

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF LEGAL AFFAIRS

Lok Sabha  
Unstarred Question No. 844  
TO BE ANSWERED ON 26.06.2019

**Public Interest Litigation**

**844. DR.SUKANTAMAJUMDAR:**

Will the Minister of LAW AND JUSTICE, be pleased to state:

- (a) the total number of Public Interest Litigations (PILs) filed in the Supreme Court and various High Courts during the last three years and the current year, court-wise;
- (b) whether the Government is aware of a larger number of frivolous litigations being filed under the guise of PIL;
- (c) if so, the details thereof and the reaction of the Government thereto;
- (d) whether the Government proposes to initiate action to check such frivolous litigations; and
- (e) if so, the details thereof?

**ANSWER**

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND ELECTRONICS &  
INFORMATION TECHNOLOGY  
(SHRI RAVI SHANKAR PRASAD)**

(a) to (e) A Statement is laid on the Table of the House.

**Statement referred to in reply to parts (b) to (e) of the Unstarred Question no. 844 for answer in the Lok Sabha on 26.06.2019.**

(a) The information is being collected and will be laid on the Table of the House

(b) to (e) A Public Interest Litigation may be filed before the Supreme Court under Article 32 of the Constitution under their respective Writ Jurisdictions. The Hon'ble Supreme Court from time to time through its various judgments has observed that the Court must be careful to see that the member of the public, who approaches the court through Public Interest Litigation is acting bona fide and not for personal gain or private profit or political motivation or other oblique consideration. The court must not allow its process to be abused by any people, organisations and institutions by filing meaningless petitions in the name of PILs. Public-interest litigation is a *rule of declared law* by the courts of record. However, the person (or entity) filing the petition is being filed for the public interest and not as a frivolous litigation for pecuniary gain. The Supreme Court in the case of State of Uttarakhand vs. Balwant Singh Chauhal and others had held that in order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:-

(a) The courts must encourage genuine and bona fide PIL and effectively discourage and curb the PIL filed for extraneous considerations.

- (b) Instead of every individual judge devising his own procedure for dealing with the public interest litigation, it would be appropriate for each High Court to properly formulate rules for encouraging the genuine PIL and discouraging the PIL filed with oblique motives. Consequently, we request that the High Courts who have not yet framed the rules, should frame the rules within three months. The Registrar General of each High Court is directed to ensure that a copy of the Rules prepared by the High Court is sent to the Secretary General of this court immediately thereafter.
- (c) The courts should prima facie verify the credentials of the petitioner before entertaining a P.I.L.
- (d) The court should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.
- (e) The court should be fully satisfied that substantial public interest is involved before entertaining the petition.
- (f) The court should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.

- (g) The courts before entertaining the PIL should ensure that the PIL is aimed at redressal of genuine public harm or public injury. The court should also ensure that there is no personal gain, private motive or oblique motive behind filing the public interest litigation.
- (h) The court should also ensure that the petitions filed by busybodies for extraneous and ulterior motives must be discouraged by imposing exemplary costs or by adopting similar novel methods to curb frivolous petitions and the petitions filed for extraneous considerations.

Since Hon'ble Supreme Court has been issuing guidelines from time to time to put a check on these meaningless litigation, no further governmental actions is considered necessary at this stage.