APPENDIX = I

'QUESTIONNAIRE'
APPENDIX 1

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1. In your opinion, what are the factors responsible for the emergence of Public Interest Litigation in India?

2. Can we have an effective Public Interest Litigation movement in the existing legal system? If 'Yes' - How and where can we accommodate it in the present set-up? If 'No' - What changes are to be brought about in the present set-up?

3. Presuming that we can have an 'effective' Public Interest Litigation movement in the present legal set-up, then the question arises - How can we reconcile this movement with the procedural dimensions of judicial process, namely, 'locus standi', 'res judicata', 'exhaustion of alternative remedies', etc.?

4. Seeing the present attitude of - the people, judiciary, bar, press, social organizations - can we envisage a bright future for Public Interest Litigation in India?
5. What measures should be taken to have an effective Public Interest Litigation movement at following levels: i. Law College level; ii. by judiciary; iii. at bar level; iv. by social organizations; v. by people at large?

6. In order to strengthen the Public Interest Litigation Movement and to accelerate its pace in achieving the cherished goals of Indian Constitution - who should finance this movement? Should it be the state, and/or the bar, and/or social organizations, and/or donations from public or private, and/or any other alternative remedy that you may kindly suggest?

7. In Public Interest Litigation cases there is a serious problem faced by the courts, i.e., 'fact finding' and 'fact evaluation. How should, in your opinion, the court effectively tackle this problem? Should the court adopt any one or more of following mechanisms - Ombudsman of Continental system, and/or Commissioner/s appointed by the courts, and/or recognizing the reports drawn by various organizations as authentic, and/or any other alternative that you may kindly suggest?

8. Whether over-extensive reliance on socio-legal commissions of inquiry does not give to the court a partial and biased view of the facts?
9. Seeing the manner in which Public Interest Litigation is initiated, and activism of the judiciary in prosecuting Public Interest Litigation cases, don’t you feel that judges are shopping for particular issues and causes, and litigants are shopping for particular judges?

10. Can we have a Permanent Public Interest Litigation Cell in High Court of Gujarat?

11. How can it be decided that - whether or not a 'public spirited person' is honest, 'serious' enough to be held 'adequate representation' of entire class or sub-class?

12. How can negligence, abuse, blackmail, be prevented?

13. What are the underlying criteria to identify 'public interest'? Can we draw a priority list out of various public interests?

14. Can Public Interest Litigation be made part of Legal Aid Movement?

15. Whether the existing 'lawyering techniques' are adequate to institutionalize this strategy?
16. What role the Legal Aid Committee should play in the institutionalization of Public Interest Litigation?

17. Since Doctrine of 'locus standi' has acquired a new dimension after liberal interpretation placed on Article 21 in *Maneka Gandhi case* in 1978. So far so good. But now, in future, with this new interpretation in the background - whether, in your opinion, the judiciary will not be entrenching upon the field reserved for legislature or executive?

18. Till now, the courts were entertaining Public Interest Litigation wherever there was subversion of rule of law or public interest. But this gives too wide a scope to the judiciary to interfere with legislative and executive actions even in cases where judicial intervention is unnecessary. In a short span of a decade in India, Public Interest Litigation has grown with such fast speed and vigor that a serious thought over its' consequences is required. Thus, what is the arena within which court should entertain Public Interest Litigation cases?

19. Since every complaint may not involve violation of fundamental rights, so for minor grievances should/can Public Interest Litigation lie before District Court?
20. In your opinion, what unique characteristics the Public Interest Litigation has acquired in India?

21. While deciding the future of growth of Public Interest Litigation in India, should the growth of this movement be limited or unlimited?

22. In view of the administrative resistance to effectively enforce the directions or orders issued by the court in a few Public Interest Litigation cases, what measures, in your opinion, should be taken by the courts to have an effective enforcement of its orders and directions?

23. In your opinion, what are the inherent dangers to this strategy?

24. In India, of late, there is spectacular growth of Public Interest Litigation, contrasting dramatically with decline of this movement in United States, which once stood as model for others to follow. What reasons, you'd attribute to the decline of Public Interest Litigation movement in United States?

25. In India, so far, the Public Interest Litigation movement has, by & large, rendered remedial justice to the socially and economically disadvantaged people only. Should/can this
movement also include, as in the United States, public participation in the decision-making process of all the social and political institutions - like legislature, judiciary, executive, administrative agencies, and other organizations of public character?

26. In your opinion, what is the impact of this movement on democratic process?

27. How should public interest lawyer structure his efforts so that he, both attracts individual clients and also helps the poor people organize themselves?

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