

CITIZEN'S CHARTER

**LAW AND LEGISLATIVE DEPARTMENT,
HARYANA**

INTRODUCTION

The main functions of this department are:-

1. Legislative drafting, conveyancing, vetting of sanction order, comments on Law Commission Reports and codification of laws and publication of the Legislative Supplement of the Haryana Government Gazette;
2. Litigation affecting the State and Public Officers;
3. Official language (Legislative) Commission;
4. Opinion on Legal Affairs;
5. (a) Preparation of authoritative Hindi text of Acts, Ordinances, Orders, Rules, Regulations or Bye-laws;
(b) Authorized Hindi, Translation of the Bills prepared in English for introduction in the State Legislature.
6. Amendment of the Law Department Manual;
7. Indian Law Reports-Questions connected with the printing, distribution, supply, audit. etc;
8. Legal Remembrancer's office-All references relating to;
9. State Law Reports;
10. Copies of judgement received from the Punjab and Haryana Court; and
11. Establishment matters relating to officers and staff under the administrative control of the Department.

AUTHORITIES COMPETENT FOR MAKING REFERENCES TO THE LAW AND LEGISLATIVE DEPARTMENT HARYANA

1. Chief Secretary and the Secretaries to Government, Haryana;
2. The Financial Commissioner, Revenue, Haryana; or
3. The Head of department of the Government of Haryana, but in regard to matters relating to arbitration, attention is drawn to Chapter 24 of the Manual, Provided that cases of routine nature like vetting of draft orders, notifications and sanctions and arranging for defence of Government employees may be referred to the Legal Remembrancer by the Deputy Secretary to Government, Haryana and where there is no Deputy Secretary by the Under Secretary.

Superintending Engineers of Irrigation, Buildings and roads and Public Health branches are authorized to send security deposit agreements of Irrigation, Buildings and Roads and Public Heads Departments employees to the Legal Remembrancer for security.

OPINION BRANCH

1. Opinion work, which includes, among other things, all references regarding cases not actually instituted or pending cases and enquiries whether appeals should or should not be instituted against orders of acquittal in criminal cases, will ordinarily be disposed of by the Law Secretary-cum-Legal Remembrancer.
2. legal questions arising before judicial officers, as such, are not to be referred to the Law Secretary-cum-Legal Remembrancer.
3. The Law Secretary-cum-Legal Remembrancer will always be found willing to advise executive officers unofficially, provided that it is clearly understood that any opinion expressed on an unofficial reference may be reconsidered when a full and complete official reference, on the whole case, is subsequently made, and that opinions expressed unofficially are not, without previous reference to him, to be used officially.
4. (1) When a reference is made to the Law Secretary-cum-Legal Remembrancer for his opinion or advice, it is incumbent on the department or officer making the reference to give him every possible assistance. Every case submitted to the Law Secretary-cum-Legal Remembrancer for opinion or advice should be accompanied by a note either stating the facts of the case, or referring, in proper order, to the documents or parts of documents by reading the facts and points for opinion to be readily ascertained or partly by doing the former and partly by the latter. Any reference in which this direction is not complied with will be returned to the department or officer from whom it was received with a view to the omission being rectified.
(2) The letter of reference should state the precise points on which opinion or advice is sought. All available documents, or copies thereof, should be sent with the reference.
5. Unless otherwise expressly permitted by any rule, all references to and communications with the Law Officers of the Government are to be addressed to the Law Secretary-cum-Legal Remembrancer, Haryana.
6. (1) The following departments of the Central Government can obtain the advice of the Law Secretary-cum-Legal Remembrancer:-

- (a) The defence Department on matter of civil law arising within the limit of the Haryana.
 - (b) The Postal and Telegraph Department, on matters arising within the limits of the Haryana or in cases in which a Post or Telegraph Office in the Haryana is concerned; and
 - (c) The Northern Railway, on matters arising in the Haryana
- (2) The Law Secretary-cum-Legal Remembrancer is primarily the legal adviser of the Haryana Government and he is permitted to act as legal adviser to the Northern Railway and to certain Central Departments only to such an extent as will not interfere with his work for the Haryana Government. In the event of a case occurring in which the Haryana Government and the Northern Railway or one of the Central Departments, for which he acts as legal adviser, had rival interests, the Haryana Government would expect the Law Secretary-cum-Legal Remembrancer to act for them, and in any case in which such a conflict of interest seemed likely to arise it would be the duty of the Law Secretary-cum-Legal Remembrancer to inform the Northern Railway or the Central Department concerned that he was unable to advise them.
- (3) Fees for such opinion or advice are payable by the Department detailed in sub-clause (1) according to the terms of the Haryana Law Department Manual.
7. The opinion branch also do vetting of chargesheets of Class I and class II Officers of the Government of Haryana in view of memo No. 2770-1GS1-72/14511, dated the 10th May, 1972 issued by Chief Secretary to Government, Haryana.
8. The Opinion branch also undertakes publication of Guidelines regarding procedures in Disciplinary cases which are sold on counter of Printing and Stationery Department, Haryana.

LEGISLATION BRANCH (ENGLISH CELL)

(A) Principal Legislation

Examining the amendments in the existing Central and State Acts including framing of new legislation on the States and Concurrent subjects in the Seventh Schedule to the Constitution of India and tendering of technical advice relating thereto and publication of Acts of the State Legislature and Ordinances promulgated by the Governor of Haryana in the Haryana Government Gazette Extraordinary, Legislative Supplement Part I and Part II respectively.

(B) Subordinate Legislation

1. Vetting of notifications under the Central and State Acts, sale deeds, conveyance deeds, guarantee deeds, prosecution sanction and other contract agreements;
2. Vetting of Service Rules under article 309 of the Constitution of India and other rules under the Central and State Acts.
3. Vetting of Sanction Orders.
4. Publication of Acts of the State Legislature and Ordinances promulgated by the Governor of Haryana in the Haryana Government Gazette Extraordinary, Legislative Supplement Part I & II respectively.
5. Comments on the Reports of Law Commission of India.
6. Republication of Haryana Codes.
7. Comments on certain Parliamentary Bills as sought for by the Government of India.

LEGISLATION BRANCH (HINDI CELL)

1. To translate the new legislation on the State and Concurrent List in the Seventh Schedule to the Constitution of India and translation of existing Central and State Acts, which have not been translated in Hindi.
2. Vetting of rules under the Central and State Acts and Service Rules under article 309 of the Constitution of India.
3. Vetting of charge sheets in Hindi of Class I and class II Officers.
4. Publication of Acts of the State Legislature in Hindi version in the Haryana Government Gazette and publication of statutory notifications, rules, republications, bye-laws etc. in Hindi and English.
5. Re-publication of Acts and Rules in English and Hindi version.
6. Publication of Haryana Codes in Hindi.

LITIGATION BRANCH

1. To issue necessary instructions to the Assistant District Attorneys/ Deputy District Attorneys / District Attorneys to defend Civil Suits filed against the State of Haryana in the Courts of Civil Judges within the State of Haryana.
2. To issue necessary instructions to the District Attorneys to defend Motor Accident Claims Tribunal, Land Acquisition cases and complaints before District Consumer Disputes Redressal Forum and to arrange defence of cases relating to revenue matter and under the Haryana Public Premises and Land (Eviction and Rent recovery) Act, 1972 (24 of 1972) before S.D.O. (Civil)/ Collector/ Commissioners, as the case may be.
3. To arrange defence of Haryana State cases in other States through the Legal Remembrancer of concerned State.
4. To issue necessary instructions to the Advocate General, Haryana to defend Civil Appeal, Civil Revision, First Appeal against Order, Regular First Appeal, Regular Second Appeal, Civil Writ Petition and Letter Patent Appeal before the Hon'ble High Court of Punjab and Haryana and State Consumer Commission, Haryana, Chandigarh etc.
5. To issue necessary instructions to the Advocate-on-Record, Haryana Legal Cell, Delhi to arrange for defence of cases/ filing of appeals before the Civil Court/ District Court/ High Court at Delhi/ Supreme Court of India, Central Administrative Tribunal and National Consumer Commission, Delhi.
6. To examine the decisions delivered by the various courts for tendering advice whether the appeal is required to be filed on behalf of the State of Haryana or not, if deems fit in that case to issue necessary instructions to the District Attorneys/ Advocate General, Haryana/ Advocate-on-Record, Haryana Legal Cell for filing appeals/ Civil Appeal/ First Appeal against Order/ Regular First Appeal/ Regular Second Appeal/ Civil Writ Petition/ Letter Patent Appeal or Special Leave Petition, as the case may be.
7. To recover costs of suits/ appeals from the judgement debtors through the Deputy Commissioner concerned by way of filing executions.
8. To recover Counsels' fee for defence of cases by Assistant District Attorneys/ Deputy District Attorneys/ District Attorneys/Advocate General, Haryana from the Union of India or other States as the case may be.
9. To advice in arbitration matters to the concerned departments.
10. To assess the reasonability of fees in civil and criminal cases of the Advocate on panel at Delhi or Advocates of other States.

11. To consider the matters where a private Advocate is required to be engaged and to approve their terms and conditions.

ESTABLISHMENT, RECORD AND ACCOUNTS BRANCH

1. Maintaining the record of officers and employees from appointment to retirement, accounts matters including budget, Auditing, reconciliation of accounts, pay bills of officers/ officials, medical reimbursement bills, contingent bills, other advance bills, maintenance of service books, pay books, loans and advances account, settlement of pension cases, settlement of leave salary and pension contribution cases and other service records of whole establishment.
2. Main Diary and Despatch, weeding out of old unserviceable library material and miscellaneous matter of all kind.
3. The caretaking of this Department, stores, stock furniture, cycles, telephones, stationery and supply of liveries to class IV officials.
4. Preparation of Administrative Report of every year of this department after obtaining the Reports of concerned District Attorneys and Advocate General, Haryana.

LIBRARY

A library containing law books and rulings relating to Supreme Court as well as of High Court cases in India, Haryana Govt. Gazette Legislative Supplement Parts I, II, III and IV (Extraordinary as well as Ordinary) and Haryana Govt. Gazette Part-I, Part-I-A, Part-I-B, Part-II, Part III, Part III-A, Part III-B, Part IV, Part V, Supplement Part I, Supplement Part II (Ordinary as well as Extraordinary), Central Current Legislation (CCL), Central Statutes and other relevant materials is also maintained in the Department for examination of cases.

THE PROCEDURE FOLLOWED IN THE DECISION MAKING PROCESS INCLUDING CHANNELS OF SUPERVISIONS

AND ACCOUNTABILITY

On receipt of dak/file, the same is diarized by the receipt Clerk and sent to the concerned Branches through Head of their Branches. The record keepers of the concerned branches, put up the same to the concerned Superintendent (Legal)/ Assistant/ Superintendent and thereafter the file are routed through respective Head of branches to Legal Remembrancer and Secretary to Government, Haryana for final disposal being Head of Department.

RULES, REGULATIONS, INSTRUCTIONS, MANUALS AND RECORDS, HELD BY IT OR UNDER ITS CONTROL OR USED BY ITS EMPLOYEES FOR DISCHARGING ITS FUNCTIONS:-

1. The employees of this department are governed by Group A,B, C and D Service Rules respectively relating to Law and Legislative Department, Law Department Manual, Punjab CSR Volume I, parts-I,II, III, Punjab CSR Volume II, PFR Volumes I & II, instructions issued by the Chief Secretary to Government, Haryana from time to time, manual of instruction on service matter, I, II, III and IV and instruction issued by Finance Department from time to time are also applicable to the employees of this department. This department does not administer any State or Central Act.

2. The following record is held by this department for its own use and for the use of its officers and staff:-

- (a) Noting portion, duplicate copies of instructions issued to ADAs/ DDAs/ DAs for defence/ filing of appeals in court cases alongwith original letters and other relevant record of litigation branch.
- (b) Noting portion, duplicate copies of opinion/ advice issued in the opinion branch as well as in the legislation branch alongwith copies of the Bills/ Ordinances prepared by this department.
- (c) Assented copies of Bills of the President of India as well as that of the Governor of Haryana both in English and Hindi version bound in a statute book.
- (D) Duplicate copies of the Hindi translation of the bills and Ordinances and of Subordinate Legislation.
- (E) Copies of Acts and Ordinances both in English and Hindi version bound in a statute book in the form of Haryana Codes.
- (F) Accounts, LTC budget, audit, pay bills, medical reimbursement- Bills, contingent bills, advance bills, service books, pay books loans and advances accounts, settlement of pension cases, dispatch, weeding out of old unserviceable library material, miscellaneous matters, stores, stock, furniture, cycles, telephones, stationery and supply of liveries to class IV employees.

THE PARTICULARS OF FACILITIES AVAILABLE TO CITIZENS FOR OBTAINING INFORMATION, INCLUDING THE WORKING HOURS OF A LIBRARY OR READING ROOM, IF MAINTAINED FOR PUBLIC USE:-

The Citizens can obtain information under RTI Act from 9.00 a.m. to 5.00 p.m. on all working days. In respect of this, notice board regarding appointment of State Public Information officer and State Assistant Public Information Officer HAS BEEN INSTALLED in front of room No. 22, 9th floor, Haryana Civil Secretariat (Old building), Sector 1, Chandigarh and S.C.O. No. 57-59, 2nd floor, Sector 17-C, Chandigarh.

THE NAMES, DESIGNATIONS AND OTHER PARTICULARS OF THE PUBLIC INFORMATION OFFICERS:-

Sr. No	Name & Designation of the officer S/Sh./Smt.	Designated as	Telephone Numbers	
			Office	Residence
1.	Abhay Singh, DLO (H)	State Public Information Officer	Rax.2927	2712612
2.	Sanjay Singhmar, ALR	State Public Information Officer	--	2703183
3	Lakshmi Rani, Supdt.(L)	State Assistant Public Information Officer	--	2703183
4	Alka Marwaha, Supdt.(L)	State Assistant Public Information Officer	Rax 2921	--

APPELLATE AUTHORITY

Rajeev Dudeja, Joint Legal Remembrancer & Joint Secretary	Appellate Authority	2746471 (Office) Rax. 2926	2791914 (Resi.) 9888893323 (Mob.)
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Rest of the information can be had under the Haryana Right to Information Rules, 2005, published in Haryana Government Gazette (Extraordinary), dated the 28th October, 2005 vide Haryana Government, Administrative Reforms Department, Notification No. 5/4/2002-1AR, dated the 28th October, 2005.

DISPOSAL OF REFERENCES/CASES

The references/ cases in difference branches of this department are ordinarily disposed of within a period of 7 working days. However, if the reference is time bound then the same is disposed off on urgent basis before the time limits specified therein.

DETAIL OF OFFICERS

Legal Remembrancer and Administrative Secretary to Government, Haryana is a Head of Department who is of the rank of District and Sessions Judge from Superior Judicial Services. For his assistance there are two posts of Additional Legal Remembrancer and Special Secretary both of the rank of Additional District and Sessions Judge from Superior Judicial Services, one post of Joint Legal Remembrancer and Joint Secretary, one Legislative Officer (Hindi) and Deputy Secretary, one Under Secretary (General), Four Assistant Legal Remembrancer, three Deputy Legislative Officers (Hindi), One Codification & Publication Officer (Hindi), one Codification & Publication Officer (English), four Assistant Legislative Officer (Hindi), three Superintendent (General), eight Superintendent (Legal), two Private Secretary and other non-gazetted staff. There is no subordinate office/ field office under the control of this department. The control of the District Attorneys, Deputy District Attorneys and Assistant District Attorneys is with the Director of Prosecution, Haryana.

ADDRESSES AND TELEPHONE NUMBERS OF OFFICERS

		Office	Residence
1.	Legal Remembrancer & Administrative Secretary to Government, Haryana	2740126	2714848
2.	Additional Legal Remembrancer & Special Secretary	2740357	2540343

3.	Additional Legal Remembrancer & Special Secretary (Vacant)	--	--
4.	Joint Legal Remembrancer & Joint Secretary	2746471 Rax 2926 E-mail ID rajivdudeja19@yahoo.com	2791914
5.	Legislative Officer & Deputy Secretary (Hindi)	2740297 Rax 2922	2794609