

JHARKHAND HIGH COURT, RANCHI

NOTIFICATION

No.07/2010(R&S)

Dated: 30th September, 2010

The “Jharkhand High Court (Public Interest Litigation) Rules, 2010”

1. (i) These Rules shall be called “**Jharkhand High Court (Public Interest Litigation) Rules, 2010**”.
- (ii) They shall come into force from the date of their notification.
2. In these Rules unless the context otherwise requires, :-
 - (a) ‘**Chief Justice**’ means the Chief Justice of High Court of Jharkhand.
 - (b) ‘**High Court**’ means the High Court of Jharkhand.
 - (c) ‘**Judge**’ means Judge of the High Court of Jharkhand.
 - (d) ‘**Public Interest Litigation**’ means and includes a writ petition filed in *Public Interest* or any case taken up by the High Court suo-motu in public interest, with the leave of the Chief Justice.
 - (e) ‘**Registrar General**’ means Registrar General of the High Court of Jharkhand.
 - (f) ‘**Notified**’ with all its grammatical variations means notified/published in the daily or weekly cause list.
 - (g) All other words and expressions not defined in these Rules shall have the same meaning as assigned to them in the High Court of Jharkhand Rules, 2001.
3. Only those matters shall be treated as *Public Interest Litigation* which involves substantial public interest aimed at redressal of genuine public harm or public injury and for this the Bench hearing the matter shall ensure that there is no personal gain, private motive or oblique motive behind filing the *Public Interest Litigation*.
4. The petitioner in a *Public Interest Litigation* shall state in clear terms the relief prayed for in paragraph-1 of the petition and grounds in paragraph-2 thereof. In paragraph-3, the petitioner shall give his/her full and complete details so as to reveal his/her interest, credentials and qualifications relevant for the *Public Interest Litigation*, along with a declaration that he/she has no personal interest, direct or indirect, in the subject matter of *Public Interest Litigation*. In addition, the petitioner shall set out all relevant facts along with available supporting data, reports etc.
- 4-A. If a *Public Interest Litigation* is filed by a person on behalf of a Body of Individuals, by whatever name called, whether registered or unregistered and whether incorporated or not, the petition must give full details and

history of such Body, and must also clearly specify the authority of that person to represent such Body in that Litigation so as to make the decision therein binding on all individuals of such Body.

- 4-B. Every *Public Interest Litigation* will chronologically mention in detail all such other and earlier efforts with their result, which are within the petitioner's knowledge, and which have been made by the petitioner or others for obtaining the relief sought by the *Public Interest Litigation*.
5. To encourage only genuine and bona fide *Public Interest Litigation* and discourage *Public Interest Litigation* filed for extraneous considerations, the Bench hearing a *Public Interest Litigation* shall first verify the *prima facie* credentials of the Petitioner before entertaining any case as *Public Interest Litigation*. Thereafter, notice may be issued to the Advocate General or to any other authority to enable the Bench hearing the matter to come to a *prima facie* satisfaction regarding the correctness of the contents of the petition or information before entertaining the same as *Public Interest Litigation*.
6. For the aforesaid purpose, a *Public Interest Litigation*, shall first be listed with appropriate office notes under the heading "For Orders" before the appropriate Division Bench.
- 6-A. The above procedure may be relaxed by the concerned Bench, for reasons to be recorded, in cases which call for such urgent intervention by the Court that it is not practicable to allow the delay which may be caused in following the above procedure.
7. After arriving at a *prima facie* satisfaction regarding credentials of the petitioner and correctness of the contents of the petition, if the Court finds that the petition was filed by busybodies for extraneous or ulterior motives, the Bench may impose exemplary costs.
- 7-A. Except in cases calling for immediate intervention by the Court, no *Public Interest Litigation* will be entertained on the basis of mere Media Reports unless the petitioner mentions in detail the efforts made by him/her, having regard to his/her resources, to verify the accuracy of the Media Reports.
8. The procedure for dealing with *Public Interest Litigation* shall otherwise be the same as that for a Civil Writ Petition requiring consideration by a

Division Bench, usually headed by the Chief Justice or by any other Bench assigned by the Chief Justice.

9. The procedure in these Rules shall be without prejudice to the power of the Court under Articles 226 and 227 of the Constitution of India under which the Bench hearing a *Public Interest Litigation*, may in the interest of justice and to promote public interest, devise special procedure for satisfying itself with the credentials and bona fides of the petitioner and also find out relevant facts deemed necessary for the purpose of the case.
10. The Chief Justice shall have power to amend these Rules, by notification.

By Order of the Court,
Sd/- H.C. Mishra
Registrar General