GOVERNMENT OF KARNATAKA

No.LAW-LAM/9/2024

Karnataka Government Secretariat,
Vidhana Soudha,
Bengaluru, dated:18.03.2025

NOTIFICATION

Whereas the draft of the Karnataka Conduct of Government Litigation Rules, 2024 was published as required by sub-section (1) of section 82 of the Karnataka Conduct of Government Litigation Act, 2023 (Karnataka Act 28 of 2023), in Notification No. LAW-LAM/09/2024, dated: 16.11.2024 in part IVA of the Karnataka Gazette Extraordinary dated: 16.11.2024 inviting objections and suggestions from all persons likely to be effected thereby within fifteen days from the date of its publication in the official Gazette.

And whereas the said Gazette was made available to public on 16.11.2024.

And whereas no objections and suggestions have been received, in this behalf, by the State Government.

Now, therefore, in exercise of the powers conferred by section 82 of the Karnataka Conduct of Government Litigation Act, 2023 (Karnataka Act 28 of 2023), the Government of Karnataka hereby makes the following rules, namely:-

RULES

1. Title and Commencement.- (1) These rules may be called the Karnataka Conduct of Government Litigation Rules, 2025.

(2) These rules shall come into force from the date of their publication in the Official Gazette.

2. Definitions.- (1) In these rules unless the context otherwise requires:-

(a) **'Act'** means the Karnataka Conduct of Government Litigation Act 2023 (Karnataka Act 28 of 2023); and

(b) **'Form'** means a form appended to these rules.

(2) Other words and expressions used in these rules and not defined, but defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. Procedure for Conduct of cases.- (1) An officer of the State Government shall submit a detailed report of the facts and circumstances of the case through proper channel to the State Government, as under the provisions of section 5 of the Act and directions of the State Government.

(2) The Concerned officer shall peruse the court case filed by or against State Government/Government Department/Government Orders/Government Circulars/ Government directions through the Court Case Monitoring System (hereinafter referred as CCMS).

(3) The concerned officer shall pursue the court cases through CCMS and prepare the information regarding appointment of Litigation Conducting Officer and Government Advocate and the same shall be submitted to the Head of Legal Cell within fifteen days.

(4) The law officer shall forward to Government in the Legal Cell and where a case is filed in the court of Civil Judge, 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.

(5) 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.

(6) After appointment of Litigation conducting officer and Government Advocate, the concerned Officer shall prepare the para-wise remarks of the concerned cases with all the records and submit to the Head of Legal Cell within one week. After scrutiny same shall be sent to the Government advocate without delay.

(7) After preparing the pleadings/statement by the Government Advocate the same shall be sent to the Head of Department for approval.

(8) The Litigation Conducting Officer shall verify the Statements of Objections to be submitted by the Government Advocate before the Court.

(9) The State Government Advocate shall verify and give opinion on the final orders for implementation, as directed by the Court and a copy of the same shall be uploaded in the CCMS and a physical copy shall be submitted to the Head of Legal Cell, within one week.

(10) The Head of the Legal Cell shall verify and give an opinion on final orders stating that whether the said orders are fit for an appeal or not and if the said order is fit for appeal, the said file is to be forwarded to the concerned Department. If the said order is not fit for appeal, the said opinion shall be submitted to the Law, Justice and Human Rights

Department for approval, then after receipt of the same from the Law, Justice and Human Rights Department, the Head of Legal Cell shall forward the same to the Head of the Department for further action.

(11) The Head of the Department, after receipt of the file from the Head of the Legal Cell shall take a decision by holding a meeting as per the circular No. LAW-LAM/123/2022, dated: 06.03.2023 as contemplated under the Karnataka State Dispute Resolution Policy-2021.

(12) After holding the Dispute Resolution Board meeting the Head of the Department shall take decision with regard to filing or non-filing of appeal according to the relevant provisions of law.

(13) After obtaining the approval of the competent authorities, the concerned Head of Department shall take discretionary action within one week regarding implementation of the court orders or appeal against the court orders.

(14) The Secretary to State Government of the concerned Department shall verify the status of court cases through CCMS in every Monthly Program Implementation Calendar (MPIC) Meeting.

(15) If the Legal cell and in respect of a case in a court of Civil Judge, the Director of Prosecutions and Government litigation, or in his absence from Head quarters, the Joint Director of Prosecutions and Government Litigation (Administration) in examination of the case, finds that the defense in the case has to be undertaken by the Government, he shall issue orders sanctioning defense 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 authorized 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.

(16) In the Rules wherever it is referred as 'Legal Cell', in respect of the cases before the Court of Civil Judge it shall be referred as Director of Prosecution and Government Litigation.

(17) In respect of cases in court of Civil Judge when issues are framed by the Court, the copies shall be sent to the Director of Prosecutions and Government Litigations.

(18) With reference to Sections 6, 16, 17 and 53 of the Act, the powers and authority given to the Law Secretary is delegated and those works are to be attended by the Head of the Legal Cell of concerned departments.

4. Contempt of Court cases.-The Head of the Department shall take action regarding contempt of Court cases against the Government in accordance with the provisions of the Contempt of Courts Act, 1971 (Central Act 70 of 1971) and directions of the Courts, if any.

5. Appointment of Litigation Conducting Officer.-(1)The appointment of Litigation Conducting Officer shall be done at the level not below the rank of Under Secretary or class-1 (Group-A) to Government and the proposal shall be sent to the Head of the Legal Cell with approval of the concerned Secretary to Government.

(2) The concerned Secretary to Government, shall issue standing orders on court cases against the Government and the Under Secretary to Government shall be authorized as Litigation Conducting Officer in the district level court cases.

(3) The concerned Litigation Conducting Officer on being informed of any adverse orders, guidelines, remarks, interim orders are passed by the Hon'ble Courts/Tribunals against the State Government by the Law Officer, shall immediately inform the same to the Head of the Department directly in writing.

6. Miscellaneous Provisions.-(1) If the Chief Secretary, Department of Law, Justice and Human Rights, Department of Parliamentary Affairs and Legislation is made as one of the respondents by the Petitioner; the concerned Administrative Department shall appoint the Litigation Conducting Officer and shall provide the concerned file and shall provide all the material facts and figures which are necessary to defend the case to the Government Advocate or to the Advocate General's Office.

(2) The concerned Government Advocate shall take steps to amend the cause title of the case, when it is brought to his notice that in that particular case, the Department of Law, Justice and Human Rights, Department of Parliamentary Affairs and Legislation is wrongly made as one of the respondents and shall intimate the concerned Administrative Department to take necessary steps to defend the case.

(3) The concerned Administrative Department shall defend the case in which the constitutional validity of the Act has been challenged. The responsibility of the Department of Law, Justice and Human Rights, Department of Parliamentary Affairs and Legislation is restricted only to the fact that it shall provide the entries and the List under Seventh Schedule to the Constitution of India by invoking which the particular Act has been enacted, to the concerned Government Advocate.

(4) The concerned Administrative Department shall take steps to settle the fees/bills of the Government Advocates under the provisions of the Karnataka Law officer (Appointment and Conditions of Services) Rules, 1977.

(5) The liability of the Department of Law, Justice and Human Rights, Department of Parliamentary Affairs and Legislation ceases once it transfers/intimates the filing of a case in the court of law to the concerned Administrative Department. Thereafter it is the responsibility of the concerned Administrative Department to defend the case by taking necessary steps.

(6) When the entire Act or a section or sections of the Act, has been struck down on the ground that it is unconstitutional, it is the responsibility of the concerned Administrative Department to file an appeal against that judgment. If the concerned Administrative Department decides not to file an appeal, then it shall inform the Department of Parliamentary Affairs and Legislation of its decision and shall send a proposal to repeal that Act or section/ sections of that Act which has been struck down by the Court of law.

(7) If any dispute arises as to which is the Administrative Department in a particular case, the decision of the Chief Secretary shall be final.

7. Monitoring of Court cases.-With reference to section, 74 of the Act,

(1) The Monitoring committee shall be constituted at the State level for the purpose of monitoring and supervision of court cases filed against State Government in the Supreme Court or High Court or other Courts, consisting with the following members, namely:-

01	The Additional Chief Secretary to Government	Ex-officio Chairperson
02	The Principal Secretary to Government Department of Law, Justice and Human Rights	Ex-officio Member
03	The Secretary to Government, Department of Personnel and Administrative Reforms	Ex-officio Member
04	The Secretary to Government, Department of Personnel and Administrative Reforms (Administrative Reforms)	Ex-officio Member Secretary

(2) The Monitoring Committee shall convene monthly meetings in order to implement the directions of the Supreme Court, High Court of Karnataka, Karnataka State Administrative Tribunal or other Courts and Tribunals, regarding concerned cases.

(3) The concerned Departments shall send the proceedings of the MPIC meeting to the Department of Personnel and Administrative Reforms (Administrative Reforms), with suitable recommendations.

(4) The Head of Legal Cell is the authority to sign the vakalath on behalf of the concerned department for appearance before the Hon'ble Supreme Court of India.

8. Payment for expenses of the Advocate on record or the special counsel.-(1)The amount to be paid to the Advocate on record towards the court fee, process charges, typing

and other charges including out of pocket expenses as per Government Order No. LAW 45 LAD 2016, Dated: 27.03.2017 and the subsequent Government Orders issued from time to time.

(2) The amount to be paid to the special Counsel towards court fee, process charges, typing and other charges including out of pocket expenses would be as per State Government Orders issued from time to time.

9. Entry for deposit of amount.- For the deposit of amount as under section 54 of the Act, shall be made by the concerned Deputy Commissioner or other Officer designated by the State Government in Form-A.

10. Maintenance of Registers.-The Deputy Commissioner or Head of Office or the Heads of Departments shall maintain the Register in Form-B for the purpose of sub-section (1) of section 60 of the Act.

11. Maintenance of Registers and furnishing of quarterly reports.-(1) The District Government Pleader, Additional Government Pleader, Assistant Government Pleader, Assistant Public Prosecutor-cum-Assistant Government Pleader shall maintain a register of cases entrusted to him in Form-C for the purpose of sub-section (1) of section 72 of the Act.

(2) For the purpose of sub-section (2) of section 72 of the Act, every Government Pleader and other Officers shall make a list of cases in Form-D.

12. Watch and Control to avoid delay.-(1) In order to avoid delay in implementation of the orders and to monitor the litigation of the State Government, the Head of the Departments shall constitute a wing/section/cell under him to keep effective watch and control over the State Government Litigation, for the purpose of section 74 of the Act.

(2) The Head of the Departments shall hold a review meeting once in a month to supervise the progress of the State Government Litigations.

13. Appointment of Nodal Officer.-(1) For the purpose of section 76 of the Act, the concerned Department shall appoint an Officer as Nodal Officer.

(2) The Nodal Officer shall perform the following duties and functions, namely,-

(a) shall supervise the matters pending before the Courts and Tribunals;

(b) shall maintain data in respect of cases pending and disposal;

(c) shall conduct meeting of the Litigation Conducting officers once in three months about progress of the cases; and

(d) shall report the data of the progress of the cases to the concerned head of the Department in writing within ten days of the meeting.

(e) shall supervise the work of compliance and shall be answerable for the compliance of order passed by High Court.

(f) When the time schedule is specified by the court, the same shall be followed. Otherwise, the time limit shall be three months for compliance from the stage of disposal of the case.

(g) Preparation and submission of fortnightly report – shall prepare and submit a fortnightly report about the number of orders already complied, orders which could not be complied along with reasons- it shall be placed before the State Level Committee and District Level Committee.

(h) shall take steps for Publication of fortnightly report in the department website.

(i) shall also upload the data of cases where directions given by the court in the department website.

(j) When appeal is not preferred, details of such cases, steps taken to comply with orders and present stage to be uploaded in the website on real time basis.

(k) information in (i) and (j) shall be uploaded much before the date fixed by the court by the designated officer.

(3) Procedure for conducting of contempt cases filed against the State Government Department and its officers:- Department/ officer against whom contempt proceedings are initiated shall take necessary steps to comply with the order; in coordination with the Nodal officer inform the stage of compliance to the state/district level committee. If the committee decides that there is deliberate inaction in complying with the order, it shall report it to the Head of the Department and Chief Secretary.

(4) Initiation of Disciplinary Proceedings against officers who have deliberately not complied with the orders of High Court.-If the state or District Level Committee comes to the conclusion that the officer who is responsible for compliance has deliberately or without justifiable reason has not complied with the order, it may advise the appointing authority to initiate disciplinary proceedings. The nodal officer shall publish the details of the official against whom advisory has been issued for disciplinary action.

(5) The State Government may from time to time issue general or special instructions pertaining to a specific case to Nodal officers.

14. Constitution of State Level Committee.- For the purpose of section 77 of the Act, the State Government shall constitute a committee consisting of the following members, namely:-

(a)	Chief Secretary to Government of Karnataka	Ex-officio Chairperson
(b)	Additional Chief Secretary/ Principal Secretary to Government, Home Department	Ex-officio Member
(c)	Additional Chief Secretary/ Principal Secretary to Government, Finance Department	Ex-officio Member
(d)	Principal Secretary to Government, Law, Justice and Human Rights Department	Ex-officio Member Secretary
(e)	Advocate General Government for Karnataka	Member

15. Powers and Functions of the State Level Committee.-

(1) The functions of the State Level Committee shall be;

(a) conduct meeting at least once in two months to review the work and functions of Law Officers and issue necessary instructions required from time to time;

(b) Maintain the data with regard to cases pending and disposal before the Hon'ble Supreme Court of India, High Court of Karnataka, Tribunals and other Courts;

(c) Shall report about the data to the Chief Secretary, Government of Karnataka, Principal Secretary to the Government, Law Justice and Human Rights Department once in three months; and

(d) Shall monitor the report/data submitted by the District Level Committee.

(2) The Powers of the State Level Committee shall be to,

(a) collect the information from the Law Officers about the directions to be complied by the State Government as per the order of the Court;

(b) review, whether Appeals are preferred within the specified time on behalf of the State Government after receipt of Government Order;

(c) review, whether Law Officers had discharged their duties in each stage of the proceedings etc;

(d) collect the monthly statement from Law Officers about stages of cases pending, number of witnesses examined by them before the court and number of disposed cases; and

(e) collect information regarding compliance/implementation of Court/Tribunal orders/Judgments.,

(3) Shall monitor the report submitted by the District Level Committee.

16. Constitution of District Level Committee.-For the purpose of section 78 of the Act, the State Government shall constitute a District level Committee consisting of the following members, namely:

(a)	Additional Secretary-2 to Government, Law, Justice and Human Rights Department	Ex-officio Chairperson
(b)	Deputy Commissioner	Ex-officio Member
(c)	Superintendent of Police	Ex-officio Member
(d)	Additional Advocate General (Nominated by the Advocate General)	Member
(e)	Head of Legal Cell Department of Revenue, Food and Civil Supplies	Ex-officio Member Secretary

17. Powers and Functions of the District Level Committee.-(1) The functions of the District Level Committee shall be;

(a) conduct meeting at least once in two months to review the work and functions of Law Officers and issue necessary instructions required from time to time;

(b) maintain the data with regard to cases pending and disposal before the Supreme Court of India, High Court of Karnataka, Tribunals and other Courts; and

(c) shall report the about the data to the State Level Committee once in three months.

(2) The District Level Committee shall have the Power to-

(a) collect the information from the Law Officers about the directions to be complied by the State Government as per the order of the Court

(b) review, whether Appeals are preferred, within the specified time on behalf of the Government after receipt of the Government Order

(c) review, whether Law Officers had discharged their duties in each stage of the proceedings of the cases etc.

(d) collect the monthly statement from the Law Officers about the stages of cases pending and number of witnesses examined in the cases.

(e) collect information regarding the compliance/ implementation of Court/ Tribunal orders/Judgments.

18. Duties and Responsibilities of Advocate General/Additional Advocate general/ High Court Government Advocate/ High Court Government Pleader/Additional Government Advocates/ District Government Advocate/District Government Pleader/Additional Government Advocate-

The duties and responsibility of Law Officers -,

(a) shall represent the State Government in the proceedings whether civil, criminal, original, appellate or otherwise before the Supreme Court of India or the Karnataka High Court or any other High Court or any Tribunals or any other Courts to which the State Government is a party, as the Government may, by special or general order require;

(b) shall represent the State Government in the Supreme Court of India or the Karnataka High Court or any other High Court or any Tribunals or any other Courts as directed or notice is issued in which Advocate General/ Government Advocate appearance is required by the Courts/Tribunal.

(c) after being directed to take notice or after taking notice of the case/petition, the Law Officer shall immediately inform the same to the concerned department and after getting proper information about the case shall submit before the concerned court.

(d) shall not give any information about the case to the concerned court without any information/consent from the concerned department.

(e) after getting the intimation about the filing of any case against the State Government immediate intimation to be given to the concerned department and to the Head of legal cell.

(f) after being authorised to appear in the case and after receipt of draft objections/Para wise remarks, from the concerned Department the statement of objection shall be prepared by including legal aspects pertaining to the case within 7 days and shall immediately submit the same to the concerned Head of the department for approval.

(g) after getting the approval, the same shall be filed before the concerned Court without any delay.

(h) shall conduct the case meticulously and report about the progress of the case to the concerned department from time to time.

(i) if any adverse orders, guidelines, remarks, interim orders are passed by the Courts/Tribunals against the State, the same shall be immediately informed in writing to the concerned Litigation Conducting Officer, Head of the concerned department and Department of Law, Justice and Human Rights.

(j) after disposal of the case, the copies of the order/judgment shall be obtained within the specified time and along with the reasoned opinion shall submit the same to the Head of the Legal cell.

(k) if the Head of the Department decides to prefer an appeal, the concerned Law Officer shall prepare draft appeal memo, after getting approval of the Head of the Department, the same shall be filed within the period of limitation.

(l) when any orders are passed in favour of the State Government immediate action shall be taken for filing caveat petition, if required, in co-ordination with Litigation Conducting Officer of the concerned department.

(m) when intimation is received about the filing of caveat petition against the State, the same shall be intimated to the concerned department.

(n) in the matter of the Contempt Petitions/cases, the stages of the said cases shall be regularly intimated to the concerned department through the Litigation Conducting Officer and to the Department of Law, Justice and Human Rights in writing, without any delay.

(o) In any matters when sworn affidavits are required to be filed, the concerned Law Officer shall prepare the same by collecting necessary information from the Litigation Conducting Officer of the concerned Department within the specified time and after approval, shall get it sworn and shall immediately file before the concerned court.

(p) Any other matters as directed by the Department of Law, Justice and Human Rights shall be attended without any delay and latches.

By Order and in the name of the
Governor of Karnataka

Sd/-
(LALITHA)
Additional Secretary to Government (Admn-1)
Law, Justice and Human Rights Department.

FORM-A
(See section 54)
(See rule –9)

Entries for Deposit of Amount

Sl. No.	Name of the court which passed the award	No. and year of Petition or appeal or application	Date of reference	Date of award	Date on which the period of limitation expires	Judgement debtor/respondent Name and address	Amount due to/by Government
1	2	3	4	5	6	7	8

Steps taken for recovery/ payment Nature of steps taken with date	Recoveries/payment effected with date	Date of credit to Treasury/ petitioner/claimant	Remarks
9	10	11	12

FORM-B
(See section 60(1))
(See rule – 10)

Maintenance of Registers

Sl. No.	Name of the court which passed the decree/award	No. and year of suit or appeal or application or Petition	Date of decree/award	Date on which the period of limitation expires	Judgement debtor/respondent Name and address	Particulars of decree/award	Amount due to Government
1	2	3	4	5	6	7	8

Steps taken for recovery and Nature of steps taken with date	Recoveries effected with date	Date of credit to Treasury	Remarks
9	10	11	12

FORM-C
(See section 72(1))
(See rule-11(1))

Name of the District/Additional Govt. Pleader:----------
Place: ----------

Maintenance of Registers and furnishing of Quarterly Report

Sl. No.	Suit/Appeal/ LAC/Petition/ Application/ Misc.No.	Date of entrustment of case	Date of institution	Name of the parties		Name of the Court	Nature of the claim/ relief
				Plaintiff/ Appellant/ Claimant/ petitioner	Defendant/ Respondent		
1	2	3	4	5	6	7	8

Result & date of judgement & decree/order/award	Date on which copies of judgement & decree/order/award obtained from the court/Tribunal	Date on which proposal /opinion for appeal or otherwise is sent to the Director of the Prosecutions/Head of the Legal Cell of concerned department	Appeal/Review/ Revision Number, if preferred	Contempt Petition/ Execution petition number, if filed	Remarks
9	10	11	12	13	14

R.N.I. No. KARBIL/2001/47147 POSTAL REGN. No. RNP/KA/BGS/2202/2017-19
Licensed to post without prepayment WPP No. 297

FORM-D
Quarterly Report)
(See section 72(2))
(See rule-11(2))
Details of Pending Cases

Sl. No.	Case No.	Authorization/ Government Order No. and date (including special counsel, if service taken)	Name of the parties	Nature of relief sought	Stage of the case in the previous report	Present stage of case	Whether any interim orders are passed against the State and still pending, if so. why?	Remarks including difficulties experienced in making further progress of the case
1	2	3	4	5	6	7	8	9

By Order and in the name of the
Governor of Karnataka

(LALITHA)
Additional Secretary to Government (Admn-1)
Law, Justice and Human Rights Department.

ಮುದ್ರಕರು ಹಾಗೂ ಪ್ರಕಾಶಕರು:– ಸಂಕಲನಾಧಿಕಾರಿಗಳು, ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಸರ್ಕಾರಿ ಕೇಂದ್ರ ಮುದ್ರಣಾಲಯ, ಬೆಂಗಳೂರು