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Daily Order

Judge Name	Case No/Year	Date of Order	Daily Order
CHIEF JUSTICE AND S VISHWAJITH SHETTY	**CCC 594/2020**	**02/12/2020**	**The complainant is directed to implead the State of Karnataka as a pro forma second respondent (not as an accused). The amended copy to be furnished within one week from today. For carrying out the physical amendment, we grant time of eight weeks. The advocate for the complainant to serve a copy of the amended petition along with an ordinary copy of this order to the Office of the learned Advocate General.** **2. A large number of contempt petitions for initiating action for civil contempt are coming before the Court alleging breach of the orders of this Court wherein specific directions have been issued against the officers of the State Government in their official capacity. In some cases, the orders of which breach is alleged are based either on an undertaking given by the Government officer or on the basis of statements made by the learned Additional Government Advocate across the Bar.** **3. The reason for filing a large number of contempt petitions against the officers of the State Government appears to be that there is no machinery set up by the State Government to monitor the compliance of the orders by its officers. The State Government may consider of appointing Nodal Officer(s) for monitoring the compliance. After the orders passed by this Court are communicated to the State Government through the Office of the learned Advocate General, it is advisable that copies of the orders should be forwarded to the Nodal officer(s) appointed by the State Government. The Nodal Officer(s) shall be responsible for monitoring the compliance with the orders passed by this Court against the officers of the State Government.** **4. A situation should not be created which will compel a litigant to approach this Court by way of filing a contempt petition. Such a situation can be easily avoided if a systematic effort is made by the State Government to ensure that the orders passed by this Court are**

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			complied with. The complainants who file contempt petitions are also put to loss for two reasons: (i) they do not immediately get the fruits of the orders passed in their favour; and (ii) they are required to shell out a substantial amount by way of fees and other expenses for filing contempt petitions. Even the officers of the State Government are placed in a very awkward situation due to filing contempt petitions. Instead of doing their usual work, the officers are required to attend the Court for facing contempt proceedings. Sometimes, they are forced to engage private advocates to defend themselves. 5. We, therefore, direct the State Government to make a statement before this Court whether it is willing to establish a machinery which will ensure that by appointing Nodal Officer(s), the implementation of the orders passed by this Court against Government officers in their official capacity is monitored. 6. When orders are passed by this Court against Government officers in their official capacity, it is the responsibility of the State Government to ensure that the officers abide by the said orders. Therefore, it is advisable that when civil contempt is alleged against the Government officers against whom orders have been passed in their official capacity, the State of Karnataka should be impleaded as a pro forma respondent and a copy of the petition is served in advance to the Office of the learned Advocate General. Based on the service of a copy of the petition as aforesaid, if the Government Advocates and officers appear before the Court on the fixed date, perhaps there will not be any occasion to issue contempt notices to the officers. Even on this aspect, the State Government must make a statement on the next date. 7. The Registrar (Judicial) will forward a copy of this order to the Office of the learned Advocate General.

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			8. List this petition on 21st December, 2020 under the caption of 'Orders.'

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