



महाराष्ट्र शासन राजपत्र

भाग चार-क

वर्ष २, अंक १२। गुरूवार ते बुधवार, सप्टेंबर २-८, २०१०/भाद्र. ११-१७, शके १९३२ [पृष्ठे १३]

किंमत : रुपये ४.००

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले (भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर) वैधानिक नियम व आदेश; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हा दंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

NOTIFICATION

No. P. 1603/2010.—The Chief Justice and the Judges of the High Court in exercise of the powers conferred by Article 225 of the Constitution of India and the directions of the Supreme Court of India in the case of State of Uttaranchal V/s. Balwant Singh Chaufal [2010 (1) SCALE 492] and all other enabling provisions, are pleased to make the following Rules which shall be applicable on the Original as well as Appellate Side

in addition to the existing Rules governing the writ petitions filed under Articles 226 and 227 of the Constitution of India :—

1. *Title.*—These Rules shall be called “The Bombay High Court Public Interest Litigation Rules, 2010”.

2. *Commencement.*—These Rules shall come into force on the date of their publication in the *Official Gazette* of the Government of Maharashtra.

3. *Definition.*—In these Rules, unless there is anything repugnant to the subject or context,—

(a) “Chief Justice” means the Chief Justice of the High Court of Judicature at Bombay.

(b) “nominee Judge” means a Judge so nominated by the Chief Justice ; for each of the benches of the High Court.

(c) “Constitution” means the Constitution of India.

(d) “High Court” means the High Court of Judicature at Bombay and its benches.

(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 law interest.

(f) “Registrar Judicial” means the Registrar appointed as such by the High Court and in charge of the judicial section.

(g) “Prothonotary and Senior Master” means the officer so appointed by the High Court on the Original Side.

4. *Initiation/Commencement/Lodgement of Public Interest Litigation.*— A Public Interest Litigation Petition may commence in any of the following manners :—

(a) As a *suo motu* petition in pursuance of the orders of the Chief Justice of his nominee Judge ;

(b) In pursuance of an order of the Chief Justice or his nominee Judge, on a recommendation made by any Judge of the High Court ;

(c) In pursuance of an order of the Chief Justice or his nominee Judge, on receiving a letter or representation from any citizen or a law student or a lawyers' body ;

(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 proforma in accordance with these Rules by,

(i) any citizen ; or

(ii) an NGO/Association or any other like body which is registered under any Act.

5. *In the petition to be filed under Clause (e) of Rule 4, the petitioner shall disclose:—*

(a) petitioner's name, complete postal and E-mail address, phone number, proof regarding personal identification, occupation and annual income, PAN number and National Unique Identity Card, if any and registration under the Act.

(b) the facts constituting the cause of action.

(c) the nature of injury caused or likely to be caused to the public.

(d) the nature and extent of the personal interest, if any, of the petitioner(s).

(e) details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation.

(f) petitioner's *locus standi*, except in a petition filed in public law interest.

6. Whenever a Petition is filed under Clause (e) of Rule 4, it shall be placed before the Registrar (Judicial) or the Prothonotary and Senior Master as the case may be, 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 or the Prothonotary and Senior Master, as the case may be, is of the opinion that the petition does not constitute a 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.

7. *The Petitioner (s) while filing a Public Interest Litigation Petition under Clause (e) of Rule 4 shall :—*

(a) annexe to the petition an affidavit stating that there is no personal gain, private motive or oblique reason in filing the Public Interest Litigation and

(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) annexe 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 a like body.

8. If at any stage, the Court comes to the conclusion that the petition initiated under Clause (c) of Rule 4 is *bona fide* but does not come within the definition of a PIL Petition, as defined in clause (c) 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.

9. In a petition registered as a Public Interest Litigation Petition under Clause (c) 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.

10. All the Public Interest Litigation Petitions initiated under Rule 4, shall be heard and decided by the Division Bench to be nominated by the Chief Justice.

11. (a) If the Court finds that the Petition was frivolous or 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 waste costs.

(b) Costs so imposed shall be recoverable as arrears of land revenue, if not paid within the specified time.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[RULE 4(c) OF THE BOMBAY HIGH COURT
PUBLIC INTEREST LITIGATION RULES, 2010.]

PIL Petition No. ——— /20

Cause Title

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);

PUBLIC INTEREST LITIGATION PETITION

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 organisation, 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 matter thereof must be stated.

3. Declaration and undertaking of the Petitioner(s) :—

1. That the present petition is being filed by way of public interest litigation and the petitioner(s) does not/do not have any personal interest in the matter (if there be any personal interest, disclose the nature and extent of such 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 the 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 the petitioner/petitioners shall have to comply with such requirements.

4. Facts in brief, constituting the cause.

5. 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 ?

6. Nature and extent of injury caused/apprehended.

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7. 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).

8. Delay, if any, in filing the petition and explanation therefor :—

(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 therefor)

9. Documents relied upon.

10. Relief (s) prayed for :—

(Specify the relief (s) prayed for)

11. Interim order, if prayed for :—

(Give the nature of interim order prayed for with reasons)

12. Caveat :—

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

or

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

Place

Dated

Signature of the petitioner/s

(Signature)

Advocate for Petitioner(s).

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VERIFICATION

I, _____, 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.

(Solemnly affirmed at Mumbai)

This _____ day of _____ 20

Before me.

Advocate for the Petitioners.

High Court of Judicature at

Bombay,
dated the 2nd September 2010.

MANGESH S. PATIL,
Registrar (Judicial-I).