संगठन है तो उसके पद धारकों के नाम व पते एवं उसके क्रियाकलापों की प्रकृति भी उल्लेखित की जाएगी। एक कथन यह भी प्रस्तुत किया जाएगा कि वादी के पास न्यायालय द्वारा अधिरोपित खर्चों, यदि कोई हैं, का भुगतान करने हेतु साधन हैं तथा उस विषय में न्यायालय को वचन दिये जाने पर।

(ज) रिट याचिका के पैरा 6 में उपचारी कार्यवाइयों हेतु सम्बन्धित प्राधिकारियों को प्रस्तुत किये गये अभ्यावेदन(नों) के विवरण तथा उनके प्राप्त हुये उत्तरों, यदि कोई हों, संक्षेप में दिए जाएंगे ।

(झ) यदि वादी ने पूर्व में जन हित वाद प्रस्तुत किया है अथवा पत्र याचिका योजित की है तो उनके विवरण रिट याचिका की संख्या, उसकी स्थिति एवं परिणाम उल्लिखित करते हुये एक सारणीबद्ध प्रारूप में दिये जाएंगे ।

(ञ) मामले को प्रत्यक्ष स्थापित करते हुये संक्षिप्त में अभिवचन जो पैराग्राफों में विभक्त हों जिस कारण रिट याचिका को प्रस्तुत करने का उत्कर्ष हुआ है, अभिवाचित किये जाएंगे जिनके पश्चात् प्रार्थना के समर्थन में आधार प्रस्तुत किये जाएंगे जिसके पश्चात् अंतिम पैराग्राफ में याचिकाकर्ता द्वारा न्यायालय से ईप्सित आदेश प्रदान किये जाने हेतु संक्षिप्त प्रार्थना करते हुये प्रार्थना खण्ड होगा ।

परंतुक :—परन्तु यदि याचिकाकर्ता उपरोक्त किसी भी मामले हेतु सूचना दिये जाने में असमर्थ है तो इसके कारण के विषय में एक विशिष्ट कथन होगा कि क्यों उक्त सूचना नहीं दी जा रही है ।

(ii) प्रत्येक जनहित याचिका के साथ इन नियमों के साथ संलग्न प्ररूप 'ए' के अनुसार एक शपथ-पत्र होगा ।

भाग-IV

10. न्यायालय की अन्तर्निहित शक्ति प्रभावित नहीं.— इन नियमों में कुछ भी न्यायालय की अन्तर्निहित शक्ति को सीमित अथवा अन्यथा प्रभावित करने वाला नहीं समझा जाएगा जिसमें कि ऐसे आदेश पारित करना न्याय का उद्देश्य पूरा करने हेतु आवश्यक हों अथवा न्यायालय की प्रक्रिया के दुरुपयोग को रोकने के लिए दृष्टाँत योग्य कॉस्ट अधिरोपित करने की शक्ति एवं/अथवा एक याचिकाकर्त्ता अथवा एक अधिवक्ता को जनहित याचिका को प्रस्तुत करने से विवर्जित करना सम्मिलित है यदि वे निरर्थक अथवा प्रयोजन हेतु मुकदमेबाजी में लिप्त पाये जाते हैं ।

प्रारूप-ए

शपथ-पत्र

मैं .....आयु .....

..... वर्ष, पुत्र....., पता.....

.....एतद्द्वारा सत्यनिष्ठा से निम्नलिखित प्रतिज्ञान करता हूँ एवं घोषणा करता हूँ :—

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1. यह कि मैं उपरोक्त नाम का याचिकाकर्ता हूँ अथवा मैं उपरोक्त नाम के याचिकाकर्ता का .....हूँ। याचिकाकर्ता एक समिति/कम्पनी है जिनका पंजीकृत कार्यालय ..... पर है एवं मुझे याचिकाकर्ता के निदेशक बोर्ड/साधारण निकाय/कार्यपालिका समिति की बैठक में पारित एक संकल्प के द्वारा इस याचिका को हस्ताक्षरित एवं संस्थित करने के लिए अधिकृत किया गया है ।

2. मैंने वर्तमान याचिका को एक जनहित वाद के रूप में प्रस्तुत किया है ।

3. मैने दिल्ली उच्च न्यायालय (जनहित वाद) नियम, 2010 का अध्ययन कर लिया है तथा मैं एतद्द्वारा प्रतिज्ञान करता हूँ कि वर्तमान जनहित वाद उनके अनुरूप है ।

4. मैं/याचिकाकर्ता वाद में कोई व्यक्तिगत हित नहीं रखता हूँ और न ही मेरा स्वयं का और न ही किसी और का जिसमें मेरा/याचिकाकर्ता का व्यक्तिगत हित है का, सामान्य जनता के एक सदस्य के सिवाय, किसी भी प्रकार का वर्तमान वाद में माँगे गये अनुतोष से लाभ है । यह याचिका स्वयं के लाभ अथवा अन्य किसी व्यक्ति/संस्था/निकाय के लाभ के लिये प्रेरित नहीं है एवं इस याचिका को प्रस्तुत करने में केवल जनहित के अतिरिक्त अन्य कोई उद्देश्य नहीं है ।

5. मैंने समस्त आँकड़े/सामग्री जो उपलब्ध थे एवं जो वर्तमान याचिका पर विचार किये जाने हेतु इस न्यायालय के लिये सुसंगत थे, को जाँच/अनुसंधान जिसको करना मेरी शक्ति में था, करके एकत्रित कर लिया है/ मैं पुनः पुष्टि करता हूँ कि मैंने वर्तमान याचिका में कोई आँकड़ा/सामग्री/सूचना नहीं छिपाई है जो इस न्यायालय को यह राय स्थापित करने में समर्थ करे कि क्या इस याचिका को ग्रहण करें अथवा नहीं एवं/अथवा क्या कोई अनुतोष प्रदान करें अथवा नहीं ।

अभिसाक्षी

सत्यापन

न्यायालय के आदेशानुसार

वी. वी. वैश्य, महानिबन्धक

HIGH COURT OF DELHI

NOTIFICATION

New Delhi, the 25th November, 2010

No. 451/Rules/DHC.—In exercise of the powers conferred by Section 7 of the Delhi High Court Act, 1996 (Act No. 26 of 1966) and all other powers enabling it, 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", the Delhi High Court hereby makes the following Rules with respect to Practice and Procedure for the Exercise of Jurisdiction under Article 226/227 of the Constitution of India pertaining to Public Interest Litigation.

Part I

PRELIMINARY

1. Short Title.—These Rules may be called the 'Delhi High Court (Public Interest Litigation) Rules, 2010'.

2. Commencement.—These Rules shall come into force from the date of their notification in the Delhi Gazette Extraordinary Part IV.

3. Definitions.—In these rules, unless the context otherwise requires :

(a) "High Court" means High Court of Delhi.

(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 filed as a Public Interest Litigation or a Letter Petition which may be entertained as a 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 at least 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 Delhi High Court to the post of Deputy Registrar under the Delhi High Court Establishment (Appointment and Conditions of Service) Rules, 1972.

Part II

LETTER PETITIONS

4. Public Interest Litigation Cell.—The Hon'ble Chief Justice of the High Court shall by an order constitute a Public Interest Litigation Cell in the High Court 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. 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.

7. 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.

8. 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 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, it may consider necessary, on the letter Petitions presented before it.

(c) Once a Letter Petition is approved to be entertained as a Public Interest Litigation Petition, the same shall be placed before the Public Interest Litigation Bench unless otherwise directed by Chief Justice.

(d) The Public Interest Litigation Cell shall prepare a gist of the Letter Petition in English 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 send it for listing.

Part III

FILING OF PUBLIC INTEREST LITIGATION

9. Instructions 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 I 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 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 Courts themselves.

(e) A specific averment in para 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 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 an 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 petitive, 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.

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

Part IV

10. 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 orders 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 to file Public Interest Litigation if found to be indulging in frivolous or motivated litigation.

PROFORMA-A

AFFIDAVIT

I———————————aged———————years, s/o———————————————r/o———————————————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 Delhi High Court (Public Interest Litigation) Rules, 2010 and do hereby affirm that the present Public Interest Litigation is in conformity thereof.

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/material which was available and which was relevant for this court to entertain the present petition. 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.

DEPONENT

IN VERIFICATION

By Order of the Court,

V. P. VAISH, Registrar General

Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.