be, for appointment under Rule 10 shall be held at such intervals as the Governor may, in consultation with the Commission from time to time determine. The date and place of the examination or interview shall be fixed by the Commission.
- (2) The examination shall be conducted by the Commission in accordance with such Rules and syllabus as the Governor may from time to time make to consultation with the Commission.
- (3) Of the number of vacancies to be filled up on the result of each examination or interview there shall be reservation in favour of candidates belonging to Scheduled Castes and Scheduled Tribes to the extent and subject to the conditions as the Government may from time to time prescribe.
- (4) The Commission shall prepare a list of all candidates who have qualified in the examination or interview in order of merit which shall be determined according to the aggregate of marks obtained by each candidate and if two or more candidates obtained equal marks, the Commission shall arrange them in order of their relative merit which shall be determined with due regard to the general suitability of the candidates for appointment to the service. The merit list shall be forwarded to the Governor and be published in the Official Gazette.
- (5) Inclusion of a candidate's name in the merit list shall confer no right to appointment unless the Governor is satisfied, after such enquiry as may be considered necessary, that the candidate is suitable in all respect for appointment to the Service.
17. **Eligibility for appearing at the Competitive Examination**—(1) In order to be eligible to compete at the examination or interview, as the case may be, a candidate must satisfy the following conditions, namely—

- (a) He must be a citizen of India;
- (b) He must have attained the age of 21 years and must not have exceeded the age of 27 years on the first day of the year in which the advertisement for the post is notified:

Provided that the upper age limit in any individual case may be relaxed by the Appointing Authority in accordance with any general or special orders issued by Government from time to time:

Provided further that in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes, the upper age limit will be subject to any relaxation made by Government from time to time;

- (c) He must hold a Bachelor's Degree in Law from any recognised University; and
- (d) He must pay the fees prescribed by the Commission.

(2) The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the examination shall be final and no candidate to whom a certificate of admission has not been issued by the Commission shall be admitted to the examination.

**18. Appointment to the Service**—(1) Appointment to the Service shall be made by the Governor and shall be notified in the Official Gazette.

(2) A person shall join within fifteen days of the date of receipt of the order of appointment, failing which, and unless the Governor extends the period which shall not in all exceed three months, the appointment shall be cancelled.

(3) For appointment to the service, a person shall also satisfy the following conditions, namely, that he—

- (a) Should be of good character;
- (b) Should be of sound health and free from any bodily defect or infirmity which may render him unfit in discharging his duties in the Service;
- (c) Should not have been convicted for any offence involving moral turpitude; and
- (d) Should not have more than one spouse living unless exempted by Government on special grounds.

(4) No person who attempts to enlist support for his candidature either directly or indirectly by any recommendation, either written or oral or by any other means, shall be appointed to the Service.

**19. Seniority**—(1) The inter-se seniority of members of the Service who immediately before the commencement of these rules are holding any of the posts shown in the Schedule, shall be according to the date of their appointment to the post in the respective cadre.

(2) The inter-se seniority of members appointed to the Service after the commencement of these rules shall be in the order in which their names appear in the Select list mentioned in Rule 14 or, as the case may be, the merit list mentioned in Rule 16. Such members shall be junior to all members mentioned in sub-rule (1) in the respective cadre.

**20. Probation and confirmation**—(1) A person appointed to any post in the service after the commencement of these rules, other than a member of the Service appointed by promotion, shall be placed on probation for a period of one year from the date of appointment to such post. The pay of a probationer shall be fixed in accordance with the provision of F.R. 24 of the Meghalaya Fundamental Rules and Subsidiary Rules, 1984:

Provided that the Governor may in suitable cases extend the period of probation by a further period not exceeding one year.

(2) Unless the Governor otherwise decides and subject to availability of permanent posts, a probationer shall by order of the Governor be confirmed in the Service on completion of the period of probation.

(3) A probationer shall be liable to be discharged from the service or, as the case may be, reverted to his substantive post, if any, if his performance is found not to be satisfactory or if he is otherwise considered unsuitable during or at the end of period of probation, or if on any information received relating to his nationality, age, health, character and antecedents, the Governor is satisfied that the probationer is in-eligible or otherwise unfit for being a member of the service.

(4) A person who immediately before the commencement of these rules is holding any post in the Schedule and has been confirmed in any of the posts therein shall be deemed to have been confirmed in the Service and in that post under these rules.

**21. Pay Scale**—The Scale of pay including special pay admissible to the members of the Service in different posts are as shown in column 6 of the Schedule subject to revision by Government from time to time.

**22. Leave, pension and other conditions of service**—All matters generally relating to pay and allowances, leave, pension, discipline and other conditions of Service shall be regulated by rules and orders as are from time to time applicable to other officers of the Government of corresponding status.

**23. Power of Governor to dispense with or relax any rule**—For the purpose of removing any difficulty in the implementation of these rules or where the Governor is satisfied that the operation of any of these rules causes undue hardship in any particular case, the Governor may dispense with or relax any of these rules to such extent and subject to such conditions as he may consider necessary for resolving the difficulty or for dealing with the case in a just and equitable manner:

Provided that the case of any person shall not be dealt with in any manner less favourable to him than that provided by any of these rules.

**24. Interpretation of the Rules**—If any question arises relating as to the interpretation of any of these rules, it shall be referred to the Government in the Law Department whose decision thereon shall be final.

25. **Repeal and Saving**—All rules, orders or notifications corresponding to and in force immediately before the commencement of these rules are hereby repealed:

Provided that all orders made or action taken under the rules, orders or notification so repealed or any action taken in pursuant thereto shall be deemed to have been validity made or taken under the corresponding provisions of these rules.

### SCHEDULE

#### [Rules 2, 3, 5, 19, 20 and 21]

	Sl.No. of the Posts	Categories of Posts	Temporary	Permanent	Total No. of Posts	Scale of pay	
	(1)	(2)	(3)	(4)	(5)	(6)	
Grade I	1	Legal Remambrancer and Secretary to the Government, Law Department.	...	1	1	Rs. 1,800-85-2,140-E.B-90-2,500 <i>plus</i> special pay of Rs. 250 p.m.	
Grade II	2	Draftsman and Joint Secretary to the Government, Law Department	1	...	1	Rs. 1,600-75-1,900-E.B-80-2,300 <i>plus</i> special pay of Rs. 250 p.m.	
	3	Deputy Legal Remambrancer and Deputy Secretary to the Government, Law Department	...	1	1	Rs. 1,400-65-1,725-E.B-75-2,100 <i>plus</i> special pay of Rs. 200 p.m.	
Grade III	4	Assistant Remambrancers and Under Secretaries to the Government, Law Department	1	1	2	Rs. 1,200-60-1,620-E.B-70-1,900 <i>plus</i> special pay of Rs. 200 p.m.	
Grade IV	5	Law Officers	...	...	2	2	Rs. 725-40-925-E.B-45-1,150-E.B-50-1,650 p.m.

S.N. PHUKAN  
Secretary to the Government of Meghalaya,  
Law Department.



**The 18<sup>th</sup> May 1987**

**No.LJ(A)138/76/190**—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules to amend the Meghalaya Legal Service Rules, 1985 (hereinafter referred to as the principal Rules) in the manner hereinafter appearing—

**THE MEGHALAYA LEGAL SERVICE (AMENDMENT) RULES, 1987**

1. **Short title and commencement**—(1) These Rules may be called the Meghalaya Legal Service (Amendment) Rules, 1987  
(2) They shall come into force at once.
2. **Amendment of rules 23**—In the principal Rules for existing rules 23, the following shall be substituted, namely:-

**“23. Power of Governor to dispense with or relax any rule:-**The Governor if satisfied may, in the public interest or where the operation of any of these rules causes undue hardship in any particular case, dispense with or relax that rule to such extent and subject to such condition as he may consider necessary”.

D.R. RYMMAI  
Secretary to the Government of Meghalaya,  
Law (A) Department.

**GOVERNMENT OF MEGHALAYA  
LAW (A) DEPARTMENT**

**NOTIFICATION**

**Dated, Shillong the 16<sup>th</sup> February, 2015**

No. LJ(A) 10/2008/8.- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules to amend the Meghalaya Legal Service Rules, 1985 (hereinafter referred to as the principal Rules), namely,-

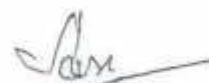
**THE MEGHALAYA LEGAL SERVICES (AMENDMENT) RULES, 2015**

- Short title and commencement.** 1. (1) These Rules may be called the Meghalaya Legal Service (Amendment) Rules, 2015.
- (2) They shall come into force at once.
- Amendment of rule 6.** 2. In the principal rules of the existing rule 6, the words "Draftsman and Joint Secretaries" appearing in between "amongst the" and "Law who" be substituted by the words "Senior Additional Legal Remembrancer-cum- Additional Secretary," and the word "five" appearing in between "less than" and "years" be substituted by the word "three".
- Insertion of new rule 6A after rule 6 of the principal rules.** 3. After rule 6 the following rule 6A shall be inserted, namely,-
- "6A. Appointment to the post of Senior Additional Legal Remembrancer- cum- Additional Secretary, Law,-** Appointment to the post of Senior Additional Legal Remembrancer -cum- Additional Secretary, Law shall be made by promotion from the Select List prepared under rule 14 from amongst the Draftsmen and Joint Secretaries Law who have rendered not less than three years of service as a Additional Legal Remembrancer and Draftsman cum Joint Secretary, law on the first day of the year in which the selection is made:
- Provided that if no suitable candidate is available, the Governor may fill up the post by any method considered necessary, other than by promotion, in consultation with the Commission."
- Amendment of rule 11.** 4. In the principal rules of the existing rule 11, the words "Rule 6A," shall be inserted in between the words "under" and "Rule 7".
- Amendment of Schedule.** 5. In the principal rules for the existing Schedule, the following Schedule shall be substituted,-

SCHEDULE						
[Rules 2,3,5,19,20 and 21]						
	Sl. No. of the posts	Categories of posts	Temporary	Permanent	Total No. of posts	Scale of pay

Contd.2/-

	(1)	(2)	(3)	(4)	(5)	(6)
Grade I	1	Legal Remembrancer and Secretary to the Government, Law Department	....	1	1	Rs. 35300- 1060-41660-1220-48980.
	2	Senior Additional Legal Remembrancer and Additional Secretary to the Government, Law Department	1	....	1	Rs. 31300-940-37880-1110-46760.
Grade II	3	Additional Legal Remembrancer and Draftsman cum Joint Secretary to the Government, Law Department	1	1	2	Rs. 28700-860-35580-1050-43980.
	4	Joint Legal Remembrancer cum Deputy Secretary to the Government, Law Department	....	2	2	Rs. 26700-800-33100-1000-42100.
Grade III	5	Deputy Legal Remembrancer cum Under Secretary to the Government, Law Department	....	2	2	Rs.23300-700-27500-830-32480-970-39270.
Grade IV	6	Law Officer to the Government, Law Department	....	5	5	Rs. 17000-470-20290-EB-560-25330-760-33690.



(L.M Sangma)

Secretary to the Government of Meghalaya,  
Law Department


**Memo No. No. LJ(A) 10/2008/8-A**

**Dated Shillong the 16<sup>th</sup> February, 2015**

Copy for information and necessary action to:-

1. P.S to Chief Minister, Government of Meghalaya, Shillong.
2. P.S to Deputy Chief Minister (Law), Government of Meghalaya, Shillong.
3. P.S to Chief Secretary, Government of Meghalaya, Shillong.
4. Accountant General (A&E) Meghalaya, Shillong.
5. Principal Secretary, Finance Department.
6. Commissioner & Secretary, Personnel & AR Department.
7. The Director, Printing & Stationery, Government of Meghalaya, Shillong with the request to kindly publish the above notification in the Extra Ordinary Gazette and also to furnish 100 (one hundred copies) of the notified copy to this Department.
8. D.E.O Law (A) Department with a request to kindly upload the above notification in the Official Website.
9. The Secretary, Meghalaya Public Service Commission, Shillong.
10. DIPR, Shillong.
11. Cabinet Affairs Department
12. Personnel AR (A) (Service Rules Cell)
13. Finance (E) Department
14. Guard file.

By order etc....



Secretary to the Government of Meghalaya,  
Law Department