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## **ABSTRACT**

*“Public interest litigation [PIL] is a legal tool which allows individuals, groups and communities to challenge government decisions and activities in a court of law for enforcement of the public interest. It serves as a protection of the public interest, and directly joins the public with judiciary. It gives a wider description to the right to equality, life and personality which is guaranteed under part iii of the constitution of India. It has introduced some kind of reliefs and remedies under the writ jurisdiction. It also functions as an effective instrument for changes in society or social welfare. Through PIL, any public or person can seek remedy on behalf of the oppressed class by introducing a PIL”.*

## **I. INTRODUCTION:**

Public Interest litigation itself says that this is litigation for any public interest. In the words of some learned people, we can say that public interest litigation is a litigation which can be filed in any court of law by any public-spirited person for the protection of **“Public Interest”**. Public interest litigation is not defined in any statute or any act. It has been interpreted by the judge to consider the intent of the public at large. This is just like a writ petition which is filed in high court or Supreme Court under Article 226 for High court and Article 32 for Supreme Court. When public interest is affecting at large then this can be filed but affection on only one person is not ground for filing this petition. **There are various areas where public interest litigation can be filed:**

- Violation of basic human rights of the poor.
- Content or conduct of government policy.
- Violation of basic fundamental rights.

In India, the first case of PIL was filed in 1976 named **Majdur Kaamgar Sabha vs. Abdul bhai Faizulla bhai**, where Krishna Iyer allowed a group of people to file petition on behalf of others. The rights of the members were violated by Krishna Iyer and held either one individual or group of individuals together can come to the court.



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## **I.I IMPORTANCE OF PUBLIC INTEREST LITIGATION:**

The public interest litigation practice functions as an effective instrument for changing society and ensuring welfare. PIL is solely responsible for providing relief and remedies of the writ jurisdiction. Public interest litigation provides a wider scope promoting the right to equality. Not only does it promote equality, but it also ensures right to life and personality. Part III of the Constitution of India guarantees right to quality, life, and personality.

### **I.II WHO CAN FILE A PIL?**

Any individual or group of people can file for a PIL if they prove to the Courts that they are not filing the petition for their personal agenda. Therefore, anybody who is a part of society and is facing an issue can file a PIL against the Government and not another individual or entity. There is a case named **M.C. Mehta vs. Union of India AIR (1987) 4 SCC 463**, in this case Shriram Food and Fertilizers Industry a subsidiary of Delhi Cloth Mills Limited was producing caustic and chlorine. On December 4th and 6th 1985, a major leakage of petroleum gas took place from one of the units of Shriram Food and Fertilizers Limited in the heart of the capital city of Delhi which resulted in the death of several persons that one advocate practicing in the Tees Hazari Courts died. Shriram Foods and Fertilizer Industries had several units engaged in the manufacture of caustic soda, chlorine, hydrochloric acid, stable bleaching powder, super phosphate, vanaspati, soap, sulphuric acid, alum anhydrous sodium sulphate, high test hypochlorite and active earth. All units were set up in a single complex situated in approximately 76 acres and they are surrounded by thickly populated colonies such as ***Punjabi Bagh, West Patel Nagar, Karampura, Ashok Vihar, Tri Nagar and Shastri Nagar*** and within a radius of 3 kilometers from this complex there is population of approximately 2, 00,000.

### **I.III AGAINST WHOM PUBLIC INTEREST LITIGATION CAN BE FILED?**

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Public interest litigation cannot file against only private party without concerning state govt. or central govt. as in the above case this case was against the union of India not to that corporation whose fault was there.

## **II. PROCEDURE:**

**Procedure to File a Public Interest Litigation:** Procedure to file a public interest litigation is just like filing a general writ in High Court or Supreme Court.

- 1. Proceedings in the Public Interest Litigation commence and carry on in the same manner as other cases.*
- 2. However, in between the proceedings the judge feels he may appoint a commissioner to inspect allegations like pollution being caused, trees being cut down, sewer problems, etc.*
- 3. After filing of replies, by opposite party, and rejoinder by the petitioner, final hearing takes place, and the judge gives his final decision.*

In a landmark judgment, in **D.K. Basu vs. State of West Bengal**, the court acted upon a letter petition which drew attention to the repeated instances of custodial deaths in West Bengal. The court further mandated that a relative of the arrested must be promptly notified. It made clear that the failure to comply with this direction would be punishable as contempt of court. The early PILs had witnessed the award of compensation by the court to victims of human rights violations. In the case of **Upendra Bakshi vs. Union of India**, a letter highlighting the pathetic condition of the young offenders was sent to S.C judge which was taken into consideration. Secondly in the case of **Hindustan Times vs. Central Pollution Board**, a newspaper cutting was taken as a complaint by the court of law. In other case **Kamalnath vs. Union of India**, Kamalnath had a lakeside hotel in Mussoorie. The proprietors wanted to increase the area. They encroached on the canal and built rooms there, thereby violating the right to clean the environment by taking pollution to a grievous level. A news item of the same appeared and it was considered by the court.

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### **III. THE PRESENT SCENARIO:**

In the past, many people have tried to misuse the privilege of *Public Interest Litigation* and thus the court now generally requires detailed narration of facts & complaints. After then the court will decide whether to issue notice and call the opposite party.

1. *However, as there is no statute laying down rules and regulations for Public Interest Litigation Still the court can treat a letter as a Public Interest Litigation.*
2. *However, the letter should bring true & clear facts, and if the matter is really an urgent one, the court can treat it as a Public Interest Litigation.*

But still, it depends upon facts and circumstances, and court has the entire discretion.

### **IV. RECENT CASE OF PIL:**

Recently in the territory of India many cases from the area of PIL has come into picture which has been filed in the court of law. This project put lights in a few cases related to PIL. As in 2008 a case was decided by Supreme Court named *Common Cause (A Regd. Society) vs. Union of India AIR 2008 SC 2116*, in this PIL Petitioner filed public interest litigation praying to court to enact a Road Safety Act in view of the numerous road accidents but in this case court held that court cannot direct legislation A perusal of the prayers made in this writ petition clearly shows that what the petitioner wants the courts to do is legislation by amending the law, which is not a legitimate judicial function so this Petition was dismissed by court of law.

Secondly, *Sanganmal Panday vs. State of U.P.*, The Luck now bench of Allahabad Court on Saturday stayed construction activities from Jail Road trisection to Kanshiram memorial till September 22 on a PIL alleging the Uttar Pradesh government's move was affecting the green belt in the area. A division bench comprising Pradeep Kant and Rituraj Awasthi passed this directive on a PIL filed by a local lawyer Sangamlal Pandey. Earlier, on September 17, the apex Court had disposed off Pandey's petition allowing him to file the PIL in the High



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Court. In his PIL, Pandey had contended that the government move was not environment-friendly, and construction work was going on in the green belt land.

## **V. CONCLUSION:**

So, by all discussion this is conclusion that public interest litigation is a process to put any public problem in the eyes of law but as it is said that nothing can be fully good so there are some good features then some bad are also there as we have discussed about the misuse of PIL. In the misuse of PIL it can be possible that any person of society sends PIL to tease any other person of the society in Indian law, means litigation for the protection of public interest. It is litigation introduced in a court of law, not by the aggrieved party but by the court itself or by any other private party. It is not necessary, for the practice of the court's jurisdiction, that the person who is the victim of the violation of his or her rights should personally approach the court. Public Interest Litigation is the power given to the public by courts through judicial activism. A judicial system can suffer no greater lack of credibility than a perception that its order can be flouted with impunity. This court must refrain from passing orders that cannot be enforced, whatever the fundamental right may be and however good the cause. It serves no purpose to issue some high-profile mandamus or declaration that can remain only on paper. Although usually the Supreme Court immediately passes interim orders for relief, rarely is a final verdict given, and in most cases, the follow-up is poor.

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