

GOVERNMENT OF KERALA  
Law Department (Inspection Wing)  
NOTIFICATION

No.368/B1/76/Law.

Dated, Trivandrum, 20-8-'76.

In pursuance of the powers conferred by clauses (2) and (3) of article 165 of the Constitution of India, The Governor of Kerala hereby makes the following amendments to Notification No.LD.(A)1-3006/56/Law dt. the 1st November, 56, relating to the rules reg: the duties, remuneration, etc., of the Advocate-General for the State of Kerala, as subsequently amended namely:-

AMENDMENTS

In the said notification:-

1. in the preamble, after the words "the Advocate-General", the words "and the Additional Advodate General" shall be inserted:
2. for part I, the following part shall be substituted, namely:-

"Part I"

1. Interpretation:- In these rules, unless the context otherwise requires "Govt", shall include any officer of Govt. who is a party to any proceeding before any court, Tribunal or Authority in his Official capacity.
2. Duties and functions of Advocate General: The duties and functions of the Advocate general are the following.
  - i) to advise on legislative measures and rules and bye-laws of the state and on Bills of the Union, sent to him for opinion:
  - ii) to advise Govt. whenever required and the Board of Revenue or the Collectors in respect of appeals to the High Court to cases where the Boardof Revenue or the Collector has been authorised to sanction the filing of such appeals.

Note:- Subject to the above, Heads of Deptts: who require the advice of the Advocate-General should address the Govt. in the Secretariat Deptt; concerned and Govt. will decide whether the advice of the Advocate General should be sought or not;

- iii) to prepare briefs for use of counsel engaged to represent Govt. in all proceedings, civil and criminal, original or appellate, before the Supreme Court, to which Govt. is a party;
- iv) to represent Govt. in the Supreme Court in cases to which Govt. is a party or in which the Supreme Court has directed notice to the Advocate-General and in any other case under special instructions from Govt.
- v) To arrange to represent Govt. in the High Court in all proceedings, civil or criminal, original or appellate, in which Govt. is a party;
- vi) himself to represent Govt. in the High Court in all proceedings of importance, civil or criminal, original or appellate, in which Govt. is a party when specially directed by the Govt.

Note: The Advocate-General will Ordinarily be instructed by a Govt. Pleader or public prosecutor;

- vii) to assist the High Court in cases of special importance or difficulty in which the Advocate General's appearance is required by the High Court;
- viii) to represent Govt. in proceedings, civil or criminal, original or appellate, in which Govt. is a party, in courts, subordinate to the High Court, when specially directed.

Note:- The Advocate-General will ordinarily be instructed by a Govt. Pleader or Public prosecutor;

- ix) to represent Govt. in any proceedings before any Tribunal or authority when specially directed;
- x) to take generally on behalf of Govt. all such proceedings as may be taken by the Attorney-General for India;

- xi) to give advice to the Law Officers attached to the High Court in all difficult cases handled by them and on which they may consult him and conversely to call upon them when necessary to assist his cases in which he appears and also to supervise and control their work;
- xii) to report to Government periodically about the progress of the proceedings in which Govt. is party in the High Court or the Supreme Court and in such proceedings where the Advocate General has been directed specially to appear under items (viii) and (ix).
- xiii) to report to Govt. the results of all proceedings mentioned in items (iv) to (ix) promptly.
- xiv) in particular, in the said proceedings whenever a decision adverse to Govt. has been tendered, to report to Govt. immediately and advise Govt. about the further action to be taken to apply on the very date of the decision for a copy thereof, to obtain the same expeditiously and to forward the copy of Govt. with his further advices.
- xv) to report to Govt. about the advisability of pursuing the matter further by way of appeal or otherwise in such cases where decisions have been rendered against Govt. and in such other cases where he considers it necessary to do so;
- xvi) to procure copies of my judgement or order passed by the High Court which may be required by Govt. or may contain comments on any action taken by Govt. or may contain any findings or comments which, in his opinion, should be brought to the notice of Govt.
- xvii) to attend and take part in the proceedings of the Legislative assembly when required to do so by Govt.
- xviii) to perform such other duties of a legal character as may from time to time, be referred or assigned to him by the Governor.
- xix) to discharge the functions conferred on him by or under constitution or any other law for the time-being in force.

3. Duties and functions of the Addl. Advocate-General (I) The Addl. Advocate-General shall perform the same duties and functions are assigned to the Advocate-General in

items (i) to (xviii) (both inclusive) of rule 2, subject to the allocation of work by the Advocate-General except the power to supervise and control the work of Law Officers attached to the High Court referred to in item (xi) of rule.

(2) The functions conferred on the Advocate-General by or under the Constitution or any other law for the time-being in force may be discharged by the Additional Advocate-General also.

4. In part II for the heading “The Advocate-General shall receive remuneration as specified below” the following heading shall substituted namely:-

“Remuneration of the Advocate-General”.

5. after part IV the following part shall be inserted namely.

#### P a r t : V.

In parts II, III and IV of these rules, the expression “Advocate-General shall include the Additional Advocate-General also”.

By order of the Governor,

M. Sekharan, Law Secretary.  
Sd/- for Chief Conservator of Forests.