

Proactive Disclosure (RTI)

The particulars of Law Department

At the time of establishment of State of Bihar, the present Law Department was named as Law (Judicial) Department. It was placed under the overall supervision and control of the Revenue Secretary. The works assigned to it were giving advice in the matters of all Bills, initiation and drafting of Bills, the codification and consolidation of the existing law and formal legislation, revision of Acts, Orders and Collections of Statutory Rules and Orders and the Publication in the official Gazette of the results of elections to the Bihar Legislature. After independence, the Judicial and Legislative Department was separated from Revenue Department and kept under the control of the Secretary-cum-Legal Remembrancer and works assigned to it had been expanded. The works of Establishment of Civil Courts, Jurisdiction of Judicial Officers and Appointment of Advocate General had been included in it and the works related to the election had been excluded from the works of Law Department.

After the independence India has adopted Welfare State Policy through Constitution. Accordingly, to achieve this goal, the Department of Law is working tirelessly. Presently, It provides opinion to all the department with regard to legal matters and co-ordinates with Advocate General's Office in filling of L.P.A., S.L.P. and other matters in Hon'ble High Court and Supreme Court. It also works for creating infrastructure for the several Courts so that the speedy disposal of the cases may be possible. Sanction of prosecution under Cr. P.C, I.P.C. and etc., and withdrawal of cases is also assigned to the law Department. All the drafts of Ordinances Bills Rules, Regulations, Bylaws, Legal orders Notifications Government Policies relating to the all the Department of Government of Bihar are Vetted by the Law Department. A Separate Litigation Cell has been also created under the chairmanship of the Chief Secretary under the Department.

Vision

The rules of executive business classify and distribute works among various departments of State Government in the Secretariat. The works allotted to Law Department are as follows:-**(1) Judicial Section.**

- a. Criminal Law and Criminal Procedure.
- b. Civil Procedure including the law of limitation.
- c. Evidence and Oaths, recognition of law, public acts and records and judicial Proceedings.
- d. Trusts and Trustees, other than Religious and Charitable Endowment and Trusts for educational purposes.
- e. Contracts, agency, contract of carriage and other special form of contract but not including contracts relating agricultural land.
- f. Arbitration.
- g. Bankruptcy and insolvency, Administrators General and official Trustees.
- h. Administration of justice, constitution, organization jurisdiction and powers of all courts within the State except the Supreme Court and High Court and fees taken therein;
 - a. Acts, Administration and extension for judicial purposes.
 - b. Appeals against sentences in Lower Courts.
 - c. Civil court buildings and establishments.
 - d. Civil language.
 - e. Forms - judicial
 - f. Appointment of Advocate-General and other law officers of Government.
 - g. interstate property.
 - h. Justification of Judicial officers.
 - i. Law book, Law Reports, Chronological tables.
 - j. Conducts of legal business.
 - k. Criminal lunatics.
 - l. Position for Mercy from remission or suspension (under section 432 of the Code of Criminal Procedure, 1973) of the sentences of all prisoners extraction.
 - m. Release of convicts with whole-life imprisonment sentence.
 - n. Probate and letters of administration granted to persons of European extraction.

The powers & duties of its officers and employees

The works allotted by the rules of executive business to the Law department are distributed among the various section of the Law department which are as follows:-

1. Section-A :- Administration of Justice

- A. Constitution of Special Court,
- B. Untimely prison release,

- C. Acceptance of fine in lieu of punishment and other acts,
- D. Creation of Court Buildings and Courts,
- E. Evidence and Oath,
- F. Jurisdiction of Judicial Officers,
- G. Intestate/intestate property,
- H. Judicial Forms, State Law Reports and the supply of those reports to the Government and the public,
- I. Advocate Welfare / Advocate Clerk Welfare,
- J. The case of foreign nationals,
- K. Notices, Summons/Insolvency and Bankruptcy,
- L. Work relating to Human Rights,
- M. Exemption or adjournment of pardon, application and sentence to criminal, lunatic, political prisoners (under Section-432/433/433./Section-161 of the Constitution) of the Code of Criminal Procedure,
- N. Business of Rajya Sabha and Lok Sabha Questions, etc.
- O. Law Commission,
- P. Miscellaneous letters received from public and government,
- Q. Work related to the appointment and renewal of Notaries (Legislators),
- R. Work relating to the Law Commission of the Government of India,
- S. Work related to Chief Minister's Development / Migration Yatra / work related to Lokayukta office and letters received from Government of India / Governor's Secretariat / Chief Minister's Public Court / Public Grievances received from Chief Secretary and Cabinet Secretariat Department and work related to Public Grievance Cell,

- T. Work relating to Legislature,
- T. All remaining matters relating to the administration of justice,
- U. References relating to extradition,
- V. Contracts, agency vehicle contracts and other special types of contracts, but do not include contracts relating to agricultural land.

2. Section -B :-HQ Establishment Division

1. All work related to the establishment of the Departmental Headquarters (including advance approval),
2. All the work related to the establishment of the Departmental Minister / Minister of State,
3. All work relating to the establishment of the office of the Advocate General,
4. All work related to AGOT establishment,
6. Work related to postal and delivery counters,
7. Legal Consultative Library Work,
8. Purchase and distribution of departmental stationery,
9. All work related to departmental machine, vehicle purchase, maintenance and repair,
10. Appointment of Nodal Officer,
11. Work relating to Law Reporter,
12. Execution of miscellaneous communications relating to judicial officers,
13. Work related to discretionary vote,
14. Work related to monitoring of various cases

15. Work relating to Writs and Contempt Cell

16. Policy matters relating to Right to Information Act

3. Section-C.-1-Appointment of Advocates, work related to establishment and fee bill:-

(A). Appointment of Public Prosecutor / Special Public Prosecutor / Public Prosecutor / Additional Public Prosecutor / Assistant Public Prosecutor in the districts,

(B). Appointment of Advocate General and other Law Officers of High Court and their Assistant Advocates/Panel Advocates and appointment of Additional Public Prosecutor,

©. All fee fixation work,

(D). Appointment of Advocates of Revenue Panel and Monitoring Panel and their fee bills,

(E). Appointment of Advocates in Arbitration Litigation/Bihar Administrative Tribunal and Central Administrative Tribunal and fixation of their fee and fee bill,

(F). Work relating to State Consumer Commission,

(G). Appointment of Permanent Adviser/Advocate for Supreme Court/High Court of Delhi, Fee fixation and Fee bill related work,

(H). Appointment of advocates for commissions of inquiry, fee fixation and fee bill related work,

(I). Appointment of advocates and fixation of fees for cases related to Bihar Government in High Courts located outside the state,

(J). Work related to investigation and recognition of case records.

4. Section - C 2

- (A). Work related to acceptance of Jai Ghosh amount related to all departments,
- (B). Work related to passing the fee bill of the Law Officers of the High Court, such as:- Advocate General / Additional Advocate General / State Advocate / Permanent Advisor / Government Advocate / Additional Public Prosecutor and Assistant Advocates,
- ©. Grant of defense of Government servants in civil and criminal cases at Government expense,
- (D). Work related to Bihar State Legal Services Authority,
- (E). Work relating to Religious Trust.
- (F). Arbitration,

5. Section - E -Accounts

- (A). Accounts Head-2052, Accounting Work of 2014 and 2013,
- (B). Monthly bill and other bill related work of Legal Consultant,
- ©. Work related to monthly bills and other bills of gazetted and non-gazetted employees,
- (D). The work of maintaining provident fund accounts,
- (E). Operation and Maintenance of Government Vehicles, Clearance of Bills and Advances,
- (F). Verification of Headquarters Accounts from the Accountant General, Bihar,
- (G). Withdrawal and distribution of discretionary vote.

6. Section-F-(Legislative)

- (A). All the work related to the law and legislation allotted in the executive manual.
- (B). Amendment in CRPC and amendment in other Acts,
- ©. Recognition of law, public acts, records and judicial proceedings,
- (D). Matters of law relating to child marriage, marriage and divorce, children and minors, adoptions, etc.,
- (E). Will, Intestacy and Succession, Transfer of Property,
- (F). Civil procedure including the Act of Limitation (Law of Limitation),

7. Section-G-Budget and Regional Establishment

- (A). All work relating to Departmental Budget (Non-Plan/Plan),
- (B). Finance Commission,
- ©. Receiving and checking expenditure statements from different districts and verification from the Accountant General,
- (D). Fees and Revenue and Receipts received from Courts,
- (E). All work relating to the Public Accounts Committee,
- (F). Work related to excess expenditure / AC / DC bill and miscellaneous letters etc.
- (G). All work relating to the establishment of the Patna High Court,
- (H). All work relating to the location of Courts of Practice (including acceptance of advances)
- (I). All work relating to audit of accounts.

8. Section-H-Opinion

- (A). To give advice on the files received from all the departments.

Financial Powers :-

All financial powers are vested in the Secretary of the Department. Some of the powers are following:

- (1) Drawing and Disbursing Officer of the Department
- (2) Sanctioning of G.P.F. advance of employees of Department and other concerned office staff.
- (3) Re-imbursment of medical expenditure of headquarter staff and officers along with staffs of Patna High court and civil courts.
- (4) Sanctioning of Contigent expenditure of the Department.
- (5) Preparation of plan & non-plan budget of HQ, Patna High Court, all subordinate courts and concern offices.
- (6) Allocation of allotment to HQ, Patna High Court, all subordinate courts and concern offices.

Organisation Structure

Hon'ble Law Minister



Secretary-cum-Legal Remembrancer



**Special Secretary-
cum- Additional
Legal
Remembrancer**

**Additional
Secretary-cum-
Additional Legal
Remembrancer**

**Joint Secretary-
cum- Additional
Legal
Remembrancer**



Deputy Secretary

Officer in Special Duty

Vacant

Under Secretary (BSS)

Under Secretary (Judicial)

The procedure followed in the decision making process, including channels of supervision and accountability.

Sr No.	Subject on which decision is to be taken	Guideline/Direction if any	Process of executive	Designation of officers involves	If not satisfied by decision when and how to appeal
<u>01.</u>	Engagement of Law Officers	Cr.PC-24 Bihar Law Officers Engagement Rules, 2021	For finding suitable candidates, there is a search committee and then final selection by selection committee	1. Law minister (Chairman) 2. Law Secretary (Member) 3. Advocate General (Member)	<u>NA</u>
<u>02.</u>	Appointment of Notary Public	The Notaries Act, 1952 The Notaries Rule, 1956	Recommendation of the interview board (formed by Government)	1. Secretary-cum-L.R 2. Spl. Secretary-cum-A.L.R 3. Joint Secretary-cum-A.L.R	<u>NA</u>
<u>03.</u>	Disciplinary Action against officers/staff	As per G.A.D Bihar CCA Rules	File is initiated by Establishment Section for putting it through proper channel .After getting a report from the conducting officer of a departmental proceeding, the Secretary takes decision in accordance with	Secretary and other officer, who is in channel	As per Executive Business Rule and other circular issued by GAD, Bihar

			the provision of Bihar CCA Rules.		
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Norms Set By It For The Discharge Of Its Function

The Department works in accordance with the provision of Rules of Executive Business and Secretariat Manuals/Instructions

The rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions

- (i) Bihar Civil Court Officers and staff (recruitment, promotion, transfer and other service conditions) Rules, 2022 for subordinate court employees.
- (ii) Bihar Law Officers engagement Rules, 2021
- (iii) The Notaries Act, 1952
- (iv) The Notaries Rules, 1956

A statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

(a) Name : Bihar State Religious Trust Board

(b) It is a board

(c) Role : to provide the better administration of Hindu Religious Trusts and for the protection and preservation of properties appertaining to such Trusts. Whereas it is expedient to provide for the better administration of Hindu Religious Trusts in the State of Bihar and for the protection and preservation of properties appertaining to such trusts. This Act shall apply to all religious trusts, whether created before or after the commencement of this Act, any part of the property of which is situated in the State of Bihar.

(d) Structure : President and members

(e) Head : President of board

(f) Address : Bihar state board of religious trust, Vidyapati Marg,

Patna 800001, Bihar ,India

Directory of Officers and employees

Contacts

The budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made

After Budget allocation by finance department, Law department distributes funds in different heads of establishment & committed expenditure (related to pay of officers/employees and other office expenses) to these following offices/courts :-

S.N. Name of Offices

- 1 High Court, Patna
- 2 Bihar State Legal Services Authourity, Patna
- 3 Bihar Judicial Academy, Patna
- 4 Sub-ordinate Courts of Bihar
- 5 All collectorates of Bihar (for payment of fees of PP/GP/APP/AGP & Spl. PP)
- 6 Administrative General & Office Trustee, Patna
- 7 Bihar State Law Commission, Patna
- 8 Sampark karyalaya(Law Department), New Delhi

Funds are allotted to above offices and courts as per demand and proposed budget estimate.

**PARTICULARS OF RECIPIENTS OF CONCESSIONS, PERMITS
AND AUTHORIZATION GRANTED BY IT**

No concessions, permits and authorization are granted by the
Department at the State level.

**Details in respect of the information, available to or held by
it, reduced in an electronic form;**

No information of the Department is available in an Electronic form.