

**THE HIGH COURT OF KARNATAKA
(PUBLIC INTEREST LITIGATION) RULES,
2018**

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CONTENTS

Rules	Chapter-I Preliminary	Page No.
1.	Short Title	179
2.	Commencement	179
3.	Definitions	179
	(1) "Court"	179
	(2) "Public Interest Litigation"	179
	(3) "Organisation"	179
	(4) "Letter Petition"	179
	(5) "Public Interest Litigation Cell"	179
	(6) "Public Interest Litigation Committee"	179
	Chapter-II Letter Petitions	
4.	Public Interest Litigation Cell	180
5.	Duty of the Public Interest Litigation Cell	180
6.	Guidelines for Screening Letter Petitions	180
7.	Letter/Petitions to be entertained as Public Interest Litigations	180
8.	Processing and Screening of Letter Petitions before the Public Interest Litigation Committee	181
9.	Engagement of Advocates for Assisting the Court	181
	Chapter-III Public Interest Litigation Procedure	
10.	Modes of Entertaining of Public Interest Litigation	181
11.	Information required to be disclosed in the Petition	182
12.	Undertaking	183
13.	Declaration	183
14.	Instructions for filing Public Interest Litigations	183
15.	Scrutiny of Public Interest Litigation matters by the office before registration	184
16.		184
17. TO 20.		185
	Appendix	186

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(First published in the Karnataka Gazette, Part-IV-A dated 11.07.2019)

In exercise of powers conferred by Article 225 and 226 of the Constitution of India and in accordance with the order dated 18.1.2010 of the Supreme Court in Civil Appeal No.1134-1135/2002 titled "State of Uttaranchal Vs. Shri Balwant Singh Chaufla" and Section 19 of Mysore High Court Act (1 of 1884), the High Court of Karnataka hereby makes the following Rules for regulating the practice and procedure of Public Interest Litigation, in the High Court of Karnataka.

**CHAPTER-I
PRELIMINARY**

- 1. Short Title :-** These Rules shall be called as 'The High Court of Karnataka (Public Interest Litigation) Rules, 2018.
- 2. Commencement :-** These Rules shall come into force on and from the date of their publication in the Official Gazette.
- 3. Definition –** In these Rules, unless the context otherwise requires:
 - (1) **"Court"** means the High Court of Karnataka.
 - (2) **"Public Interest Litigation"** without limiting generality of the said expression shall mean a litigation undertaken for the purpose of redressing genuine, substantive or larger public interest, injury or public grievance or for enforcing public duty or for vindicating public interest but shall not include a matter involving individual, personal or private grievances of the petitioner or anyone else.
 - (3) **"Organization"** shall include the Karnataka 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.
 - (4) **"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.
 - (5) **"Public Interest Litigation Cell"** shall mean a Cell created by Hon'ble the Chief Justice for processing 'letter petitions' to be placed before the Public Interest Litigation Committee and to process other petitions filed as Public Interest Litigation.
 - (6) **"Public Interest Litigation Committee"** means a Committee of Hon'ble Judges as is constituted by Hon'ble the Chief Justice.

CHAPTER-II
LETTER PETITIONS

- 4. Public Interest Litigation Cell :** Public Interest Litigation Cell is the cell in the High Court constituted by the order of Hon'ble the Chief Justice which shall be headed by an officer not below the rank of Deputy Registrar.
- 5. Duty of the Public Interest Litigation Cell:** Letter Petitions shall be processed by the Public Interest Litigation Cell for being placed before the Public Interest Litigation Committee.
- 6. Guidelines for Screening Letter Petitions:** Letter Petitions raising or alluding to matters of Public Interest shall be entertained as Letter Petitions and unless directed by the Public Interest Litigation Committee, Letter Petitions under the following categories shall not be entertained as Public Interest Litigation:
- (i) Landlord-Tenant disputes;
 - (ii) Service matters and those pertaining to pension (not being family pension) and Gratuity.
 - (iii) Personal disputes between individuals.
 - (iv) Disputes relating to contractual or statutory liabilities.
 - (v) Matrimonial disputes.
 - (vi) Threat to or harassment of the petitioner by private persons,
 - (vii) Seeking enquiry by an agency other than local police,
 - (viii) Seeking police protection,
 - (ix) Admission to educational institution,
 - (x) Early hearing of matters pending in High Court and Subordinate Courts
 - (xi) Maintenance of wife, children and parents.
- 7. Letters/Petitions to be entertained as Public Interest Litigations may include the following categories:**
- (i) Bonded Labour matters.
 - (ii) Neglected children.
 - (iii) Non-payment of minimum wages to workers and exploitation of casual workers and similar violations of Labour Laws, except in individual cases.
 - (iv) Petitions complaining of harassment or torture of villagers by co-villagers or by police, or of persons belonging to Scheduled Caste/Scheduled Tribes and Economically Backward Classes.
 - (v) Petitions pertaining to environmental pollution, disturbance of ecological balance, drugs and food adulteration, maintenance of heritage and culture, antiques, forest and wild-life and other matters of public importance relating to grievance made on behalf of a class of persons, for direction to Civil Authorities to perform their duties; viz,
 - (a) Locality deprived of electricity or water supply.
 - (b) Sanitation.
 - (c) Bad roads causing accidents/deaths.
 - (d) Problems relating to health hazards etc.

- (vi) In respect of riot-victims.
- (vii) In respect of natural disaster.
- (viii) Any other matter as the Court may deem fit and proper in public interest.

8. Processing and Screening of Letter Petitions 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 Litigations 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, as it may consider necessary, on the letter Petitions placed before it.
- (c) Whenever a letter petition is filed in vernacular language, the Public Interest Litigations Cell shall prepare a gist in English language of the Letter Petition and the points of public concern raised in the Letter Petition, the replies, if any, received from any department, Addresses of the Government Departments/officials, who may be considered as the necessary or appropriate parties for the decision of the petition and place it before the Public Interest Litigation Committee.
- (d) Once a Letter Petition is approved to be entertained as a Public Interest Litigation Petition by the Public Interest Litigation Committee, the same shall be placed before Hon'ble the Chief Justice for administrative orders.

- 9. Engagement of Advocates for Assisting the Court:-** If a Letter Petition is treated as Public Interest Litigation, the Division Bench hearing the same may appoint suitable advocate/s as amicus curie to assist the Court in effectively disposing of the Public Interest Litigation. The Court may also fix suitable honorarium payable to the amicus curie.

CHAPTER-III

PUBLIC INTEREST LITIGATION PROCEDURE

- 10. 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,
 - (i) any citizen; or
 - (ii) an Organization as defined in Rule 3(3).

11. Information Required to be disclosed in the Petition: A Writ Petition in the nature of Public Interest Litigation, filed in the High Court of Karnataka shall as far as possible disclose:-

- (a) Petitioner's name, complete postal and e-mail address, phone number, proof regarding personal identification, occupation and annual income, Permanent Account Number and National Unique Identity Card Number, if any.
- (b) Petitioner's social standing, professional status and his antecedents, particularly with respect to his credentials for maintaining the petition in the nature of Public Interest Litigation.
- (c) Nature and extent of the personal interest of the petitioner, if any, involved in the cause.
- (d) Whether the petitioner has ever faced contempt of Court proceedings and outcome or status of such proceedings, if any.
- (e) Facts constituting the cause, in chronological order. If the Petition is based on news report, it must be stated whether petitioner has taken steps to verify the facts personally.
- (f) Nature of injury caused.
- (g) In case the petitioner is an Organization, the petition must be filed through an authorized Office-bearer of the Organization concerned, duly authorized in writing 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.
- (h) The petition shall contain a declaration that the petition is filed purely in Public Interest and not at the instance of any person or organization other than the petitioner.
- (i) Full details of the source from which the costs of the litigation including the lawyer's fees are being borne.
- (j) The petition must further contain averments as to how the public interest is involved.
- (k) That the cause involved is purely in public interest and that there is no personal gain, private motive or oblique motive behind filing the Public Interest Litigation.
- (l) The Constitutional or statutory provision or administrative instruction, which has been violated. The grounds for grant of interim relief and the nature of urgency, if any, involved must also be mentioned along with a precise prayer-clause.

12. Undertaking:

- (a) Petitioner shall undertake that in case Rule 11 (a) to (l) 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.

13. 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.

14. Instructions for filing Public Interest Litigations:

- (1) 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 paragraph 1 of the writ petition to the effect that the 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 of public interest in filing the writ petition.
 - (c) A specific averment in paragraph 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 paragraph 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 Courts themselves.
 - (e) A specific averment in paragraph 4 of the writ petition of the persons/bodies/institutions likely to be affected by the orders 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 personal bodies/institutions are likely to be affected by the orders sought in the writ petition.

- (f) A specific averment in paragraph 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 an undertaking to the Court in that respect.
- (g) In paragraph 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.

Proviso: 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.

- (2) Every Public Interest Litigation shall be accompanied by an affidavit as per Proforma 'A' annexed to these Rules.

15. Scrutiny of public interest litigation matters by the office before registration:

- (1) All provisions of the High Court of Karnataka Act and Rules, 1959 and The Writ Proceedings Rules, 1977, not inconsistent with these Rules, shall be applicable to the category of cases, filed/registered, under these Rules.
- (2) Every petition filed in the nature of Public Interest Litigation in the High Court, shall be examined by the Public Interest Litigation Cell as soon as possible after presentation.
- (3) Registry shall maintain a separate register in respect of writ petitions registered and classified as Public Interest Litigation-PIL indicating the relevant particulars with the gist of the case together with the prayer/prayers sought for in the writ petition.

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.

- 17.** All Letters/Petitions received in the Public Interest Litigation Cell will first be screened in the Public Interest Litigation Cell and only such petitions as are covered by the above mentioned categories will be placed before Public Interest Litigation Committee and thereafter submitted to Hon'ble the Chief Justice for administrative orders.
- 18.** 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.
- 19.** (1) 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.

(2) 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.
- 20.** The Court may also adopt other appropriate methods to ensure curbing of frivolous Petitions, wrongly describing them as Public Interest Petitions filed for extraneous consideration or ulterior motive.

IN THE HIGH COURT OF KARNATAKA, BENGALURU
[RULE 14 (2) of ‘The High Court of Karnataka (Practice and Procedure for
Public Interest Litigation) Rules, 2018]

WP (PIL) 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 email address, if any with proof of identity);

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) :-

(a) 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.

(b) 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):-

(a) That the present petition is being filed by way of public Interest litigation and the petitioner(s) does not/do 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).

(b) 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).

(c) 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).

(d) 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 filed earlier, state its status or the result).

- (e) That the petitioner/petitioners has/have understood that in the course of hearing of this petition the Court may require any security deposit 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.
 - 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 there for:-
(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 there for).
 - 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 with Name/s in capital letters)

Advocate for Petitioner(s)
(Signature with Name/s in capital letters and Enrolment Number)

VERIFICATION

I, _____ the Petitioner No. _____ do hereby on solemn affirmation state and declare that what is stated in the paragraph ____ 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.....)

This day of 20

Identified by me.

Advocate for the Petitioner/s.

High Court of Karnataka

Dated:

REGISTRAR GENERAL
HIGH COURT OF KARNATAKA
BENGALURU.