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Public Interest Immunity

This article covers "Daily current affairs for UPSC" and the topic is about 'Public Interest Immunity' which is in news, it covers "Polity and Governance" In GS-2; the following content has relevance for UPSC.



Public Interest Immunity

For Prelims: Public Interest Immunity

For Mains: GS-2, Polity and Governance

Why in news:

The Supreme Court last week set aside the Centre's order imposing a broadcast ban on the Malayalam news channel MediaOne. The top court set aside a March 2, 2022 judgment of the Kerala High Court that had upheld the I&B Ministry's order. In making its decision, the High Court had relied on material disclosed solely to it by the Home Ministry in a 'sealed cover'.

ABOUT PUBLIC INTEREST IMMUNITY

- Public Interest Immunity is a legal doctrine that allows a government or public authority to withhold information or evidence from disclosure in court proceedings or other legal proceedings, on the grounds that it would be contrary to the public interest to disclose such information.
- Public Interest Immunity is typically made when there is a conflict between the duty to disclose relevant information in legal proceedings and the need to protect sensitive information or interests that are considered vital to the public interest, such as national security, public safety, diplomatic relations, confidential information, or the conduct of government affairs.
- Public Interest Immunity is often used in cases involving classified information, state secrets, intelligence agencies, and sensitive government operations. The claim is usually made by the

government or public authority asserting that the disclosure of the information would have a detrimental effect on the public interest and therefore should be withheld from disclosure.

- However, Public Interest Immunity may be subject to judicial review, and the court will weigh the competing interests of the public interest in non-disclosure against the interests of justice and the rights of the parties involved in the legal proceedings.
- It's important to note that the scope and application of the public interest immunity claim may vary depending on the jurisdiction and the specific circumstances of each case. It is a complex and evolving area of law that is subject to the interpretation and balancing of competing interests, and legal advice should be sought when dealing with issues related to public interest immunity.

CONCEPT OF AMICUS CURIAE

- Article 145 of the Constitution was one of the most compelling reasons for the court to direct the appointment of an amicus. It requires that all Supreme Court decisions be delivered in open court. **Article 145(4)** states that the Supreme Court shall pronounce no judgment except in open Court.
 - The concept of “amicus curiae” refers to a Latin term that translates to “friend of the court.” In the legal context, it refers to a person or organization that is not a party to a lawsuit but offers information or expertise to assist the court in making an informed decision.
 - An amicus curiae is typically a third-party individual, group, or entity that provides a written brief or oral argument to a court in a case where they have a vested interest or specialized knowledge. The amicus curiae may present legal arguments, policy considerations, or relevant facts that the court may find helpful in reaching a decision. The purpose of an amicus curiae is to provide the court with additional information and perspective on the legal issues at hand.
 - Amicus curiae briefs can be submitted in various legal settings, including appellate courts, trial courts, and administrative agencies. They are commonly used in constitutional law cases, where issues of public importance are being litigated, and the court may benefit from a broader range of viewpoints.
 - The role of an amicus curiae is advisory in nature, as they do not have a direct stake in the outcome of the case, and their arguments are not binding on the court. However, the court may consider the amicus curiae's arguments and incorporate them into its decision-making process.
- In summary, an amicus curiae is a third party that provides additional information and perspective to a court on legal issues, with the aim of assisting the court in reaching an informed decision.

Source:
[Indian Express](#)

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