

PIL has become an 'industry of vested interests': SC

Two sides: Nishant Katneshwarkar, Chief Standing Counsel of Maharashtra, and Prashant Bhushan, representing the petitioners, addressing presspersons after the verdict on the Loya PIL petitions on Thursday. Shanker Chakravarty

The Supreme Court on Thursday derided the Loya PIL petitions as a case in point of how public interest litigation has become an "industry of vested interests" rather than a powerful tool to espouse the cause of the marginalised and oppressed.

A Bench of Chief Justice of India Dipak Misra and Justices A.M. Khanwilkar and D.Y. Chandrachud said the essential aspect of a genuine PIL petition was that the "person who moves the court has no personal interest in the outcome of the proceedings, apart from a general standing as a citizen before the court."

The PIL was envisioned by the Supreme Court's legendary judges as "a powerful instrument to preserve the rule of law and to ensure the accountability of and transparency within structures of governance".

Reality check

Justice Chandrachud, who authored the verdict, said it was time for the judiciary to do a reality check on the advent of PIL petitions which flooded the courts.

The judgment said PIL had now become a façade for people hungry for publicity or those who wanted to settle personal, business or political scores. The true face of the litigant behind the façade was seldom unravelled.

"It is a travesty of justice for the resources of the legal system to be consumed by an avalanche of misdirected petitions purportedly filed in the public interest which, upon due scrutiny, are found to promote a personal, business or political agenda. This has spawned an industry of vested interests in litigation," Justice Chandrachud observed.

This "avalanche" would cost the judiciary and other democratic institutions dearly. The PIL had already "seriously denuded the efficacy of the judicial system by detracting from the ability of the court to devote its time and resources to cases which legitimately require attention."

"Business rivalries have to be resolved in a competitive market for goods and services. Political rivalries have to be resolved in the great hall of democracy when the electorate votes its representatives in and out of office. Courts resolve disputes about legal rights and entitlements. Courts protect the rule of law," the Supreme Court observed.

Judicial process would be reduced to a charade if nothing is done to close the floodgates of PILs, the court said.

END