

मुख्य पोस्ट मास्टर जनरल डाक
परिमंडल, के पत्र क्रमांक 22/153,
दिनांक 10-1-06 द्वारा पूर्व भुगतान
योजनान्तर्गत डाक व्यय की पूर्व अदायगी
डाक द्वारा भेजे जाने के लिए अनुमत.



पंजी. क्रमांक भोपाल डिवीजन
म. प्र.-108-भोपाल-09-11.

मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 401]

भोपाल, शुक्रवार, दिनांक 30 जुलाई 2010—श्रावण 8, शक 1932

उच्च न्यायालय, मध्यप्रदेश, जबलपुर

Jabalpur, the 21st July 2010

No. A-2144.—Hon'ble the Chief Justice has been pleased to direct that the following amendments in the High Court of Madhya Pradesh Rules, 2008, shall come into force from the 10th day of August, 2010.

(1) In chapter IV, rule 16 shall be substituted by the following:

16. (1) Tied up matters—

Whenever a Judge—

- (a) is elevated to Supreme Court,
- (b) is transferred to other High Court,
- (c) demits office,
- or
- (d) is transferred to other Bench or Principal Seat of the High Court,
- (e) is not available for any other reason and in the opinion of the Chief Justice, the application, looking to the urgency in the matter, it cannot wait for such Judge to resume work;

all matters tied up to him in a—

- (i) single bench (except a review petition, which shall be listed before regular division bench), shall be listed before the regular bench.
- (ii) division bench or full bench, shall be listed before a bench of which the available judge (s) shall necessarily be a member (s).

- (2) Where none of the Judges comprising the bench to which any matter is tied up, is available in terms of sub-rule (1), such matter shall be listed before the regular bench.
- (2) **In chapter X, rule 23 (2) (b) shall be substituted by the following:**
- “(b) be supported by an affidavit verifying the facts relied on and annexures filed therewith.”
- (3) **In chapter X, after sub-rule (2) in rule 30 following sub-rule (3) shall be inserted:**
- “(3) The petition shall be supported by an affidavit verifying the facts relied on and annexures filed therewith.”
- (4) **After chapter XIII, the following chapter shall be inserted:**

CHAPTER XIII A

PUBLIC INTEREST LITIGATION

LETTER PETITIONS

1. (a) Letter petitions, addressed to the Chief Justice and directed by him to be registered as a writ petition or a revision, shall be so registered.

(b) Letter petitions, addressed to a Judge of the High Court, may be forwarded by him to the Chief Justice for consideration.

2. There shall be a Letter Petition Cell in the High Court, headed by the Registrar (Judicial) comprising such Officers of the Registry as members, as may, from time to time, be nominated by the Chief Justice.

3. All letter petitions other than those mentioned in rule 1 above, shall be forwarded to the Registrar (Judicial) in original, who may mark it to a member of the Letter Petitions Cell for scrutiny. The member shall scrutinize the same in the light of the guide lines contained in rules 9,10 and 11 of this Chapter. Thereafter the letter petition shall be submitted to the Chief Justice or a Judge or committee of Judges, nominated for the purpose, by the Chief Justice.

4. The Chief Justice or the Judge or the committee of Judges, nominated by the Chief Justice under rule 3, may either direct that the letter petition be registered as a writ petition or a revision or may pass such other order as may be deemed fit :

Provided that where a Judge or the committee of Judges, nominated by the Chief Justice, directs registration of a writ petition or a revision, he or it shall send the matter back to the Chief Justice for placing before the regular bench or such other bench, as may be nominated by him, for hearing.

5. No letter petition shall be heard on judicial side unless registered as a writ petition or a Civil or criminal revision on an express order made by the Chief Justice or a Judge or the committee of Judges nominated under rule 3 by the Chief Justice.

6. No one shall have a right to be heard by the Chief Justice or the Judge or the committee of Judges nominated by the Chief Justice in respect of a letter petition before its registration.

7. The High Court shall not be obligated to maintain a record of every letter petition; nor shall the Chief Justice or the Judge or the committee of Judges, nominated by the Chief Justice, be bound to assign or communicate reasons for any order made under rule 4 of this Chapter.

8. No correspondence shall be entertained. in respect of any letter petition.

9. Ordinarily, no letter petition espousing individual/personal cause shall be entertained as a writ petition filed in public interest except as hereinafter indicated—

- (1) matters pertaining to bonded labourers;
- (2) matters pertaining to neglected children; .
- (3) Petitions from jails—
 - (a) complaining of harassment;
 - (b) for pre-mature release;
 - (c) for release on probation;
 - (d) seeking release after having completed 14 years in jail;
 - (e) in respect of death in prison ;
 - (f) seeking transfer of a prisoner from one jail to another;
 - (g) praying for release on personal bond; and
 - (h) seeking speedy trial as a fundamental right;
- (4) Petitions against police—
 - (a) complaining harassment / atrocities by police; and
 - (b) in respect of death in police custody.
- (5) Petitions against atrocities on women, in particular harassment of bride, bride burning, rape, murder, kidnapping, child marriage etc.
- (6) Petitions complaining of harassment or torture of or atrocities upon members of Scheduled Castes or Schedule Tribes by persons belonging to upper class or police;
- (7) Petitions for preservation and maintenance of heritage, culture or antiques;
- (8) Petitions for conservation of forest and wild life;
- (9) Petitions by riot-victims;
- (10) Petitions for Family Pension ;

10. Ordinarily, letter petitions falling under the following categories shall not be registered as writ petition or revision. .

- (1) landlord-tenant matters;
- (2) service matters including those pertaining to retiral benefits; and
- (3) the following matters—
 - (a) complaints against central/state government departments/officers; Government Departments and Local Bodies except those relating to Item Nos.(1) to (10) above.
 - (b) matters relating to admission to educational courses;
 - (c) petitions for early hearing of cases pending in High Courts and subordinate courts;
 - (d) petitions alleging civil contempt of court;

- (e) petitions seeking relief for which a main case other than a writ petition under article 226 of the Constitution of India or a revision is maintainable;
- (f) a petition seeking transfer of a case from a Bench to the Principal seat of the High Court or from one subordinate court to another;
- (4) petitions concerning maintenance of wife, children and parents;
- (5) individual complaints against advocates.

11. Ordinarily, a letter petition shall not be directed to be registered simply because the petitioner lacks financial resources to prosecute the remedy available to him under the law.

In such cases, appropriate direction to High Court Legal Services Committee or the State Legal Services Authority may be made by the Chief Justice or the Judge or the committee of Judges.

12. Nothing in this Chapter shall be deemed to restrict the powers of the Chief Justice or a Judge or the committee of Judges nominated by the Chief Justice under rule 3 to register a letter petition in his or its discretion.

Regular public interest Litigation

13. Regular public interest litigation may be initiated by a registered or recognized social action group or an individual having social public standing/professional status and public spirited antecedents or any other person or a group acting *pro bono publico*.

14. A writ petition shall disclose—

- (1) petitioner's social public standing/professional status and public spirited antecedents;
- (2) source of petitioner's finances for meeting the expenditure of the P.I.L.;
- (3) source of the information on which the averments are based;
- (4) facts constituting the cause;
- (5) nature of injury caused to the public; and
- (6) nature and extent of the personal interest of the petitioner involved in the cause, if any.

15. All substantive allegations/averments in a writ petition shall, as far as practicable, be supported by prima facie evidence/material. Such allegations/averments and evidence/material shall be substantiated by an affidavit of the petitioner.

16. A writ petition shall contain a statement/declaration that a thorough research has been conducted in the matter and shall be accompanied by all such relevant material, where necessary.

17. A writ petition shall contain a statement/declaration of the petitioner that to the best of his knowledge, the issue, raised, was not dealt with or decided and that a similar or identical petition was not filed earlier by the petitioner or by any other person and in case such an issue was dealt with or a similar or identical petition was filed earlier, its status or the result thereof.

18. The Court may require a petitioner to deposit such security as deemed fit.

19. Where the Court, after hearing of the matter, is of the view that the petitioner was not genuinely interested in espousing a public cause, it may, in its discretion, impose exemplary cost on the petitioner.

20. The petitions; involving larger public interest, gravity and urgency, shall be given priority over other petitions.

(5) In chapter XXI, sub-rules (1), (2) and (3) of rule 1 shall be deleted.

(6) In chapter XXI, sub-rule (4) of rule 1 shall be substituted by the following:

“(4) A party desiring to appeal to the Supreme Court may apply orally for a certificate in terms of article 134-A of the Constitution of India immediately after the pronouncement of the judgment by the Court and the Court may, as soon as may be, after hearing the parties or their counsel grant or refuse the same to the party on such oral application.”.

(7) In chapter XXI, rules 2 shall be deleted.

(8) In chapter XXI, rule 3 shall be substituted by the following:

“3. Upon the Court directing grant of certificate, *suo motu* or otherwise the Registrar shall issue a certificate for fitness to appeal in Form No. 30 or 31.”.

(9) In chapter XXI, sub-rule (1) of rule 3 shall be deleted.

(10) In chapter XXI, sub-rule (4) of rule 6 shall be substituted by the following:

“(4)(a) for making deposit for the costs of transmission of the original record; or

(b) the preparation of transcript of the record in English and for its transmission; or

(c) for the preparation and transmission of the printed or photocopied transcript of the record.”

(11) In chapter XXI, sub-rules (1), (2) and (3) of rule 22 shall be deleted.

(12) In chapter XXI sub-rule (4) of rule 22 shall be substituted by the following:

“(4) A party desiring to appeal to the Supreme Court may apply orally for a certificate in terms of article 134-A of the Constitution of India immediately after the pronouncement of the judgment by the Court and the Court may, as soon as may be after hearing the parties or their counsel grant or refuse the same to the party on such oral application.

(13) In chapter XXI, rule 23 shall be deleted.

(14) In chapter XXI, rule 24 shall be substituted by the following:

24. Upon the Court directing grant of certificate, the Registrar shall issue a certificate for fitness to appeal, shall be issued in Form No. 30.

(15) In the appendix, Form no. 29 shall be deleted.

C. V. SIRPURKAR
Secy.
High Court Rule Committee.
21-7-2010