

Karnataka Conduct of Government Litigation Rules, 1985

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Rule

KARNATAKA-CONDUCT-OF-GOVERNMENT-LITIGATION-RULES-1985 of 1985

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Karnataka Conduct of Government Litigation Rules, 1985Published vide Notification No. LAW 254 LAG 84, dated 15.10.1985Preamble. - The Karnataka Conduct of Government Litigation Rules, 1984, were issued by Government Order No.LAW 151 LAG 84 dated 21.7.1984 for the effective Conduct of Government Litigation. It is proposed to revise and reissue the rules.Therefore, in supersession of all earlier orders on the subject, sanction is accorded to the Karnataka Conduct of Government Litigation Rules, 1985, as appended to this Order.Part-I Preliminary

1. Title, Commencement and Application.

(1)These rules may be called the Karnataka Conduct of Government Litigation Rules, 1985.(2)They shall come into force at once.(3)(a)These rules shall apply to the conduct of litigation on behalf of the Government of Karnataka or its officers in their official capacity.(b)Nothing in these rules shall apply to writ petitions and proceedings arising therefrom relating to applications seeking conferment of occupancy rights under the Karnataka Land Reforms Act and determination of surplus land under the said Act.

2. Definition.

- In these rules, unless the context otherwise requires:-(1)"Administrative Secretariat" means the Department of the Karnataka Government Secretariat dealing with the concerned matter;(2)"Case" means any proceedings in a court or tribunal;(2A)['Desk Officer' means an officer appointed as Desk Officer in accordance with Government Order No: DPAR 425 SGO 95, dated: 1.1.1996] [Inserted by notification No. LAW 266 LAM 96, Dated: 1.1.1998].(3)"Government" means the Government of Karnataka;(3A)['Head of the Legal Cell' means an officer appointed as Head of the

Legal Cell in accordance with Government Order No. DPAR 425 SGO 95, dated:1.1.1996] [Inserted by notification No. LAW 266 LAM 96, Dated: 1.1.1998].(4)"law officer" means a law officer as defined in the Karnataka Law Officers (Appointment and Conditions of Service) Rules, 1977 and includes an Assistant Public Prosecutor in charge of civil litigation work in a Court;(4A)['Legal cell' means the Legal Cell established in the Karnataka Government Secretariat in accordance with Government order No. DPAR 425 SGO 95 dated: 1.1.1996] [Inserted by notification No. LAW 266 LAM 96, Dated: 1.1.1998].(5)"litigation conducting officer in relation to a case" means the officer who is placed in charge of the conduct of litigation in such case.

Part II – Cases Filed by the Government

3. Cases filed by or on behalf of the Government.

(1)In this part, unless the context otherwise requires:-(a)"case" means any proceeding including an original suit or writ petition initiated by the Government in any court or tribunal but does not include a proceeding by way of an appeal, review or revision;(b)"court" means any civil court and includes a High Court or a tribunal.(2)Subject to the general or special orders which may be made by the Government from time to time in this behalf, no case on behalf of the Government shall be instituted in a court against any person or authority without the sanction of the Government granted in accordance with the rules in this part.(3)Whenever it appears to any officer of a department that it is necessary to institute on behalf of the Government a case in a court or tribunal he shall submit through proper channel, a detailed report of the facts and circumstances of the case alongwith such particulars as are required by these rules and such other particulars as he may consider necessary. The report should indicate in detail the case of the Government.(4)The report under sub-rule (3) shall, inter-alia contain the following particulars, namely:-(a)history of the case;(b)facts and circumstances which necessitates the institution of the case;(c)the date when and the place where the cause of action arose;(d)nature and particulars of the claim;(e)a clear statement of all the evidence both oral and documentary by which the claim can be supported indicating the relevant provisions of the enactment, rules, circular, notification and the like under which the claim is maintainable.(f)copies of the documents, if any, upon which the claim is based and other documents including rules, notifications, orders, circulars and the like, inspection of which is considered necessary for a proper elucidation of the case;(g)objections, if any, which may be or have been urged by the proposed defendants against the claim;(h)evidence, both oral and documentary, which may or is likely to be pressed into service by the proposed defendants against the claim;(i)the financial status or position of the person against whom the case is proposed to be filed; (this is to know whether in the case of a money suit it is possible to obtain satisfaction of the decree that may be passed against him);(j)where the proposed case is for recovery of money, whether the institution of the case is necessary notwithstanding the fact that the possibility of the recovery is doubtful, if so the reasons, therefor;(k)particulars of earlier litigation, if any, between the parties and the result thereof;(l)particulars of earlier litigation, if any, involving similar questions and the result thereof; and(m)any special ground or grounds which render the filing of the case necessary and the consequences of not filing the case;(5)If the officer making the report is an officer subordinate to the Head of the Department, the Head of the concerned department shall on receipt of such a report examine the matter and forward the report along with his remarks to the concerned Administrative

Secretariat.(6)If the Administrative Secretariat, after considering the matter decides that it is necessary to file a case, it shall forward the proposal to the [head of the legal cell of the administrative secretariat] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] in the Department of Law and Parliamentary Affairs along with the particulars of -(i)the officer who is conversant with the facts of the case;(ii)the officer who shall be the litigation conducting officer of the case; and(iii)the officer who is to sign and verify the pleadings of the case.(7)(a)On receipt of such a proposal, [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]shall examine the legality of the claim, call for such further or additional information, documents or evidence and such files as it may think necessary and take a final decision in the matter. If [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] decides to file a case it shall issue necessary orders sanctioning the filling of the case.[Provided where the claim in the case exceeds, the pecuniary Jurisdiction of a Civil Judge (Senior Division), the approval of the department of law shall be obtained to file a case or to reject it] [Inserted by notification No. LAW 266 LAM 96, Dated: 1.1.1998].(b)Where the proposal to file a case is rejected, the concerned Administrative Secretariat shall be informed of the same with the reasons thereof.(8)(a)The order sanctioning the filing of a case shall specify the officer who is conversant with the facts of the case, the litigation conducting officer for the case, the officer who shall varify and sign the pleadings including applications on behalf of the Government and the name of the law officer. The order shall also indicate briefly the grounds for instituting the case and the case of the Government and the date within which the case should be filed in the court.(b)Copies of the order shall be sent to the [Secretary as well as head of the legal cell of the concerned Administrative Secretariat] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998], the concerned law officer, the officers specified in items (ii) and (iii) of sub-rule (6) and to the Director of Prosecutions and Government Litigation in respect of cases to be filed before a court of Munsiff.(9)(a)The litigation conducting officer shall, give necessary instructions and get a draft plaint or petition prepared by the law officer concerned and submit the same to [the legal cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] for approval.(b)[The Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]shall, examine the draft and ensure that all pleas both legal and factual are pleaded and after scrutiny, forward the approved plaint or petition to the litigation conducting officer who shall get it signed and verified by the officer who is authorised to sign and verify the pleading and thereafter entrust the same along with required number of copies thereof to the law officer concerned for presentation before the court well within the date if any, indicated in the sanction order issued under sub-rule (7) or within the period of limitation.(c)The law officer shall forward to the Government in [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] and where a case is filed in a Munsiff's court, to the Director of Prosecutions and Government Litigation, a true copy of the plaint and its enclosures as actually presented to the Court along with the date of presentation of the plaint. The Law officer shall intimate the number of the case as soon as it is registered. He shall forward true copies of the written statements, counter and other pleadings filed by the defendant, issues framed in the suit and amendments, if any, to the pleadings or issues after getting necessary copies thereof prepared by the litigation conducting officer. Expenses in this regard shall be incurred out of the contingency fund as provided in Article 240(b) of the Karnataka Financial Code.(d)The litigation conducting officer shall regularly watch the progress of the case and shall give necessary instructions to the law officer to whom the case is entrusted at all stages till the final disposal of the case. Before instructing the law

officer, wherever necessary, he shall obtain the order of his official superior or any higher officer in such manner as he considers fit. The law officer shall periodically intimate the progress made in the case to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] and in respect of a case before a Court of Munsiff to the Director of Prosecutions and Government Litigation.(10)In cases of urgent necessity, where the delay will be prejudicial to the interests of the Government, notwithstanding anything contained in the above sub-rules, the officer referred to in sub-rule (3), may, if he is a Group-A officer, on his own responsibility, and if he is not a Group-A officer with the approval of his official superior who is a Group-A officer get the case filed in consultation with the concerned law officer and shall immediately forward along with the information specified in sub-rule (4), a report to the Head of the Department, the concerned Administrative Secretariat and [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] explaining the circumstances necessitating such action. The merits of the case may be examined and action taken as indicated in sub-rules (5) to (7). If filing of the case is considered, proper steps taken may be ratified, otherwise case filed may be got withdrawn.(11)The litigation conducting officer shall, whenever considered necessary or expedient, take steps for obtaining appropriate interlocutory orders like attachment before judgment, injunction and the like and shall take such other steps as are available under the code of Civil Procedure or other laws for the effective prosecution of the case. It shall be the duty of the litigation conducting officer to get the case prosecuted effectively.

Part III – Cases (Other than Writ Petitions) Against the Government

Chapter I

Notice Under Section 80 C.P.C.

4. Notice under section 80 C.P.C.

(1)On receipt of a notice under section 80 of the Code of Civil Procedure, 1908, the officer receiving the notice shall prepare or obtain from the officers concerned para-wise remarks and forward it to the concerned Administrative Secretariat through proper channel within 15 days of the receipt of the notice along with a detailed report containing the history and all particulars of the case and copies of relevant documents and specify whether it is a case for settlement; if so, the proposed terms of settlement and all particulars necessary to arrive at a settlement. The concerned Administrative Secretariat shall examine the claim made in the notice and take a final decision within fifteen days from the date of the receiving of the notice.(2)(a)The notice may be in respect of,-(i)a claim which has already been examined and has been rejected;(ii)a claim which is still under consideration;(iii)a claim which has not been examined.(b)The concerned Administrative Secretariat shall,-(i)in regard to a claim of the first category consider whether any new point which has not been examined earlier has been raised. Such a new point, if any, shall be thoroughly examined and it shall be considered whether the earlier decision requires to be revised. If [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] had not been consulted earlier or if new points have been

raised, the advice of [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall invariably be obtained before taking a final decision.(ii)in regard to a claim of the second and third categories examine and take a decision as early as possible in consultation with Department of Law and Parliamentary Affairs.(3)While making a reference to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] the concerned Administrative Secretariat shall prepare and forward a self contained note giving the entire history of the claim and parawise comments on the various allegations made in the notice, alongwith all relevant documents and materials.(4)If it is decided that the claim is genuine and requires to be admitted, the concerned Administrative Secretariat shall take action to settle the claim forthwith and if it is decided to contest the claim or to admit the claim in part, no reply shall be sent without consulting [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998].(5)Reply shall invariably be sent to the party in cases arising out of an agreement or contract if there is provision in the agreement for referring the matter to arbitration or if there is provision in any law to seek remedy by way of appeal, review or revision and the party may be asked to avail those remedies if he so chooses.(6)As the party who has sent a notice could institute a case on the expiration of sixty days the examination of the claim shall be completed and reply, if so decided, shall be sent within sixty days. Every suit notice shall, therefore, be treated on "top priority basis" and dealt with accordingly.(7)It would not be correct for [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] to endorse on the file that the threatened case may be awaited or may be defended without examining the claim in detail. The main lines of defence which are available to Government and Court decisions in support thereof shall be indicated in cases where it is proposed to advice the concerned Administrative Secretariat to reject the claim. Such an examination would be helpful while framing the defence in the event of the matter going to the court.[xxx] [Omitted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]

Chapter II

Cases (Other than Writ Petition) Filed Against the Government

5. Cases filed in subordinate Courts.

(1)When a case other than a writ petition is instituted against the State in any subordinate court and summons or notice thereof is served on any officer of the Government, such officer shall immediately request the concerned law officer to appear for the Government and ensure that the case is not decided exparte and prepare or obtain from the concerned officer, a detailed report of the facts and history of the case and circumstances leading to the institution of the suit together with the parawise remarks in respect of the averments made in the petition or plaint, within 15 days from the date of receipt of such summons or notice. While preparing the report, if it is considered necessary, any other department or officer also be consulted. The report shall indicate the name of the officer who is conversant with the subject matters and facts of the case, the litigation conducting officer for the case, the name of the officer who is to verify and sign the pleadings, the defence that has to be taken in the case and the documentary and other evidence, in support of such defence. Copies of all documents necessary for defending the case and the relevant files relating to the matter shall form part of the report. In short the report should be the brief of the Government to the Law Officer.(2)[

Where a summon or notice in a case is addressed to the Chief Secretary to Government, the same shall be received by the Head of the Legal Cell of the concerned Administrative department. The Head of the legal cell shall send request to the concerned law officer to appear on behalf of the Government, and also forward a copy of the pleading received by him to the Secretary of the Administrative Department and to the Head of the Department for taking necessary action, to offer remarks and to forward the report and papers indicated in sub-rule (1) above] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998].(3)Where the case is also against an officer of the Government acting in his official capacity, he shall prepare or get prepared a detailed report, and others particulars as indicated in sub-rule (1) alongwith copies of the documents, if any, in support of the defence.(4)The report, papers and parawise remarks so prepared or obtained shall be submitted to the concerned Administrative Secretariat through proper channel alongwith four copies of the plaint, petition and other pleadings and enclosures thereto.(5)The Administrative Secretariat shall then forward the copies of the plaint, petition or other pleadings in the case alongwith the copies of such report, parawise remarks and relevant documents alongwith their remarks to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] for examination and wherever necessary for sanction of defence. [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall also be informed of -(a)the date fixed by the court for the first or next hearing;(b)whether notice under section 80 of the code of Civil Procedure has been given by the plaintiff and if so, the date of delivery of such notice, and the authority to which such notice was given, alongwith a copy of such notice together with a report of action taken thereon, and(c)the name and other particulars of the officer who is conversant with the facts of the case, the litigation conducting officer for the case and the name of the officer who is to be authorised to sign and verify the pleadings.Note. - In this sub-rule [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] for purposes of cases before courts of Munsiffs, shall be the Director of Prosecutions and Government Litigation.(6)If officers belonging to different departments are sued jointly or if the claim in a suit relates to the acts of two or more of such officers, they shall with least possible delay, communicate with each other and after mutual consultation, arrange to set up, if possible, a common line of defence and prepare a joint report and parawise remarks. When such a joint report is not found feasible, separate reports and parawise remarks shall be submitted by each officer alongwith the copies of the documents, relied upon by them as indicated in sub-rule (1).(7)The concerned departments or the officers shall furnish the above materials to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] well within the date of first hearing, fixed by the court so as to enable [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] to issue necessary orders authorising a law officer to appear and defend the case.Note. - In respect of a case in a court of Munsiff the said materials shall be submitted to the Director of Prosecutions and Government Litigation.(8)If, however, the concerned officer or the Department is not left with sufficient time to communicate with [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] and to obtain sanction for the defence within the time fixed by the court for the first hearing of the case, they may approach the concerned law officer directly and make necessary arrangements for the defence of the case and report to the Administrative Secretariat and the [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] promptly with all the necessary particulars.Note - In respect of a case in a court of Munsiff the report shall be made to the Director of Prosecutions and Government Litigation.(9)If, [the Legal Cell] [Substituted by

notification No. LAW 266 LAM 96, Dated: 1.1.1998] and in respect of a case in a court of Munsiff the Director of Prosecutions and Government Litigation, [or in his absence from headquarters, the joint Director of Prosecution and Government Litigation (Administration)] [Inserted by notification no. LAW 172 LAM 99, Dated: 30.9.1999] in examination of the case, finds that the defence in the case has to be undertaken by the Government, it or he shall issue orders sanctioning defence and instructing the law officer concerned to appear and defend the Government or the officer concerned. The order shall also specify the officer who shall be the litigation conducting officer for the case and the officer who is authorised to sign and verify the pleadings in the case. The litigation conducting officer shall regularly watch the progress of the case and shall give necessary files and instructions to the law officer to whom the case is entrusted, at all stages till the final disposal of the case including appeal, review or revision, if any. Before instructing the law officer he shall obtain, wherever necessary, orders of his official superior or any other higher officer.(10)The law officer shall study the case with reference to the case law on the subject and shall take possible defences open to the Government. The law officer shall not treat the drafting of the written statement or counter as a routine matter. In addition to the para-wise remarks he shall study the relevant file and discuss with the concerned officers to acquaint himself with the facts of the case. The concerned officers should give all necessary co-operation and assistance to the law officers.(11)The law officer shall then prepare and forward the draft written statement or counter along with the connected records to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] for approval. If the matter is urgent the litigation conducting officer may bring the draft and the records to the Department of Law and Parliamentary Affairs. The scrutiny of the written statement or counter shall not be treated as a routine matter by [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] While the Administrative Secretariat and the Head of the Department is primarily responsible for supply of facts and the law officer for drafting of proper pleadings [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] should see that no damaging admissions which are not warranted by the records are made. In addition, it should be ensured by [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] that all possible defences, both factual and legal, which are open to the Government have been properly and adequately raised in the pleadings. Any court decisions which are in favour of the Government and which may be useful in the defence, shall be indicated in the pleadings. A short brief should be prepared and given to the law officer. [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] may, while scrutinising the draft written statement or counter, call for such further information, documents or records as may be found necessary and may also require the presence of any officer for consultation. [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] may make necessary additions or alterations in the draft written statement or counter. The written statement or counter as approved by [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall then be forwarded to the litigation conducting officer who shall get the required number of copies thereof prepared and get it signed and verified by the officer authorised to sign and verify such written statement or counter and hand over the same to the law officer for presentation before the court. One copy of all pleadings filed in court shall be sent by the law officer to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998].Note. - In respect of a case in a court of Munsiff in this sub-rule DLPA means the Director of Prosecutions and Government Litigation, [or in his absence from headquarters, the Joint Director of Prosecution and Government Litigation (Administration)]

[Inserted by notification no. LAW 172 LAM 99, Dated: 30.9.1999](12)It shall be the responsibility of the litigation conducting officer and the law officer to see that sufficient extension of time, if necessary by filing application, is obtained for the purpose of filing written statement or counter and to see that in no case, any order against the Government or an officer is passed by the court *ex parte*. In cases of urgent necessity the Law Officer may, in consultation with the Head of the Department or the officer concerned, prepare and finalise a written statement or counter in defence of the claim and file it before the court and later obtain ratification from [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] promptly and thereafter, if necessary, file additional written statement or counter. Such instances should be far and few. Note. - In respect of a case in a court of Munsiff the action shall be got ratified by the Director of Prosecutions and Government Litigation, [or in his absence from headquarters, the Joint Director of Prosecution and Government Litigation (Administration)] [Inserted by notification no. LAW 172 LAM 99, Dated: 30.9.1999](13)Wherever any interim order is passed in any case affecting the interest of the Government immediate action shall be taken by the litigation conducting officer and the law officer for getting such order vacated. It shall be the duty of the law officer to contact the litigation conducting officer and to take necessary steps to get the order vacated, by filling an application. For that purpose it is not necessary to wait for specific instruction or direction from the concerned Administrative Secretariat or [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] or the Director of Prosecutions and Government Litigation. Such applications shall invariably be filed in all cases. Delay or failure to take necessary steps for the purpose will be treated as dereliction of duty and viewed seriously.(14)In respect of every case a file containing copies of all pleadings and copies of all documents shall be maintained both by the law officer and [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] (in respect of cases in the Courts of Munsiffs by the Director of Prosecutions and Government Litigation) and the concerned Administrative Secretariat or the Head of the Department, as the case may be. Necessary copies of pleadings, documents, orders and other papers for the purpose shall be got prepared by the litigation conducting officer and handed over to the concerned Law Officer.

Chapter III

General Instructions for Conduct of Cases

6. Conduct of Case.

(1)When issues are framed by the Court the Law Officer shall verify whether all necessary and proper issues required to be framed in the case have been framed or not. If, the issues framed are defective in any manner, or if proper issues have not been framed he shall file necessary application for amendment, deletion or for framing of additional issues. He shall send a true copy of the issues so framed or amended, as the case may be to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]. Note. - In respect of a case in a Court of Munsiff, the copies shall be sent to the Director or Prosecutions and Government litigation.(2)It shall be the responsibility of the litigation conducting officer to regularly watch the progress of the case and to provide the Law Officer concerned with all necessary documents, files, evidence and assistance for effectively conducting the case. He shall personally attend the court and assist the law officer in the trial of the

case. If however, he is unable to attend personally for any valid reasons, he may on his own responsibility with the permission of his official superior depute a responsible officer who is thoroughly conversant with the facts of the case and who is capable of giving adequate and necessary instructions to the Law Officer for effectively prosecuting the case.(3)It shall be the duty of the Law Officer to study the case thoroughly with reference to the facts and case law. For that purpose he can require the presence of any officer. It shall be the duty of the officer whose presence is required by the law officer to meet the law officer and give necessary instructions. It may be noted that a law officer, other than an Assistant Public Prosecutor, is an Advocate and the Government is the client and it is the duty of the client to go to the office of the Advocate and give instructions to the Advocate. However by mutual arrangement they may meet, anywhere else including the office of any officer. The law officer may, if necessary, contact [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] or the Director of Prosecutions and Government Litigation and obtain necessary clarifications or instructions on any aspect. The law officer shall prepare himself for the trial of the case well in advance and shall not seek adjournment of the case without proper excuse.(4)The following important points relating to the conduct of cases should be carefully attended to by the litigation conducting officer and the law officer-(a)All available documentary evidence should be diligently collected, carefully examined and produced before the court on or before the day fixed for its reception;(b)Making application for adjournment for production of document shall as far as possible be avoided and such application on behalf of the opposite party should, unless they are made for sufficient reasons, be resisted as they tend to prolong the litigation and give opportunities for fabrication of false evidence;(c)When a suit is instituted upon a document, the document sued upon shall be produced in court along with the plaint as required under order 7 rule 14(1) of the Code of Civil Procedure;(d)The Law Officer shall take steps to get important and valuable documents kept in safe custody in court. The officers handing over important documents to the law officer, either for production in court or for reference, shall take proper acknowledgement therefor from the law officer. Whenever documents are produced in court, they shall be produced along with a list obtaining due acknowledgement from the court.(e)Wherever certified copies or extracts or photo copies of documents are admissible, production of the originals should be avoided.(f)Whenever production of a particular document in a file is necessary, only such document shall be produced in court and the production of the entire file of the department should be avoided.(g)Whenever production of a document in original is found necessary, an authenticated copy (preferably a photostat copy) of such document shall be retained in the department file along with a note to the effect that the original has been filed in court mentioning the case number, year, and the date of production.(h)Documents filed by the opposite party should be carefully examined and compared with the originals wherever possible at the earliest opportunity and efforts be made to find out the genuineness or authenticity of the documents so produced. Objections relating to the admissibility, genuineness or such other grounds shall be taken at the earliest. The law officer shall obtain certified copies of all documents produced by the opposite side and keep them in the file.(i)The production of the documents in the possession of the Government or its officers when lawfully required by the court shall not be resisted except for valid and sufficient reasons.(j)The law officer shall, in consultation with the Litigation Conducting Officer and other officers concerned with the case, prepare a list of witnesses whose evidence, in his opinion, is necessary to substantiate the case of the Government. The witness list shall be filed in the court well within the time fixed by the court for the purpose. It shall be the responsibility of the Litigation Conducting Officer to secure

such witnesses for examination before the court by obtaining process of the court wherever necessary. If evidence of an officer in service is necessary, the law officer and the litigation Conducting Officer shall request, in writing, the officer to attend the court and a copy of that letter shall be sent to the official superior of such officer with a request to direct such officer to attend the court. The officer in question and his official superior shall comply with such request and failure to do so shall be treated as dereliction of duty. [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] and in respect of cases in the courts of Munsiffs, the Director of Prosecutions and Government Litigation, shall watch the progress of the case and ensure that all necessary documents are produced in the case and necessary witnesses are examined. The reasonable expenses in this regard shall be incurred out of the contingencies of the Department concerned as provided in articles 240(b) of the Karnataka Financial Code.(k)The law officer, in consultation with the litigation Conducting Officer, shall take steps for issue of commission for local inspection or for examination of witnesses, wherever it is necessary. The reasonable expenses in this regard shall be borne out of the contingencies of the concerned department as provided under Article 240(b) of the Karnataka Financial Code.(l)It shall be the endeavour of the Law Officer in the conduct of the cases to exercise his discretion so as to safeguard the interest of the Government in the best manner. Wherever there is a difference of opinion between the Law Officer and the Litigation conducting Officer with regard to a particular course of action in the course of the conduct of the case, the Law Officer shall make a reference to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] and take action in accordance with the instructions of [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998].Note. - In respect of cases pending in a court of Munsiff advice shall be sought from the Director of prosecutions and Government Litigation.(m)The Law Officer shall not concede any claim or part thereof against the Government or enter into any compromise in any proceedings before any court without the written authority of a responsible officer in the Dept. of Law & Parly. Affairs or the Director of Prosecutions and Government Litigation, as the case may be. No such authority shall be given without consulting the Administrative Secretariat concerned.(n)The Law Officer shall oppose any compromise prejudicial to the interest of the Government, if entered into by the other parties in the proceedings.(o)The Law Officer shall obtain and maintain copies of all interim and final orders passed by the court and send a copy thereof to the Dept. of Law and Parly. Affairs. The Law Officer shall get such copies prepared with the assistance of the litigation conducting officer.Notes. - In respect of a case before a court of Munsiff such copies shall be sent to the Director of Prosecutions and Government Litigation.(5)The Law Officer shall apply for the certified copy of the judgment and decree or order immediately after the pronouncement thereof without any loss of time. In cases, where the decision has gone against the Government, he shall examine whether there are any valid grounds to take up the matter in appeal, revision or review and send his opinion along with the certified copy of the judgment and decree or order, copies of documents produced in the case by both the sides and the deposition of witnesses to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] within 3 days of the receipt of the certified copy of the judgment and decree or order.Note. - In respect of a case before a court of Munsiff, it shall be sent to the Director of Prosecutions and Government Litigation.(6)Whenever certified copies of the judgment and decree in a First Appeal are forwarded as required by sub-rule (5) above the law officer shall also obtain and forward certified copies of the judgment and decree of the trial court. To avoid delay in obtaining such copies the law officer shall apply and obtain such copies well in advance.(7)On

receipt of the certified copy of the judgment and decree or order alongwith the opinion of the Law Officer, [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall examine the case with reference to relevant case laws and other aspects and take a considered decision about the feasibility of agitating the matter in appeal, revision or review. In all cases where the judgment has the effect of affecting the title of the Government to any immovable property an appeal shall invariably be filed. If it is decided to so agitate the matter necessary orders authorising the filing of an appeal, review or revision shall be issued and a copy of the order shall be sent to the concerned Law Officer and the Litigation Conducting Officer along with a note indicating the pleas to be taken in the appeal, review or revision and the case laws, if any, in support thereof, copies of the order shall also be sent to the Head of the Department and Administrative Secretariat concerned. This order shall also indicate whether any application for stay or for any other interim relief should be filed, if so, the grounds to be urged in such application. Note. - 1. In respect of a case before a Court of Munsiff, the Director of Prosecutions and Government Litigation [or in his absence from headquarters, the Joint Director of Prosecution and Government Litigation (Administration)] [Inserted by notification No. LAW 172 LAM 99, Dated: 30.9.1999] may examine the case as indicated above and issue necessary orders authorising filing of the appeal, revision or review. A copy of such order together with the entire records of the case shall be sent to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] which may examine the case further and decide whether any other pleas should be taken in appeal and if it is so decided, necessary orders shall be issued.

2. The procedure indicated in this sub-rule shall mutatis mutand is apply to filing of 2nd appeals also.

(8)[If it is decided by the Legal Cell concerned, that the matter need not be persued in appeal, review of revision against the orders of the Karnataka Administrative Tribunal or Central Administrative Tribunal or against any decision of the High Court, the Legal Cell shall refer the matter to the Department of Law for taking final decision thereon. Note. - In respect of a case before the Court of Civil Judge (Junior), if the Director of Prosecution and Government Litigation decides not to agitate the matter in appeal, review or revision, he shall while forwarding his opinion referred to above, also forward the entire records of the case in his office to the Legal Cell of the concerned Administrative Department indicating the last date for filing of appeal in bold letters. Such opinion and records shall be sent to the Legal cell at least ten days before the last date for filing the appeal. The Legal Cell shall immediately consult the secretary or if the subject pertains to more than one department, Secretaries of the concerned Administrative Departments before taking a decision in all cases affecting the revenue of the State and in important cases having far reaching consequences. The Director of Prosecutions and Government Litigation[or in his absence from headquarters, the Joint Director of Prosecution and Government Litigation (Administration)] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall not inform the Law Officer his decision not to file an appeal or review or revision].(9)All monies required by the Litigation conducting officer towards expenses for the purposes specified in these rules shall be incurred as provided in article 240(b) of the Karnataka Financial Code.(10)It shall be the duty of the concerned Administrative Secretariat and the Head of the Department to ensure that the Litigation conducting officers discharge their functions effectively and deligently and in the best interest of the

Government. For this purpose the concerned Administrative Secretariat and the Head of the Department may issue such instructions as they may consider necessary. Such instructions among others may also indicate the steps to be taken when a Litigation conducting officer of a case is transferred to some other place. Whenever a new officer is put in-charge of the work the name and address of such officer shall be intimated immediately to the Law officer and the Department of Law and Parliamentary Affairs. Chapter-IV Appeal, Review and Revision

7. Definition.

- In this Chapter, "appeal" includes a second appeal.

8. Appeal etc., by the Government.

(1) Wherever orders have been issued authorising preferring of appeal, review or revision, it shall be the duty of the Litigation Conducting Officer to approach the concerned Law Officer and give him necessary assistance to prepare the memorandum of appeal, review or revision and to present the same before the concerned court within the period of limitation. The Law Officer shall take all possible steps to raise all available pleas in the memorandum and to present it before the Court without any delay. The Memorandum shall, inter alia, include the grounds, if any mentioned in the note sent along with the order as required by sub-rule (7) of rule 6. A copy of the said memorandum filed into the court shall be sent by the Law Officer to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall verify whether all relevant and available pleas have been taken in the memorandum. If necessary, the Law Officer may be asked to file additional grounds of appeal. The Law Officer shall also inform the number and other particulars of the appeal, review or revision to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]. (2) Wherever an appeal, review or revision is filed it shall be the duty of the Litigation Conducting Officer and the Law Officer to immediately and invariably move the Appellate Court for an order of stay of the lower court's order or any other appropriate interlocutory order. Such application shall, be filed along with the appeal, review or revision even though there is no specific order by the Department of Law and Parly. Affairs. (3) In cases where there is delay in preferring appeal, the memorandum of appeal shall be presented to the Court along with an application for condonation of delay supported by an affidavit explaining the delay sworn to by an officer who is competent to explain the reasons for such delay. (order 41 Rule 3 A C.P.C. may be seen in this connection). (4) Wherever there is delay in preferring an appeal, review or revision, the name of the Law Officers or any other officer responsible for such delay shall be intimated by the Dept. of Law and Parly. Affairs to the concerned Secretary to Government [xxx] [Omitted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] and a copy thereof shall be sent to the officer concerned with a note that he should avoid such delays in future.

9. Appeals etc., against the Government.

(1) When an appeal, review or revision is instituted against the State Government and notice thereof is served on any officer he shall take such action as is indicated in rule 5 and the provisions thereof

shall mutatis mutandis, apply thereto as they apply to a case.(2)The law officer shall, in all such cases apply for a certified copy of the judgment and decree of the lower court and keep it with him. That copy may be made use of for filing second appeal, if any, by the Government as such copies are necessary for filing second appeal.(3)The Law Officer and [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall consider whether there is necessity of preferring cross objections. If it is decided to prefer cross objections the Law Officer may prepare and finalise it in consultation with the Litigation Conducting Officer and [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] and file it into court within the time permitted by law. If there is no sufficient time to consult [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] he may file the cross objection and seek ratification from [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998].

10. General.

(1)The General instruction in Chapter III of this Part applicable to cases shall mutatis mutandis apply to appeals, reviews and revisions as they apply to cases.(2)Immediately after the proceedings are disposed off by the Court, the concerned Law Officer shall intimate about the result of the proceedings to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998], the concerned officer if any, the Litigation Conducting Officer and the Head of the Department and the Administrative Secretariat. As soon as the copy of the order of the court is received, the Law Officer shall send the certified copy of the decree judgment or order, as the case may be, to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] along with his opinion about the feasibility of filing an appeal, review or revision against the decree, judgment or order in question. On receipt of the same, [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall examine the matter and take decision whether to agitate the matter further or otherwise. The provisions of rules 8 and 9 shall mutatis mutandis apply to such cases.

Part IV – Writ Petitions

Chapter I

Writ Petitions By The Government

11. Writ petitions by the Government.

- The provision of Part II shall mutatis mutandis apply to filing of writ petitions by the Government.Chapter -II Writ Petition Against the State and its Officers in Official Capacity

12. Writ Petitions against the Government.

(1)In writ petitions instituted against the state or any of its officers in their official capacity, normally the State is shown as represented by the Chief Secretary or the Secretary of the concerned

Department or the Deputy Commissioner of the district or some officer of the department to which the impugned action relates. If the Chief Secretary is shown as representing the State or is made a party, the court notice addressed to him shall be received by [the Head of the Legal Cell of the Department of Personnel and Administrative Reforms] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] and sent to the concerned Secretary. In other cases, the notice be received by the officer named in the petition. Where the notice has been served on any subordinate officer, he shall immediately forward such notice along with five sets of the copies of the writ petition and the Annexures thereto to the concerned Administrative Secretariat. Where such notice is served on the concerned Secretary or is received by him from 1[the Head of the Legal Cell of the Department of Personnel and Administrative Reforms]1 or where it is sent by the subordinate officer to the concerned Administrative Secretariat the concerned Secretary shall there upon immediately forward the same along with five copies of the writ petition and its enclosures to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] indicating the name of an officer, -(i)who is Conversant with the facts of the case; and(ii)who shall be the litigation conducting officer for the case; and(iii)who shall verify and sign the pleadings.(2)Whenever the High Court directs a Law Officer to take notice of any writ petition, the Law Officer concerned shall obtain copies of the writ petition and its enclosures meant for the Respondents and the Government from the High Court and immediately forward copy of the writ petition along with its enclosures and a covering letter to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] and a copy of the covering letter to the concerned Administrative Secretariat.(3)On receipt of the copies of the writ petition and its enclosures under sub-rule (1) or sub-rule (2) [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall consider whether any relief is claimed against the Government and whether it is necessary to put in appearance on behalf of the Government. If it is considered necessary to oppose the writ petition, necessary order shall be issued authorising a Law Officer to appear and defend the State and its Officers, if any, and also to oppose grant of any interim order adverse to the interest of the State, and if any such order has already been granted, to move for vacation of such order by filing necessary application before the court. The order shall also specify the name of the Litigation Conducting Officer who shall be contacted by the Law Officer and [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] whenever necessary and the name of the officer who shall verify and sign the pleadings. Copy of the order shall be sent to the Law Officer concerned along with the copy of the writ petition and its enclosures and the notices received from the court, the Administrative Secretariat concerned, the field department and the officers who are parties to the writ petition.(4)Where any interim relief has been granted against the interest of the State by the Court, and the Administrative Department desires that such order should be got vacated immediately, then, it shall intimate [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] about the same while sending copies of the writ petition and enclosures. In such case and in cases where the High Court has directed the Law Officer to take notice of the writ petition or any application for interim order or both, the Administrative Department shall ensure that necessary para-wise remarks and a brief note on the history of the case and other relevant materials, are forwarded to the Law Officer at the earliest for taking necessary steps in the matter.(5)On receipt of the copies of the Government order authorising a Law Officer to appear for the State and the officers, if any, the Administrative Secretariat shall ensure that the Department, the Officer on whose behalf the authorisation has been issued and other officers who are in possession of the records and other relevant material relating to

the case, immediately forward, para-wise remarks on the allegations made in the writ petition, a note on the history of the case and a brief to the concerned Law Officer along with the relevant files, records, the rules, notifications, orders, circulars and the like in force at the relevant time and relating to the matter for preparing the statement of objections and other necessary pleadings. Copy of the para-wise remarks, the note on the history of the case and the brief shall also be sent to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] for information and further action. The Litigation conducting Officer shall with the assistance of such officers as he may deem necessary give instructions and assist the Law Officer and [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] in the preparation of the draft counter and in finalising it.(6)On receipt of the para-wise remarks, the brief and the connected records, the Law Officer concerned shall prepare at the earliest, a draft counter and other necessary pleadings in the case and shall send it along with the relevant records, files, rules, notifications, orders circulars and the like to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] for scrutiny and approval of the draft. On receipt of the same, [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall send it to the concerned Administrative Secretariat at the earliest for verification and return. The Administrative Secretariat on receipt of the same shall get the same examined, the facts verified either by itself or through the concerned officers at the earliest and thereafter shall send the same to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] certifying that the same has been examined and verified and found correct and also indicate the name of the officer who shall swear to the affidavit.(7)On receipt of the pleadings and other materials referred to above, [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall examine the case in detail, scrutinise the draft and approve it effecting such modifications or corrections as it may consider necessary. The scrutiny of the counter should not be treated as a routine matter by [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]. Even though the administrative department is primarily responsible for supply of the facts and the Law Officer for drafting of the counter, [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall ensure that no admission which is not warranted by the records is made. In addition, it should be ensured by [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] that all possible defence which are open to the Government have been properly and adequately raised in the counter. If there are any court decisions on the subject and applicable to the facts and which are likely to prove useful to the Government, they shall be fully indicated in the counter. A separate brief shall be prepared and sent to the Law Officer indicating the line of defence documents to be produced and the court decisions in support of the defence. Such further information, documents and records as may be necessary may be called for by the Law Officer and [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] from the administrative departments. It shall be the duty of the concerned Administrative Secretariat and the department to furnish all materials required by the Law Officer and [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]. Thereafter, the finalised counter shall be handed over to the Litigation Conducting Officer who shall get it signed and verified by the officer authorised to sign and verify the pleadings and thereafter give it to the Law Officer for filing into Court well within time.(8)The provisions of rule 6 shall mutatis mutandis apply for the conduct of writ petition before the High Court.(9)The provision of rules 8 to 10 shall mutatis mutandis apply for filing of appeals against the orders in writ petition and the conduct thereof.

Part V – Government Litigation Before the Supreme Court

13. Appeals or other cases filed by the State Government.

(1) The cases filed by the Government in the Supreme Court are mainly appeals filed against the judgments or orders of the High Court. On receipt of the copy of a judgment or order passed by the High Court if an appeal lies against such order to the Supreme Court, [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall examine the feasibility of filing an appeal to the Supreme Court. If the order of the High Court is of general application i.e., likely to be followed in other cases adversely affecting the interest of the Government, an appeal must be tried having regard to the merits of the case but irrespective of the actual implication of the order in that particular case. In other cases decision may be taken having regard to the merits of the case and the implication of the court order, if necessary, in consultation with the administrative department. [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall take such decision at least one month prior to the last date for filing the appeal. (2) In cases where a decision is taken to file an appeal [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall issue a Government Order authorising the Advocate General or any Law Officer attached to the office of the Advocate General to draft the Special Leave Petition or appeal petition, as the case may be, and other necessary pleadings for filing them before the Supreme Court. Normally the law officer who has handled the cases in the High Court shall be authorised for the purpose. The Government Order shall, among other things indicate the name of the Advocate on Record who shall handle the case in the Supreme Court, the last date for filing the special leave petition or appeal petition, gist of the grounds or points to be urged before the Supreme Court and also the steps to be taken by the office of the Advocate General. Copies of the Government Order shall be sent to the Advocate General, the concerned Advocate on Record, the concerned Administrative Secretariat, as also to the Head of the Department or the Officers, who are parties to the case. The office of the Advocate General and the Advocates on Records shall take all further steps in the matter in consultation with [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]. (3) The Law Officer so authorised, shall immediately prepare the necessary pleading including stay petition wherever necessary and finalise the same, if necessary, in consultation with [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]. Stay application should invariably be filed in all cases. He may also take the assistance of the Litigation Conducting Officer or any other officer of the concerned Department. Thereafter, the office of the Advocate General shall prepare required number of copies thereof and send the same along with all necessary documents, certified copies etc., to the Advocate on Record along with the necessary amount specified in rule 15(1) towards court fee, process charges, typing and other charges and out of pocket expenses, so as to reach the Advocate on Record at least five days before the last date for filing the appeal. Copies of the petition and other pleadings shall also be sent to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998], and the concerned Administrative Secretariat for reference.

14. Cases Filed Against the Government.

(1) On receipt of any notice of the court in respect of a special leave petition or writ petition filed in the Supreme Court against the state or its officers, the concerned Administrative Secretariat or the concerned officer through his Administrative Secretariat shall send the same to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] along with five copies of the petition, notice received and other pleadings. [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] on receipt of the said petition notice received from the court and pleadings shall, by order authorise one of the Advocates on Record to appear before the Supreme Court and oppose the case including any interim application in the case. The Government order shall, among other things, indicate the Law Officer who shall prepare the pleadings, the name of the Litigation Conducting Officer, the name of the Advocate on Record who is authorised to handle the case. The copies of the order shall be sent to the concerned Advocate on Record, along with the notice of the court copy of the petition and its enclosures, the Law Officer authorised to prepare the pleadings, the Administrative Secretariat concerned and to other Concerned Officers. (2) The concerned Administrative Secretariat or the officer, as the case may be, shall on receipt of such Government order immediately furnish para-wise remarks, and a note on the fact of the case indicating the case of the Government to the concerned Law Officer who shall with the assistance of the Litigation Conducting Officer prepare the necessary pleadings on behalf of the State Government and its officers and finalise it in consultation with [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]. Thereafter, the office of the Advocate General shall send the same expeditiously to the Advocate on Record, along with the amount specified in rule 15(1) towards court fee and other expenses and prompt action in this regard shall be taken by the office of the Advocate General. A copy of the said pleadings prepared by the concerned Law Officer shall also be sent to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] and the concerned Administrative Secretariat immediately for reference.

15. General.

(1) The office of the Advocate General shall on receipt of an order either to file a case or to defend a case before the Supreme Court, take immediate action to send to the Advocate on Record amount towards court fee, process charges, typing and other charges including out of pocket expenses as specified below,-

(A) In cases filed by Government:-

(a)	in civil matters	
	(i) in individual cases	: Rs.350/- each.
	(ii) in batch cases,-	
	(1) for first 20 cases	: Rs.350/- each.
	(2) for next 30 cases	:

Rs.330/-
each.

(3) for the remaining cases

: Rs.310/-
each.

If the advocates on Record claims any amount in excess of what is stated above towards expenses he shall furnish detailed accounts in respect of such entire expenditure item-wise.

in Criminal matters where Special Leave Petitions or Appeals are filed on behalf of the State Government, an amount of Rs.50/- towards expenses shall be sent by the Office of the Advocate General. When such Criminal Special Leave Petitions or Appeals are admitted, expenses required for the preparation of the paper book and for cyclostyling the records shall be met by the office of the Advocate General on receipt of request from the Advocates on Record.

(b)

(B) In cases filed against the Government:-

(a) in civil matters

(i) in individual cases

Rs.50/-
each.

(ii) in batch cases:-

(1) for the first 20 cases

Rs.50/-
each.

(2) for the next 30 cases

Rs.40/-
each.

(3) for the remaining cases

Rs.30/-
each.

(b) in Criminal matters where the Advocate on Record is authorised to defend the case on behalf of the Government, shall be paid Rs.50/- towards expenses.

(2) The office of the Advocate General shall send the amount along with the pleadings or immediately thereafter or immediately after receipt of the Government Order authorising the filing or defending of a case. The Advocate General's office should ensure that the papers and the amount reach the Advocate on Record well within time i.e., at least five days before the last date, so that the papers could be filed before the court within the period of limitation. The fact of having sent the amount towards court fees and other expenses to Advocates on Record shall invariably be communicated to the concerned Heads of Departments and in criminal matters to the concerned

Superintendents of Police and also [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]. The Heads of Depts. and the concerned Superintendents of Police shall make necessary entries in their office records, and take such further steps in the matters as may be necessary for the purpose of maintenance of accounts and for effecting recoveries, wherever necessary.(3)The Advocate on Records shall, on receipt of the Government Order, contact the Law Officer in case there is any delay on the part of the latter in forwarding the papers and on receipt of the pleadings take immediate steps to file it before the Supreme Court well within time. He shall also take steps to file necessary applications etc., to get operation of the impugned order or judgment of the High Court stayed where such orders are against the interests of State and shall inform immediately as to the action taken by him and the result of such action i.e., whether the appeal has been admitted, if so, number thereof, whether the interim order has been granted or not, etc. to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] and the Advocate General.(4)The Advocate on Record shall promptly perform his duties as per Supreme Court Rules, in consultation with and according to the directions of [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]. The concerned Advocate on Record shall, if he is confident that he could argue the case effectively, argue the case himself or engage the services of a senior counsel in the panel of Senior Advocates prepared by the Government for arguing the case before the Supreme Court, if necessary, in consultation with [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]. It shall be the duty of the Advocate on Record to promptly intimate [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] the progress of each case from time to time.(5)The Advocate on Record shall study the case fully and effectively and brief the senior Advocate well in advance. He may, if necessary, seek the assistance of any officer of the concerned department or [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998].(6)The provisions of rules 6, 11 and 12 shall mutatis-mutandis apply to the conduct of cases before the Supreme Court as they apply to the conduct of cases before the High Court.(7)No Advocate on Record shall, without the written authority from an officer of the cadre of the Deputy Secretary and above in [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall concede any claim or part thereof adversely affecting the interest of the State Government in any proceedings before the Supreme Court. If he makes any concession without such approval in any case before the Supreme Court serious notice will be taken thereof.

Part VI – Land Acquisition Cases

16. Land Acquisition Cases.

(1)Whenever a reference is made to a court under any law providing for acquisition of land by the Government, the Land Acquisition Officer concerned may authorise the Law Officer concerned to conduct the case on behalf of the Land Acquisition Officer without making a reference to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]. The Land Acquisition Officer shall maintain a register of references made under sub-section (1) or sub-section (3) of Section 18 indicating the names of parties, description of the land acquired, the claim made by the petitioner and such other particulars as may be specified by the Government or required by the rules.(2)The Land Acquisition Officer shall give necessary instructions to the Law Officer along with the file relating to acquisition of the land and all other necessary documentary and oral evidence to

support the award passed by him. Documents such as extract of Record of Rights, pahani, Kanushumari register, average yield notification or any other documents prepared under the Karnataka Land Revenue Act, 1964 or any other law, rule or order showing the nature of the soil, the source of irrigation to the land and other material relevant for determining the value of the land shall be made available. In addition, copies of sale deeds of similarly situated lands in the neighbourhood sold in the recent past, prevailing price of commodities grown in such land as on the date of preliminary notification, as mentioned in the APMC records or other records shall also be made available. If reliance is placed on sale deeds of similarly situated lands in the neighbourhood, the Law Officer shall lead evidence to establish the similarity and proximity of the land and the like. If the PWD Officers have valued the buildings in the land, the Law Officer shall examine the P.W.D. Officer who has valued the buildings. It shall be the duty of the Land Acquisition Officer to assist the Law Officer in the conduct of the case and to get the P.W.D. Officers and other officers and other witnesses for examination in the court. The Land Acquisition Officer shall regularly watch the progress of the case in the court and give all necessary assistance to the Law Officer. The Land Acquisition Officer shall show the file in which award has been made to the Law Officer and it shall be the duty of the Law Officer to study the file and produce copies of the record of rights and other documents referred to above in the above said file before the court and get them marked in the case. The Law Officer shall adduce necessary oral and documentary evidence to bring on record as material which are in that file and which are relevant for supporting the award made by the Land Acquisition officer and to find out the correct value of the land acquired.(3)(a)Whenever an application requesting the Land Acquisition Officer to make a reference to the Civil Court under section 18(1) of the Act is received, it shall be his duty to examine as to whether such application is filed within time and is maintainable and to pass orders thereon as expeditiously as possible.(b)In cases where the claimant approaches the court under Section 18(3) of the Land Acquisition Act, it shall be the responsibility of the Land Acquisition Officer and the Law Officer to verify whether such an application is maintainable, whether the allegation made therein are correct. Whether he had filed an application under sub-section (1) of section 18 within the period of limitation and to file necessary objections and produce all relevant evidence before the court. Objection statement indicating all relevant details shall be filed in such a case.Note. - Instances have come to the notice of the Government where,-(i)forged, anti dated or bogus references under section 18(1) have been filed or sent to court alleging that it has been sent in pursuance to the direction of the court under section 18(3) even though in fact there is no such direction by the court.(ii)copies of non-existent, bogus or forged applications said to have been made to the Land Acquisition Officer have been filed in the court along with application under section 18(3).(iii)bogus or forged receipts said to have been given by the Land Acquisition Officer for having received application under section 18(1) have been filed into the court.(iv>false allegation of filing application under section 18(1) before the Land Acquisition Officer and the Land Acquisition Officer making a reference under section 18(1) have been made in the application under section 18(3).(c)Where application under section 18(3) have been made either without there being valid application to Land Acquisition Officer under section 18(1) or with forged, anti dated, bogus non-existing references under section 18(1) of the Act it shall be the duty of the Land Acquisition Officer and the Law Officer to bring all those factors to the notice of the court. The Land Acquisition Officer shall assist the court in all respects to give effect to the circular issued by the High Court which is enclosed to these rules as Annexure. The Law Officer shall insist the court to take action as indicated in that circular.(4)The Law Officer shall apply for

two certified copies of the decree, judgment and the award immediately after pronouncement of the judgment irrespective of whether the order is for or against the Government and shall also inform the Land Acquisition Officer, the Revenue Commissioner and [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] about the enhancement of the compensation if any, ordered by the court. The Revenue Commissioner shall take immediate necessary steps to get additional allotments made to meet the additional expenditure relatable to enhancement of the compensation. After receiving the certified copies of the judgment, decree and award, one copy of the judgment and decree shall be sent by the Law Officer to the Land Acquisition Officer and the other copy along with the copy of the award to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] along with his opinion about the feasibility of filing of an appeal and a copy of such opinion shall be sent to the Land Acquisition Officer and the Revenue Commissioner. The opinion shall indicate the actual enhanced compensation granted by the court. The Revenue commissioner shall within the time allowed by the Court get necessary amount sanctioned to pay the additional compensation awarded by the court.(5)Whenever a certified copy of the judgment, decree and award passed by the court is forwarded to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998], a certified copy of the award passed by the Land Acquisition Officer in the case shall also be sent.(6)[the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall examine the judgment and award with special reference to the amendments made in 1984 to the Land Acquisition Act and decide whether there are good and valid grounds to file an appeal. If it is decided to file an appeal an order shall be made and copies thereof shall be sent to the concerned Law Officer authorised to file an appeal, the land Acquisition Officer and to the Revenue Commissioner. [If the Legal Cell takes a decision not to prefer an appeal, all the records, and papers concerning the case shall be referred to the Department of Law for taking a final decision in the matter] [Inserted by notification No. LAW 266 LAM 96, Dated: 1.1.1998].[In cases, where decision is taken by the Department of Law not to prefer an appeal, the same shall be communicated by the legal cell of the Administrative Secretariat, after receipt of the same to the concerned Land Acquisition officer, who shall, there upon take immediate steps to deposit the amount as per the award passed by the court and intimate the fact of such deposit to the Law Officer concerned, the Legal Cell and to the Department of Law. The fact of such deposit shall be entered by the Land Acquisition Officer in the register referred to in sub-rule (1) Instances have come to the notice of the Government where deposits have been made more than once. The Law Officer shall maintain separate file for each case and shall record in his file about each deposit. He shall maintain copies of all documents, petitions and papers filed into the court by him and the other side, and the Land Acquisition Officer shall give him all necessary assistance in the matter] [Deemed to have been substituted w.e.f. 1.1.1998 by notification No. LAW 266 LAM 96, Dated: 23.2.1998].(8)The Land Acquisition Officer shall not deposit the enhanced compensation in court without obtaining orders of [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] regarding the feasibility of filing an appeal against the order of the court. He shall not deposit the enhanced compensation in court if decision has been taken to file an appeal. If the Land Acquisition Officer is compelled to deposit the enhanced amount in court in a case where decision has been taken to prefer an appeal against the award. the amount so deposited, shall not be allowed to be drawn by the party unless adequate security is given for such amount. The Land Acquisition Officer shall verify whether the party is financially capable of repaying the amount of enhanced compensation before allowing him to withdraw the amount and file necessary counter statement before the court. He

must make every effort to get necessary security. Such a step is necessary to avoid of filing of restitution applications later on. Many instances have come to the notice of the Government where amount has been pay without taking security and where it has become difficult to recover if from him.(9)In cases where orders have been issued to prefer an appeal, the Law Officer concerned shall prepare and file appropriate memorandum of appeal urging all available pleas. It shall be the duty of the Law Officer to move the Appellate Court for an order staying the operation of the judgment and award of the lower court even if there is no direction to do so, from [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998]. In cases where execution of the award is sought, before the Government could obtain an order of stay from the Appellate Court, it shall be the duty and responsibility of the Land Acquisition Officer to approach the concerned Law Officer to move the trial court for an order of stay to enable the Government to prefer an appeal and obtain suitable orders of stay from the Appellate Court.(10)The provision of rules 8-10 shall Mutatis-Mutandis apply for filing of appeals against the order of the lower court and the conduct thereof before the appellate court.(11)The provision of rules 13 to 15 shall Mutatis-Mutandis apply for filing of appeals and for resisting the appeals against the Government in the Supreme Court.

Part VII – Cases Before the Motor Accident Claims Tribunal

17. Accident claim cases.

(1)In cases before the Motor Accident Claims Tribunal where the Karnataka Government Insurance Department is a respondent, it shall be the duty of the Director of the Karnataka Government Insurance Department to give suitable and prompt instructions to the Law Officer regarding the particulars of insurance policy, (including the fact as to whether the policy was in force on the date of the accident and also the extent of the liability under the policy) the vehicle with its number and the extent of liability, if any. The Director shall also see that suitable objection statement is filed incorporating all possible pleas including the plea regarding the reasonableness of the compensation claimed whether the claim is barred by limitation, whether the claim by the petitioner is maintainable. A copy of the policy issued, shall also be produced into the Court.(2)Where the Government is the owner of the vehicle involved in the accident it shall be the duty of the officer in charge of the vehicle and the driver of the vehicle to instruct the Law Officer suitably and to take all possible defences available in the circumstances of the case.

Part VIII – Execution of Decrees

Chapter-I Execution of Decrees in Favour of Government

18. Decrees in favour of Government.

(1)Where a decree or order is in favour of the Government, the Litigation conducting officer or the officer concerned shall, as soon as possible, obtain through the Law Officer concerned a certified copy of the decree or order and, in the absence of any special instructions to the contrary, proceed as follows:-(a)If the person from whom the amount is due is known to the Litigation Conducting

Officer, he shall endeavour to recover immediately the amount due from him out of Court.(b)If there is reason to believe that the amount due cannot be so recovered, efforts shall be made to ascertain the particulars of the property (movable or immovable, including securities, amounts held in court deposit, decrees obtained by judgment debtor etc.) belonging to the judgment debtor against which the decree can be enforced. Application for attachment and sale of such property shall be made without loss of time. If any property has already been attached before judgment, application for sale of such property shall be made.(c)Where a decree or order of a court is varied or reversed in any appeal, revision or other proceedings, an application for restitution under sec.144 of the Code of Civil Procedure or under any other similar provision of law shall be filed. The Litigation Conducting Officer shall furnish all particulars and give necessary assistance to the Law Officer in filing the petition and conduct of the case.(2)Where action is taken for recovery of the decretal amount as specified above, the Litigation Conducting Officer shall, promptly send a report to the 1[Head of the Legal Cell]1 through proper channel, informing the action taken and the result thereof.(3)(a)Where action is not taken for obtaining satisfaction of the decree as provided above, the concerned Litigation Conducting Officer shall after consulting the Law Officer submit a report to the Administrative Secretariat through proper channel stating, inter alia-(i)The date on which the period of limitation for the execution of the decree expires.(ii)Any information which has come to his knowledge, which facilitate the recovery of the money due to the Government under the decree.(iii)The reasons for not taking such action or for the delay in taking such action.(iv)If the delay is on account of the law officer, an advance copy of such report shall also be sent to the 1[Head of the Legal Cell]1.(b)The concerned Administrative Secretariat shall then forward that report to [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] along with comments, if any, requesting it to take steps to execute the decree, if possible. [the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] shall take such steps as it may consider appropriate.(4)As soon as any amount due under a decree is recovered by the law officer on behalf of the Government, the same shall be paid into the Treasury to the credit of the Department concerned under proper head of account under intimation to the Litigation Conducting Officer.(5)Where any amount due under a decree is recovered out of court or where satisfaction of a decree is otherwise obtained, the Law Officer shall be instructed to certify such recoveries or satisfaction to the court under Order 21 of the Code of Civil Procedure.(6)Whenever an order is obtained for attachment of the judgment debtor's property, the Litigation Conducting Officer concerned shall depute some official who can identify the property, to accompany the attaching Officer and to point out or identify the property concerned.(7)In cases where claim is made, by a third party, to the attached property, the Litigation Conducting Officer with the assistance of the officer on whose report the property was attached shall collect evidence by which, it could be shown that the attached property belonged to the judgment debtor. Such Officer shall also be instructed to be present, if necessary, in court and instruct the Law Officer when the case comes up for enquiry or trial.(8)As a general rule, all available steps for recovery of the decretal dues shall be unremittingly continued until the expiry of the period of limitation. If the recovery of the amounts due under the decree becomes impracticable, after taking all steps for such recovery, then the concerned Litigation Conducting Officer shall make a report, through proper channel, to the Government to write-off such amount. 1[The Legal Cell of the concerned Administrative Department]1 shall also be informed about it.(9)The Deputy Commissioners, Heads of office and the Heads of Departments shall maintain registers, in Form-I, showing the amounts due to the Government under decrees, and shall

have all the particulars of the decree entered therein on receipt of the copy of the decree, and shall also enter the details of subsequent stages of recovery proceedings.(10)Deputy Commissioners shall specify therein particulars of court fees and costs of the suit in forma pauperis payable to Government under Order 33 or 44 of the Code of Civil Procedure.Chapter-II Execution of Decrees Against Government

19. Decrees Against the Government.

(1)Where a decree is passed against the Government either for payment of money or for other reliefs and where decision has been taken by the Government, not to prefer an appeal, review or revision it shall be the duty of the concerned Litigation Conducting Officer and the Department to take necessary steps to get necessary amount sanctioned for the purpose and to satisfy the decree without any delay. No scope should be given to the decree holder to execute the decree and attach the properties of the Government and embarrass the Government.Explanatory Note. - It is generally found that execution of decrees for recovery of money is taken by attaching the movables in the office of the Deputy Commissioner, the Head of the Department, of the office or the Chief Secretary. Normally these officers would not be aware of the filing of such an execution petition. Therefore, the Litigation Conducting Officer or the Law Officer shall as soon as he comes to know of the passing of a decree and again about the filing of an execution petition, inform the Deputy Commissioner, the Head of the Department or the Chief Secretary and other officer, if any, from whom the amount is sought to be realised about such petition so that they could make necessary arrangements, well in time for compliance with the execution petition or file objections, if any for the execution of the decree. In the meantime they should move the court and seek for extension of time for satisfying the decree. They should do so even if there is no direction from [the Law Department or the Legal Cell] [Substituted by notification No. LAW 266 LAM 96, Dated: 1.1.1998] or the Administrative Secretariat.(2)(i)After receipt of the notice of the execution, the judgment debtor officer and the Litigation Conducting Officer shall intimate the Department of Law and Parly. Affairs about such execution and instruct the Law Officer about the objections which may have to be taken against the execution of the decree.(ii)Draft objections shall be prepared by the Law Officer and sent to 1[the Legal Cell of the concerned Administrative Department]1. for approval. If there is no time to obtain the orders of [the Legal Cell] the Law Officer may finalise the objections file it into court and seek ratification of the action taken.(iii)The provisions of rules 5 and 6 shall mutatis-mutandis apply to the signature and verification of the objections to the execution petition and the conduct of the case.(iv)If the objections raised by the State against execution of the decree are rejected, the Litigation conducting Officer shall, through the Law Officer obtain the certified copy of the order and send it 1[the Legal Cell of the concerned Administrative Department]1 for necessary further opinion and action.(v)If decision is taken not to prefer any review, appeal or revision on such order, the Litigation Conducting Officer shall expeditiously take necessary steps for compliance of the decree.(3)In the case of a decree for possession of immovable property unless an appeal is filed and stay is obtained, efforts shall be made to see that possession is delivered to the decree holder well in time fixed by the Court. If for any compelling reasons, such delivery is not possible, efforts shall be made to move the court which passed the decree for extension of time for delivery of possession.(4)In the case of a decree for injunction against the State and its officers, which is prohibitory in nature, unless an appeal is filed and operation of such decree is stayed or suspended,

scrupulous efforts shall be made to see that such decree is obeyed.(5)In the case of a decree for injunction which is mandatory in nature, it shall be complied with meticulously if decision has been taken not to prefer an appeal, review or revision.Part-IX Criminal Cases

20. Criminal Cases.

(1)It shall be the duty of the Prosecutor to ensure that necessary and proper charges are framed against the accused and their plea recorded according to law. The Prosecutor shall take care to get the charge amended wherever necessary.(2)The Prosecutor shall take necessary steps to get the summons/warrants issued by the court to secure the presence of the witnesses. He should also instruct the police to keep necessary number of witnesses in attendance. It shall be the duty of the Prosecutor to conduct prosecution in accordance with law and examine all necessary witnesses to place the entire case of the prosecution before the court. The Prosecutor shall ensure the marking of all the documents and exhibits and properties as material Objects through the concerned witnesses required for proof of the charges framed against the accused.(3)The Prosecutor shall take all necessary steps to obtain co-ordination and co-operation of the police for getting the summons served and warrants executed on the witnesses/ accused, as the case may be, and the same are returned to the court well in time and to enforce the attendance of the witnesses in general, and police and official witnesses and investigating officers in particular, for giving evidence before court. He shall render necessary assistance to the court during hearing, and trial of the case for smooth and speedy disposal of the criminal cases.(4)On the commitment of the case by the Magistrate to the Sessions Court, the Prosecutor shall forward the case papers to the concerned Public Prosecutor as early as possible and at any rate not later than one week from the date of commitment.(5)In every case ending in acquittal or where there is a conviction only for a minor offence, the accused having been acquitted of more serious offence, or where the court gives a lesser sentence or where the case ends in acquittal of some of the accused before the court by any Magistrate or Sessions Judge the Prosecutor in charge of the said case shall obtain a certified copy of the judgment and submit it within 15 days from the date of judgment along with his opinion indicating the grounds for filing or not filing an appeal, to the concerned Deputy Director of Prosecutions. Wherever a Prosecutor recommends an appeal or revision etc. against the judgment or order an appellate or revisional court he shall invariably send the certified copies of the judgment or order of the trial court also along with the copy of the order of the appellate court.(6)Every proposal to file an appeal or revision shall be examined and decision taken by the Deputy Director concerned in consultation with the Deputy Inspector General of Police and in cases in which he is not authorised to take final decision the Deputy Director shall forward the copy of the judgment together with his views and the views of the Deputy Inspector General of Police to the Director of Prosecutions without any delay keeping in view of the period of limitation. Subject to his powers in the matter of taking final decision the Director of Prosecutions and Government Litigation shall take final decision in the matter referred to him by the Deputy Director.(7)The Director of Prosecutions and Government Litigation shall forward the certified copy of the order or judgment, whether original, appellate or revisional, passed by the Sessions Judge or by a Magistrate in respect of an offence, the maximum punishment for which is 10 years of imprisonment or more, to the Department of Law & Parly. Affairs along with his opinion as to the feasibility of filing an appeal or revision against such order or judgment. If that order or judgment is of an appellate or revisional authority and if he recommends an appeal or

revision, a copy of the order or judgment of the original court shall also be sent. All the said papers should reach the Dept. of Law & Parly. Affairs atleast 10 days before the last date for filing of the appeal or revision, as the case may be, and such last date shall be indicated in the communication in bold letters.(8)On receipt of the said papers, the Department of Law and Parly. Affairs shall examine the matter in detail with reference to court decisions and take a decision whether to file or not to file an appeal or revision. If it is decided to file an appeal or revision the main grounds on which the order of the lower court is to be challenged shall be indicated in the file. It would not be correct for the Department of Law & Parly. Affairs to take summary decision without recording the reasons. Case law, if any, in support of the decision shall also be indicated.(9)If it is decided that the order requires to be challenged in appeal or in revision, an order authorising the concerned Law Officer to prefer an appeal or revision, as the case may be, shall be issued. Copy of such order shall be sent to the Director of Prosecutions and Government Litigation and Director General of Police. Along with the copy of the order sent to the Law Officer, a note containing the main grounds to be canvassed before the court, case law, if any, in support thereof shall also be sent. On receipt of the order, the Law Officer shall prepare the memorandum of appeal or application for revision, as the case may be, and file the same before the court within the period of limitation. A copy of the memorandum of appeal or application so prepared and file before the court along with a copy of the order of the lower court shall be sent to the Department of Law and Parly. Affairs which shall maintain a separate file in respect of each case containing copies of all relevant papers. The concerned Addl.Secretary in Dept. of Law & Parly. Affairs shall watch the progress of the case and give such periodical instructions as he considers necessary to the Law Officer.(10)If it is decided that there are no grounds to file an appeal or revision, the same may be got approved by the Minister in-charge.(11)When an appeal or other proceedings is instituted against the State Government and a notice in respect thereof is served on any officer of the Government, he shall send it to the Dept. of Law & Parly. Affairs and a copy thereof shall be sent to the Director of Prosecutions and Government Litigation who shall send a report indicating the pleas to be urged before the court. On receiving such report, the Department of Law & Parly. Affairs shall examine the matter and indicate further points, if any, to be urged before the court, and by order, authorise the Law Officer to appear for the State Government. A copy of the order shall be sent to the Law Officer along with a note containing the pleas to be urged before the court.(12)The Law Officer shall study the case and the case law on the subject and keep himself ready for conducting the case.(13)Immediately after the appeal, revision or other proceedings are disposed off by the High Court the Law Officer shall inform the same to the Department of Law & Parly. Affairs and the Director of Prosecutions and shall, without any loss of time, apply for a certified copy of the judgment or order, as the case may be. Immediately after receiving the certified copy, he shall send the same to the Dept. of Law & Parly. Affairs long with his opinion regarding the feasibility of agitating the matter further in the Supreme Court. On receipt of the certified copy of the judgment or order along with the opinion of the Law Officer, the Department of Law & Parly. Affairs shall take a considered decision supported by cogent reasons about the feasibility of agitating the matter further in the Supreme Court.(14)If it is decided not to agitate the matter further in the higher court, the same may be got approved by the Minister in-charge.(15)If it is decided to file an appeal before the Supreme Court, necessary orders shall be issued.(16)While examining the matter under sub-rule (7) the Director of Prosecutions shall see whether the case has gone against the Government because of any fault of the Investigating Officers or of the Officer in-charge of the Prosecutions, and the views of the Department shall be

communicated to the officer concerned, and if in the opinion of the Director of Prosecution it amounts to misconduct, necessary action shall be taken in the matter by him and if he cannot take any action, the Department of Law and Parliamentary Affairs shall be requested to take appropriate action by sending the concerned papers.(17)The Prosecutors shall discharge their duties subject to such control and supervision of the Director and the Deputy Director of Prosecutions.(18)The practice of Superintendents of Police attending and watching the proceedings in Session Courts when session cases are being tried is slowly disappearing. That practice had the salutary effect on the functioning of the lower Police Officer and the Law Officers resulting in better conduct of the case. It is necessary to enforce that practice strictly. The Superintendent of Police should invariably attend the session Courts and watch the trial of sessions cases especially murder and other heinous offences.Part-X Miscellaneous

21. Maintenance of Registers & furnishing of Quarterly Reports.

(1)Every District Government Pleader, Additional Government Pleader, Assistant Government Pleader, Assistant Public Prosecutor-cum-Asst. Government Pleader shall maintain a register of cases entrusted to him in Form II, and shall keep the register up-to-date. He shall hand over to his successor the Register along with all the records relating to pending and disposed cases whenever another person is appointed in his place.(2)Every such Govt. Pleader shall send to the Secretary, Department of Law and Parliamentary Affairs and in the case of cases pending in a court of Munsiff to the Director of Prosecutions and Government Litigation in the first week of January, April, July and October of every year a list of cases pending in the court or courts for which he is appointed, in Form III annexed to these rules. He shall also send a copy of the quarterly returns to the concerned Deputy Commissioner.(3)Every such Government Pleader shall also send to the Deputy Commissioner concerned by third of every month a list of-(a)execution cases which are pending against the State indicating the name of the officer of authority who has to comply with the decree;(b)cases pending in his court wherein progress, including preparation of pleadings and conduct of evidence, cannot be made for want of instructions and assistance from any of the officers or authorities in the district. The nature of the instructions and assistance required may be indicated therein.(4)Every such Govt. Pleader, if circumstances require shall, personally contact the concerned Deputy Commissioner and draw his attention to the difficulties experienced in the conduct of litigation. In such an event, the Deputy Commissioner should direct the officers of the concerned department to immediately render all necessary assistance to the Government Pleader.

22. Duties of the Deputy Commissioners.

(1)It shall be the duty of every Deputy Commissioner to keep an effective control and watch over the Government Litigation relating to his district irrespective of the department to which it belongs. He shall maintain individual files in respect of every such case and make necessary arrangements to watch the progress of every case by entrusting such work to an officer of fairly senior cadre of his department preferably the Headquarters Assistant. He shall personally supervise the progress made in every case at least once in every month. It shall be the duty of the Deputy Commissioner to ensure that the cases are conducted effectively by furnishing all material document and information to the Law Officer and placing them before the court.(2)On receipt of the information from the District

Govt. Pleaders, Addl. District Govt. Pleaders and Assistant Govt. Pleaders under rule 21(3) about the difficulties experienced by them in the conduct of Government litigation either in preparing the pleadings or in making further progress in the case, the Deputy Commissioner shall make necessary arrangements to ensure that such Government Pleaders get necessary instructions from the concerned officers or authorities.(3)On receipt of the information under rule 21(3) regarding the pending execution cases, the Deputy Commissioner shall immediately:(a)make every necessary effort to ensure that court decrees are complied with and avoid unnecessary embarrassment of having moveables of the Government offices attached and sold in auction.(b)inform the Head of the Department concerned about the decree requesting him to take steps to satisfy the decree.

23. Duties of the Heads of Department.

- It shall be the duty of every Head of the Department to keep effective watch and control over the Government litigation relating to his department. Every Head of the Department shall maintain individual files in respect of every case relating to his department and make necessary arrangements to watch the progress of every case by entrusting such work to an officer of fairly senior cadre. It shall be the duty of the Head of the Department to personally supervise the progress made in each case at least once in every month. It shall also be his duty to ensure that all necessary documents and information are given to the Law Officer and placed before the court.

24. Power to issue directions.

- The Department of Law and Parliamentary Affairs may from time to time issue general or special instructions in the matter of conduct of litigation on behalf of the Government or its officers acting in their official capacity and such directions shall have effect as if they are part of these rules. Form-I(See Rule - 18(9))

Sl. No.	Name of the court which passed the decree	No. and year of suit or appeal or application	Date of decree	Date on which the period of limitation expires	judgment decbtor----- Name and address	Amount due to Govt.
1	2	3	4	5	6	7
Steps taken for recover taken with date		Nature of steps		Recoveries effected with date	Date of credit to Treasury	Remarks
8				9	10	11

Form-II(See Rule-21)Name of the District/AdditionalGovt. Pleader:-----Place:

Sl. No.	O.S./Appeal/ LAC/Misc., No.	Date of institution	Name of the Parties	Name of the Court	Nature of the claim	Result & date of judgment & decree	Date on which copies, judgment & decree obtained	Date on which proposal for appeal or otherwise sought to the	Appeal number if appeal is preferred
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from the
court
Director of
the
Prosecutions
& Govt.
Litigation
Govt.

Plaintiff/
Appellant/ Defendant/
Claimant/ Respondent
petitioner

1 2 3 4 5 6 7 8 9 10
Form-III Quarterly Return (See rule-21(2))

Sl. No.	Case No.	Authorisation No. and Law No.	Name of the parties	Nature of relief sought	Present stage of case.	Stage at which the case when previous return was sent.	Whether any interim orders are passed against the State and still pending if so why?	Remarks including difficulties experienced in making further progress in the case.
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1 2 3 4 5 6 7 8 9
Annexure-I No. HV(Misc)38/84 High Court of Karnataka, Bangalore, Dated: 27th Sept. 1984

Serious complaints are received in the High Court reflecting on the sanctity of the process of Courts dealing with land acquisition cases. In order to eliminate possibility of abuse of the process of court, the High Court feels it necessary to issue general instructions for the guidance of the Subordinate Courts dealing with the land acquisition references. Therefore, the courts dealing with the Land Acquisition Cases should follow strictly the following procedure in relation to Land Acquisition References. (1) If references under Section 18 of the Land Acquisition Act are received from the Land Acquisition Officers, the Court, before registering the references and assigning numbers to the cases, shall write to the L.A.Os, from whom the references have emanated to confirm that such references have emanated from their offices. Where the Court receives references which are considerable in number and the sending of letters requiring confirmation in individual cases might become cumbersome, the court might seek the confirmation listing up references received in the course of a particular month and requiring confirmation in that behalf from the L.A.O. concerned. (2) If references by L.A.Os. purport to be in response to directions of the Court under Section 18(3)(b) of the L.A. Act, the Court's Office shall, before registering the cases, verify and put up the earlier miscellaneous proceedings in which orders of the Court under Section 18(3)(b) are made. Without such a cross-check and verification, no reference made by the L.A.O. in such cases shall be registered. (3) In regard to the cases which are already registered and are pending, the court shall scrupulously check whether the cases are based on and supported by genuine references from the L.A.Os. concerned. Particular attention shall be bestowed in cases where there is, manifestly, a considerable time lag between the date of forwarding of the references. To All the District & Sessions Judges in the State for information with a request to forward the copies of the same to the Civil

Judges under their control. Annexure-II Government of Karnataka No. LAW 117 LAG 85 Karnataka Government Secretariat, Vidhana Soudha, Bangalore, dated 11th October 1985. Circular Sub: Settlement of Bills of the Law Officers. It has been brought to the notice of Government that some Law Officers are urging, that it is not necessary to insist production of certified copy of judgment while claiming the remuneration on the ground that the Deputy Registrar, High Court will have certified the appearance of Law Officer who has appeared in the case for which the remuneration is claimed.

2. The Law Officers have to send a certified copy of the judgment or order along with their proposal whether to take up the matter in appeal or not. If the remuneration bill is sent along with such proposal it would be convenient to pass orders on the question of remuneration also immediately.

3. After considering all aspects of the matter the following instructions are issued.

1. The remuneration bill should be sent along with the certified copy of the judgment and decree or order and the proposal for preferring an appeal or otherwise, to enable the Law Department to take a decision in the matter of preferring of an appeal and the remuneration at the same time.

2. If for any reason the remuneration bill is not sent along with the certified copy of the judgment or order and the proposal for preferring an appeal, a note should be made in the remuneration bill mentioning the date on which the certified copy has been sent.

3. (a) If the Law Officer has put in appearance without authorisation whether at the instance of the Court or not, ratification of the appearance should be sought immediately.

(b) The remuneration bill shall invariably mention the Government Order number and date of authorisation or ratification for appearance in that case. It is not sufficient to mention only the case number. (c) In case such ratification has not been sought for any reason till submission of the remuneration bill the said fact may be mentioned in the remuneration bill with a request for ratification of the appearance made. (d) If a Law Officer who has taken charge of the cases from another Law Officer as his successor finds it difficult to mention the Government Order No., and date for want of records, the said fact may be mentioned in the remuneration bill. In such cases the officers of Law Department dealing with the remuneration bills of Law Officers are requested to trace the records at their end and to attend the bills without insisting upon the Government Order No., and date. To

- 1. All the High Court Government Advocates and High Court Government Pleaders.**
- 2. All the District Government Pleaders/Additional Government Pleaders/Assistant Government Pleaders.**