

CHAPTER XV: PUBLIC INTEREST LITIGATION

144. Public Interest Litigations A Public Interest Litigation may be initiated in any of the following ways:

- (1) As a suo motu petition in pursuance of the orders of the Chief Justice;
- (2) In pursuance of the order of the Chief Justice on a recommendation made by any Judge of the High Court;
- (3) A letter petition can be directed to be treated as a Public Interest Litigation petition by the recommendation of the Public Interest Litigation Committee.
- (4) On presentation of a writ petition in the Court in the prescribed proforma in accordance with relevant Rules by,
 - (a) any citizen; or
 - (b) an organisation including _____ State Legal Services Authority, a non-governmental organisation, a registered trust, a registered society or as association of persons, registered or otherwise but shall not include persons agitating any cause before the Court in their personal capacity.

145. Writ Petitions as Public Interest Litigation:

- (1) Every Public Interest Litigation shall be in the form of a writ petition accompanied by an affidavit.
- (2) Prior research undertaken by the petitioner to verify the facts enclosed in the petition must be attached as an affidavit.
- (3) Every Public Interest Litigation shall be numbered as “Public Interest Litigation”.
- (4) All provisions of these Rules relating to writ petitions shall be applicable to Public Interest Litigations.
- (5) Notwithstanding anything contained in these Rules, in the procedure for filing and entertaining any petition in the nature of Public Interest Litigation, the procedure provided in these Rules shall not apply to cases where the High Court suo motu decides to treat any matter or issue as Public Interest Litigation.

146. Letter Petitions:

- (1) Letter petitions under the following categories shall not be entertained as Public Interest Litigation:
 - (a) Landlord-tenant disputes;
 - (b) Service matters and those pertaining to pension (not being family pension) and gratuity;

- (c) Personal disputes between individuals;
 - (d) Disputes relating to contractual or statutory liabilities, commercial disputes pertaining to intellectual property, partnership and arbitral awards;
 - (e) Matrimonial disputes;
 - (f) Threat to or harassment of the petitioner by private persons;
 - (g) Seeking an enquiry by an agency other than the local police;
 - (h) Seeking police protection;
 - (i) Admission to an educational institution.;
 - (j) Early hearing of matters pending in the High Court and Subordinate Courts;
 - (k) Maintenance of wife, children and parents.
- (2) All letter petitions received by the Court will first be screened by the Public Interest Litigation Cell.
 - (3) Only such petitions recommended by the Public Interest Litigation Cell shall be submitted to the Chief Justice for administrative orders.
 - (4) Letter petitions can include letters sent to the High Court by post, or through email and other formats of digital correspondence as notified by the Court.¹

147. Procedure and formats:

- (1) A writ petition in the nature of Public Interest Litigation, filed in the High Court of ___ shall as far as possible disclose all the details listed in the format in the prescribed format.
- (2) The Court, while hearing a Public Interest Litigation petition, may, in its discretion, order any sum of money to be deposited by the petitioner, and may also require any further affidavit or declaration to be filed by the petitioner, as deemed necessary.
- (3) If the Court finds that the petition is vexatious, motivated or not having public interest, then the amount so deposited may be forfeited. This shall be in addition to the costs, if any, which may be imposed by the Court.
- (4) The Court may also adopt other appropriate methods to ensure curbing of frivolous petitions, wrongly describing them as Public Interest Litigation filed for extraneous considerations or ulterior motives.

¹ To ease up petitions for people who live far away and do not have adequate transport in certain regions (but can access the internet and communicate over emails); disabled persons; different prisons have different rules on accessing digital communication etc.

- (5) The Court may use its discretion to list and hear urgent PILs or develop rules or practice directions for urgent listing.

148. Public Interest Litigation Cell: The Chief Justice shall constitute a Public Interest Litigation Cell which shall be headed by an officer not below the rank of Deputy Registrar.

149. Processing and Screening of Letter Petitions:

- (1) All letter petitions shall be examined by the Public Interest Litigations Cell. Anonymous letter petitions and letter petitions from which the identity of the letter petitioner cannot be established or ascertained shall not be examined.
- (2) Whenever a letter petition is filed in vernacular language, the Public Interest Litigations Cell shall prepare a summary in English of the letter petition and the points of public concern raised in it, the replies, if any, received from any department, addresses of the government departments/officials, who may be considered as the necessary or appropriate parties for the decision of the petition and place it before the Chief Justice for administrative orders.
- (3) If a letter petition is treated as Public Interest Litigation, the Bench hearing the same may appoint suitable Advocate/s as amicus curiae to assist the Court in effectively disposing of the Public Interest Litigation. Preference for appointment should be given to subject-matter experts from public universities and Advocates with requisite experience in the field. The Court may also fix suitable honorarium payable to the amicus curiae, and decide upon the terms of appointment for an amicus curiae in the Public Interest Litigation.

150. Undertakings by the Petitioner:

- (1) The petitioner shall undertake that in the event any provisions of these Rules are violated, they will bear and pay costs which may be imposed in the discretion of the Court.
- (2) The petitioner shall specifically make a statement that they have made inquiries, approached appropriate authorities for necessary information and made all efforts for the redressal of the grievance made in the petition. They shall also state that they have filed the petition after exhausting all the alternative remedies available under law.
- (3) The petitioner shall undertake to pay the costs and other expenses incurred by the respondent, if it is found that any respondent has been made a party abusing the process of the Court, or if it is found by the Court that the prayer is vague, unnecessary, illegal or mala fide.

- (4) The petitioner shall undertake that in case they seek to withdraw the petition or fail to attend the case, they will bear the cost incurred by the respondent and pay such amount of cost as may be imposed in the discretion of the Court.