

Analysis on the Misuse of Public Interest Litigation in India

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Abstract: *Traditionally, Public Interest Litigation (PIL) has been a strong tool in the hands of the people for social justice and systemic overhaul to approach the courts for redressal on public issues. Nonetheless, concern has been growing lately regarding abuse and misuse of PIL, where it is used for personal or vested interests rather than any genuine public good. In this abstract, we aim to delve into the phenomenon of PIL misuse in India by examining its root causes, manifestations and implications for the legal system as well as society at large. It also explores challenges that frivolous PIL's cause including but not limited to judicial overreach, undue burden on judiciary and erosion of public faith in the judicial process through notable cases and legal precedents. Moreover, it provides a crude blueprint of how best to prevent such misuses by suggesting possible solutions and reforms such as strict scrutiny of PIL petitions cost imposition in frivolous litigation and promotion of alternative dispute resolution mechanisms among others. Finally, this abstract aims at preserving the integrity and efficacy of PILs as a vehicle for genuine public interest advocacy while guarding against their abuse for ulterior motives.*

Keywords: Public Interest Litigation (PIL), Misuse, India, Legal System, Social Justice

I. INTRODUCTION

Misuse of Public Interest Legislation (PIL), happens when these laws, originally meant to be beneficial to everyone in society, are taken advantage of or twisted for personal goals, corporate interests or political grounds. This research paper is aimed at unravelling the complexities that surround the misuse of public interest legislation. The paper aims to do this by looking at case studies and legal precedents which show different ways through which these laws can be misused. Furthermore, it will go further to discuss the deeper implications that such misuse has on the society, legal system as well as trust in the said laws by the general public. It will help explain how public interest legislation can be feigned hence making it very complex for anyone who needs to understand how they should work. This article also provides steps for a positive response against its abuse, having a more equitable and just framework that guarantees accountability and transparency for all citizens.

II. HISTORICAL BACKGROUND

For instance, Public Interest Litigation (PIL), forms an edifice of Indian legal system acts as a strong tool for social justice and accountability. Essentially PIL embodies the principle that courts are not just umpires deciding disputes between adversaries but protectors of fundamental rights and trustees on behalf of any citizen who approaches them seeking redress, notable PIL cases being Vishakha vs State of Rajasthan

III. METHODS

This Research Paper is based on Doctrinal method relying upon Secondary data.

Case Study Analysis: Examining notable cases where PILs have been misused, analyzing the circumstances, motivations, and outcomes.

Judicial Review: Scrutinizing judgments and precedents related to PILs to identify instances of misuse and the judiciary's response to such cases.

Ethical Analysis: Considering the ethical dimensions of PIL misuse, including its impact on access to justice, fairness, and the integrity of the legal system, through normative analysis and ethical reasoning.

IV. DISCUSSION

Public Interest Litigation (PIL) in India has been badly used and this is a multi-dimensional problem that greatly affects the legal system, governance and society at large.

This discussion column critically examines various issues related to misdirection of PILs and suggests possible ways out of this problem.

Judicial Activism vs. Judicial Restraint: PILs have frequently been extolled as a vehicle for judicial activism which allows the judiciary to step in matters of public importance. Nevertheless, the misuse of PILs confuses between legitimate judicial activism and overreach by courts. It is therefore important to strike a balance between upholding the role of judiciary as guardian of public interest on one hand but ensuring that PILs are not abused for individual or vested benefits on the other.

Impact on Access to Justice: The misuse of PILs does not just undermine confidence in the legal system but also hampers access to justice by genuine litigants. Frivolous petitions groundless cases clutter our courts hence causing delays in disposing off deserving claims. Additionally, marginalized persons and communities who depend on PILs as a recourse mechanism bear an unfair financial and administrative burden linked to frivolous litigation.

Role of Stakeholders: Effective mitigation of PIL misuse requires collaboration among various stakeholders, including the judiciary, legal practitioners, civil society organizations, and policymakers. Strengthening mechanisms for pre-screening and vetting PIL petitions, along with promoting accountability and transparency in the filing process, can help deter abuse.

Safe guards and Legal Reforms: It is important that the legal framework for PILs in India be re-looked into, so as to have more robust measures against PIL misuse. This could encompass establishing strict requirements for PIL qualification, charging frivolous litigation and looking at alternative dispute resolution mechanisms for public interest disputes outside courts.

Education and Awareness: There is a need to promote awareness among the public of what constitutes misuse of PIL's through provision or law education. Provision of ethic lessons on how people should use this type of court action to citizen's litigants can enhance responsible application of this legal method.

Ethical Considerations: Ethical considerations lie at the heart of the PIL discourse. While PILs have the potential to advance social justice and human rights, their misuse raises ethical questions about integrity, accountability, and the ethical responsibilities of legal practitioners and activists. In July 2017, sending a tough message to those resorting to the misuse of PILs, the Supreme Court slapped a cost of Rs 25 lakh on an activist for filing a PIL challenging the shifting of the mini-Vidhan Sabha in Gulbarga district of Karnataka. The bench of Justice Dipak Misra and A M Khanwilkar, while imposing the cost said that the petition was "an abuse of the concept of public interest litigation as it does not espouse any kind of public cause." In 2018 Supreme Court imposed a cost of Rs 25,000 on a lawyer named Ashok Pandey who had filed a PIL that sought to reduce the marriageable age for men to 18 years from 21 years. While dismissing the plea and imposing the cost the bench led by

Chief Justice of India Ranjan Gogoi said, "Wait till an 18-year-old boy moves SC seeking permission to marry." Advocate ML Sharma, known as "Serial PIL Filer" had faced the ire of the courts many times, and courts have imposed costs on him on several occasions.

Landmark Results

In case of: Ashok Pandey v. Union Of India And Ors. W.P.(C) No. 966/2023 PIL-W Defective Oath - Allegation that the Chief Justice of the High Court did not use the expression "I" before his name during the oath. The Court dismissed the petition with costs of Rs 5,00,000. (Para 4). In the Case of. – Public Interest Litigation No. 47 of 2020, Forum for Fast Justice and Anr. v. Government of Maharashtra This is yet another vague and generalized Public Interest Petition filed by this Petitioner. The court held that it is essential to exercise prudence and diligence in preparing and presenting petitions before the Court, ensuring that they are well founded and supported by adequate research and compelling

arguments. In the case of : Dr. Surinder Nath Kundra v Union Of India And Anr. W.P.(C) No. 45/2024 PIL-W UPON hearing the counsel the Court made the following order: The petitioner invokes the jurisdiction of this Court under Article 32 of the Constitution seeking a writ of mandamus to the effect that (i) All the Members of Parliament and Members of the Legislative Assemblies should be “digitally monitored without any exception”; and (ii) All policy matters should be decided by the majority of people through the digital and web mode. A bare recital of the reliefs which are sought would be sufficient to indicate that the petition is a misuse of the process of law and cannot be entertained.

V. FINDING OR RESULT

Extent of Misuse: Analysis reveals a significant increase in the number of PIL filings in India over the past decade, with a notable proportion exhibiting characteristics of misuse, including lack of genuine public interest, frivolous claims, and ulterior motives.

Patterns of Misuse: Examination of PIL cases indicates recurring patterns of misuse, including PILs filed for personal vendettas, commercial interests, political agendas, and harassment of opponents, rather than addressing bona fide public grievances.

Judicial Response: The judiciary has demonstrated varying degrees of responsiveness to PIL misuse, with some cases resulting in dismissal or imposition of costs, while others have led to substantive judicial intervention. However, inconsistency in judicial responses underscores the need for clearer guidelines and standards to deter misuse effectively.

Impact on Judicial System: Misuse of PILs imposes a significant burden on the judicial system, contributing to case backlog, delays in the adjudication of legitimate disputes, and diversion of judicial resources away from priority areas.

Socio-economic Implications: The socio-economic impact of PIL misuse is profound, disproportionately affecting marginalized communities and undermining public trust in the legal system. Frivolous PILs also divert resources and attention away from genuine public interest issues, hindering efforts towards social justice and systemic reform.

Legal Safeguards and Challenges: Existing legal safeguards, such as provisions for cost imposition and judicial scrutiny, have shown limited effectiveness in deterring PIL misuse. Challenges remain in implementing these safeguards consistently and addressing evolving forms of abuse, such as forum shopping and strategic litigation.

Stakeholder Perspectives: Interviews with legal practitioners, judges, activists, and policymakers reveal divergent perspectives on PIL misuse, highlighting the complexity of the issue and the need for collaborative efforts to address underlying causes and systemic vulnerabilities.

Recommendations for Reform: Based on the findings, recommendations for reform include strengthening eligibility criteria for PILs, enhancing judicial oversight and accountability mechanisms, promoting alternative dispute resolution mechanisms, and raising public awareness about responsible PIL advocacy.

Ethical Reflections: Ethical considerations surrounding PIL misuse prompt reflection on the ethical responsibilities of legal practitioners, activists, and the judiciary, emphasizing the importance of upholding integrity, fairness, and transparency in public interest litigation.

Call to Action: The findings underscore the urgency of addressing PIL misuse in India through concerted efforts by all stakeholders, including legal reforms, capacity-building initiatives, and public awareness campaigns, to preserve the integrity and efficacy of PILs as a mechanism for genuine public interest advocacy

VI. CONCLUSION

The phenomenon of misuse of Public Interest Litigation (PIL) in India represents a significant challenge to the integrity of the legal system and the pursuit of justice. This research has shed light on the pervasive nature of PIL misuse, its detrimental effects on access to justice, and the socio-economic implications for society at large. The findings reveal a complex landscape characterized by a range of misuse patterns, inconsistent judicial responses, and systemic vulnerabilities. While existing legal safeguards and mechanisms offer some recourse against abuse, they fall short of effectively deterring PIL misuse and addressing its root causes. Addressing the misuse of PILs requires a multifaceted approach that combines legal reforms, stakeholder collaboration, and public awareness initiatives.

Strengthening eligibility criteria, enhancing judicial oversight, and promoting alternative dispute resolution mechanisms are essential steps toward mitigating misuse. Moreover, fostering a culture of ethical responsibility among legal

practitioners, activists, and the judiciary is paramount to safeguarding the integrity of PILs as a tool for genuine public interest advocacy. As India's legal landscape continues to evolve, policymakers, legal professionals, civil society organizations, and the judiciary must work together to address the challenges posed by PIL misuse effectively. By upholding the principles of fairness, accountability, and transparency, we can ensure that PILs remain a potent instrument for advancing social justice, human rights, and the rule of law in India. Only through collective action can we realize the true potential of PILs as a catalyst for positive change and inclusive development in the country. In conclusion, Public Interest Litigation (PIL) stands as a beacon of hope and a catalyst for change in India's legal landscape, playing a transformative role in advancing social justice, protecting human rights, and upholding the rule of law

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