

HIGH COURT OF CHHATTISGARH, BILASPUR

Endorsement

Endt No. 1590/Rules/2023

Bilaspur, dated 07/02/23

Copy of Chhattisgarh Gazette dated 03/02/2023 of the **High Court (Public Interest Litigation) Rules, 2022** forwarded to :-

1. Addl. Registrar-cum-P.P.S. to Hon'ble the Chief Justice, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
2. Private Secretary to Hon'ble Mr. Justice Goutam Bhaduri, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
3. Private Secretary to Hon'ble Mr. Justice Sanjay K. Agrawal, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
4. Private Secretary to Hon'ble Mr. Justice P. Sam Koshy, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
5. Private Secretary to Hon'ble Mr. Justice Sanjay Agrawal, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
6. Private Secretary to Hon'ble Mr. Justice Arvind Singh Chandel, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
7. Private Secretary to Hon'ble Mr. Justice Parth Prateem Sahu, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
8. Private Secretary to Hon'ble Mrs. Justice Rajani Dubey, High Court of Chhattisgarh, Bilaspur for information of her Lordship.
9. Private Secretary to Hon'ble Mr. Justice Narendra Kumar Vyas, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
10. Private Secretary to Hon'ble Mr. Justice Naresh Kumar Chandravanshi, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
11. Private Secretary to Hon'ble Mr. Justice Deepak Kumar Tiwari, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
12. Private Secretary to Hon'ble Mr. Justice Sachin Singh Rajput, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
13. Private Secretary to Hon'ble Mr. Justice Rakesh Mohan Pandey, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
14. Private Secretary to Hon'ble Mr. Justice Radhakishan Agrawal, High Court of Chhattisgarh, Bilaspur for information of his Lordship.
15. Private Secretary to the Registrar General, High Court of Chhattisgarh, Bilaspur for information.
16. Steno to the Registrar (Vigilance and I&E/ Judicial/ S&A Cell) High Court of Chhattisgarh, Bilaspur, for information.
17. The Director, Chhattisgarh State Judicial Academy, High Court of Chhattisgarh, Bilaspur for information.
18. Advocate General, High Court of Chhattisgarh, Bilaspur for information.
19. Assistant Solicitor General, High Court of Chhattisgarh, Bilaspur for information.
20. President, Chhattisgarh Bar Association, High Court Campus, Bilaspur for information.
21. Principal Secretary, Law & Legislative Affairs Department, Government of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur (Chhattisgarh).
22. The District & Sessions Judge, Bastar at Jagdalpur/ Bilaspur/ Durg/ Raigarh/ Raipur/ Rajnandgaon/ Dakshin Bastar at Dantewara/ Janjgir-Champa/ Dhamtari/ Korba/ Mahasamund/ Kabirdham(Kawardha)/ Uttar Bastar (Kanker) /Koriya (Baikunthpur)/ Jashpur/ Balod/ Bemetara/ Kondagaon/ Surajpur/ Sarguja at Ambikapur/ Baloda-Bazar/ Mungeli/ Balrampur at Ramanujganj for information.
23. The Principal Judge/Judge, Family Court, Bastar at Jagdalpur/ Bilaspur/ Durg/ Raigarh/ Raipur/ Rajnandgaon/ Janjgir-Champa/ Dhamtari/ Korba/ Mahasamund/ Kabirdham (Kawardha)/ Uttar Bastar (Kanker) /Koriya (Baikunthpur)/ Jashpur/ Balod/Bemetara/Kondagaon/Surajpur/ Sarguja at Ambikapur/ Baloda-Bazar for information.
24. Commercial Court, Sector-19, Kotara Bhantha, Naya Raipur, C.G. 492101 for information.
25. The President, Chhattisgarh State Industrial Court, Near Ghadi Chowk, Raipur with a request to circulate all the Presiding Officers of the Labour Courts for information.
26. Registrar Ministerial (S&A Cell/ C.S.J.A.), High Court of Chhattisgarh, Bilaspur for information.
27. All Joint Registrar, High Court of Chhattisgarh, Bilaspur for information.
28. Additional Registrar (Judicial/ D.E.&E/ HCLSC/ Adm.), High Court of Chhattisgarh, Bilaspur for information.
29. Officer on Special Duty-cum-Central Project Coordinator, E-Courts Mission Mode Project, High Court of Chhattisgarh for information.
30. All Additional Registrar (M), High Court of Chhattisgarh, Bilaspur for information.
31. Member Secretary, Chhattisgarh State Legal Services Authority, Old High Court Building, Bilaspur for information.
32. All Deputy Registrar, High Court of Chhattisgarh, Bilaspur for information.
33. Library, High Court of Chhattisgarh, Bilaspur for information.
34. Court Manager, High Court of Chhattisgarh, Bilaspur for information.
35. In-Charge, NIC High Court Computer Cell, High Court of Chhattisgarh, Bilaspur with a direction to upload in the official web-site of this High Court.


(Arvind Kumar Verma)

Registrar General

07.02.2023

उच्च न्यायालय के आदेश और अधिसूचनाएं

HIGH COURT OF CHHATTISGARH, BILASPUR

No. 13976/Rules/2022

Bilaspur, the 17th November 2022

PART-I

PRELIMINARY

1. **Short Title :** These Rules shall be called the Chhattisgarh High Court (Public Interest Litigation) Rules, 2022.
2. **Commencement :** These Rules shall come into force from the date of its publication in the Official Gazette.
3. **Definition :** In these rules, unless the context otherwise requires;
 - (a) "High Court" means the High Court of Chhattisgarh.
 - (b) "Letter Petition" means an informal written communication, addressed to the High Court or Hon'ble the Chief Justice or any Hon'ble Judge of the High Court.
 - (c) "Public Interest Litigation" means a writ petition under Article 226 of the Constitution of India, instituted pro bona publico for enforcement of public interest or general interest as distinguished from individual interest, in which the public or a class of a community have some interest by which their legal rights or liabilities are affected and also includes a legal action initiated by the Court for the purpose aforesaid or a letter petition which may be entertained as Public Interest Litigation under these Rules.
 - (d) "Public Interest Litigation Cell" means a cell created by the Chief Justice for processing Letter Petitions to be placed before the Public Interest Litigation Committee.
 - (e) "Public Interest Litigation Committee" means the Committee consisting of two sitting judges nominated by the Chief Justice.
 - (f) "State" means the State as defined under Article 12 of the Constitution of India.
 - (g) "Deputy Registrar" means an officer appointed by the Chief Justice to the post of Deputy Registrar under the High Court of Chhattisgarh Rules, 2007.
 - (h) "Organization" shall include the Chhattisgarh State Legal Services Authority, non-Governmental Organization, registered trust, registered society or Association of Persons-registered or otherwise but shall not include individual person or persons agitating any cause before the Court in their personal capacity.

PART-II

LETTER PETITION

4. **Public Interest Litigation Cell :** The Chief Justice shall by an order constitute a Public Interest Litigation Cell which will be headed by an officer not below the rank of Deputy Registrar.
5. **Duty of the Public Interest Litigation Cell :** Letter Petition shall be processed by the Public Interest Litigation Cell for being placed before the Public Interest Litigation Committee.

6. **Public Interest Litigation Committee :** The Chief Justice shall by an order constitute a Committee, consisting of two Sitting Judges of the High Court as Members.
7. **Public Interest Litigation Bench :** Without prejudice to the powers of the Chief Justice to mark any matter to any Bench for hearing, the Chief Justice shall constitute a Public Interest Litigation Bench which, subject to any directions to the contrary, shall hear all matters of Public Interest Litigation.
8. No correspondence shall be entertained in respect of any letter petition.
9. Ordinarily, no letter petition espousing individual/personal cause shall be entertained as a writ petition filed in public interest except as hereinafter indicated—
 - (1) matters pertaining to bonded labourers;
 - (2) matters pertaining to neglected children;
 - (3) Petitions from jails—
 - (a) complaining of harassment;
 - (b) for pre-mature release;
 - (c) for release on probation;
 - (d) seeking release after having completed 14 years in jail;
 - (e) in respect of death in prison;
 - (f) seeking transfer of a prisoner from one jail to another;
 - (g) praying for release on personal bond; and
 - (h) seeking speedy trial as a fundamental right;
 - (4) Petitions against police—
 - (a) complaining harassment/atrocities by police; and
 - (b) in respect of death in police custody.
 - (5) Petitions against atrocities on women, in particular harassment of bride, bride burning, rape, murder, kidnapping, child marriage etc.
 - (6) Petitions complaining of harassment or torture of or atrocities upon members of Scheduled Castes or Schedule Tribes by persons belonging to upper class or police;
 - (7) Petitions for preservation and maintenance of heritage, culture or antiques;
 - (8) Petitions for conservation of forest and wild life;
 - (9) Petitions by riot-victims;
 - (10) Petitions for Family Pension.
10. Ordinarily, letter petitions falling under the following categories shall not be registered as writ petition or revision:
 - (1) landlord-tenant matters;
 - (2) service matters including those pertaining to retiral benefits; and
 - (3) the following matters —
 - (a) complaints against central/state government departments/officers; Government Departments and Local Bodies except those relating to Item Nos. (1) to (10) of the Rule 9 of this Rules.
 - (b) matters relating to admission to educational courses;
 - (c) petitions for early hearing of cases pending in High Courts and subordinate Courts;
 - (d) petitions alleging civil contempt of court;

- (e) petitions seeking relief for which a main case other than a writ petition under Article 226 of the Constitution of India or a revision is maintainable;
 - (f) a petition seeking transfer of a case from a Bench to the Principal seat of the High Court or from one subordinate Court to another;
 - (g) Personal disputes between individuals,
 - (h) Disputes relating to contractual or statutory liabilities,
 - (i) Matrimonial disputes.
11. Processing, screening and listing of Letter Petitions as Public Interest Litigations before the Public Interest Litigation Committee:
- (a) All Letter Petitions received in the Public Interest Litigations Cell, shall first be processed in the Public Interest Litigation Cell. However, neither any anonymous Letter Petition nor any such petition from which the identity of the Letter Petitioner cannot be established or ascertained shall be entertained.
 - (b) Public Interest Litigation Committee shall take such action, it may consider necessary, on the letter Petitions presented before it. If the Public Interest Litigation Committee is of the opinion that the letter petition does not possess any public interest, the Public Interest Litigation Committee shall report the same to Hon'ble the Chief Justice for further action.
 - (c) Once a Letter petition is approved by the Public Interest Litigation Committee to be entertained as a Public Interest Litigation Petition, the same shall be placed before the Public Interest Litigation Bench unless otherwise directed by the Chief Justice.
 - (d) The, Public Interest Litigation Cell, then shall prepare a gist of the Letter Petition and the points of public concern, raised in the Letter Petition, the replies, if any, received from the Government Departments/officials, who may be considered as the necessary or appropriate/proper parties for the decision of the petition and send it for listing.

PART-III

FILING OF PUBLIC INTEREST LITIGATIONS

12. **Modes of Entertaining of Public Interest Litigation :** A Public Interest Litigation may be initiated in any of the following ways:
- (a) As a suo motu petition in pursuance of the orders of Hon'ble the Chief Justice;
 - (b) In pursuance of the order of Hon'ble the Chief Justice on a recommendation made by any Judge of the High Court;
 - (c) A letter petition may be directed to be treated as a public interest litigation petition by the recommendation of Public Interest Litigation Committee and on approval by Hon'ble the Chief Justice.
 - (d) On presentation of a petition in the Court in the prescribed proforma in accordance with relevant Rules by;
 - (a) any citizen; or
 - (b) an Organization as defined in Rule 3(h).
13. **Instruction for filing Public Interest Litigations:**
- (i) A writ petition intended to be a Public Interest Litigation shall contain:
 - (a) An inscription immediately below the number of the writ petition in the title, namely "In The Matter of A Public Interest Litigation".

- (b) A specific averment, in para 1 of the writ petition, to the effect that the writ petitioner has no personal interest in the litigation and that the petition is not guided by self-gain or for gain of any other person/institution/body and that there is no motive other than that of public interest in filing the writ petition.
- (c) A specific averment, in para 2 of the writ petition, as to the source of knowledge of the facts alleged in the writ petition and the further inquiries/investigation made to determine the veracity of the same.
- (d) A specific averment, in para 3 of the writ petition, specifying the class of persons for whose benefit the petition has been filed and as to how such persons are incapable of accessing the Court themselves.
- (e) A specific averment, in para 4 of the writ petition, of the persons/bodies/institutions likely to be affected by the order(s), sought in the writ petition and which/who shall be impleaded as respondents and a further averment that to the knowledge of the petitioner, no other persons/bodies/institutions are likely to be affected by the orders sought in the writ petition.
- (f) A specific averment, in para 5 of the writ petition of the background of the petitioner with qualifications so far as it may be material to show the competence of the petitioner to espouse the cause. If the petitioner is an organization, the names and address of its office bearers and the nature of its activities shall also be stated. An averment shall also be made that the petitioner has the means to pay the costs, if any, imposed by the Court and on the undertaking to the Court in that respect.
- (g) In para 6 of the writ petition, details of the representation(s) made to the authorities concerned for remedial actions and replies, if any, received thereto shall be set out precisely.
- (h) If the petitioner has previously filed public interest litigation or preferred Letter Petitions, the details thereof would be set out in a tabular form giving the number of the writ petition, the status and outcome thereof.
- (i) Pleadings in brief divided into paragraphs setting forth the cause which has given rise to the filing of the writ petition shall be pleaded followed by the grounds in support of the prayer, followed by the prayer clause in the last paragraph giving the precise prayer which the petitioner wants to be granted by the Court.

Provided that if the petitioner is unable to provide information for any of the matters above, there shall be a specific averment as to the reason why said information is not being provided.
- (j) Averments made in the petition shall be supported by an affidavit, verifying by solemn affirmation, by the petitioner, disclosing the statements which are true to his knowledge or true to his knowledge derived from information disclosing the source of information and true to his knowledge derived from record.
- (ii) Every Public Interest Litigation shall be accompanied by an affidavit as per proforma 'A' annexed to these Rules.

14. Undertaking:

- (a) Petitioner shall undertake that in case Rule 12 are violated or found by the Court in the course of hearing to have been violated, he will bear and pay the amount of cost which may be imposed in the discretion of the Court.
- (b) Petitioner shall specifically make a statement that he had made inquiries, approached appropriate authorities for necessary information and all efforts were made for redressal of the grievance made in the petition. He shall also state that after ascertaining the facts, the petitioner has filed the petition after exhausting all the alternative remedies available under law.

- (c) 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.
- (d) Petitioner shall undertake 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 cost incurred by the respondent and pay such amount of cost as may be imposed in the discretion of the court.
15. **Declaration :** 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.
16. 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.

PART-IV

17. **Inherent Power of the Court not affected :** Nothing in these Rules shall be deemed to limit or otherwise affect the inherent power of the Court to make such order (s) as may be necessary for the ends of justice or to prevent abuse of the process of the Court, including the power to impose exemplary costs and/or to debar a petitioner or an Advocate from filing Public Interest Litigation if found to be indulging in frivolous or motivated litigation.
18. **Scrutiny of public interest litigation matters by the office before registration :** All provisions of the High Court of Chhattisgarh Rules 2007, not inconsistent with these Rules, shall be applicable to the category of cases, filed/registered, under these Rules.
19. (a) 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.
- (b) If the Court finds that petition is vexatious, motivated or not having public interest, then the amount so deposited shall be forfeited and this shall be in addition to the costs, if any which may be imposed by the Court.

PROFORMS 'A'

AFFIDAVIT

I aged..... years, S/o
 R/o by profession do hereby solemnly affirm and declare as under.

1. That I am the petitioner above named OR I am of the petitioner above named. The petitioner is a society/company having its registered office at and I have vide resolution passed in the Meeting of the Board of Directors General Body/Executive Committee of the petitioner been authorised to institute and sign this petition.
2. I have filed the present petition as a Public Interest Litigation.
3. I have gone through the Chhattisgarh High Court (Public Interest Litigation) Rules, 2022 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.

N.I.C.

4. I/Petitioner have/has no personal interest in the litigation and neither myself nor anybody in whom I am/petitioner is interested would in any manner benefit from the relief sought in the present litigation save as a member of the General Public. This petition is not guided by self-gain or gain of any person, institution, body and there is no motive other than of public interest in filing this petition.
5. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/materials which were available and which were relevant for this court to entertain the present petition.
6. I further confirm that I have not concealed in the present petition any data/material/information which may have enabled this court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.

By order of Hon'ble the High Court,
ARVIND KUMAR VERMA, Registrar General.
