

## **Manuals under RTI in Law Department, West Bengal**

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### **MANUAL – I: The particulars of the department, its functions and duties**

Name of the department/ organization: –

Government of West Bengal,  
Law Department  
Writers' Buildings  
Kolkata – 700 001

Other different wings/ parts of the department: –

(1) Official Language Branch – Bengali, Law Department, Government of West Bengal. Having its

office at 8, Lyons Range, 3rd floor, Kolkata 700 001 and

(2) Official Language Branch – Nepali Office having its office at the Nepali Translator, Official Language Branch, Law Department, Government of West Bengal. “The Maldon”, The Mall Road, Darjeeling – 734101.

### Functions and duties

The functions and duties performed by this department as they are provided in the secretariat manual.

So far as the activities of the department are concerned, they are stated as follows:

### **Functions of Law Department, Government of West Bengal –**

The Law Department is concerned mainly with the following matters: –

(1) Examination of proposals for legislation as to

- (i) the need for the proposed legislation from a legal point of view,
- (ii) the competence of the State Legislature to enact the measure proposed,
- (iii) the requirements of the Constitution of India as to obtaining any previous sanction of the President thereto, and
- (iv) the consistency of the proposed measure with the provisions of the Constitution and in particular, those relating to fundamental rights

(2) Drafting of Bills, Ordinances and amendments to Bills –

(a) drafting of Government of Government Bills and Ordinances:

Provided that except in cases of –

- (i) purely consolidating Bills,
- (ii) Bills for codification of substantive law, and
- (iii) formal Bills, e.g., Repealing and Amending Bills and Short Titles Bills,

Government Bills will be drafted on instructions from the respective administrative departments;

(b) revision of Government Bills and Ordinances on receipt of further instructions from the administrative departments, indicating the sanctions or, previous instructions, if any, required under the Constitution of India;

(c) settlement of Statements of Objects and Reasons of Bills prepared by the administrative departments and preparation of notes on clauses on Bills whenever necessary;

(d) scrutiny of private member’s Bills with reference to the provisions of the Constitution of India and redrafting of such Bills on instructions from the administrative departments;

(e) examination of amendments to Bills proposed for consideration in the Legislature and at Select Committees thereof with reference to the provisions of the Constitution of India, and drafting of new amendments on instructions from the administrative departments.

(3) Attendance at meetings of the Legislature and or Select Committees on Bills.

(4) Examination of Bills as passed by the Legislature and submission of report in regard to the grant of Governor's assent to, or the return to the Legislature for further consideration of, any such Bill or in regard to the necessity of reserving the same for the consideration of the President.

(5) Settlement of Statutory notifications, rules, orders, regulations and by-laws.

(6) Advice to all administrative departments on the application of the Constitution of India to any question as well as on other legal matters.

(7) Publication, printing and translation, when necessary, of Central and State Acts, Bills and Ordinances and the compilation, printing and distribution of certain periodical publications –

(i) printing of Government Bills;

(ii) publication of Government Bills before introduction in the State Legislature;

(iii) publication in the Kolkata Gazette of State Acts and Ordinances and Central Acts and Ordinances and, whenever necessary, also of Central Bills;

(iv) translation of State Acts and Ordinances and Central Acts, Ordinances and Bills;

(v) printing and distribution of octavo copies of State Acts and Ordinances and distribution of Central Acts and Ordinances;

(vi) preparation of reprints of Acts showing amendments in loco and translation thereof on instructions from the administrative departments;

(vii) periodical revision of the State Code;

(viii) preparation of correction slips to Central Acts and the State Code;

(ix) periodical revision of the Bengal Statutory Rules and Orders;

(x) preparation of correction slips to the Bengal Statutory Rules and Orders;

(xi) compilation and printing of the Quarterly Legislation Recorder and the annual consolidated index thereto;

(xii) compilation and printing of the annual volumes of State Acts and Ordinances;

(xiii) periodical preparation and printing of projects of Law Lists;

(xiv) annual preparation and printing of Effect of Legislation Lists;

(xv) annual preparation and printing of Lists of Central and State Acts and Ordinances coming into force;

(xvi) distribution through the West Bengal Government Press of the publications.

## **MANUAL – II: Powers and duties of officers and employees of law department**

### **Powers: –**

The Governor of the State West Bengal is the Constitutional head of the Government in the State. All functions of the Department are discharged with the pleasure of the Governor.

Minister-in-Charge of the Department is the Supreme Authority of the Department. All policies and principles of the Departmental functions are implemented with his approval and ratification.

Secretary of the Department is the executive head. He has been vested with the power to execute any decision that has been approved by the Minister-in-Charge of the Department.

Under the Secretary there is a set of Officers like Joint Secretary, Deputy Secretary, Law Officer, Assistant Secretary, Registrar, Officer on Special Duty, and Section Officer. All Officers right from the Secretary down to the Officer in the rank of Registrar enjoy the power of disciplinary functions of

the Department. Any of the Officers below the rank of the Secretary can draw disciplinary proceeding against the offending Employee and to submit his report to the Secretary for consideration. The Secretary in his turn is authorized to punish the offending employee if the charge is substantiated beyond doubt.

The Officers from the rank of Secretary down to Assistant Secretary are empowered to issue any executive order with the approval of the Secretary. They enjoy the power of issuing any Government order sanctioning and allotting fund subject to the concurrence of the Finance Department so far as release of the fund is concerned.

In some cases the Secretary enjoys the power of incurring expenditure as per delegation of Financial Power Rules, 1976.

#### **Duties: –**

Duties of the Officers and Employees of the Department have been elaborately stated in the West Bengal Rules of Business and the Secretariat Manual.

### **MANUAL – III: The procedure followed in the decision making process, including channels of supervision and accountability**

At first, U/O Reference Cell or the higher Authority receives the proposal. After entry of the proposal in the register, a file is opened and delivered to the respective dealing Assistant(s).

The dealing Assistant prepares the proposal on the basis of the data received by him or the rules of the Finance Department or with the guidance of the immediate supervisor.

The dealing Assistant submits the file to his immediate supervisor and the said supervisor submits the file to his immediate Officer. So, process is carried on, on the basis of Secretariat Manual.

At last the Secretary approves/modifies/rejects the proposal, as the case may be, with the approval of the Minister-in-Charge if necessary.

The flow-chart shows the procedure followed in the decision making process, including channels of supervision and accountability: –

### **MANUAL – IV: The norms set by the law department for discharge of its function**

In accordance to the secretariat manual, the law department has set the norms for the discharge of its functions.

### **MANUAL – V: The rules, regulations, instructions, manuals and records, held by the department or under its control or used by its employees for discharge of its function**

So far the rules, regulations, instructions, manuals and records holding by the department are concerned, the employees of this department discharge their duties as per the following:

1. West Bengal Secretariat Manual

2. West Bengal Rules of Business
3. West Bengal Service Rules
4. Treasury Rules
5. West Bengal Financial Rules

**MANUAL – VI: A statement of the categories of documents that are held by the law department or under its control**

The categories of documents that are held by the department or under its control are as follows:

1. West Bengal acts
2. Central acts
3. Service book of all officers & staff
4. Declaration of assets submitted by the officers
5. Annual confidential reports
6. Confidential files

**MANUAL – VII: The particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof**

There is no such arrangement existing at present.

**MANUAL – VIII: 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**

There is no such board, council, committee and other body existing at present.

**MANUALS – IX & X: A directory of officers and employees of the law department & the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations**

**Group A**

Sl. No.	Designation	Scale of Pay	Sanctioned strength
[ 1 ]	[ 2 ]	[ 3 ]	[4]
1	Secretary	Rs.18400-500-22400/-.	1 (One post)

2	Joint Secretary	Rs.14300-400-18300/-	2(Two posts)
3	Deputy Secretary	Rs.10000-325-15525/-	4(Four posts)
4	Assistant Secretary	Rs.8000-275-13500/- with higher initial start at Rs.9100/-, 5th Stage	4(Four posts)
5	Officer-on-Special Duty	Rs.8000-275-13500/-	1(One post)
6	Registrar	Rs.8000-275-13500/-	1(One post)
7	Special Officer	Rs.8000-275-13500/-	1(One post)
8	Law Officer	Rs.8000-275-13500/-	20 (Ten posts)
9	Section Officer	Rs.4800-175-5850-200-6650-225-8675-250-10925/- with higher initial start at Rs.6450/-.	2(Two posts)

### Group B

Sl. No.	Designation	Scale of Pay	Sanctioned strength
[ 1 ]	[ 2 ]	[ 3 ]	[ 4 ]
1	Head Assistant	Rs.4500-150-5250-175-7000-200-8800-225-9700/- with higher initial start at Rs.6300/-)	4(Four posts)
2	U. Division Assistant	4250-150-5300-175-7050-200-8850/-)	20(Twenty posts)
3	Supervisory Grade Typist	Scale of Pay: 4500-150-5150-175-7000-200-8800-225-9700/-.	2(Two posts)
4	Typist (Grade I)	Rs.4000-125-4250-150-5300-175-7050-200-8850/-.	8(Eight posts)
5	Senior Assistant Translator	Rs.4650-150-5100-175-6325-200-7925-225-10175/-.	3(Three posts)
6	Assistant Translator	4500-150-5250-175-7000-200-8800-225-9700/-.	11(Eleven posts)

### Group C

Sl. No.	Designation	Scale of pay	Sanctioned strength
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[ 1 ]	[ 2 ]	[ 3 ]	[ 4 ]
1.	Lower Division Assistant	Rs.3350-90-3800-100-4700-125-6325/-.	22(Twenty-two posts)
2.	Typist Basic Grade	Rs.3350-90-3800-100-4700-125-6325/-.	9(nine Posts)
3.	Muharrir Grade I	Rs.3350-90-3800-100-4700-125-6325/-.	1(one Post)
4.	Muharrir Grade II	Rs.3150-80-3690-90-4380-100-5680/-.	2(two) Posts
5.	Record Supplier	Rs.2850-65-3305-70-4005-75-4680/-	4(four) Posts
6	Motor Driver Grade I	Rs.3600-100-4200-125- 5700-150-7050/-	1(one) Post
7	Motor Driver	Rs.3350-90-3800-100-4700-125-6325/-.	1(one) Post

#### Group D

Sl. No.	Designation	Scale of Pay	Sanctioned strength
[ 1 ]	[ 2 ]	[ 3 ]	[ 4 ]
1	Duftry (Grade I)	Rs.2850-65-3305-70-4005-75-4680/-.	1(One post)
2	Duftry	Rs.2700-60-3120-65-3770-70-4400/-.	1(One post)
3	Jamadar (Grade I)	Rs.2850-65-3305-70-4005-75-4680/-.	1(One post)
4	Jamadar	Rs.2700-60-3120-65-3770-70-4400/-.	2(Two posts)
5	Peon, Grade I.	Rs.2700-60-3120-65-3770-70-4400/-.	12(Twelve posts)
6	Peon/Orderly	Rs.2600-55-2985-60-3525-65-4175/-.	21(Twenty-one posts)

#### MANUAL – XI: Allocation for law department for the financial year 2008

Major Head of Account State Plan Schemes	Amount of Allocation (in Rs.)	Amount of Disbursement (in Rs.)
2052-Secretariat – General Services – 00 – 090 – Secretariat-Non-Plan(NP) – 010 – Law Department(LW) – “V-Voted”. (Demand No. 37)	2,47,99,000.00	2,28,97,963.00

#### MANUAL – XII: The manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes

There is no such subsidy programme in the law department.

### **MANUAL – XIII: Particulars of recipients of concessions, permits or authorizations granted by the law department**

There is no such scheme available in the law department.

### **MANUAL – XIV: Details in respect of information available to or held by the law department, reduced in an electronic form**

No such programme has been yet been started in the law department.

### **MANUAL – XVI: The names, designations and other particulars of the public information officer**

Name, designation and other particulars of the public information officers are as follows:

State Public Information Officer	Sri Pranab Narayan Bose, WBSS Assistant Secretary, Law Department Writers' Buildings, Kolkata-700 001	Phone: 2254-4430.
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[Law Website](#)