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Public Interest Litigation in India: The Role of The Supreme Court in Shaping India's Legal and Social Landscape

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ABSTRACT

The Supreme Court of India plays a vital role in maintaining democracy and justice through Public Interest Litigation (PIL), which enables individuals to request judicial action in matters of public concern. This mechanism has expanded access to justice and held the government and powerful entities accountable for systemic injustices. PIL originated in the late 1970s, influenced by global judicial activism, with significant cases like Hussainara Khatoon vs State of Bihar bringing attention to the issues faced by undertrial prisoners. Influential figures such as Justice P N Bhagwati have contributed to the development of PIL jurisprudence by highlighting the courts' responsibility to protect fundamental rights. The court's proactive stance has tackled social injustices, environmental issues, consumer rights, and the needs of marginalized groups. The growth of PIL has empowered citizens and led to policy changes, including the Right to Information Act, 2005, and social welfare initiatives like the Mid-Day Meal Scheme. However, there are criticisms regarding judicial overreach, potential misuse of PIL, and the need to balance legislative and judicial functions, which calls for improved case screening and management. The future of PIL hinges on addressing these issues, enhancing transparency, and fostering communication between the judiciary, legislature, and civil society. In response, the court has set guidelines for filing PILs to filter out frivolous cases and protect its integrity. As the Supreme Court confronts contemporary challenges such as climate change, technological progress, digital privacy, and LGBTQ rights, it must adapt while adhering to constitutional limits. PIL has profoundly influenced Indian society by advocating for the public interest and promoting a fairer society. The Supreme Court's dedication to justice and equity through PIL has made a significant impact, but ongoing efforts are necessary to ensure its effectiveness amid evolving challenges. The future of PIL relies on vigilance against misuse, heightened legal awareness, and the court's capacity to respond to changing societal dynamics.

Keywords: PIL, Court, Society, Judicial, Justice.

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I. INTRODUCTION

Public Interest Litigation has altered India's legal map by turning an elite-only system into a powerful way to achieve social justice. This groundbreaking legal tool has made justice accessible to millions of disadvantaged Indians through simpler procedures and flexible rules.

Justice P.N. Bhagwati's pioneering work in the late 1970s brought Public Interest Litigation to India. He is now known as PIL's founding father in the country. The system draws its strength from Article 32 and follows the state policy's directive principles. PIL has become essential to protect fundamental rights and ensure social welfare. Over time, it has grown to tackle problems from environmental concerns to human rights violations while staying true to natural justice principles.

This piece looks at how public interest litigation works in India, its growth, and what it means for democracy and justice. We explore its innovative procedures and current challenges in today's legal system. Modern technology and global practices continue to shape this vital legal tool's future.

II. HISTORICAL EVOLUTION OF PIL IN INDIA

The rise of Public Interest Litigation (PIL) in India shows a remarkable transformation in the country's legal framework. The legal system changed from traditional litigation practices to a more inclusive judicial system. This experience covers several decades and brought most important changes in legal philosophy and judicial approach.

(A) Pre-independence legal framework

Before India gained its independence, the legal landscape was a maze of strict procedures that often barred many from seeking justice. Up until the 1960s and 1970s, the courts treated legal battles as personal quests, focused solely on individual grievances. The notion of collective rights or the idea of public interest was virtually unheard of, leaving the realm of justice confined to those directly impacted by wrongdoing.²

(B) Post-emergency judicial activism

In the wake of the emergency, India's judicial scene underwent a groundbreaking metamorphosis. It all began in 1979 when Kapila Hingorani took a bold step and filed the inaugural Public Interest Litigation (PIL) concerning the plight of prisoners in Bihar's jails.

² Avantika Chavan, *Evolution of Public Interest Litigation (PIL) in India: A Comparative Analysis with International Jurisdictions.*, (July 27, 2023), <https://www.lawyersclubindia.com/articles/evolution-of-public-interest-litigation-pil-in-india-a-comparative-analysis-with-international-jurisdictions--16044.asp>.

This courageous act sparked a wave of change, ultimately paving the way for the liberation of more than 40,000 undertrial inmates.³ Justice P.N. Bhagwati and Justice V.R. Krishna Iyer became pioneers by introducing several groundbreaking changes:

- Relaxation of traditional locus standi rules;
- Introduction of epistolary jurisdiction;
- Development of non-adversarial litigation procedures;
- Expansion of constitutional rights interpretation.

The case of *S.P. Gupta vs. Union of India*⁴ marked a pivotal turning point in legal history. It set a groundbreaking precedent, allowing not just individuals but also social action groups to step forward and seek justice in the courts for the concerns of the public.⁵

(C) Modern Developments and Reforms

In its modern era, Public Interest Litigation (PIL) has undergone a remarkable transformation, ushering in significant institutional changes and fresh procedural advancements. The Supreme Court has laid down comprehensive guidelines designed to curb any potential misuse while still preserving the power of PILs to effect change. Recent trends indicate that courts are now taking a firm stance against baseless PILs, imposing hefty fines to deter such frivolous actions. Meanwhile, the Union Ministry of Law and Justice is hard at work crafting regulatory frameworks aimed at refining and expediting PIL processes.⁶

Public Interest Litigations (PILs) have evolved to tackle a wide array of pressing issues, ranging from safeguarding our environment to championing gender equality. The landmark *M.C. Mehta* environmental cases and the *Vishaka* guidelines for combating workplace sexual harassment serve as prime examples of how PILs have transformed to meet the demands of modern society. Reflecting on this evolution, former Prime Minister Manmohan Singh remarked in 2008 that, “as with many aspects of public life, we might have taken PILs a bit too far.”⁷ This highlights growing concerns about potential misuse that led to increased scrutiny.

III. CONSTITUTIONAL FRAMEWORK AND LEGAL BASIS

Public Interest Litigation in India stands on strong legal foundations that blend fundamental

³ Saroj Bohra, *Public Interest Litigation*, (Sept. 20, 2012), <https://www.manupatra.com/roundup/379/article/s/public%20interest%20litigation.pdf>.

⁴ *S.P. Gupta vs. Union of India*, AIR 1982 SC 149.

⁵ ASIAN JUDGES NETWORK ON ENVIRONMENT, <https://www.ajne.org/sites/default/files/event/7/session-materials/h.-kohli.-session-7-public-interest-litigation-justice-hima-kohli.pdf> (last visited Dec. 16, 2024).

⁶ *Id.*

⁷ *Id.*

rights protection with social justice objectives. The Supreme Court and High Courts can address public grievances through this unique mix of constitutional provisions.

(A) Articles 32 and 226

Two significant articles provide the constitutional basis for PIL. The Indian Constitution's Article 32 lets citizens directly approach the Supreme Court to enforce their fundamental rights. Known as the "heart and soul" of the Constitution, this Article gives the Supreme Court power to issue various writs like Habeas Corpus, Mandamus, Prohibition, Quo Warranto, and Certiorari. Article 226 gives High Courts the authority to issue writs that protect both fundamental and other legal rights. The landmark case of *Bandhua Mukti Morcha v. Union of India*⁸ broadened the horizons of Article 226, revealing that its reach surpasses even that of Article 32.⁹

(B) Fundamental Rights Protection

The safeguarding of fundamental rights is the very essence that fuels the Public Interest Litigation (PIL) landscape. Within the Constitution's Part III lies a comprehensive blueprint that outlines the dynamics between the state and its people. Courts have taken a creative approach in interpreting these rights, particularly Article 21, expanding its scope to encompass various dimensions of human dignity. Today, the right to life has evolved to embrace:

- The right to free legal assistance;
- The right to a life of dignity;
- The right to education;
- The freedom from torture and cruel treatment.¹⁰

(C) Directive Principles Integration

The courts have significantly broadened the horizons of Public Interest Litigation (PIL) by incorporating the Directive Principles of State Policy (DPSP). While these principles may not hold direct enforceability, the judiciary has artfully intertwined them with fundamental rights, transforming them into enforceable mandates.¹¹ The directive principles serve as a compass for crafting state policies, a blueprint for achieving social justice, a cornerstone for safeguarding

⁸ *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802.

⁹ Rachit Garg, *Difference between Article 32 and Article 226 - iPleaders*, IPleaders (Nov. 17, 2020), <https://blog.ipleaders.in/difference-article-32-article-226/>.

¹⁰ DEPARTMENT OF LEGAL AFFAIRS, <https://legalaffairs.gov.in/sites/default/files/AS93.pdf> (last visited Dec. 16, 2024).

¹¹ *Id.*

the environment, and a bedrock for upholding economic rights.¹²

Article 39A shines brightly in the realm of justice, as it compels the state to guarantee that everyone, regardless of their financial standing, has access to equal justice and free legal assistance.¹³ This integration helps the judiciary address broader socio-economic issues through PIL, making it a powerful tool for social transformation and justice delivery.

IV. PROCEDURAL INNOVATIONS IN PIL

India's PIL system has changed access to justice by removing traditional barriers that kept marginalized groups from seeking legal remedies. The judicial system became more available to common citizens through major shifts from conventional legal procedures.

(A) Relaxation of Locus Standi

The Supreme Court has revolutionized the landscape of public interest litigation in India with its innovative take on locus standi. Gone are the days when only those who suffered direct personal harm could seek justice; now, anyone with a heart for the community can step up and file petitions on behalf of marginalized groups. This shift has opened the floodgates for advocates of social change, empowering a new wave of voices to champion the rights of the underprivileged.¹⁴ This transformation provided a lifeline for those who felt barred from the courtroom due to financial struggles, feelings of powerlessness, or the weight of social and economic challenges.¹⁵ The groundbreaking case of *S.P. Gupta v. Union of India*¹⁶ illuminated the path for anyone championing the cause of the public to seek the court's intervention in tackling societal issues.¹⁷

(B) Epistolary Jurisdiction

The rise of epistolary jurisdiction has added a fascinating twist to the realm of Public Interest Litigation (PIL) procedures. Between 2015 and 2019, the Supreme Court was inundated with a staggering 2 to 2.5 lakh letters under this innovative approach. Now, courts have the power to transform heartfelt letters and postcards into official petitions, particularly when addressing pressing issues such as:

¹² DRISHTI JUDICIARY, <https://www.drishtijudiciary.com/editorial/public-interest-litigation-pil> (last visited Dec. 16, 2024).

¹³ KNOW INDIA, <https://knowindia.india.gov.in/profile/directive-principles-of-state-policy.php> (last visited Dec. 16, 2024).

¹⁴ LSE THESES ONLINE, <https://etheses.lse.ac.uk/1417/1/U084680.pdf> (last visited Dec. 16, 2024).

¹⁵ INTERNATIONAL ENVIRONMENTAL LAW RESEARCH CENTRE, <https://www.ielrc.org/content/a0003.pdf> (last visited Dec. 16, 2024).

¹⁶ *S.P. Gupta v. Union of India*, [1982] 2 S.C.R. 365.

¹⁷ Gulnar A Mistry, *What a Jagged Little PIL: The People's Court at 75*, Supreme Court Observer (Aug. 14, 2024), <https://www.scobserver.in/75-years-of-sc/what-a-jagged-little-pil-the-peoples-court-at-75/>.

- The plight of bonded laborers;
- The welfare of neglected children;
- The dire conditions within prisons;
- Environmental challenges;
- The injustices faced by women and marginalized groups.¹⁸

The Supreme Court showed this approach in many cases. In the case of *Sunil Batra v. Delhi Administration*,¹⁹ the court took a prisoner's heartfelt letter detailing his experiences of torture and elevated it to the status of an official petition.²⁰

(C) Court-Appointed Commissioners

The Supreme Court has ingeniously established a cadre of court-appointed commissioners to streamline the evidence-gathering process in Public Interest Litigation (PIL) cases. These commissioners hail from a diverse array of professions, including district judges, journalists, and mental health experts, serving as the court's vigilant eyes and ears on the ground. Their roles are multifaceted and impactful, allowing them to:

- Undertake thorough independent investigations;
- Collect crucial evidence from the impacted regions;
- Present comprehensive reports to the court;
- Oversee the execution of court directives.²¹

This system shines when it comes to tackling environmental issues. The Court leans on the expertise of organizations such as the Central Pollution Control Board (CPCB) and the National Environmental Engineering Research Institute (NEERI) to provide insightful technical evaluations.²²

V. ROLE OF JUDICIARY IN SHAPING PIL

The Indian judiciary revolutionized public interest litigation through its power to interpret laws and create new approaches. Courts have expanded PIL's scope way beyond its original concept since the late 1970s. This expansion turned PIL into a powerful tool that delivers social change

¹⁸ N. Sathish Gowda, *EPISTOLARY JURISDICTION: A TOOL TO ENSURE HUMAN RIGHTS OF HAVE-NOTS*, CMR University (Nov. 29, 2022), <https://www.cmr.edu.in/school-of-legal-studies/journal/wp-content/uploads/2022/11/EPISTOLORY-CMR.pdf>.

¹⁹ *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 409.

²⁰ N. SATHISH, *supra* note 17, at 3.

²¹ INTERNATIONAL, *supra* note 14, at 6.

²² *Id.* at 9-11.

and justice.

(A) Judicial Activism vs Judicial Restraint

The Supreme Court walks a fine line between judicial activism and restraint when it comes to Public Interest Litigations (PILs). While judicial activism empowers the courts to address urgent social challenges, it raises concerns about maintaining the delicate balance of power among branches of government.²³ The courts demonstrated their proactive spirit by transforming letters into writ petitions and designating fact-finding commissioners to delve deeper into the matters at hand.²⁴ Skeptics warn that this could pave the way for excessive meddling and encroachment upon the powers of the executive branch.²⁵

(B) Innovative Remedies and Orders

The courts have conjured up a variety of imaginative remedies to tackle issues that matter to the public. One such solution is providing financial restitution for breaches of constitutional rights.²⁶ Others include:

- Environmental protection mandates, such as the compulsory use of CNG fuel, are designed to safeguard the planet;²⁷
- Guidelines to prevent workplace harassment;
- Directions for prison reform and undertrial releases.

The Supreme Court highlights that Public Interest Litigation (PIL) is more of a collective endeavor than a confrontational battle. It's a united effort where all involved come together to empower marginalized communities in their quest for human rights.²⁸ This philosophy created unique solutions that reach beyond traditional legal fixes.

(C) Monitoring Mechanisms

Courts have established robust monitoring systems to ensure the effective implementation of Public Interest Litigation (PIL) orders. To oversee this process, they have enlisted a diverse group of monitors, including:

²³ WORLD BANK, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/675001468042007347/public-interest-litigation-in-india-overreaching-or-underachieving> (last visited Dec. 17, 2024).

²⁴ INTERNATIONAL, *supra* note 14, at 8-9.

²⁵ LAWBHOO MI, <https://lawbhoomi.com/judicial-activism-and-public-interest-litigation/> (last visited Dec. 17, 2024).

²⁶ SAROJ, *supra* note 2.

²⁷ *Id.*

²⁸ Pritam Kumar Ghosh, *Judicial Activism and Public Interest Litigation in India*, 1 GJLS 77, 77-96 (2013).

- District judges and journalists, who serve as fact-finding commissioners;²⁹
- Renowned organizations such as the Central Pollution Control Board (CPCB) and the National Environmental Engineering Research Institute (NEERI) are at the forefront of tackling environmental issues;³⁰
- A friend of the court (Amicus Curiae) to lend a hand in intricate legal matters;³¹
- Special committees for ongoing supervision.

These monitoring systems shine brightly when it comes to safeguarding our environment and promoting social welfare. Courts are on the ball, diligently keeping tabs on the execution of their directives and demanding consistent updates from government bodies.³² This hands-on approach ensures PIL judgments create real social benefits instead of just remaining on paper.

VI. IMPACT ON HUMAN RIGHTS PROTECTION

Public Interest Litigation has become a powerful tool to protect human rights in India. It has turned the judicial system into a platform that delivers social change and justice. PIL has substantially expanded human rights protection in all domains through new interpretations and active interventions.

(A) Rights of Marginalized Groups

Public Interest Litigation (PIL) has revolutionized the way marginalized communities seek justice, opening doors for those who previously lacked the resources to navigate the legal system. Thanks to the Supreme Court's efforts via PIL, over 40,000 undertrial prisoners in Bihar have found their path to freedom.³³ This legal instrument serves as a robust shield for the rights of women, children, and other at-risk groups. Courts are now taking a proactive role in overseeing welfare programs and protective laws, ensuring that justice is served and rights are upheld.³⁴

PIL's effects touch many areas of social welfare:

- Protection of bonded laborers and child workers;
- Rights of prisoners and mental health patients;

²⁹ INTERNATIONAL, *supra* note 14, at 5.

³⁰ *Id.* at 9-11.

³¹ *Id.* at 5-6.

³² Abhinav Mukundhan, *Role of the Judiciary in Promoting Public Interest Litigation in India*, (Sept. 1, 2023), <https://vakilsearch.com/blog/role-of-the-judiciary-in-promoting-public-interest-litigation-in-india/>.

³³ WORLD, *supra* note 22.

³⁴ *Public Interest Litigation in India: Empowering the Voiceless*, Edzorb Law (Sept. 9, 2024), <https://edzorb.com/2024/09/09/public-interest-litigation-in-india-empowering-the-voiceless/>.

- Access to education and healthcare;
- Protection against discrimination and exploitation.

(B) Environmental Protection

Public Interest Litigations (PILs) have significantly contributed to the preservation of India's ecological balance. The intervention of the Supreme Court via PILs has facilitated substantial environmental reforms, including:

- The compulsory adoption of CNG for public transport in Delhi;
- Stringent measures to curb industrial pollution;
- Safeguarding of forested areas and wildlife sanctuaries;
- Efforts to conserve precious natural resources.³⁵

The M.C. Mehta cases shine brightly in the realm of environmental law. They prompted the Supreme Court to implement rigorous environmental regulations and hold industries accountable for their pollution.³⁶ The Court employs the principle of "absolute liability" to ensure that those who pollute are held accountable, providing compensation to affected individuals and aiding in the rejuvenation of our environment.³⁷

(C) Social Justice Delivery

Public Interest Litigation (PIL) has significantly transformed the landscape of social justice in India by providing a mechanism to confront systemic inequalities. The Supreme Court's engagement with PIL has resulted in the establishment of comprehensive guidelines aimed at preventing workplace harassment, the implementation of food security initiatives, reforms in the delivery of public healthcare services, and the safeguarding of workers' rights.³⁸

Dr. Justice A.S. Anand, the esteemed former Chairperson of the National Human Rights Commission, champions the Public Interest Litigation (PIL) as a testament to the judiciary's relentless pursuit of justice for India's marginalized communities. This powerful tool serves as a beacon of hope, allowing the voices of the small and vulnerable minorities to resonate within the hallowed halls of justice.³⁹

The impact of Public Interest Litigation (PIL) on safeguarding human rights is vividly illustrated

³⁵ ASIAN, *supra* note 4.

³⁶ PUBLIC, *supra* note 33.

³⁷ ASIAN, *supra* note 4.

³⁸ PUBLIC, *supra* note 33.

³⁹ *Public Interest Litigation to protect Human Rights*, National Human Rights Commission India (Sept. 19, 2018), <https://nhrc.nic.in/press-release/public-interest-litigation-protect-human-rights>.

through its engagement with the Right to Information Act, ensuring that this legislation operates at its full potential. Courts have beautifully intertwined the concepts of human rights and environmental health through PIL, fostering a holistic approach to environmental protection that also champions the rights of communities. This synergy paves the way for comprehensive measures that not only shield our planet but also uphold the dignity and rights of its inhabitants.⁴⁰

VII. TECHNOLOGY AND MODERN PIL

Technology has reshaped the way Public Interest Litigation works in India. Traditional legal procedures have become simplified digital processes. The judicial system is now more available, optimized, and transparent.

(A) E-filing Systems

The launch of e-filing systems marks a significant leap forward in India's journey towards a digital legal landscape. Spearheaded by the Supreme Court's e-Committee, this innovative e-filing framework empowers individuals to submit both civil and criminal cases online, seamlessly connecting them with High Courts and District Courts.⁴¹ Unveiled on April 9, 2021, the cutting-edge e-filing 3.0 Portal introduces a host of exciting new functionalities:⁴²

- Video recording system for oath submissions;
- Dashboard that integrates case management;
- Payment processing electronically;
- Tools to index documents;
- Videos and manuals to help users.

The world of e-filing has seen a remarkable surge in popularity! As of August 2024, a total of 25 High Courts and 25 District Courts have embraced the new model rules. This digital transformation has proven to be a game-changer for government litigation, streamlining processes and enhancing efficiency. In fact, by January 2022, all government departments were given the green light to transition to electronic case filing, marking a significant leap into the future of legal proceedings.⁴³

⁴⁰ Mohammad Tariq & Nagendra Singh Raghav, *Role of Public Interest Litigation in the Development of Right to Information and Human Rights in India*, 10 JETIR f388, f388-f399 (2023).

⁴¹ E-COMMITTEE, SUPREME COURT OF INDIA, <https://ecommitteesci.gov.in/service/e-filing/> (last visited Dec. 19, 2024).

⁴² DEPARTMENT OF JUSTICE INDIA, <https://doj.gov.in/efiling/> (last visited Dec. 19, 2024).

⁴³ *Id.*

(B) Digital Evidence Management

The realm of digital evidence management has introduced fresh dimensions to PIL proceedings. With the advent of the Bharatiya Nagarik Suraksha Sanhita (BNSS), there's now a mandate for the collection of forensic evidence in cases that could lead to a prison sentence of seven years or longer.⁴⁴ The framework includes:

The system captures crucial evidence using cutting-edge audio-visual techniques, providing vital support to those in vulnerable positions. For instance, female officers now have the ability to record the testimonies of rape victims in safe and comfortable environments of their choosing, thanks to this innovative technology.⁴⁵ This digital shift covers witness statements, identification parades, and expert testimonies, making everything simpler and more available.

(C) Social Media Impact

Social media has emerged as a formidable instrument for raising awareness on matters of public concern. However, the judiciary treads cautiously when it comes to incorporating it into legal processes. The Bombay High Court has made it abundantly clear that “data sourced from social media cannot be included in the pleadings of a Public Interest Litigation.”⁴⁶ This position shows concerns about social media information's reliability in legal cases.

Recent developments highlight the judiciary's approach to the challenges posed by technology. The Delhi High Court recently examined a Public Interest Litigation concerning the unchecked rise of Artificial Intelligence and deepfake technologies, reflecting the increasing public unease surrounding these tech advancements.⁴⁷ Courts emphasize balanced solutions that protect people while supporting technological progress.

The landscape of Public Interest Litigation (PIL) has been transformed by advancements in technology, enhancing the way we monitor and manage legal proceedings. Nowadays, courts are embracing video conferencing for hearings, utilizing digital evidence systems, and implementing electronic case management tools. This tech-savvy approach has truly shone during challenging times, particularly during the COVID-19 pandemic, when e-filing became a lifeline for many, allowing them to navigate the legal system from the safety of their homes.⁴⁸

⁴⁴ Ravi Sharma, *Revolutionising digital forensics: India's new legal frontiers*, (July 27, 2024), <https://www.barandbench.com/columns/revolutionizing-digital-forensics-indias-new-legal-frontiers>.

⁴⁵ *Id.*

⁴⁶ Press Trust of India, *Info gathered from social media cannot be part of pleadings in PIL: HC*, Business Standard, (Nov. 28, 2023).

⁴⁷ Nupur Thapliyal, *Delhi High Court Seeks Centre's Stand On PIL Against Non-Regulation Of Artificial Intelligence And Deepfake Technologies*, Live Law (Dec. 4, 2023), <https://www.livelaw.in/high-court/delhi-high-court/delhi-high-court-pil-non-regulation-artificial-intelligence-deepfake-technologies-243638>.

⁴⁸ DEPARTMENT, *supra* note 41.

VIII. INTERNATIONAL COMPARATIVE ANALYSIS

A look at public interest litigation systems worldwide shows how different countries tackle public grievances through their legal systems. India's PIL system has grown into a resilient framework for social justice. Other nations have created their own unique ways to advocate for public interest.

(A) PIL in Other Jurisdictions

The United States has been at the forefront of contemporary public interest litigation, paving the way for a new era of legal advocacy. The cornerstone of this movement was laid with the Sherman Antitrust Act of 1890, which set the stage for a robust legal framework. In the American landscape, two primary avenues emerge: suits initiated by the Attorney General and those brought forth by citizens themselves. These legal battles are vital, especially in the realm of environmental protection. Meanwhile, across the pond, the United Kingdom follows a distinct route with its blend of procurator and representative actions. The Crown Procedure Act empowers prosecutors to champion the interests of the royal family in matters of public concern, showcasing a unique approach to legal representation.⁴⁹

The German legal landscape boasts a robust and comprehensive legislative structure. Provisions for Public International Law are woven into the fabric of its Constitution, Administrative Procedure Law, and Civil Procedure Act. In a remarkable display of civic empowerment, German citizens have the right to contest any laws deemed unconstitutional directly at the Constitutional Court, regardless of how those laws may impact them personally.⁵⁰

(B) Global Best Practices

Across the globe, legal frameworks have crafted strategies that enhance the power of Public Interest Litigation (PIL) and introduce exciting new procedural innovations:

- South Africa's robust Public Interest Litigation (PIL) framework stands as a guardian of constitutional rights, showcasing the nation's unwavering commitment to justice and equity;⁵¹
- Brazil is embracing a progressive mindset with its innovative "ações populares" (popular actions) initiative;⁵²

⁴⁹ Pengfei Ji, *A Comparative Study on the Domestic and Overseas Public Interest Litigation System*, 5 OJPS 197, 198-199 (2015).

⁵⁰ *Id.* at 199-200.

⁵¹ AVANTIKA, *supra* note 1.

⁵² *Id.*

- India's legal system embraces the art of letter petitions, allowing individuals to express their grievances through written correspondence.⁵³

According to the Ford Foundation's research, effective Public Interest Law (PIL) practices across various regions exhibit some key similarities. First, models that ensure group representation empower a diverse array of voices. Second, the synergy between community organizing and public education creates a powerful force for change. Third, media coverage plays a crucial role in amplifying awareness and sparking conversations. Lastly, even when cases don't achieve their intended outcomes, they still serve as vital records of institutional injustices.⁵⁴

(C) Cross-Border Applications

The landscape of international public interest litigation (PIL) has seen a remarkable surge, tackling pressing global issues through united legal efforts. The European Court and the Commission of Human Rights play pivotal roles in amplifying the influence of international law. These cross-border PIL endeavors boast key characteristics and strategic approaches, notably the meticulous documentation of human rights abuses to bolster international advocacy.⁵⁵

Lately, there's been a fascinating shift in the legal landscape, with lawyers joining forces across international lines. They're weaving international laws into the fabric of domestic courts in various regions. This trend has particularly flourished in post-communist European nations that have become part of the Council of Europe. Now, international conventions are seamlessly integrated into their local legal frameworks, creating a rich tapestry of collaboration and legal innovation.⁵⁶

The triumph of cross-border private international law hinges on a variety of elements:

- The structure of government and the legal frameworks in place;
- The autonomy of the judiciary and the efficiency of court proceedings;
- The perspectives of the public regarding legal processes.⁵⁷

⁵³ GSDRC, <https://gsdrc.org/document-library/public-interest-litigation-an-international-perspective/> (last visited Dec. 19, 2024).

⁵⁴ Ford Foundation: Mary McClymont & Stephen Golub, *Many Roads to Justice: The Law Related Work of Ford Foundation Grantees Around the World*, (Apr. 12, 2000), http://www.law.nyu.edu/sites/default/files/upload_documents/Hershkoff%20-%20An%20International%20Perspective.pdf.

⁵⁵ GSDRC, *supra* note 52.

⁵⁶ FORD, *supra* note 53, at 89-260.

⁵⁷ GSDRC, *supra* note 52.

Even when lawsuits don't succeed, they still hold value. They enlighten individuals and foster constructive views on significant matters. Global organizations are becoming ever more crucial in broadening the impact of Public Interest Litigation, particularly when local remedies fall short.⁵⁸

IX. FUTURE CHALLENGES AND OPPORTUNITIES

Public Interest Litigation serves as a vital instrument of justice delivery in India, and it continues to grow. However, this mechanism faces several critical challenges that need careful attention and strategic solutions. Recent Supreme Court observations point to growing concerns about how well PILs work and their potential misuse in today's legal practice.

(A) Addressing Frivolous Litigation

India's legal landscape is grappling with a significant challenge; the surge of frivolous Public Interest Litigations (PILs). In a bid to uphold the sanctity of these legal petitions, the Supreme Court has taken a firm stance, imposing hefty fines to deter misuse and preserve the true essence of PILs.⁵⁹ The judicial system has crafted a comprehensive set of rules to tackle this challenge head-on. They meticulously check the credentials of those filing petitions before considering their requests. They also evaluate the substance of each petition to ensure it holds significance for the public good. Moreover, they give precedence to cases that impact the wider community and require immediate action.⁶⁰

The courts have taken a stand, demonstrating their dedication by slapping hefty fines on those who waste their time with frivolous petitions. The Supreme Court has directed the registry to collect penalties from individuals who submit unnecessary Public Interest Litigations (PILs).⁶¹ This approach helps preserve PIL's sanctity while genuine cases can still access justice.

(B) Strengthening Implementation

The effectiveness of PILs is encountering significant hurdles in their execution. In response, the courts have devised innovative monitoring strategies to tackle these challenges head-on. They've taken the initiative to appoint commissioners to oversee the process, demand regular updates from the agencies responsible for implementation, harness technology for enhanced tracking, and establish dedicated monitoring committees to ensure everything runs smoothly.⁶²

⁵⁸ *Id.*

⁵⁹ COMMON CAUSE INDIA, <https://www.commoncause.in/latest-pils.php> (last visited Dec. 19, 2024).

⁶⁰ NEXT IAS Team, *Public Interest Litigation (PIL)*, (Apr. 25, 2024), <https://www.nextias.com/blog/public-interest-litigation/>.

⁶¹ DEPARTMENT, *supra* note 9, at 1-3.

⁶² MAHANIRBAN CALCUTTA RESEARCH GROUP, <http://www.mcrg.ac.in/PP47.pdf> (last visited Dec. 19,

The judicial system places a high priority on robust enforcement strategies, particularly in cases that touch on deep-rooted or systemic challenges.⁶³ Past experiences reveal that court rulings often fall short of their intended impact if they aren't executed effectively. To address this, the Supreme Court has adopted the practice of "continuing mandamus", allowing it to maintain oversight on cases that require persistent attention and supervision.⁶⁴

(C) Emerging Areas of Public Interest

The scope of Public Interest Law (PIL) continues to broaden, encompassing new domains that address contemporary societal challenges. These areas warrant significant attention:

1. *Safeguarding the Environment and Combating Climate Change:-*

- Managing industrial pollution;
- Preserving our natural resources;
- Implementing strategies to mitigate climate change.⁶⁵

2. *Digital Rights and Tech Trends:-*

- Safeguarding your data privacy;
- Regulating the realm of AI;
- Navigating the landscape of social media governance.⁶⁶

The courts are increasingly tuning into the tech world, thanks to Public Interest Litigations (PIL). Lately, they've been diving into issues like safeguarding against cyber dangers, setting rules for emerging technologies, championing digital privacy rights, and ensuring everyone has access to digital resources.⁶⁷

The road ahead for Public Interest Litigations (PIL) in India is a mixed bag of hurdles and possibilities. The Supreme Court has highlighted the necessity for a makeover in PIL frameworks to effectively tackle contemporary challenges.⁶⁸ The infusion of technology into PIL (Public Interest Litigation) processes opens up a world of exciting possibilities, including:

- Enhanced management of cases;

2024).

⁶³ NEXT, *supra* note 58.

⁶⁴ MAHANIRBAN, *supra* note 60, at 11-21.

⁶⁵ COMMON, *supra* note 57.

⁶⁶ Pravien Raj, *The Future of Public Interest Litigation in India*, (Apr. 3, 2023), <https://vakilsearch.com/blog/the-future-of-public-interest-litigation-in-india-challenges-and-opportunities/>.

⁶⁷ *Id.*

⁶⁸ LAWBHOOMI, <https://lawbhoomi.com/the-problems-in-public-interest-litigation-in-india/> (last visited Dec. 19, 2024).

- Streamlined monitoring systems;
- Simplified pathways to justice;
- Efficient tracking of implementation efforts.⁶⁹

The judiciary is fine-tuning its strategy for Public Interest Litigations (PILs), striking a harmonious balance between making them accessible and curbing any potential abuse. The latest directives from the Supreme Court highlight key priorities, including:

- Championing authentic and valid PILs;
- Establishing comprehensive regulations at the High Court level;
- Scrutinizing the credentials of petitioners;
- Ensuring that the essence of public interest remains at the forefront.⁷⁰

These transformations signal a significant evolution in enhancing the efficacy of Public Interest Litigations (PILs) while prioritizing the common good. Courts are now placing a spotlight on accountability in PIL processes by honing in on:

- Transparent disclosure mandates;
- Adhering rigorously to filing protocols;
- Diligent examination of petition details;
- Consistent monitoring of implementation progress.⁷¹

PIL keeps changing to meet society's needs while tackling new challenges. The judiciary combines traditional principles with modern breakthroughs to ensure PIL remains a powerful tool for social justice in India's legal system.

X. CONCLUSION

Public Interest Litigation has changed India's legal system by making justice more accessible and driving social reform. Over the decades, PIL has grown from a new judicial concept into a complete system that protects fundamental rights and addresses public grievances.

PIL's development shows remarkable achievements in many areas. The system now gives more people access to justice through constitutional provisions and new procedures. Modern technology has also made legal proceedings easier. PIL's effects range from protecting the

⁶⁹ PRAVIEN, *supra* note 64.

⁷⁰ NEXT, *supra* note 58.

⁷¹ DEPARTMENT, *supra* note 9, at 1-3.

environment to advocating for human rights, which shows how well it works for different social issues.

The courts have found the right balance between judicial activism and restraint. They've created new solutions and ways to check if their orders are followed properly. When one person compares it to other countries, India's approach to PIL stands out because it's easy to use and has strong constitutional protection.

PIL faces some challenges today. The system needs better ways to handle frivolous cases and make sure orders are followed. New issues like digital rights and climate change create opportunities for PIL to grow as a tool for social justice.

PIL's soaring win shows how dedicated India's judiciary is to justice for everyone, especially people from disadvantaged backgrounds. This legal tool continues to drive social change and upholds constitutional values while adapting to today's challenges.
