

**PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA**

**Subject:-** Rules governing the appointment, conditions of service and remuneration payable to the Law Officers of the State of Karnataka.

Order No. LAW 5 LAG 77  
Bangalore dated the 19<sup>th</sup> August 1977

The Government of Karnataka hereby direct that the rules governing the appointment, conditions of service and remuneration payable to the Law Officers of the State of Karnataka shall be as per rules in the Annexure to this Order

By Order and in the name of the Governor of Karnataka.

T. K. VITTAL  
Deputy Secretary to Government,  
Department of Law and Parliamentary Affairs

**Annexure to Govt. Order No. LAW 5 LAG 77  
Dated 19-8-1977.**

**NOTIFICATION**

The Government of Karnataka hereby makes the following rules governing the appointment, conditions of service and remuneration payable to the Law Officers of the State of Karnataka, namely:-

CHAPTER I  
PRELIMINARY

**1.Title, commencement and application.**- (1) These rules may be called the Karnataka Law Officers (Appointment and Conditions of Service) Rules, 1977.

(2) They shall come into force at once.

(3) These rules shall apply to the Advocate General and the following other Law Officers, namely:

- (a) Advocates on Record;  
<sup>1</sup>[(aa) Associate Advocate, Supreme Court]
- (b) Government Advocates;
- (c) State Prosecutor;
- (d) High Court Government Pleaders;
- (e) District Government Pleaders;
- (f) Public Prosecutors;
- (g) Additional District Government Pleaders;
- (h) Assistant Government Pleaders;
- (i) Special Counsels.

**2.Definitions:-** In these rules unless the context, otherwise requires,-

1) "Additional District Government Pleader" means an advocate appointed by the Government to assist a District Government Pleader or to conduct cases for and on behalf of the State in civil courts at places, other than district headquarters, where there are courts of Civil Judges;

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1. Inserted vide Notification No. Law 3 LAG 92 dated 7-1-1993

2) "Advocate General" means the person appointed as Advocate General for the State of Karnataka under Article 165 of the Constitution of India;

(3) "Advocate on Record" means an Advocate on Record of the Supreme Court appointed by the State Government to be in charge' of litigation in the Supreme Court to which Government is a party;

<sup>1</sup>[(3A) "Associate Advocate" means an Advocate of the Supreme Court appointed by the State Government to appear and argue cases entrusted to him in the Supreme Court by the Government or by the Advocate-on-Record.”;]

(4) "Assistant Government Pleader" means an advocate appointed by the Government to assist a District Government Pleader or to conduct cases for and on behalf of the State in civil courts at places where there are only Court of Munsiffs;

(5) "day" means any portion of time between a midnight and the midnight next following;

(6) "Deputy Commissioner" means the Deputy Commissioner of a district;

(7) "District Government pleader" means an advocate appointed by the Government to conduct cases for and on behalf of the State in civil courts at the district headquarters;

(8) "District Magistrate" means a person appointed as a District Magistrate of a district under Section 20 of the Code of Criminal Procedure, 1973;

(9) "Director of Prosecutions" means the Director of Prosecutions for Karnataka appointed by the Government;

(10) "Government" means the Government of Karnataka;

(11) "Government Advocate" means an advocate appointed by the Government to conduct cases or appeals, other than criminal cases and appeals in the High Court for and on behalf of the State and includes an Additional Government Advocate;

(12) "Government servant" means a person who is a member of a civil service of the State of Karnataka or who holds a civil post under the State of Karnataka;

(13) "High Court "Government pleader" means an advocate appointed by the Government to assist the Advocate General, a Government Advocate, an Additional Government Advocate or the State Prosecutor;

(14) "Public Prosecutor" means any advocate appointed under Section 24 of the Criminal Procedure Code, 1973 to be a Public Prosecutor or an Additional Public Prosecutor in a district;

(15) "Special Counsel" means an advocate specially appointed by the Government to conduct any civil or criminal case or any class of civil or criminal cases for and on behalf of the State in the High Court or any I other civil or criminal court in the State;

(16) "State" means the State of Karnataka;

(17) "State Prosecutor" means an advocate appointed by the Government under Section 24 of the Code of Criminal Procedure, 1973 to conduct criminal cases and appeals for and on behalf of the State in the High Court;

(18) "year" means a calendar year.

**CHAPTER II**  
**GENERAL PROVISIONS**

- 3. Definitions.**-In this Chapter, Chapter III and Chapter VIII "law officer" means an Advocate on Record, <sup>1</sup>["Associate Advocate"] a Government Advocate, the State Prosecutor, a High Court Government Pleader, a District Government Pleader a Public Prosecutor, a Special Counsel, an Additional District Government Pleader, an Assistant Government Pleader or any other advocate appointed by the Government for the purpose of conducting any civil or criminal case for and on behalf of the State in the High Court or any civil or criminal court in the State.
- 4. The Advocate General and other law officers to be under the administrative control of the Government in the Department of Law and Parliamentary Affairs.**-( 1) The Advocate General and all other officers shall be under the administrative control of the Government in the Department of Law and Parliamentary Affairs. All references to Government in respect of matters relating to the Advocate General and other law officers shall be addressed to the Secretary to Government, Department of Law and Parliamentary Affairs, Government of Karnataka, Vidhana Soudha, Bangalore.
- (2) Subject to sub-rule (1 ),-
- (a) all law officers, other than the Advocates on Record and the Public Prosecutors shall be under the administrative control of the Advocate General; and
- (b) the Public Prosecutors shall be under the administrative control of the Director of Prosecutions.
- 5. Appointment of Law Officers.**-( I) No person shall be eligible for appointment,-
- (i) as a Government Advocate or as the State Prosecutor or a Special Counsel unless he has been in practice as an advocate for not less than <sup>2</sup>[fifteen] years;
- <sup>2</sup>[(ia) as a High Court Government Pleader unless he has been in practice as an Advocate for not less than twelve years.]

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1. Inserted vide Notification No. Law 3 LAG 92 dated 7-1-1993

2. Substituted by G.O. No. Law 52 LAG 99 dated 06-10-1999

(ii) <sup>1</sup>[<sup>4</sup>{XXX}] as a District Government Pleader or as an Additional District Government Pleader unless he has been in practice as an advocate for not less than <sup>5</sup> [ten] years. <sup>5</sup>{XXX}

(iii) as an Assistant Government Pleader unless he has been in practice as an advocate for not less than <sup>5</sup>[seven years] <sup>5</sup>{XXX}.

(2) All law officers shall be appointed by the Government and shall hold office during the pleasure of the Government. <sup>2</sup>[ X X X ]

(3) Subject to the other provisions contained in these rules, unless otherwise ordered in the order of appointment, a person appointed as a law officer shall hold office at a time, for a term not exceeding three years, but shall be eligible for re-appointment after the expiry of such term:

Provided that notwithstanding the expiry of the term a law officer shall, unless otherwise ordered, continue in office until fresh appointment is made or for a period of <sup>3</sup>[twelve months,] whichever is earlier.

4) No person shall ordinarily be eligible for appointment or to continue as a law officer in any capacity continuously for a period exceeding six years.

(5) A law officer shall be liable to be removed from office at any time if he is guilty of any act or conduct which, in the opinion of the Government is contrary to these rules or is incompatible with his duties as such law officer. Decision of the Government in such cases, shall be final.

(6) Save as otherwise provided in sub-rule (5) and subject to the provisions of sub-rule (2), the State Government may terminate the appointment of a law officer without assigning <sup>4</sup>[any reason by giving one month's notice in writing or by giving one month's retainer in lieu of such notice.]

1. Substituted by G.O. No. Law 105 LAG 79, dated 8-6-1979

2. Omitted by G.O. No. Law 219 LAG 79, dated 23-1-1980.

3. Substituted by G.O. No. LAW 180 LAG 80, dated 28-11 -1980.

4. Inserted vide Notification No. LAW 75 LAG 88 dated 20-9-1985.

5.. Amended by Notification No. LAW 52 LAG 99, dated 6-10 -1999

(7) A law officer may resign his office by giving one month's notice in writing to the Government.

<sup>1</sup>["The Law Officer intending to resign the office shall be fully responsible for the conduct of the Government Litigation during the period of notice and up to the date of his handing over charge of the office. The law officer shall make good the loss if any, caused to Government due to failure on his part and shall also be liable for legal action for such failure".]

**6. Review of the work of law officer.**-(1) The work of law officer shall be reviewed every year in the month of September and for this purpose a report about his work and ability shall be sent to the Government in the Department of the Law and Parliamentary Affairs every year before 31<sup>st</sup> day of July-

(a) in the case of the Government Advocates, the State Prosecutor and the High Court Government Pleaders, by Advocate General;

(b) in the case of Public Prosecutors, by the Director of Prosecutions; and

(c) in the case of District Government Pleaders, Additional District Government Pleaders and Assistant Government Pleaders, by the Deputy Commissioner in consultation with the District Judge.

(2) For the purpose of review of work under sub-rule (1) the views of the Joint Secretary, the Solicitors, the Additional Solicitors and the Assistant Solicitors in the Department of Law and Parliamentary Affairs shall also be taken.

**7. Appearing, acting or advising against Government prohibited.**-(1) Except with the special sanction of the Government, no law officer or his partner, if any, shall hold any brief against the Government, or advice, appear or act in any case against the Government or give advice to private parties in cases in which he is likely to be called upon to advise the Government or any Government servant. If a partner of a law officer has advised, appeared or acted in any case against the Government it shall be the duty of such law officer to bring the fact to the notice of the Government and await instructions from the Government as to whether he shall appear or continue his appearance for the State. If a person appointed as a law officer has advised, appeared or acted in any case against the Government before his appointment as such law officer he shall stop doing so as soon as he appointed as such.

<sup>1</sup>[(1-A) No Law Officer shall either in his private capacity or as a Law Officer give advice to private parties against the interest of any corporation wholly or partly owned by the State Government.

(2) A law officer shall not act or appear on behalf of a plaintiff in a suit in which the plaintiff has applied for permission to **sue in forma pauperis** until the application for such permission has been decided by the Court.

(3) (a) The State Prosecutor or a High Court Government Pleader attached to the State Prosecutor shall not act or appear on behalf of or advice any accused person <sup>2</sup>[x x x].

(b)The Public Prosecutor of a district shall not act or appear on behalf of or advice an accused person within or <sup>3</sup>[outside] such district of the Director of Prosecutions.

**8. Taking part in politics and elections prohibited.**-(1) No law officer shall be a member of, or be otherwise associate with, any political party or organization, which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government shall be final.

(3) If a person appointed as a law officer is a member of any political organisation or party before his appointment, he shall resign his membership thereof immediately after his appointment as a law officer and inform the Government in writing about such resignation.

**9. Not to be member of a local authority without permission.**-( I) No law officer shall stand for election to any local authority without the previous permission of the Government.

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1. Inserted by G.O. No. Law 79 LAG 79, dated 28-12-1979

2. Omitted by G.O. No. Law 133 LAG 96. dated 28-02-1997.

3..Inserted vide Notification No. LAW 133 LAG 96 dated 28-02-1997.



(2) If a person appointed as a law officer is a member of any local authority at the time of his appointment, he shall resign his membership immediately after his appointment, unless he obtains the permission of the Government in the Department of Law and Parliamentary Affairs for continuing as such member. Permission may be given subject to such conditions as may be specified in the order granting permission.

**10. Not to accept directorship of any Company.**-No law officer shall accept any appointment in or continue as a director of any company without the sanction of the Government in the Department of Law and Parliamentary Affairs.

**11. Not to disclose information.**-No law officer appearing on behalf of the Government shall, without the permission of the Government communicate directly or indirectly to any person any document or information which has come into his possession in the course of his duties, save in so far as it is necessary for the conduct of the case and to safeguard the interest of the Government.

**12. Not to hold any post under the Government.**-No law officer shall hold-

(a) any appointment as a Government servant; or

(b) any other appointment under the Government, whether full time or not; or

(c) appointment as a legal advisor to any body corporate or local authority.

**13. Not to accept fees from Other persons.**- No law officer shall accept any fees from any person in any case or proceedings in any court in which he appears or acts on behalf of the Government.

**14. Transfer of Records.**-(1) On the expiry of the term of office, whether by efflux of time or otherwise, of a law officer, he shall prepare a list of cases, references and official correspondence pending with him and hand over all the records to the law officer succeeding him or to such other law officer as the Director of Prosecutions or the Advocate General or the Government may specify, obtain a receipt for the same and report the fact to the Advocate General and in the case of Public Prosecutors to the Director of Prosecutions and the State Government.

(2) Until and unless the provisions of sub-rule (1) are complied with, no amount due to a law officer shall be paid to him, and if any loss is caused to Government due to the default of a law officer, such law officer shall be personally responsible for such loss and it shall be recovered from the fees, if any, or other amount due to him.

**<sup>1</sup>[(3). DECLARATION WITH REMUNERATION BILLS:-**

Whenever a law officer relinquishes his office- due to his resignation, termination or expiry of the term of appointment, he shall furnish a declaration along with his remuneration bills to the effect that he has handed over the complete charge of case files, registers, records, materials and furniture etc., pertaining to the office held by him to his successor. This should be countersigned by the Officer who has administrative control over him. In case a law officer fails to furnish such declaration, the Government shall have a right to withhold his remuneration bills.

**(4) RETURN OF LAW BOOKS, JOURNALS AND OTHER ARTICLES:-**

A law officer who relinquishes his office due to his resignation, termination or expiry of the term of appointment, shall hand over an the Law Books, periodicals, journals and other articles supplied to him, to his successor.

A law officer, as soon as he is appointed as such, shall deposit a sum of Rs. 1,000/- as cash security for the purpose:

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1. Inserted by G.O. No. Law 72 LAG 84, dated 4-6-1988

Provided that the amount of Rs. 1,000/- shall be refunded to the law officer concerned after his handing over of charge of Law Books, Journals etc., to his successor after recovering the value of, such Law Books, Journals etc., either lost or damaged.

Provided further that in case the value of such Law Books, Journals and other articles either lost or damaged works out to be more than Rs. 1,000/- the amount of cash security shall be adjusted for the value of such Law Books, Journals etc., and further amount due shall be recovered from the law officer concerned.]

<sup>1</sup>[**"14 A. Declaration with remuneration bills and return of Law books, etc.**-(1) Whenever a Law Officer relinquishes his office due to his resignation, termination, or expiry of the term of his appointment, he shall furnish a declaration along with his remuneration bill to the effect that he has handed over the complete charge of the case files, registers, records, materials' and pieces of furniture and other articles pertaining to the office held by him to his successor. The same is to be countersigned by the Officer who has administrative control over him. In case a Law Officer fails to furnish. such declaration, the Government shall have a right to withhold his remuneration bills.

(2) A Law Officer, who relinquishes his office due to his resignation, termination or expiry of the term of the appointment, shall handover to' his successor all the law books, periodicals, journals and other articles supplied to him. If the law books, journals and articles given to the Law Officer are lost or damaged, the value of the price of the lost or damaged books or articles may be recovered from out of the retainer due to him or from out of the remuneration due to him".]

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1. Substituted by G.O. No. Law 149 LAG 81, dated 15-2-1982 (1-11-1981)

**15. Traveling and daily allowance.**-In respect of journeys undertaken by the Advocate General or any other law officer in connection with his duties he shall be paid traveling and daily allowance at the rates admissible under the Karnataka Civil Service Rules-

- (i) to Class I Officers of the- highest scale in the case of Advocate General, Advocate on record, <sup>1</sup>[Associate Advocate] Government Advocate, State Prosecutor, Public Prosecutors, District Government Pleaders, High Court Government Pleaders and Special Counsels;
- (ii) <sup>2</sup>[Category III Government Servants, in case of others.]

<sup>3</sup>[Note: The Director of Prosecutions shall be the counter-signing authority for remuneration bills and T. A. Bills in respect of Public Prosecutors other than State Public Prosecutor appointed under these Rules}

**16. Leave.**-(1) Causal leave not exceeding fifteen days in a year may be granted to a law officer on the ground of private affairs, illness or any other sufficient cause-

- (i) by the Advocate General, in the case of Government Advocates, State Prosecutors, Additional Government Advocates and High Court Government Pleaders;
- (ii) by the Deputy Commissioner, in the case of District Government Pleaders, Additional District Government Pleaders and Assistant Government Pleaders; and
- (iii) by the Director of Prosecutions in the case of Public Prosecutors,

and necessary arrangement shall be made by the authority sanctioning the leave for the discharge of the duties of such officer during that period.

1. Inserted vide Notification No. Law 35 LAG 92, dated 7-1-1993  
 2. Inserted vide Notification No. LAW 72 LAG 84, dated 4-6-1988.  
 3. Inserted vide Notification No. LAW 38 LAG 82 dated 22-1-1983(1-4-1983).

(2) <sup>1</sup>[Leave (other than casual leave) without allowances may be granted by the Government to any Law Officer other than the public prosecutors appointed under these Rules after making temporary arrangements for the period of leave so sanctioned.]

<sup>2</sup>(3) Leave (other than casual leave) without allowances may be granted by the Director of Prosecutions to the public prosecutor appointed under these rules after making temporary arrangement for the period of leave so sanctioned.]

**17. Law officers bounded by the rules, orders, etc.**-Every law officer shall be bound by the provisions of these rules and such other orders or directions as the State Government may from time to time make.

**18. To perform duties of other State Government.**-Every law officer shall perform on behalf of other State Governments or the Central Government such duties of a legal character as they may be directed to perform by the Director. of Prosecutions, the Advocate General or the Government.

**19. Advisory duties of law officers.**-It shall be the duty of a law officer to advice the Government and all officers of the Government, not only in respect of any proceedings, whether civil or criminal, which he has to conduct on behalf of the Government or on behalf of a Government servant but also on all legal matters concerning Government business of any kind which the Government or any such officer having jurisdiction in the area in which he is appointed may refer to him.

**20. Law Officer to decide how the case should be conducted.**-(1) Subject to these rules and any general or special instructions issued by the Government in this behalf every law officer shall use his own discretion as to the manner in which the case should be conducted by him keeping in view the interests of the Government.

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1. Substituted by Notification No. Law 16 LAG 83, dated 16/17-5-1983  
2. Added by G.O. No. LAW 16 LAG 83 dated 16/17-5-1983.

(2) Every law officer shall apply for certified copy of the judgment or order of the court within three days after the pronouncement of such judgment or order and shall send his report to the higher officer within '[three days] after receiving certified copy of the judgment or order.

(3) Save as provided in sub-rule (7) of Rule 23 no law officer shall without the oral written authority of a responsible officer either in the Department of Law and Parliamentary Affairs or in the concerned administrative department concede any claim or part thereof against the Government in any proceedings before any court:

Provided that an oral permission shall be confirmed in writing within three days from the date of such oral permission.

<sup>2</sup>**20 A. Time limit for preferring claims.**- The claims of remuneration under these rules shall be preferred to the Secretary to Government, Department of Law & Parliamentary Affairs within 90 days from the date of disposal of the respective cases in Form I, II and IV, as the case may be appended to these rules: Provided that the Government may, for stated the reasons to be in writing by the Law officer concerned and satisfied, condone the delay:]

<sup>3</sup>[Provided further that while calculating 90 days, the time taken for obtaining certified copy of the judgment and decree shall be excluded}

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1. Substituted by G.O. No. Law 125 LAG 80, dated 16-9-1980
  2. Inserted by G.O. No. No. LAW 158 LAG 81, dated 27-5-1982.
  3. Added by G.O. No. LAW 72 LAG 82 dated 12-10-1982(27-5-1982).

**CHAPTER III**  
**ADVOCATE GENERAL**

**21. Advocate General.**-( 1) The Advocate General shall be appointed and shall hold office in accordance with Articles 165 of the Constitution of India.

2) The Advocate General shall,-

- (a) advise the other law officers if consulted by them;
- (b) advise the Government upon such legal matters; including legislative projects as may, from time to time, be referred to him by the Government;
- (c) represent the Government in such proceedings whether civil, criminal, original, appellate. or otherwise before, the Karnataka High Court or any other High Court or the Supreme Court to which the Government is a party, as the Government may, by special or general order require;
- (d) represent the Government in the Supreme Court and in the High Court in cases in which the Supreme Court or the High Court has directed notice to the Advocate General or in which Advocate General's appearance is required by the High Court;
- (e) represent the Government in any proceeding before any Tribunal or other authority or in any court subordinate to the High Court, if specially required by the Government.

3) The Advocate General may, if found necessary, call upon law officer to assist him in cases in which he represents the Government

(4) The Advocate General shall, subject to general or special directions, if any, issued by the Government and the provisions of these rules, distribute Government work in the High Court between the Government Advocates, the Additional Government Advocates and the State Prosecutor and supervise and control their work.

(5) The provisions of Rules 7 to 13 - shall **mutatis mutandis** apply to the Advocate General.

(6) The salary and other remuneration payable to the Advocate General shall be such as are specified in Schedule I.

## CHAPTER IV

### ADVOCATES ON RECORD

**22. Advocates on record.**-(1) The Government may appoint one or more Advocates on Record on behalf of the State Government to be in-charge of cases, both civil and criminal, before the Supreme Court.

(2) If more than one Advocate on Record is appointed, the Government cases before the Supreme Court shall be distributed between them.

(3) The Advocate on Record shall attend to all work connected with the case entrusted to him, provided that in cases involving extra drafting or pleading work, he may with the previous approvals of the State Government secure the assistance of any other advocate.

(4) On instruction from the State Government in important cases, the Advocate on Record shall take necessary steps to brief the Advocate General or a Senior Counsel included in the panel of Senior Advocates prepared by the State Government and suggested by the State Government.

(5) The Advocates on Record shall be paid fees as defined in Schedule II.

<sup>1</sup>[**22 A. Additional Advocates.**-(1) The Government may also appoint one or more Advocates on behalf of the State Government as Associate Advocate in cases before the Supreme Court

(2) The Associate Advocate shall appear and argue all the matters entrusted to him by the State Government or by the Advocate-on- Record

(3) The Associate Advocate shall also undertake the drafting work which. is necessary and incidental to the progress of matter which is entrusted to him.

(4) On instructions from the State Government in important cases the Advocate-on-Record shall take necessary steps to brief the Advocate General or a Senior Counsels included in the panel of Senior Advocates prepared by the State Government or the Associate Advocate for arguing a case on behalf of the State Government.

5) The Associate Advocate shall be paid fees as specified in Second Schedule."]



## CHAPTER V

GOVERNMENT ADVOCATE, STATE PROSECUTOR AND HIGH COURT  
GOVERNMENT PLEADERS

**23. Government Advocate, Additional Government Advocates, State Prosecutor and the High Court Government Pleaders.**-( 1) There shall be one Government Advocate, two Additional Government Advocates, one State Prosecutor and twelve High Court Government Pleaders. They shall attend to all cases in the High Court in which the State is party. They shall also attend to such other work as may be assigned to them by the Advocate General or by the Government from time to time. They shall be attached to the office of the Advocate General and shall be subject to the supervision and control *of* the Advocate General.

(2) Subject to these rules the Government may, in consultation with the Advocate General appointed any advocate to the posts *of* Government Advocate, Additional Government Advocates, State Prosecutor and High Court Government Pleaders;

<sup>1</sup> [X X X]

3) The Government Advocate, the Additional Government Advocates, and the State Prosecutor (hereinafter in this Chapter referred to as law officers) shall,-

- (a) Subject to the general supervision and control *of* the Advocate General be in overall charge and control *of* the work allotted to them by the Advocate General or specially entrusted by the Government;
- (b) assist the Advocate General in cases pertaining to his duties whenever required to do so by him or the State Government;
- (c) unless otherwise directed by the Advocate General or the State Government may themselves appear and conduct the cases allotted to them or authorise a High Court Government Pleader attached to them to do so. The responsibility for the proper conduct *of* the work entrusted to a law officer shall be that of the law officer concerned even though any case is actually conducted by a High Court Government Pleader attached to him;

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Omitted by G.O. LAW 87 LAG 81 dated. 24-1 1-1981.

- (d) in respect of the work entrusted to them, attend to the work of preparing detailed instructions in the form of statement of laws and facts in all applications, appeals or other matters required to be filed in the High Court or the Supreme Court on behalf of the State Government. They shall also be responsible for furnishing all information about the fitness of cases for appeal and preparation of grounds for appeal, review or revision;
- (e) prepare all necessary pleading and counter-affidavits;
- (f) furnish opinion about the fitness of cases for appeal and prepare grounds of appeals.

(4) The Government shall in consultation with the Advocate General specify the law officer to whom a High Court Government Pleader is attached.

(5) The distribution of work among the High Court Government Pleaders attached to a law officer shall subject to any general or special instructions issued by the Advocate General or the Government be made by the law officer concerned and as far as possible work shall be distributed equally among the High Court Government Pleaders.

(6) A High Court Government pleader shall appear in and conduct cases entrusted to him by the law officer to whom he is attached and assist such law officer in all cases allotted to such law officer. He shall work in consultation with and under the guidance of such law officer.

(7) No law officer or a High Court Government Pleader shall,-

- (i) allow any case to be heard by the High Court without filing necessary pleading indicating clearly the contentions both on facts and law, of the Government;
- (ii) concede before the High Court granting of bail to any accused or any question of fact not conceded in the pleadings or any claim against the Government without obtaining previous oral or written permission of an officer of and above the rank of an Under Secretary to Government in the Department of Law and Parliamentary Affairs or in the concerned administrative department in the Secretariat:

Provided that all oral permission obtained shall be confirmed in writing within three days from the date of obtaining such permission;

- (iii) after disposal of any case or proceedings by the High Court correspond with any officer of the Government except the Secretary to Government, Department of Law and Parliamentary Affairs as to the further action to be taken in connection therewith.

8) The retainer and other remuneration payable to a law officer and a High Court Government Pleader shall be as specified in Schedule III, <sup>1</sup>[whether appearing by himself or by assisting the Advocate General.]

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1. Added by G.O. LAW 114 LAG 79 dated, 18-11-1982

**CHAPTER VI****PUBLIC PROSECUTORS**

**24. Appointment of Public Prosecutors and Additional Public Prosecutors.**-(1) The number of posts of Public Prosecutors and Additional Public Prosecutors in the State and their particulars shall be as specified in Schedule IV.

(2) The District Magistrate shall, whenever required by Government, invite applications from eligible practising advocates for the posts of Public Prosecutors and Additional Public Prosecutors specifying the date before which application should be made and forward the applications so received to the Sessions Judge for his remarks regarding the suitability of each of the applicants for appointment as Public Prosecutor or Additional Public Prosecutor, as the case may be. After receiving back the applications from the Sessions Judge with his remarks the District Magistrate shall indicate his remarks in respect of each candidate and prepare a panel of names of not less than four applicants who are, in his opinion, eligible for appointment to the concerned post and forward the same along with all applications received to the Government in the Department of Law and Parliamentary affairs.

(3) While preparing the panel under sub-rule (2) the District Magistrate shall give due weight to the remarks of the District Judge regarding suitability of the candidates and in all cases where he differs from the opinion of the District Judge he shall give due reasons for the same.

(4) After receiving the panel the Government shall, after consultation with the Director of Prosecutions, appoint a person from out of the panel prepared by the District Magistrate having regard to the remarks of the District Magistrate, the Sessions Judge and the Director of Prosecutions.

<sup>1</sup>["(5) Notwithstanding anything contained in sub-rules (1) to (4) the Government may in consultation with the District Judge and the Deputy Commissioner appoint the eligible practising Advocate for the post of Public Prosecutors and Additional Public Prosecutors".]

**25. Duties of Public Prosecutors.-**(1) It shall be the duty of a Public Prosecutor-

- (a) to conduct the prosecution and proceeding connected therewith in every trial before the Court of Sessions and for that purpose, he shall at the earliest opportunity examine the records of the proceedings before the committing Magistrate, consult the Director of Prosecutions and take action, wherever possible to remedy the defects, if any, before the date fixed for hearing in the Court of Sessions;
- (b) to appear before the Court of Sessions for the State at the hearing of any appeal against a conviction or an application for the revision of sentence, or order of discharge or any other order against which an appeal lies, when notice of such appeal or application is given to the officer appointed by the State Government under Section 385 of the Code of Criminal Procedure, 1973 or when he is directed by the Sessions Judge or the Director of Prosecutions so to appear. In doubtful cases, the Public Prosecutor shall consult the Director of Prosecutions whether or not he should appear in any such case;
- (c) to assist the Advocate General or the State Prosecutor in the High Court whenever required by either of them or by the Director of Prosecutions in any appeal or other proceedings relating to a case he has conducted in the Court of Sessions;
- (d) when specially required in writing by the Director of Prosecutions to conduct the prosecution in any case before a Judicial Magistrate in the district for which he is appointed;
- (e) in criminal cases where the accused person is a Government servant, to intimate the Head of the Department to whom the said Government servant is subordinate about the final order passed by the Court, immediately after the said order is passed;
- (f) in every case in a sessions court ending in an acquittal or where there is conviction only for minor offences the accused having been acquitted of more serious offence, to obtain a certified copy of the judgment and forward the same within 15 days from the date of the judgment to the Director of Prosecutions with his remarks indicating reasons for filing or not filing an appeal;

(g) to appear, when instructed so to do, either by the Sessions Judge or by the District Magistrate concerned, Revenue in any proceedings before a civil, Criminal or Court under Section 340 or Section 345 of the Code of Criminal Procedure, 1973.

(3) (a) The Government may, having regard to the quantum of work in the court of sessions, appoint as many Additional Public Prosecutors as are considered necessary. The Additional Public Prosecutors shall subject to general and special orders of the Government, work under the control and supervision of the Public Prosecutor to whom they are Additional Public Prosecutors.

(b) The distribution of work among the Public Prosecutor and the Additional Public Prosecutors shall be made by the Public Prosecutor in accordance with the instructions issued by the Director 'of Prosecutions

(4) Retainer and other remuneration payable to a Public Prosecutor or Additional Public Prosecutor shall be as specified in Schedule V.

## CHAPTER VII

### DISTRICT GOVERNMENT PLEADERS, ADDITIONAL DISTRICT GOVERNMENT PLEADERS AND ASSISTANT GOVERNMENT PLEADERS.

26. **Appointment of District Government Pleader, etc.**-( I) The number of posts of District Government Pleaders, Additional District Government Pleaders and Assistant Government Pleaders in the State and their particulars shall be as specified in Schedule VI.

(2) The Deputy Commissioner shall, whenever required by the Government, invite applications from eligible practising advocates of the place, for the post of District Government Pleaders, Additional District Government Pleaders and Assistant Government Pleaders specifying the date before which such application should be made and forward the applications so received to the District Judge along with his remarks about their suitability for appointment to the concerned post. On receipt of the same, the District Judge shall forward them to the Government in the Department of Law and Parliamentary Affairs appending his remarks regarding his suitability of each of them for the concerned post. The Government shall thereafter' make the appointments having regard to the remarks of District Judge and the Deputy Commissioner.

<sup>1</sup>["(3) Notwithstanding anything contained in sub-rule-2, but subject to other provisions of these rules, the Government may in cases of urgency appoint in consultation with the concerned District Judge, any advocate as District Government Pleader or Additional District Government Pleader for a period not exceeding one year"]

**27. Duties of District Government Pleaders.**-(1) It shall be the duty of a Government Pleader to appear-

- (a) on behalf of Government or any Government officer, in any suit appeal or other civil proceedings to which the Government or a Government officer in his official capacity is a party or the institution the defence of which is undertaken by the Government;

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1.Substituted vide Notification No, LAW 85 LAG 89, dated 12-01-1990

- (b) when so directed by the District Judge, in support of an order imposing a fine on, or directing the arrest of a witness under the provisions of the Code of Civil Procedure 1898, and appealed against to the District Court;
- (c) when so directed by the District or Sessions Judge in any proceeding .in the District or Sessions Court regarding alleged improper conduct of an Advocate;
- (d) when so directed by the Deputy Commissioner in applications made by the Deputy Commissioner under section 10 of the Guardians and Wards Act, 1890.

(2) In exceptional cases, the District Government Pleader, may, on the recommendation of the Deputy Commissioner, be permitted by the Government to have the assistance of an Additional District Government Pleader or an Assistant Government Pleader, as a Junior.

(3) It shall be the duty of a District Government Pleader to appear when instructed so to do, either by the District and Sessions Judge or by the Deputy Commissioner or by the District Magistrate concerned, in any proceedings before a Civil, Criminal or Revenue Court under section 340 or section 345 of the Code of Criminal Procedure, 1973.

(4) The duties of a District Government Pleader are ordinarily restricted to the civil courts at the headquarters of the district for which he is appointed. But when so required by the Government or the District Judge or the Deputy Commissioner, it shall be the duty of a District Government Pleader to appear in any civil case in any other court in the said district..

**28. Additional District Government Pleaders and Assistant Government Pleaders.**-( 1) The Government may, appoint in any place as many Additional District Government Pleaders and Assistant Government Pleaders as are considered necessary.

(2) An Additional District Government Pleader or an Assistant Government Pleader appointed to assist a District Government Pleader, shall work under the control and supervision of the District Government Pleader to whom he is attached. The distribution of work among the District Government Pleader and an Additional District Government Pleader or Assistant Government Pleader appointed to assist such District Government Pleader shall subject to any instructions by the Government be made by such Government Pleader.



3) The duties of an Additional District Government Pleader or an Assistant Government Pleader shall ordinarily be restricted to the court or courts at the places for which he is appointed and he shall appear on behalf of-

- (a) the Government or a Government officer in the court or courts at such places in all suits, appeals, and other civil proceedings to which Government or a Government officer is party in his official capacity:

Provided that the Deputy Commissioner or the District *Judge* concerned or the Government may direct the District Government Pleader to appear in any case in which his appearance is considered essential and in such case the Additional District Government Pleader or the Assistant Government Pleader, as the case may be, shall appear along with the District Government Pleader to assist him and act under his directions in all matters connected with such case.

- (b) send in the first week of January, April, July and October every year a list of Government cases pending in the court for which he is appointed indicating therein the number of the cases and the names of parties thereto.

29. **Remuneration.**- Retainer and other remuneration payable to a District Government Pleader, an Additional District Government Pleader and an Assistant Government Pleader shall be as specified in Schedule VII.

**CHAPTER VIII**  
**SPECIAL COUNSEL**

**30. Special Counsels.**-Subject to these rules the Government may appoint any advocate as a Special Counsel either for the conduct of a civil or criminal case or any appeal or proceedings connected therewith, pending in a court either within the State or in any other State or in the Supreme Court or in any High Court in the country.

(2) Before making such appointment the Government may consult the Advocate General if the appointment is to conduct a civil case or appeal and the Director of Prosecution if it is to conduct a criminal case or appeal.

(3) Remuneration payable to a special counsel shall be such as may be decided by Government in each case having regard to the nature of the case.

**CHAPTER IX**  
**MISCELLANEOUS**

**31. Repeal and Savings.**-The rules specified below and all other rules on the subject are hereby repealed:

Provided that-

- (i) subject to sub-rule (2) all appointments made or anything done or any action taken under the repealed rules shall be deemed to **have** been made, done or taken under the corresponding provision of these rules;
- (ii) (ii) Assistant Government Pleaders appointed to conduct cases in (a) civil courts at places other than district headquarters and where there are courts of Civil Judges and (b) in Bangalore City shall, from the date of commencement of these rules, be designated as Additional Government Pleaders; (Specified at SI. Nos. 2 to 12 in the list of Additional District Government Pleaders in Schedule VI).
- (iii) Assistant Government Pleader, Dharwad shall from the date of commencement of these rules be designated as Additional Government Pleader attached to Government Pleader, Dharwad
- (iv) notwithstanding anything contained in the repealed rules, all persons appointed under the repealed rules and continued in office shall after the commencement of these rules be governed by these rules and their rights and liabilities shall be determined accordingly.

(2) All appointments of law officers made under the repealed rules may be reviewed after obtaining reports about their work and ability from the Deputy Commissioner and District Judge concerned the Director of Prosecutions or Advocate General, as the case may be, and such of them whose work is found not satisfactory may be removed from office.

**REPEALED RULES**

1. The Karnataka Law Officers' (Conditions of Service) Rules, 1973.
2. The Government Advocate and the Additional Government Advocate (Term of Appointment and Conditions of Service) Rules, 1969.
3. The High Court Government Pleaders (Term of Appointment and Conditions of Service) Rules, 1969.
4. The State Public Prosecutors (Term of Appointment and Conditions of Service) Rules, 1969.
5. Notification No. LAW 40 LAG 63, dated 18th December, 1963.

**32. Removal of difficulty.-**If any doubt or difficulty arises as to the interpretation of any of the provisions of these rules the decision of the Government thereon shall be final.

## SCHEDULE I

(See Rule 21)

### Salary etc. of Advocate General

[1. The Advocate General of Karnataka shall be paid a retainer fee of <sup>3</sup>[fifteen thousand Rupees] per month.

<sup>2</sup>[“2. The Advocate General shall be paid a fee of one thousand rupees per case per day for his appearance in the State High Court or the High Court of any other State, or the Central Administrative Tribunal or the State Administrative Tribunals or any other Court within the State or outside the State:

Provided that in connected cases fee shall be payable at the rate of rupees one thousand per day for the first case and at the rate of two hundred and fifty rupees per case for the remaining cases, so, however, that the total fees payable for the remaining cases shall not exceed ten thousand rupees”].

(3) for items 3 and 4, the following shall be substituted namely:-

“3. The Advocate General shall be paid a fee of one thousand rupees per day for his appearance before a Commission of Inquiry constituted under the Commission of Inquiry Act, 1952 (Central Act LX of 1952) or before an Arbitrator appointed under any law for the time being in force.

4. The Advocate General shall be paid a fee of rupees one thousand six hundred and eighty per case per day for his appearance before the Supreme Court:

Provided that in connected cases fee shall be payable at the rate of rupees one thousand six hundred and eighty per day for the first case and at the rate of two hundred and fifty rupees per case for the remaining cases, so, however, that the total fees payable for the remaining cases shall not exceed ten thousand rupees.”

(4) After item 4, the following shall be inserted, namely:;

“5. The Advocate General shall be paid a daily *fee of* one thousand rupees for the days *of* his absence *from* the headquarters in connection with his appearance before any Court or Tribunal, Commission *of* Inquiry or Arbitrator including the days *of* departure form headquarters, intervening holidays and arrival back at headquarters.

Provided that no such fee shall be payable for the day *of* departure if he -leaves the headquarters after court hours or *for* the day *of* arrival if arrives at the headquarters before court hours or for the days *of* his appearance.”

1. Inserted vide Notification No. LAW 41 LAG 91, dated 23-12-1992.
2. Amended vide Notification No. LAW 88 LAG 86, dated 25-11-1987.
3. Amedned by notifcation No. LAW 74 LAG 95 dated 3-2-2000.

**“SECOND SCHEDULE”**

(See rule 22)

**Fees payable to Advocates on Record, Associate Advocate and leading Counsel of Supreme Court.**

**PART-I**

Sl.No.	Fee on brief not exceeding		Refresher not exceeding
1	2	3	4
1.	Defended appeals, suits of reference under article 143 of article 317 (1) of the Constitution or defended petitions under article 32 of the Constitution.	Leading counsel  Associate Advocate, if any Advocate on record for instructing	Rs. 2400/-  1200/-  1200/-  Rs. 1,200/-  600/  600/-
2.	Undefended appeals	One fee	1400/-  No refresher
3.	Petitions for special leave (or appeals on a certificate heard exparte)	Leading Counsel  Associate Advocate on record when not pleading but only instructing	800/-  400/-  } No refresher
4.	Undefended petitions under article 32 of the constitution	Leading Counsel  Associate Advocate or Advocate-on record when not pleading but only instructing	1500/-  800/-  750/-  400/-

1	2	3	4	
5.	Notices of motion other than petitions under article 32 of the Constitution when opposed.	Leading Counsel	1500/- per appearance	No refresher
		Advocate-on-record	800/- per appearance	No refresher
6.	Petitions in courts for review	Leading Counsel	1500/-	} No refresher
		Advocate-on-record	1000/-	
7.	Opposed applications for investigations in chambers.	One fee	1000/-	
8.	Unopposed motions and Chamber applications and review applications in taxation	One fee	500/-	
9.	Attending taxation or hearing judgement.	One fee	250/-	
10.	Attending settlement of Index and for taking other steps for preparation of the record	One fee	500/-	

1	2	3
		<b>Rs.</b>
1.	To junior Advocate for drafting petitions for special leave and petitions under article 32 of the Constitution inclusive of the affidavits in support of the petition.	1200/-
	To the senior for settling petitions for special leave and petitions under article 32 of the Constitution inclusive of the affidavits in support of the petition.	1000/-
2.	To junior Advocate for drafting other petitions or affidavits (other than formal petitions like petitions for excluding delay and affidavits in them and affidavits of service) or written briefs.	550/-
	To Senior Advocate for settling other petitions or affidavits (other than formal petitions like petitions for excluding delay and affidavits in them and affidavits of service)	750/-
3.	To Junior Advocate for drawing pleadings in suit or special case.	1200/-
	To Senior Advocate for settling pleading in suit or case of consultation with junior if allowed.	1800/-
4.	Acting Fees- In appeals (defended and undefended) including suits and References under article 143 or 317 (1) of the Constitution or defended petitions under article 32 of the Constitution.	Rs.2000/- but not less than Rs.1200/- as the Taxing Office may in his discretion allow, having regard to the nature and duration of the 'Acting' work involved in the case.
	In undefended petitions under article 32 of the Constitution.	1000/-

Actual postal and telegraph charges where necessary to be allowed in the discretion of the Taxing Officer.



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**PART- III**


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1.	Preparing copies of documents (Other than tabulated statements and accounts) whether written or typed (6 copies)	Rs.10/-	} Rs. 10/- type or actual charges.
2.	Cyclostying (per page 10 copies)	Rs.5/-	
3.	Preparing copies of tabulated statements and accounts per folio	Rs.20/-	}
4.	Preparing lithographed or printed copies per folio for each copy.	Rs.12/-	
5.	Preparing photographed copies		Actual charges
6.	Making transcript or copying for the press where necessary	Rs.12/-	
7.	Printing of paper book		Actual cost at a reasonable rate to be allowed by the Taxing Officer.
8.	Examining Proofs, per folio	Rs.5/-	

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Provided that no refresher shall be allowed unless the hearing has lasted for more than two days i.e. nine hours, and the Taxing Officer shall have discretion to reduce the refresher or to allow a refresher having regard to the duration of the hearing after the first nine hours:

Provided further that when a matter is adjourned without any arguments on merits, no fee shall be Charged for that day.”

**SCHEDULE III****(See Rule 23 (8))****FEES PAYABLE TO GOVERNMENT ADVOCATE, STATE PROSECUTOR  
AND HIGH COURT GOVERNMENT****PART A****Government Advocates and High Court Government Pleaders attached to them**

<sup>2</sup>[1. Government Advocate (including Additional Government Advocates) shall be paid a retainer of <sup>3</sup>[ten thousand rupees] per mensem and a High Court Government Pleader attached to him shall be paid a retainer of <sup>2</sup><sup>3</sup>[six thousand rupees] per mensem.]

3. They shall be paid fees at the following rates for appearance in the High Court of Karnataka and for the work done in connection with the petitions or appeals in the Supreme Court, namely:-

i) Civil Petitions	Rs. <sup>1</sup> [100] per case
(ii) Civil Revision Petitions	Rs. <sup>1</sup> [100] per case
(iii) Writ Petitions and Writ Appeals:	
(a) in the case of Government Advocate including Additional Government Advocates.	Rs. <sup>1</sup> [200] per case
b) in the case of High Court Government Pleaders	Rs. <sup>1</sup> [100] per case

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- 1.. Inserted vide Notification No. LAW 114 LAG 79, dated 18-11-1982.
  2. Amended vide Notification No. LAW 41LAG 91, dated 5-11-1992.
  3. Amended by notification No. LAW 74 LAG 95 dated 3-2-2000.

<sup>2</sup>[Provided that the fees payable in respect of Writ Petitions or Appeals relating to applications under section 4A of the Karnataka Land Reforms Act, 1961 shall be twenty five rupees if the appearance by the Law Officer is without the previous authorization of the Government.

**Note: - This proviso shall apply to all cases decided on or after 10<sup>th</sup> January 1983.**

(iv) Contempt of court cases	Rs. [100] per case
(v) Interlocutory applications other than application for early hearing	Rs. [25] for each application
(vi) Fully heard tax revision cases	Rs.[200]per case
vii) Fully heard tax revision case disposed of in batches	Rs.[200]for the main case and Rs. [100] for each of the other cases in the batch subject to a maximum of Rs.[2000]
(viii)Sales Tax appeals	Rs.[200] per case
(ix) Tax Revision cases: Admitted or dismissed at the stage of admission when filed by the Government (for such cases, filed by The Assesses no fee is prescribed)	Rs. 100/- per case subject to a maximum of Rs.1000/- in batch of cases.

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- 1.. Substituted by G.O. No. LAW 114 LAG 79, dated 18-11-1982.
  2. Inserted by G.O. No. LAW 46 1LAG 83, dated 16-4-1983..

(x) Civil referred cases	Rs.[100] or the fee actually awarded by the Court whichever is higher
(xi) Agricultural Income tax referred cases	Rs. 30 per case
<sup>1</sup> [(xii)] For civil revision petitions, civil petitions, Regular First Appeal, Miscellaneous First Appeals whether Admitted or not, at the stage of admission,	Rs. 50/- per case]
(xiii) Petitions for leave to appeal to Supreme Court	Rs.50 per case
(xiv) Preparation of pleadings and statements for special leave to Supreme Court and appeals to Supreme Court	Rs.120 per case <sup>1</sup> [subject to a maximum of Rs.3000/-]
(xv) For regular appeals, second appeals and miscellaneous appeals	Regulation fee as prescribed by the High Court in the High Court Rules of Practice
(xvi) Cases before Tribunals	<sup>1</sup> [Rs.100 per day (if in Bangalore) and Rs.250/- (if outside Bangalore)]
<sup>1</sup> [(xvii) for drafting and preparation of Writ Petitions, Writ Appeals Counter Affidavits, Statement of objections and all appeals and petitions or applications (other than interlocutory applications)	Rs.50 per case in batch of cases the maximum shall be limited to Rs.500/-

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1. Substituted by G.O. No. LAW 114 LAG 79, dated 18-11-1982.

- (xvii) (a) Election Petitions-
- |   |                     |
|---|---------------------|
| (1) for Government Advocates and<br>Additional Government Advocates | Rs.1,500/-per case  |
| (2) for High Court Govt. Pleaders                                   | Rs.1,000/- per case |
- (xviii) (b) In exceptionally difficult and complicated cases
- fee shall be paid at such higher rate as the Government may determine.

<sup>1</sup>[(xviii) In land acquisition cases the fee payable shall be the regulated fee as in Regular First Appeals land Regular Second Appeals based on the value of the subject matter of the appeal up to the extent of Rs.,55,000/- and for the value in excess of Rs.55,000/- the fee shall be 60 per cent of such regulation fee subject to a maximum of one thousand and five hundred rupees but where land acquisition cases are clubbed together and disposed of under common judgment,. The fee payable in the case of the highest value will be the full regulated fee and in other cases one fourth of the regulated fee calculated as above subject to a total maximum of five thousand rupees]

Note:- 1. Where a number of petitions other than land acquisition cases raising identical questions or connected matters are disposed of by a common order irrespective of the number of petitions, such fee as the State Government may having regard to the nature of the case, the issues involved and effort required to be put forth fix, subject to a maximum of three thousand rupees. This limitation shall apply also to the preparation of pleadings mentioned in item (xiv)

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1.Substituted by G.O. LAW 2 LAG 77, dated 19-11-1977 (19-8-1977).

2. Notwithstanding anything contained in the preceding provisions the State Government shall have the right to fix in any case or class of cases remuneration at a rate less than those specified in the said provisions, having regard to the facts and circumstances of such case or class of cases.

4. For the cases conducted in subordinate courts whenever specially authorised by Government they shall be paid remuneration at such rate as Government may fix.

<sup>1</sup> [“4. Notwithstanding anything contained in the preceding provisions, in batch cases falling under item (iii) the fee payable shall be regulated as follows, namely,-

(a) in the 1<sup>st</sup> batch of cases,-

- (i) for the first five cases full prescribed fee; and
- (ii) for the rest one fourth of the prescribed fee, subject a maximum of 3,000 rupees for Government Pleader and 4,000 rupees for Government Advocates including Addl. Govt. Pleaders.

(b) in the 2<sup>nd</sup> and subsequent batches if any, connected with the first batch, for all cases one fourth of the prescribed fee subject to a five hundred rupees”]

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I. Inserted vide Notification No. LAW 33 LAG 85, dated 25-9-1985

**PART B****State Prosecutor and High Court Government Pleader attached to him**

1. State Public Prosecutor shall be paid a retainer of <sup>4</sup> [ten thousand rupees] per mensem and High Court Government Pleaders attached to him shall be paid a retainer of <sup>4</sup> [six thousand rupees] per mensem]
2. They shall be paid fees at the following rates for appearance in the High Court and for the work done by them in connection with the petitions or appeals in the Supreme Court namely:-

<sup>2</sup>[(i) Criminal Appeals:

(a) At the admission stage whether Admitted or rejected Rs. <sup>1</sup>[ 75]per cased

<sup>1</sup>[(b)At the hearing stage-

(1) in the case of State Prosecutors (a) Murder case appeals- Rs.300 per appeal plus Rs.100 per day where the hearing exceeds one day.

(b)Other appeals- Rs.175 per appeal and Rs.75 per day when the hearing exceeds one day

(2) in the case of High Court Government Pleaders <sup>3</sup>[(a) Murder case appeals- Rs.200 per appeal plus Rs.50 per day when the hearing exceeds one day

(b) ) Other appeals- Rs.100 per appeal plus Rs.50 per day when the hearing exceeds one day.

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1. Substituted by Order No. LAW 76 LAG 86, dated 6-5-1987
  2. Amended vide Notification No. LAW 41 LAG 91, dated 5-11-1992.
  3. Substituted by .G.O. LAW 60 LAG 83, dated 25-4-1984 and LAW 76 LAG 86, dated 6-5-1987.
  4. Amended by Notification No. LAW 74 LAG 95 dated 3-2-2000

(ii) Criminal Revision Petitions including petition under section 482 Cr.P.C. 1973	Rs. <sup>1</sup> [ 150] per petition
(iii) Criminal Revision cases	Rs. <sup>1</sup> [100] per case
(iv) Criminal Petitions or any interim application such as petition for stay, bail, transfer etc., other than applications filed for early hearing of all case	Rs. <sup>1</sup> [ 75 <sup>1</sup> ] per petition. An additional amount of Rs.20 for each accused shall be paid subject to a maximum of Rs, 50
(v) S.C.L.A.P. in Criminal matter	Rs. 50 per case <sup>1</sup> [
(vi) Habeas Corpus Petitions under Code of Criminal Procedure etc.,	Rs. <sup>1</sup> [100] per case
(vii) Preparation of detailed instructions in the form of statements of Law and facts for special leave to Supreme Court and Supreme Court Appeals	Rs. 120 per case
(viii) Contempt of Court Cases	Rs. <sup>1</sup> [100] per case

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Substituted by G.O. LAW 114 LAG 79, dated 18-11-1982



<sup>1</sup>[(ix) for drafting of Criminal appeals, Rs. 50 per case  
Criminal Petitions, Criminal  
Revision Petitions

3. (i) where a batch of criminal appeals raising identical question or connected matters are disposed of by a common order, the fee to be paid shall be calculated according to item 2(i) but irrespective of the number of appeals involved total fee payable in all such cases together shall be limited to three thousand five hundred rupees only].

(ii) They may also be required to conduct cases subordinate courts whenever specially authorised by the Government and in such cases remuneration shall be paid at such rate as the State Government may fix.

(iii) In exceptionally difficult cases they shall be paid at such higher rate as the Government may determine

(iv) They shall enter appearance in cases on receipt of the notice issued by the High Court of Karnataka and no further formal orders of authorization or instructions from Government to enter appearance are necessary.

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1. Inserted by G.O. LAW 114 LAG 79 dated 18-11-1982.
2. Substituted vide G.O. LAW 76 LAG 86, dated 6-5-1987.

**SCHEDULE IV**

(Rule 24)

**Posts of Public Prosecutors****Permanent Posts**

1. Public Prosecutor, Bangalore District.
2. Public Prosecutor, Bangalore City.
3. First Additional Public Prosecutor, Bangalore City.
4. Second Additional Public Prosecutor, Bangalore City.
5. Public Prosecutor, Tumkur.
6. Public Prosecutor, Chitradurga.
7. Public Prosecutor, Bellary.
8. Public Prosecutor, Kolar.
9. Public Prosecutor, Mysore.
10. Public Prosecutor, Mandya.
11. Public Prosecutor, Hassan.
12. Public Prosecutor, Chickmagalur.
13. Public Prosecutor, Mangalore.
14. Additional Public Prosecutor, Mangalore.
15. Public Prosecutor, Belgaum.
16. First Additional Public Prosecutor, Belgaum.
17. Second Additional Public Prosecutor, Belgaum.
18. Public Prosecutor, Dharwad.
19. First Additional Public Prosecutor, Dharwad.
20. Second Additional Public Prosecutor, Dharwad.
21. Public Prosecutor, Bijapur.
22. First Additional Public Prosecutor, Bijapur.
23. Second Additional Public Prosecutor, Bijapur.
24. Public Prosecutor, Karwar.
25. Public Prosecutor, Gulbarga.
26. Additional Public Prosecutor, Gulbarga
26. Public Prosecutor, Raichur.
27. Public Prosecutor, Bidar.
28. Public Prosecutor, Shimoga.
29. Public Prosecutor, Madikeri.

**Temporary Posts**

1. Third Additional Public Prosecutor, Belgaum.
2. Third Additional Public Prosecutor, Dharwad.
3. Additional Public Prosecutor, Raichur.
4. Additional Public Prosecutor for Session Division Bangalore.

**SCHEDULE V**

[Rule 28 (4)]

**Salary etc., of Public Prosecutor and Additional Public Prosecutor.**

1. (a) Every Public Prosecutor shall be paid a monthly retainer of three hundred rupees.  
(b) Every Additional Public Prosecutor shall be paid a monthly retainer of two hundred rupees.
2. (a) A Public Prosecutor or an Additional Public Prosecutor shall be paid a fee at the rate of Rs.<sup>1</sup>[75] per day of hearing of a Sessions Court or of a criminal case in a Magistrate's court conducted by him subject to a minimum of <sup>1</sup> [five hundred rupees] per month and a maximum of [two thousand rupees] per month. The minimum and the maximum shall be calculated excluding the monthly retainer payable.  
  
(b) No fee shall be payable to the Public Prosecutor or Additional Public Prosecutor for days when a case is adjourned without hearing:  
  
Provided that in cases outside head quarters they shall be paid a fee of [twenty five] rupees per day when a case is adjourned without hearing.
3. The Government shall have the right to fix higher or lower rate of fees than prescribed in the order in cases of unusual type taking into consideration the industry etc. put in by a Public Prosecutor or Additional Public Prosecutor.
4. 'Hearing' means the participation by the Public Prosecutor or by the Additional Public Prosecutor as the case may be, in the hearing of the case by the Court on merits and does not include such incidental doings like a mere filing .of a memo of appearance, filing of list of witnesses, <sup>2</sup>[filing of objections,] hearing of judgment or orders etc.

1.Substituted by G.O. LAW 114 LAG 79, dated 18-11-1982.

2.Inserted by G.O. LAW 180 LAG 83, dated 23-11-1983 (19-8-1977).

5. Where the Government of India or any other State Government engages the services of a Public Prosecutor or an Additional Public Prosecutor for conducting or defending criminal proceedings on behalf of such Government before any court in the State, such Law Officer shall be entitled to the payment of fees as prescribed:

Provided that the Government may in any case direct that the fees payable in such case shall be the fee admissible according to the rates prescribed by the Government of India or the other State.

Provided further that a Public Prosecutor or an Additional Public Prosecutor shall be paid only one fee when he is required to appear in any case both on behalf of the State and the Central Government.

**SCHEDULE VI**

[Rule 26 (1)]

**POSTS OF GOVERNMENT PLEADERS****Permanent Posts**

1. Government Pleader, Bangalore.
2. Government Pleader, Tumkur.
3. Government Pleader, Chitradurga.
4. Government Pleader, Bellary.
5. Government Pleader, Shimoga.
6. Government Pleader, Kolar.
7. Government Pleader, Mysore.
8. Government Pleader, Mandya.
9. Government Pleader, Hassan.
10. Government Pleader, Chickmagalur.
11. Government Pleader, Mangalore.
12. Government Pleader, Madikeri.
13. Government Pleader, Belgaum.
14. Government Pleader, Dharwad.
15. Government Pleader, Bijapur.
16. Government Pleader, Karwar.
17. Government Pleader, Gulbarga.
18. Government Pleader, Bidar.
19. Government Pleader, Raichur.
- <sup>1</sup>[20. Government Pleader, Bangalore Rural District
21. Government Pleader, Gadag District
22. Government Pleader, Haveri District
23. Government Pleader, Bagalkot District
24. Government Pleader, Davanagere District
25. Government Pleader, Koppal District
26. Government Pleader, Udupi District
27. Government Pleader, Chamarajanagar District]

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1. Amended by Notification No. LAW 29 LAG 2001 dated 30-7-2001

## POSTS OF ADDITIONAL GOVERNMENT PLEADERS

### Permanent Posts

1. Additional Government Pleader, Bangalore.
2. II Additional Government Pleader, Bangalore
3. III. Additional Government Pleader, Bangalore
- 3A. IV Additional Government Pleader, Bangalore
4. Additional Government Pleader, Davanagere.
5. Additional Government Pleader, Udipi
6. Additional Government Pleader, Puttur.
7. Additional Government Pleader, Chikodi.
8. Additional Government Pleader, HubJi..
9. Additional Government Pleader, Haveri.
10. Additional Government Pleader, Gadag.
11. Additional Government Pleader, Bagalkote.
12. Additional Government Pleader, Sirsi.
13. Additional Government Pleader, Belgaum.
14. Additional Government Pleader, Mysore.
15. Additional Government Pleader, Dharwad.

### Temporary Posts.

16. Additional Government Pleader, Bellary.
17. Additional Government Pleader, Hospet
18. Additional Government Pleader, Chickballapur
19. Additional Government Pleader, Madhugiri.
20. Additional Government Pleader, Tiptur
21. Additional Government Pleader, Koppa.
22. Additional Government Pleader, Srirangapatna.
23. Additional Government Pleader, Yadgir.
24. Additional Government Pleader, Jamakhandi.
25. Additional Government Pleader, Sagar.
26. Additional Government Pleader, Nanjangud.
27. Additional Government Pleader, Ramanagaram.

28. Additional Government Pleader, Ranebennur.
29. Additional Government Pleader, K.G.F.
30. Additional Government Pleader, ,Tarikere.
- 31.. Additional Government Pleader, Bailhongal.
32. Additional Government Pleader, Athani.
- 33.. Additional Government Pleader, Gokak.
34. Additional Government Pleader, Hunsur
35. Additional Government Pleader, Holenarasipur.
- <sup>a</sup>36. Additional Government Pleader, Mangalore
- <sup>b</sup>37. Second Additional Government Pleader, Mangalore.
- <sup>c</sup>38. Additional Government Pleader, Virajpet
- <sup>d</sup>39. Additional Government Pleader, Gulbarga
40. Additional Government Pleader, Basavakalyana

### **POSTS OF ASSISTANT GOVERNMENT PLEADERS**

#### **Permanent Posts**

1. Assistant Government Pleader, Doddaballapur.
2. Assistant Government Pleader, Hadagali
3. Assistant Government Pleader, Harapanahalli
4. Assistant Government Pleader, Kunigal
5. Assistant Government Pleader, Shikaripur
6. Assistant Government Pleader, Bhadravathi
7. Assistant Government Pleader, Kollegal.
8. Assistant Government Pleader, K.R.Nagar.
9. Assistant Government Pleader, Chamarajanagar.
10. Assistant Government Pleader, T. Narasipur.
11. Assistant Government Pleader, Karkal.
12. Assistant Government Pleader, Coondapur.
13. Assistant Government Pleader, Belthangady.
14. Assistant Government Pleader, Sullia.
15. Assistant Government Pleader, Buntwal.

- 
- a. Inserted vide Notification No, LAW 116 LAG 92, dated 8-3-1994.
  - b. Inserted vide Notification No. LAW 116 LAG 92, dated 30-3-1994.
  - c. Inserted vide Notification No. LAW 64 LAG 95, dated 23-3-1996.
  - d. Inserted vide Notification No. LAW 107 LAG 93, dated 15-5-1996.

16. Assistant Government Pleader, Virajpet.
17. Assistant Government Pleader, Kadur.
18. Assistant Government Pleader, Arasikere.
19. Assistant Government Pleader, Channarayapatna.
20. Assistant Government Pleader, Khanapur.
21. Assistant Government Pleader, Hukkeri.
22. Assistant Government Pleader, Ramdurg.
23. Assistant Government Pleader, Saundatti.
24. Assistant Government Pleader, Dharwad (former Hon. Assistant).
25. Assistant Government Pleader, Savanur.
26. Assistant Government Pleader, Laxmeshwar.
27. Assistant Government Pleader, Bijapur.
28. Assistant Government Pleader, Muddebihal.
29. Assistant Government Pleader, Mudhol.
30. Assistant Government Pleader, Badami.
31. Assistant Government Pleader, Hungund.
32. Assistant Government Pleader, Indi.
33. Assistant Government Pleader, Basavan Bagewadi.
34. Assistant Government Pleader, Sindgi.
35. Assistant Government Pleader, Bhatkal.
36. Assistant Government Pleader, Honnavar.
37. Assistant Government Pleader, Kumta.
38. Assistant Government Pleader, Haliyal.
39. Assistant Government Pleader, Chintamani.
40. Assistant Government Pleader, Siddapur.
41. Assistant Government Pleader, Yellapur.
42. Assistant Government Pleader, Humnabad.
43. Assistant Government Pleader, Bhalki.
44. Assistant Government Pleader, Gulbarga.
45. Assistant Government Pleader, Chittapur.
46. Assistant Government Pleader, Alland.
47. Assistant Government Pleader, Chincholi.
48. Assistant Government Pleader, Sedam.



49. Assistant Government Pleader, Shorapur.
50. Assistant Government Pleader, Yelburga.
51. Assistant Government Pleader, Gangavati.
52. Assistant Government Pleader, Sindhanoor.
53. Assistant Government Pleader, Lingasugar.
54. Assistant Government Pleader, Manvi.
55. Assistant Government Pleader, Kushtagi.
56. Assistant Government Pleader, Deodurga.
57. Assistant Government Pleader, Hirekerur.
58. Assistant Government Pleader, Mysore.
59. Assistant Government Pleader, Magadi.
60. Assistant Government Pleader, Bagepalli.
61. Assistant Government Pleader, Anekal.
62. Assistant Government Pleader, Basavakalyan.
63. Assistant Government Pleader, Somwarpet.
64. Assistant Government Pleader, Navalgund.
65. Assistant Government Pleader, Raibag.
66. Assistant Government Pleader, Banahatti.
67. Assistant Government Pleader, Gowribidanur.
68. Assistant Government Pleader, Shahpur.
69. Assistant Government Pleader, Nelamangala.
70. Assistant Government Pleader, Siraguppa.
71. Assistant Government Pleader, Harihar.
72. Assistant Government Pleader, Devanahalli.
73. Assistant Government Pleader, Ankola.
74. Assistant Government Pleader, Sakleshpur.
75. Assistant Government Pleader, Siddlaghatta.
76. Assistant Government Pleader, Thirthahalli.
77. Assistant Government Pleader, Kankapura.
78. Assistant Government Pleader, Arkalgud.

**SCHEDULE VII**  
**(Rule 29)**

**Government Pleaders, Additional Government Pleaders, Assistant Government Pleaders**

- <sup>3</sup>[1. (a) Every Government Pleader shall be paid a monthly retainer of <sup>4</sup>[four thousand rupees].
- (b) Every Additional Government Pleader shall be paid a monthly retainer of <sup>4</sup>[three thousand rupees.]
- (c) Every Assistant Government Pleader shall be paid a monthly retainer of <sup>4</sup>[two thousand rupees.]
2. (a) Fees payable in civil suits and appeals in civil courts, <sup>1</sup>[x x x x] shall, subject to a minimum of <sup>2</sup>[one hundred] rupees in Munsiffs courts and small causes courts one hundred and fifty rupees in Civil Judge's Courts and two hundred rupees in District Judge's Courts and City Civil Judges Courts in each case, be calculated as follows:-
- (i) If the amount or value of the subject matter in dispute does not exceed Rs. 2,000 at five per cent;
  - (ii) If the amount or value exceeds Rs. 2,000 but does not exceed Rs. 5,000 on Rs. 2,000 as above and on the remainder at three per cent;
  - (iii) If the amount or value exceeds Rs. 5,000 but does not exceed Rs. 10,000 on Rs. 5,000 as above and on the remainder at two per cent;
  - (iv) If the amount or value exceeds Rs. 10,000 but does not exceed Rs. 20,000 on Rs. 10,000 as above and on the remainder at one per cent;
  - (xv) If the amount or value exceeds Rs. 20,000 on Rs. 30,000 as above and on the remainder at half per cent

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1. Omitted by G.O. LAW 157 LAG 79, dated 14-12-1979.

2. Substituted by G.O. LAW 114 LAG 79, dated 18-11-1982.

3. Amended by Notification No. LAW 41 LAG 91, dated 5-11-1992.

4. Amended by Notification No. LAW 74 LAG 95, dated 7-2-2000.

<sup>1</sup>[Provided that if any Civil suit or appeal in Civil Courts, the Court awards any fee in the memo of costs towards Government Pleader's fee, which is higher than the fee admissible under this rule, the Law Officers shall be entitled to such higher fee, if the same is recoverable from other party.]

(b) Fees payable in execution proceedings shall be one fourth of fee calculated at the rates prescribed at (a) above.

(c) ((i) Fees payable in land acquisition cases shall be the fees calculated at the rates prescribed at (a) above subject to a maximum fee of five hundred rupees per case;

<sup>2</sup>[Explanation. - The sum payable under sub-section (2) of section 23 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) shall not be taken into account in determining the amount of value of the subject matter in dispute.]

(ii) Fees payable in land acquisition execution cases shall be rupees twenty in each case;

(iii) Where several land acquisition cases are clubbed together and disposed of under common judgment <sup>3</sup>[or where several cases are disposed by several judgments but on the same evidence] the fee payable in the case in which evidence is recorded shall be full prescribed fee and in other cases one fourth of the prescribed fee subject to a total maximum of one thousand rupees;

<sup>3</sup> <sup>4</sup>[In cases before all Tribunals, Divisional Commissioners, Deputy Commissioners, and other officers] fee payable shall be twenty five rupees per day of hearing subject to a minimum of <sup>4</sup>[Rs. 100] per case but no fees shall be paid for days on which cases adjourned without hearing.

4. In Miscellaneous Applications or petitions under different enactments fee payable shall be <sup>4</sup>[Rs. 50] or the fee awarded by the Court, whichever is higher.

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1. Inserted by G.O. LAW 157 LAG 79, dated 14-12-1979

2. Inserted by G.O. LAW 166 LAG 80, dated 4-12-1980

3. Inserted by G.O. LAW 114 LAG 79, dated 18-11-1982

4. Substituted by G.O. LAW 114 LAG 79 dated 18-11-1982

5. Half the fees prescribed at 2, 3 and 4 above shall be payable in uncontested cases.

6. For drafting notices, reply to notices, complaints and other documents fee payable shall be Rs. 25 per notice etc.

[6A. In respect of the work attended to by more than one Government Pleader, Additional Government Pleader and Assistant Government Pleader the fee payable to each of them for the work so done shall be determined in the manner specified below:-

- (iv) Where there is an agreement among the Government Pleaders, Additional Government Pleaders and Assistant Government Pleaders regarding the fees payable to them, the fees shall be paid in accordance with such agreement and
- (v) Where there is no such agreement, the fees payable to such Law Officers, shall be determined in accordance with the rates specified in the Table below:-

**TABLE**

Nature and stage of the proceedings	Fees to be paid
1. For mere appearance in suits or appeals	Nil
<sup>2</sup> [I-A for mere memo of appearance in Land Acquisition cases	Nil
2. Preparation of Complaint or written statement in suits or memorandum of grounds of appeal in appeals.	One-fifth of the fee payable
3. Conducting intermediate stages upto and including settlement of issues	One-third of the fee Payable
4. Part heard by examining# all or some of the witnesses.	Two-third of the fee Payable
5. Arguments heard in part.	Three-fourths of the fee Payable

1. Inserted by G.O. LAW 126 LAG 78, dated 28-6-1978.

2. Inserted by G.O. LAW 164 LAG 81, dated 27-3-1982.

- |     |  |                                  |
|-----|--|----------------------------------|
| 6.  | Arguments and closing of the case  | Full pay<br>Payable              |
| 7.  | Execution petitions mere appearance  | Nil                              |
| 8.  | Preparation and filing of a petition or counter  | Half the fee payable             |
| 9.  | In Land Acquisition cases:-  |                                  |
|     | (i) Conducting the case upto and including settlement of issues  | One-fifth of the fee payable.    |
|     | (ii) Part heard by examining all or some of the witnesses  | Half of the fee payable.         |
|     | (iii) Arguments heard in part  | Three-fourths of the fee payable |
|     | (iv) Arguments and closing of the case   | Full fee payable.                |
| 10. | In cases not coming under any of the above categories the fees shall be sanctioned to each such law officer having due regard to the work done by each of them.<br>The decision of the Government in the apportionment of fees shall be final.]  |                                  |
| 7.  | The Government shall <b>have</b> the right to fix higher or lower rate of fees than prescribed in cases of unusual type taking into consideration the Industry etc., put in by a Government Pleader or Additional Government Pleader or Assistant Government Pleader.<br><br><sup>1</sup> [7 A. The amount payable to Law Officers towards expenses shall be the amount of expenses actually incurred but not exceeding Rs. 30/- per case or for a set of land acquisition cases.] |                                  |
| 8.  | Where the Government of India or any other State Government engages the services of a Government Pleader, Additional Government Pleader and Assistant Government Pleader for conducting or defending a suit or other civil proceedings on behalf of such Government before any court in the State, fees as prescribed in these rules shall be payable:   |                                  |

Provided that the Government may in any case direct that the fees payable in such case shall be the fee admissible according to the rates prescribed by the Government of India or other State Government as "the case may be.

**Explanation:**

(1)"Hearing" means the participation by the Government Pleader or the Additional Government Pleader or the Assistant Government Pleader as the case may be, in the hearing of the case by the Court on merits and does not include such incidental doings like a mere filing of a memo of appearance, filing of list of witnesses, hearing of judgment or orders etc.

<sup>1</sup>[(2) x x x]

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1. Omitted by G.O. LAW 157 LAG 79, dated 4-12-1979

<sup>1</sup>[FORM I  
(Rules 21 (6) and 23 (8))

**BILL**

The State of Karnataka  
Name  
Designation  
Reference: G.O. No.

Dr.

Dated

Particulars	Amount	Remarks Rs.
The fee for drafting Special Leave Petition to be filed before the Supreme Court of India against the orders of the High Court of Karnataka in	...	Fee claimed as per second Schedule to the Supreme Court Rules.
..... vs .....	...	

Rupees ..... (in words) ..... Whether the bills are submitted within 90 days to the Law Department from the dates of disposal. If not give valid reasons for the delay:

Bangalore  
Dated:

Signature and designation

“ Certified that no other bill has been preferred by me and no payment has so far been received by me in respect of this claim”.

Signature and designation

**FORM II****(Rules 21 (6) and 23 (8))****BILL**

The State of Karnataka  
Name  
Designation

Dr.

<b>Particulars</b>	<b>Amount Rs.</b>	<b>Remarks</b>
The fee for drafting objection statement on behalf of Government in W.P. .... on the file of the High Court of Karnataka  ..... vs ..... Government Order No. LAW ..... Dated .....		Objection statement drafted and sent to Government vide this office letter.] No. GA/ ..... Dated ..... “Certified that I have drafted the objection statement in this case” “I Further rther certify that this case was not clubbed with any other case.”

(Rupees ..... (in words))

Whether the bills are submitted within 90 days to the Law Department from the dates of disposal. If not, give valid reasons for the delay

Bangalore.  
Dated:

Signature and designation

“Certified that no other bill has been preferred by me and no payment has so far been received by me in respect of this claim”.

Signature and designation



**FORM III**

(Rules 21 (6), 22 and 23 (8))

**BILL**

The State of Karnataka  
Name  
Designation

Dr.

<b>Date Disposal/Orders</b>	<b>of Particulars</b>	<b>Amount</b>	<b>Remarks</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
	The fee for conducting on behalf of Government . . . . . . . . on the file of the High Court of Karnataka (. . . . . . . . Vs. . . . . . .) Government Order No. . . . . . dated . . . . . .  Value of the Appeal: Signature of the Government Advocate (C & M)		"Certified that no other bill has been preferred by me and no payment has so far been received by me in respect of this claim" "Further certified that this case has not been clubbed with any other case"

Rupees . . . . . (in words)

Whether the bills are submitted within 90 days to the Law Department from the dates of disposal. If not, give valid reasons for the delay.

Bangalore:  
Dated:

Signature and designation  
Countersigned for appearance only

Additional Registrar,  
High Court of Karnataka, Bangalore.

**FORM IV****(Rules 29 (2) and 30 (3))****BILL****THE STATE OF KARNATAKA****NAME****DESIGNATION****Dr.**

1. Authorization Number and date. . . .
2. Case Number and name of the Court. . . .
3. Names of parties. . . .
4. Date of disposal of the case. . . .
5. Contested or uncontested. . . .
6. Whether the case was withdrawn by the party or  
dismissed by the Court. . . .
7. Whether these cases are clubbed and disposed of  
under common order. If so, indicate the cases  
Number in which evidence is recorded. . . .
8. Valuation of the subject matter. . . .
9. Whether the certificate issued by the L.A.O. . . .
  - (a) indicating the total amount claimed by the  
claimants, total amount awarded by the L.A.O. and  
the difference between the two items, (excluding  
Solatium) is enclosed (in LA cases). . . .
  - (b) indicating the difference between the amount  
awarded by the Civil Judge and the amount awarded  
by the Land Acquisition Officer (excluding Solatium)  
in Appeals arising out of L.A. cases is enclosed.

10. Whether costs have been awarded by the Court and if so, what action has been taken to recover the same.
11. Whether a copy of the Judgement/Decree/Order – sheet in respect of Criminal cases, cases before tribunals and in cases where fee requires apportionment is enclosed.
12. Total claim:-
  - (i) Fees
  - (ii) Expenditure
13. Relevant provision of the Karnataka Law Officers (Appointment and Conditions of Service) Rules, 1977 under which the fee has been claimed.
14. Whether fee in this case requires apportionment. If so, indicate the details of quantum of work done, etc.
15. Whether the bills are submitted within 90 days to the Law Department from the dates of disposal. If not, give valid reasons for the delay.

Signature and Designation  
“Countersigned for appearance only”

Signature of the Presiding Officer

### **NON-PAYMENT CERTIFICATE**

“Certified that no other bill has been preferred by me and no payment has so far been received by me in respect of this claim.”

Signature and designation]

**GOVERNMENT OF KARNATAKA**  
**LAW AND PARLIAMENTARY AFFAIRS**  
**DEPARTMENT**

**Authorization of remuneration fees in respect of Government Law Officers in the State of Karnataka-dispensing with the existing system order issues-**

Read:

1. G.O. No. LAW 65 LAG 59 dated 9th December 1959.
2. Government Letter No.20/Law-I/61 dated 29th September 1961
- 3..Letter No. GAD 13/J4/80-81/713- 714 dated 30th September 1980 from the Accountant General, Karnataka, Bangalore.
4. D.O. Letter No. 5757/AG/80-81 dated 13th November 1980 from the Advocate General for Karnataka, Bangalore

**Preamble:**

The remuneration bills of the Advocate General, the Government Advocate, the Additional Government Advocates, the State Public Prosecutor and High Court Government Pleaders are being countersigned by the Advocate General on the strength of the Government Order sanctioning the remuneration and are being presented to the Treasury, only after the authorisation is issued by the Accountant General, Karnataka, Bangalore. The same procedure is followed in respect of payment of remuneration to all the District Government Pleaders also.

But the remuneration bills of the Additional Government Pleaders, Assistant Government Pleaders, the Public Prosecutors, and the Additional Public Prosecutors are being encashed at the treasury with the countersignature of the Advocate General and no authorisation from the Accountant General is necessary.

The Accountant General, Karnataka, Bangalore, in his letter dated 30th September 1980 read at Sl. No. (3) above has intimated that the Accountant General's Office is issuing authorization only after getting sanctions from the Government. He has requested to clarify whether the facility of drawal of legal remuneration by Assistant Government Pleaders and Additional Government Pleaders without an authority from his office is also to be extended to the remuneration bills of the Advocate General and other Law Officers working in the Advocate General's Office.

The Advocate General for Karnataka, Bangalore in his letter dated 13th November 1980 read at Sl. No. (4) above has proposed that the system of issuing authorisation for drawal of remuneration by the Law Officers may be dispensed with.

**ORDER NO. LAW 182 LAG 80 BANGALORE, DATED THE 17TH  
FEBRUARY 1981**

After taking into consideration all aspects of the matter Government is pleased to dispense with the existing system of rendering the remuneration bills of the Advocate General and other Law Officers of his Office and those of District Government pleaders at treasuries, only after issue of authorisation by the Accountant General, Karnataka, Bangalore, subject to the following checks being exercised at all levels and relevant certificates for not having drawn the remuneration amount earlier and for proper scrutiny of the bills, etc.

- (i) specific Government Orders are issued in each case;
- (ii) remuneration bills are preferred on the strength of Government Orders;
- (iii) proper scrutiny of bills at all levels is done and same is certified in bills;
- (iv) counter signature of controlling officer is taken on the bill;
- (v) necessary records are maintained of the payments made, to avoid double payments.

3. This Order issues with concurrence of Finance Department vide its U.O. Note NO. FD 2876/Exp III 80 dated 23rd January 1981.

By order and in the name of the  
Governor of Karnataka,

**V.S NAIK**  
Under Secretary to Government,  
Department of Law and Parly. Affairs,  
( Administration)

**GOVERNMENT OF KARNATAKA**

No: LAW 95 LAG 81

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, dated 5<sup>th</sup> March 1982.**OFFICIAL MEMORANDUM**

Sub: Distribution of work among the District Government Pleader, Additional Government Pleader and Assistant Government Pleader-regarding.

In order to ensure that there is fair and equitable distribution of work among the Law Officers, Government hereby direct the following distribution of Government litigations between the Law Officers as follows:-

- a) Where there is one District Government Pleader, one Additional Government Pleader and one Assistant Government Pleader in the District, the distribution of work shall be as follows:-
- |                             |   |     |
|-----------------------------|---|-----|
| 1. Government Pleader       | - | 50% |
| 2. Additional Govt. Pleader | - | 30% |
| 3. Assistant Govt. Pleader  | - | 20% |
- b) where there is one District Government Pleader and one Additional Government Pleader, the distribution of work shall be as follows:-
- |                             |   |     |
|-----------------------------|---|-----|
| 1. Government Pleader       | - | 60% |
| 2. Additional Govt. Pleader | - | 40% |
- c) Where there is one Government Pleader and one Assistant government Pleader, the distribution shall be as follows:-
- |                            |   |     |
|----------------------------|---|-----|
| 1. Government Pleader      | - | 70% |
| 2. Assistant Govt. Pleader | - | 30% |

The Litigation sections of Deptt. of Law and Parliamentary Affairs dealing with the matters relating to Government Litigations before the Subordinate Court shall ensure that the above proportionate distribution of work among the Law Officers is specified.

(S.K. RAMADEVAMMA)  
Under Secretary to Government,  
Deptt. of Law & Parly. Affairs,  
(Administration)

**PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA**

Subject:- Appointment of Advocates on Record to conduct  
Litigation pertaining to the State of Karnataka in  
Supreme Court.

Read:- 1. G.O. No.LAW 117 LAG 69, dated: 19-3-1975.  
2. Notification No.LAW 12 LAG 81, dated: 15-4-1981

Preamble:-

ORDER NO. LAW 15 LAG 83 (2)  
BANGALORE, DATED THE 13<sup>TH</sup> MAY 1983.

According the Government of Karnataka hereby appoints the following as Advocates on Record for the State of Karnataka for a term of three years, namely:-

1. Sri. Swaraj Koushal, Advocate,  
Supreme Court, New Dehli.
2. Sri. M. Veerappa, Advocate,  
Supreme Court, New Delhi.

2. In supersession of all the previous orders on the subject, it is hereby ordered as follows:-

- (i) The above advocates shall be Advocates on Record on behalf of the State Government for both Civil and Criminal cases before the Supreme Court.
- (ii) The said Advocates on Record shall be paid the fee provided for action as Advocates on Record under the Supreme Court Rules, 1966; but they shall not be entitled to any retainer or salary for the professional service rendered by them. When the Advocate on Record is instructed to argue any case himself he shall be paid the fee specified for such work under the Supreme Court Rules, 1966.
- (iii) In all Civil matters where appeals or Special Leave Petitions are filed on behalf of the State Government, the Advocates on Record shall be paid by the concerned Head of the Department amount towards expenses relating to court fee and Other expenses as per the rates indicated below, namely:-
 

(a) in individual cases	-	Rs.350/- each
(b) in batch cases,-		
1) for first 10 cases	-	Rs.350/- each
2) for next 10 cases	-	Rs.325/- each
3) for the remaining cases	-	Rs.300/- each

If the Advocates on Record were to claim towards expenses amount in excess what is states above, shall furnish detailed accounts in respect of each item of entire expenditure.

(c) where Government is a Respondent  
in Civil matters in individual cases - Rs.50/- each

(d) in batch cases.-

1) for the first 10 cases - Rs.50/- each  
2) for the next 10 cases - 40/- each  
3) for the remaining cases - 30/- each

(e) In all Criminal matters where Special Leave Petitions or appeals are filed on behalf of State Government an amount of Rs. 25/- towards out of pocket expenses will be sent by the concerned Superintendent of Police. But when the 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 concerned Superintendents of Police on receipt of request for sending the same by the Advocates on Record.

(iv) Sri. Swaraj Koushal, Advocate, Supreme Court, New Delhi shall take possession of all papers and records relating to all cases which are now pending with Sri. Narayana Nettar as on this date. Sri. Narayana Nettar is requested to hand over the same to Sri. Swaraj Koushal under a list signed by both advocates and a copy of the same shall be sent to the Secretary to Government, Department of Law and Parliamentary Affairs, for his information and necessary action.

Since there is no specific provision under the Supreme Court Rules, 1966, for payment of fees for the cases dealt under various stages of the case the fees payable to Sri. Narayana Nettar and Sri. Swaraj Koushal, Advocates, are as indicated below:

(a) in all cases where Sri. Narayana Nettar had filed the Special Leave Petitions before the Supreme Court and where it has not come up for admission or for hearing stay application the fee payable to Sri. Narayana Nettar shall be one-third of the total fees which is payable to him under the Supreme Court Rules and two-thirds of the fees shall be payable to Sri. Swaraj Koushal, Advocate for the case;

(b) in all cases where Sri. Narayana Nettar has filed Special Leave Petitions on appeals and the same is admitted and is posted for final hearing the fees payable to Sri. Narayana Nettar shall be one-half of the total fees which is payable to him under the Supreme Court Rules and the other half of the fees shall be payable to Sri. Swaraj Koushal, Advocate.

(v) The Advocate on Record shall attend to all work connected with the cases entrusted to them provided that in cases involving extra drafting or pleading work, assistance of any Advocate from the Junior panel specified below may be taken with the previous approval of Law Department:-

1. Sri. K.N. Bhat, Advocate
2. Sri. Ramasheshan, Advocate



- (vi) The Advocates on Record shall make every endeavor to ensure that the State Government cases before the Supreme Court are posted and taken up for hearing early.
- (vii) Subject to the instructions of the State Government in important cases, the Advocates of Record shall take necessary steps to brief the Advocate General for Karnataka or Senior Counsel from out of the Senior Panel specified below:-
- (1) The Attorney-General of India.
  - (2) The Solicitor-General of India.
  - (3) The Additional Solicitor-General of India,  
Mr.M.K. Banerjee.
  - (4) Sri. V.M. Tarkunde, Advocate, Supreme Court.
  - (5) Sri. R.P. Bhatt, Advocate, Supreme Court.
  - (6) Sri. Solij Sorabjee, Ex-Additional Solicitor General.
  - (7) Sri. K.L. Sharma, Advocate, Supreme Court.
  - (8) Sri.F.S. Nariman, Advocate, Supreme Court.
  - (9) Sri. Sn.N. Kacker, Ex-Law Minister.
  - (10) Sri. Anil B. Diwan, Senior Advocate, Supreme Court.
  - (11) Sri. Benadikar, Advocate, Supreme Court.
  - (12) Sri. Sarat Javali, Advoate, Supreme Court.
- (viii) If any security deposit is required to be deposited on behalf of the State in any cases before the Supreme Court the Head of the concern Department shall remit under intimation to the Department of Law and Parliamentary Affairs the amount required through Bank Draft to the aforesaid advocates on Record, who shall on receipt of the same issue necessary receipts to such Head of Department for purposes of audit.
- (ix) The concerned head of department shall in respect of cases pertaining to his Department remit amount specified in (iii) above to the Advocate on Record on requisition from the Advocate on Record to cover the expenses towards court fee and other expenses.
- (x) All matters which are not specifically dealt in this Government order, shall be governed by the Karnataka Law Officers Rules, 1977.

By order and in the name of the  
Governor of Karnataka,

(S.K.RAMADEVAMMA)  
Under Secretary to Government,  
Department of Law & Parliamentary Affairs.  
(Administration-I)

**PROCEEDINGS OF THE GOVERNMENT OF KARNATA**

Subject: Entrustment of civil litigation work to Assistant Public Prosecutors in a taluka Place where there is combined Munsiff Magistrate's Court – Issue of orders - reg.

**ORDER No. LAW 123 LAG 83 (I),  
BANGALORE, DATED 12TH DEC, 1983.****Preamble:**

Government has decided to entrust the Government Civil litigation work in Munsiff's Court in a taluka place where there is combined Court of Munsiff and a Judicial Magistrate First Class to Assistant Public Prosecutors, which work is now being attended to by Assistant Government Pleaders.

It is also proposed to entrust certain supervisory functions in this regard to the Department of Prosecutions and also to designate the said Department as Department of Prosecutions and Government Litigation.

**ORDER**

After careful consideration, the Government of Karnataka hereby orders that,-

a) the Government civil litigation work in Munsiff's Courts in a taluka place where there is combined Court of Munsiff and Judicial Magistrate First Class shall be entrusted to the Assistant Public Prosecutor attached to such combined Court and he is hereby ex-officio authorised to act for the Government in such civil litigation work. The Assistant Public Prosecutors shall take charge of all the pending cases in such Courts from the concerned Assistant Government Pleaders as and when their term of appointment expires by efflux of time or otherwise and they are directed to do so by the Government.

b) the Assistant Public Prosecutors who are posted to such combined Courts shall be deemed to have been designated as Assistant Public Prosecutors-cum-Assistant Government Pleaders as long as they work in such Courts and shall be State Government Pleaders attached to such Courts;

c) the Department of Prosecutions shall stand designated as Department of Prosecutions and Government Litigation and the Director of Prosecutions shall stand designated as Director of Prosecutions and Government Litigation;

(d) the Department of Prosecutions and Government Litigation shall supervise the Government Civil Litigation work of the Assistant Public Prosecutors-cum-Assistant Government Pleaders.

(e) the Department Prosecutions and Government Litigation shall supervise and be in charge of all Government civil litigation work in all Courts of Munsiffs irrespective of whether the Government Pleaders or the Additional Government Pleaders or the Assistant Government Pleaders or Assistant Public Prosecutors are in charge of such work.

f) the Director shall be in charge of all such civil litigation work and one of the Joint Directors in the Department may be entrusted with civil litigation work. The Director shall scrutinise and finalise the written statements, applications, counters etc., to be filed in the Court on behalf of the Government and review the judgments of the Munsiffs. If he decides to file an appeal in any case, he may authorise the Additional Government Pleader or the Government Pleader concerned to file the appeal and send a copy of such authorisation along with the reasons recorded for filing the appeal to the Government. The Additional Government Pleader or the Government Pleader concerned shall file the appeal on the receipt of such authorisation of the Director of Prosecution and Government Litigation and inform the Director and the Government about the action taken. If he decides that there are no grounds to file an appeal, he shall, within 15 days after the judgement, send the proposal along with the records to the Government for taking final decision in the matter. The Director shall not have power to authorise filing of any suit by the Government or by its officers in their official capacity except with the sanction of the Government.

g) the Joint Director who is entrusted with the civil work shall be designated as the Joint Director of Prosecutions and Government Litigation;

h) the procedure in regard to civil litigation work to be followed shall, subject to this Government Order, be in accordance with the instructions issued in this regard from time to time by the Government.

- i) the Director shall maintain separate register of Government cases in each Munsiff's Court containing such particulars as he may consider necessary;
- j) the remuneration bills of the Government Pleaders, Additional Government Pleaders and Assistant Government Pleaders in respect of cases in the Munsiffs Courts shall be sent to the Government through the Director of Prosecutions and Government Litigation;
- k) This order shall come into force with effect from 1<sup>st</sup> January, 1984.

By order and in the name of the  
Governor of Karnataka,

(S.K.RAMADEVAMMA)  
Under Secretary to Government,  
Department of Law & Parliamentary Affairs.  
(Administration-I)