





Public Interest Litigation (PIL) in India, while not defined in the constitution or statutes, is a judicial innovation derived from American jurisprudence to ensure social justice, primarily under Articles 32 (Supreme Court) and 226 (High Courts). It relaxes the rule of *locus standi*, allowing public-spirited individuals or organizations to file petitions for protecting public interest, particularly for marginalized groups, against government inaction.  Drishti IAS +5

### Key Aspects of PIL in the Indian Constitution:

- **Legal Basis:** PIL is rooted in the writ jurisdiction of the Supreme Court (Article 32) and High Courts (Article 226) for enforcing Fundamental Rights and, more broadly, to ensure accountability of the state.
- **Purpose:** The main aim is to provide legal aid to the marginalized, disadvantaged, and poor to fight against exploitation and ensure social justice.
- **Subject Matter:** PILs commonly address issues like environmental pollution, human rights violations, bonded labor, custodial deaths, and corruption.
- **Origin:** Introduced in the late 1970s/early 1980s by justices such as P.N. Bhagwati and V.R. Krishna Iyer, with *Hussainara Khatoon v. State of Bihar* (1979) being the first reported case.
- **Key Principles:** The traditional rule of *locus standi* (only the aggrieved person can approach the court) is relaxed, allowing the court to act on behalf of public interest.  Drishti IAS +9

### Constitutional Significance:

- **Fundamental Rights Expansion:** PIL has been crucial in expanding the interpretation of Article 21 (Right to Life), including the right to a clean environment, education, and health.
- **Judicial Activism:** It allows for a more proactive role by the judiciary, moving away from the adversarial system to an investigative one.  Testbook +3

PILs are not to be used for personal gains or frivolous litigation, but to enforce public duties, according to YouTube and IJLSSS.  IJLSSS... +1

Public Interest Litigation (PIL) implies litigation for the protection of public interests. This is an important concept in law and polity and is often seen in the news. Hence, it acquires importance for the IAS exam. In this article, you can read all about PILs in India.

### What is Public Interest Litigation (PIL)?

Public interest Litigation (PIL) means litigation filed in a court of law, for the protection of "Public Interest". Any matter where the interest of the public at large is affected can be redressed by filing a Public Interest Litigation in a court of law such as Pollution, Terrorism, Road safety, Construction hazards, etc.

- The expression 'Public Interest Litigation' has been borrowed from American jurisprudence, where it was designed to provide legal representation to previously unrepresented groups like the poor, racial minorities, unorganized consumers, citizens who were passionate about environmental issues, etc.
- PIL is not defined in any statute or in any act. It has been interpreted by judges to consider the intent of the public at large. It is the power given to the public by courts through judicial activism. Read in detail on the Judicial Activism on the linked page. However, the person filing the petition must prove to the court's satisfaction that the petition is being filed for public interest and not just as a frivolous litigation by a busy body.
- Some of the matters which are entertained under Public Interest Litigation are Neglected Children, Bonded Labour matters, Atrocities on Women, Non-payment of minimum wages to workers, exploitation of casual workers, food adulteration, Environmental pollution, and disturbance of ecological balance, Maintenance of heritage and culture, etc.

**To complement your preparation for the upcoming exam, check the following links:**

- [UPSC Previous Year Question Papers](#)
- [Current Affairs](#)
- [UPSC Notes PDF](#)
- [IAS Mock Tests](#)
- [NCERT Notes PDF](#)

### Table of Contents:

[Public Interest Litigation \(PIL\) in India](#)

[Procedure to File PIL in India](#)

[History of Public Interest Litigation \(PIL\) in India](#)

[Significance of Public Interest Litigation \(PIL\) in India](#)

[Criticism of Public Interest Litigation \(PIL\) in India](#)

## Public Interest Litigation (PIL) in India

A Public Interest Litigation (PIL) is introduced in a court of law not by the aggrieved party but by a private party or by the court itself.

- PILs have become a potent tool for enforcing the legal obligation of the executive and the legislature.
- The chief objective behind PILs is ensuring justice to all and promoting the welfare of the people.
- It is generally used to safeguard group interests and not individual interests, for which Fundamental Rights have been provided.
- The Supreme Court of India and the High Courts have the right to issue PILs.
- The concept of PILs stems from the power of judicial review.
- The concept of PILs has diluted the principle of locus standi, which implies that only the person/party whose rights have been infringed upon can file petitions.
- It has most ideally and commonly been used to challenge the decisions of public authorities by judicial review, to review the lawfulness of a decision or action, or a failure to act, by a public body.
- PILs have played an important role in India's polity. They have been responsible for some landmark judgements in India such as the banning of instant triple talaq, opening up the doors of the Sabarimala and the Haji Ali shrines to women, legalised consensual homosexual relations, legalised passive euthanasia, and so on.

You can also go through Important Acts in India on the link provided here.

### Procedure to File PIL in India

Any Indian citizen or organisation can move the court for a public interest/cause by filing a petition:

1. In the SC under Article 32
2. In the High Courts under Article 226

The court can treat a letter as a writ petition and take action on it. The court has to be satisfied that the writ petition complies with the following: the letter is addressed by the aggrieved person or a public-spirited individual or a social action group for the enforcement of legal or constitutional rights to any person who, upon poverty or disability, are not able to approach the court for redress. The court can also take action based on newspaper reports if it is satisfied with the case.

### History of Public Interest Litigation (PIL) in India

In 1979, Kapila Hingorani filed a petition and secured the release of almost 40000 undertrials from Patna's jails in the famous '**Hussainara Khatoon**' case. Hingorani was a lawyer. This case was filed in the SC before a Bench led by **Justice P N Bhagwati**. Hingorani is called the 'Mother of PILs' as a result of this successful case. The court permitted Hingorani to pursue a case in which she had no personal locus standi making PILs a permanent fixture in Indian jurisprudence.

Justice Bhagwati did a lot to ensure that the concept of PILs was enunciated. He did not insist on the observance of procedural technicalities and even treated ordinary letters from public-minded individuals as writ petitions. Justice Bhagwati and **Justice V R Krishna Iyer** were among the first judges in the country to admit PILs.

Read Important Supreme Court Judgements on the page linked here.

<https://byjus.com/free-ias-prep/public-interest-litigation-pil/>

## Significance of Public Interest Litigation (PIL) in India

The original purpose of PILs has been to make justice accessible to the poor and the marginalized.

- It is an important tool to make human rights reach those who have been denied rights.
- It democratizes access to justice for all. Any citizen/agency who is capable can file petitions on behalf of those who cannot or do not have the means to do so.
- It helps in judicially monitoring state institutions like prisons, asylums, protective homes, etc.
- It is an important tool in judicial review.

## Criticism of Public Interest Litigation (PIL) in India

Off late, PILs have become a tool for publicity. People file frivolous petitions which result in the waste of time of the courts. People have used them with a political agenda as well. They unnecessarily burden the judiciary. Even if the petition is eventually dismissed, the courts spend time and effort on them before dismissing them.

At present, only judges have the power to dismiss a petition. The Registry of the SC or HC only ensures that the technical requirements of filing a petition are fulfilled. As a result of which petitions are admitted to the court irrespective of the merits of the case.

## Way Forward with Public Interest Litigation

1. The court should not allow its process to be abused by politicians and others to delay legitimate administrative action or to gain political objectives.
2. The PIL activists should be responsible and accountable.
3. The court must be careful to see that the petitioner must be acting bona fide and not for personal gain.
4. In shaping the relief the court must take into account its impact on those public interests.
5. 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.

## Current Affairs related to PIL in India

Various news keeps on revolving around PIL in India as it is one of the most accessible public instruments that can be used to seek judicial action. Check the latest news related to PIL below:

- PIL was moved to quash the PM CARES fund
- Public Interest Litigation has been filed in the Supreme Court of India seeking directions to the Government of India to make arrangements to rescue and bring the Indian Migrants stranded in Gulf Countries
- A petition has been filed before the Supreme Court of India, seeking directions to States, their Municipal authorities and local self-government authorities to ensure the protection of the rights of the sanitation workers who are also essential service providers amidst the nationwide lockdown in the wake of the COVID-19 outbreak