

Public Interest Litigation

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Introduction:

- Public interest litigation(PIL) is a litigation filed in a court of law for the protection of public interest.
- The PIL is not defined in any statute or in any act.
- However, the concept of PIL is in accordance with the objectives enshrined in Art.39A of the constitution for the promotion of social Justice.
- The PIL is generally meant for the enforcement of fundamental or other legal rights of the people who are socially and economically weak.
- Justices P.N.Bhagwati and V.R. Krishna Aiyar were among the first judges to entertain PIL in court.

Grounds/areas on PIL can be filed:

- Though the main focus of such litigations is public interest there are various areas a PIL can be instituted such as –
 1. Area or street where there are no street lights causing inconvenience to commuters.
 2. A factory or industrial unit causing air pollution to public
 3. Banquet halls causing noise pollution to people.
 4. Wrong policies of the government adversely affecting the poor.
 5. For abolishing child labour or bonded labour.
 6. Sexual harrassment of working woman
 7. Corruption in public life.
 8. For maintaining roads and sewers in good conditions.
 9. Violation of basic human rights of the poor.
 10. Compel municipal authorities to perform a public duty, etc.

Procedure for filing a PIL:

- Any public spirited person can file a PIL.
- It is not necessary that the aggrieved person himself approach the court.
- A PIL can be filed in any High court or directly in the Supreme court.
- However, the courts can admit a PIL even if it is not made in the manner of formal complaint.
- The court can initiate a PIL even on receiving a letter addressed to the court with or without affidavit.
- However, once a PIL has been filed, it cannot be subsequently withdrawn.
- A court fee of Rs 50 has to be affixed on the petition.

PIL and Courts:

- Both the High Courts and Supreme Courts have the power to entertain a PIL.
- Since there are no statutes or rules, there cannot be a specific difference, as to which court will have jurisdiction on the PIL.
- It will depend on the nature of the case, if the question involves only a small group of people being affected by the action of the state authority the PIL can be filed in High Court.
- If a large section of people is affected by action of state government or of the Central Government, such a case of PIL can be instituted in the Supreme court.

Relief available under PIL:

- There are many kinds of remedies which can be made available under such litigations in order to secure public interest at large, like –
 - a. Interim Measures: in most of the cases the relief is obtained through interim orders,
 - b. Appointing a committee to look into the matter, &
 - c. Final orders by way of direction to comply within a stipulated time.

Abuse of PIL:

- Over the years, PIL has degenerated into Private Interest litigation, Publicity Interest Litigation or Political Interest Litigation.
- So the courts should be extremely careful to see that the PIL should not allowed to be abused.
- To prevent the abuses of resorting to PIL the court should provide for procedural guidelines.
- Then, frivolous litigations should be made punishable after screening.
- Above steps will make the people filing PIL responsible and accountable.

Conclusion:

- PIL is a less expensive and effective tool or instrument to protect human rights in the recent years in our country.
- Thus, public Interest litigation is litigation for the protection of the rights of the weaker sections of the society.
- It is to be noted that a PIL can be filed against a state/central government, municipal authorities and not on any private party.