

**(i) The particulars of its organization, functions and duties.**

In the State of Himachal Pradesh, Law Department has been assigned the following functions:—

- (a) Advice on legal matters;
- (b) Construction of Statutes, Acts, Regulations, Statutory Rules, Orders and Notifications ;
- (c) Conveyancing and Drafting of Bills, Ordinances, Rules, Bye-laws , Notifications and Regulations ;
- (d) Defence or institution of suits or proceedings filed against or by the Government, except criminal cases in Supreme Court ;
- (e) Codification of Laws, Rules and Regulations ;
- (f) Law Department Manual ;
- (g) Republication of Central Acts in the State Gazette including the work of their translation into Hindi/ Pahari, if so desired by the Government of India;
- (h) Entertainment of summons issued by the Supreme Court, High Court and other Subordinate Courts in civil, criminal or writ cases against Government, except criminal cases in Supreme Court;
- (i) Forwarding of letters of probate and administration and letters of requests and interrogatories to the proper quarter for necessary action;
- (j) Indian Law Reports—Question connected with the printing; distribution supply, audit, etc.;
- (k) Legal Remembrancer's office- All references relating to establishment and budget etc. ;
- (l) Official Receivers and Notaries Public-Appointment of ;
- (m) State Law Reports and Legal Remembrancer's Library ;
- (n) Constitution of India-references relating thereto ;
- (o) To collect/compile and pursue the general observations of the Subordinate Legislation Committee ;
- (p) Translation of Acts, Ordinances, Bills and Statutory Rules, orders, Bye-laws, Regulations into official language ;
- (q) Authentication and publication of the Authoritative Hindi version of Acts originally enacted in English : and

- (r) Authentication and publication of English Text of Bills, Acts and Ordinances under Article 348(3) of the Constitution of India.

Under the Rules of Business of the Government of Himachal Pradesh, 1971, the following business shall be disposed of by the Law Department:—

All Administrative Department shall consult the Law Department on \_\_\_\_\_

- (i) the construction of Statutes, Acts, Regulations and statutory rules, orders and notifications ;
- (ii) Any general legal principles arising out of any case ;
- (iii) The institution or withdrawal of any prosecution at the instance of the Administrative Department ; and
- (iv) the defence or institution of any suit or proceedings, filed against or by the Government.

**General Control and functioning of each Wing:**

**Law Department consists of four wings, namely:—**

- (a) Administrative;
- (b) Opinion;
- (c) Litigation; and
- (d) Legislative,—
  - (i) Legislation;
  - (ii) Codification; and
  - (iii) Official Language.

**(a) Administrative Wing.**—The main function of the Administrative Wing of the Law Department is to sanction counsel fees payable to the Private

Advocates, engage Advocates to represent civil cases in various courts in State and to issue necessary instructions in this behalf from time to time and it discharge functions of the Administrative Department in relation to the functioning of—

- (i) The Himachal Pradesh State Legal Services Authority; and

- (ii) The Himachal Pradesh State Law Commission.

It is also responsible to implement the provisions of—

- (i) The Official Trustees Act, 1913;
- (ii) The Administrators General Act, 1963; and .
- (iii) The Legal Services Authorities Act, 1987.

(b) **Opinion Wing**.—The Opinion Cell of the Law Department, apart from tendering opinion in various legal/service matters received from all the Administrative Departments of the State Government, has also been entrusted with the job of vetting of legal documents, notifications and Recruitment and Promotion Rules.

(c) **Litigation Wing**.—The Litigation Wing is the important limb of the Law Department. The Legal Remembrancer, Himachal Pradesh, except in matters as may be assigned to the Advocate General, and the criminal matters pending in the Supreme court, exercises the control over the entire Government Litigation, whether Civil or Criminal. It examines judgements of various Courts involving the Government interest and recommends the desirability of agitating the matter further before the High Court or the Supreme Court by way of appeal/revision etc.; it also examines and approves the plaints, written statements, memorandum of appeals etc. to be filed by or on behalf of the State Government, in various Courts; and also acts as nodal agency for conciliation of cases filed by or against the Government, pending in various courts in the State by constituting District Level and State Level Committees. The Law Department is bound to watch the progress in all criminal matters excepting those which are either under the control of the Advocate General, Himachal Pradesh, or which are pending in the Supreme Court.

(d) **Legislative Wing**.—The Legislative Wing of Law Department is sub-divided into three Sections:—

i. **Legislation :**

The Legislation Section is entrusted with the work of drafting all Government Bills, Ordinances, Regulations, Statutory Rules, Notifications and Orders etc. This Section also implement the provisions of the Himachal Pradesh Advocates Welfare Fund Act,1996.

The preparation of a legislation and setting the legislative programme involves following seven main stages:—

- (a) Approval of legislative programme and formation of Legislative Policy;
- (b) Drafting instructions and preparation of Bills;
- (c) Approval of Bills by Cabinet;
- (d) Formalities respecting Bills before introduction;
- (e) Introduction and printing of Bills;
- (f) Processing and passing of Bills in the State Legislative Assembly and procedure in financial matters—Appropriation Bills; and
- (g) Presentation of Bills for assent and publication as Acts.

**II. CODIFICATION :** Law Department is also responsible for preparation and revision of State Code (Containing all important notifications/ statutory orders) and to keep them update by bringing Annual Supplements. The existing State Code brought out in the year 1975, has become obsolete and the subsequent amendments/ modifications stand scattered over 24 Annual supplements. The Law Department has undertaken the revision of the State Code. Out of 11 volumes of Revised State Code Volumes I, II, III, IV, X and XI and Annual Supplements upto the year 2001 have been published.

**III. OFFICIAL LANGUAGE :** In the State of Himachal Pradesh w.e.f. 1st June, 1979, Hindi Language stands declared under the Himachal Pradesh Official Language Act, 1975, as the Official Language for the transaction of

Legislative Business. Since Hindi is the Official Language for the transaction of the Legislative Business in this State, efforts are made to publish, under the authority of the Governor, as far as possible, simultaneously the authoritative English texts of the Acts/ rules, enacted in Hindi Language, as envisaged under clause (3) of article 348 of the Constitution. The authoritative texts in Hindi of Laws, originally enacted in English language by the State Legislature, are being published, under section 3 of the Himachal Pradesh Official Language (Supplementary Provisions) Act, 1981, by the Official Language Section of the Law Department which processes proposals to secure authentication by the Governor of the translation of State Acts into Hindi.