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Public Interest Litigation in India: A Tool for Social Justice

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Abstract: ***Public Interest Litigation (PIL) is one of the most important judicial innovations made in India, which was developed mainly to make justice easily accessible to marginalized and disadvantaged sections of the society. India is a country consisting social and economic inequalities, therefore many individuals often lack the resources and awareness to approach courts for protecting their rights. As a result, PIL had emerged as a significant mechanism to overcome these barriers by relaxing the traditional rule of locus standi and allowing the community-minded individuals to seek judicial remedies on behalf of the affected communities in India. Through judgments like Hussainara Khatoon v. State of Bihar and Vishaka v. State of Rajasthan, the judiciary has strengthened the scope of fundamental rights and identified many issues regarding prisoners' rights, environmental protection, and gender justice and equality. At the same time, it also concerns about the misuse and judicial overreach that have led the courts to frame guidelines for regulating PIL. This paper examines and oversees the evolution, constitutional basis, impact, and challenges of Public Interest Litigation in India, highlighting its role and scope as a powerful tool of social justice while emphasizing the need for responsible use in India for the benefit of the public.***

Keywords: Public Interest Litigation, Social Justice, Judicial Activism, Fundamental Rights, Access to Justice, Indian Constitution.

I. INTRODUCTION

The fundamental promise of the Indian Constitution is the Access to justice. However, the procedural barriers and financial limitations prevent the marginalized communities from seeking legal remedies. Therefore, Public Interest Litigation (PIL) was introduced as a judicial instrument to address this problem which enables the judiciary to protect the rights of those who are unable to approach the court by themselves and alternatively allows the public-spirited individuals to approach on behalf of them.

After the 1970s the Supreme Court of India made a change. They relaxed the rule of standi. Now minded individuals could file petitions. These petitions were about things that affected the public. The Supreme Court of India made an important decision in the case of Hussainara Khatoon versus the State of Bihar. This case is a landmark. It showed that people have the right to a trial. The Supreme Court of India said this right is part of Article 21 of the Indian Constitution. The case of Hussainara Khatoon versus the State of Bihar is still very important today. The Supreme Court of India is still using this case to protect the rights of people in India. The right, to a trial is a fundamental right and the Supreme Court of India is making sure that people get a fair trial in a reasonable amount of time. Over time, PIL became a powerful instrument to address environmental protection, bonded labour, gender injustice and inequality, and administrative inaction. Through significant interpretation of Articles 14, 21, 32, and 226 of Indian Constitution the judiciary has expanded the scope of fundamental rights and reinforced the government accountability. However, the extending misuse of PIL has significantly raised the concerns about frivolous litigation and judicial overreach. Therefore, it is essential to examine PIL not only as a tool for social justice but also as a constitutional instrument which needed careful regulation and responsible use.

II. REVIEW OF LITERATURE

Justice P.N. Bhagwati described that PIL is the constitutional obligation of the judiciary that protects the rights of the disadvantaged and marginalized communities in India. He also emphasized the flexibility in the procedural rules which ensures substantive justice.

Upendra Baxi stated that PIL is the "social action litigation," that highlights its transformative potential while protecting against institutional imbalance.

M.P. Jain analysed PIL in the framework of constitutional law and judicial activism, particularly addressing the expansion of Article 21.

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S.P. Sathe has examined the relationship between PIL and the democratic governance, acknowledging its necessity while warning against excessive judicial interference.
V.N. Shukla analysed the constitutional basis of PIL under Articles 32 and 226 of the constitution emphasizing its importance in enforcing the fundamental rights.
S.C. Kashyap identified PIL as the instrument that enhances the governmental accountability.
Justice V.R. Krishna Iyer stated the moral responsibility of courts or judiciary to serve the powerless communities of the society.
The Law Commission of India recognizes the importance of PIL while recommending safeguards and remedies against misuse.
S.P. Gupta v. Union of India describes PIL as the foundational tool that has relaxed the locus standi.
State of Uttaranchal v. Balwant Singh Chaufal highlights the judicial efforts that avoids frivolous PILs.

III. RESEARCH METHODOLOGY

This research paper is a doctrinal and analytical approach. The study has used secondary sources which includes constitutional provisions, Supreme Court and High Court decisions, textbooks, scholarly articles, and Law Commission Reports. It does not contain any empirical data collection methods like surveys. So, this research mainly highlights the judicial interpretation and constitutional development in the Indian legal system. The objective of this study is confined to India and does not consist of any comparative analysis.

IV. ORIGIN AND CONSTITUTIONAL BASIS OF PUBLIC INTEREST LITIGATION

Public Interest Litigation means the litigation that is initiated for the purpose of protecting the public interest where the affected individuals cannot approach the court by themselves. Unlike traditional litigation, PIL allows liberalization of locus standi, permitting the public-spirited individuals to file a petition for enforcing fundamental rights.
The origin of PIL in India was stated during post-Emergency period, when the judiciary want to restore public confidence in legal system. It was mainly influenced by the concept of “social action litigation” in the United States, so Indian courts adapted this idea as it suits for domestic socio-economic conditions (Upendra Baxi).
The constitutional framework of PIL lies primarily under Articles 32 and 226 of the Constitution, that empowers the Supreme Court and High Courts to provide writs for the enforcement of fundamental rights. Through PIL Article 21 was expanded to include rights to dignity, livelihood, shelter, education, and a clean environment which originally guarantees the right to life and personal liberty (V.N. Shukla).
The landmark case S.P. Gupta v. Union of India recognizes the relaxation of locus standi. In that case the Court held that any person of the public acting bona fide shall maintain an action for redressal of public wrong or misuse.
Therefore, PIL had emerged not only for procedural innovation but as a constitutional commitment to protect the social justice.

V. ROLE OF PUBLIC INTEREST LITIGATION IN PROMOTING SOCIAL JUSTICE

Public Interest Litigation has provided an important contribution for the advancement of social justice in India. It has been enabling the judiciary to identify the issues affecting marginalized and disadvantaged sections, that has transformed the constitutional promises into practical realities (S.C. Kashyap).

A. PIL and Protection of Prisoners’ Rights

One of the important examples of PIL in promoting social justice as been witnessed in the case of Hussainara Khatoon v. State of Bihar. The Supreme Court has recognized the difficulty of undertrial prisoners who are been detained in the prison for many years without trial procedure. So, the Court stated that the right to speedy trial is an essential and important part of Article 21. Thus, this case not only resulted in the release of thousands of undertrial prisoners, but it also confirmed the judiciary’s position to safeguard human dignity in India (M.P. Jain).

B. Environmental Protection through PIL

The concept and legal framework of Environmental jurisprudence in India was largely developed through PIL. The Supreme Court in the landmark case MC Mehta v. Union of India, deals with the issues relating to pollution and industrial hazards. The Court has introduced the significant principles absolute liability for environment protection where the polluting industries are held liable, and the court also reinforced the concept of right to a healthy environment as part of the right to life under Article 21of the constitution. By developing and enforcing such interventions, PIL has emphasized the scope of environmental governance and sustainable development in India.

C. Gender Justice and Workplace Safety

The Supreme Court in the case Vishaka v. State of Rajasthan has introduced the rules and regulation relating to prevention of sexual harassment that happens in the workplace due to lack of specific legislation. So, the Vishaka Guidelines then made the foundation for statutory laws regarding that issue. Hence this case illustrates a detailed explanation on how PIL can fill the legislative gaps and provides remedies to safeguard fundamental rights.

D. Bonded Labour and Child Rights

Bonded labour, child labour, and custodial violence have been significantly addressed by judiciary through various PILs. By extending the interpretation and scope of Article 21, the judiciary has always ensured the dignity, livelihood, and humane working conditions as an integral part of right to life under Article 21 of the Constitution.

E. Strengthening Government Accountability

PIL has also been served as a mechanism that ensures the transparency and accountability in governance. Courts are often intervened in the cases of corruption, misuse of public funds, and administrative inaction. So, by doing such acts, PIL used to reinforce democratic values and the rule of law.

Therefore, PIL has functioned not only as a legal remedy but as a constitutional tool for the purpose of social transformation.

VI. MISUSE OF PIL AND JUDICIAL CONCERNS

While Public Interest Litigation has achieved a remarkable success in Indian legal system, its growing popularity has also resulted in concerns relating to misuse and judicial overreach (Upendra Baxi).

A. Frivolous and Publicity-Oriented Litigation

Through the years, courts have noted that certain petitions filed under the scope of public interest are being motivated for personal gain, political enmity, or media attraction. So, this misuse often burdens the judiciary and diverts its attention from genuine and real cases. The Supreme Court in the case State of Uttaranchal v. Balwant Singh Chaufal, has laid down a well detailed guidelines to regulate PILs in India. The Court also emphasized that petitions must be filed in bona fide and must be with genuine public interest.

B. Judicial Overreach

Many Critics makes arguments that excessive judicial intervention through the PIL can disturb the balance of powers between the legislature, executive, and judiciary. On the same time judicial activism which are sometimes necessary to correct the executive failures, and constant interference in the policy matters can undermine the democratic accountability (S.P. Sathe, Upendra Baxi).

C. Need for Safeguards

To prevent the abuse of PIL, courts have imposed certain measures including costs on frivolous petitioners who make face petitions and scrutinizing the credentials of persons filing PILs. The judiciary has also reiterated that PIL should not result in the name of "Publicity Interest Litigation" or "Private Interest Litigation."

Thus, PIL remains as a powerful instrument which ensures careful regulation to maintain its credibility in India.

VII. CONCLUSION

The Indian legal system has changed a lot because of Public Interest Litigation. Public Interest Litigation has made it easier for people to get help from the courts. The courts have made it simpler for people to get justice by changing some rules and making sure everyone knows about their rights.

This way the courts are helping people who're poor or do not have a lot of power in society and Public Interest Litigation is making sure that these people can get justice too. Public Interest Litigation is very important, for people who need help from the courts. PIL has also played a typical role in the protection of prisoners' rights, safeguarding the environment from pollution, ensuring gender justice, and promoting governmental accountability in India.

While the growing misuse of PIL results in serious challenges. Frivolous petitions and judicial inaction can affect the balance of powers, and it weakens the institutional credibility. Thus, while PIL remains as a significant instrument of social justice, it must be always exercised with restraint and responsibility.

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VIII. SUGGESTIONS

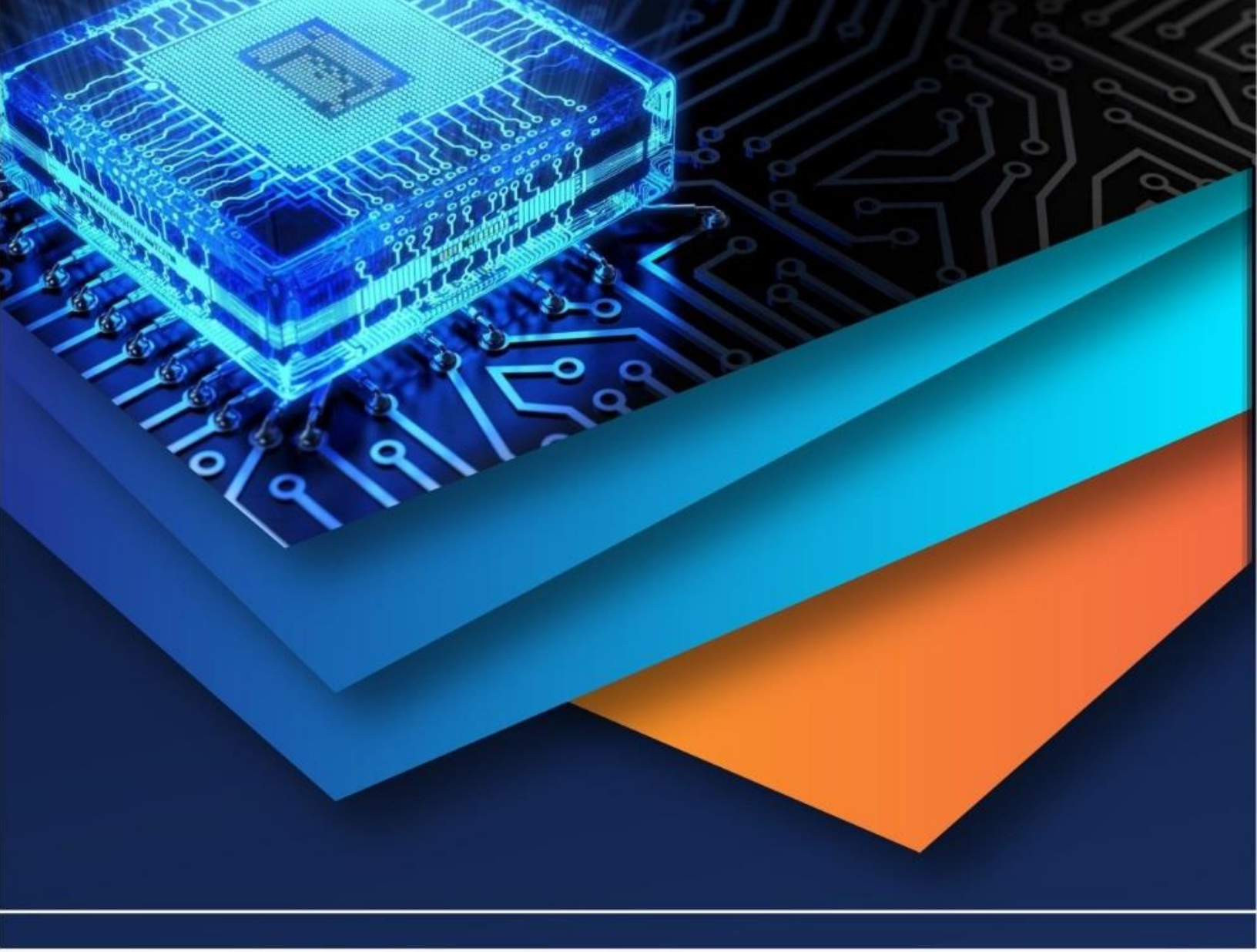
1) Courts must carefully and strictly verify the bona fides of the petitioners before it is admitting the PILs.
2) Heavy costs as the fine must be imposed on the frivolous or motivated petitions and petitioners.
3) Clear procedural guidelines must be implemented to regulate PIL filings.
4) Greater awareness among the public should be made about the genuine and real purpose of PIL.
5) Judicial restraint must be maintained in the matters relating to policy decisions unless the fundamental rights as been directly affected.

If Public Interest Litigation is properly regulated it will continue to serve as a constitutional bridge between the law and social justice in India.

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