

Review on Public Interest Litigation

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ABSTRACT: *The term 'Public Interest Litigation' was adopted from American jurisprudence, where it was meant to give legal representation to historically unrepresented groups such as the disadvantaged, ethnic minorities, unorganized customers, people who were concerned about environmental issues, etc. Public Interest Litigation (PIL) means litigation filed for protection in a court of law. Through filing a Public Interest Lawsuit before a court of law, any matter where the interest of the public at large is compromised will be redressed. In any law or in any act, public interest litigation is not specified. Judges also understood it to take into account the intent of the public at large. The authority granted to the public by the judiciary by judicial advocacy is public interest litigation. The person filing the petition, however, must show to the court's satisfaction that the petition is being brought by a busy body with a good benefit and not merely as a frivolous lawsuit. The court will itself take cognizance of the matter and proceed suo motu, or on the request of any publicly spirited person, cases will begin.*

KEYWORDS: *Court of Law; Lawsuit; Petition; Public Interest Litigation.*

INTRODUCTION

The application of the statute to uphold civil rights and freedom, or to raise concerns of broad public concern, is public interest litigation. It helps further the cause of communities or people who are minority or poor. Cases of public concern can emerge from both matters of public and private law. The different rules and regulations that regulate the exercise of authority by public authorities affect public law[1].

Private law concerns cases where there is no presence with a governmental agency which can be seen in fields such as work law or family law. Most frequently, civil interest litigation is used to contest public authorities' decisions by judicial review. Judicial review is a type of legal proceedings in which the lawfulness of a decision or action, or a failure to act, by a governmental body is reviewed by a judge. Judicial evaluation is concerned with whether the legislation has been enforced properly and has followed the proper protocols[1].

The Indian Constitution's character. India has a written constitution which provides a basis for regulating relations between the state and its people and between citizens through Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy)[2].

India has some of the most advanced social regulations in the world, including bonded labour, minimum wages, property ceilings, environmental security, etc. This has made it possible for the judiciary to bring up the executive as it does not discharge its responsibilities to guarantee the rights of the oppressed according to the law of the land[2].

The liberal interpretation of locus standi in which, on behalf of those who are economically or physically unable to come before it has helped, any person may appeal to the court. In certain examples, judges themselves have taken suo moto proceedings based on newspaper articles or obtained letters[3].

While the social and economic rights granted under Section IV of the Indian Constitution are not constitutionally enforceable, courts have creatively read them as constitutional rights, rendering them judicially enforceable. In Article 21, for example, the 'right to life' has been modified to include the right to free legal help, the right to live with dignity, the right to education, the right to work, freedom from violence, bar fetters and hand cuffing in jails, etc[3].

Judicial developments to support the vulnerable and marginalized: For example, the Supreme Court raised the presumption of evidence on the respondent in the Bandhua Mukti Morcha, declaring that it will consider a case of forced labour as a case of bonded labor until the employer proves otherwise. Similarly, Justice P.N. Bhagwati ruled in the Asian Workers judgment case that someone who gets less than the minimum wage would immediately approach the Supreme Court without going through the labour commissioner and lower courts[4].

In PIL cases in which the complainant is unable to supply all the requisite data, either because it is voluminous or because the parties are socially or economically poor, the courts have formed committees to gather and submit information on the facts to the bench[4].

The court must, however, be satisfied that the Writ petition fulfills certain basic needs for PIL as the letter is addressed to any person who is unable to approach the court for redress by the aggrieved person, public spirited individual and a social action group for the enforcement of legal or constitutional rights[5].

A State/Central Govt., Local Councils, and not any private entity can be subjected to a Public Interest Lawsuit. The concept of a State shall be the same as that provided for in Article 12 of the Constitution and shall include the Government and the Parliament of India, the Government and the Legislature of each State and all local or other bodies within or under the jurisdiction of the Government of India within the territory of India[5].

DISCUSSION

The purpose of PIL is to provide access to the courts for the common people in order to seek legal redress. In order to uphold the rule of law and to step up the balance between law and justice, PIL is an important mechanism for social reform. The initial goal of PILs was to make justice open to the oppressed and the disadvantaged. It is an important mechanism for ensuring that human rights meet those who have been denied rights. It democratizes the provision of justice for everyone. Any capable person or association can file petitions on behalf of those who are unable or do not have the means to do so[6].

It serves to control public facilities such as jails, asylums, protective homes, etc. judicially. It is an essential instrument for the application of the judicial review principle. The inception of PILs guarantees greater citizen engagement in judicial oversight of regulatory action[6].

Sometimes, PIL acts can give rise to the problem of conflicting rights. For example, the needs of employees and their families who are stripped of their jobs may not be taken into account by the court when a court orders the closing of a polluting factory[6].

This might lead to the overloading of frivolous PIL courts by parties with vested interests. Today, PILs have been appropriated for corporate, political and private profits. The PIL today is no longer confined to the concerns of the poor and the disadvantaged[6].

The PILs can take place in cases of Judicial Overreach by the Judiciary in the process of solving socio-economic or environmental problems[6].

PIL problems have been pending for several years surrounding neglected and vulnerable communities. Excessive delays in the disposal of PIL cases can merely offer academic importance to many leading decisions[6].

Public Interest Litigation has achieved remarkable outcomes that three decades ago were unlikely. Relief was provided by judicial action to degraded bonded workers, tortured under trials and woman prisoners, humiliating inmates of protective women's homes, blinded prisoners, exploited girls, beggars, and many others[7].

PIL has made the biggest contribution to strengthening governments' responsibility for the human rights of the poor[7].

If they show to the courts that they are not filing the petition with their own agenda, any person or group of persons may apply for a PIL. Therefore, someone who is part of a corporation and faces a challenge will file a PIL against the government and not against another person or agency[7].

In Indian law, the defence of the public interest means lawsuits. Through a court of trial, there is arbitration, not by the aggrieved party, either by the court itself or by some other private party. In order to exercise the jurisdiction of the court, it is not appropriate for a citizen who is the target of a breach of his or her right to contact the court directly. The authority granted to the public by the judiciary by judicial advocacy is public interest litigation[8].

Such cases may arise where the claimant does not have the requisite means to begin proceedings or has been suppressed or invaded by his right to go to court. The court will itself take cognizance of the matter and proceed suo motu, or on the appeal of some public-spirited person, cases can begin[8].

Public interest litigation, generally referred to as PIL, may be characterized narrowly as litigation in the public interest in general. Only the aggrieved plaintiff could knock the doors of justice individually until the 1980s to seek redress for his complaint, and any other citizen who was not directly harmed could not knock the doors of justice as a substitute for the victim or the aggrieved party. In other words, the locus standi (standing required in law) had only the injured parties to file a lawsuit and continue the proceedings and there was no locus standi for the non-affected people to do so[8].

As a result, there was hardly any link between, on the one hand, the privileges granted by the Constitution of the Indian Union and the laws formed by the legislature, and, on the other, the overwhelming majority of illiterate people[9].

However, after the post Emergency Supreme Court approached the question of access to justice by persons by drastic reforms and changes made to the conditions of locus standi and group

aggrieved, all these situations eventually changed. Justice P N Bhagwati and Justice V R Krishna Iyer's magnificent contributions were instrumental in the eighties' legal movement to turn India's apex court into a supreme court for all Indians[9].

As a result, in all cases where the interests of the general public or a segment of the public are at risk, any person of India or any consumer association or social action group may approach the country's supreme court seeking legal remedies. Furthermore, without the spending in heavy court costs as needed in private civil lawsuits, public interest cases may be brought[10].

Pursuant to Article 32 of the Constitution, the PIL authority forged by the supreme court is an expansion of its competence. PIL is not of the form of adversary litigation, but it is a threat and an incentive for the government and its officers to make the poor and disadvantaged sectors of the society substantive of universal human rights and to ensure social and economic justice, which is the signature tune of our constitution[10].

CONCLUSION & IMPLICATION

Public Interest Litigation has achieved remarkable outcomes that three decades ago were unlikely. Relief was provided by judicial action to degraded bonded workers, tortured under trials and woman prisoners, humiliating inmates of protective women's homes, blinded prisoners, exploited girls, beggars, and many others.

PIL has made the biggest contribution to strengthening governments' responsibility for the human rights of the poor.

The PIL provides a new jurisprudence for the state's responsibility for civil and legal breaches that adversely impact the rights of the community's lesser elements.

However, in the implementation of PILs, the Judiciary should be careful enough to prevent Judicial Overreach that contradicts the Separation of Power principle.

In addition, to maintain the workload manageable, trivial PILs of special agendas must be prevented.

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