

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

STARRED QUESTION NO:436
ANSWERED ON:26.08.2010
FRIVOLOUS PIL
Haque Shri Sk. Saidul

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

- (a) the number of Public Interest Litigations (PILs) Filed in the Supreme Court and various High Courts, court-wise;
- (b) whether the Government is aware of filing of frivolous litigation 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 litigation; and
- (e) if so, the details thereof?

Answer

MINISTER OF LAW & JUSTICE (DR. M. VEERAPPA MOILY)

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

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO.436 FOR 26-08-2010

(a) to (e): The data regarding the number of Public Interest Litigations filed in the Courts is not maintained by the Department of Justice as the matter falls exclusively within the writ jurisdiction of the higher judiciary. At times, the Courts have commented on the frivolous cases being filed in the guise of PIL.

The Jurisdiction as to Public Interest Litigations has been exercised by the Courts within their jurisdiction which has been conferred by the Constitution. The Courts have been exercising their jurisdiction and discretion in selecting cases which should be heard by them in detail. The Courts have also laid certain parameters to sieve worthy PILs from Publicity / Private / Personal / Political Interest Litigations. In Dr. B.K. Subbarao Vs K. Parasaran 1996(7) JT 265, the Court cautioned 'No litigant has a right to unlimited draught on the Court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions.'

There is no proposal before the Government to check the PIL jurisdiction forming part of the writ jurisdiction of the Courts which is one of the basic features of the Constitution.