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'Governance and lawmaking should be left to legislature'

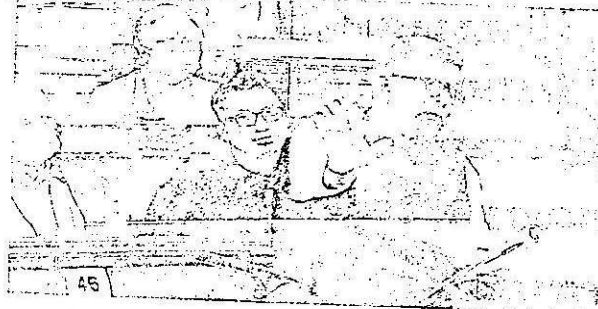
Prasad asks judiciary to exercise discretion in accepting PILs

SPECIAL CORRESPONDENT
NEW DELHI

Law Minister Ravi Shankar Prasad on Friday told the Lok Sabha that just as independence of the judiciary is a part of the basic structure of the Constitution, the principle of separation of powers is also a part of that basic structure. He asserted that governance and lawmaking should be left to the elected members of the legislature.

In his reply to a debate on the Arbitration and Conciliation (Amendment) Act, 2021, which was passed by the Lok Sabha, Mr. Prasad also urged the judiciary to exercise its discretion in accepting public interest litigations.

The Law Minister said that there was a "rush to file PILs on almost every issue" nowadays. He appealed to the judiciary to look at "genuine" issues such as compensation, working conditions of the working classes, and so on. The amendment



Union Minister Ravi Shankar Prasad speaking in the Lok Sabha during the Budget session on Friday. •PTI

to the Arbitration Act proposes to empower courts to stay arbitration awards if they have been obtained through fraud or corrupt means.

Responding to the queries raised by several members on the need to amend the Arbitration Act retrospectively, and to be brought in the form of an ordinance, the Law Minister said it was necessary to ensure that some parties did not try to take advantage of an arbitral

award that may have been obtained through fraud or corrupt means.

"If an award [that] is given against the Union government or a State government is given by fraud and an investor wants to enforce it, is it fair that thousands of crores of taxpayers' money be given away? Some of the members have asked 'why an ordinance?' Why not? Should we part with taxpayers' money?" Mr. Prasad asked.