BLOGS

# Public Interest Litigation in India

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**Edit TABLE OF CONTENTS Introduction History of Public Interest Litigation Characteristics of Public Interest Litigation The Function of Writs in Filing a PIL Landmark Case Laws on PIL PIL and Right to Information Act, 2005**

## Introduction

In India, public interest litigation (PIL) has developed as an effective weapon for securing social justice and protecting the rights of the marginalized and impoverished. PIL, which was created by Justices Krishna Iyer and PN Bhagwati, permits people or organizations to approach the courts on behalf of persons who are unable to seek legal remedies on their own.

This post in our administrative law series delves at the history and idea of PIL, the relationship between PIL and writs, the filing process, notable case laws, and the relationship between PIL and the Right to Information Act, 2005.

## History of Public Interest Litigation

In the 1980s, the establishment of Public Interest Litigation in India signified a substantial change from the old legal system, which needed a directly affected party with *locus standi* to approach the courts.

PIL was inspired by comparable schemes in the United States of America, where public interest litigation had gained traction as a tool for addressing social injustices and protecting the rights of marginalized populations.

Due to the constraints of the current legal structure in India, the need for a wider approach to litigation became obvious. The traditional condition of ***locus standi*** meant that only people who were directly affected by a breach of their rights may seek remedy in the courts.

This was a tremendous challenge for individuals or groups that suffered social, economic, or educational disadvantages and were unable to manage the legal system's intricacies.

Recognizing the need for a more comprehensive and accessible legal remedy, the Indian judiciary pioneered the notion of PIL, headed by Justice Krishna Iyer and Justice PN Bhagwati.

PIL broadened the scope of legal standing by allowing people or organizations to submit petitions on behalf of those who faced legal impediments. These obstacles might be caused by illiteracy, poverty, a lack of knowledge, or social disadvantage. PIL allowed concerned citizens to act as advocates and seek redress for structural concerns and social injustices affecting a broader part of the community.

## Characteristics of Public Interest Litigation

1. PIL focuses on problems of public interest that have a larger influence on society. It focuses on issues that go beyond the petitioner's personal interests and seeks to solve structural issues, social inequities, and abuses of constitutional rights.
2. PIL strives to preserve the fundamental rights of individuals or groups that do not have the resources or awareness to approach the courts. It serves as a check and balance to guarantee that the rights contained in the Constitution are respected and enforced for the benefit of the general population.
3. PIL enables access to justice for marginalized and underprivileged members of society who confront obstacles in obtaining legal remedies. It allows concerned citizens or organizations to file petitions on behalf of persons who are unable to contact the courts owing to issues such as illiteracy, poverty, or social disadvantage.
4. PIL strives for systemic change by addressing the core causes of social issues and pushing for policy improvements. It strives to have a greater impact than just offering relief to individual petitioners by contesting unfair practises, discriminatory policies, or unlawful legislation.
5. Public officials are held accountable for their actions or inactions under PIL. It fosters openness in governance by requiring information disclosure, guaranteeing compliance with legal responsibilities, and avoiding abuse of authority.
6. PIL fosters inclusivity by providing marginalized populations a voice and empowering them to seek redress for abuses of their rights. It prioritizes the interests of people who may not have

previously had access to the legal system.

7. Rather than restricted individual concerns, PIL focuses on the welfare and interests of the public at large. It seeks to promote social justice, equality, and societal well-being.
8. PIL frequently involves the active engagement of social activists, lawyers, and non-governmental organizations (NGOs) working for social change and the preservation of human rights. It promotes public participation and engagement in legal issues of public interest.
9. PIL relies on the courts' involvement to offer remedies, enforce basic rights, and address matters within their authority. In PIL cases, the judge is critical in interpreting and implementing constitutional guarantees.

## The Function of Writs in Filing a PIL

Writs are legal orders issued by courts to defend basic rights, uphold the rule of law, and ensure that public officials carry out their responsibilities. The relationship between writs and PIL is crucial, as PIL frequently entails the filing of writ petitions to address topics of public concern and safeguard the public's interests.

In PIL cases in India, there are five sorts of writs that can be used: habeas corpus, mandamus, prohibition, certiorari, and quo warranto.

1. Habeas Corpus: The writ of habeas corpus is a judicial remedy that protects individual liberty by granting relief from illegal detention or incarceration. A habeas corpus writ may be issued in the context of PIL to secure the release of persons who have been wrongfully detained or to challenge arbitrary measures by state officials that infringe on individuals' personal liberty.
2. Mandamus: A higher court issues a writ of mandamus to compel a lesser court, public authority, or government official to execute their legal responsibilities or obligations. A mandamus writ may be filed in a PIL to require public officials to take essential steps or fulfil particular obligations in the public's interest, or to compel compliance with laws and regulations.
3. Prohibition: A prohibition writ is issued by a higher court to prevent a subordinate court or tribunal from exceeding its jurisdiction or acting outside of its legal authority. A prohibition writ may be issued in PIL to dispute judgements or acts by lower courts or agencies that are contradictory to law or breach natural justice principles.

4. Certiorari: A writ of certiorari is issued by a higher court to review and overturn lower court, tribunal, or administrative body judgements or orders. A writ of certiorari may be filed in PIL to challenge decisions or acts that are arbitrary, illegal, or violate basic rights, with the goal of securing judicial review and remedies.
5. Quo Warranto: A writ of quo warranto is issued to investigate a person's legal right to occupy a public office or position. A quo warranto writ may be issued in PIL to challenge the eligibility or legality of people holding public posts or positions, as well as to demand their removal if they are proven to be unlawfully occupying such positions.

## Landmark Case Laws on PIL

Several landmark cases have played an important role in defining Indian law on Public Interest Litigation. These decisions established significant precedents and concepts that influence the implementation and efficacy of PIL. Here are a few noteworthy examples:

***Union of India v. People's Union for Democratic Rights*:** This landmark case addressed the problem of cruel working conditions and low salaries for Asian Games workers. The Supreme Court recognized the reality of bonded labour, emphasizing the need of preserving workers' rights. The case drew attention to the condition of workers and emphasized the need of protecting their fundamental rights.

***Union of India v. Bandhua Mukti Morcha*:** This notable case included the exploitation of bonded labourers working in a mine in Faridkot, Haryana, under terrible conditions. After a PIL was filed, the Supreme Court ruled that refusal to pay minimum wages constituted compelled labour, emphasising the violation of basic rights. The case drew attention to the issue of bonded labour and emphasised the importance of abolishing such practises.

***Union of India v. MC Mehta*:** This significant case demonstrated the importance and effectiveness of PIL in environmental preservation. The Supreme Court adopted rules broadening the scope of PIL, including accepting letters as PIL petitions.

The case also established the court's competence to award victims compensation and to form commissions to investigate violations of basic rights. It also emphasized the need of public-private partnerships in resolving environmental problems and respecting the rights of impacted persons and communities.

## PIL and Right to Information Act, 2005

PIL and the **Right to Information Act (RTI)** collaborate to promote transparency, accountability, and participatory government in India. PIL protects the public interest and forces systemic change, whereas the RTI Act allows people to get information from public bodies. They both contribute to a transparent society and hold authority accountable for their activities.

PIL permits anybody to file petitions on problems of public concern, such as constitutional rights infringement and systemic challenges. It exposes mismanagement, corruption, and human rights violations while encouraging accountability and good government.

Meanwhile, the RTI Act gives individuals access to information, allowing them to make educated decisions and hold government officials responsible. It promotes openness by requiring public entities to share information and react to requests on a proactive basis.

The link between PIL and the RTI Act is their emphasis on information access. To support allegations, PIL frequently relies on information received under the RTI Act. The RTI Act is critical in PIL lawsuits because it allows individuals to obtain evidence to back up their allegations. PIL and the RTI Act work together to promote openness, accountability, and citizen involvement.

PIL and the RTI Act work together to promote a more equitable and inclusive society. They provide citizens the capacity to actively participate in governance, exercise their rights, and demand accountability. PIL targets systemic concerns, whereas the RTI Act offers the required information for informed decision-making. This collaboration enhances both processes, increasing openness and accountability.

In conclusion, public interest litigation and the RTI Act are essential components of India’s legal structure, encouraging openness, accountability, and participatory government. It protects the public interest and resolves systemic concerns, whereas the RTI Act gives citizens access to information.