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NGO that files PILs comes under strict Supreme Court scrutiny

PTI | Jan 12, 2016, 08.23 PM IST



NEW DELHI: The functioning of the Centre for Public Interest Litigation (CPIL) today came under severe scrutiny by the Supreme Court, which asked a series of searching questions to its counsel Prashant Bhushan by voicing concern that rival commercial litigants could be using the NGO as an instrument to settle scores.

The apex court noted that 50 PILs have been filed by the CPIL over the years, but it was of the impression that the NGO did not have any credible mechanism to verify the information which formed the basis for filing the PILs.

"We understand that our impression today is that you have no mechanism to scrutinise or verify the information as to prima facie these information disclose any fraud," a bench headed by Chief Justice T S Thakur said during the hearing of a PIL filed by CPIL challenging the grant of 4G licences to Mukesh Ambani's Reliance Jio Infocomm Ltd (RJIL).

"Your organisation should not become an instrument in the hands of commercial rivals of others and it should not appear that both of you work hand-in-gloves," the bench, also comprising Justices A K Sikri and R Banumathi, observed while emphasising that there should be a credible mechanism to scrutinise the information before filing PILs.

"When we entertain your petition, you must establish a credible mechanism of scrutiny. People of eminence should apply mind and certify that such a mechanism inspires confidence. We want to make sure that a petition filed by CPIL has gone through a particular process and is genuine," the bench said.

Bhushan replied in negative that the NGO filed PILs in return for a consideration and said there was an

executive committee of senior advocates like Anil Divan, Shanti Bhushan, Colin Gonsalves and others who decide on the filing of PILs. The bench said it was of the view that if there was a genuine mechanism to scrutinise information, there would be no problem if the NGO gets financial support for its functioning. When Bhushan said that CPIL has a research wing to look into the information and materials, the bench said there should be an investigating wing that can give a report so that a credible attempt can be made.

"Petitions should not be on the basis of the raw information," the bench added. Bhushan made an attempt to make it clear that it was aware of all the questions that were arising in the minds of the bench and said, "we do not have any personal interest." He also said the PIL against the company was filed on the basis of the draft CAG report which had spoken about certain irregularities in the grant of 4G licence.

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