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## MOOT COURT SOCIETY

Date: 11<sup>th</sup> October, 2021

### THE 2<sup>ND</sup> INTRA PUBLIC INTEREST LITIGATION DRAFTING COMPETITION, 2021

*Justice will not be served until those who are unaffected are as outraged as those who are.*

- Benjamin Franklin

The Moot Court Society (“MCS”) brings to you an exclusive Intra Public Interest Litigation (“PIL”) Drafting Competition. With this, we aim to inculcate in our students the vigor and virtue of standing up for what's just and fair, to raise not only their voice but also to put their critical thoughts on paper. It is for them to develop and manifest their writing skills and make their words worthy of holding up their cause in the court of law.

*Injustice anywhere is a threat to justice everywhere.*

The PIL Drafting Competition focuses on bringing to light gratuitous and bigoted acts of injustice against minorities or disadvantaged groups and individuals with an aim to make sure that they are not overlooked. We aspire to create future lawyers that make sure that justice sees the broad light of day.

#### Frequently Asked Questions (FAQs) on PIL

##### **1. What is a PIL?**

**Answer:** A PIL refers to a ‘Public Interest Litigation’. It is undertaken to secure public interest and demonstrates the availability of justice to socially-disadvantaged parties. The concept of PIL was introduced by the Former Chief Justice of India – late Justice P.N. Bhagwati. It is a *rule of law* declared by the courts of record.

##### **2. What ensures the validity of a PIL?**

**Answer:** The person (or entity) filing the petition must prove to the satisfaction of the court that the petition serves the interest of the public and is not as a frivolous lawsuit brought for monetary gain.



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### **3. What is the aim and purpose of a PIL?**

**Answer:** The concept of a PIL is suited to the principles enshrined in Article 39A of the Constitution of India to protect and deliver prompt social justice with the help of law. It gives a wider description to the right to equality, life and personality, which is guaranteed under part III of the Constitution of India. It also functions as an effective instrument for change in the societal structure.

### **4. Who can file a PIL?**

**Answer:** A PIL is a petition that an individual or a non-government organisation or citizen groups, can file in the court seeking justice in an issue that has a larger public interest. It aims at giving common people an access to the judiciary to obtain legal redress for a greater cause.

### **5. Where to file a PIL?**

**Answer:** A PIL can be filed in the High Court under Article 226 or the Supreme Court under Article 32 depending on the circumstances.

### **6. Against whom can a PIL be filed?**

**Answer:** Any public-spirited person can file a PIL in a court of law seeking some reliefs for the general public at large and such a PIL can be filed against the State Government, Central Government or any Municipality Authority. However, a private party can also be liable to respond to a PIL if it performs any government functions or functions that can affect the general public at large.

*For example: - If there is a Private factory in Delhi, which is causing pollution, then people living nearby, or any other person can file a PUBLIC INTEREST LITIGATION against:*

- I. Government of Delhi .
- II. State Pollution Control Board
- III. Also against the private factory.

### **7. What are the prerequisites of a PIL?**

**Answer:** The basic conditions / requirements to file a PIL can be listed down as follows:-

- i. Violation of ethical rights or fundamental rights.
- ii. Violation of human rights of the poor.
- iii. Force the municipal authorities to conduct a public duty.
- iv. Execution of government policy.



### **8. What are the benefits of a PIL?**

**Answer:** A PIL helps to clarify a law in its entirety and gives a chance to the Judicial body to re-interpret the existing laws to further give a profound interpretation of the same for public welfare. It further educates, raises awareness among the citizens by making them vigilant. It also gives a hope and raises a voice for the poor and the neglected sectors of society by highlighting their major issues. Its primary aim and intention is public welfare and protection of rights of the citizens in every possible way.

### **9. Why do we need a PIL?**

**Answer:** It clarifies the general and the societal law and provides a proper and a crisp interpretation, meaning and aid to the general public at large. In the modern society where there are certain classes still neglected not only by their own strata but also by the local authorities, a PIL helps them by giving them a platform and to voice out their concerns and seek legal aid.

### **10. What are the reliefs available by a PIL?**

**Answer:** Any case pending may have two types of reliefs, one being the interim measures and the other one being the final order. The interim measures are those which the court considers while the case is pending, and it orders any person or a committee to act in accordance and the final order is something that all have to abide by within a stipulated time.

#### **A. THEME**

The Theme for the Second Edition of the Intra PIL Drafting Competition is '**Post Pandemic Dilemma**'.

#### **B. BACKGROUND NOTE**

The novel Coronavirus is an infectious disease which was first identified in December 2019 in Wuhan, Hubei, China. The World Health Organization declared the COVID-19 outbreak a pandemic on 11th March 2020 and the State of India lifted the lockdown on 30th May, 2021.

The virus had restricted us to just perimeters of our homes. The mundane way of life that the human population had known for generations has changed in such a manner that schools and offices were shifted to online platforms, religious institutions were closed down, and people were forced to wear masks and practice social distancing.



However, with the development of vaccines by several organisations, the world is trying to get back up on its feet but the governments face a greater problem - The Pandemic Dilemma.

### C. TOPICS:

The topics for the Second edition of the Intra PIL Drafting Competition are:

1. Reopening of Educational and Religious institutions.
2. Door to door Covid vaccination for the disabled.

## **RULES AND REGULATIONS**

### **1. ELIGIBILITY**

The Intra PIL Drafting Competition, 2021 is open to **all students of PGCL.**

### **2. TEAM COMPOSITION**

The team may comprise of minimum ***one member*** and a ***maximum of 2 members.***

### **3. REGISTRATION**

The interested students have to register themselves by filling the Google Form and thereafter join the WhatsApp group via the link in the form itself. The last date to register is ***10:00 AM, 17<sup>th</sup> October 2021.***

The link to the registration form : <https://forms.gle/h7kaHYtgNLrha5c26>

### **4. SUBMISSION GUIDELINES**

- a) The language for the competition will be English only.
- b) The PIL should be typed on an A4-sized paper.
- c) The font used must be **Times New Roman, size 12, line spacing 1.5, one inchmargin on each side and content should be justified.**
- d) Page numbers must be given at the Top Right hand corner.
- e) The length of the PIL should not exceed 35 pages.
- f) The cover page of the submission should include the Long Title of the PIL along with the name of the Author(s).
- g) There is no need to insert citations.



## **5. GUIDANCE TO THE FORMAT OF THE PIL**

The draft of the PIL should be in accordance with that of the High Court Format.

### **Pro forma:**

BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT BOMBAY  
(EXTRA-ORDINARY CIVIL WRIT JURISDICTION)

PIL No. OF

IN THE MATTER OF:

(Name of the petitioner/s)

...Petitioner

VERSUS

(Name of the Respondent/s)

....Respondent

TO

THE HON'BLE CHIEF JUSTICE  
AND OTHER PUISNE JUDGES  
OF THIS HON'BLE COURT

THIS HUMBLE APPLICATION OF THE  
APPLICANT ABOVENAME

PUBLIC INTEREST PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF  
INDIA FOR THE ISSUANCE OF:

WRIT, ORDER OR DIRECTION IN NATURE OF MANDAMUS OR ANY OTHER  
APPROPRIATE WRIT, ORDER OR DIRECTION FOR (give the complete prayer as per  
law including the relief you are seeking for)

### **MOST RESPECTFULLY SHOWETH:-**

1. That the following questions of public importance are being raised in the present Public Interest Petition (PIL):
2. That the present petition is being filed against (give details)



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3. That the Respondent(s) is/are an instrumentality of the State, hence State within the meaning of Article 12 of the Constitution of India.
4. That the Petitioner is constrained to approach this Hon'ble Court against the illegal, arbitrary and unconstitutional conduct of the respondents who are bent upon violating and ignoring the mandate of the Constitution of India.
5. That the petitioner is filing the present writ petition in public interest. The petitioner has no personal interest in the litigation and 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.
6. That the petitioner has based the instant writ petition from authentic information and documents obtained from various governments departments/portals applications and has determined the veracity of the same.
7. That the petition, if allowed, would benefit the citizens of this country generally as rule of law is essential for democracy and such brazen violation of law by the respondents can be stopped by the orders of this Hon'ble Court only.
8. That the persons affected by such acts of the State are numerous and are not in a position to approach the Hon'ble Court hence the petitioner is filing the present PIL on behalf of such affected persons. Except for the present respondents no other parties are affected by the present PIL.
9. That the petitioner undertakes to pay the costs if any imposed by the court on this petition.
10. That the Petitioner is constrained to approach this Hon'ble Court against the illegal, arbitrary and unconstitutional conduct of the respondents.
11. That the petitioner has no personal interest in the litigation and 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. The present petition is not guided by any professional considerations and is being filed purely in public interest as the Petitioner.
12. That the petitioner has based the instant writ petition from authentic information and documents obtained from various governments departments /portals / RTI applications and has determined the veracity of the same.



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13. That the petition, if allowed, would benefit the citizens of this country generally as rule of law is essential for democracy and such brazen violation of law by the respondents can be stopped by the orders of this Hon'ble Court only.

14. That the persons affected by such inactivity of the State are numerous and being public at large is not in a position to approach the Hon'ble Court hence the petitioner is filing the present PIL on behalf of such affected persons. Except for the present respondents no other parties are affected by the present PIL.

15. That the Petitioner undertakes to pay the costs, if any imposed by the Hon'ble Court on the present PIL at any stage.

16. That the brief facts leading to the rise of the present case are enumerated hereunder:

17. That aggrieved by the aforesaid act, the Petitioner is before the Court, inter alia, following amongst the other grounds.

#### GROUNDS

18. That the Petitioner has got no other alternate efficacious remedy except for the present Public Interest Petition (PIL).

19. That the petitioner has not filed any other PIL or any other such petition seeking the identical relief before any other High Court or before the Hon'ble Supreme Court of India.

20. That the annexures filed along with the present Public Interest Petition (PIL) are true copies of the originals.

#### PRAYER:

It is most respectfully prayed that the court may issue:

- a) Writ, order or direction in nature of Mandamus or any other appropriate writ, order or direction for (give the complete prayer as per law)
- b) Any other order as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case be also passed in favour of the Petitioner in the interest of justice.
- c) Cost of the present petition be allowed in favour of the petitioner and against the respondent.



Place:

Date:

Petition drawn, drafted & settled

1)

By\_\_\_\_\_

2)

(Signature)

3)

Advocate for Petitioner(s).

Petitioners

BEFORE THE HON'BLE HIGH COURT OF  
JUDICATURE AT BOMBAY  
(EXTRA-ORDINARY CIVIL WRIT JURISDICTION)

PUBLIC INTEREST LITIGATION (PIL)

PETITIONNO:\_\_\_\_\_ 2021

Petitioner(s) Name

.... Petitioner(s)

Versus

Respondent(s) Name

... Respondent(s)

-----  
PUBLIC INTEREST LITIGATION  
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Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2021



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## **6. GENERAL RULES**

- a) The Participant(s) have to choose either of the topics and draft a PIL on the same accordingly.
- b) The Participants have to register themselves by **11:59 PM on 17<sup>th</sup> October, 2021.**
- c) The Participants have to send their PILs to **mcs.svkm@gmail.com** by **11:59PM on 8<sup>th</sup> November, 2021.**
- d) The subject of the email should be “*PIL Drafted for \_\_\_\_\_ by \_\_\_\_\_*.”

The email should include-

1. *Name of the participant (s), and*
  2. *Contact details of the participant (s)*
- e) Results will be declared within a month from the last date of submission i.e. ***8<sup>th</sup> November, 2021.***
  - f) There will be three podiums:

### ***Winner, Runners Up and Second Runners Up***

- g) All prize winners will be awarded with a *Certificate of Merit* and all participants will be awarded a *Certificate of Participation.*
- h) Entries sent after the deadline shall not be considered.
- i) Any entry found to be plagiarized will be disqualified.

## **7. JUDGING CRITERIA**

- a) Neatness
- b) Clear, concise and unambiguous writing style
- c) Integration of facts into legal issues
- d) Focus on essential (*not collateral*) issues
- e) Understanding and analysis of authority
- f) Proper depiction of public welfare



## **8. PRIZES**

- **WINNER – TROPHY AND CERTIFICATE(S)**
- **1<sup>ST</sup> RUNNER UP – TROPHY AND CERTIFICATE(S)**
- **2<sup>ND</sup> RUNNER UP – TROPHY AND CERTIFICATE(S)**

## **9. FOR FURTHER QUERIES PLEASE CONTACT**

Vatsala Toprani – 9819776008

Vaidehi Lal – 9892742298

