



Mains Practice Question

Q. 'Every matter of public interest cannot be a matter of public interest litigation'. Comment. (250 words)

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Approach

- Briefly explain public interest litigation.
- Mention the intent behind its introduction in India.
- Discuss the growing scenario of its misuse.
- Suggest some measures to check this misuse while maintaining its original purpose.

Introduction

- Public interest litigation (PIL) which was devised by the apex court in 1984, is a valuable mechanism to redress the problems of the neglected, alienated and marginalized sections of society whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard.

Body

Advantages of PIL

- PILs help in clarifying the laws.
- PILs have made it easier for the judiciary to haul up the executive when it is not performing its duties properly.
- It gives vulnerable people a voice by highlighting an important issue and providing a platform for advocating for their rights.
- PILs help in raising awareness of important issues encouraging public debate and media coverage.
- PIL was started with a good intention to help the poor people of this country. But with the passage of time, PILs are gradually turning into 'private interest litigation', 'political interest litigation' and 'publicity interest litigation', and thus attempting to appropriate PIL for corporate gain, political advantage or personal interest.

Misuse

- Almost any issue is presented to the courts in the guise of public interest because of the allurements that the PIL jurisprudence offers (e.g. inexpensive, quick response, and high impact).
- PIL is being misused by people agitating for private grievances in the grab of public interest and seeking publicity rather than espousing public causes.
- It is also observed that PIL is being misused as an instrument to 'settle scores with corporate rivals and also for personal vendetta'.
- Number of political parties are also seen filing frivolous petitions to get political mileage.
- The judiciary has been criticized due to the overstepping of its jurisdiction and that it is unable to implement its orders effectively.

Way forward

- Court needs to authoritatively declare that it will interfere only in cases of violation of fundamental rights related to people who cannot themselves approach the court because of poverty and lack of resources.
- As reiterated in a series of judgments, PIL should not be misutilised for personal agenda and to advance political gain.
- In Ashok kumar v State of W.B. case, the Supreme Court has laid down certain conditions on which the court has to satisfy itself while entertaining PILs. Thus these guidelines must be strictly adhered to so as to check the misuse of PIL jurisprudence.

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