

## LAW (A) DEPARTMENT GOVERNMENT OF MEGHALAYA

**Subject : Concept note on collaboration of National Law School of India University, Bengaluru (NLSIU) with the Government of Meghalaya for purpose of facilitating student exposure to law and policy and also for assisting in capacity building activities for officers of Law Department and other Departments of the State.**

Law Department basically deals with all legal matters concerning the State Government. It is entrusted with drafting, legislation, advice on legal matters to Government Departments and publication of Bills and Acts, and vetting of statutory notifications, rules, bye-laws of the various administrative Departments of the Government of Meghalaya. The Officers of the Law Department are borne from the Meghalaya Legal Service and the ministerial staff belongs to the Meghalaya Secretariat Service.

2. The business of the Government of Meghalaya is transacted in accordance with the Rules of Executive Business of the Government of the State of Meghalaya. These rules have been framed under clause (2) and (3) of Article 166 of the Constitution of India.

3. Law Department is one of the important departments of the Government of Meghalaya and its office is located in the Main Secretariat Building, Shillong. Amongst other functions allocated to this department under the Rules of Executive Business of the Government of the State of Meghalaya the department is more importantly engaged in the functions such as tendering legal advice on variety of issues referred to by various departments of Government of Meghalaya and also performing consultative role in regard to proposals for legislations, framing of statutory rules, regulations, notifications, byelaws and finalization of important M.O.Us, part of tender committees, etc.

4. The department is also vested with the responsibility of preparation of panels of advocates in respect of the High Court of Meghalaya, District Courts, and appointment of advocates of panels to defend interest of the departments of the Government of Meghalaya. This Department in the capacity of administrative department of the District Courts is also engaged in the supervision and monitoring of the execution of various schemes in respect of district courts, which includes the construction of District Court Buildings at different places as well as scheme for getting the establishment of Special Courts.

5. The department is also entrusted with the administration of office of the Advocate General, Public Prosecutors including Addl. Public Prosecutors and Assistant Public Prosecutors in the matter of grant of retainer ship fee to Standing Counsel (Civil)/(Criminal) as well as paying remuneration to the Addl. P.Ps and reviewing their fee structure from time to time. The amicus-curie appointed by the various courts are also entitled to receive payments as per rules from this department.

6. The business under Law Department of the State of Meghalaya:

1. Administration of Justice
2. Appeals against acquittals

3. Law Reforms
  4. Advice on legal matters
  5. Judicial Magistrates
  6. Civil Laws and procedure
  7. Law Officers
  8. Supervision of Government Litigation
  9. Drafting of Bills and Statutory Rules and orders
  10. Appointment of Advocate General, Government Advocates, Public Prosecutors, Additional Public Prosecutors, Government Pleaders and Assistant Government Pleader.
  11. Engagement of Government Counsels in Supreme Court.
7. The department is at present having two wings, namely,-

**Law (A) Department:**

- (1) This Wing deals with the Administration of Justice pertaining to the subordinate courts which includes grant of administrative approval/expenditure sanction to various schemes.
- (2) Under the Schemes, the major project at present being executed is construction of District Courts. Other major projects undertaken are the construction of High Court of Meghalaya.
- (3) For effectively defending the interest of the Government, this department undertakes an exercise periodically to prepare panel of advocates in respect of Supreme Court, High Court and District Courts. Those applicants who fulfill the requirements as laid down under the guidelines are considered for empanelling.

**Law (B) Department:**

- (4) This Wing of the department is primarily responsible for rendering legal advice in respect of various matters of law referred to by various departments of Government of Meghalaya. This Wing also undertakes various other functions having legal bearing such as vetting of various statutes, rules, regulations, bye-laws, notifications under various statutes as referred to by the various departments of Government of Meghalaya. It also examines cases with regard to the desirability of filing appeal or revisions in higher Judicial forums besides appeal against acquittals as referred to by the Departments of Government. This Wing also deals with the drafting and vetting of legislative proposals and bills and also tenders advice on legislative business. It also takes stock of all kind of Acts in original being implemented by various departments in the State.

**Project Need and Rationale:**

8. The project rationale and need can be seen from the following:
- There is a need for capacity building of the law officers of the Department and also need for research and advice in new and emerging areas of law reforms, including technology law, block chain and its applications, anticipatory research and research for projects/ policies in the pipeline, research for identifying current gaps of policies which have already been implemented, etc.

- Department of Promotion of Industry and Internal Trade (DPIIT), Government of India has been championing the State Business Reforms Action Plan and District Business Reforms Action Plan for ease of doing business. In order for the State to improve its ease of doing business rankings there is a need for research into laws that can be reformed or new laws that can be enacted for which research support is required.
- Law Department was responsible for piloting law reforms, whereby under Government of India's mandate of reducing compliance burden, a Committee headed by the Commissioner & Secretary, Law Department suggested various amendments to legislations to decriminalize minor offences.
- There are many legislations that Meghalaya has adopted from Assam during statehood that need amendments to suit the local context, to delete redundant sections and to update the laws to the present context.
- For undertaking there is a need for researchers who are trained in law and public policy and who want to work in the domain of governance, law and public policy.

### **Partnership with National Law School of India University, Bengaluru**

9. With this aim in mind, the Hon'ble Law Minister, Government of Meghalaya undertook a visit to NLSIU, Bengaluru to explore possibilities of mutual collaboration. NLSIU is the oldest and most prestigious of the National Laws Schools and consistently ranked number 1 in various rankings (India Today, National Institutional Ranking Framework (NIRF) of Ministry of Education Government of India). NLSIU offers various graduate and post graduate degrees including the 5 year B.A. LL.B (Hons.), Master of Laws (LLM) and was the first Law School in the country to offer a public policy degree at the masters level (Masters of Public Policy). It also offers PhD degrees. NLSIU also has a number of research centres on environment law, women and the law, child and the law, consumer protection law, etc.

10. The proposed partnership with NLSIU Bengaluru will involve two components and shall be designed and implemented in consultation by both NLSIU and Law Department:

- Capacity Building programs for Law Officers of the Law Department and other Departments of the State Government.
- Fellowship for students of NLSIU, Bengaluru for undertaking research activities in identified areas to be called the "**P. A. Sangma Fellowship for Legal and Policy Research**".

### **Subjects :**

- (1) Fellowship may be initiated on Law Reforms, that is, Civil Laws and procedure, Banking and other Financial Laws, I.T and Cyber Laws, Property Laws, Labour Laws, Industrial and Commercial Laws, Environment Laws, Revenue Laws, Administration of Justice, etc. which would increase the knowhow and strengthen the Laws and Policies of the State.
- (2) As regard to capacity building and training the subject on Law Reforms and Regulatory issues as identified to improve the skills of the officers of Law and other Department.

**Intake :**

- (3) At the initial two (2) Research Fellow may be nominated by NLSIU at a time, which may be increased to four (4) Research Fellow later as per the performance and the need.

**Term of Fellowship and Eligibility:**

- (4) The term of fellowship may be fixed for one year, and may be increased as may be deemed necessary.
- (5) The Fellowship will be open to those who have graduated from the B.A.LL.B (Hons.) program, the LLM program and the Masters in Public Policy program of NLSIU, Bengaluru.

**Stipends:**

- (6) A stipend of an amount of Rs.60,000/- (Rupees Sixty Thousand only) per month may be awarded to each Research Fellow along with a House Rent of Rs. 10,000/- (Rupees Ten Thousand only) per month. The amount shall be born form the Office Expense Head of Account of Legal Remembrancer, Law Department.

**Certificate:**

- (7) A Fellowship Certificate will be awarded to each of the Research Fellow on successful completion of Fellowship.

**Training and Capacity Building:**

- (8) NLSIU to provide training and capacity building to the officers of Law and other Department on various Law Reforms subjects, twice a year, with maximum twenty (20) officers intake in each training.

**Place of Training:**

- (9) At NLSUI, Bengaluru or anywhere in Meghalaya or as may be decided between the Law Department, Government of Meghalaya and NLSIU.

**Travelling Allowances and Daily Allowances:**

- (10) The officers deputed for training shall be treated as on duty, and shall be entitled to draw travelling allowances and daily allowances as admissible from their respective heads where they draw their salary.

**Memorandum of Understanding:**

- (11) A Memorandum of Understanding shall be executed between Law Department, Government of Meghalaya and the NLSIU, Bengaluru.