

SYNOPSIS

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**1. Notice to the Attorney General or the Advocate-General**

In any suit in which it appears to the Court that any such question as is referred to in clause (1) of Article 132, read with Article 147 of the Constitution, is involved, the Court shall not proceed to determine that question until after notice has been given to the Attorney General for India if the question of law concerns the Central Government and to the Advocate-General of the State if the question of law concerns a State Government.

**1A. Procedure in suits involving validity of any statutory instrument**

In any suit in which it appears to the Court that any question as to the validity of any statutory instrument, not being a question of the nature mentioned in rule 1, is involved, the Court shall not proceed to determine that question except after giving notice—

- (a) to the Government pleader, if the question concern the Government, or
- (b) to the authority which issued the statutory instrument, if the question concerns an authority other than Government.

**2. Court may add Government as party**

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The Court may at any stage of the proceedings order that the Central Government or a State Government shall be added as a defendant in any suit involving any such question as is referred to in clause (1) of Article 132 read with Article 147, of the Constitution, if the Attorney General for India or the Advocate-General of the State, as the case may be, whether upon receipt of notice under rule 1, or otherwise, applies for such addition and the Court is satisfied that such addition is necessary or desirable for the satisfactory determination of the question of law involved.

**2A. Power of Court to add Government or other authority as a defendant in a suit relating to the validity of any statutory instrument**

The Court may, at any stage of the proceedings in any suit involving any such question as is referred to in rule 1A, order that the Government or other authority shall be added as a defendant if the Government pleader or the pleader appearing in the case for the authority which issued the instrument, as the case may be, whether upon receipt of notice under rule 1A or otherwise, applies for such addition, and the Court is satisfied that such addition is necessary or desirable for the satisfactory determination of the question.

**3. Costs**

Where, under rule 2 or rule 2A the Government or any other authority is added as a defendant in a suit, the Attorney-General, Advocate-General, or Government Pleader or Government or other authority shall not be entitled to, or liable for, costs in the Court which ordered the addition unless the Court, having regard to all the circumstances of the case for any special reason, otherwise orders.

#### **4. Application of Order to appeals**

In the application of this Order to appeals the word “defendant” shall be held to include a respondent and the word “suit” an appeal.

Explanation.—In this Order, “statutory instrument” means a rule, notification, bye-law, order, scheme or form made as specified under any enactment.