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HOME DEPARTMENT

NOTIFICATION

The 7th January, 2017

No.743–HOME-OSS-RULES-0001/2014/HD.— In exercise of the powers conferred by the proviso to Article, 309 of the Constitution of India and in supersession of all Rules, Orders or Instructions, except as respect things done or omitted to be done before such supersession, the Governor of Odisha hereby makes the following rules to regulate the method of recruitment and conditions of service of persons appointed to the Odisha State Legal Service, namely:—

PART-I

GENERAL

1. Short title and Commencement:— (1) These rules may be called the Odisha State Legal Service (Method of Recruitment and Conditions of Service) Rules, 2016.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions:— (1) In these rules, unless the context otherwise requires,—

- (a) “Commission” means the Odisha Public Service Commission;
- (b) “Committee” means the Selection Committee constituted under rule 10;
- (c) “Department” means a Department of Government as specified in the First Schedule of the Odisha Government Rules of Business made under clause (3) of article 166 of the Constitution of India and shall not include the Law Department;
- (d) “Ex-servicemen” means the persons as defined in the Odisha Ex-servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- (e) “Government” means the Government of Odisha;
- (f) “Office” means different Offices of the Government, Heads of Department and includes Departments of Government;

- (g) "Heads of Department" means the Heads of Department as mentioned in Appendix-3 of the Odisha Service Code and shall not include the Heads of Department under the Law Department;
 - (h) "District Office" means the office of the Collector and District Magistrate of a Revenue District as well as district level offices of other Departments of Government;
 - (i) "Persons with Disabilities" means persons who have been granted with disability certificates by competent authority as per the provisions of the Persons with Disabilities (equal Opportunities, Protection of Rights and Full Participation) Odisha Rules, 2003;
 - (j) "SEBC" means the Socially and Educationally Backward Classes of citizens other than the Scheduled Castes and Scheduled Tribes as may be specified by the Government from time to time;
 - (k) "Scheduled Castes and Scheduled Tribes" shall have reference to the Scheduled Castes and Scheduled Tribes specified in the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950, as the case may be, made under Articles 341 and 342 of the Constitution of India, respectively and as amended from time to time;
 - (l) "Service" means the Odisha State Legal Service;
 - (m) "Sportsmen" means persons who have been issued with identity card as sportsmen by the Director, Sports as per Resolution No.24808/Gen, dated 18th November 1985 of General Administration Department; and
 - (n) "Year" means the calendar year.
- (2) All other words and expressions used in these rules but not specifically defined shall have the same meaning as respectively assigned to them in the Odisha Service Code.

3. Constitution of Service:— (1) The Service shall consist of the persons recruited to the Service in accordance with the provisions of these rules.

(2) The Service shall consist of the following posts in the Departments of Government, Heads of Department and District Offices namely:—

- (i) Assistant Director (Law) in Group "B";
- (ii) Deputy Director (Law) in Group "A" (junior);
- (iii) Joint Director (Law) in Group "A" (senior);
- (iv) Additional Director (Law);
- (v) Director (Law); and

(vi) Such other post as Government may, from time to time, by notification, decide.

(3) The Cadre shall consist of such number of permanent and temporary posts of each category as specified under sub rule-(2), as the Government may, from time to time, by notification, determine and includes the posts which are to be reserved for deputation to quasi-judicial Bodies as the State Government may decide from time to time.

4. Cadre Controlling Authority:—The recruitment and appointment to the Service shall be under the administrative control of the Home Department.

PART-II

METHODS OF RECRUITMENT

5. Method of recruitment to the Service:— Subject to the other provisions made in these rules, the recruitment to the posts in the service shall be made by the following methods, namely:—

(a) recruitment to the posts of Assistant Director (Law) shall be made by the Commission by way of direct recruitment through competitive examination.

Provided that after commencement of these rules, twenty-five per centum of the posts of Assistant Director (Law) shall be filled up by way of absorption—

(i) from among the existing Law Officers working in different offices under the Government in the scale of pay of Rs.9300-34,800/- with Grade Pay of Rs.4600/- and

(ii) from among the existing Assistant Law Officers working in different offices under the Government, those who have rendered at least 10 (ten) years of continuous service as such.

(iii) those who do not meet the standards should not be promoted and they may be reverted back to their parent cadre.

Provided further that twenty-five per centum of the posts meant for absorption shall cease to operate on completion of such absorption of all the existing Law Officers and Assistant Law Officers and accordingly all the vacant posts of Assistant Director (Law) arising thereafter shall be filled up by way of direct recruitment, by the Commission.

(b) recruitment to the posts of Deputy Director (Law) shall be made by way of promotion from the eligible Assistant Directors (Law), who have put in not less than seven years of continuous service as such;

- (c) recruitment to the posts of Joint Director (Law) shall be made by way of promotion from the eligible Deputy Directors (Law) who have put in not less than five years of continuous service as such;
- (d) recruitment to the post of Additional Director (Law) shall be made by way of promotion from the eligible Joint Directors (Law) who have put in not less than three years of continuous service as such;
- (e) recruitment to the post of Director (Law) shall be made by way of promotion from the eligible Additional Directors(Law) who have put in at least one year of continuous service as such;

Provided that in case of non-availability of suitable persons for promotion to the post of Additional Director (Law) and the post of Director (Law), it shall be filled up by way of deputation for such periods as the Government may deem fit by suitable officers from the Odisha Superior Judicial Service Cadre or from any other service, if the Government so decide.

6. Reservation:— Notwithstanding anything contained in these rules reservation of vacancies or posts, as they may be, for;

- (a) Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder; and
- (b) SEBC, Women, Sportsmen, Ex-servicemen and Persons with Disabilities shall be made in accordance with the provisions made under such Act, Rules, Orders or Instructions issued in this behalf by the Government, from time to time.

PART-III

DIRECT RECRUITMENT

7. Direct Recruitment:— (1) Ordinarily in the Month of January of the year, the Government after determining the vacant posts of Assistant Director (Law), shall intimate to the Commission the number of vacancies in the said post already existing and vacancies likely to occur in that year, indicating therein the number of post required to be filled up by different reserved categories as specified under rule 6.

(2) On receipt of the intimation, the Commission shall publish advertisement in at least two daily newspapers widely circulated in Odisha, inviting applications from the candidates eligible to appear at the competitive examination.

(3) The standard, syllabus and subjects of examinations shall be as set forth in the SCHEDULE appended to these rules.

(4) The application form, the documents required to be accompanied with the application form and the date, time and place of the examination shall be such as may be decided by the Commission.

(5) The Commission shall, call the candidates from among those who have qualified the test in Computer Application for interview twice the number of vacancy from each category in order of merit as per their marks secured in the written examination and if the number of candidates in any of such category is less than that, in that event all the candidates of that category shall be called for interview.

“Provided that candidates who obtain such minimum qualifying marks in the written examination as may be fixed by the Commission at their discretion shall be called to the Skill Test in Computer Application. Similarly candidates who obtain such minimum qualifying marks as may be fixed by the Commission at their discretion in the Skill Test in Computer Application shall be called to the viva voce test”

(6) For the purpose of conducting interview—

(a) the Commission may co-opt subject Experts as Members of the interview Committee; and

(b) the Government may nominate the Secretary to Government, Law Department or an officer not below the rank of Additional Secretary as the representative of the Government, to be present at the interview as a member of the interview Committee.

(7) After completion of the written test and interview, the Commission shall prepare a list of successful candidates equal to the number of the vacancies advertised in order of merit taking into account the marks secured in both written test and interview.

(8) The Commission shall forward the merit list prepared under sub-rule (7) to the Government and on its approval by the Government the same shall form the select list.

(9) The select list, unless the Government otherwise decides, shall remain in force for a period of one year from the date of its approval by the Government under sub-rule (8) or, until another select list is prepared afresh, whichever is earlier.

(10) Mere inclusion of the name of a candidate in the select list shall not confer any right for appointment, unless after inquiry it is found that the candidate is suitable in all respect for appointment to the service.

8. Inter-se-Seniority:—(1) The *inter-se-seniority* in the rank of Law Officers as well as Assistant Law Officers working in different offices under the Government shall be fixed on the basis of their date of joining in respective posts.

(2) The officer appointed by way of absorption in a year to the post of Assistant Director (Law) shall be enblock senior to the officer appointed through direct recruitment under rule-7.

9. Eligibility Criteria:— In order to be eligible for direct recruitment to the post of Assistant Director (Law) in the service, a candidate must.-

- (a) have possessed Bachelor's Degree in Law from a recognized University and knowledge in Computer Application on the date of application;
- (b) be not below 23 years and above 35 years of age;

Provided that the upper age limit in respect of reserved categories of candidates referred to in rule 6 shall be relaxed in accordance with the provisions of Acts, Rules or Instructions made for the respective reserved category.

Provided further that as regards the candidates who are in Government service, the upper age limit shall be 45 years.

- (c) be a citizen of India;
- (d) be able to read, write and speak Odia and have passed examination in Odia language equivalent to that of Middle English School Standard or passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject or passed in Odia as language subject in the final examination of Class VII from a school or educational institution recognized by the Government of Odisha or the Central Government or Passed a test in Odia in Middle English School Standard conducted by the School and Mass Education Department.

- (e) have not more than one spouse living, if married;

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage or that there are other grounds for doing so, exempt any person from the operation of this rule.

- (f) A candidate must be of good mental condition and bodily health and free from any physical defect likely to interfere with the discharge of his duties in the service.

A candidate, who after such medical examination as the Government may prescribe, is not found to satisfy these requirements, shall not be appointed to the service.

PART-IV PROMOTION

10. Constitution of Selection Committee:— (1) There shall be separate Selection Committees for selection of Officers for promotion to different categories of posts specified in sub-rule (2) of rule 3.

(2) For the purpose of promotion to the rank of Assistant Director (Law), Deputy Director (Law), Joint Director (Law) and Additional Director (Law), the Committee shall consist of the following members, namely:—

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| (i) Secretary to Government,
Home Department | --- | Chairman |
| (ii) Secretary to Government,
Law Department | --- | Member |
| (iii) Special Secretary to Government,
G.A Department | --- | Member |
| (iv) Additional Secretary/Joint Secretary, Home Department | --- | Member
Convenor |

(3) For the purpose of promotion to the rank of Director (Law), the Committee shall consist of the following members, namely:—

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|--|-----|--------------------|
| (i) Chief Secretary | --- | Chairman |
| (ii) Secretary to Government,
Home Department | --- | Member |
| (iii) Secretary to Government,
Law Department | --- | Member |
| (iv) Special Secretary to Government,
G.A Department | --- | Member |
| (v) Addl. Secretary/ Joint Secretary,
Home Department | --- | Member
Convenor |

(4) The Committee shall meet at least once in a year preferably in the month of January to prepare a list of officers suitable for promotion to the next higher grade.

(5) The Committee while considering the promotion cases of suitable officers and preparation of the list shall follow the provisions of—

- (a) the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder wherever necessary ;
- (b) the Odisha Civil Services (Zone of Consideration for Promotion) Rules, 1988;
- (c) the Odisha Civil Services (Criteria for Promotion) Rules, 1992; and
- (d) the Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.

(6) The recommendation of the Committee shall be valid and can be acted upon notwithstanding the absence of any one of its members other than the Chairman:

Provided that the member so absenting was duly invited to attend the meeting of the Committee and the majority of members of the Committee attended the meeting.

11. Consultation with the Commission:—(1) The recommendation of the Committee under sub-rule (6) of rule 10 shall be referred to the Commission along with following documents, namely:—

- (a) Gradation list with service particulars of the officers coming under zone of consideration;
- (b) The Confidential Character Rolls of all officers considered by the Committee;
- (c) Up-to-date position of disciplinary/Criminal Proceedings and vigilance enquiries pending against officers under consideration.

(2) The Commission shall consider the list along with the Service particulars received under sub-rule (1) and shall furnish its recommendations to the Government.

12. Select list:—(1) The recommendations of the Commission in respect of reference made to it under sub-rule (1) of rule 11 shall be considered by the Government and the list approved by Government with changes, if any, shall form the Select List.

(2) The Select List shall ordinarily remain in force for a period of one year with effect from the date of its approval by the Government or until another Select List is prepared, whichever is earlier.

13. Appointment to the Service:—Appointment to different posts in the service shall be made in the order in which the names of officers appear in the select list.

PART-V

OTHER CONDITIONS OF SERVICE

14. Inter-se-Seniority:— Save as provided in sub-rule(2) of rule 8, the *inter-se-seniority* of the officers appointed to any post in the service shall be in the order in which their names appear in the select list under sub-rule (7) of rule-7 and of sub-rule (1) of rule 12.

15. Probation and Confirmation:— (1) Every person appointed to the post of Assistant Director (Law) shall be on probation for a period of two years and in case of promotion to the higher grades shall remain on probation for a period of one year from the date of his joining:

Provided that the appointing authority may, if it thinks fit, in any case, extend the period of probation for further period of one year.

Provided further that such period of probation shall not include:-

- (a) extraordinary leave;
- (b) period of unauthorized absence; or
- (c) any other period held to be not being on actual duty.

(2) The appointment of a probationer may, for good and sufficient reasons to be recorded in writing, be terminated in case of direct recruits and be reverted to his former post in case of promotee by Government at any time without previous notice during the period of probation including extension of such period, if any.

(3) A probationer after completing the period of probation to the satisfaction of Government shall be eligible for confirmation subject to the availability of substantive vacancy in the service.

16. Other Conditions of Services:—The conditions of services of the members of the Service in regard to matters not covered by these rules shall be the same as may, from time to time, be prescribed by the Government.

PART-VI

MISCELLANEOUS

17. Relaxation:— Where the Government are of the opinion that it is necessary or expedient so to do, may by order for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of employees in the interest of the Public Service in consultation with the Commission.

18. Interpretation:—If any question arises relating to the interpretation of these rules, it shall be referred to Government whose decision thereon shall be final.

SCHEDULE

[See sub-rule-(3) of Rule-7]

(A) .WRITTEN TEST:-

SYLLABUS FOR WRITTEN EXAMINATIONS

GROUP 'B' SERVICE

GENERAL ENGLISH (PAPER-I)-60 Marks

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| 1. Short Essay. (300 words) | 20 Marks |
| 2. Précis writing (From 300 word passage) | 20 Marks |
| 3. One passage of about 500 words with 5 questions | 20 Marks |

PROCEDURAL LAW (PAPER-II)-100 Marks

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| 1. Code of Civil Procedure-1908 | | 20 Marks |
| 2. Code of Criminal Procedure-1973 | | 20 Marks |
| 3. Indian Evidence Act-1872 | | 20 Marks |
| 4. Arbitration & Conciliation Act-1996 | | 20 Marks |
| 5. Drafting and pleading | | 20 Marks |

SERVICE LAWS (PAPER-III)-100 Marks

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| 1. Odisha Service Code | | 25 Marks |
| 2. Odisha Civil Service (Classification Control and Appeal) Rules-1962 | | 25 Marks |
| 3. Odisha Civil Service Pension Rules,1992 | ... | 25 Marks |
| 4. Odisha Reservation of Vacancies in Posts and Services(For Scheduled Castes & Scheduled Tribes), Act-1975 and such other Acts and Rules for other reserved categories formulated by Govt. from time to time. | | 25 Marks |

MISCELLANEOUS LAWS (PAPER-IV)-100 Marks

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| 1. Indian Constitution | | 25 Marks |
| 2. Indian Limitation Act-1963 | | 10 Marks |
| 3. Specific Relief Act-1963 | | 10 Marks |
| 4. Revenue Laws | | |
| A. Orissa Prevention of Land Encroachment Act-1972 | | |
| B. Orissa Land Reforms Act-1960 | | 20 Marks |
| C. Orissa Sch Area Transfer of Immovable Property (by Scheduled Tribes) Regulation 1956 | | |
| D. Orissa Survey and Settlement Act-1958 | | |
| E. Orissa Consolidation of Holdings & Prevention of Fragmentation of Lands Act-1972 | | |
| 5. Indian Contract Act-1872 | | 15 Marks |
| 6. Transfer of Property Act-1882 | | 20 Marks |

COMPUTER APPLICATION (PAPER-V)-40 Marks

Computer Application

A: Computer Fundamentals

B: Windows (MS-Windows)

C: MS-OFFICE:

(i) Word Processing (MS Word)

(ii) Spread sheet (MS Excel)

(iii) Presentation Knowledge (MS Power Point)

(iv) MS Access.

D: Usage of internet services available on Internet.

E: Communication Technology, Networking Concepts

Note:- (I) The candidates those who have been short listed after the written test shall be called for the skill test in computer application which shall be of qualifying in nature.

(II) A candidate shall answer the papers in English unless otherwise directed.

(III) The standard of paper I shall be of a Degree Course and rest papers shall be that of LLB Course.

(B). INTERVIEW:—

Interview shall carry 50 (fifty) marks Questions to be answered in the interview may not be ordinarily outside the syllabus prescribed for the written examination. In interview, questions covering broad National and International issues or matters of common interest in the field of Arts and Science may also be asked.

By Order of the Governor

ASIT TRIPATHY

Principal Secretary to Government