

## CHAPTER III

### POWERS AND DUTIES OF OFFICERS AND EMPLOYEES

The duties and functions of the officers in respect of Law Department are provided in the **Law Manuals** as adopted from **the Assam Law Manuals** by the Government of Meghalaya since state hood. Some of these main duties and functions are as follows: -

1. The officers act as the adviser and give legal expert opinions to the Government, hence they are known as Law Officers;
2. To undertake drafting and vetting of bills, rules, sub-delegation of rules, regulation, office memorandum, and many other types of offices orders;
3. To examine, give views and frame comments and views in legal matters that are sought by different departments;
4. To aid and assist in preparing and vetting para-wise comments and other courts documents relating to courts case concerning the state;
5. To appoint judges and magistrates to subordinate judicial courts as recommended by High Court and to invest powers to them; and

To put into technical shape the project and scheme of legislation.

| Designation | Commissioner & Secretary Law & Legal Remembrancer |                        |
|-------------|---|------------------------|
|             |   |                        |
| Powers      | Administrative                                    | 1. Overall supervision |
|             | Financial   | 1. Overall supervision |
|             | Others  | 1. Overall supervision |
| Duties      | 1. Overall supervision                            |                        |

| Designation | Additional Secretary & Senior Additional Legal Remembrancer |  |
|-------------|---|--|
|             |   |  |
| Powers      | Administrative  | <ol style="list-style-type: none"> <li>1. Allotment of fund/Re-appropriation of fund/Surrender of Saving/Advance from CFetc.</li> <li>2. Constitution of Judicial Academy and other Misc. matters</li> <li>3. Appointment of PPs, APPs, Addl. PPs, Spl.PPs, Panel Advocate</li> <li>4. Reconciliation of Accounts</li> <li>5. Budget</li> <li>6. Committee formed under the direction of Hon'ble High Court for WP (C) 322 of 2014. Registrar General Vs State Govt.</li> <li>7. ACPS</li> <li>8. Litigation</li> <li>9. Advocates in High Court &amp; Supreme Court</li> <li>10. All matters relating to Officers of Law Department.</li> <li>11. Supreme Court cases</li> <li>12. Creation of post for the office of (staffs) High Court of Meghalaya/District Courts/ Advocate General/Additional Advocate General/Senior Advocate General/Sub-Divisions/Chief Judicial Magistrates/Deputy Commissioner (Judicial)</li> <li>13. Retention of posts of the office of High Court of Meghalaya/District Courts Advocate General/Additional Advocate General/Senior Advocate General/Sub-Divisions/Chief Judicial Magistrates/D.C (Judicial)</li> <li>14. Opening of Sub head receipts &amp; expenditure</li> <li>15. Computerization in Law (A) Department</li> <li>16. Matter relating to Construction of District Court in all Districts</li> <li>17. All matters relating to the Judicial Officers</li> <li>18. Separation of Judiciary in all Districts</li> <li>19. Chief Justices, Chief Minister's</li> </ol> |

|        |                        |  |
|--------|------------------------|--|
|        |                        | <p>Conference</p> <p>20. All matters relating to the Chief Justice &amp; Judges of High Court including constructions in High Court</p> <p>21. Purchase, repair, condemnation of the vehicles for the officers of Law Department, Chief Justice, Judges of High Court and District Court.</p> <p>22. Training on Office Management &amp; office Procedure. Meghalaya Adm. Training Institute.</p> <p>23. GPF.</p> <p>22. Furnishing and sanction approval of High Court/District Courts/DC (Judl.)/Advocate General Office/Sub-Division</p> <p>25. Leave, posting and transfer of the staff of Law (A) Department.</p> <p>26. Matters relating to office of Legal Remembrancer</p> <p>27. Bills of MSLSA.</p> <p>28. 14<sup>th</sup> &amp; 15<sup>th</sup> Finance Commission</p> <p>29. Centrally Sponsored Schemes</p> |
|        | Financial              | 1. Overall supervision   |
|        | Others                 | 1. Overall supervision   |
| Duties | 1. Overall supervision |  |

| Designation | Joint Secretary cum Additional Legal Remembrancer and Draftsman(I) |   |
|-------------|--|---|
|             |  |   |
| Powers      | Administrative   | <p>1. Appointment of AG, AAG &amp; other matters (example TEs).</p> <p>2. Constitution of special Courts</p> <p>3. PIL No. 3 of 2017</p> <p>4. Furnishing and sanction approval of High Court/District Courts/D.C.(Judl.)/Advocate General Office</p> <p>5. Approval of Travel allowances of staff of District Courts/DC (Judl.)/Sub Divisions/Chief Judicial Magistrate.</p> |

|        |                        |   |
|--------|------------------------|---|
|        |                        | 6. Service Book of staffs of District Courts<br>7. GPF<br>8. ACPS<br>9. Appointment of PPs, APPs/Addl. PPs/Sp. PPs/Panel Advocates<br>9. Constitution of Judicial Academy and other misc. matters.<br>10. 14 <sup>th</sup> & 15 <sup>th</sup> Finance Commission<br>11. Centrally Sponsored Schemes<br>12. E-samiksha<br>13. Chief Minister petition. |
|        | Financial              | 1. Overall supervision  |
|        | Others                 | 1. Overall supervision  |
| Duties | 1. Overall supervision |   |

| Designation | Joint Secretary cum Additional Legal Remembrancer and Draftsman (II) |  |
|-------------|--|--|
|             |  |  |
| Powers      | Administrative   | 1. Medical treatment/reimbursement of the Officers & staff of District & Sessions Judge/Chief Judicial Magistrate<br>2. Earle Holiday Home<br>3. Service Book of staff of Subordinate Offices<br>4. Creation of Data Entry Operators<br>5. Pension matters of the staff of Subordinate Office<br>6. 5 <sup>th</sup> Pay Commission<br>7. The Meghalaya State Litigation Policy<br>8. Policy/Draft Speech for Republic Day<br>9. Elitigation<br>10. Furnishings of residential Quarter of Judicial Magistrates<br>11. Matters relating to the office of State Law |

|        |                        |                                    |
|--------|------------------------|------------------------------------|
|        |                        | Commissiion<br>12. LS, RS Question |
|        | Financial              | 1. Overall supervision             |
|        | Others                 | 1. Overall supervision             |
| Duties | 1. Overall supervision |                                    |

| Designation | Joint Secretary cum Additional Legal Remembrancer and Draftsman (III) |   |
|-------------|---|---|
|             |   |   |
| Powers      | Administrative  | 1. Appointment of Counsels in Supreme Court.<br>2. Supreme Court cases.<br>3. Budget/Renovation and Surrender of Savings<br>4. Other matters relating to Subordinate office in the Districts<br>5. Training of Judicial Officer<br>6. Computerization in Law (A) Department<br>7. 14 <sup>th</sup> & 15 <sup>th</sup> Finance Commission<br>8. All matters relating to Judges of High Court including construction of High Court<br>9. The Meghalaya State Litigation Policy<br>10. Geo-Tagging of Judicial Building – Schemes<br>11. ACPS<br>Video Conferencing between District and District Jails/Case Informative system. |
|             | Financial   | 1. Overall supervision  |
|             | Others  | 1. Overall supervision  |
| Duties      | 1. Overall supervision  |   |

| Designation | Deputy Secretary-cum Joint Legal Remembrancer (I) |  |
|-------------|---|--|
|             | Deputy Secretary.                                 |  |
| Powers      | Administrative                                    | 1. All matters relating to the Judicial Officers<br>2. All matters relating to |

|        |                        |   |
|--------|------------------------|---|
|        |                        | Officer of Law Department<br>3. Chief Justices, Chief Minister's Conference<br>4. Centrally Sponsored Schemes<br>5. Pension matters of the staff of Subordinate Office<br>6. Creation of Contingency staff in Judges Bungalow<br>7. Fifth pay Commission<br>8. Judicial Academy<br>9. Matters relating to construction of all District Courts<br>10. Separation of Judiciary Grant-in-aid for Law Colleges and Bar Associations |
|        | Financial              | 1. Overall supervision  |
|        | Others                 | 1. Overall supervision  |
| Duties | 1. Overall supervision |   |

| Designation | Deputy Secretary-cum Joint Legal Remembrancer (II) |  |
|-------------|--|--|
|             |  |  |
| Powers      | Administrative                                     | 1. Appointment of AG, AAG & other matters (example TEs)<br>2. Constitution of Special Courts<br>3. All matters relating to Remembrancer Office<br>4. Leave, posting and transfer of the staff of Law (A)<br>5. Appointment of PPs/Addl. PPs/APPs /Panel Advocate & Special PPs<br>6. Bills of office of Meghalaya State Legal Services Authority<br>7. RTI Law (A)<br>8. Litigation<br>9. Chief Minister petition<br>10. Furnishing and sanction approval of High Court/District Court/DC (Judl.)/Advocate General office<br>11. Approval of Travel Allowances of staff of District Courts/D.C.(Judl.)/Sub Divisions/Chief Judicial Magistrate |

|        |                        |  |
|--------|------------------------|--|
|        |                        | 12. Matters relating to Subordinate office in the Districts (quarterly allotment of funds to all the Divisions)<br>Any other matter which has not been allotted to any officers. |
|        | Financial              | 1. Overall supervision   |
|        | Others                 | 1. Overall supervision   |
| Duties | 1. Overall supervision |  |

| Designation | Under Secretary cum Deputy Legal Remembrancer(I) |  |
|-------------|--|--|
|             |  |  |
| Powers      | Administrative                                   | 1. Visit of VIP & Bills of VIP<br>2. Fifth Pay Commission<br>3. Earle Holiday Home<br>4. Dedicated Cell<br>5. 14 <sup>th</sup> & 15 <sup>th</sup> Finance Commission<br>6. All matters relating to Judges of High Court including construction in High Court<br>7. Matters relating to construction of all District Courts / High Court and separation of Judiciary. |
|             | Financial  | 1. Overall supervision   |
|             | Others   | 1. Overall supervision   |
| Duties      | 1. Overall supervision                           |  |

| Designation | Under Secretary cum Deputy Legal Remembrancer (II) |   |
|-------------|--|---|
|             |  |   |
| Powers      | Administrative                                     | 1. Training of Judicial Officers & Officers of Law Department<br>2. Purchase, repair, Condemnation of the vehicles for the officers of Law Department, Chief Justice, Judges of High Court and District Court<br>3. Training on office Management & office Procedure, Meghalaya |

|        |                        |   |
|--------|------------------------|---|
|        |                        | Admv. Training Institute<br>4. Creation of post for the office of High Court/District Courts/Advocate General/ Sub-Division<br>5. Retention of posts in the office of High Court/District Courts/Advocate General/ Sub-Divisions/D.C. (Judicial), PP Offices<br>6. E-samiksha |
|        | Financial              | 1. Overall supervision  |
|        | Others                 | 1. Overall supervision  |
| Duties | 1. Overall supervision |   |

| Designation | Law Officer (I)        |   |
|-------------|------------------------|---|
|             |                        |   |
| Powers      | Administrative         | 1. Computerization of Law(A) Department.<br>2. GPF<br>3. Furnishing of Residential Quarters of Judicial Magistrates.<br>4. Chief Justice & Chief Minister's Conference<br>5. Matters relating to the office of Law Commission<br>6. Visit of VIPs<br>7. For Dedicated Cell regarding issues concerning Khasi Hills, Jaintia Hills and Ri-Bhoi Districts including Sub-Divisions |
|             | Financial              | 1. Overall supervision  |
|             | Others                 | 1. Overall supervision  |
| Duties      | 1. Overall supervision |   |

| Designation | Law Officer (II) |   |
|-------------|------------------|---|
|             |                  |   |
| Powers      | Administrative   | 1. Training of Judicial Officers<br>2. E-Samiksha.<br>3. Chief Minister Petition.<br>4. Lok Sabha Questions<br>5. Rajya Sabha Questions<br>6. All Matters relating to Judicial Officers.<br>7. For Dedicated Cell regarding issues concerning |



|        |                        |   |
|--------|------------------------|---|
|        |                        | Garo Hills District including Sub-Divisions |
|        | Financial              | 1. Overall supervision                      |
|        | Others                 | 1. Overall supervision                      |
| Duties | 1. Overall supervision |   |

| Designation | Law Officer (III) |   |
|-------------|-------------------|---|
|             |                   |   |
| Powers      | Administrative    | 1. Matters relating to Judicial Academy.<br>2. Matters relating to e-prosecution applications in Meghalaya.<br>3. Matters relating to General Elections, Meghalaya Questions.<br>4. Constitution of Special Courts.<br>5. Matters relating to Judicial Academy. |
|             | Financial         |   |
|             | Others            |   |
| Duties      |                   |   |

| Designation | Law Officer (IV) |   |
|-------------|------------------|---|
|             |                  |   |
| Powers      | Administrative   | 1. Matters relating to Assembly Questions.<br>2. CP GRAMS.<br>3. Matter relating to conference/meeting outside the State.<br>4. I.T Cadre – High Court.<br>5. Matter relating to National-e-Vidhan. |
|             | Financial        |   |
|             | Others           |   |
| Duties      |                  |   |

| Designation | Law Officer (V) |  |
|-------------|-----------------|--|
|             |                 |  |
| Powers      | Administrative  | 1. Matters relating to training by Sambodhi Communications.<br>2. Matters relating to National Law University, |

|        |           |  |
|--------|-----------|--|
|        |           | Meghalaya.<br>3. Fast Track Court/PFMS.<br>4. Upgradation of Post in Law Department.<br>5. New Shillong Township Dev. Agency, regarding. |
|        | Financial |  |
|        | Others    |  |
| Duties |           |  |

| Designation | Law Officer (VI) |   |
|-------------|------------------|---|
|             |                  |   |
| Powers      | Administrative   | 1. Grant-in-aid..<br>2. National Award for e-governance.<br>3. Matter relating to payment of court/POCSO.<br>4. Matter relating to NITI Aayog.<br>5. Meghalaya Higher Judicial Service Rules. |
|             | Financial        |   |
|             | Others           |   |
| Duties      |                  |   |

| Designation | Superintendent   |  |
|-------------|--|--|
|             |  |  |
| Powers      | Administrative   | 1. Overall Supervision of the Department for smooth functioning of the Department.<br>2. Recording of Annual Confidential Report of the Staff of Law(A) Department<br>3. Maintaining the Leave Record of the Officers as well as the staff of the Law(A) Department. |
|             | Financial  | 1. Overall supervision   |
|             | Others   | 1. Overall supervision   |
| Duties      | To supervise and coordinate works in the department for the smooth functioning |  |

## 2. Duties and function of Staff in Law (A) Department

| Designation | Assistant Superintendent |   |
|-------------|--------------------------|---|
| Powers      | Administrative           | <ol style="list-style-type: none"> <li>1. Empanelment of Advocates in Supreme Court.</li> <li>2. Supreme Court cases.</li> <li>3. Implementation of direction of Supreme Court.</li> <li>4. 14<sup>th</sup> Finance Commission</li> <li>5. Misc. matters not allotted to others.</li> <li>6. 15<sup>th</sup> Finance Commission</li> <li>7. Any other subjects not allotted to other staff.</li> <li>8. Investment of Power to Judicial Officers.</li> <li>9. Conveyance Allowance of Judicial Officers.</li> <li>10. Appointment of Law/ Judicial Officers</li> <li>11. Confirmation of Law Officers.</li> <li>12. Promotion of Officers of Law Department.</li> <li>13. Services Rule/Meghalaya Higher Judicial Service Rules/Meghalaya Judicial Service.</li> <li>14. Appointment of Panel Advocates in Supreme Court.</li> <li>15. D.A of Judicial Officers/ judges of Supreme &amp; High Court.</li> <li>16. Dearness Relief of Retd. Judges of Supreme Court &amp; High Court.</li> <li>17. Revision of Pay Rules for Judicial Officers.</li> <li>18. Benefits of Retd. Judges.</li> <li>19. Centrally Sponsored Scheme/Geotagging/Nyaya Vikas/Fast track spl. Court.</li> <li>20. CP GRAMS.</li> <li>21. E-Samiksha &amp; training by Sambodhi Communications.</li> <li>22. Matters relating to LTC of all the Staff and Officers of High Court and Subordinate Courts.</li> </ol> |

|        |           |  |
|--------|-----------|--|
|        |           | 24. Pension cases to AG, Leave encashment etc. |
|        | Financial | 1. Overall supervision                         |
|        | Others    | 1. Overall supervision                         |
| Duties |           |  |

| Designation | Upper Divisional Assistant (I) |  |
|-------------|--------------------------------|--|
|             |                                |  |
| Powers      | Administrative                 | <p>1. Medical Treatment/Reimbursement of the staff of the District &amp; Sessions Judge, Shillong/Chief Judicial Magistrate, Shillong/Advocate General's Office/High Court of Meghalaya and all District Court.</p> <p>2. Matters relating to infrastructure of Judiciary in Garo Hills</p> <p>3. Opening of a Sub-Head receipts &amp; expenditures</p> <p>4. Reconciliation of Accounts.</p> <p>5. Budget (BEAMS and e-proposal)</p> <p>6. Construction works/Infrastructure East/West Khasi Hills &amp; High Court of Meghalaya.</p> <p>7. Allotment of fund to High Court and all Subordinate offices.</p> <p>8. Re-appropriation of fund/Surrender of Saving/Advance from CF/Supplementary Demand.</p> <p>9. Matters relating to GPF of all Officers.</p> <p>10. House Rent for Judiciary.</p> <p>11. Internship in Law Department.</p> <p>12. All matters relating to MSLC/MSLSA.</p> <p>13. Miscellaneous matters from other Department.</p> |

|        |           |   |
|--------|-----------|---|
|        |           | 14. Any other subjects not allotted to other staff. |
|        | Financial | 1. Overall supervision                              |
|        | Others    | 1. Overall supervision                              |
| Duties |           | 1. Overall supervision                              |

| Designation | Upper Divisional Assistant (II) |   |
|-------------|---------------------------------|---|
|             |                                 |   |
| Powers      | Administrative                  | 1. Matters relating to infrastructure of Judiciary in Jaintia Hills & Ri-bhoi<br>2. All matters relating to the Judicial Officers<br>3. Separation of Judiciary.<br>4. Chief Justices, Chief Minister's Conference<br>5. Appointment of Counsels in Supreme Court and PPs/ APPs/ Addl. PPs/ Spl. PPs/ Panel Advocate in High Court and Subordinate Courts.<br>6. All matters relating to the Officers of Law Department<br>7. LS, RS Questions<br>8. All matters relating to the Chief Justice & Judges of High Court including Retd. Chief Justice/Judges<br>9. Supreme Court Cases<br>10. Appointment of AG, AAG and other matters<br>11. Purchase, repair, condemnation of the vehicles for the Officers of Law Department, Chief Justice, Judges of High Court and District Court.<br>12. Investment of Power<br>13. Petrol bills of Judicial Officer<br>14. PIL matters<br>15. Judicial Pay Commission |
|             | Financial                       | 1. Overall supervision  |
|             | Others                          | 1. Overall supervision  |
| Duties      |                                 |   |

| <b>Designation</b> | <b>Upper Divisional Assistant (III) - (upgraded post)</b> |  |
|--------------------|---|--|
|                    |   |  |
| Powers             | Administrative  | 1. Pensions matters of the staff of Subordinate Offices.<br>2. 5 <sup>th</sup> Pay Commission<br>3. New Shillong Township.<br>4. Dedicated Cell<br>5. TEAC/Bldg. Committee<br>6. Annual Plan Expenditure Budget.<br>7. Creation and Retention of post of Staff and other matters relating to High Court of Meghalaya/ District Courts/ O/o Advocate General / Addl. Advocate General.<br>8. Medical Treatment/ Reimbursement of Judicial Officers and Officers of Law Department.<br>9. Appointment/Promotion of staff of High Court.<br>10. Bills of Office expenditure of all District Courts (Misc).<br>11. Bills/matters of entitlement of all District Courts.<br>12. All Matters Relating to Fast Track Court. |
|                    | Financial   | 1. Overall supervision   |
|                    | Others  | 1. Overall supervision   |
| Duties             |   |  |

| <b>Designation</b> | <b>Upper Divisional Assistant (IV) - (upgraded post)</b> |  |
|--------------------|--|--|
|                    |  |  |
| Powers             | Administrative   | 1. Creation and retention of Non Gazetted post in the Office of District Courts/Residential Quarters.<br>2. Matters relating to sanction and furnishing of the Office of District Courts.<br>3. Video Conferencing between District Courts and District Jails/Case Informative System.<br>4. Supply of Computer, Laptop, Printer to High Court/District Court/Advocate |

|        |           |   |
|--------|-----------|---|
|        |           | General/Addl.<br>Advocate General/Senior<br>Govt. Advocate.<br>5. RTI<br>6. Visit of VIPs & Bills of<br>VIPs<br>7. Meghalaya State Litigation<br>Policy.<br>8. Appointment of Public<br>Prosecutor/ Govt. Pleader<br>etc./Advocate General/ Addl.<br>Advocate General/ Sr. Govt.<br>Advocate/Govt. Advocate.<br>9. TA Bills of Judicial<br>Officers and staff of District<br>& Sub Divisional Courts.<br>10. GPF matters of staff of<br>High Court & District & Sub-<br>Divisional Courts & of all<br>Officers.<br>11. Matters relating to<br>National University,<br>Meghalaya & National Law<br>School of India University,<br>Bengaluru.<br>12. Matters relating to “P.A.<br>Sangma Fellowship for legal<br>& Policy Research”<br>Programme.<br>13. Matters relating to<br>appointment of staff under<br>L.R. Establishment. |
|        | Financial | 1. Overall supervision  |
|        | Others    | 1. Overall supervision  |
| Duties |           |   |

| Designation | Lower Divisional Assistant (I) |   |
|-------------|--------------------------------|---|
|             |                                |   |
| Powers      | Administrative                 | 1. Earle Holiday Home.<br>2. Children Education to<br>Subordinate office.<br>3. Approval for training of<br>Officers outside the state.<br>4. Training of staff &<br>Officers of LAW (A)<br>Department<br>5. Training of Judicial<br>Officers, Public<br>Prosecutor/Addl. Public<br>Prosecutor and Asst. Public |

|        |           |   |
|--------|-----------|---|
|        |           | Prosecutor.<br>6. RTI in LAW (A)<br>Department.<br>7. Matters relating to<br>Meghalaya Administrative<br>Training Institute.<br>8. Governor's Address/<br>Republic Day/Independence<br>Day/ Budget Speech.<br>9. ACPS/MACPS of all the<br>staff of Subordinate Offices. |
|        | Financial |   |
|        | Others    |   |
| Duties |           |   |

| <b>Designation</b> | <b>Lower Divisional Assistant (II)– Vacant</b> |  |
|--------------------|--|--|
|                    |  |  |
| Powers             | Administrative                                 |  |
|                    | Financial                                      |  |
|                    | Others   |  |
| Duties             |  |  |

| <b>Designation</b> | <b>Grade IV – Peon (I)</b> |  |
|--------------------|----------------------------|--|
|                    |                            |  |
| Powers             | Administrative             |  |
|                    | Financial                  |  |
|                    | Others                     |  |
| Duties             |                            |  |

| <b>Designation</b> | <b>Grade IV – Peon (II) - Vacant</b> |  |
|--------------------|--------------------------------------|--|
|                    |                                      |  |
| Powers             | Administrative                       |  |
|                    | Financial                            |  |
|                    | Others                               |  |
| Duties             |                                      |  |