General Studies-2: Topic – Structure, organization and functioning of the Executive and the Judiciary Ministries and Departments of the Government; pressure groups and formal/informal associations and their role in the Polity.

Public Interest Litigation (PIL)

1) Introduction
- Injustice anywhere is a threat to justice everywhere - Martin Luther King, Jr.
- Public Interest Litigation (PIL) means a legal action initiated in a court for the enforcement of public interest in which their legal rights or liabilities are affected.
- Article 32 of the Constitution contains provisions regarding the involvement of public in the judiciary.
- Efforts of Justice P N Bhagwati and Justice V R Krishna Iyer were instrumental in seeking legal remedies in all cases where the interests of general public or a section of public are at stake.

2) Objectives of PIL
- Obtaining justice for the people.
- Voicing people’s grievances through the legal process.
- A PIL can be filed in any High Court or directly in the Supreme Court.
- The concept of PIL is in consonance with the principles enshrined in Article 39A of the Constitution to protect and deliver social justice with the help of law.
- Some of the matters which are entertained under PIL are:
  a. Bonded Labour matters
  b. Neglected Children.
  c. Non-payment of minimum wages to workers and exploitation of casual workers.
  d. Atrocities on women.
  e. Environmental pollution and disturbance of ecological balance.
  f. Food adulteration.
  g. Maintenance of heritage and culture.

3) Need for PIL
- Public Interest Litigation is an important instrument of social change.
- For maintaining Rule of law and accelerating the balance between law and justice.
- It is for the welfare of every section of society.
- It is beneficial for the developing country like India.
- To combat the atrocities prevailing in society.

4) Merits
- PILs have helped millions of citizens to claim their rights against the government overreach, or private actions.
- Vigilant citizens can find an inexpensive remedy because there is only a nominal rate of court fees.
- Litigants can focus on larger public issues in the field of human rights, consumer welfare and the environment.
- Public participation in judicial review of administrative action is assured.
- It has the effect of making judicial process little more democratic.
5) **Demerits**
   - Many people started handling PIL as a tool for harassment because frivolous cases can be filed without heavy court fee.
   - The judiciary has been criticised due to the overstepping of its jurisdiction.
   - PIL is sometimes misused by the public by seeking publicity rather than supporting the public cause.
   - The abuse of PIL has become more rampant than the genuine causes either receded to the background or began to be viewed with the suspicion.
   - Political pressure groups who could not achieve their aims through the administrative process may try to use the PIL to further their aims and interests.

6) **Concerns / Challenges**
   - There are concerns about the misuse of PILs.
   - The overuse and abuse of PIL can only make it ineffective.
   - Many times, a PIL becomes a ‘Personal Interest Litigation’.
   - Politically sponsored cases are filed in the form of PIL.
   - If such petitions are not disposed of in the petitioners' favour, the date of such a judgment is dubbed as a 'black day for the judiciary.'

7) **Landmark PIL Cases**
   - **Hussainara Khatoon v. State of Bihar**
     a. Many have regarded this case as the first PIL in India.
     b. The Court focussed on the situation of under-trials in Bihar who had been in detention pending trial for periods far in excess of the maximum sentence for their offences.
   - **Vishaka v. State of Rajasthan**
     a. PIL was initiated in the Supreme Court to challenge sexual harassment in the workplace.
     b. The Vishaka judgment recognized sexual harassment as “a clear violation of the fundamental rights of equality, non-discrimination, life, and liberty, as well as the right to carry out any occupation.
   - **M.C. Mehta v. Union of India**
     a. The judgement lashed out at civic authorities for allowing untreated sewage from Kanpur’s tanneries to make its way into the Ganges.
     b. The court passed three landmark judgments and a number of Orders against polluting industries in the Ganga basin.

8) **Way Forward**
   - The court must be careful to see that the petitioner must be acting bona fide and not for personal gain.
   - The court should not allow its process to be abused by politicians and others to delay legitimate administrative action or to gain political objectives.
   - In shaping the relief the court must take into account its impact on those public interests.
   - The PIL activists should be responsible and accountable.
   - Since it is an extraordinary remedy available at a cheaper cost to all citizens of the country, it should not be used by all litigants as a substitute for ordinary ones or as a means to file frivolous complaints.