

NOTIFICATION BY THE HIGH COURT OF GUJARAT AT AHMEDABAD
(For Insertion in the Gujarat Government Gazette, Part-IV-C Central Section)

No.C.2001/2010

In exercise of powers conferred by Article 225 of the Constitution of India, Sections 30, 32 & 40 of the Bombay Reorganization Act, 1960, Clauses 13, 22, 24, 27, 28 and other enabling Clauses of the Letters Patent, the High Court of Gujarat, hereby makes the following Rules, regulating practice and procedure of the Public Interest Litigation, in the High Court of Gujarat.

CHAPTER - I

PRELIMINARY

- 1.** These Rules shall be called 'The High Court of Gujarat [Practice and Procedure for Public Interest Litigation] Rules, 2010'.

These Rules shall come into force on and from the date of their publication in the Official Gazette.

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

- (1) **"Public Interest Litigation"** without limiting generality of the said expression shall mean a litigation undertaken for the purpose of redressing genuine, substantive or larger public injury or public grievance or for enforcing public duty or for vindicating public interest but shall not include a matter involving individual, personal or private grievances of the petitioner or any one else.
- (2) **"High Court"** means the High Court of Gujarat.
- (3) **"Organization"** shall include a non-Governmental

Organization, trust registered under the Bombay Public Trust Act or any other law for the time being in force, an Association of Persons- registered or otherwise but shall not include individual person or person agitating any cause before the Court in their personal capacity.

CHAPTER - II

PUBLIC INTEREST LITIGATION PROCEDURE & CONVENTION

3. A Writ Petition filed in the High Court in the nature of Public Interest Litigation, shall as far as possible be in **Proforma - I** and shall disclose -
- (a) the petitioner's social standing, professional status and his antecedents, particularly with respect to his credentials for maintaining the petition in the nature of Public Interest Litigation.
 - (b) nature and extent of the personal interest of the petitioner, if any, involved in the cause.
 - (c) Whether the petitioner has ever faced contempt of Court proceedings and outcome or status of such proceedings, if any.
 - (d) facts constituting the cause, in chronological order. If the Petition is based on news report, it must be stated whether the petitioner has taken steps to verify the facts personally.
 - (e) nature of injury caused.
 - (f) in case the petitioner is an Organization, the petition must be filed through an authorized Office-bearer of the Organization concerned, disclosing additional details of any other Public Interest Litigation previously filed, by such Organization with case number, status of the case and brief statement of its outcome if the case is finally disposed of.
 - (g) the petition shall contain a declaration that the petition is filed purely in Public Interest and not at the instance of any person or organization other than the petitioner.
 - (h) full details of the source from which the costs of the

litigation including the lawyer's fees are being borne.

- (i) The petition must further contain averments as to how the public interest is involved.
- (j) that the cause involved is purely in public intent and that there is no personal gain, private motive or oblique motive behind filing the Public Interest Litigation.
- (k) the Constitutional or statutory provision or administrative instruction, which has been violated. The grounds for grant of interim relief and the nature of urgency, if any, involved must also be mentioned alongwith a precise prayer-clause.

3.A The Court may impose exemplary costs or adopt other appropriate methods to ensure curbing of frivolous Petitions, wrongly describing them as Public Interest Petitions filed by busy bodies for extraneous consideration or ulterior motive.

4. A Writ Petition filed in the nature of Public Interest Litigation shall contain a statement/declaration by the petitioner whether to his knowledge, issue raised was previously dealt with or decided by the High Court and whether a similar or identical petition was filed earlier by the petitioner or by any other person to his knowledge, and that he had taken all reasonable care to gather information before making such a statement. In case such an issue was dealt with or a similar or identical petition was filed earlier, its status or the result thereof must be stated.

5. Letters / Petitions to be entertained as Public Interest Litigations may include the following categories:

- (i) Bonded Labour matters.
- (ii) Neglected children.
- (iii) Non-payment of minimum wages to workers and exploitation of casual workers and similar violations of Labour Laws, except in individual cases.
- (iv) Petitions from jails complaining of harassment or for pre-

mature release and seeking release after having completed 14 years in jail, death in jail, release on personal bond, speedy-trial as a fundamental right.

- (v) Petitions against police for refusing to register a case, harassment by police and death in police custody.
 - (vi) Petitions against atrocities on women, in particular, harassment of bride, bride-burning, rape, murder, kidnapping, etc.
 - (vii) Petitions complaining of harassment or torture of villagers by co-villagers or by police, from persons belonging to Scheduled Caste/Scheduled Tribes and Economically Backward Classes.
 - (viii) Petitions pertaining to environmental pollution, disturbance of ecological balance, drugs and food adulteration, maintenance of heritage and culture, antiques, forest and wild-life and other matters of public importance relating to grievance made on behalf of a class of persons, for direction to Civil Authorities to perform their duties; e.g.
 - (a) Locality deprived of electricity or water supply.
 - (b) Sanitation.
 - (c) Bad roads causing accidents / deaths.
 - (d) Problems relating to health hazards etc.
 - (ix) In respect of riot-victims.
 - (x) In respect of natural disaster.
 - (xi) Family Pension.
 - (xii) Other Pensions, except pension on superannuation.
 - (xiii) Any other matter as the Court may deem fit and proper in public interest.
- 6.** Private matters concerning (i) threat to or harassment of the petitioner by private persons, (ii) seeking enquiry by an agency other than local police, (iii) seeking police protection, (iv) landlord-tenant dispute (v) service matters, (vi) admission to educational institutions (vii) early hearing of matters pending in

High Court and Subordinate Courts, (viii) maintenance of wife, children and parents **would not ordinarily be considered as matters of public interest.**

7. Public Interest Litigation shall be classified as Writ Petition (Spl.C.A.) No.____ / ____ (P.I.L.), and shall usually be filed in the Central Filing Centre (C.F.C.) of the Registry like any other Writ Petition for enforcement of the Fundamental Rights, as per **Proforma-I**, prescribed.
8. **Procedure for examination of Public Interest Litigation matters by Office before registration:**
 - (1) All provisions of 'The Gujarat High Court Rules, 1993', not inconsistent with these Rules, shall be applicable to the category of cases, filed / registered, under these Rules.
 - (2) Every petition filed in the nature of Public Interest Litigation in the High Court, shall be examined by the Registry as soon as possible after presentation and be placed before the Court concerned without any delay.
9. Notwithstanding anything contained in these rules, procedure for filing and entertaining any petition in the nature of Public Interest Litigation 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.

(Proforma - I)

PROFORMA FOR FILING OF PUBLIC INTEREST PETITION

IN THE HIGH COURT OF GUJARAT
AT AHMEDABAD

EXTRAORDINARY ORIGINAL JURISDICTION
WRIT PETITION NO. _____ OF _____ (P.I.L.)

In Re: _____ (e.g. Pollution Matter)

IN THE MATTER OF

... Petitioner(s);

Versus

... Respondent(s).

To,

The Hon'ble Chief Justice _____ and the companion Judges of the High Court of Gujarat.

The humble petition of the
Petitioner(s) abovenamed.

MOST RESPECTFULLY SHOWETH

1. The present Petition under Articles 226 and/or 227 of the Constitution of India is being filed by way of public interest litigation and the petitioner has no personal interest (*if he has any personal interest such interest must be disclosed*). The Petition is being filed in the interest of _____ (*give particulars of the class of persons for*

whose benefit the Petition is filed).

2. That the petitioner is *(give short background of the petitioner; if the petitioner is an organization, the names of the office-bearers must be furnished)*. The petitioner has earlier filed/not filed any other public interest petition *(if filed, details of such Public Interest Litigation filed including the case number and the Court, status and brief description of the order passed must be given. It must also be stated whether in any of such cases any cost has been awarded for or imposed against the petitioner; and whether any appreciation or structure has been passed)*.

3. That the petitioner is filing the present petition purely in Public Interest on his own and not at the instance of any other person or organization. The litigation cost, including the advocate's fees and the traveling expenses are being borne by the petitioner himself. *(if not, disclose the source of funds)*.

4. That the facts of the case in brief are as follows: *(narrate the facts leading to the filing of the petition in chronological order by making paras as 4.1, 4.2 and so on making sure all disclosures and declarations required under the Rules are made)*.

5. The source of information of the facts pleaded, is based on _____. *(If news report, whether the applicant has verified the facts by personally visiting the place, talking to other people or from the reporter/editor of the newspaper concerned. If the petitioner does not wish to disclose the source, he may say so with reasons)*.

6. That the petitioner has/has not made a representation in this regard to the authorities *(If yes, give details of such representation and reply, if any, received from the authority concerned along with copies*

thereof. If not, reason for not making any representation).

7. That to the best of knowledge of the petitioner, no public interest petition (*whether filed by the petitioner himself or by anyone else*) raising the same issue is filed before this Hon'ble Court or before any other Court. (*If filed, give details thereof*).

8. That the present petition has been filed on the following amongst other grounds:

GROUND S

(State separate grounds with specific mention of violation of particular constitutional or statutory provision or any administrative instruction.)

9. That the petitioner is seeking interim relief on the following grounds :

GROUND S FOR INTERIM RELIEF

(Specify grounds for grant of interim relief and the nature of urgency involved.)

10. The petitioner has not filed any other appeal or application either before this Court or Supreme Court of India or before any other Courts on the same subject matter of this petition.

11. The petitioner has no other alternative efficacious remedy but to approach this Hon'ble Court by way of this petition.

12 . That the petitioner prays that this Hon'ble Court may be pleased to :

PRAYER/S

[Set out the relief/s including interim relief if any, claimed.]

DRAWN & FILED BY
Advocate for the petitioner

Place:
Date :

AFFIDAVIT

I, _____ aged about ____ years, petitioner herein to hereby state of solemn affirmation that what has been stated here-in-above in para. Nos. 1 to 9 is true to my knowledge and I believe the same to be true and correct. Para. Nos. 10 to 11 are the formal contentions. Para 12 is the prayer clause.

SOLEMNLY AFFIRMED ON THIS ___ DAY OF _____, 2010 AT AHMEDABAD.

DEPONENT

Identified by me :

Clerk

**High Court of Gujarat at Sola,
Ahmedabad - 380 060.**

**Date : August 16, 2010
& I.T.)**

**Sd/-
(G.R. Udhwani)
REGISTRAR
(Infrastructure**

No. C-2001/2010

Copy forwarded with compliments for information to:

- (1) The Secretary to the Government of Gujarat, Legal Department, Sachivalaya, Gandhinagar (by letter).

- (2) The Advocate General, High Court of Gujarat, Ahmedabad (by letter).
- (3) The Government Pleader, High Court of Gujarat, Ahmedabad (by letter).
- (4) The President, Gujarat High Court Advocates' Association, Ahmedabad (by letter).
- (5) The Secretary, Bar Council of Gujarat, Ahmedabad (by letter).
- (6) The Principal Judge, City Civil Court, Ahmedabad.
- (7) The Principal Judge, Family Court, _____.
- (8) The Principal District Judge, _____.
- (9) The Chief Judge, Small Cause Court, Ahmedabad.
- (10) The Chief Metropolitan Magistrate, Ahmedabad.
- (11) The President, Industrial Court, Ahmedabad.
- (12) The Manager, Government Central Press, Gandhinagar, with a request to publish the Notification in the next issue of Government Gazette and send 20 copies of the same to this High Court, for office use.

**High Court of Gujarat at Sola,
Ahmedabad - 380 060.**

Date: August 16, 2010

**Sd/-
ASSISTANT REGISTRAR**