



తెలంగాణ రాజ పత్రము
RULES SUPPLEMENT TO PART - II
EXTRAORDINARY
OF
THE TELANGANA GAZETTE
PUBLISHED BY AUTHORITY

No. 1] HYDERABAD, WEDNESDAY, SEPTEMBER 2, 2015.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc,

—x—

JUDICIAL NOTIFICATIONS

**HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE
STATES OF TELANGANA AND ANDHRA PRADESH**

**PUBLIC INTEREST LITIGATION RULES, 2015 FOR THE HIGH COURT OF JUDICATURE AT
HYDERABAD FOR THE STATES OF TELANGANA AND ANDHRA PRADESH**

NOTIFICATION No.34/SO/2015

ROC No. 1360/SO/2015.- In exercise of power conferred by Article 225 of the Constitution of India and as per the directions of the Supreme Court of India in the matter of State of Uttaranchal v/ s. Balwant Singh Chauhan and others [(2010) 3 SCC 402] the High Court of Judicature at Hyderabad for the states of Telangana and Andhra Pradesh, hereby makes the following Rules, regulating practice and procedure of the Public Interest Litigation, in the High Court of Judicature at Hyderabad for the states of Telangana and Andhra Pradesh, in addition to the existing rules governing the Writ Petitions filed under Articles 226 and 227 of the Constitution of India:-

1. **Short title:** These Rules shall be called The High Court of Judicature at Hyderabad for the states of Telangana and Andhra Pradesh Public Interest Litigation Rules, 2015.
2. **Commencement:** These Rules shall come into force on and from the date of their publication in the official Gazette.

Provided that these Rules shall also apply to cases filed and / or pending as on the date of their coming into force, if so directed by the Court hearing those cases.

3. **Definition:** In these rules, unless there is anything repugnant to the subject and context:-
 - (a) "Chief Justice" means the Chief Justice of The High Court of Judicature at Hyderabad for the states of Telangana and Andhra Pradesh.
 - (b) "Constitution" means the Constitution of India.
 - (c) "High Court" means the High Court of Judicature at Hyderabad for the states of Telangana and Andhra Pradesh.
 - (d) 'pil committee' means the committee as constituted from time to time by the Chief Justice.

- (e) "Public Interest Litigation Petition" means a petition instituted pro bono publico and includes a legal action initiated by or in the court for enforcement of public interest or general interest as distinguished from individual interest, in which the public or a class of the community have some interest by which their legal rights or liabilities are affected or a petition filed to protect the public interest.
- (f) "Registrar Judicial" means the Registrar appointed as such by the High Court and in charge of the judicial section.
4. Initiation/ Commencement/ Lodgment of Public Interest Litigation:
 A public-Interest Litigation may commence or be lodged in any of the following manners :-
- a) As a *suo moto* petition in pursuance of the orders of the Chief Justice
 - b) In pursuance of an order of the Chief Justice, on a recommendation made by THE PIL COMMITTEE OR any Judge of the High Court;
 - c) In pursuance of an order of the Chief Justice, on receiving a letter or representation from any citizen or a law student or a lawyers' body or on a report of the State Legal Services Authority.
 - d) A petition may be directed to be treated as a Public Interest Litigation petition by a judicial order passed by the Court;
 - e) On presentation of a petition in the Court in the prescribed pro-forma in accordance with these Rules by,
 - (i) any Person; or
 - (ii) any NGO/Association or any other like body which is registered under any Act.
5. In case the petition is filed under Clause (e) of Rule 4, the petitioner shall disclose:-
- a) his name, complete postal and E-mail address
 - b) Mobile number or phone number, proof regarding personal identification, Postal address, occupation and annual income, Bank A/c if any, and other details thereof, PAN number and National Unique Identity Number, if any and registration number under any Act, if any. The above information be furnished by way of an Annexure, signed by the party, so that this information will be confined to a sealed cover, after the initially scrutiny by the Registry to prevent accesses to it by third parties. The sealed cover shall be tagged on to the main original bundle.
 - c) his social standing, professional status and antecedents, particularly with respect to his credentials for maintaining the petition in the nature of Public Interest Litigation.
 - d) nature and extent of his personal interest, if any, involved in the cause.
 - e) whether he has ever faced contempt of Court proceedings and outcome or status of such proceedings, if any.
 - f) Whether he has ever been ordered by any court not to file any further PIL case (s)
 - g) the facts constituting the cause of action, the nature of injury caused or likely to be caused to the public.
 - h) details of his/their involvement in civil, criminal or revenue litigation if any, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation.
 - i) his *locus standi*, except in a petition filed for public law remedy.
 - j) full details of the source from which the costs of the litigation including the lawyer's fees are being borne.
 - k) It shall be open to the court or on an application moved by any of the parties, to direct the petitioner to deposit a sum of, not less than, Rs.50,000/- in the form of Fixed Deposit Receipt (F.D.R.) on any of the Nationalised Banks taken in the name of Registrar (Judicial) of the High Court, or furnish appropriate security at any stage of the proceedings if it is considered desirable to offset any possible inconvenience or hardship caused or likely to be caused to the Court or the opposite parties.
 - l) However, it shall be open to the Court to exempt any litigant from making any such deposit as set out supra if it is satisfied that the cause espoused is a genuine one and it is truly espoused in larger interest of the society.

- m) 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 was finally disposed of.

The change of office bearers of the Organization during the pendency of the Petition shall be brought on record by way of a Memo filed into the Court, within 30 days of such change occurring.

6. In the petition to be filed under clause (e) of Rule 4, the petitioner shall declare that the petition is filed purely in Public Interest and not at the instance of any person or organization other than the petitioner.
7. Whenever a Petition is filed under Clause (e) of Rule 4, it shall be placed before the Registrar (Judicial) who, on being satisfied that prima facie the petition would constitute a public interest litigation, may direct it to be so registered. If the Registrar is of the opinion that the petition does not constitute Public Interest Litigation, he/she will record brief reasons for his/her opinion and will place the petition for orders before the Bench dealing with the PIL petitions.
8. A writ Petition filed in the nature of Public Interest Litigation shall contain a statement/declaration by the petitioner whether to his knowledge, the 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. If any such case is still pending the reasons as to why the present PIL case is filed.
9. The Petition filed Under Clause (e) of Rule 4 of these Rules must be in Conformity with Rule 7 A of the Writ Proceedings Rules of this High Court.
10. The Petitioner(s) while filing a Public Interest Litigation Petition under Clause (e) of Rule 4 shall:-
 - (a) annex to the petition an affidavit stating that there is no personal gain, private motive or oblique reason in filing the Public Interest Litigation.
 - (b) file an affidavit undertaking to pay costs as ordered by the court, if it is ultimately held that the petition is frivolous or has been filed for extraneous considerations or that it lacks bona fides.
 - (c) file an undertaking that he/it will disclose the source of his/its information, leading to the filing of the Public Interest Litigation, if and when called upon by the Court, to do so.
 - (d) annex to the petition, a copy of the registration certificate and an authorization resolution to file a PIL Petition when the petition is filed by an Association or any other like body.
 - (e) file an undertaking that in case he seeks to withdraw the petition or fails to attend the case by himself or through his advocate, he will bear the costs incurred by the respondent and pay such amount of additional costs as may be imposed in the discretion of the court.
 - (f) in case, the party seeks to withdraw a PIL Petition after it is admitted, he shall do so by moving an application but not by any other method, except with the leave of the Court.
11. If at any stage, the Court comes to the conclusion that the petition initiated under clause (e) of Rule 4 is *bona fide* but does not come within the definition of a PIL Petition, as defined in clause (e) of Rule 4, the Court may direct it to be converted to an appropriate category for being dealt with in accordance with law and may issue such directions as deemed fit, in that regard.
12. In a petition registered as a Public Interest Litigation Petition under Clause (e) of Rule 4, it shall be permissible for the Court dealing with the matter to appoint an *amicus curiae* on such terms as may be settled by the Court, looking to the nature and circumstances of the case.
13. All the Public Interest Litigation Petitions initiated under Rule 4, shall be heard and decided by the Division Bench presided over by the Chief Justice or his nominee Judge or a Division Bench to be nominated by the Chief Justice.
14. a) If the Court finds that the Petition was frivolous or filed with oblique or *mala fide motives* and lacks bona fides, the petitioner shall be liable to pay exemplary costs as imposed by the Court so as to compensate the injury suffered by the private respondents or by way of Compensatory costs.

- (b) Costs so imposed shall be recoverable as arrears of land revenue, if not paid within the specified time.
15. Public Interest Litigation shall be classified as Writ Petition (P.I.L), and shall usually be filed in the Computerized Filing Section of the Registry like any other Writ Petition for enforcement of the Fundamental Rights/ Legal Rights.
16. Notwithstanding anything contained in these rules relating to 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.

**The Prescribed Pro-forma of the Writ Petition (P.I.L.)
under clause (e) of Rule 4**

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATES OF
TELANGANA AND ANDHRA PRADESH**

[RULE 4(e) OF The High Court of Judicature at Hyderabad for the
States of Telangana and Andhra Pradesh
PUBLIC INTEREST LITIGATION RULES, 2015]

Writ Petition (P.I.L.) No. _____ /20

- Petitioner(s) The name, age, father/ husband's name, occupation and complete address (with FAX number, mobile number, PAN number, National Unique Identity number and e-mail address, if any);
- Respondent(s) The name, age, father/ husband's name, occupation and complete address (with FAX number, mobile number, and e-mail address, if known);

* * *

CONTENTS OF WRIT PETITION (P.I.L)

1. Particulars of the cause/order against which the petition is made;-
 - (1) Subject matter in brief.....
2. Particulars of the Petitioner(s)
 1. Give the social/public standing, professional status and public spirited antecedents of the petitioner(s), if the petitioner is a social action group or organization, the names of the office-bearers must be furnished
 2. State if the petitioner or any of the petitioners when there are more than one, is or has been involved in any other civil, revenue, criminal litigation in any, capacity before any Court or Tribunal and if so, complete details of such litigation including the subject mater thereof must be stated.
3. Declaration and understanding of the Petitioner(s):-
 1. That the present petition is being filed by way of Public Interest Litigation and the petitioner(s) does/do not have any personal interest in the matter (if there be any personal interest, disclose the nature and extent of interest). The petition is being filed in the interest of (give the nature of such interest and particulars of the class of persons or the body for whose benefit the petition is filed.)
 2. That the entire litigation costs, including the advocate's fee and; other charges are being borne by the petitioner(s) (if sources of finance for the litigation is any other, state so with complete particulars) (permanent Account Number with the Income Tax Department, wherever available, should also be disclosed.)
 3. That a thorough research has been conducted in the matter raised through the petition (all the relevant material in respect of such research shall be annexed with the petition).
 4. That to the best of petitioner(s) knowledge and research, the issue raised was not dealt with or decided and that a similar or identical petition was not filed earlier by him/it (in case, such an issue was dealt with or a similar or identical petition was failed earlier, state its status or the result).
 5. That the petitioner/petitioners has/have understood that in the course of hearing of this petition the Court may require any security to be furnished towards costs or any other charges and petitioner/ petitioners shall have to comply with such requirements.

4. Facts in brief, constituting the cause.

Source of Information:-

Declare the source of information of the facts pleaded in the petition and as to whether the petitioner/petitioners has/have verified the facts personally, if yes in what manner?

5. Nature and extent of injury caused/apprehended.

6. Any representation etc. made:-

State whether any representation has been made in regard to the cause to the concerned authority (if yes, Details of such representation and reply, if any, from the authority concerned along with the copies thereof; if not, reason for not making such representation.

7. Delay, if any, in filing the petition and explanation therefore:- (State exact period within which the petition is filed after accrual of cause of action thereof; and if there be delay in filing the petition explanation therefore).

8. Documents relied upon.

9. Relief(s) prayed for:- (Specify the reliefs) prayed for)

10. Interim order, if prayed for:- (Give the nature of interim order prayed for with reasons)

11. Caveat:-

That no notice has been received of lodging a caveat by the opposite party.

or

Notice of caveat has been and the copy of this petition together with the annexures (if any) have been supplied to the caveator.

Signature of the petitioner/ s

Place(Signature)

DatedAdvocate for Petitioner(s)

VERIFICATION

the Petitioner no. _____ do hereby on solemn affirmation state and declare that what is stated in the paragraphs _____ to _____ is true to my own knowledge and belief and what is stated in paragraph _____ is based on the information and legal advice which I believe to be true and correct.

Signature of the Petitioner/ s

(Solemnly affirmed at _____ This _____ day of _____ 20 .

Before me Advocate for the Petitioner/ s.

Hyderabad, 31-08-2015.

CH. MANAVENDRANATH ROY, Registrar General, High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh.