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## Public Interest Litigation: A Move for Advancing Justice.

The Preamble of the Constitution of India ensures Social, Economic, and Political Justice. One of the significant tools to advance towards this goal is public interest litigation, which has come forth due to Judicial Activism. Public Interest Litigation means a legal action initiated in a court for the enforcement of public interest. The rule of Locus Standi is relaxed when a wrong has been committed against the public interest; therefore, the plea of no locus standi cannot always be taken for a non-suit.

The case of Additional Judges, which can be regarded as the precursor to public interest litigation<sup>1</sup>, incorporated a broad aspect of PIL; P.N. Bhagwati opined in this case that where there is a public wrong, any member of the public acting in good faith having sufficient interest can bring an action in the court for redressal.

The very first step of public interest litigation was in 1979, when Kapila Hingorani, the mother of PILs, earned the title after the successful case named, which resulted in the release of around 40000 undertrials from the Patna Jail. In the case of *Hussainara Khasoon v. State of Bihar*<sup>2</sup>, The Indian Express published an article exposing the difficulties faced by the undertrial prisoners in the State of Bihar, stating that a large number of men, women, and children were kept in prisons for years just awaiting trial for those offenses even if proven would not lead to more than one month of imprisonment if convicted. Consequently, writ petitions were filed for habeas corpus.

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<sup>1</sup> JAIN, M.P., CHELAMESWAR, J. AND NAIDU, D.S. (2019) *Indian constitutional law Vol 1*. Gurgaon, Haryana, India: LexisNexis.

<sup>2</sup> *Hussainara Khatoon v. State of Bihar* 1979 AIR 1369, 1979 SCR (3) 532

The court accepted the Locus Standi and even stated that the right to speedy trial formed an integral part of the rights conferred under Article 21 of the Indian Constitution.

Later, a new dimension was given to the aspect of PILs in the case of Sunil Batra v. Delhi Administration.<sup>3</sup> The petition challenged the legality of the solitary confinement of a convict under the death penalty. It was contended on his behalf that the arbitrary powers of the superintendent to confine a prisoner in solitary confinement is ultra vires to the constitution, infringing the rights guaranteed under Article 14 and Article 21. The case was initiated by a letter by the prisoner to the Judge of the Supreme Court; the court treated it as a writ petition, which broadened the accessibility of Courts to a large community.

Another major step of PIL was due to the efforts of V.R. Krishna Iyer and P.N. Bhagwati, which were nothing short of a revolution in India. In 1971, P.N. Bhagwati made observations on a report released on legal aid stating that to bring people on the same level with the administration of justice; the judiciary must be given a more significant participatory role in trials. Similarly, V.R. Krishna Iyer 1973 released a report emphasizing the need for the law to reach low-income people. Later, in 1977, these two judges joined hands and released a report emphasizing the need for a new philosophy of legal service program.<sup>4</sup> It was emphasized that this new program must be made considering the country's socio-economic conditions.

The adoption of PIL in India has yielded notable results in various fields. For instance, in the environmental field, many changes were brought, and developments were made due to the various PILs made by M.C. Mehta. These petitions have resulted in various developments in the environmental field, including introducing lead-free gasoline to India and, reducing the industrial pollution fouling the Ganges and eroding the Taj Mahal.<sup>5</sup> Since 1984, M.C. Mehta has single-handedly won numerous landmark cases from the Supreme Court. His first

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<sup>3</sup> *Sunil Batra v. Delhi Administration* 1978 (4) SCC 494

<sup>4</sup> *Law access to justice public interest litigation*. Available at: [https://www.bbau.ac.in/dept/HR/TM/LL.M.203 Unit 5.Public Interest Litigation.ePathshala.pdf](https://www.bbau.ac.in/dept/HR/TM/LL.M.203%20Unit%205.Public%20Interest%20Litigation.ePathshala.pdf) (Accessed: 29 January 2024).

<sup>5</sup> *M.C. Mehta (2023) Goldman Environmental Prize*. Available at: <https://www.goldmanprize.org/recipient/mc-mehta/#recipient-bio> (Accessed: 30 January 2024).

environmental case filed in the Supreme Court was regarding the Taj Mahal's discoloration, identifying the yellow marble's cause as pollution, and measures were called in to protect the monument. Following this, attention was also drawn towards the plight of the Ganges River due to various unsupervised polluting factories. Various orders were given, shutting factories surrounding the monument and the river. Many directions were given by the Court to control the pollution in these areas, such as setting up sewage treatment plants and mandatory installation of pollution control devices; Mehta also obtained an order from the Court to make lead-free gasoline available. The Court also made a decisive intervention regarding the problem of extensive air pollution in Delhi. An order was passed to shift to Compressed Natural Gas; due to these decisions and actions taken through PILs, India has witnessed a significant development.

In the field of gender justice, a prominent case law is *Vishaka v. State of Rajasthan*<sup>6</sup>; in this case, a PIL was filed regarding the gang rape of a social worker; due to this petition, questions arose surrounding the absence of working redressal mechanisms for harassment caused to women at workplace. Subsequently, the Supreme Court issued various guidelines to deal with the menace of sexual harassment of women in the workplace.

In its essence, notably, the trajectory of PIL has been essential for justice and enhancing the accountability of the higher authorities towards the rights of the underprivileged. These are only a few among the many instances where PILs have proven to be an essential tool for advancing justice in society. In years to come, PIL will be a critical stepping stone for India's move towards an equitable society. Hence, the continued evolution of this concept is essential. This tool, as proven time and time again, holds the potential to address emerging issues and shape the trajectory of societal advancement.

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<sup>6</sup> *Vishaka v. State of Rajasthan* AIR 1997 SC 3011

