

Public Interest Litigation - Indian Polity Notes

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.

Public Interest Litigation

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 are 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 stem from the power of [judicial review](#).
- The concept of PILs have 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 the instant triple talaq, opened up the doors of the Sabarimala and the Haji Ali shrines to women, legalised consensual homosexual relations, legalised passive euthanasia, and so on.

Procedure to File PIL

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
3. In the Courts of Magistrate under Section 133 of the Criminal Procedure Code (CrPC).

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 on the basis of newspaper reports if it is satisfied with the case.

History of Public Interest Litigation 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 Khatoun**' 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 clearly 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.

Significance of Public Interest Litigation

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

- It is an important tool to make human rights reach those who have been denied rights.
- It democratises the access of justice to 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

Off late, PILs have become a tool for publicity. People file frivolous petitions which result in the wastage 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.

UPSC Questions related to Public Interest Litigation

What is considered public interest?

It refers to legal practices undertaken to help economically weak or marginalized people, or to effect change in social policies in the public interest, on 'not for profit' terms.

Who can file public interest litigation?

Any person can file a PIL. The petitioner need not be the aggrieved person. Even an organisation can file a PIL.

How much does it cost to file a PIL?

The court fee for filing a Public Interest Litigation is Rs.500 per petitioner. There are also additional expenses for documentation which would have to be borne by the petitioner.

Is PIL a writ?

A writ is a written command given by a court. It can be to enforce an action, or stopping an action from happening. A PIL is a form of writ, with just one specification that the matter is related to the general wellbeing of the public instead of a particular litigant.

