

# Public Interest Litigation

Public Interest Litigation (PIL) has been a transformative tool in the Indian judicial landscape, enabling the courts to address a wide range of public grievances and human rights issues. This judicial innovation has significantly expanded the access to justice, particularly for marginalised and underrepresented sections of society.

## Origins and Evolution of PIL

The concept of PIL in India emerged in the late 1970s and early 1980s, a period marked by a renewed focus on social justice and human rights in the wake of the Emergency (1975-77). The judiciary sought to restore its legitimacy and address the injustices experienced during this period by adopting a more activist stance. This shift was influenced by the radical changes in American public law adjudication and the growing recognition of the judiciary's role in safeguarding constitutional rights .

The landmark case of **Hussainara Khatoon v. State of Bihar** (1979), which addressed the deplorable conditions of undertrial prisoners, is often cited as the starting point of PIL in India. Justice P.N. Bhagwati and Justice V.R. Krishna Iyer were pivotal figures in this judicial movement, advocating for a more accessible and inclusive legal system. They expanded the traditional doctrine of locus standi, allowing any public-spirited individual or organisation to file a petition on behalf of those unable to do so themselves .

## Constitutional Basis

PIL is primarily rooted in Articles 32 and 226 of the Indian Constitution, which empower the Supreme Court and High Courts, respectively, to issue writs for the enforcement of fundamental rights and for "any other purpose." This broad jurisdiction has enabled the courts to address a wide array of public interest issues, from environmental protection to social welfare .

## Characteristics of PIL

PIL differs significantly from traditional litigation in several key aspects:

1. **Liberalised Locus Standi:** The traditional requirement that only a person whose rights are directly affected can approach the court has been relaxed. In PIL cases, any public-spirited individual or organisation can file a petition on behalf of those whose rights are infringed but are unable to access the courts .
2. **Procedural Flexibility:** PIL cases often deviate from strict procedural norms. Courts have been willing to accept petitions in the form of letters or newspaper articles highlighting significant public issues. This flexibility is aimed at lowering the barriers to access to justice.
3. **Collaborative Approach:** PIL is viewed as a collaborative effort between the petitioner, the court, and the government to achieve social justice. The focus is on corrective and preventive measures rather than punitive action .
4. **Prospective Orientation:** Unlike traditional litigation, which is retrospective and seeks to address past wrongs, PIL is often forward-looking, aiming to prevent ongoing or future violations of rights .

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### Impact of PIL

PIL has had impact on various aspects of Indian society and governance:

- Human Rights and Social Justice:** PIL has been instrumental in addressing gross human rights violations and promoting social justice. Notable cases include **Bandhua Mukti Morcha v. Union of India** (1984), which tackled bonded labor, and **Vishaka v. State of Rajasthan** (1997), which laid down guidelines for addressing sexual harassment at the workplace .
- Environmental Protection:** Environmental PILs have led to significant judicial interventions in protecting India's natural resources. The **Ganga Pollution Case** (1988) and the **Taj Trapezium Case** (1996) are landmark examples where the judiciary mandated comprehensive measures to control industrial pollution .
- Government Accountability:** PIL has enhanced government accountability by exposing corruption, inefficiency, and abuse of power. For instance, the **2G Spectrum Case** (2012) resulted in the cancellation of licences issued in a fraudulent manner, highlighting the role of PIL in ensuring transparent governance .
- Expansion of Rights:** The judiciary has expanded the scope of fundamental rights through PIL. The right to life under Article 21 has been interpreted to include the right to a clean environment, health, education, and dignified living, reflecting a broad understanding of human rights .

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### Criticisms and Challenges

Despite its successes, PIL has faced several criticisms:

- Judicial Overreach:** Critics argue that PIL sometimes leads to judicial overreach, with courts encroaching on the functions of the executive and legislature. This blurring of boundaries can undermine the principle of separation of powers .
- Frivolous Petitions:** The liberalised access to courts has resulted in a surge of frivolous and motivated PILs, burdening the judiciary and diluting the effectiveness of genuine cases. Courts have occasionally imposed penalties to deter such practices .

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3. **Implementation Issues:** The efficacy of PIL often depends on the implementation of court orders by the executive. Delays and non-compliance can undermine the intended impact of judicial interventions .
4. **Class Bias:** Some scholars argue that PILs sometimes reflect middle-class concerns more than the needs of the truly marginalised. This class bias can skew judicial priorities and outcomes .

**Conclusion**

Public Interest Litigation has been a powerful instrument for advancing justice, protecting rights, and enhancing accountability in India. While it has its share of challenges and criticisms, the overall impact of PIL on Indian democracy and governance has been overwhelmingly positive. By democratising access to justice and addressing systemic issues, PIL has reinforced the judiciary's role as a guardian of the Constitution and a champion of social justice. Moving forward, ensuring the judicious use of PIL, safeguarding against abuse, and enhancing the implementation of judicial directives will be crucial in sustaining its effectiveness and legitimacy.

