



IN PRESENT TIME: RELEVANCY OF PUBLIC INTEREST LITIGATION IN INDIA

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Public interest litigation is used as a medium of Justice for any Citizens of India. All Person are equal before Law, There is no discrimination among the People. According to the Indian Constitution, Justice is available for all persons and provides opportunities to everyone. Weaker section of society does not get Justice due to illiteracy, poverty and lack of awareness, helplessness, any disability or socially and economically Persons. Many Constitution provisions are available for Justice as Art.14,15,16,21, Art.39A,32 and 226. According to Article 39A- The state shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any Citizen by reason of economic or other disabilities.

Public Interest Litigation:- Public interest litigation means petition Which includes all interest of the people Who cannot ask for Justice. Public Interest litigation is a mode of providing justice to indigent people. Liberalised process of locus standi in Public Interest Litigation should not be misused. Case of Ashok Kumar Pandey v/s State of West Bengal rejecting Public Interest Litigation proceedings seeking that death sentence on a criminal be conveyed into imprisonment due long awaited execution, the Honourable Supreme Court ruled that before granting Public Interest Litigation the Court has to satisfy itself about the credentials of the application, prima facie correctness or nature of information given by him and information being not vague. People who can't sue in the court, on behalf of this type of people's any person or any organisation can present a petition in Court. This types of cases are called Public Interest litigation as Water pollution in many rivers, Schedule Caste and Scheduled tribes, environment pollution, women's Crime, Neglected Children, Non-payment of minimum wages to workers and exploitation of casual workers, maintenance of heritage and culture, illegal police custody cases, violence and exploitation in Jail. If any Person presents any petition in Honourable Supreme court and High Courts for personal interest, This shall not be called public interest litigation like Services matters, personal complaints, personal Spidey trials application etc. Honourable Delhi High Court observed: "Public Interest Litigation is a new brand of litigation which is not meant to be adversarial in nature. It is intended to vindicate public interest where fundamental and others of the people who are poor, ignorant or are in a socially or economically disadvantageous position, go underdressed. PIL is meant to secure justice for the poor and the weaker section of the community.

OBJECT OF PUBLIC INTEREST LITIGATION:- Object of Public Interest litigation is provide Justice to weaker sections of the society and to give opportunity to all for justice. In other words, the object of Public Interest litigation is to give to the common people access to courts to obtain legal remedy. Public interest litigation means a legal action initiated in a court of law for the enforcement of public interest litigation or general interest in which the public or class of community have pecuniary interest. Public interest litigation is promoted by a spacious construction of locus standing in our socio-economic circumstances and conceptual latitudinarianism permits taking liberties with individualisation of the revoke the higher Courts where remedy is shared a considerable number particularly when they are weaker. Public interest litigation is the status of the members of the general public to bring to the Court any public importance issue, any case of atrocities, or determinate class, weaker section of society. In this we can say that Public interest litigation is the most important instrument of society for Justice and it is also the part of participative justice. Public interest litigation aims to promote and vindicate public interest which demands violations of constitutional legal rights of large numbers of people who are poor, ignorant or in socially or economically disadvantaged positions. **Vishaka v/s State of Rajasthan** in this case The Court recognises sexual harassment as a violation of the fundamental constitutional rights of Article 14, 15 and 21. Court issued guidelines also directed for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013

Who Can Present Public Interest Litigation ? :- Article 226 for High Court and Article 32 Supreme Court shall have power through the territories in relation to which it exercised jurisdiction to issue to any person or authority including in cases any Government within those territories, directions, orders or writs including writs in the nature of Habeas Corpus, Mandamus, Prohibition, Quo-Warranto and Certiorari available. Any Person whose fundamental right has been violated may petition under Article 32 to move the Supreme Court for the enforcement of the fundamental right. In other words, An aggrieved person who has personally suffered legal injury by reason of violation of his rights or his rights or legally protected interest can file a suit for redress of his grievance. The clear and liberal interpretation of **locus standi**-Where any person can apply to the court on behalf of those who are economically or physically unable to come before it has helped. Judges themselves have in some cases initiated suo moto action based on Newspaper articles or letters received. **Honourable Justice Krishna Iyer** for the first time used the term Public interest litigation in the case **Fertilizer Corporation Kamgar Union v. Union of India** A.I.R. 1981 S.C. 344 He was also to use 'epistolary jurisdiction'. Justice P.N. Bhagwati explained the Public interest litigation in **S.P. Gupta v/union of India** A.I.R.1982 S.C. 149. He pointed out that where legal wrong committed to such a person or determinate class of persons is by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach for appropriate direction, order or writ. The social dimension of PIL has been expanding. Public interest litigation has covered a large number of areas in the socio-economic sphere. Accordingly, a large number of cases have been decided by the courts in response to socio-economic challenges. In **Bandhua Mukti Morcha v. Union of India** A.I.R.1984 SC 802 an organisation dedicated to the cause of release of bonded labourers gave a letter to the Supreme Court and thereby informed it about the existence of the bonded labourers in Faridabad District of state of Haryana and prayed for the issue of writ for release of the bonded labour and for proper implementation of the various provisions of the Constitution and statutes with views to suffering and helplessness of such labourers.

1. **Misuse of Public Interest Litigation:-** Public Interest Litigation is important instruments for Justice for the people but many people are misused by PIL as publicity, political rivalry, private interest and other bad motives. Many times Lawyers, and More law students have tried to use PIL to gain publicity. The Honourable Court on many events has even gone on to call these, Public Interest Publication, "The effect of public interest litigation should go beyond the sphere of the parties present in the proceedings, and It is important that Public interest litigation must be accompanied by adequate judicial control. Some people are not PIL for good purpose. Honourable Supreme Court and High Court are given guidelines for regulating Public Interest Litigation in recent cases. In **S.P.Gupta v/s union of India** A.I.R.1982 S.C.149 Court said that Any writ is called Public interest which is included as Good faith, unreasonable profit and not political interest If the petition filed under Article 32 in the Supreme Court is found to malicious or ill-motivated and misrepresentation of material facts, This types of writ dismissed by the Supreme Court. In this way we can say that Honourable Supreme Court pointed out that it would be desirable to filter out frivolous petitions and dismissed them with costs so that message goes in the right direction that period filed with costs so that

the message goes in the right direction filed with oblique motive does not approval of the Courts. The Supreme Court and High Court are tried to send good messages on a case to case basis whenever they noticed that the process of Public Interest litigation was misused in some cases. The Courts have gone on to impose an exemplary fine on those who abused or misused the judicial mechanism. Court's time is important for Justice but Some people are spending time of Court by meaningless and frivolous PIL. The Honourable Supreme Court dismissed Public Interest litigation of Offline Board Exams on 23 February 2022. The Apex Court observed that the petition is "ill-advised" and "premature". "Such petitions give false hope to the persons who are going to appear in the examinations. Those students will be misled by this petition. The bench said "This creates not only false hopes, it creates not only hope, it creates confusion all over to the students who are preparing.

Recent High lighted cases on Public Interests Litigation By Honourable Courts:-

Hussain Ara khatun v/s State of Bihar A.I.R.197lega1369 (Free legal service to the poor).

M.C.Mehta v/a Union of India A.I.R.1988 S.C.2217 (Prevention of Nuisance Caused by Pollution of the River Ganga).

People's Union For Democratic Rights v/s Union of India A.I.R 1982 (Protection of Workers rights).

Parmanand katara v/a Union of India A.I.R 1989 (Free Legal Aid)**Service-Related Disputes Not Maintainable In PILs**
-Madras High Court Dismisses Former National Women's Kabaddi Caption's Plea For Govt Job.

Interested Person Not Entitled To File PIL:- Honourable Supreme court Dismisses Plea Filed by Aspirant To Post of State Information Commission.

Personal Interest Litigation' in the Form of A PIL : Honourable Karnataka High Court Imposes Rs 10 Lakh Cost on petition Filed Over Business Feud.

Covid affected Dead Bodies Found at the shore of rivers Ganga :PIL filed in Patna High Court

Conclusion:- It is true that Public interest litigation is a very important instrument of society for equitable justice. PIL is also used in good governance by maintaining government accountability and responsibility. In This way, we can say that Our Judiciary protects the rights of weaker sections in many PIL and fulfill the object of the Indian Constitution.

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