

## **NGO urges Supreme Court not to reject PILs with commercial angle**

*By Samanwaya Rautray, ET Bureau | Jan 20, 2016, 04.00 AM IST*

NEW DELHI: The Centre for Public Interest Litigation, the NGO that was instrumental in getting the Supreme Court to cancel more than 100 spectrum licences in 2012, on Tuesday urged the court to not reject a PIL just because it has some commercial angle. It urged the court to deal with such petitions based on credible evidence of corruption, and failure of duty on part of public servants.

Senior advocate Fali S Nariman has stepped down as a founding member of the NGO, it told the court amid a controversy over who vets PILs filed by it, such as the one on the acquisition of Infotel Telecom by Reliance Industries. A bench led by Chief Justice TS Thakur had last week sought an explanation from the NGO on how it filters information involving commercial interests or those planted by interested parties.

CPIIL defended itself saying that none of its petitions had so been far found mala fide by courts. The NGO was instrumental in getting the top court to lay down the concept of institutional integrity to keep out appointment of tainted persons as heads of institutions. The NGO said its success had made vested interests to attack it in the media.

The submissions made to the CJI, by former minister Shanti Bhushan, said a sub-committee appointed by the governing council of the NGO vetted all causes before they were taken up in court. The sub-committee comprises Anil Divan, Shanti Bhushan, Colin Gonsalves, Kamini Jaiswal and Prashant Bhushan. Nariman was a member of the governing body. Petitions filed by political rivals or interested individuals should not be automatically rejected, instead the court should scrutinise whether the allegations have any substance, the NGO argued. An enquiry should not be shut out at the threshold because a political opponent of a person with political differences raises an allegation, the NGO said. Any other course, it said, would be detrimental to public interest.

If such issues are left to others to litigate, the cause may be harmed, as the person may lack expertise and persistence to pursue the case. It may be dismissed as a case of personal interest. "Moreover, most people who have to deal with the government are reluctant to go to court against it as they may be adversely affected in their dealings ... in future. They are also apprehensive about intimidation, reprisal and violence," it said.

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