

What is public interest litigation

Public interest litigation is the use of the law to advance human rights and equality or raise issues of broad public concern. It helps advance the cause of minority or disadvantaged groups or individuals.

Public interest cases may arise from both public and private law matters. Public law concerns the various rules and regulations that govern the exercise of power by public bodies. Private law concerns those cases in which a public body is not involved, and can be found in areas such as employment law or family law. Public interest litigation is most commonly used to challenge the decisions of public authorities by judicial review. A judicial review is a form of court proceeding in which a judge reviews the lawfulness of a decision or action, or a failure to act, by a public body. It is concerned with whether the law has been correctly applied, and the right procedures have been followed.

As it is said that this petition can be filed by any public-spirited person so it means that there should not be interest in only himself. There in word only says that it can be possible that in that act for which he is filing a PIL there is a small part of his benefit also hidden: But it does not mean that he cannot file. If this is in the interest of the public, then he can file public interest litigation. Public Interest Litigation isn't defined in any statute or any Act. It has been interpreted by the judge to consider the intent of the public at large. This is just like a writ petition which is filed in the High Court or Supreme Court under Article 226 for the high court and Article 32 for the supreme court. When public interest is affected at large then this will be filed but affection on just one person isn't a ground for filing this petition. There are various areas where public interest litigation can be filed.

Where can a PIL be filed

Some of the instances where a PIL can be filed are:

- Violation of basic human rights of the poor.
- Content or conduct of government policy.
- Compel municipal authorities to perform a public duty.
- Violation of spiritual rights or other basic fundamental rights.

In the early '90s, a judge had treated a complaining postcard as public interest litigation so we can say that a latter also may be treated as a writ of public interest litigation; other cases also are there which we'll discuss during this

project. There are various sorts of remedies also there to secure the general public interest as interim measures appointing a committee, final order.

In India, the primary cause of PIL was filed in 1976 named [Majdur Kamgar Sabha v. Abdul Bhai Faizulla Bhai](#) where Krishna Iyer allowed a gaggle of individuals to file petitions on behalf of others. The rights of the members were violated. Krishna Iyer held that either one individual or group of people together can come to the court. But sometimes misuse of this petition also comes into the picture. This is often the matter in PIL that a lot of times this is misused by some people. There are various cases during which PIL is misused as S.P. Gupta v Union of India. During this case, misuse of PIL came into the picture, and secondly within the case of [Shushil Kumar v. Union of India](#). During this case, there was a manager during a company and his boss fired him and he gave a PIL despite not being on any ground.

When can PIL be filed

Public interest litigation is often filed only in cases where any “public interest” affects at large. Because if just one person gets affected, then that’s not a reason for filing a PIL.

These are a number of the possible areas where a Public Interest Litigation is often filed:

1. Where a factory/ industrial unit is causing pollution and other nearby people are getting affected.
2. Where, in a neighbourhood offence/street there are not any street lights, causing inconvenience to the commuters.
3. Where some “Banquet Hall” plays loud music in the dark, causing sound pollution.
4. Where some construction company is lowering trees, causing environmental pollution.
5. Where poor people are affected due to the state government’s arbitrary decision to impose heavy “tax”.

For directing the police/ Jail authorities to take appropriate decisions about jail reforms, like segregation of convicts, delay in the trial, production of under trial before the court on remand dates.

- For abolishing child labour and bondage.
- Where working women are suffering from harassment.

- For keeping a check on corruption and crime involving holders of high political office.
- For maintaining roads, sewers, etc in good conditions.
- For removal of massive hoarding and signboard from the busy road to avoid traffic problems.

Recently, a Public Interest Litigation has been filed for guiding the “Delhi Traffic Police” to prevent the tactic of sending challans to deal with the problem because it is being misused.

So, these are the varied areas during which any public-spirited person can file any PIL for the interest of the general public. The primary point is talking about the factory / industrial unit of the state. As per now, I would like to focus on the point that if any factory is producing any pollution and therefore the public is suffering from that, then, can a person file a PIL on the behalf of that public group or a particular area. Secondly, where there’s no street light and it should be a must at that place due to meeting accidents regularly.

Who may file a PIL

Now a chief question comes in the mind: where should a public-spirited person file this petition to require remedy by this. Therefore, the answer to this chief question is that each one PIL is wont to file in the supreme court or Supreme Court. If an individual wants to approach the Supreme Court to file that then he can go under Article 226 of Indian constitutional law and if a person wants to approach the High Court then he can go under Article 32 of the Indian constitutional law. However, the provisions of [Article 226](#) are somewhat distinguished from the provisions of [Article 32 of constitutional law](#). Under Article 32 that person can attend the supreme court whose only fundamental rights are violation nothing else but if a person browsing the violation of not only fundamental right but also constitutional right and the other right also or secondly we will see by this view that it’ll surely and solely depend upon the “Nature of the case” if the question involves only a little group of individuals being suffering from the action of State authority, the general Public Interest Litigation is often filed in the supreme court. E.g. If there’s a sewage problem in a locality affecting 50 families, the general Public Interest Litigation is often filed in the supreme court. If an outsized section of individuals is affected whether, by the government or Central Government, Public Interest Litigation is often filed in Supreme Court E.g. placing a ban on adult movies, the prohibition of industrial units from causing pollution, etc.

So we will say that both of the courts have the power to entertain public interest litigation.

As it is said that this petition can be filed by any public-spirited person so it means that there should not be interest in only himself. There in word only says that it can be possible that in that act for which he is filing a PIL there is a small part of his benefit also hidden: But it does not mean that he cannot file. If this is in the interest of the public, then he can file public interest litigation.

How to file a PIL

The method to file public interest litigation is just similar to recording a general writ in the preeminent court or incomparable court.

In the High Court

If a Public Interest Litigation is documented during an incomparable court, at that point, two duplicates of the request should be recorded. Likewise, a development duplicate of the request must be served on every respondent. For example, the other party and this evidence of administration must be joined on the request.

In the Supreme Court

If a Public Interest Litigation is documented inside the Supreme court, at that point (4)+(1) (for example 5) arrangements of the request must be documented the other party is served, the duplicate just notification is given.

Court fees

A Court expense of RS. 50, per respondent (for example for each number of the contrary party, court expenses of RS. 50) must be joined on the appeal.

System

Procedures, inside the Public Interest Litigation, initiate and keep it up inside a similar way, as different cases.

In any case, in the middle of the procedures if the adjudicator feels he may select a magistrate to look at charges like contamination being caused, trees being cut, sewer issues, and so on.

After the recording of answers, by the other party, and a response by the candidate, the last hearing happens, and in this manner, the appointed authority gives his last judgment.

Advantages of PIL

PIL (Public Interest Litigation), because the name says possibly case (the technique to require legitimate activity) in or by the open's advantage. An open lively individual or the abused can send a letter to the court which may make a move upon it.

Citizens get a cheap remedy to unravel the matter of crime as there's only a nominal rate of court fees.

Courts can consider larger public issues like the problems of Human Rights, consumer welfare, and the environment. PILs have made it easier for the judiciary to draw up the chief when it's not performing its duties properly.

If the petitioner (the one that has filed the PIL) is socially or economically weak and can't provide the necessary evidence to support his case, the court orders appointed commissions to seem into and collect information about the case.

Disadvantages of PIL

It encourages litigation to file unmerited, odious, fictitious claims, and abuse of the method of the court.

Comment: PIL has protected public interest.

It shows immobility & inefficiency in administration.

Comment: administration to travel consistent with the way during which they need until the order of the court. For instance in [Ratlam Municipality v. Vardhichand](#) only the direction came, the municipality worked but administrative inefficiency is additionally due to its supervisors or offences.

In the PIL, the court sits within the judgment of the political branch of the state judiciary who comes into conflict with the political branch of the state judiciary comes into conflict with the political branch.

Comment: In the guidelines issued in the [Vishakha v. State of Rajasthan](#) were issued, but not effective. this might be true but in most cases victims got relief.

PIL is trying to wither away the doctrine of separation of power.

Comment: [Montesquieu's doctrine](#) that there should be the separation of power i.e. the organs of the govt. should confine their role within the PIL judiciary encroaches into the domain of Legislation and executive but to Chaturvedi, the doctrine isn't followed strictly in India. When the chief and legislation have not taken any action, the judiciary has got to take the lead.

Impact on public administration

PIL is a component that enables the poor to get equity. The advancement of this authentic instrument demonstrated advantageous for creating a nation like India. PIL has been utilized as a strategy to battle the abominations winning in the general public. It may be suitable to finish up by citing Cunningham, "Indian PIL may ideally be a Phoenix: an altogether new innovative emerging out of the remains of the old request." The great quality of the legal executive must be used for the open great and in every case freely enthusiasm inside the administration of the individuals. to control negligible suits by appropriate check at the section and brisk removal is that the fundamental cure. The legal executive can endure no more prominent absence of believability than an observation that its requests are regularly spurned without any potential repercussions. This court must abstain from passing requests that can't be implemented, whether or not the essential right could likewise be and anyway acceptable the reason. It fills no need to give some status mandamus or announcement which will stay just on paper. Albeit for the most part the Supreme Court quickly passes between time orders for alleviation, infrequently may the last decision be given, and in the vast majority of the cases, the follow-up is poor.

The courts subsequently, got the chance to keep a mind the cases being recorded and ensure the genuine enthusiasm of the solicitor and hence the idea of the clarification for activity, to maintain a strategic distance from pointless suits.

Guidelines to prevent misuse of PIL

As has been seen during a plethora of cases, this phenomenon is being misused for personal and political interests.

One can find such abuse in the case of [Janta Dal v. H. S. Chaudhary](#). During this case, it is often seen how public interest litigation has been abused for political reasons. In 1986, the government of India had placed orders for the acquisition of Bofors Guns. For the aim of getting more information and evidence from Swiss authority, the CBI moved an application before the Special Judge to issue the letter of rogatory to Switzerland for receiving necessary support and assistance in completing the relevant investigation. At this stage, H. S. Chowdhary made an application publicly Interest under Article 51-A before the special judge requesting the court to not issue the letter of rogatory unless the allegation and charges levied on the accused are substantially proved. The Special Judge dismissed the petition on the bottom that the petitioner has no Locus Standi. Against this order, Sri Chaudhary filed a criminal revision before the supreme court of Delhi under Section 397/482 of the Criminal Procedure Code and prayed for the dismissal of the First Information Report(FIR). On this issue, one judge of the supreme court held that the petitioner has no locus standi to file a petition, and hence his petition wasn't maintainable.

In a progression of decision equity, Ajith Pasayat has repeated the rules that PIL wasn't intended to progress political addition and political scores under the appearance of PIL In [Ashok Kumar Pandey v. State of W.B.](#) Court set out specific conditions on which the court must fulfil itself while engaging PIL.

The Court has got to be satisfied with:

1. The credentials of the applicant.
2. The clear accuracy or nature of the knowledge given by him.

Landmark cases relating to PIL

Shubhash Kumar v. State of Bihar

In this case, there was a prole who was terminated by the chief of the organization so he recorded a PIL that this organization is acting something incorrectly so this ought to be attempted. So for this situation by the reality of the case, we can see this is simply an abuse of PIL nothing else.

S.P. Gupta v. Union of India

As same on account of S.P. Gupta v. Union Of India. There was additional abuse of PIL. according to the verdict of Sheela Barse v. Territory of Maharashtra [(1983) 2 SCC 96]: For this situation, on getting a letter from the applicant, a writer, the Supreme Court paid heed to the protest of custodial brutality to ladies detainees in the lock-up in the city of Bombay. The court gave different bearings which incorporated the accompanying: "Four or five police lock-ups ought to be chosen in sensibly great territories where just female suspects ought to be kept and they ought to be watched by female constables".

Chhetriya Pradushan Sangharsh Samiti v. State of U.P.

In the jhunjhunwala plants bought land from the individual from Samiti long back because expanding land costs the beneficiaries of the people, who sold the property requested to return it when they couldn't prevail in that they began propelling criminal offence protests and that factories dirtying the earth. SC held that Samiti has not told the truth expectation and consequently PIL can't be engaged. As a result of those cases, the SC set out specific conditions for PIL.

Besides in [Sheela Barse v. Union of India](#) no PIL to secure the enthusiasm of crooks be documented.

S.P. Gupta v. Union of India

In this case, P.N. Bhagwati in the moment case sets out certain particular situations where PIL can't be engaged in particular.

On the Condition that the individual is occupied with financial wrongdoing, at that point there is no PIL.

If an offence is against the lady, no PIL ought to be documented in the interest of the lawbreaker.

Conclusion

So by all discussion, this is frequently the end that Public intrigue suit might be a procedure to put any open issue inside the eyes of the law but since it is asserted that nothing can be completely acceptable so there are some acceptable highlights then some terrible additionally is there as we've talked about the abuse of PIL. Inside the abuse of PIL, it is frequently conceivable that an individual of society filling PIL to prod the other individual of the general public in Indian law implies suit for the assurance of open intrigue. It's a suit presented during an official courtroom, not by the bothered party however by the court itself or by the other private gathering. It's a bit much, for the activity of the court's purview, that the one that is the casualty of the infringement of their privilege ought to buy and by approaching the court. Open Interest Litigation is the force given to the overall population by courts through expansive translation.