

The Rules Relating to the Legal Remembrancer

ODISHA

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The Rules Relating to the Legal Remembrancer

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The Rules Relating to the Legal Remembrancer

1.

The Legal Remembrancer is the Law Officer next in rank to the Advocate-General and his jurisdiction extends over the Province of Orissa.

2.

It is the duty of the Legal Remembrancer to superintend and advise on the conduct of all litigation, criminal and civil, to which Government may be a party or with which Government is in any way concerned. He is ex-officio Public Prosecutor in all cases coming before the High Court of Judicature at Patna or before any other Court in the Province.

3.

It is the duty of the Legal Remembrancer in criminal matters -(i) to instruct the Advocate-General, when necessary, in relation to cases coming before the High Court; (ii) in the District Courts, to provide for the adequate prosecution of important cases and for the proper representation of the Crown in appeals of special moment; (iii) to advise Government when appeals from acquittals are proposed; and (iv) generally to watch the interests of Government in the Criminal Courts.

4.

District Magistrates shall at once report for the orders of the Legal Remembrancer any criminal case of more than ordinary importance involving a question of great public interest, or in which it may

appear expedient that the Crown should withdraw from the prosecution, and it shall be the duty of the Legal Remembrancer to keep Government informed of all such cases.

5.

In all matters connected with civil justice, the Legal Remembrancer is responsible for making all necessary arrangements for the conduct of cases entrusted to him from the time the papers are made over to his office until the case is finally heard and determined, and all sums adjudged to Government have been recovered or completely disposed of.

6.

The Legal Remembrancer is ex-officio, authorised to act for Government in respect of all judicial proceedings in any Civil Court within the Province of Orissa and is the recognised agent of Government under Rule 2 of Order XXVII of the Code of Civil Procedure, 1908.

7.

It is the duty of the Legal Remembrancer to give his opinion in any matter upon which Government in any department may think fit to consult him.

8.

The Legal Remembrancer will, when so required, advise the Revenue Commissioner in any civil litigation in which the proprietor of a Court of Ward's estate is a party. He will also advise in all cases in which the Revenue Commissioner, at the instance of a local body, desires his advice. Such cases will be submitted by the District Magistrate to the Revenue Commissioner and must be accompanied by the opinion of the local Government pleader.