

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 3634 of 2024

Binod Choudhary, Son of Late Rampati Choudhary, aged about 54 years, Village – Kandi, P.O. & P.S. – Kandi, District – Garhwa (822114) (Jharkhand)

... Petitioner

Versus

1. The State of Jharkhand through the Chief Secretary, Govt. of Jharkhand, Project Bhawan, P.O. & P.S. Dhurwa, District – Ranchi.
2. The Secretary, Jharkhand Vidhan Sabha, P.O. & P.S. – Dhurwa, Ranchi-834004.
3. The Secretary, Department of Rural Development, Government of Jharkhand, P.O. & P.S. – Dhurwa, Ranchi-834004.
4. The Deputy Commissioner, Garhwa, Gadghwa P.O. & P.S. – Garhwa, District – Garhwa 822114.
5. The Deputy Development Commissioner, Gadghwa, P.O. & P.S. Garhwa, District – Garhwa, 822114.
6. The Superintendent of Police, Anti-Corruption Branch, ACB Divisional Office, Palamu, P.O.- Daltonganj, P.S. – Sadar Palamau, District – Palamu.
7. Ramchandra Chandravanshi, Member of Legislative Assembly, Bishrampur Constituency, Resident of House No. 35, Vill + Post + Thana + Dist : Garhwa, Jharkhand, Pin No. 822114.

... Respondents

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioner:	Mr. Vinay Kumar, Advocate Mr. Gautam Kumar Singh, Advocate
For Resp. Nos.1&3-6:	Mr. Piyush Chitresh, A.C. to A.G.
For Resp. No.2:	Mr. Anil Kumar, Advocate
For Resp. No.7:	Mr. Rajendra Krishna, Advocate Ms. Priya Sahay, Advocate

Reserved on: 03.11.2025

Pronounced on: 11/11/2025

Per Tarlok Singh Chauhan, C.J.

1. The petitioner claims to have filed the instant *pro bono publico* for the grant of following reliefs:-

- (i) For issuance of appropriate writ(s)/order(s)/direction(s) to respondent authorities to consider the evidences on record and initiate inquiry/investigation into irregularities and illegalities in allocation and usage of developmental funds, especially MLA Fund, on the recommendations of Respondent No.6, who is sitting Member of Legislative Assembly, Bishrampur Constituency, Jharkhand Vidhan Sabha and in lieu of fact that stated Respondent No.6 has acted contravention to Rules and guidelines concerning expenditure of MLA Fund issued Vide Letter No. 1212 dated 01.02.1999 under the seal and Signature of Additional Secretary, Department of Rural Development, Government of Bihar (Now Jharkhand).
- (ii) For direction upon respondent authorities to enable police protection to Petitioner who is acting as Whistleblower, and is unveiling large scale misappropriation of Funds in aide and alliance with corrupt officials and Respondent No.5 who has directly benefited the Trust societies and private institutions in which sitting Member of Legislative Assembly, Bishrampur Constituency and his aides have stake; and possibly they have derived a loopholes in government mechanism to siphon away the public money towards personal interest.

2. The petitioner claims himself to be the resident of District Garhwa and engaged in social welfare activities in the district of Garhwa. He claims to have carried out several welfare activities time to time for the interest of the people.

3. It is further averred that Ministry of Rural Development, Department of Rural Development (Disha Division) vide letter dated 15.01.2024 issued under seal and signature of Under Secretary to Government of India, has appointed him as Non-Official Member of District Level DISHA Committee of Garhwa as per provision 3(ix) of the Guidelines for District Level Committee.

4. It is further averred that the petitioner has always been vigilant about undergoing local development works in his own village and nearby villages and in this context, several local residents of the village informed him about large scale irregularities in allotment, disbursement and propagation of local developmental works under the Office of Deputy Development Commissioner, Garhwa. It is averred that local residents of the village have alleged suspected role of respondent no.7, exiting Member of Legislative Assembly, Jharkhand Vidhan Sabha, in siphoning off MLA funds for his personal purposes.

5. It is averred that MLA Funds are categorized generally those funds which is duly spent on the recommendation of the Member of Legislative Assembly. MLA Fund is particularly a consolidated fund in the hand of Deputy Development Commissioner, functioning under the Department of Rural Development, Government of Jharkhand. The role

of the Deputy Development Commissioner is to scrutinize the necessity of such developmental works as per rules and guidelines and thereafter approve and disburse such fund sanctioned against particular MLA within 30 days of the recommendation.

6. Lastly it is averred that the rules and guidelines relating to disbursement of MLA fund completely debars usage of MLA Funds under certain categories and as per Appendix-2 of the Guidelines, disbursement of funds on the recommendation of MLA/Counselor cannot be made for the following categories –

- (i) Any recommendation of work for repair and maintenance or renovation of permanent asset except work for protection and preservation of asset.
- (ii) Grant and Credit.
- (iii) Acquisition of property or payment of compensation for acquired property.
- (iv) Any recommendation for construction work or extra works in the private institutions.
- (v) Any recommendation for construction or repair work at religious places.
- (vi) Any recommendation for constructing government building/Government related building/construction of residential building/office building of organization/other building.
- (vii) Establishment of statues.

7. According to the petitioner, he came to know that the respondent no.7 has indulged in large-scale illegal disbursement of MLA funds in aides and alliance with respondent authorities, especially office of Deputy Development Commissioner, Garhwa, who has thereby allowed illegal disbursement in favour of Public Institutions, Trusts and NGOs. For this purpose, the petitioner preferred an application under the Right to Information Act dated 10.02.2023 to know parameters of expenditures against MLA Fund, a scheme under the Department of Rural Development, Government of Jharkhand and wanted to know the criteria of expenditure of MLA funds, as the respondent no.7 had been illegally siphoning off funds to his own Trust in the name of constructions, purchase of furniture, computer labs and several other unauthorized expenditures. In reply to the said requisition, the respondent no.5 supplied rules and guidelines stipulating disbursement of MLA fund along with Memorandum No.121 dated 17.02.2023 (Annexure 3).

8. It is further averred that since the respondent no.7 has made illegal recommendations that too beyond the rules and guidelines made by the respondents-authorities, therefore, the petitioner preferred another RTI application dated 20.02.2023 to know the expenditures made in his resident block of Kandi and nearby Blocks Bardiha, Majhiaon and in the said application the petitioner has sought entire set of records regarding recommendations made by respondent no.7 and consequent expenditures against MLA Fund made from 2005 to 2010

and 2015 to 2022. The respondent accordingly supplied the information from which it transpired that on several occasions, respondent no.7 had made recommendations for construction of buildings, purchase of furniture, almirah, computers and other procurement of fixed assets against the private institutions, Trusts and NGOs in which the petitioner has direct role in administration. Further, respondent no.7 has made recommendations for construction and supply of fixed assets in favour of the trusts which are being run by respondent no.7 and his aides. Further, respondent no.7 is one of the trustees of the Trust which is in the name of his father Shiveshwar Chandravanshi and Laxmi Chandra Chandravanshi and has made several illegal recommendations in favour of the schools namely Lakshmi Chandravanshi High School, Garhwa and Shiveshwar Chandravanshi College. Apparently, both the institutions are private institutions owned and maintained by Trusts in which respondent no.7 and his aides are trustees.

9. It is further averred in the writ petition that the RTI application further revealed that respondent no.7 had made illegal recommendations worth Rs.3.00 Crore in favour of private institutions and same has illegally been disbursed without compliance and guidelines enumerated in Resolution No.121 dated 17.02.2023 and respondent no.7 has found ways to divert funds into his institutions or the institutions wherein his aides are involved.

10. It is further averred that the respondent no.7 has acted with malice utilizing his public position being the Member of Legislative

Assembly of Bishrampur Constituency and has committed fraud and dishonesty to the people of his constituency, including the petitioner who has been expecting usage of MLA Funds for the welfare of general public. Recommendation for utilization of funds for usage of private institutions is prohibited and such recommendation amounts to illegality in the eyes of law. The respondent-State or instrumentalities of the State cannot, therefore, permit such large-scale commission of illegalities and corrupt practices, which is leading to siphoning off public money into the trusts and private institutions which are owned and managed by the sitting MLA of Bishrampur Constituency and his aides.

11. Upon notice, the respondent no.7 has appeared and has filed a counter affidavit wherein it is stated that the petitioner has though filed the instant petition as a Public Interest Litigation, but has suppressed the fact that he has been charge-sheeted by Garhwa Police in Garhwa P.S. Case No. 141 of 2012 for the offences under Sections 406, 409, 420, 467, 468, 471, 120(B) of the I.P.C. and pursuant to the submission of another charge-sheet, the Court has taken cognizance for the offences under Sections 406, 409, 420, 467, 468, 471, 120(B) of the I.P.C. vide order dated 08.08.2012. The petitioner in these proceedings had preferred an application for release of the vehicle, but the same was rejected vide its order dated 08.08.2012 by observing as under –

*“From perusal of the case record, it transpires that
aforementioned vehicle has been seized by Garhwa Police in*

connection with the cash in hand instituted with regard to embezzlement of government money by committing forgery. During course of investigation, the petitioner has confessed his guilt before the Police Officer that he has purchased the vehicle in question from the government money and on the basis of the said confessional statement, the vehicle was recovered and seized by the police officer.”

12. From the case records, it transpires that the aforementioned vehicle has been seized by Garhwa Police in connection with cash-in-hand instituted with regard to embezzlement of government money by committing forgery. During the course of investigation, the petitioner has confessed his guilt before the Police Officers that he purchased the vehicle in question from the government money and on the basis of the said confessional statement, the vehicle was recovered and seized by the Police Officer.

13. It is further averred that Public Interest Litigation has been entertained by this Court in light of the Jharkhand High Court (Public Interest Litigation) Rules, 2010, in which this Court believing the facts stated in paragraph 5 that the petitioner was appointed as a Non-Official Member of the District Level DISHA Committee, Garhwa, has satisfied the prima facie bona fide credential of the petitioner and thereafter issued notices, but the fact remains that the petitioner was never nominated as a Non-Official Member of the District Level DISHA Committee, Garhwa, in absence of report asked from the

Superintendent of Police, Garhwa as well as the Block Development Officer, Kandi, besides that the petitioner is a charge-sheeted person involved in forgery of government money, thereby he loses his credential to maintain the instant petition.

14. As regards the allegation of siphoning off MLA funds, it has been stated that the Rules/Guidelines issued vide Letter No.1212 dated 01.02.1999 regarding recommendation for endorsement of MLA funds categorically provides in Clause 5.10 as under –

“5.10 : कोई संस्था यदि माननीय विधान मंडल सदस्य के नाम से हो, परन्तु उक्त संस्था आम जनता के लिए उपयोगी एवं लाभकारी हो तथा उसका निबंधन/सम्बन्धन हो, तो उस स्थिति में विधान मंडल के सदस्य उक्त संस्था में अपनी राशि का उपयोग निर्माण विकास कार्य में कर सकते हैं।”

15. The aforesaid Rules/Guidelines permit the disbursement of MLA Fund to any institution which is for the development of general public. Furthermore, even the Guidelines annexed by the petitioner, which he claims to have obtained under the RTI, clearly provide that such fund can be disbursed for the primary/middle high-schools/universities, if they are affiliated with the State Government. In addition thereto, the Guidelines on 01.02.1999 vide Letter No.1212 clearly states that any recommendation made by the Member of Legislative Assembly shall be sanctioned by the Deputy Commissioner/Deputy Development Commissioner, if the said proposal/recommendation is in public interest. Therefore, the disbursement of MLA fund is not only based on recommendation of the concerned MLA, but the Deputy

Commissioner/Deputy Development Commissioner of the said district can sanction the said money only after being satisfied that the purpose for the same is in public interest.

16. As regards the allegation of MLA Fund being disbursed to Shiveshwar Chandravanshi Inter/Degree College since 2011 till date, it is averred that the concerned College has been granted affiliation by the University since 2007 and similarly Laxmi Chandravanshi Kanya Uchch Vidyalay has also been recognized by the State Government since 2006 onwards. It is also averred that similar prayer had been made in W.P. (PIL) No. 7065 of 2016, however, this petition was not entertained on the ground that it involved complex factual issues and dismissed vide order dated 07.09.2018. This respondent has lastly sought leave of this Court to file/produce para-wise reply to the instant petition as and when the same is required.

17. The petitioner has filed rejoinder to the said counter affidavit wherein he has not denied the allegations with respect to the criminal case that is pending against him, however, in course of the argument, he has submitted that he has recently been acquitted in the said case. He has also not denied the fact that he was never nominated as a Member of the District Level DISHA Committee, Garhwa, by the Ministry of Rural Development, but would contend that since within few months of recommendation tenure of the 7th Lok Sabha came to end leading to the dissolution of the District Level DISHA Committee, he was not appointed.

18. Heard the learned counsels for the parties on the questions of maintainability of the Public Interest Litigation petition in this Court which are governed by Jharkhand High Court (Public Interest Litigation) Rules, 2010. Rule 4 thereof reads as under:-

“4. The petitioner in a Public Interest Litigation shall state in clear terms the relief prayed for in paragraph-1 of the petition and grounds in paragraph-2 thereof. In paragraph-3, the petitioner shall give his/her full and complete details so as to reveal his/her interest, credentials and qualifications relevant for the Public Interest Litigation, along with a declaration that he/she has no personal interest, direct or indirect, in the subject matter of Public Interest Litigation. In addition, the petitioner shall set out all relevant facts along with available supporting data, reports etc.”

19. As observed above, the petitioner claims to have filed this petition as *pro bono publico* which the respondents claim to have been filed with an oblique motive. Therefore, this Court is firstly required to satisfy itself regarding the credentials of the petitioner, the *prima facie* correctness of the information given by him, because, after all the attractive brand name of Public Interest Litigation cannot be used for suspicious products of mischief. It has to be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta or private motive. The process of the

Court cannot be abused for oblique considerations by masked phantoms who monitor at times from behind. The common rule of *locus standi* in such cases is relaxed so as to enable the Court to look into the grievances complained of on behalf of the poor, deprive, deprivation, illiterate and the disabled and who cannot vindicate the legal wrong or legal injury caused to them for any violation of any constitutional or legal right. But, then while protecting the rights of the people from being violated in any manner, utmost care has to be taken that the Court does not transgress its jurisdiction nor does it entertain petitions which are motivated. After all, public interest litigation is not a pill or panacea for all wrongs. It is essentially meant to protect basic human rights of the weak and disadvantaged.

20. Public interest litigation is a weapon which has to be used with great care and circumspection and the Judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or public interest seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering justice to the citizens. Courts must do justice by promotion of good faith and prevent law from crafty invasions. It is for this reason that the Court must maintain social balance by interfering for the sake of justice and refuse to entertain where it is against the social justice and public good.

21. In the case of **Shri Sachidanand Pandey v. The State of West Bengal** (1987) 2 SCC 295, the Hon'ble Supreme Court observed as follows –

“18... It is of utmost importance that those who invoke this Court's jurisdiction seeking a waiver of the locus standi rule must exercise restraint in moving the Court by not plunging in areas wherein they are not well-versed. Such a litigant must not succumb to spasmodic sentiments and behave like a knight-errant roaming at will in pursuit of issues providing publicity. He must remember that as a person seeking to espouse a public cause, he owes it to the public as well as to the Court that he does not rush to Court without undertaking a research, even if he is qualified or competent to raise the issue. Besides, it must be remembered that a good cause can be lost if petitions are filed on half-baked information without proper research or by persons who are not qualified and competent to raise such issues as the rejection of such a petition may affect third party rights. Lastly, it must also be borne in mind that no one has a right to the waiver of the locus standi rule and the Court should permit it only when it is satisfied that the carriage of proceedings is in the competent hands of a person who is genuinely concerned in public interest and is not moved by other extraneous considerations. So also the Court must be careful to ensure

that the process of the Court is not sought to be abused by a person who desires to persist with his point of view, almost carrying it to the point of obstinacy, by filing a series of petitions refusing to accept the Court's earlier decisions as concluding the point. We say this because when drew the attention of the petitioner to earlier decisions of this Court, he brushed them aside, without so much as showing willingness to deal with them and without giving them a second look, as having become stale and irrelevant by passage of time and challenged their correctness on the specious plea that they needed reconsideration. Except for saying that they needed reconsideration he had no answer to the correctness of the decisions. Such a casual approach to considered decisions of this Court even by a person well-versed in law would not be countenanced. Instead, as pointed out earlier, he referred to decisions having no bearing on the question, like the decisions on cow slaughter cases, freedom of speech and expression, uniform civil code, etc, we need say no more except to point out that indiscriminate use of this important lever of public interest litigation would blunt the lever itself.”

22. The Hon'ble Supreme Court in **Mr 'X' v. Hospital 'Z'** (1998) 8 SCC 296 held as follows:-

“15. “Right” is an interest recognised and protected by moral or legal rules. It is an interest the violation of which would be a legal wrong. Respect for such interest would be a legal duty. That is how Salmond has defined “right”. In order, therefore, that an interest becomes the subject of a legal right, it has to have not merely legal protection but also legal recognition. The elements of a “legal right” are that the “right” is vested in a person and is available against a person who is under a corresponding obligation and duty to respect that right and has to act or forbear from acting in a manner so as to prevent the violation of the right. If, therefore, there is a legal right vested in a person, the latter can seek its protection against a person who is bound by a corresponding duty not to violate that right.”

23. The Hon’ble Supreme Court in *BALCO Employees’ Union (Regd.) v. Union of India*, (2002) 2 SCC 333 held as under:-

“77. Public interest litigation, or PIL as it is more commonly known, entered the Indian judicial process in 1970. It will not be incorrect to say that it is primarily the Judges who have innovated this type of litigation as there was a dire need for it. At that stage, it was intended to vindicate public interest where fundamental and other rights of the people who were poor, ignorant or in socially or economically disadvantageous position and were unable to

seek legal redress were required to be espoused. PIL was not meant to be adversarial in nature and was to be a cooperative and collaborative effort of the parties and the court so as to secure justice for the poor and the weaker sections of the community who were not in a position to protect their own interests. Public interest litigation was intended to mean nothing more than what words themselves said viz. "litigation in the interest of the public".

24. In Ashok Kumar Pandey v. State of W.B., (2004) 3 SCC 349, the Hon'ble Apex Court after considering few decisions on the aspect of public interest litigation observed as follows:-

"4. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, the said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. Public interest litigation which has now come to occupy an important field in the administration of law should not be "publicity interest litigation" or "private interest litigation" or "politics interest litigation" or the latest trend "paise income litigation". If not properly regulated and abuse averted it also becomes a tool in unscrupulous hands to release vendetta and wreak vengeance as well. There must be real and genuine public

interest involved in the litigation and not merely an adventure of a knight errant or poke one's nose into for a probe. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. Courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction. A person acting bona fide and having sufficient interest in the proceeding of public interest litigation will alone have a locus standi and can approach the court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration. These aspects were highlighted by this Court in Janata Dal case [(1992) 4 SCC 305 : 1993 SCC (Cri) 36] and Kazi Lhendup Dorji v. Central Bureau of Investigation [1994 Supp (2) SCC 116 : 1994 SCC (Cri) 873] . A writ petitioner who comes to the court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective. See Ramjas Foundation v. Union of India [1993 Supp (2) SCC 20 : AIR 1993 SC 852] and K.R. Srinivas v. R.M. Premchand [(1994) 6 SCC 620] .

5. *It is necessary to take note of the meaning of the expression “public interest litigation”. In Stroud's Judicial Dictionary, Vol. 4, 4th Edn., “public interest” is defined thus:*

“Public interest.—(1) A matter of public or general interest does not mean that which is interesting as gratifying curiosity or a love of information or amusement; but that in which a class of the community have a pecuniary interest, or some interest by which their legal rights or liabilities are affected.”

6. *In Black's Law Dictionary, 6th Edn., “public interest” is defined as follows:*

“Public interest.—Something in which the public, the community at large, has some pecuniary interest, or some interest by which their legal rights or liabilities are affected. It does not mean anything so narrow as mere curiosity, or as the interests of the particular localities, which may be affected by the matters in question. Interest shared by citizens generally in affairs of local, State or national Government.”

7. *In Janata Dal case [(1992) 4 SCC 305 : 1993 SCC (Cri) 36] this Court considered the scope of public interest litigation. In para 53 of the said judgment, after considering*

*what is public interest, the Court has laid down as follows :
(SCC p. 331)*

“53. The expression ‘litigation’ means a legal action including all proceedings therein, initiated in a court of law with the purpose of enforcing a right or seeking a remedy. Therefore, lexically the expression ‘PIL’ means a 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 or some interest by which their legal rights or liabilities are affected.”

8. In paras 60, 61 and 62 of the said judgment, it was pointed out as follows : (SCC p. 334)

“62. Be that as it may, it is needless to emphasise that the requirement of locus standi of a party to a litigation is mandatory, because the legal capacity of the party to any litigation whether in private or public action in relation to any specific remedy sought for has to be primarily ascertained at the threshold.”

9. In para 98 of the said judgment, it has further been pointed out as follows : (SCC pp. 345-46)

“98. While this Court has laid down a chain of notable decisions with all emphasis at their command about the importance and significance of this newly developed

doctrine of PIL, it has also hastened to sound a red alert and a note of severe warning that courts should not allow its process to be abused by a mere busybody or a meddlesome interloper or wayfarer or officious intervener without any interest or concern except for personal gain or private profit or other oblique consideration.”

10. *In subsequent paras of the said judgment, it was observed as follows : (SCC p. 348, para 109)*

“109. It is thus clear that only a person acting bona fide and having sufficient interest in the proceeding of PIL will alone have a locus standi and can approach the court to wipe out the tears of the poor and needy, suffering from violation of their fundamental rights, but not a person for personal gain or private profit or political motive or any oblique consideration. Similarly, a vexatious petition under the colour of PIL brought before the court for vindicating any personal grievance, deserves rejection at the threshold.”

11. *It is depressing to note that on account of such trumpery proceedings initiated before the courts, innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of genuine litigants. Though we spare no efforts in fostering and developing the laudable concept*

of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard; yet we cannot avoid but express our opinion that while genuine litigants with legitimate grievances relating to civil matters involving properties worth hundreds of millions of rupees and criminal cases in which persons sentenced to death and facing the gallows under untold agony, persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters — government or private, persons awaiting the disposal of cases wherein huge amounts of public revenue or unauthorized collection of tax amounts are locked up, detenus expecting their release from the detention orders etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the courts and having their grievances redressed, the busybodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no public interest except for personal gain or private profit either of themselves or as a proxy of others or for any other extraneous motivation or for the glare of publicity break the queue muffling their faces by wearing the mask of public interest litigation and get into the courts by

filing vexatious and frivolous petitions and thus criminally waste the valuable time of the courts and as a result of which the queue standing outside the doors of the court never moves, which piquant situation creates frustration in the minds of genuine litigants and resultantly, they lose faith in the administration of our judicial system.

12. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, court must be careful to see that a body of persons or a member of the public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force

of habit or from improper motives. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases, with exemplary costs.

13. *The Council for Public Interest Law set up by the Ford Foundation in USA defined “public interest litigation” in its Report of Public Interest Law, USA, 1976 as follows:*

“Public interest law is the name that has recently been given to efforts that provide legal representation to previously unrepresented groups and interests. Such efforts have been undertaken in the recognition that ordinary marketplace for legal services fails to provide such services to significant segments of the population and to significant interests. Such groups and interests include the proper environmentalists, consumers, racial and ethnic minorities and others.”

14. *The court has to be satisfied about : (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; and (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. Court has to strike balance between two conflicting interests : (i) nobody should be allowed to indulge in wild and reckless allegations*

besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the executive and the legislature. The court has to act ruthlessly while dealing with imposters and busybodies or meddlesome interlopers impersonating as public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect.

15. Courts must do justice by promotion of good faith, and prevent law from crafty invasions. Courts must maintain the social balance by interfering where necessary for the sake of justice and refuse to interfere where it is against the social interest and public good. (See State of Maharashtra v. Prabhu [(1994) 2 SCC 481 : 1994 SCC (L&S) 676 : (1994) 27 ATC 116] and A.P. State Financial Corpn. v. Gar Re-Rolling Mills [(1994) 2 SCC 647 : AIR 1994 SC 2151] .) 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. [See Buddhi Kota Subbarao (Dr) v. K. Parasaran [(1996) 5 SCC 530 : 1996 SCC (Cri) 1038 : JT (1996) 7 SC 265] .] Today people rush to courts to file cases in profusion under this attractive name of public interest. They must inspire confidence in courts and among the public.

16. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that courts are flooded with a large number of so-called public interest litigations where even a minuscule percentage can legitimately be called public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. Though in Duryodhan Sahu (Dr) v. Jitendra Kumar Mishra [(1998) 7 SCC 273 : 1998 SCC (L&S) 1802 : AIR 1999 SC 114] this Court held that in service matters PILs should not be entertained, the inflow of so-called PILs involving service matters continues unabated in the courts and strangely are entertained. The least the High Courts

could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Whenever such frivolous pleas are taken to explain possession, the courts should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the courts to filter out the frivolous petitions and dismiss them with costs as aforestated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts.

17.

18. *In Gupta case [1981 Supp SCC 87] it was emphatically pointed out that the relaxation of the rule of locus standi in the field of PIL does not give any right to a busybody or meddlesome interloper to approach the court under the guise of a public interest litigant. It has also left the following note of caution : (SCC p. 219, para 24)*

“24. But we must be careful to see that the member of the public, who approaches the court in cases of this

kind, 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 politicians and others to delay legitimate administrative action or to gain a political objective.”

19. In State of H.P. v. A Parent of a Student of Medical College [(1985) 3 SCC 169] it has been said that public interest litigation is a weapon which has to be used with great care and circumspection.

20. Khalid, J. in his separate supplementing judgment in Sachidanand Pandey v. State of W.B. [(1987) 2 SCC 295] (SCC at p. 331) said:

“Today public-spirited litigants rush to courts to file cases in profusion under this attractive name. They must inspire confidence in courts and among the public. They must be above suspicion. (SCC p. 331, para 46)

Public interest litigation has now come to stay. But one is led to think that it poses a threat to courts and public alike. Such cases are now filed without any rhyme or reason. It is, therefore, necessary to lay down clear guidelines and to outline the correct parameters for entertainment of such petitions. If courts do not restrict the free flow of such cases in the name of public interest

litigations, the traditional litigation will suffer and the courts of law, instead of dispensing justice, will have to take upon themselves administrative and executive functions. (SCC p. 334, para 59)

I will be second to none in extending help when such help is required. But this does not mean that the doors of this Court are always open for anyone to walk in. It is necessary to have some self-imposed restraint on public interest litigants. (SCC p. 335, para 61)”

21. *Sabyasachi Mukharji, J. (as he then was) speaking for the Bench in Ramsharan Autyanuprasi v. Union of India [1989 Supp (1) SCC 251] was in full agreement with the view expressed by Khalid, J. in Sachidanand Pandey case [(1987) 2 SCC 295] and added that “public interest litigation” is an instrument of the administration of justice to be used properly in proper cases. [See also separate judgment by Pathak, J. (as he then was) in Bandhua Mukti Morcha v. Union of India [(1984) 3 SCC 161 : 1984 SCC (L&S) 389] .]*

22. *Sarkaria, J. in Jasbhai Motibhai Desai v. Roshan Kumar [(1976) 1 SCC 671] expressed his view that the application of a busybody should be rejected at the threshold in the following terms : (SCC p. 683, para 37)*

“37. It will be seen that in the context of locus standi to apply for a writ of certiorari, an applicant may ordinarily fall in any of these categories : (i) ‘person aggrieved’; (ii) ‘stranger’; (iii) busybody or meddlesome interloper. Persons in the last category are easily distinguishable from those coming under the first two categories. Such persons interfere in things which do not concern them. They masquerade as crusaders for justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect. They indulge in the pastime of meddling with the judicial process either by force of habit or from improper motives. Often, they are actuated by a desire to win notoriety or cheap popularity; while the ulterior intent of some applicants in this category, may be no more than spoking the wheels of administration. The High Court should do well to reject the applications of such busybodies at the threshold.”

23. *Krishna Iyer, J. in Fertilizer Corpn. Kamgar Union (Regd.) v. Union of India [(1981) 1 SCC 568] in stronger terms stated : (SCC p. 589, para 48)*

“48. If a citizen is no more than a wayfarer or officious intervener without any interest or concern beyond what

belongs to any one of the 660 million people of this country, the door of the court will not be ajar for him.”

24. *In Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P. [(1990) 4 SCC 449] Sabyasachi Mukharji, C.J. observed : (SCC p. 452, para 8)*

“While it is the duty of this Court to enforce fundamental rights, it is also the duty of this Court to ensure that this weapon under Article 32 should not be misused or permitted to be misused creating a bottleneck in the superior court preventing other genuine violation of fundamental rights being considered by the court.”

25. *In Union Carbide Corpn. v. Union of India [(1991) 4 SCC 584] (SCC at p. 610) Ranganath Mishra, C.J. in his separate judgment while concurring with the conclusions of the majority judgment has said thus : (SCC p. 610, para 21)*

“I am prepared to assume, nay, concede, that public activists should also be permitted to espouse the cause of the poor citizens but there must be a limit set to such activity and nothing perhaps should be done which would affect the dignity of the Court and bring down the serviceability of the institution to the people at large. Those who are acquainted with jurisprudence and enjoy social privilege as men educated in law owe

an obligation to the community of educating it properly and allowing the judicial process to continue unsoiled.”

26. *In Subhash Kumar v. State of Bihar [(1991) 1 SCC 598]*

it was observed as follows : (SCC pp. 604-05, para 7)

“Public interest litigation cannot be invoked by a person or body of persons to satisfy his or its personal grudge and enmity. If such petitions under Article 32 are entertained, it would amount to abuse of process of the court, preventing speedy remedy to other genuine petitioners from this Court. Personal interest cannot be enforced through the process of this Court under Article 32 of the Constitution in the garb of a public interest litigation. Public interest litigation contemplates legal proceeding for vindication or enforcement of fundamental rights of a group of persons or community which are not able to enforce their fundamental rights on account of their incapacity, poverty or ignorance of law. A person invoking the jurisdiction of this Court under Article 32 must approach this Court for the vindication of the fundamental rights of affected persons and not for the purpose of vindication of his personal grudge or enmity. It is the duty of this Court to discourage such petitions and to ensure that the course of justice is not

obstructed or polluted by unscrupulous litigants by invoking the extraordinary jurisdiction of this Court for personal matters under the garb of the public interest litigation.”

27. In the words of Bhagwati, J. (as he then was) “the courts must be careful in entertaining public interest litigations” or in the words of Sarkaria, J. “the applications of the busybodies should be rejected at the threshold itself” and as Krishna Iyer, J. has pointed out, “the doors of the courts should not be ajar for such vexatious litigants”.

25. In Dr. B. Singh v. Union of India & Others, (2004) 3 SCC 363,
the Hon’ble Supreme Court held thus:-

“12. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be allowed to be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, courts must be careful to see that a body of

persons or member of public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The court must not allow its process to be abused for oblique considerations by masked phantoms who monitor at times from behind. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives and try to bargain for a good deal as well to enrich themselves. Often they are actuated by a desire to win notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs. ”

26. In R & M Trust v. Koramangala Residents Vigilance Group and Others, (2005) 3 SCC 91, the Hon’ble Supreme Court observed as under:-

“23. Next question is whether such public interest litigation should at all be entertained and laches thereon. This sacrosanct jurisdiction of public interest litigation should be invoked very sparingly and in favour of vigilant litigant and not for the persons who invoke this jurisdiction for the sake of publicity or for the purpose of serving their private ends.

24. Public interest litigation is no doubt a very useful handle for redressing the grievances of the people but unfortunately

lately it has been abused by some interested persons and it has brought a very bad name. Courts should be very very slow in entertaining petitions involving public interest : in very rare cases where the public at large stand to suffer. This jurisdiction is meant for the purpose of coming to the rescue of the downtrodden and not for the purpose of serving private ends. It has now become common for unscrupulous people to serve their private ends and jeopardise the rights of innocent people so as to wreak vengeance for their personal ends. This has become very handy to the developers and in matters of public contracts. In order to serve their professional rivalry they utilise the service of the innocent people or organisation in filing public interest litigation. The courts are sometimes persuaded to issue certain directions without understanding the implications and giving a handle in the hands of the authorities to misuse it. Therefore, the courts should not exercise this jurisdiction lightly but should exercise in very rare and few cases involving public interest of a large number of people who cannot afford litigation and are made to suffer at the hands of the authorities. The parameters have already been laid down in a decision of this Court in the case of Balco Employees' Union (Regd.) v. Union of India [(2002) 2 SCC 333] wherein this Court has issued

guidelines as to what kind of public interest litigation should be entertained and all the previous cases were reviewed by this Court. It was observed as under : (SCC pp. 376-77, paras 77-80)

“77. Public interest litigation, or PIL as it is more commonly known, entered the Indian judicial process in 1970. It will not be incorrect to say that it is primarily the judges who have innovated this type of litigation as there was a dire need for it. At that stage, it was intended to vindicate public interest where fundamental and other rights of the people who were poor, ignorant or in socially or economically disadvantageous position and were unable to seek legal redress were required to be espoused. PIL was not meant to be adversarial in nature and was to be a cooperative and collaborative effort of the parties and the court so as to secure justice for the poor and the weaker sections of the community who were not in a position to protect their own interests. Public interest litigation was intended to mean nothing more than what words themselves said viz. ‘litigation in the interest of the public’.

78. While PIL initially was invoked mostly in cases connected with the relief to the people and the weaker sections of the society and in areas where there was

violation of human rights under Article 21, but with the passage of time, petitions have been entertained in other spheres, Prof. S.B. Sathe has summarised the extent of the jurisdiction which has now been exercised in the following words:

‘PIL may, therefore, be described as satisfying one or more of the following parameters. These are not exclusive but merely descriptive:

— Where the concerns underlying a petition are not individualist but are shared widely by a large number of people (bonded labour, undertrial prisoners, prison inmates).

— Where the affected persons belong to the disadvantaged sections of society (women, children, bonded labour, unorganised labour etc.).

— Where judicial law-making is necessary to avoid exploitation (inter-country adoption, the education of the children of prostitutes).

— Where judicial intervention is necessary for the protection of the sanctity of democratic institutions (independence of

the judiciary, existence of grievances redressal forums).

— Where administrative decisions related to development are harmful to the environment and jeopardise people's right to natural resources such as air or water.'

79. There is, in recent years, a feeling which is not without any foundation that public interest litigation is now tending to become publicity interest litigation or private interest litigation and has a tendency to be counterproductive.

80. PIL is not a pill or a panacea for all wrongs. It was essentially meant to protect basic human rights of the weak and the disadvantaged and was a procedure which was innovated where a public-spirited person files a petition in effect on behalf of such persons who on account of poverty, helplessness or economic and social disabilities could not approach the court for relief. There have been in recent times, increasingly instances of abuse of PIL. Therefore, there is a need to re-emphasise the parameters within which PIL can be resorted to by a petitioner and entertained by the court. This aspect has come up for consideration before this

Court and all we need to do is to recapitulate and re-emphasise the same.”

27. In *Gurpal Singh v. State of Punjab and Others*, (2005) 5 SCC 136, the Hon’ble Supreme Court held as under:-

“5. The scope of entertaining a petition styled as a public interest litigation, locus standi of the petitioner particularly in matters involving service of an employee has been examined by this Court in various cases. The Court has to be satisfied about (a) the credentials of the applicant; (b) the prima facie correctness or nature of information given by him; (c) the information being not vague and indefinite. The information should show gravity and seriousness involved. Court has to strike balance between two conflicting interests : (i) nobody should be allowed to indulge in wild and reckless allegations besmirching the character of others; and (ii) avoidance of public mischief and to avoid mischievous petitions seeking to assail, for oblique motives, justifiable executive actions. In such case, however, the Court cannot afford to be liberal. It has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the executive and the legislature. The Court has to act ruthlessly while dealing with impostors and busybodies or meddlesome interlopers impersonating as

public-spirited holy men. They masquerade as crusaders of justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect.

6. xxx xxx xxx

7. As noted supra, the time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that courts are flooded with a large number of so-called public interest litigations where only a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in a large number of cases, yet unmindful of the real intentions and objectives, High Courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilised for disposal of genuine cases. Though in Duryodhan Sahu (Dr.) v. Jitendra Kumar Mishra [(1998) 7 SCC 273 : 1998 SCC (L&S) 1802 : AIR 1999 SC 114] this Court held that in service matters PILs should not be entertained, the inflow of so-called PILs involving service matters continues unabated in the courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the

PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Whenever such frivolous pleas are taken to explain possession, the Court should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the courts to filter out the frivolous petitions and dismiss them with costs as aforestated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the courts.

8. xxx xxx xxx

9. *It is depressing to note that on account of such trumpety proceedings initiated before the courts, innumerable days are wasted, which time otherwise could have been spent for the disposal of cases of the genuine litigants. Though we spare no efforts in fostering and developing the laudable concept of PIL and extending our long arm of sympathy to the poor, the ignorant, the oppressed and the needy whose fundamental rights are infringed and violated and whose grievances go unnoticed, unrepresented and unheard; yet we cannot avoid but express our opinion that while genuine*

litigants with legitimate grievances relating to civil matters involving properties worth hundreds of millions of rupees and substantial rights and criminal cases in which persons sentenced to death facing the gallows under untold agony and persons sentenced to life imprisonment and kept in incarceration for long years, persons suffering from undue delay in service matters — government or private, persons awaiting the disposal of tax cases wherein huge amounts of public revenue or unauthorised collection of tax amounts are locked up, detenus expecting their release from the detention orders, etc. etc. are all standing in a long serpentine queue for years with the fond hope of getting into the courts and having their grievances redressed, the busybodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no real public interest except for personal gain or private profit either of themselves or as a proxy of others or for any other extraneous motivation or for glare of publicity break the queue muffling their faces by wearing the mask of public interest litigation and get into the courts by filing vexatious and frivolous petitions of luxury litigants who have nothing to lose but trying to gain for nothing and thus criminally waste the valuable time of the courts and as a result of which the queue standing outside the doors of the court never moves, which piquant

situation creates frustration in the minds of the genuine litigants.

10. Public interest litigation is a weapon which has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. It is to be used as an effective weapon in the armoury of law for delivering social justice to the citizens. The attractive brand name of public interest litigation should not be allowed to be used for suspicious products of mischief. It should be aimed at redressal of genuine public wrong or public injury and not publicity-oriented or founded on personal vendetta. As indicated above, court must be careful to see that a body of persons or member of the public, who approaches the court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration. The court must not allow its process to be abused for oblique considerations by masked phantoms who monitor at times from behind. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives and try to bargain for a good deal as well as to enrich themselves. Often they are actuated by a desire to win

notoriety or cheap popularity. The petitions of such busybodies deserve to be thrown out by rejection at the threshold, and in appropriate cases with exemplary costs.”

28. In *Kushum Lata v. Union of India and Others*, (2006) 6 SCC 180, the Hon’ble Supreme Court held thus:-

“5. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, the said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. Public interest litigation which has now come to occupy an important field in the administration of law should not be “publicity interest litigation” or “private interest litigation” or “politics interest litigation” or the latest trend “paise income litigation”. The High Court has found that the case at hand belongs to the second category. If not properly regulated and abuse averted, it becomes also a tool in unscrupulous hands to release vendetta and wreak vengeance, as well. There must be real and genuine public interest involved in the litigation and not merely an adventure of a knight errant borne out of wishful thinking. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. The courts of justice

should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction. A person acting bona fide and having sufficient interest in the proceeding of public interest litigation will alone have a locus standi and can approach the court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration. These aspects were highlighted by this Court in Janata Dal v. H.S. Chowdhary [(1992) 4 SCC 305 : 1993 SCC (Cri) 36] and Kazi Lhendup Dorji v. CBI [1994 Supp (2) SCC 116 : 1994 SCC (Cri) 873] . A writ petitioner who comes to the court for relief in public interest must come not only with clean hands like any other writ petitioner but also with a clean heart, clean mind and clean objective. (See Ramjas Foundation v. Union of India [1993 Supp (2) SCC 20 : AIR 1993 SC 852] and K.R. Srinivas v. R.M. Premchand [(1994) 6 SCC 620] .)”

29. The Hon’ble Supreme Court in Common Cause (A Regd. Society) v. Union of India and Others, (2008) 5 SCC 511, observed as under:-

“59. Unfortunately, the truth is that PILs are being entertained by many courts as a routine and the result is that the dockets of most of the superior courts are flooded with

PILs, most of which are frivolous or for which the judiciary has no remedy. As stated in Dattaraj Nathuji Thaware case [(2005) 1 SCC 590 : AIR 2005 SC 540] public interest litigation has nowadays largely become “publicity interest litigation”, “private interest litigation”, or “politics interest litigation” or the latest trend “paise income litigation”. Much of PIL is really blackmail.

60. Thus, public interest litigation which was initially created as a useful judicial tool to help the poor and weaker section of society who could not afford to come to courts, has, in course of time, largely developed into an uncontrollable Frankenstein and a nuisance which is threatening to choke the dockets of the superior courts obstructing the hearing of the genuine and regular cases which have been waiting to be taken up for years together.”

30. The Hon’ble Supreme Court in the case of **State of Uttarakhand v. Balwant Singh Chaufal and Others** reported in (2010) 3 SCC 402, in paragraphs 178, 179, 180 and 181, laid down the following guidelines relating to Public Interest Litigation:-

“178. We must abundantly make it clear that we are not discouraging the public interest litigation in any manner, what we are trying to curb is its misuse and abuse. According to us, this is a very important branch and, in a large number of PIL petitions, significant directions have

been given by the courts for improving ecology and environment, and the directions helped in preservation of forests, wildlife, marine life, etc. etc. It is the bounden duty and obligation of the courts to encourage genuine bona fide PIL petitions and pass directions and orders in the public interest which are in consonance with the Constitution and the laws.

179. The public interest litigation, which has been in existence in our country for more than four decades, has a glorious record. This Court and the High Courts by their judicial creativity and craftsmanship have passed a number of directions in the larger public interest in consonance with the inherent spirits of the Constitution. The conditions of marginalised and vulnerable section of society have significantly improved on account of Courts' directions in PIL.

180. In our considered view, now it has become imperative to streamline the PIL.

181. We have carefully considered the facts of the present case. We have also examined the law declared by this Court and other courts in a number of judgments. In order to preserve the purity and sanctity of the PIL, it has become imperative to issue the following directions:

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

(2) 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.

(3) The Courts should prima facie verify the credentials of the petitioner before entertaining a PIL.

(4) The Courts should be prima facie satisfied regarding the correctness of the contents of the petition before entertaining a PIL.

(5) The Courts should be fully satisfied that substantial public interest is involved before entertaining the petition.

(6) The Courts should ensure that the petition which involves larger public interest, gravity and urgency must be given priority over other petitions.

(7) 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.

(8) The Courts 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.”

31. In Jaipur Shahar Hindu Vikas Samiti v. State of Rajasthan and Others, (2014) 5 SCC 530, a Bench comprising of three Hon’ble Judges of the Hon’ble Supreme Court observed as under:-

“49. The concept of public interest litigation is a phenomenon which is evolved to bring justice to the reach of people who are handicapped by ignorance, indigence, illiteracy and other downtrodden people. Through the public interest litigation, the cause of several people who are not able to approach the court is espoused. In the guise of

public interest litigation, we are coming across several cases where it is exploited for the benefit of certain individuals. The courts have to be very cautious and careful while entertaining public interest litigation. The judiciary should deal with the misuse of public interest litigation with iron hand. If the public interest litigation is permitted to be misused the very purpose for which it is conceived, namely, to come to the rescue of the poor and downtrodden will be defeated. The courts should discourage the unjustified litigants at the initial stage itself and the person who misuses the forum should be made accountable for it. In the realm of public interest litigation, the courts while protecting the larger public interest involved, should at the same time have to look at the effective way in which the relief can be granted to the people whose rights are adversely affected or are at stake. When their interest can be protected and the controversy or the dispute can be adjudicated by a mechanism created under a particular statute, the parties should be relegated to the appropriate forum instead of entertaining the writ petition filed as public interest litigation.”

32. To similar effect is another judgment of the Hon’ble Supreme Court in **Environment and Consumer Protection Foundation v.**

Union of India and Others, (2017) 16 SCC 780 wherein it was observed as under:-

“29. Why are the Action Plan and these directions necessary? We seem to be forgetting the power of public interest litigation and therefore need to remind ourselves, from time to time, of its efficacy in providing social justice. Many years ago, this Court noted in People's Union for Democratic Rights v. Union of India [People's Union for Democratic Rights v. Union of India, (1982) 3 SCC 235 : 1982 SCC (L&S) 275] that: (SCC p. 240, para 2)

“2. ... Public interest litigation is brought before the court not for the purpose of enforcing the right of one individual against another as happens in the case of ordinary litigation, but it is intended to promote and vindicate public interest which demands that violations of constitutional or legal rights of large numbers of people who are poor, ignorant or in a socially or economically disadvantaged position should not go unnoticed and unredressed. That would be destructive of the rule of law which forms one of the essential elements of public interest in any democratic form of Government.”

A little later in the judgment, it was said: (SCC pp. 242-43, para 3)

“3. ... Millions of persons belonging to the deprived and vulnerable sections of humanity are looking to the courts for improving their life conditions and making basic human rights meaningful for them. They have been crying for justice but their cries have so far been in the wilderness. They have been suffering injustice silently with the patience of a rock, without the strength even to shed any tears.”

30. The advantage of public interest litigation is not only to empower the economically weaker sections of society but also to empower those suffering from social disabilities that may not necessarily be of their making. The widows of Vrindavan (and indeed in other ashrams) quite clearly fall in this category of a socially disadvantaged class of our society.

31. Placing empowerment in perspective, this Court noted in State of Uttaranchal v. Balwant Singh Chaufal [State of Uttaranchal v. Balwant Singh Chaufal, (2010) 3 SCC 402 : (2010) 2 SCC (Cri) 81 : (2010) 1 SCC (L&S) 807] that (at SCC p. 427, para 43) the first phase of public interest litigation concerned itself primarily with the protection of the fundamental rights under Article 21 of the Constitution of “the marginalised groups and sections of the society who because of extreme poverty, illiteracy and ignorance cannot

approach this Court or the High Courts”. We may add—the socially underprivileged groups. These are the people who have no real access to justice and in that sense are voiceless, and these are the people who need to be empowered and whose cause needs to be championed by those who advocate social justice for the disadvantaged.

32. This recognition formed the basis of the decision of this Court in Delhi Jal Board v. National Campaign for Dignity & Rights of Sewerage & Allied Workers [Delhi Jal Board v. National Campaign for Dignity & Rights of Sewerage & Allied Workers, (2011) 8 SCC 568 : (2011) 2 SCC (L&S) 375] wherein providing succour to the deprived sections of society was recognised as a “constitutional duty” of this Court. Referring to several judgments delivered by this Court, it was observed: (SCC p. 590, para 31)

“31. These judgments are a complete answer to the appellant's objection to the maintainability of the writ petition filed by Respondent 1. What the High Court has done by entertaining the writ petition and issuing directions for protection of the persons employed to do work relating to sewage operations is part of its obligation to do justice to the disadvantaged and poor sections of the society. We may add that the superior courts will be failing in their constitutional

duty if they decline to entertain petitions filed by genuine social groups, NGOs and social workers for espousing the cause of those who are deprived of the basic rights available to every human being, what to say of fundamental rights guaranteed under the Constitution. It is the duty of the judicial constituent of the State like its political and executive constituents to protect the rights of every citizen and every individual and ensure that everyone is able to live with dignity.”

33. It would thus be clear that Public Interest Litigation can only be entertained at the instance of a bonafide litigant and cannot be used by unscrupulous litigants to disguise personal or individual grievance as a Public Interest Litigation. The instant petition fails to qualify the above parameters.

34. It has repeatedly come to the notice not only of this Court, but also the Hon’ble Supreme Court that there is a lot of misuse of Public Interest Litigation, which now is a serious matter of concern for the judicial process.

35. We need not multiply or make reference to a large number of judgments in this regard and reference to a judgment of the Hon’ble Supreme Court rendered by three Hon’ble Judges’ Bench in this regard shall suffice.

36. In **Tehseen Poonawalla v. Union of India and Another (2018)** 6 SCC 72, the Hon’ble Supreme Court while dealing with the issue of

object of a Public Interest Litigation and its mis-utilization by persons with personal agenda observed as under:-

“Public interest litigation

96. Public interest litigation has developed as a powerful tool to espouse the cause of the marginalised and oppressed. Indeed, that was the foundation on which public interest jurisdiction was judicially recognised in situations such as those in Bandhua Mukti Morcha v. Union of India [Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161 : 1984 SCC (L&S) 389] . Persons who were unable to seek access to the judicial process by reason of their poverty, ignorance or illiteracy are faced with a deprivation of fundamental human rights. Bonded labour and undertrials (among others) belong to that category. The hallmark of a public interest petition is that a citizen may approach the court to ventilate the grievance of a person or class of persons who are unable to pursue their rights. Public interest litigation has been entertained by relaxing the rules of standing. The essential aspect of the procedure is 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. This ensures the objectivity of those who pursue the grievance before the court. Environmental jurisprudence has developed around

the rubric of public interest petitions. Environmental concerns affect the present generation and the future. Principles such as the polluter pays and the public trust doctrine have evolved during the adjudication of public interest petitions. Over time, public interest litigation has become a powerful instrument to preserve the rule of law and to ensure the accountability of and transparency within structures of governance. Public interest litigation is in that sense a valuable instrument and jurisdictional tool to promote structural due process.

97. Yet over time, it has been realised that this jurisdiction is capable of being and has been brazenly misutilised by persons with a personal agenda. At one end of that spectrum are those cases where public interest petitions are motivated by a desire to seek publicity. At the other end of the spectrum are petitions which have been instituted at the behest of business or political rivals to settle scores behind the facade of a public interest litigation. The true face of the litigant behind the façade is seldom unravelled. These concerns are indeed reflected in the judgment of this Court in State of Uttaranchal v. Balwant Singh Chaufal [State of Uttaranchal v. Balwant Singh Chaufal, (2010) 3 SCC 402 : (2010) 2 SCC (Cri) 81 : (2010) 1 SCC

(L&S) 807] . Underlining these concerns, this Court held thus : (SCC p. 453, para 143)

“143. Unfortunately, of late, it has been noticed that such an important jurisdiction which has been carefully carved out, created and nurtured with great care and caution by the courts, is being blatantly abused by filing some petitions with oblique motives. We think time has come when genuine and bona fide public interest litigation must be encouraged whereas frivolous public interest litigation should be discouraged. In our considered opinion, we have to protect and preserve this important jurisdiction in the larger interest of the people of this country but we must take effective steps to prevent and cure its abuse on the basis of monetary and non-monetary directions by the courts.”

37. The aforesaid observations were relied upon and reiterated by another Hon’ble three Judges’ Bench of the Hon’ble Supreme Court in **Re: Prashant Bhushan and Anr., Suo Motu Contempt Petition, 2020 SCC OnLine SC 698.**

38. From the aforesaid exposition of law, it can safely be concluded that the Court would allow litigation in public interest only if it is found:-

- (i) That the impugned action is violative of any of the rights enshrined in Part III of the Constitution of India or any other legal right and relief is sought for its enforcement;
- (ii) That the action complained of is palpably illegal or mala fide and affects the group of persons who are not in a position to protect their own interest on account of poverty, incapacity or ignorance;
- (iii) That the person or a group of persons were approaching the Court in public interest for redressal of public injury arising from the breach of public duty or from violation of some provision of the Constitutional law;
- (iv) That such person or group of persons is not a busy body or a meddlesome inter-loper and have not approached with mala fide intention of vindicating their personal vengeance or grievance;
- (v) That the process of public interest litigation was not being abused by politicians or other busy bodies for political or unrelated objective. Every default on the part of the State or Public Authority being not justiciable in such litigation;
- (vi) That the litigation initiated in public interest was such that if not remedied or prevented would weaken the faith of the common man in the institution of the judiciary and the democratic set up of the country;

- (vii) That the State action was being tried to be covered under the carpet and intended to be thrown out on technicalities;
- (viii) Public interest litigation may be initiated either upon a petition filed or on the basis of a letter or other information received but upon satisfaction that the information laid before the Court was of such a nature which required examination;
- (ix) That the person approaching the Court has come with clean hands, clean heart and clean objectives;
- (x) That before taking any action in public interest the Court must be satisfied that its forum was not being misused by any unscrupulous litigant, politicians, busy body or persons or groups with mala fide objective of either for vindication of their personal grievance or by resorting to black-mailing or considerations extraneous to public interest.

39. Evidently, even though the petitioner has claimed to have filed this petition in public interest, but he has not disclosed and has rather deliberately withheld his complete credentials and interest as is mandatorily required under Rule 4 of the Jharkhand High Court (Public Interest Litigation) Rules, 2010. The petitioner was required to disclose the criminal case that was admittedly pending against him at the time of filing of the petition. The mere fact that he has been acquitted later on is of no consequence.

40. Apart from the above, we find that the petitioner has his own axe to grind and wants to settle his political score by filing of instant petition as he appears to be a political rival of the respondent no.7. Clearly the petition cannot in any terms be said to be a bona fide, rather the same is mischievous and therefore amounts to a gross abuse of the process of the Court. The petitioner clearly lacks *locus standi* being a political rival of the respondent no.7 and by filing the instant petition has shown his oblique motive.

41. This Court in such circumstances has to act ruthlessly while dealing with such imposters, busybodies and meddlesome interlopers impersonating as public-spirited holy men. The petitioner cannot masquerade as a crusader of justice and is only pretending to act in the name of *Pro Bono Publico*, though he has no interest of the public to protect. The instant petition under ploy to achieve for achieving oblique motives.

42. That the Hon'ble Supreme Court in **K.D. Sharma v. SAIL**, (2008) 12 SCC 481, has categorically held that a litigant approaching the court must come with clean hands and disclose all material facts, failing which the proceedings are liable to be dismissed.

43. Furthermore, in **Prestige Lights Ltd. v. State Bank of India**, (2007) 8 SCC 449, the Hon'ble Apex Court reiterated that "*a litigant who approaches the court is bound to produce all the documents relevant to the litigation. If he withholds a vital document, then he must suffer the consequences.*" The Court further emphasized that the

principle of *uberrima fides* (utmost good faith) applies to litigants invoking constitutional or equitable jurisdiction.

44. That applying the above principles, it is clear that the petitioner has abused the inherent jurisdiction of this Court by initiating a proxy litigation under the guise of public interest, while harbouring undisclosed private motives. This Writ Petition, being founded on suppression, falsehood, and mala fide intent, is thus liable to be dismissed with exemplary costs.

45. In view of the aforesaid discussions, this writ petition is not maintainable as the same is mischievous and has only resulted in wastage of Court's precious time, which could have been better utilized in disposal of the cases of genuine litigants.

46. Accordingly, the instant petition is dismissed with a cost of Rs.2,00,000/- to be paid by the petitioner. Out of this amount, Rs.1,00,000/- would be paid to the respondent no.7, while, the remaining Rs.1,00,000/- shall be paid to the Advocates Clerk Welfare Fund, Jharkhand High Court, Ranchi, within three months from today.

47. Pending application(s), if any, shall also stand disposed of.

(Tarlok Singh Chauhan, C.J.)

(Rajesh Shankar, J.)

November 11th, 2025

A.F.R.

Manoj/Cp.2