

FROM PUBLIC INTEREST TO PRIVATE AGENDA: THE MISUSE OF PIL AND ITS THREAT TO JUDICIAL INTEGRITY

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ABSTRACT

Established on the communist framework, it progressively expedited social and economic revolution; yet, by the late 1980s, PIL had redefined the legal landscape of India. Since its establishment, the Supreme Court of India has adopted an activist role, enhancing accessibility but simultaneously complicating the process. Originally established to safeguard the rights of marginalized groups, the law has progressively transformed into an instrument of harassment and exploitation. This paper examines the origins of the significant Hussainara Khatoon case and provides an in-depth analysis of Public Interest Litigation (PIL) in India, its development, and its influence on the legal framework. This paper critically analyzes the current function of PIL cases as their prevalence increases, emphasizing both benefits and weaknesses. In conclusion, the study elucidates insights and recommendations to guarantee that PIL remains a genuine instrument of justice rather than a tool for manipulation, so reinforcing its role as a protector of public interest and legal integrity.

Keyword: *Public Interest Litigation, harassment, exploitation.*

1. INTRODUCTION

“We would, therefore, hold that any member of the public having sufficient interest can Maintain an action for judicial redress for public injury arising from breach of public duty or from violation of some provision of the Constitution or the law and seek enforcement of such public duty and observance of such constitutional or legal provision. This is absolutely essential for maintaining the rule of law, furthering the cause of justice and accelerating the pace of realization of the constitutional objective.”

- Justice P.N. Bhagwati¹

Public interest litigation denotes legal action commenced in a court to safeguard the public interest, necessitating standing in the judicial system. It aims to represent individuals and groups unable to advocate for themselves and whose rights have been violated. They typically lack the financial resources or the expertise to pursue justice independently.

In India, **Part III of the Constitution** confers fundamental rights upon citizens, while **Article 32²** permits them to immediately petition the Supreme Court for the enforcement of these rights

via established procedures. **Article 32** is advantageous for those who are the true victims; nonetheless, unconventional thinkers perceive it as largely self-serving.

2. ENFORCEMENT OF PUBLIC INTEREST LITIGATION IN INDIA AND ITS CAUSES

Public Interest Litigation (PIL) emerged from the judicial activism of the Supreme Court of India and was established in the early 1980s. In the seminal decision of **S. P. Gupta v. Union of India (1981)³**, **Justice P. N. Bhagwati** elucidated the notion of Public Interest Litigation (PIL), which permits legal action when an individual or a collective suffers detriment due to the infringement of constitutional or legal rights.

In instances of criminal acts, constitutional violations, or abuse of authority that result in harm or liability, particularly to economically disadvantaged, socially excluded, or disabled individuals, those affected are entitled to seek judicial remedies. However, as it is probable that injured individuals may not consistently have the capacity to seek judicial recourse independently, any altruistic citizen may represent them in court.

¹ S. P. Gupta v. Union of India (UOI) and Ors., MANU/SC/0080/1981.

² INDIAN CONSTI. art. 32.

³ Supra note 2

Legal redress can be pursued in the High Court under **Article 226**⁴ and in the Supreme Court under **Article 32** in instances of fundamental rights violations. PIL thus serves as a mechanism to rectify legal injustices and deliver justice to individuals who are otherwise unable to access the courts.

The principle of locus standi has been relaxed in the context of Public Interest Litigation (PIL), allowing any concerned and honest citizen to petition the court to rectify violations of fundamental rights or statutory provisions, provided the action is undertaken bona fide and not for personal, political, or ulterior motivations. PIL has emerged as a potent instrument for social transformation, promoting the welfare of all societal segments. It serves as a mechanism of justice, particularly in a developing nation such as India, where it has significantly contributed to rectifying social injustices and legal deficiencies. PIL is dedicated to protecting the rights and wellbeing of impoverished and marginalized populations.

Some of the landmark cases illustrate the role played by PIL in India:

In the case of *Bandhua Mukti Morcha v. Union of India*⁵, the Supreme Court ordered the release of bonded laborers. In the case of *Murli S. Dogra v. Union of India*⁶, Supreme Court imposed ban prohibits smoking in public areas. In the case of *Delhi Domestic Working Women's Forum v. Union of India*⁷, guidelines were established for the rehabilitation and compensation of rape victims. In the case of *Vishaka & Others v. State of Rajasthan*⁸, the Supreme Court established standards for the prevention and punishment of sexual harassment of female employees in the workplace. These cases best illustrate how PIL has been successfully used in safeguarding the human rights of people and bringing about progressive legal reform.

3. HUSSAINARA KHATOON V. STATE OF BIHAR⁹

The inaugural Public Interest Litigation (PIL) in India was initiated in the case of Hussainara

Khatoon v. State of Bihar, resulting in the release of over 40,000 undertrial inmates and establishing the right to a quick trial as a basic legal principle. During the preliminary stage of Public Interest Litigation, the judiciary predominantly concentrated on the rights of inmates and the horrible conditions they endured in correctional facilities. This was attributable to attorneys, journalists, and vigilant citizens advocating for justice for individuals enduring hardships in India's correctional facilities. They employed many methods, including letters, postcards, and media reports, to draw the court's attention to these issues.

Prior to the Hussainara Khatoon case in 1979, only individuals with locus standi (i.e., those directly impacted) were permitted to pursue legal remedies. For the first time, the Supreme Court permitted a lawyer to represent a matter in which they had no direct personal stake. This historic verdict established PILs as a crucial instrument for administering justice to the disadvantaged.

The Supreme Court examined the ongoing cases in Bihar, where numerous inmates were incarcerated for durations exceeding those stipulated for their purported offenses. The court not only upheld the right to a speedy trial but also liberated thousands of detainees who had been held beyond the legally permissible duration. This ruling unequivocally affirmed that the right to a fair trial is a fundamental right within the Indian judicial framework.

According to **Article 21 of the Indian Constitution**, it is the constitutional obligation of the state to ensure security and justice. The court determined that the right to a quick trial must not be denied due to the state's financial or administrative incapacity. **Justice P. N. Bhagwati** elucidated that it is the responsibility of the state to undertake all these actions. These shall encompass the enhancement of investigative mechanisms and the establishment of additional courts. Constructing new court edifices, recruiting additional personnel, appointing more judges, and supplying sufficient operational resources to facilitate prompt trials.

⁴ INDIAN CONSTI. art. 226.

⁵ Bandhua Mukti Morcha v. Union Of India & Ors., MANU/SC/0051/1983.

⁶ Murli S. Deora v. Union of India, MANU/SC/0703/2001.

⁷ Delhi Domestic Working Women's Forum v. Union Of

India and Ors., MANU/SC/0519/1995.

⁸ Vishaka and Ors. v. State of Rajasthan, MANU/SC/0786/1997.

⁹ supra note 1.

The Supreme Court reaffirmed its role as a guardian of justice, ensuring that the state fulfills its constitutional duty to provide a fair and expedient trial for all individuals. This section elucidates the significance and function of Public Interest Litigation (PIL) in influencing public and governmental activities. Supported by the Department of Justice, PIL was established to guarantee access to justice for the oppressed class subjected to systemic injustices. The Supreme Court encouraged the state and central governments to establish a legal aid system that guarantees free legal services in compliance with the state's commitment under **Article 39A of the Indian Constitution**. This article asserts that free legal assistance is a fundamental component of guaranteeing fair and just legal proceedings.

The concept of PIL emerged, transforming into a potent tool that promotes justice for diverse marginalized people. **Pushpa Kapila Hingorani**, the attorney who initiated the PIL campaign, commented on its revolutionary influence, asserting:

“The success of the Hussainara Khatoon case was so profound that, in the 1980s, the Supreme Court created a dedicated PIL section within its Registry. The police and legal authorities were tasked with reviewing the overwhelming number of petitions and letters from citizens daily, selecting only the most critical cases for judicial consideration.”

The courts subsequently relaxed procedural formalities, facilitating the pursuit of Public Interest Litigation (PIL). Over time, it evolved into a fundamental charity legal instrument, enabling the court system to more effectively address the needs of poor and disadvantaged persons.

Lalit Valecha v. Union of India¹⁰ was a Public Interest Litigation in the Delhi High Court, wherein news and television channels were petitioned for an injunction or guidelines mandating adherence to the Code of Ethics and relevant judicial rulings in reports concerning loss of life or human suffering. This is disseminating detrimental information. **Article 19** stipulates that freedom of speech and expression is not absolute. Nonetheless, the court rejected the petition and determined that publicizing the death toll does not constitute defamatory news.

An appeal was submitted to the Delhi High Court in **Rajeev Suri v. Delhi Development Authority**¹¹, contesting the Central Vista Project on the basis of environmental repercussions, heritage implications, and infringement of land-use regulations. The Supreme Court subsequently addressed the case, denouncing the petition as an abuse of Public Interest Litigation. It explained that the objective of PIL is not to employ it indiscriminately to disrupt administrative decisions. It emphasized that the objective of Public Interest Litigation (PIL) is not to confer onto the judicial authority over ordinary administration, but to guarantee that individuals confronting injustice can access constitutional courts and safeguard their fundamental rights.

4. LAWS RELATED TO PUBLIC INTEREST LITIGATION ABUSE

Public Interest Litigation (PIL) may be initiated in both the Supreme Court and High Courts pursuant to **Article 32** and **Article 226 of the Indian Constitution**.

Article 32 grants citizens the right to petition the Supreme Court for the enforcement of fundamental rights as delineated in **Part III of the Constitution**. The court may issue writs including mandamus, habeas corpus, certiorari, and quo warranto when appropriate.

Article 226 empowers High Courts to issue writs for the safeguarding of fundamental rights and guarantees judicial remedies in cases of human rights violations.

5. PROBLEMS AND CONCERNS OF PIL:

- a) **Overloading the Judiciary:** The increase in Public Interest Litigation cases has significantly burdened the High Courts and the Supreme Court, obstructing regular judicial functions and contributing to the backlog of longstanding cases.
- b) **Misuse of PIL:** Currently, Public Interest Litigations (PILs) are submitted for personal or entrenched interests rather than for the collective welfare. This abuse results in trivial and unjustified lawsuits and the squandering of valuable judicial resources.

¹⁰ Lalit Valecha v. UOI & Ors. W.P.(C) 5109/2021.

¹¹ Rajeev Suri v. Delhi Development Authority and Ors.,

MANU/SC/0001/2021.

- c) **Interferes with governance:** The primary criticism of PIL is that it encroaches into the jurisdiction of the Legislature and Executive. Over time, the initial focus of PIL on social justice has diminished, resulting in courts becoming entangled in policy and governance issues rather than addressing infringement of fundamental rights.
- d) **Judicial Overreach:** In certain instances, Public Interest Litigations (PILs) are employed not to safeguard the rights of oppressed groups, but to contest governmental choices, policies, or administrative actions. This has raised apprehensions over the court exceeding its constitutional authority and encroaching upon domains designated for the Executive and Legislature.

6. TRIBUNAL JURISDICTION FOR LETTERS AND COMPLAINTS

Only letters or complaints falling under the following categories shall be considered by the tribunal:

- Issues Related to Imprisoned Individuals
- Neglected Children
- Non-Payment of Minimum Wages and Exploitation of Temporary Workers
- Complaints made by prisoners on various issues, such as abuse, release after 14 years of imprisonment, death in custody, transfer requests, release on personal bond, and immediate trial
- Police-Related Complaints, such as refusal of registration of cases, police harassment, and custodial deaths
- Cases under Violence Against Women including Domestic Abuse, Dowry Harassment Rape, Murder, Kidnapping
- Harassment Complaints from Scheduled Castes, Scheduled Tribes, or other weaker sections against citizens or police
- Cases under Environmental Issues, including pollution, ecological damage, drugs safety, food security, heritage, archaeology, forestry, and wildlife protection

- Petitions filed by victims seeking justice
- Family Pension Cases

All letters or applications submitted to the Public Interest Litigation Cell will undergo preliminary assessment. Only those under the above categories shall be presented before a judge, pursuant to the directives of the Honorable Chief Justice of India, for subsequent proceedings before the relevant bench.

The following cases are not PIL and shall neither be entertained nor referred back to the petitioners or placed under PIL jurisdiction:

- Cases involving:
- Landlord disputes
- Service matters issues relating to pension, etc., and withdrawal benefits
- Complaints against Central/State Government Departments and Local Authorities unless it falls under the categories of PIL clauses stated above
- Requests for access to medical facilities and other personal benefits
- Appeals Pending Before High Courts and Lower Courts.

7. PUBLIC INTEREST LITIGATION AND JUDICIAL ACTIVISM: A DYNAMIC LEGAL EVOLUTION

The Supreme Court adopted a proactive stance by introducing Public Interest Litigation (PIL), enabling people or groups with a legitimate interest to file actions for the enforcement of others' rights.¹² It expands the definition of locus standi to encompass the socio-economic backdrop of our society in order to advance public interest. Representative litigation and pro bono actions align with the emerging notion of popular justice.

For a case to be adjudicated, the court must first ascertain that the claimant possesses locus standi, meaning a legitimate interest in the subject matter of the dispute. **Justice J. S. Verma** correctly stated, "*Judicial activism must entail the proactive enforcement of the rule of law vital for maintaining*

¹² Holicow Pictures Pvt Ltd. v. Prem Chandra Mishra,

MANU/SC/8219/2007.

a functional democracy."¹³ PIL has significantly enhanced judicial control in hospitals, prisons, and in issues pertaining to safety, health, environment, and security. Judicial activism empowers the populace, thereby facilitating the goal of alleviating the strain on courts and diminishing superfluous litigation. The paramount result of judicial activism was the Public Interest Litigation (PIL) movement, which gained prominence in the late 1980s and 1990s.

A. Balancing Prisoners' Rights with Effective Prison Management

In *D.K. Basu v. State of West Bengal*¹⁴, the Supreme Court established detailed criteria for the arrest and imprisonment of individuals and mandated the legislature to formulate legal provisions accordingly. The Court instructed the authorities to evaluate multiple facets of prison reform, including the segregation of convicts, delays in trials, the presentation of under-trials in court on remand dates, the establishment of a comprehensive All India Jail Manual, enhancements in medical facilities, sanitation in prisons, communication amenities, and the implementation of more open-air prisons.¹⁵ Similarly, in *Sheela Barse v. Union of India*¹⁶, the Supreme Court recommended state governments to establish remand houses and observation centers for the detention of children accused of crimes while awaiting investigation and prosecution.

B. Conservation and Safeguarding of the Environment and Forests

The Court mandated the implementation of mandatory environmental education up to the matriculation level, to be developed by the NCERT. The authorities were requested to execute the syllabus. Any disobedience of this instruction will result in disciplinary action against the authority. The case of *T.N. Godavarman Thirumulkpad v. Union of India*¹⁷ is a landmark verdict mandating state governments to refrain from non-forest

activities in forested regions, which ultimately encompasses a ban on tree felling.

C. Expansion of the Right to Life and Personal Liberty

The Supreme Court has acknowledged certain additional rights within the framework of Article 21 of the Indian Constitution. The rights include: free legal assistance for the indigent¹⁸, a healthy environment¹⁹, and protection against police violence, torture, or excessive restraint. Custodial violence and the right to reparation for violations of the right to life are encompassed within this category.²⁰ Furthermore, numerous additional rights are encompassed within **Article 21**.

Judicial activism, consequently, significantly contributed to enhancing the democratic nature of the judicial process by restraining the overreach of legislative and executive power. Judicial activism has enabled the judiciary to reinterpret or amend existing laws, particularly via Public Interest Litigation (PIL), to combat deviations from the legislative and executive processes. The judiciary can invalidate any statute or activities that violate basic rights by issuing writ petitions. Judicial activism ensures that the actions of both the legislative and administration are neither illegal nor arbitrary.

The founding of PIL resulted in significant innovations that diverged from conventional adversarial proceedings. To enhance accessibility for marginalized groups, the courts implemented procedural changes by recognizing letters submitted to the court as writ petitions in instances of egregious infringement of fundamental rights. This led to Epistolary Jurisprudence. Some detractors argue that Public Interest Litigation (PIL) may be misappropriated, labelling it as judicial activism, and advocate for prudence in requesting court jurisdiction solely for the benefit of vigilant litigants rather than for notoriety or personal advantage. Nonetheless, the judicial activism instigated by Public Interest Litigation has empowered the conscientious and informed to actively participate in India's

¹³ Quoted in Manika, "Judicial Activism: A means for Attaining Good Governance", Nyaya Deep, NALSA, Vol. VII, Issue 3.

¹⁴ *D.K. Basu v. State of West Bengal*, MANU/SC/0157/1997.

¹⁵ *Rama Murthy v. State of Karnataka*, MANU/SC/0402/1997.

¹⁶ *Sheela Barse v. Union of India*, MANU/SC/0116/1986.

¹⁷ *T.N. Godavarman Thirumulkpad v. Union of India*, MANU/SC/2063/1998.

¹⁸ *supra* note 18.

¹⁹ *M.C. Mehta v. Union of India*, MANU/SC/0396/1987.

²⁰ *Khedat Mazdoor Chetna Sangath v. State of M.P. and Ors.*, MANU/SC/0007/1995.

development, exemplifying the legal system's capacity to provide justice to the impoverished and marginalized. The Supreme Court has presently embraced a dignified moderation following a phase of vigorous judicial activity.

8. CONCLSUION

The principal function of PIL is to address public concerns and guarantee justice for marginalized groups that lack full awareness of their rights, while also educating the public about human rights. The court must ensure that the parties presenting their cases do so with genuine intent and for the greater public benefit; political parties, among others, should not be influenced by them during court proceedings. The substantial backlog in the Supreme Court and High Court may occasionally result in unwarranted delays in Public Interest Litigations, thereby disrupting the constitutional balance of power and instilling apprehension of judicial populism. In such circumstances, it is crucial to scrutinize the abuses of the Public Interest Litigation institution while adhering to the safety protocols or mechanisms outlined in the Code of Civil Procedure or other relevant legislation.