

PUBLIC INTEREST LITIGATION

Vidushi Gupta

Introduction

Public Interest Litigation (PIL) has been one of the most revolutionary judicial innovations in Indian legal history by serving a unique forum to achieve social justice and enforcement of constitutional mandates, apart from addressing public grievances. Having emerged in the late 1970s and come to be substantiated somewhat formally in the early 1980s, PIL was perceived to have been structured largely under Justices V.R. Krishna Iyer and P.N. Bhagwati who had influenced new jurisprudential bases for providing administrative justice covering both marginalized (like women, children, SC/ST) as well as disadvantaged classes of persons who were usually poor and indigent litigants. Sourced from the American concept of “Public Interest Law”, PIL in India has developed as an extremely potent weapon with its liberal rules of locus standi, summary procedures and low court fees which allow even a public spirited individual to approach the courts for redressal in matters affecting larger public welfare.

PIL thus enables groups or entities to act as a collective as well, driving talented professionals and organizations between the law and society. The Bill seeks to cover a wide range of offences — from bonded labour, environmental pollution and abuse in custody to gender-based crimes and violations of civil rights. The procedural flexibility provided by letter petition or informal application marks an important departure from the orthodox procedural formalism. But the judiciary has been clear that PIL should not be misused for political vendettas, publicity or gains, by introducing safeguards like preliminary scrutiny and imposition of costs in frivolous cases and yet these safeguards seem to have failed their purpose.

Are you not satisfied with your surroundings and circumstances? Do you feel because of certain governmental policies the fundamental and basic rights of human beings are infringed or denied which are giving birth to corruption? So, you need to be familiar with Public Interest Litigation.

It is for all alert citizens of the country who by the means of their voice want to bring in positive change. Public Interest Litigation (hereinafter referred to as PIL) is a strong tool for all such individuals. It can be filed when human rights or fundamental rights are violated. It originated from the United States of America and was first introduced in the year 1980.

Article 226 and Article 32 of the constitution of India given us PIL; over last more than four decade PIL has become a bench mark in judicial activism in our country to enforce constitutional mandates. And not only it is broadening the avenues of rights jurisprudence but also facilitating the role of Judiciary as a guardian of the constitutionality and rule of law.

Three key features of PIL are :

1. Concerned citizen representing larger interest
2. Extra ordinary judicial remedy
3. It is a part of judicial activism

Who can file a PIL?

Any individual or organization can file a PIL either in his/her/their own standing i.e. to protect or enforce a right owed to him/her/them by the government or on behalf of a section of society who is disadvantaged or oppressed and is not able to enforce their own rights. It can be done on a normal piece of paper, flexible locus standi ,with minimal court fees i.e., affordability and court can issue writ in favour of person.

Here, flexible locus standi means the person whose right is infringed himself needs not to appear before court instead someone else can represent him/her.

Objective:

In the 1970s Justice V.R. Krishna Iyer and Justice P.N. Bhagwati introduced the concept of PIL by a revolution in PIL as it became a very important means of Justice. These two respective Justices are the architects of PIL.

It helps to create and enforce rights of individuals. The Judicial process involved in PIL is more democratic than the proceedings of a normal case. It was introduced because of lack of availability of common Public law during the 1970s, expensive legal fees, lack of proper legal knowledge and emergency.

Other objectives include:

1. Obtain social justice for all.
2. Solving a big issue in a legitimate and way through legal proceedings
3. As to claim rights against government or private action.
4. Welfare of large masses. So, it is very democratic.

Institutions dealing with PIL :

Hon'ble High Court and Supreme Court of India deals with PIL. Article 39A of Indian Constitution deals with PIL which states that "it is the duty of the state to protect and deliver social justice with the help of law."

It can be registered as a writ petition in the High Court or Supreme Court. A single individual can file a PIL on behalf of a group of individuals.

Condition for filing a PIL:

1. PIL should not be politically motivated.
2. So, it should not have a hidden agenda and no malice intent involved.
3. No alternative mechanism.
4. Case of such a subject should not be pending in any other court.
5. Representation

Example: A health issue in a society is wide spreading. So, the initial step is to approach the respective health department. If no resolution is provided there, then, a PIL can be

filed. Meaning there by there needs to be a representation made in the respective department first before filing a PIL.

Key Points for filing a PIL:

To file a PIL initially collect the relevant information and documents on the issue involved. Then the Petitioner (the person filing) needs to decide the court in which he/she is willing to file a PIL i.e before Hon'ble High Court or Supreme Court of India. The form in which a PIL is filed must be abided by filing a PIL. And it must be in the name of the Chief Justice of India on filling in the Supreme Court. And lastly, Petitioner either himself for an appointed Advocate on his behalf needs to be present in the court. Court fees to be affixed on the petition is Rs. 50/- per Respondent, either on filling before Hon'ble High Court or Supreme Court.

PIL must contain the following relevant information in it before filing it in the court:

Petitioner's name, postal address, email address, phone number, occupation, annual income and PAN number, Proof of identity of the Petitioner must be annexed, Facts of the case, Nature of the injury, Any personal interest that he/she/it may have, Details of any litigation involving the petitioner which could have a legal nexus with the issue involved in the PIL, The class of persons for whose benefit the PIL is being filed and how they are incapable of accessing the courts themselves , In the event that any representations have been made to any authorities regarding the issue, the details of the same, Any person/body/institution that may be affected by the PIL must be joined as a party and The Petitioner must also state that he/she/they are able to pay costs, if any, that may be imposed by the court.

Broader categories of plethora of cases filed as PIL:

Bonded Labour or forced labour, neglected children/ abandoned children, minimum wages, jail petition/police petitions, petitions for protection of women, custodial torture, petitions for protection of SC/ST, riot victims , environment and national interest (lynching)

The following category of cases are restricted to be filed as PIL:

Landlord tenant cases, transfer cases, family and property disputes

To stop misuse of PIL, to stop publicity, stop political vengeance Hon'ble Supreme Court held that PIL cannot be used against private individuals.

No anti- national interest litigation can be entertained by a medium of PIL. For this purpose, screening is done by the registrar. Also, penalty will be imposed on Contempt of court powers as held by Supreme Court in the case of forged documents, frivolous or false cases.

Merits of PIL:

1. Inexpensive remedy
2. Easy to file PIL as it can even be filed through post
3. It deals with health issue, human right issue, environment issue (where interest of larger individuals is involved)

Demerits of PIL:

1. PIL has become so popular that Supreme Court and High Court mostly deal every time with PIL rather than other cases, so pending cases are increasing.
2. The power of the High Court and Supreme Court are rising i.e., Judicial Activism.

Recently, it was termed as the second Legislature.

3. The political parties and public pressure groups are filling PIL for their mala fide intention.

Conclusion:

Public Interest Litigation represents a proud tradition in the functioning of our constitutional democracy and reflects an approach to redemptive justice on part of the judiciary. It has empowered us to make great strides in environmental protection (M.C.

Mehta v. Union of India), protection of human dignity (Bandhua Mukti Morcha v. Union of India), and setting a precedent in gender justice (Vishaka v. State of Rajasthan). Thus, by expanding the reach of the courts, PIL has opened up a largely closed legal system to public scrutiny and created a platform from which voices that would otherwise remain unheard can be heard.

But there is a downside to this ease of use, as the same flexibility that PIL provides means it can also easily be abused. The filing of politically motivated petitions, frivolous claims and cases based on personal or publicity reasons had placed pressure on courts and had weakened the severity of real public causes. In *State of Uttaranchal v. Balwant Singh Chaufal*, the Supreme Court has clearly laid down that a PIL should not be filed with ulterior motives but must have been filed in bona fide interest and such safeguards were meant to ensure that no abuse was made of the iconic weapon created for protection of common weal.

The stakes for PIL are now higher: it can only remain as a relevant discourse of the future if it learns how to find balance between making itself more accessible and holding itself accountable. Enhancing scrutiny at the pre-admission stage, penalising frivolous litigations and creating more legal awareness in general amongst public would aid in preserving the sanctity of this remedy. In addition, the integration of technology — such as e-filing and virtual hearings — can improve accessibility while maintaining procedural efficiency.

In the end, PIL is more than a mere legal provision — it is an example of the law performing gymnastics to keep pace with societal transformation — respiratory pathoGenesis & diagnosis. When employed as a proper weapon, it turns into an agent of systemic transformation thereby putting the judiciary on high alert. Its continued life into the future depends on how it continues to act as a shield of the powerless and check excesses of power, hence allowing it not merely remain an essential tool for justice in India but also maintain its spirit alive.

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