

## Public Interest Litigation (PIL)

### Public Interest Litigation (PIL) – Overview

Public Interest Litigation (PIL) is a judicial innovation in India that allows any individual or group to file a petition before the courts seeking enforcement of rights on behalf of the public, especially the poor, marginalized, or disadvantaged who cannot approach the court themselves. It represents a **departure from the traditional concept of locus standi**, expanding access to justice.

### Meaning and Origin

- **Meaning:** PIL refers to litigation filed in a court of law for the protection of “public interest.” This may include issues like pollution, environmental degradation, violation of human rights, exploitation of labor, and denial of basic human rights.
- **Origin:** The concept evolved in the **United States** during the 1960s, and in India, it was developed by the **Supreme Court during the post-Emergency period** (late 1970s and early 1980s) through judicial activism.

### Constitutional Basis

PIL in India draws its strength primarily from:

1. **Article 32** – Right to constitutional remedies (Supreme Court jurisdiction).
2. **Article 226** – Powers of High Courts to issue writs.
3. **Articles 14, 21, and 39A** – Right to equality, right to life and liberty, and directive principles promoting free legal aid and justice for all.

### Evolution Through Judicial Pronouncements

#### 1. **Hussainara Khatoon v. State of Bihar (1979 AIR 1369)**

- The first recognized PIL in India.
- Highlighted plight of undertrial prisoners languishing in jails.
- Justice P.N. Bhagwati emphasized the right to speedy trial under Article 21.

#### 2. **S.P. Gupta v. Union of India (1981 AIR 149)**

- Known as the “Judges Transfer Case.”
- Recognized *locus standi* of a public-spirited citizen to approach the court for the enforcement of rights of others.

#### 3. **People’s Union for Democratic Rights v. Union of India (1982 AIR 1473)**

- Expanded PIL to labor rights; ensured non-exploitation of workers in Asiad Games construction.

#### 4. **M.C. Mehta v. Union of India (1986 AIR 1086)**

- Established PIL in environmental protection (e.g., Ganga pollution case, Oleum gas leak case).

#### 5. **Sheela Barse v. State of Maharashtra (1983 AIR 378)**

- Addressed custodial violence and rights of women prisoners.

#### 6. **Vineet Narain v. Union of India (1998 1 SCC 226)**

- Dealt with corruption in high offices and accountability of investigative agencies (Hawala case).

## Features of PIL

- **Liberalized Locus Standi:** Any public-spirited person can file a petition on behalf of those who cannot approach the court.
- **Procedural Flexibility:** Letters or postcards are accepted as writ petitions.
- **Wider Scope:** Covers fundamental rights violations, environmental degradation, consumer welfare, corruption, and governance issues.
- **Court's Active Role:** The judiciary often appoints expert committees, commissions, and gives continuing directions.

## Objectives of PIL

1. To ensure justice to the poor, illiterate, and marginalized.
2. To uphold rule of law and constitutional values.
3. To promote accountability and transparency in governance.
4. To protect environment, heritage, and public health.
5. To expand the interpretation of fundamental rights under Part III of the Constitution.

## Procedure for Filing PIL

### 1. **Jurisdiction:**

- Under **Article 32** in the Supreme Court.
- Under **Article 226** in the High Courts.

### 2. **Form:**

- A petition can be filed in proper legal form or even through a letter (in exceptional cases).

### 3. Respondent:

- The PIL is filed against a public authority, government, or agency responsible for the alleged violation.

### 4. Court's Powers:

- The court may issue writs (mandamus, certiorari, prohibition, quo warranto, habeas corpus) or continuous monitoring orders.

## Areas Covered under PIL

- Environmental protection (Ganga, Yamuna pollution cases).
- Bonded labor and child labor (Bandhua Mukti Morcha case).
- Women's rights and safety.
- Prisoners' rights and speedy trial.
- Consumer protection and public health.
- Governance and corruption cases.

## Advantages of PIL

- Democratizes access to justice.
- Empowers citizens and civil society.
- Strengthens accountability and good governance.
- Brings social transformation through judicial activism.
- Protects collective rights and interests.

## Misuse and Limitations

Despite its noble intent, PIL has been criticized for misuse:

- **Frivolous or politically motivated petitions** waste judicial time.
- **Publicity-oriented litigations** dilute the purpose.
- Courts sometimes face **judicial overreach** accusations.

**Landmark judgment on misuse:**

- *State of Uttaranchal v. Balwant Singh Chaufal* (2010 3 SCC 402) – Supreme Court laid down guidelines to prevent misuse of PIL, emphasizing bona fide intention and genuine public cause.

## Recent Trends

- Shift from “**Public Interest**” to “**Private Interest**” litigation in some cases.
- Emergence of **Environmental PILs** and **Social Justice PILs**.
- Courts’ increasing role in **policy enforcement**, e.g., pollution control, police reforms, electoral reforms.

## Conclusion

Public Interest Litigation has become a cornerstone of Indian judicial activism and social justice. It has transformed the judiciary into a **guardian of the public interest**, expanding the scope of fundamental rights and bringing governance closer to constitutional ideals. However, it must be exercised responsibly to maintain its credibility and effectiveness as a tool for **justice for all**.