

Public Interest Litigation: Vexatious and Frivolous Litigations

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ABSTRACT

Public Interest Litigation has been in vogue in the country for nearly three decades. Public Interest Litigation has provided speedier remedy to the aggrieved. It is much less expensive and is short of procedural intricacies worried in an ordinary proceeding and is greater efficacious. PIL also serves the object of educating people. It facilitates access to courts and helps deprofessionalisation of the legal process. PIL has doubtless been a welcome improvement in Indian Public Law. The courts have taken a goal oriented approach in the interest of justice and performed an immense role in making the rights meaningful and accomplishing justice to the illiterate, impoverished and downtrodden. But PIL in India has been open to abuse. Public Interest Litigation has improved the problems of a docket congested registry. There are complaints from both bar and bench that too much court is spent on PIL at the cost of other instances which remain unheard for long intervals of time. Administrators and lawyers who are either opposed to PIL to it argued that there is already an astronomical rise in pending cases and consequently the acceptance of PIL into the judicial system should result in the eventual collapse of the judicial system in India.

1. Introduction

Public Interest Litigation is a means employed by the judiciary and public minded people and organisations to provide a threat to the poor and impoverished to be searching justice according with the provisions of the Constitution of India. It should be used with the necessary care, caution and circumspection; judiciary has also an obligation to see to it that it is not always drawn into encroaching upon the functions of the other aims of the state under the guise of redressing a public grievance. It is essential to create awareness of the fact that the attractiveness of Public Interest Litigation jurisprudence does on no account necessarily imply that each petition need to usually be entertained and relief given without full examination of the facts presented before the courts.

Many of Public Interest Litigation activists in the country have observed the Public Interest Litigation as a on hand tool of harassment because frivolous instances may be filed without funding of heavy court fees as required in private civil litigation and deals could then be

negotiated with the victims of stay orders acquired in the so-called PILs.

2. Review of Literature

1. Public Interest Litigation: A Boon or Bane? (2004)¹-This Paper deals with the concept of Public Interest Litigation together with its advantages and disadvantages. The paper highlights the history of Public Interest Litigation and how this concept got here into existence in India. Further it identifies the advantages of PIL and also its demerits. This paper also covered a component in which it states that the PIL is being misused and highlights the stir important to keep away from in further misuse as pronounced by using the Apex Court.

¹ Public Interest Litigation" Shri V. S. Vadivel, "Public Interest Litigation- A Boon or Bane?", Legal Service India, 2004.

2. Public Interest Litigation: A Critical Review (2009)²-This paper involves around the concept of Public Interest Litigation in India. It begins with the evolution of PIL in India is going further to the judicial moulding of standing, procedure and remedy of Public Interest Litigation cases and the improvement of PIL in present times. It also focuses on the positive contribution as well as dark facet of PIL in India. It also includes some important instances dealing with PIL. Finally it concludes that through PIL serves the Public at large; it ought to be intentionally used.

3. Public Interest Litigation: Access to Justice" (2012)³- This paper explains approximately the concept of PIL and how it come into India. It cites various judicial decisions referring to PIL. It also highlights the factors which are responsible for the growth of PIL in India. This paper concludes that is an institutional initiative taken towards the welfare of the needy elegance of the society.

4. "Public Interest Litigation in India: Pros and Cons" (2015)⁴-This paper explains about the concept of Public Interest Litigation in India. It covers that means of PIL, its origin and development and the constitutional framework of PIL. The foremost a part of this paper which serves the purpose of this paper is that of the merits and demerits of PIL. The efficacy of this paper is derived when it explains the development of Public Interest Litigation in India within the three phases. It also takes the cognizance of diverse case laws for better knowledge.

3. Development of PIL

² Dev Surya, "Public Interest Litigation: A Critical Review" Civil Justice Quarterly, June 2009, Vol. 28, pp.19-20

³ Bohra, Dr. Saroj, "Public Interest Litigation: Access to Justice" Manupatra July 2012,

⁴ Sadual, Dr. Manoj Kumar, Public Interest Litigation in India: Pros and Cons", Published in International Journal of Humanities and Social Science", Vol.-IV, Issue- I, July 2015 p. 30-39

This undeveloped concept of Public Interest Litigation can be traced in the system of action popularis of Roman Law which approved all of us within the society to initiate an action for a public delict in the Court of Law or to bring an action of restitution or injunction for the protection of public property or a religious charitable assets. Thus the system of action popularis of Roman law may be described as historical basis of the prevailing form of Public Interest Litigation.

The complete development of PIL in India till today can be attributed to the following four procedures:

1. Liberalisation of the rule of Locus Standi,
2. Treating letters as writ petitions,
3. Suo motu intervention by the judge,
4. Adoption on non-adversarial procedure of justice and appointment of Commission.

The seed of the concept of PIL development was started in 1976 by Justice Krishna Iyer in *Mumbai Kamgar Sabha vs. Abdul Bha*⁵ and Justice P.N. Bhagwati to ensure human rights to poor, starved and exploited. It demanded for another keen part of legal process and imaginative part of judges. The concept of PIL was created through judicial activism of the Apex Court of India. Justice Krishna Iyer, while disposing an industrial dispute related to the payment of bonus, he observed:

“Our adjectival branch of Jurisprudence by and large deals not with sophisticated litigants but the rural poor, the urban lay and the weaker societal segments for which law will be an added terror if technical mis-descriptions and deficiencies in drafting pleadings and setting out the cause-title create a secret weapon to non-suit a part. Where a foul play is absent and fairness is not faulted latitude is a grace of processional justice. Test litigations, representative action, pro-bono public and like broadened forms of legal proceedings are in keeping with the current accent on justice to the common man and a necessary disincentive to those who wish to by-pass the real issues on the merits by suspect reliance on peripheral procedural short-comings. Even Article 226 viewed on wider perspective may be amendable to ventilation of collective or common grievances, as distinguished from assertion of individual rights, although the traditional view, view backed by precedents has opted for the narrower alternative. Public interest is promoted by a spacious construction of locus standi in our social-economic circumstances and conceptual latitudinarianism permits taking liberties with individualisation of the right to invoke the higher courts where the remedy is shared by a considerable number, particularly when they are weaker. Less litigation consistent with fair process is the aim of adjective law.”⁶

Later Bhagwati, J. (as he then was) in one of his article observed:

“The judiciary has to play a vital and important role not only in preventing and remedying abuse and misuse of power but also in eliminating exploitation and injustice... During the last three to five years however Judicial Activism has opened up a new dimension for the judicial process and has given new hope to the justice-starved millions of India.”

In *Fertilizer Corporation Kamgar Union vs. Union of India*,⁷ the concept Public Interest Litigation was utilized. In that

decision, Krishna Iyer, J. Delivering his opinion for Bhagwati, J. (as he was the learned Chief Justice) and himself used the expression epistolary jurisdiction. However, this rule on gaining momentum burgeoned more and more, expanding its branches in the cosmos of Public Interest Litigation and took its root firmly in the Indian Judiciary and fully blossomed with fragrant smell in *S.P. Gupta vs. Union of India*.⁸

Rule of Law is an integral part of a democratic society, where citizen's rights are dealt with by an autonomous and impartial judiciary. Thus in every democratic society citizens access to justice is the hallmark and any infringement on that right mars the soul of a democratic system of government. However, in recent years the whole adjudicatory system has become pray to dilatory and expensive process takes a heavy toll on a poor citizens right of simple access to justice. In the recent era, there has been a tremendous increase in the government's power and responsibilities mainly because the Indian state is a welfare state which entails a host of executive inferences in various walks of human life and which leaves no corner of an individual's life untouched. Due to this exceptional changes in socio-economic and political aspects of the governance of the country, the judiciary too has kept pace with it and has accepted a few new obligations and jurisdictional so for unbelievable. The realization by the judiciary of this new improvements executives increasing inference in to daily lives and regularly expanding circumscription of peoples access to justice have driven them to embrace less formal procedures and circumvent the nuances of technicalities of the litigation processes. The hugest of them was the liberalization of the doctrine of locus standi.

Bandhua Mukti Morcha vs. Union of India,⁹ a public spirited organisation access for the release of bonded labourers working in stone quarries. In *Peoples Union for Democratic Rights vs. State of Bihar*,¹⁰ the Apex Court entertained petition by way of a public spirited organisation for compensation on behalf of person's victim of unjustified police atrocities. In *Sunil Batra II vs. Delhi Administration*¹¹ the Court allowed access to a prisoner complaining about brutal attack and assault with the aid of head warden on a fellow prisoner on the ground of class standing.

4. Problem faced by Public Interest Litigation

The problem faced by way of Public Interest Litigation is contributes significantly to the clogging of the court with pending subjects as frustrating frequency of adjournment. These bring about now not only the delayed disposal of subjects before the Courts but they also make a contribution to the inordinate and unjustifiable delay of feasible awards to those who remain oppressed.

PIL intentions are also annoyed and hindered with the aid of the ones among opportunistic people in society who seek to use the best cause for ulterior motives. Such people are the ones who use PIL not to vindicate the cause of justice but for private profit, political mileage or other oblique intentions. “The courts must never allow themselves to be manipulated in this

⁸ AIR 1982 SC 149.

⁹ (1984) 3 SCC 161

¹⁰ (1987) 1 SCC 265

¹¹ (1980) 3SCC488

⁵ AIR 1976 SC 1455

⁶ Janta Dal vs. H.S. Chowdhary, AIR 1993 SC 892 AT 906.

⁷ AIR 1981 SC 344

fashion and all attempts to malign PIL in this way, must be thwarted on the onset."¹²

5. Vexatious and Frivolous Litigations

The growing use of P. I. L. has introduced a new hope to the victims of administrative injustices and criminal negligence of the government through the process of participative justice. But there may also develop some dangerous trends of misuse of this process which the Apex Court pointed out in *S. P. Gupta vs. Union of India*,¹³ in the following words:

"..... but we have to hasten to make it clear that the individual who moves the Court for judicial redress in cases of this kind have to be performing acting bona fide with a view to vindicating the cause of justice and if he is acting for personal gain or private profit or out of political motivation or other oblique consideration, the court must not allow itself to be activated at the example of such person and ought to reject his application at the threshold We can also point out that as a matter of prudence and not as a rule of law, the Court may confine this strategic exercise of jurisdiction to cases in which legal wrong or legal injury is precipitated to a determinate class or group of persons or group of persons is violated and as far as possible, no longer entertain cases of individual wrong or injury at the instance of third party "In *Krishna Kant Jaiswal vs. Vice-Chancellor, B. H. U., Varanasi*,¹⁴ the Allahabad High Court altered against the probable frivolous litigations which may get berths on this process. The Court found that PIL has come to stay as one of the species of litigation in which redress may be found from the Courts of law. However, this does not confer a general and untrammelled right to indulge within the frivolous litigation without any genuine cause of action and the necessity of seeking redress of some real grievance. Consequently, even as recognising such litigation certain minimum conditions must be satisfied before the courts shall lend assistance to such litigant requesting for relief. One of the facts which may also deter the Court from affording such assistance is that the petitioner has a personal axe to grind and the petition is founded on apparently selfish and personal motives. He has to no longer be inspired by malice or a design to malign others or be actuated with the desire for propaganda. The motives of personal vendetta political or otherwise shall also be upon with eminent disfavour before the Court entertains such writ petitions.

The Apex Court in *Simranjit Singh Mann vs. Union of India*¹⁵ made an important pronouncement by holding that no petition can be filed under Article 32 as P. I. L. in criminal cases. Although it become pleased by the petitioner that this P. I. L., commenced by an act of a recognised political party who had a genuine interest in the destiny of the convicts need to be entertained the plea was turned down and it was declared by the Court that the petitioner being a third party is definitely a stranger to the prosecution and has no locus standi but he can challenge the sentence awarded to the convicts. Similarly, a writ petition as PIL cannot be maintained in which writ petition has been dismissed in that case and PIL was rejected by using the Apex Court on finding that the appellant has no locus

standi.¹⁶ In *Union Carbide Corporation vs. Union of India*,¹⁷ Rangnath Mishra , C.J., said thus:

"I am prepared to assume may concede that public activists should also be permitted to spouse the course of the poor citizens but there ought to be a limit set to such interest and nothing perhaps must be carried out which could affect the dignity of the Court and bring down the serviceability of the institution to the human beings at large. Those who are familiar with the jurisprudence and enjoy social privileges as men educated in law owe an obligation to the community of educating it properly and allowing the judicial process to continue unsoiled."

In *Subhash Kumar vs. State of Bihar*,¹⁸ K. N. Singh, J., expressed as:

"Public Interest Litigation cannot be invoked by a person or body of persons to satisfy his or its non- public grudge and enmity. If such petitions under Article 32 of Indian Constitution are entertained it would amount to abuse of process of the Court, preventing speedy remedy to other genuine petitioners from this Court. Personal interests cannot be enforced through the process of this court under Article 32 in the garb of a P. I. L. It is the responsibility of this court to discourage such petitions and to ensure that the course of justice is not obstructed or polluted by way of unscrupulous litigants by means of invoking the extraordinary jurisdiction of this Court for personal subjects under the garb of the public interest litigation."

It is thus clear that only a person acting bona fide and having sufficient interest within the proceeding of Public Interest Litigation will on my own have a locus standi and may approach the court to wipe out the tears of the poor and needy affected by violation of their fundamental rights but not someone for private gain or private profit or political motive or any oblique attention. Similarly, a vexatious petition under the colour of Public Interest Litigation brought before the Court for vindicating any private grievance deserves rejection at the threshold.¹⁹ S. Ratnavel Pandian, J., expressed his discomfort over the exercise of frivolous proceedings initiated before the courts in the name of PIL inflicting wastage of its treasured time which otherwise could have been spent for the disposal of instances of the genuine litigants. He observed:

"the busy bodies, meddlesome interlopers, way farers or officious interveners having absolutely no public interest except for personal gain or private profit either for themselves as proxy of others or for any other extraneous motivation or for glave of exposure destroy the queue muffling their faces by wearing the mask of PIL and get into the courts by filling vexatious and frivolous petitions and thus criminally waste the value time of the courts and as a result of which the queue standing outside the doors of the Courts never moves which piquant situation creates a frustration in the minds of genuine litigants and resultantly they lose their faith in the administration of our judicial system. Ibid

In *President, Mahavidyalaya Siksha Sudhar Sangharsh Samiti vs. State of Bihar and others*²⁰ The Patna High Court dismissed the petition filed in the name of PIL, praying the

¹² Supra note 6, Janta Dal vs. H.S. Chaudhary (1991) 3 SCC 756

¹³ Supra note 8, AIR 1982 SC 149

¹⁴ AIR 1984 All. 350

¹⁵ AIR 1993 SC 280

¹⁶ T. N. Rugmani vs. Achutha Menon, AIR 1991 SC 983

¹⁷ AIR 1992 SC 248 at p. 262

¹⁸ AIR 1991 SC 420

¹⁹ Janta Dal vs. H.S. Choudhary, AIR 1993 SC 892 at p. 918

²⁰ AIR 1995 Patna 07

Court for passing the order of excursion of police force from college premises of the A.N. College, Patna. The unruly elements were spreading terror in the college campus, extracting money from innocent students in admissions and examinations, insulting teaching and non-teaching staff, Principal attacked with bombs and pistols. All these conditions made it important that the Central Reserve Police Force camps inside the college campus to restore law and order. The petition filed by the President of the aforementioned samiti was held to be a gross abuse of the process of the Court. The petitioner was neither a student nor a parent of any student of the college. It was held that he had no locus standi. It was clearly an instance of frivolous Public Interest Litigation.

Where in a PIL some official documents had been annexed thereto but no indication was given as to how petitioners came in possession thereof, frivolous pleas were taken to explain such possession. The Supreme Court directed that in such cases High Courts should not only dismiss petitions but also should impose exemplary costs.²¹ In *Chhetriya Pradushan Mukti Sangarsh Samiti vs. State of U.P.*,²² the Supreme Court entertained a letter petition at the alleged environmental pollutants caused by the two industrial units at Sarnath, Varanasi. Later on, the Court discovered a protracted records of enmity among the so known as protectors of Public Interest and the proprietors of industrial units. It was also found that prima facie the norms laid down in the Air/water (Prevention and Control of Pollution) Acts 1974 and 1981 have been followed. Rejecting the petition the Court cautioned against the abuse of PIL and said that this weapon as a safeguard ought to be utilised and invoked by means of the Court with great deal of circumspection and caution. In *S. P. Anand vs. H. D. Deve Gowda*,²³ the Supreme Court observed that on problems of Constitutional Laws, litigants who can lay no claim to have professional expertise in that field should refrain from filing petitions, which if we may say so, are often drafted in a causal and cavalier fashion giving an extempore appearance not having had even a second look. Lastly, it must also be borne in mind that nobody has right to the waiver of the locus standi rule and the Court have to allow it only whilst it is miles satisfied that the carriage of proceedings is within the competent hands of a person who is genuinely involved in public interest and is not moved by other extraneous consideration.

In *A. G. Prayagi vs. State of M. P. and others*²⁴, the M. P. High Court turned down the petitioners claim to invoke PIL because the petition suffered from mala-fide and frivolity. The petitioner turned into a public servant under suspension facing serious charges of corruption. He moved his petition to remove the Cabinet Minister and high officers of Public Health Department for misuse of public funds and powers. The petition is filed by the petitioner as a tax payer protecting it to be a litigation of public interest. The Court held that the petitioner has no locus standi as the petition is not filed bona fide but to defame his superiors.

In *Vinod Kumar Kanojia vs. Union of India*,²⁵ the Delhi High Court turned down the petitioners claim to invoke PIL because it suffered from mala fides. In this case the petitioner has desired PIL on behalf of the Hindustan Kanojia Organisation, Scheduled Caste in India after coming to know from a information that a film in the name of Dhobi Ghat is going to be released and the name of the film has affected sensitivity and created a dent in the feeling of the community. The Court held that Dhobi Ghat is a description of a place where garments are washed. It has region oriented description and naming of a film of this nature cannot be offensive to the caste in question.

In *Asharam Babu vs. Union of India and others*,²⁶ a writ petition was filed before the Sup Court on behalf of the accused Asharam Babu. The Supreme Court rejected and held that there has been no justification for entertaining the writ petition as the media, both print and digital, have their own regulations and guidelines from responsible reporting. In the coverage of Court proceedings and matters sub-judice, the media maintains in mind the provisions of Sections 2(c), 3, 4 and 5 of the Contempt of Courts Act, 1971. Article 129 and 215 and 19(1)(a), 19 (2) and 21 of the Constitution of India and Sections 376, 376(2) (f) and (k) and 376-C of the IPC with a view not to meddle with the fair trial of the accused.

6. Caution against Frivolous Petitions

In *Dr. B. Singh vs. Union of India*,²⁷ the Apex Court reiterated that Public Interest Litigation means legal action initiated in a Court of law for the enforcement of public interest or general interest in which the public or a class of the community have pecuniary interest in which the public or some interest by which their legal rights or liabilities are affected. Public Interest Litigation has to be allowed only for protection of human rights related to social justice to the citizens. It has to be aimed towards redressal of genuine public wrongs or public injury and not founded on personal vendetta or a mere publicist stunt. The Court has to be very vigilant and act ruthlessly whilst handling impostors and busy bodies or meddlesome interlopers impersonating as public spirited activists.

In *Gurpal Singh vs. State of Punjab and others*,²⁸ the Apex Court turned into known as upon to decide the scope of entertaining, a petition styled as a Public Interest Litigation. The validity of the appointment of a person as Auction Recorder was challenged by the petition. The High Court in this Public Interest Litigation petition held that the appointment of the appellant to that post was illegal. On appeal, the question before the Apex Court was whether the order of the High Court was sustainable. The Apex Court held that after a particular person is object and target of a petition styled as Public Interest Litigation, the Court needs to be careful to see whether attack in the guise of PIL is surely intended to unleash a private vendetta, personal grouse or a few other mala-fide object. In service matters Public Interest Litigation petitions are generally now not entertained. The High Court was therefore, not justified in entertaining this writ petition.

²¹ Dattaraj Hathuji Thaware vs. State of Maharashtra, AIR 2005 SC 540

²² (1990) 4 SCC 449

²³ AIR 1997 SC 273

²⁴ AIR 1987 MP 25

²⁵ AIR 2011, Del.73

²⁶ (2013) 10 SCC 37

²⁷ (2004) 3 SCC 363

²⁸ (2005) 5 SCC 330, p. 92

In *President, Poornathrayisha Seva Sangham, Thripunithura vs. K. Thilakan Kavanal and others*²⁹, the scope and ambit of Public Interest Litigation within the matter of management of a temple governed by provisions of a statutory enactment, namely Travancore Cochin Literacy Scientific and Charitable Societies Registration Act, was concerned. On the question whether the High Court was right in entertaining the writ petition, the Apex Court held that since other disputed facts were also involved in the case besides the dispute relating to grant of permission to use Oottupura, the High Court must no longer have gone into them even in respect of primary grievances of the writ petitioner.

In *Kusum Lata vs. Union of India*,³⁰ the Apex Court observed that the PIL which has now come to occupy an important field in the administration of public law and justice must no longer be allowed to be misused as a tool by unscrupulous persons to wreak vengeance. It need to now not be borne out of wishful thinking or is further ones personal cause or to satisfy his personal grudge or enmity. This extra ordinary jurisdiction of the court should be used for a bona fide cause if you want to wipe out violation of fundamental rights actual implementation of statutory provisions. In this case, the petitioner complained of discrimination in the matter of bidding for mining of sand, boulders and so forth. Dismissing the petition, the Court held that the matter relates to private interest litigation and therefore it might be grossly unjust to allow Public Interest Litigation for vindication of such private right.

In *Rajiv Ranjan Singh Lalan vs. Union of India*³¹, observed that Public Interest Litigation is meant for the gain or disadvantaged and neglected persons who cannot have access to the Court due to their social backwardness. It is not meant to develop the political profits or for settlement of scores under the guise of PIL. Intervention inside the pending criminal proceedings through Public Interest Litigation being totally foreign and unwarranted, the proceedings in the instantaneous case need to be persevered in line with the established process of the criminal law and Public Interest Litigation remedy could not be invoked for this cause. In *Mohan Tripathi vs. State of Maharashtra*,³² the Supreme Court held that the judiciary needs to be very careful with dealing with PIL writs coming before them for adjudication.

In *Orix Auto Finance (India) Ltd. vs. Jagonandar Singh*,³³ the Apex Court warned against the misuse of Public Interest Litigation in derogation of any existing law. Expressing its concern about some High Courts and litigants using P. I. L. in derogation of the law to keep away from the consequence of hire-purchase law, the Court held that it being essentially a matter of contract there is no scope for any writ petition in such contractual matters unless it is far shown that the contract is unconscionable or it is far against public policy. The High Court was therefore, now not justified in lying down any guideline which might in essence amount to version of the agreed terms of the hire-purchase agreement.

In *Common Cause (A Registered Society) vs. Union of India*,³⁴ the Apex Court reiterated that Public Interest Litigation are being entertained by means of many courts as a routine with the end result that the dockets of higher Courts are flooded with PIL petitions, most of which are frivolous or for which the judiciary has no remedy. Much of the PIL is really blackmail. Thus PIL which was initially created as a useful judicial tool to assist the poor and weaker sections of society who could not come up with the afford for access to Courts has in course of time, largely developed into an uncontrollable nuisance which is threatening to choke the dockets of the Superior Courts obstructing hearing of the genuine and regular instances that have been pending for years together.

In *Holicow Pictures (Pvt.) Ltd. vs. Prem Chandra Mishra*,³⁵ held that Public Interest Litigation, if no longer properly regulated will become a tool within the hands of unscrupulous litigants to release vendetta and wreck vengeance. It cannot be invoked by way of a person or group or persons to further his or their personal cause or to satisfy their personal grudge. The Court of Justice must now not be allowed to be polluted by frivolous PIL petitions. There are person who often resort to PIL to win notoriety or cheap popularity. Such petitions have to be thrown out. It is also noticed that during numerous cases petitions are based on newspaper reports with none try to verify the correctness of the desirable for the courts to filter out the frivolous petitions and dismiss them with exemplary costs so that the message is going that petitions filed with oblique motive do not have the approval of the Courts.

In *Divine Retreat Centre vs. State of Kerala*,³⁶ held that anonymous letters need to no longer be entertained as PIL. The documents petitioning the Court for comfort have to be supported by satisfactory verification and identification of the petitioner. The unverified communication received through submit by means of the Court might also were hired mala-fide, an instrument of coercion or blackmail or other oblique motive. The Court need to be ever vigilant against the abuse to determine he is a bona fide petitioner and no longer a wayfarer or officious intervener without any interest or concern in the case.

7. Conclusion

PIL has undoubtedly become an effective technique for seeking protection of human rights and preservation of rule of law. The greatest contribution of PIL has been to enhance the accountability of the government and its agencies towards human rights of the poor. The Judiciary is playing an activist role through Public Interest Litigation and becoming greater assertive and aware of the new challenges of the present time. PIL has enhanced the legitimacy and prestige of the judiciary and has brought the higher courts closer to the people of India. Over the years, many landmark judgments have been passed on protection of fundamental rights on issues brought forth through Public Interest Litigation. But in the last decade, a flurry of PIL's involving almost every problem under the sun, crowded dockets of constitutional courts and caused delay in justice in other cases. Today's development will make routine PIL petitioners prevent of their tracks and think twice earlier than transferring a petition before the Apex Court and High Courts.

²⁹ Appeal 874/2005 SC Feb. 03, 2005

³⁰ AIR 2006 SC 2643

³¹(2006) 8 SCALE 161

³² AIR 2006 SC 2301

³³ (2006)2 SCC598

³⁴ AIR 2008 SC 2116 (2120)

³⁵ AIR 2008 SC 913

³⁶ 2008 Cr LJ 1891 (1906)

It is important to create awareness of the fact that the acceptance of PIL jurisprudence does under no circumstances always imply that every petition must always be entertained and relief given without full examination of the facts presented before the court.