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# PUBLIC INTEREST LITIGATION: CONSTITUTIONAL VALIDITY AND ITS MISUSE

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## 1. INTRODUCTION

Lest the “golden key to unlock the doors of injustice” remain only hand of wealthy, the supreme court of India invented the idea of Public Interest Litigation, opening the doors of court to the common person. PIL is a legal mechanism that allows citizens to seek justice for social causes that affect the public interest. It empowers individuals or organizations to approach the courts on behalf of disadvantaged groups or to address broader societal issues. It emphasised that a PIL writ petition can be filed in the S.C Under Article 32 only if a question concerning the enforcement of a FR is involved Under Article 226 a writ petition can be filed in a H.C whether or not a FR is involved.

The S.C has ruled that to exercise its jurisdiction Under Article32, it is not necessary that the affected person should personally approach the court The court can itself take cognizance of the matter and proceed *Suo- moto* or on a petition of any person or body <sup>1</sup>.

PIL has its origins in the United States during the civil rights movement of the 1960s. Legal activists in America were the first to use this method to advocate for underrepresented groups such as racial minorities, environmentalists, and economically disadvantaged communities. Public interest litigation is not defined in any statute or any act. PIL is the control given to the open by courts through legal activism. PIL is a legal mechanism wherein any public-spirited citizen or social organization can approach the court for the enforcement of the rights of any person or group of persons who, due to their poverty, ignorance, or socio-economic disadvantaged position, are themselves unable to approach the court to seek remedies Thus, in a PIL, if any person having ‘sufficient interest’ can move the court to enforce the rights of other persons and redress a common grievance.

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<sup>1</sup> Indian Constitutional Law “By MP JAIN (Eighth Edition)

The SC has defined PIL as “a legal action initiated in a court of law for the enforcement of public interest in which class of the community have some interest by which their legal rights or liabilities are infringed. The Public Interest Litigation (PIL) in India is also known as

1. Social Action Litigation (SAL)

2. Social Interest Litigation (SIL)

3. Class Action litigation (CAL)

## **2. DESCRIPTION**

It was mentioned by Justice Bhagwati in the Asian Game’s case that “Public Interest Litigation is essentially a cooperative or collaborative effort on the part of the petitioner, the public authority and the Court to secure observance of the constitutional or legal rights, benefits and privileges conferred upon the weaker sections of the community and to reach social justice to them.” It was further observed that Public interest litigation is a strategic part of the legal aid movement that aims to make justice available to the poor, who are often overlooked in terms of human rights.<sup>2</sup>

### **2.1 Meaning of public interest litigation:**

The term "Public Interest" means the larger interests of the public, general welfare and interest of the masses and the word “Litigation” means "a legal action including all proceedings therein started in a court of law in order to seek a remedy or enforce a right." Public interest litigation, refers to "any litigation conducted for the benefit of the public or for removal of some public grievance." To put it simply, public interest litigation allows any person to petition the court on behalf of the public interest., in the SC under Art.32 of the Constitution or in the HC under Art.226 of Indian Constitution.

### **2.3 Who can file a public interest litigation &against whom?**

Any Person or Organization can file a petition Under Art 32 of the Indian Constitution in the SC, Under Art 226 of the Indian Constitution in the HC ,in the Court of Magistrate, in

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<sup>2</sup> International Journal of Creative Research thoughts(ijcrt) Scholar9. Available at: <https://scholar9.com/journal/international-journal-of-creative-research-thought-14> (Accessed: 08 March 2025).

accordance with section 133 of the Criminal Procedure Code, Though the letter is addressed to the aggrieved party, a public-spirited citizen, and a social action group, the court must be convinced that the Writ petition fits some basic elements for PIL in order to enforce that requirement. A public interest lawsuit may be filed against local, state, or federal government officials rather than any private citizen. The Government and Parliament of India, the Government and Legislature of each State, and all local or other authorities inside the Indian territory or under the Constitution's provisions are all considered states, as stated in Article 12 of the constitution, and this includes the Governmental and Parliament of India and the Government and the Legislature of each of the States and all municipal or other authorities within territory under Indian government jurisdiction are all considered.<sup>3</sup>

### **2.3 Doctrine of locus- standi:**

The Latin phrase locus standi is the legal standing or the authority to file a specific lawsuit or legal action. It is a legal notion that establishes whether an individual has enough interest in a case to warrant taking it to trial. A person or Organization might not be able to start a lawsuit or take part in one without locus standi According to the "locus standi" norm only the individual whose rights have been affected may file a petition before court for remedies. This conventional "locus standi" rule does not apply to the PIL.

### **2.4 Scope & Impact public interest litigation**

PIL has changed the court system in India by providing a voice to people who might not otherwise be heard. It has given people the ability to fight for justice for society as a whole as well as for individuals. Although PIL is not a panacea for all social problems, it has shown itself to be a powerful instrument for resolving public concerns and defending constitutional values. Its reach is extensive and profoundly affecting, affecting both the lives of the most marginalized people and the general population. The protection of inmates' rights and the improvement of prison administration are two of PIL's most important accomplishments.

## **3. DISCUSSION**

### **3.1 Origin & Evolution of PIL**

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<sup>3</sup> Drishti IAS (2019) Public Interest Litigation, Drishti IAS. Available at: <https://www.drishtiias.com/to-the-points/Paper2/public-interest-litigation> (Accessed: 08 March 2025).

PIL began as a component of the civil rights movement in the United States in the 1960s and 1970s. Legal activism and the work of groups like the NAACP legal defense fund and the American Civil Liberties Union (ACLU), which employed litigation to combat social injustice, environmental challenges, and discrimination, had an impact on it. Several countries have adopted this idea, though some have used it differently when it was introduced as a way to help the poor and raise public awareness of various social issues

### 3.2 Historical Evolution of PIL in India

Historical Evolution of PIL in India India's journey with PIL began in the early 1980s following the Emergency period, when two visionary Supreme Court judges, Justice P.N. Bhagwati and Justice V.R. Krishna Iyer, introduced this potent tool, bringing about a significant change in the country's legal system.

**Justice Bhagwati's Contributions:** Justice Bhagwati made a number of significant contributions, such as: easing the strict application of the old *locus standi* rule, which establishes who is entitled to file a lawsuit. There are certain changes in its application, such as allowing cases to be filed using straightforward letters or postcards, which makes it simpler for people to access justice. creating *epistolary jurisdiction*, which allows the court to consider cases based on petitions or letters.

**Justice Krishna Iyer's contributions:** Justice Additionally, Krishna Iyer was instrumental by: Making legal processes accessible to underserved communities. Using judicial activism to advance social justice advancing the idea of social action litigation, in which people or organizations might bring legal action on behalf of other people.

Justice Krishna Iyer first planted the seeds of the idea of public interest litigation in India **In Mumbai in 1976, Abdulbhai Faizullabhai vs. Kamga Sabha**<sup>4</sup> This case established the fundamental principle of PIL in India, encouraging the notion that societal problems could be resolved through the legal system.

### 3.3 Evolution through case law:

**Hussainara Khatoon vs. State of Bihar**,<sup>5</sup> the first PIL case ever recorded, addressed the cruel

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<sup>4</sup> [(1976) AIR 1455, 1976 SCR (3) 591]

<sup>5</sup> [1979 AIR 1369]

circumstances of prisons and under trial inmates and resulted in the release of almost 40,000 of them. One important right that had been denied to these convicts was the right to prompt justice. In further occurrences, the same set pattern was used. According to the ruling **In S.P. Gupta v. Union of India**<sup>6</sup>, any member of the public or social action group acting in good faith may petition the SC or the HC for redress against a violation of the legal or constitutional rights of individuals who are unable to do so because of social, economic, or other disabilities.

This ruling made PIL a powerful tool for Upholding "public duties" in cases where executive action or wrongdoing caused harm to the general public. Therefore, in any situation where the interests of the general public or a segment of the public are at risk, any Indian citizen, consumer organization, or social action organization may now petition the nation's highest court for legal remedies.

The Supreme Court in **Indian Banks Association, Bombay & Ors. vs. M/s Devkala Consultancy Service and Ors** <sup>7</sup> the Supreme Court "The court may consider it necessary to enquire into the state of affairs of the subject of litigation in the interest of justice in a suitable case where the petitioner may have petitioned the court for the redress of her personal grievance and in her private interest" In therefore it is possible to treat a private interest matter as a public interest case.

**M.C Mehta vs. Union of India** <sup>8</sup> A public interest lawsuit was filed to stop the polluting of the Ganga water and to stop it from happening again. people who make use of Ganga water. The Supreme Court ruled that the petitioner, who is interested

in preserving the lives of those who utilized Ganga water, has the right to petition the court for the execution of statutory restrictions even if he is not a riparian owner.

**Vishaka v. State of Rajasthan** <sup>9</sup> The petitioner filed this PIL, & the court's ruling acknowledged that sexual harassment violated the fundamental constitutional rights outlined in Articles 14, 15, and 21. The 2013 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act was also addressed in the recommendations.

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<sup>6</sup> [1989 AIR 149]

<sup>7</sup> [2004 AIR 2615]

<sup>8</sup> [(1988) AIR 1115]

<sup>9</sup> [1997 6 SCC 241]

### **3.4 Role of judiciary in shaping PIL: Judicial Activism**

The term "judicial activism" describes the judiciary's proactive role in defending people's rights and upholding the integrity of the nation's legal and constitutional structure. By using its authority within the established concept, the judiciary can actively examine laws, deal with administrative matters, as well as create policies that serve the public interest. Justice Krishna Iyer and Justice P. N. Bhagwati are credited with the groundbreaking work that led to the development of PIL in India. The Supreme Court's review authority under Articles 32 and 226 of the Constitution, specifically in PILs, is one example of judicial activism in India.

### **.3.5 Constitutional framework & legal basis**

Public Interest Litigation (PIL) is based on the fundamental rights and guiding principles of state policy that are enshrined in the Indian Constitution. It is constitutionally valid in India. Under their writ jurisdiction, the SC & HC have acknowledged PIL as a means of advancing justice and guaranteeing underprivileged parties access to legal remedies. PIL in India is based on a solid legal framework that combines the defense of fundamental rights with the goals of social justice. This special combination of constitutional clauses gives the Supreme Court and High Courts the authority to hear public complaints.

#### **(A) Article 32 and 226:**

The Constitutional foundation for PIL is provided by two important articles. Article 32 of the Indian Constitution permits citizens to petition the Supreme Court directly to have their fundamental rights upheld. This Article, also referred to as the "heart and soul" of the Constitution, grants the Supreme Court the authority to grant a number of writs, including habeas corpus, mandamus, prohibition, quo warranto, and certiorari. High Courts have the power to grant writs that safeguard basic and other legal rights under Article 226.

#### **(B) Fundamental Rights Protection:**

The protection of fundamental rights is the primary force behind the PIL scene. A thorough blueprint outlining the relationship between the state and its citizens may be found in Part III of the Constitution. In interpreting these rights especially Article 21-courts have exercised creativity, broadening its application to include many facets of human dignity. The right to life now includes the following:

- The right to free legal assistance;
- The right to a life of dignity;
- The right to education;

### **(C) Directive Principles State Policy:**

The courts have greatly expanded the scope of PIL. The judiciary has skillfully woven these concepts with fundamental rights, turning them into enforceable mandates even though they might not have direct enforceability. The principles of the directive act as a guide for developing governmental policies, a plan for attaining social justice, a foundation for protecting the environment, and a pillar for maintaining economic rights. In the field of justice, Article 39A is particularly noteworthy since it requires the state to ensure that everyone has access to equal instrument for social change and the administration of justice by assisting in addressing more general socioeconomic challenges through PIL Justice and free legal aid, irrespective of their financial situation.

### **3.6 Misuse of Public Interest Litigation**

PIL has been abused more and more in spite of its constitutionality, raising worries about court overreach, pointless litigation, and judicial congestion. Among the main areas of abuse are:

**1. Political Motives:** Rather than being filed out of true public interest, many PILs are filed for political reasons. PILs are used by political parties and individuals to target opponents, postpone government initiatives, or generate publicity.

**Private Interest over Public Interest:** When people or companies file PILs to resolve personal grievances or business issues under the pretense of public interest, the original intent of the PIL is frequently undermined.

**Judicial Overreach:** Although it considers PILs, the judiciary occasionally gets involved in governance and policy issues, which raises concerns about judicial overreach. The purpose of courts is to interpret the law, not to make policy.

**Vexatious and frivolous Litigation:** Unnecessary load on the judiciary results from people filing PILs only for harassment, media attention, or publicity.

**Delays in Genuine Cases:** Courts are unable to give truly important public interest cases priority due to the flood of pointless PILs, which causes justice to be delayed.

PILs were filed to delay infrastructure projects, such as highways and metro rail systems, on the grounds of environmental concerns, but they were later discovered to be motivated by entrenched interests.

## CONCLUSION

The practice of PIL is where the *Fiat Justicia* principle—"let justice be done"— finds its actual significance. PILs, which were first created to close the gap between the rich and the impoverished, have been crucial in promoting socioeconomic justice and defending fundamental rights. By promoting social transformation and increasing access to justice, PIL has altered India's judicial system. It strives for the well-being of every societal group. PIL has developed over the years from a novel idea in the legal system to a comprehensive structure that safeguards fundamental rights and resolves public complaints. The growth of PIL demonstrates outstanding accomplishments in numerous fields. Thanks to improved procedures and constitutional guarantees, the system now provides access to justice for more people. Legal proceedings have also been made simpler by modern technology. The public's confidence in the nation's judicial system is strengthened by the hundreds of cases involving issues of public interest that are routinely raised through the filing of a PIL. In the end, PILs continue to be a valid use of judicial authority, guaranteeing that everyone can obtain justice. PILs can continue to be extremely important in creating a society that is more just and equal if they are used and reformed carefully. PIL's most significant contribution has been to increase government accountability for the poor's human rights.