



# Public Interest Litigation

## Why in News

The [Supreme Court](#) (SC) scolded a petitioner for filing a **Public Interest Litigation** (PIL) without adequate research.

## Key Points

### ▪ About:

- Public Interest Litigation (PIL) is the **use of the law to advance human rights and equality**, or raise issues of broad public concern.
- The concept of “Public Interest Litigation” has been **borrowed from the American Jurisprudence**.
- In Indian law, PIL 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 the power given to the public by courts **through Judicial activism**.
- It can be filed **only in the Supreme Court or the High Court**.
- It is **different from Writ Petition**, which is filed by individuals or institutions for their own benefit, whereas PIL is filed for the benefit of the general public.
- The concept of PIL is **suited to the Principles enshrined in Article 39 A of the Constitution of India** to protect and deliver prompt Social Justice with the help of Law.
- **Areas where PIL can be filed:** Pollution, Terrorism, Road safety, Constructional hazards etc.

### ▪ Significance:

- PIL is an **important instrument of social change** and for maintaining the Rule of law and accelerating the balance between law and justice.
- The original purpose of PILs have been to **make justice accessible to the poor and the marginalised**. It democratizes the **access of justice to all**.
- It helps in **judicial monitoring of state institutions** like prisons, asylums, protective homes, etc.
- It is an important tool **for implementing the concept of judicial review**.

### ▪ Issues:

#### ◦ Misuse:

- The number of cases pending in courts is already high, and the misuse of PILs is increasing.
- In 2010, the SC had expressed considerable displeasure over PILs involving personal or irrelevant cases and issued certain guidelines to the courts for accepting PILs.

#### ◦ Conundrum of Competing Rights:

- PIL actions may sometimes give rise to the problem of competing rights.

- For instance, when a court orders the closure of a polluting industry, the interests of the workmen and their families who are deprived of their livelihood may not be taken into account by the court.
- **Procrastination:**
  - PIL matters concerning the exploited and disadvantaged groups are pending for many years.
  - Inordinate delays in the disposal of PIL cases may render many leading judgments merely of academic value.
- **Judicial Overreach:**
  - Cases of Judicial Overreach by the Judiciary in the process of solving socio-economic or environmental problems can take place through the PILs.

## Way Forward

**Former Attorney General Soli Sorabji opinions 3 basic rules** for regulating abuse of PIL:

- Reject dubious PIL at the threshold and in appropriate cases with exemplary costs.
- In cases where important project or socio economic regulations are challenged after gross delay, such petitions should be thrown out the very threshold on the ground of laches. Just because a petition is termed as PIL does not mean that ordinary principles applicable to litigation will not apply.
- PIL petitioners should be in strict terms such as providing indemnity or giving an adequate undertaking to the court to make good the damage, if PIL is ultimately dismissed.

**Source: IE**

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