

**PUBLISHED UNDER THE AUTHORITY OF THE HIGH COURT
OF JUDICATURE ORISSA
NOTIFICATION
The 20th April 2010**

No.270-R- In exercise of powers conferred under Article 225 of the Constitution of India, and as per direction in the judgment passed by Hon'ble Supreme Court of India in Civil Appeal Nos. 1134-1135 of 2002 (State of Uttaranchal Vrs. Balwat Singh Chauhal and others) the High Court of Orissa do hereby make the following Rules:-

1. Short title, Extent and commencement:
 - (i) These rules may be called the Orissa High Court Public Interest Litigation rules, 2010.
 - (ii) They shall come into force all over the State of Orissa from the date of its notification.
 - (iii) These Rules shall be in addition to the Rules of the High Court of Orissa, 1948 as amended from time to time with regard to filing of writ petitions.

2. Definition:
 - (i) Public Interest Litigation (PIL) means a legal action initiated in the Court for the enforcement of any Civil or Constitutional right of the public in general or a class or a community as a whole or protection of any general interest of such public or class or community.
 - (ii) 'Court' means the High Court of Orissa.
 - (iii) 'Case' means Public Interest Litigation case.
 - (iv) 'Petition' means Public Interest Litigation petition.

**CHAPTER 1
RULES IN GENERAL**

3. A public Interest Litigation petition filed in the Court shall be genuine and *bona fide*. Any such petition filed for extraneous considerations or with oblique motive for personal or individual gain shall be rejected in lime line by imposing exemplary costs or by adopting similar methods.

4. The petitions which involve larger public interest, gravity and urgency shall be given priority over other less important petitions; the public Interest Litigation must aim at redressal of genuine public harm or public injury; and must not be for personal gain, private motive or oblique motive.
5. The Court before entertaining the PIL is to *prima facie* (i) verify the credentials of the petitioner/petitioners (ii) shall satisfy with regard to the correctness of the contents of the petition and (iii) shall satisfy that substantial public interest involved in the PIL.

CHAPTER 2

RULES RELATING TO FORMAT OF THE P.I.L PETITION

6. Every petition filed in Court in the form of Public Interest Litigation under Article 226 of the Constitution of India shall be in the form appended here to and shall be heard and disposed of by a Division bench presided over by the Chief Justice or any other Bench assigned by the Chief Justice.
7. The petition shall contain the facts of the case in chronological order. If the petition is based on news report, it must be stated as to whether the petitioner has verified the truth of the facts by personally visiting the place or by talking to the people concerned or has verified from the reporter or editor of the news paper concerned.
8. Before filing a PIL, the petitioner must send a representation to the authorities concerned for taking remedial action, akin to what is postulated in Section 80 CPC. Details of such representation and reply, if any, from the authority concerned along with copies thereof must be filed with the petition. However, in urgent cases where making of representation and waiting for response would cause irreparable injury or damage, petition can be filed straightway by giving prior notice of filing to the authorities concerned and/or their counsel, if any.

CHAPTER 3

9. Frivolous and Vexatious PIL – Where the Court is of the opinion that the Public Interest Litigation petition filed by the petitioner is frivolous or vexatious or is devoid of public interest or is filed as camouflage to foster personal gain or is filed for extraneous and ulterior motives, it shall dismiss the same with exemplary cost.

10. In the cases, where interim relief is sought for and where the Court is inclined to grant the same, it may in order to prevent abuse of process of the Court insist upon the petitioner to furnish security.

**APPENDIX
FORMAT FOR FILING OF PUBLIC INTEREST
PETITION
IN THE HIGH COURT OF ORISSA, CUTTACK**

W.P(C) (PIL) No. _____ of _____
Code _____

In the matter of

.....Petitioner(s)

Versus

.....Respondent(s)

To

The Hon'ble Chief Justice of Orissa High Court and his companion Justices of the Hon'ble Court.

The humble petition of the petitioner(s) above named.

MOST RESPECTFULLY SHOWETH

1. The present petition under Article 226 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 PIL 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 stricture has been passed).

3. That the petitioner is filing the present petition on his own and not at the instance of someone else. The litigation cost, including the advocate's fee and the traveling expenses of the lawyer, if any, are being borne by the petitioner himself (if not, the petitioner must 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 marking paras as 4.1, 4.2 so on).
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 sent representation in this regard. (If yes. Details of such representation and reply, if any, from the authority concerned along with copies thereof must be filed if not, reason for not sending such 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, details thereof).
8. That the present petition has been filed on the following amongst other grounds:

GROUND

State separate grounds with specific mention of violation of particular constitutional or statutory provision or any administrative instruction. The relevant provision of the Constitution and statute must be quoted and administrative instruction must be filed.

9. That the petitioner most respectfully prays that this Hon'ble, Court may be pleased to pass the following order:

PRAYER

Set out the prayer/relief claimed (if more than one relief is claimed, separate prayers may be made for each relief)

It is therefore, prayed that this Hon'ble Court may graciously be pleased to admit this PIL writ petition, issue RULE NISI calling upon the Opposite Parties to show cause, and if the opposite parties fail to show cause or show insufficient cause, the said rule be made absolute in granting the relief's prayed for;

And may further be pleased to pass any other order(s) as deemed fit and proper;

And for this act of kindness the petitioner shall as in duty bound ever pray.

Place:

Drawn and filed by

Date:

ADVOCATE

Any application for interim relief shall be filed as separate Misc. Case.

P.K. PANDA
Registrar (Vigilance)