

Public Interest Litigation: Empowering Citizens for Social Justice and Accountability”

***Hema Tiwari**

Abstract

Public Interest Litigation (PIL) is a legal tool that allows individuals or groups to approach the court to seek redressal of grievances on behalf of the public or a marginalized section of society. It is an essential aspect of democratic governance and can play a crucial role in upholding the rights of citizens and ensuring accountability in the government's actions.

While PIL has been a powerful instrument for social justice and advancing the interests of the public, there have been discussions about the need for regulation to prevent its misuse.

Public Interest Litigation (PIL) has played a crucial role in the development of the Indian legal system and has proven to be a necessity for Indian society. PIL is a legal mechanism that allows citizens or non-governmental organizations (NGOs) to approach the court on behalf of the public interest. It has significantly widened the scope of the Indian judiciary's reach and has contributed to safeguarding the rights and interests of marginalized sections of society.

Key words: Social Justice, Indian society, Accountability, Environmental protection

Public Interest Litigation (PIL) has emerged as a powerful tool in the Indian legal system, empowering citizens and civil society organizations to act as catalysts for social change. It allows individuals to seek judicial intervention on matters of public concern, promoting transparency, accountability, and safeguarding fundamental rights. This paper delves into the significance of PIL in Indian society, its historical development, key features, impact on social justice, environmental protection, and its role in holding the government accountable

I. Historical Background of PIL in India:

In the early 1980s, the Supreme Court of India took a progressive stance on PIL, recognizing the need for an alternative approach to grant access to justice for the marginalized and oppressed sections of society. The initial landmark cases, such as *Hussainara Khatoon v. State of Bihar* and *Bandhua Mukti Morcha v. Union of India*, set the stage for PIL as a means of protecting human rights and serving the public interest.

II. Key Features and Mechanisms of PIL:

This section outlines the key features of PIL, including the broad locus standi (standing) of any citizen or registered NGO to approach the court, the relaxation of procedural requirements, and the court's

Public Interest Litigation: Empowering Citizens for Social Justice and Accountability”

Hema Tiwari

role as a "friend of the people." The paper also discusses the differences between traditional litigation and PIL and the evolution of PIL through judicial interpretation.

III. PIL and Social Justice:

PIL has been instrumental in promoting social justice in India. This section explores how PIL has addressed issues such as child labor, bonded labor, gender inequality, discrimination against marginalized communities, and access to education and healthcare. It examines landmark cases that have brought about social reform and improved the lives of vulnerable groups.

IV. PIL and Environmental Protection:

Environmental PIL has been a crucial aspect of the Indian judiciary's approach to ecological conservation. The paper discusses how PIL has played a vital role in halting environmentally harmful projects, promoting sustainable development, and holding industries accountable for pollution and degradation. Notable cases like *M.C. Mehta v. Union of India* and *Vellore Citizens' Welfare Forum v. Union of India* are examined.

V. PIL and Government Accountability:

PIL acts as a check on governmental actions and decisions. This section explores how PIL has been used to challenge unconstitutional laws, expose corruption, and demand transparency and accountability from public officials. The paper also highlights instances where PIL has filled gaps in executive and legislative inaction.

VI. Challenges and Criticisms:

No legal mechanism is without its challenges and criticisms. This section discusses some of the concerns raised about PIL, including potential misuse and abuse of the process, judicial activism, and the burden it places on the judiciary. It also explores the need for guidelines and mechanisms to prevent frivolous PILs.

Judicial Era

The decisions and orders issued in public interest litigation have an impact on practically every citizen's day-to-day existence, therefore it's critical that we retain this branch of the law in its correct shape and structure, and nurture it with appropriate care and prudence. We have recently discovered that the number of public interest litigations filed to serve the public interest or to protect the interests of the downtrodden sections of society for whom this mechanism was enunciated outnumbers those filed to serve the public interest or to protect the interests of the downtrodden sections of society for whom this mechanism was enunciated. This may explain why Hon'ble Justice Pasayathas interpreted the PIL not only as "public interest litigation," "private interest litigation," and "political interest litigation," but also as "paisa income litigation." The original phrase was created by Justice Pasayat in the case of **M.C. Bhandari Memorial Lecturer**, 2002 (7) SCC (J) 1 in Jodhpur in August 2001, and was thereafter used in the cases of **Ashok Kumar Pandey**,¹ and **Dr. D.B. Singh**,²

Public Interest Litigation: Empowering Citizens for Social Justice and Accountability"

Hema Tiwari

The challenge then becomes how to prevent fraudulent and frivolous public interest litigation from being filed, allowing the court to focus more on legitimate PILs and providing justice to the oppressed and underprivileged. The fundamental reason is that this sector is fully uncontrolled, and it is common known that any field, whether it is a playground, administrative machinery, or even court proceedings, that is left completely unregulated is sure to be exploited and abused more than utilised. It is past time for a proper format to be prescribed and submitted. The format should be modified in such a way that frivolous and motivated petitions are prevented or at least discouraged from being filed. **Mr. Vijay Hansaria**,³ has offered a draught, which has been designed to prevent or minimise the filing of public interest lawsuits for the purpose of gaining notoriety, serving private or political interests, or as a means of generating cash. Petitions are filed to safeguard the "public interest" and only the "public interest."

There's one more thing to think about. Before launching a public interest lawsuit, the petitioner must make a representation to the appropriate authorities for remedial action, similar to what is posited in Section 80 of the Civil Procedure Code of 1908. It's possible that, upon getting such notification, the relevant authorities will take necessary action, and the issue will not need to go to court.

According to him, public interest litigation has provided a valuable service to the country, particularly in the area of protecting people's human rights. However, he believes that the field needs to be properly regulated so that the system can better serve humanity and that courts will never have to say that a PIL is a 'publicity interest litigation,' a 'private interest litigation,' a 'politics interest litigation,' or a 'paise income litigation' in the future. Now is the time to create a reasonable regulation for curbing PIL misuse.

Former Attorney General Soli Sorabji opinions three basic rules for regulating abuse of PIL

- (a) At the outset, reject doubtful public interest lawsuits and, when appropriate, impose exemplary costs.
- (b) When important projects or socioeconomic policies are challenged after a long period of time, such petitions should be dismissed on the grounds of laches. Just because a petition is labelled as public interest litigation doesn't imply that standard litigation standards won't apply.
- (c) Petitioners in public interest litigation should be bound by rigorous requirements, such as providing indemnification or a sufficient promise to the court to make good the harm if the PIL is eventually rejected.

It is appropriate to recall **Lord Bridge's words in Mccv/sMullan**⁴: "If one judge in a thousand acts dishonestly within his Jurisdiction to the detriment of a party before him, it is less harmful to the health of society to leave that party without a remedy than for nine hundred and ninety-nine judges to be harassed by vexatious litigations alleging malice in the exercise of their proper jurisdiction."

Public Interest Litigation: Empowering Citizens for Social Justice and Accountability"

Hema Tiwari

Major draw back

From the explanation above, it is clear that public interest litigation is a full success. Yet, this is not true. Every coin has two sides, and public interest litigation is no different. There is a negative side to public interest litigation as well. It has also produced issues of its own, and it is not envisaged that these issues would be ignored in favour of emphasising the benefits of public interest litigation.

It seems that abuse of the Public Interest Lawsuit mechanism in India began in the 1990s, which the Court also foresaw, and has now advanced to the point where the entire goal of Public Interest Litigation is undermined, for which it was really formed. In other words, the positive aspects of public interest litigation are almost eclipsed by their negative counterparts.

There are more difficulties with Public Interest Litigation in addition to those previously covered by the researcher in the first chapter, such as how it has transformed the nature of the judicial process from adversarial to polycentric and adjudicative to legislative.⁵ A court ruling is only enforceable against the parties to the case, according to Order 1, Rule 8 of the Code of Civil Process. It is referred to as *res judicata*. The judgement is final and binding on the parties to the dispute. Also, unless an appeal is allowed by law, no party may contest the validity of the decision made respecting their rights or obligations except before an appellate court. If an appeal is chosen, the highest court's ruling is conclusive and binding on the parties. The judgement is effective in personam, meaning that only the parties are subject to it. When a Public Interest Lawsuit resolves a dispute on a matter of public interest, which affects not only the parties but also a large number of other individuals, the judgements made in such cases become effective and legally obligatory on those who were not parties to the litigation. As a result, the Public Interest Litigation ruling may take effect immediately. A case in which the court's orders banning a certain form of shrimp farming in coastal regions were challenged on the grounds that they were not binding on individuals who were not parties to that action made clear the quasi-legislative nature of public interest litigation. In *Jagannath v. UOI*,⁶ the court issued orders banning the establishment of the shrimp culture industry in the ecologically vulnerable coastal area due to its negative effects on mangrove ecosystems, the extinction of casuarinas, the contamination of potable water and plantations, the reduction in fish catch, and the obstruction of direct access to the seashore. The petitioners in ⁷*Gopi Aqua Farms v. UOI*, claimed that since they were not parties to the action, the ruling above did not apply to them. They argued that their opposition to the choice should be voiced. Technically speaking, they were correct as well since only the parties to the lawsuit are subject to the binding and final nature of court decisions. The rule that only parties and binding with the court's judgement is set down in Order 8 Rule 1, however, the court concluded that it only applies to private litigation and not to public interest litigation because otherwise it would lose all force. The Court declared:

"The Jagannath case had gotten the most attention⁸. Several examinations into the facts surrounding shrimp farming were conducted, and reports from NEERI, the Central Board of Prevention and Control of Water Pollution, and other agencies were received. That the petitioners were oblivious of any of these occurrences is impossible to accept. Several shrimp farmers and the groups that

Public Interest Litigation: Empowering Citizens for Social Justice and Accountability"

Hema Tiwari

defended them showed up in court to give their arguments on the conflict. They all showed there, and after days of intense deliberation, the choice was made after many days of lengthy argument. Now, a select few people cannot get up and claim that since they were not made parties in the case or because they were completely uninformed of it, the verdict does not apply to them and the case should be reheard. Litigation will continue indefinitely if this technique is permitted. The Public Interest Litigation is often criticised because it sometimes uses stay orders or injunctions to hinder legitimate development plans.⁹ The Supreme Court has recommended against issuing interim measures that deprive the State of justly entitled income. If it is determined that there would be some loss to the petitioner, which would be irreparable if the proposed action were found to be unlawful,¹⁰ it should only be allowed after balancing the balance of convenience. In a public interest lawsuit, the court must balance the benefits to the public of postponing the project's execution versus doing so. In the Raunaq case, Judge Sujata Manohar¹¹ placed a very burdensome requirement on the party bringing the Public Interest Lawsuit. The party at whose request interim orders are obtained must be held liable for the order's consequences, the learned court said. The temporary injunction might cause the project to be delayed, throw off carefully planned financial arrangements, and drive up expenses. So, in suitable situations, the petitioner requesting interim orders should be required to put up security for any costs that rise due to the delay or any damages that the opposing party suffers as¹² a result of the interim order. In the absence of such temporary orders, public harm may exceed public gain.

It is herein asserted that the court would dissuade litigants whose Public Interest Litigations are real if it exercised extreme caution when issuing interim orders or if it made the litigant who filed the Public Interest Lawsuit responsible for any costs incurred. The majority of these petitions challenge the authorities' wrongful or arbitrary use of their authority, which is highly challenging to establish in a court of law. If these litigants were punished, it would further dissuade them since they are already underfunded social activists, and it would also put a stop to real public interest lawsuits against corruption and abuse of power. This is why it is argued that the courts should take a middle ground so that those who genuinely intend to use the legal system to expose the powerful forces of big business and the government¹³ that oppress the poor won't be discouraged and it won't be in line with the principles of public interest litigation.

In reality, the Court has already ruled that a public interest lawsuit proceeds even if the petitioner who filed it leaves the case. Because of the state governments' delays in submitting their affidavits, Sheela Barse's lawsuit against them on behalf of children who were languishing in remand institutions had to be extended. By requesting adjournments, the state governments often increase the cost of the legal proceedings and put the plaintiff in danger of dropping the case. Thus it was in the Sheela Barse instance mentioned above. The Supreme Court ruled later that the Public Interest Lawsuit would continue even if she withdrew. It would keep going until it was ultimately disposed of. A Public Interest Lawsuit could not be withdrawn at the whim of the plaintiff after it was brought to the Court's attention, unlike a private action. Here, it is argued that it would be improper to hold the person who filed the public interest lawsuit responsible for any damages resulting from the

Public Interest Litigation: Empowering Citizens for Social Justice and Accountability”

Hema Tiwari

admission of evidence or the stay order issued in response to such a petition. An honest petitioner shouldn't suffer just because he was able to secure interim relief in a case that finally went against it.^{14,15} If such a litigant had engaged in any deception to avoid a stay order or interim relief, then only he may be penalised.¹⁶

The court should ensure that the individual who submitted the petition is not a busybody or meddling intruder and that the matter addressed is justiciable before contemplating public interest litigation. Only when a legal procedure could be used to settle the problem could it be said to be justiciable. Public Interest Litigation has caused a revolution in the idea of justiciability. As the court began to interpret the Constitution more effectively throughout time, the idea of justiciability grew. The conventional paradigm of the judicial process would not have deemed situations like repromulgating ordinances or requesting an investigation from the CBI to be justiciable. Most of them would be avoided due to the doctrine surrounding political concerns, while others would be avoided because they were academic in nature, did not give rise to any causes of action, or could be handled more effectively by another institution of government. The idea of separation of powers had a significant role in guiding this notion of justiciability. Yet, the increase of the categories of justiciability occurred along with the loosening of the locus standi norm. In the case of *I.K. Jagirdar v. State of Karnataka*,¹⁷ a journalist protested the state government's expense for hosting a previous Indian president. Since the funds came from a head of account that was a voted expenditure,¹⁸ it was considered but not upheld. Similarly, it was determined in the case of *K. N. Subba Reddy State*¹⁹ that an objection that the state government had spent money on a celebration to mark the chief minister's second anniversary of taking office could not be taken into consideration because the legislature should have been the one to do so. Hence, issues that fall solely within the purview of the executive or legislative branches of government or that are beyond the purview of the court are not subject to the rule of law. Yet it is up to the Court to determine what falls within the exclusive purview of another institution, and in many instances, the Court has looked into such matters even though it is obvious that either the legislative or the executive should have that authority.²⁰ In order to prevent misuse of this tool of public interest litigation, the Court must exercise extreme caution while deciding the issue of justiciability. As a result, when a petition was filed as a Public Interest Lawsuit, the Court must be satisfied that the party bringing the action is litigating bona fide for the public interest, according to Justice Sujata Manohar, speaking for a bench comprising of herself and Justice Kirpal.²¹ The public interest litigation should not only serve as a vehicle for a third party or the petitioner to pursue personal interests.

As the courts have noted that today's Public Interest Litigation's secondary goal is shifting and more closely resembles a "Private" or "Publicity" action, it is being abused by those seeking notoriety and pushing for personal grievances under the guise of public interest. There have been so many egregious uses of this procedure.²² Once, Public Interest Litigations were started to control how wild monkeys in Delhi were treated and the practise²³ of private schools interviewing extremely young students for enrollment. During a contentious Sydney test match, the Indian cricket team was once asked to return from Australia. In an effort to prevent the publishing of allegedly obscene and nude

Public Interest Litigation: Empowering Citizens for Social Justice and Accountability”

Hema Tiwari

photos in newspapers, a Public Interest Lawsuit was also brought before the Supreme Court. Some attorneys who identify as public-spirited attorneys petitioned the Supreme Court regarding cases involving Richard Gere's public kissing of Indian actress Ms. Shilpa Shetty, an alleged indecent live stage performance on New Year's Eve, and Ms. Aishwarya Rai's marriage to a tree to get around some astrological difficulties in her union.²⁴

Prime Minister Manmohan Singh also voiced worry over the abuse of Public Interest Litigations in a speech in September 2008. He said that this technique had become excessive. Maybe a corrective and balanced approach is necessary. The court referenced the abuse of public interest litigation in commercial disputes in ²⁵Kalyaneshwari v. UOI. The High Court of Gujarat received this case, in which it was requested that asbestos manufacturing facilities be shut down since it was dangerous to people. The High Court rejected the case on the grounds that it had been brought by competing industrial groupings seeking to displace one another's industrial groups and goods. The Supreme Court then received a similar petition. Also, the Supreme Court dismissed the case and levied a \$100,000 fine. Supreme Court stated in this case that the bona-fide interest is lacking in this petition and is brought at the request of competing parties interested in prohibiting certain items and giving the alternative for the same. So, the petition was started with the secret intention of utilising the legal system to upset competitors' businesses and cause them to lose money. The Court further stated that it was its obligation to punish the petitioners in these situations in accordance with the Courts Act in order to prevent the initiation of dishonest and undesirable Public Interest Litigations, which would waste the court's precious time and resources and undermine public confidence in the administration of justice.

On 1.12.1988, in a full court judgement, the Supreme Court of India established the criteria and rules to be followed for considering the petitions as Public Interest Litigations. These rules were later changed in 2003. According to guidelines, letters or petitions that fit into one of the following 10 categories will often be considered for public interest litigation:

A. Bonded Labor Matters; B. Neglected Children; C. Non-Payment of Minimum Wages; D. Petitions from Jails Complaining of Harassment, Death in Jail, Speedy Trial as a Fundamental Right, etc.; E. Petitions against Police for Refusing to Register a Case, Harassment by Police and Death in Police Custody; F. Petitions against Atrocities on Women, Specifically Harassment of Bride²⁶

The rules also provide that some petitions cannot be recognised as public interest litigation, including those involving landlord-tenant disputes, service issues, and admittance to educational institutions. The job of screening letters and petitions in accordance with these rules and presenting them to judges the Chief Justice of India has appointed to hear such Public Interest Litigations has been given to the Public Interest Lawsuit cell.

One additional thing that can be inferred from the discussion above is that judges have the authority to act on their own. They may also consider casual letters as petitions, and in such cases, there is no need to adhere to any particular structure or protocol; a simple post card would do. Nevertheless, the rules were further revised in 2003 to stipulate that it may be beneficial to require an affidavit to be

Public Interest Litigation: Empowering Citizens for Social Justice and Accountability”

Hema Tiwari

produced in support of the assertions included in the petition where it is not too necessary in order to strike a balance with this extraordinary power/procedure.²⁷

The Supreme Court noted in²⁸ *Ashok Kumar Pandey v. State of West Bengal* that:

"Public interest litigation is a weapon that must be used with great caution and restraint, and the judge must be exceedingly vigilant to ensure that entrenched interests and/or publicity seeking are not hiding behind the lovely veil of public interest on nasty private malice. It is to be utilised as a powerful tool in the legal arsenal to provide social justice to the populace. The catchy brand name Public Interest Litigation shouldn't be utilised for shady things that cause trouble. It should not be publicity-driven or based on personal grudges, but rather should be intended to correct a real public injustice or damage. As previously said, courts must take care to ensure that any group of people or member of the public that approaches them is operating in good faith and not for ulterior motives such as political or personal benefit. The court must prevent disguised phantoms who sometimes observe from behind from abusing its procedure for covert purposes. Some people with entrenched interests engage in the hobby of interfering with the legal system either out of habit or for bad reasons, and they also attempt to negotiate a favourable outcome in order to profit themselves. The following is a list of the most common questions we get from our customers. Such busybodies should have their petitions rejected at the threshold and, if necessary, with exceptional costs.²⁹

In this decision, the court also noted that a public interest petitioner's credibility and locus standi must be evaluated based on three factors:³⁰

(i) "the applicant's credentials; (ii) the information he provided was, at least in part, true or accurate; and (iii) the information was not ambiguous or imprecise."

The observations in *Ashok Pandey's* case have been reiterated in *Dr. B. Singh v. UOI*, *Sanjeev Bhatnagar v. UOI* and *Gurpal Singh v. State of Punjab* and others.³¹

A bench consisting of Justices Dalveer Bhandari and M. K. Sharma³² has outlined a stringent 10 point guideline for all High Courts, including imposing exemplary costs on busybodies and frivolous Public Interest Litigation petitioners, in the case of *State of Uttranchal v. Balwant Singh Chauhal* and others, guidelines were issued by the Supreme Court to curb Public Interest Litigations from being hijacked by vested interests. They saw public interest litigation as being crucial for achieving social justice, thus it must be protected together with its purity and holiness. Some of the rules' highlights include:

Objective Promote sincere and legitimate public interest litigation while discouraging and limiting those that are brought for unrelated purposes.

- It is prudent and reasonable for all High Courts to create suitable regulations to support genuine Public Interest Litigations and discourage those brought for shady purposes.
- Before considering a Public Interest Lawsuit, it is important to confirm the petitioner's credentials.

Public Interest Litigation: Empowering Citizens for Social Justice and Accountability"

Hema Tiwari

- Prior to filing a lawsuit, it is important to determine if there is a significant public interest at stake.
- Public interest lawsuits that affect a wider public interest must be prioritised above other cases.
- Verify that the Public Interest Lawsuit intends to correct a real wrong or damage to the public and is not being pursued for personal benefit, a private motivation, or any other nebulous reason.
- Charge busybodies and pointless public interest lawsuits exemplary fees.³³

Also, anytime it is deemed that the Public Interest Lawsuit procedure is being exploited, the Supreme Court of India and High Courts have attempted to send out strong signals via various decisions by imposing exceptional fines/costs on the petitioner who engages in this misconduct. Citizens for Judicial Accountability and Reforms (CJAR), an NGO that had called for an investigation by a Special Investigating Team into the medical college bribery scandal in which a former Orissa High Court Judge is under investigation, was recently fined 25 lakhs by the Supreme Court in the Kamini Jaiswal case⁴³⁹. The petition, according to the Court, is not only completely frivolous but also insulting, unjustified, and scandalising the nation's highest court system without any justifiable foundation.³⁴

An NGO from Vishakhapatnam, Andhra Pradesh, Chaitanya Sravanthi, which works to empower women in slums, requested guidance from the Center for the ban of alcohol under Article 47 of the Constitution in a Public Interest Lawsuit. On December 15, 2017, a Supreme Court panel made up of Justices Rohinton Fali Nariman and Navin Sinha assessed the petitioners a fee of Rs. 1 lakh. According to the NGO's petition, it conducted a study on "Alcohol Use" in Vishakhapatnam slums with the assistance of Andhra University, and the findings showed that the problem has become worse. An audit on the production, distribution, supply, and consumption of different types of alcohol was required by the NGO in an appropriate writ to the Union of India and respondents, attributing the same to violent incidents and illnesses, and to take strict actions against the suppliers of alcohol by conducting investigations, making alcohol seizures, and confiscating it. As Article 37 of the constitution expressly states that the Directive Principles of State Policy are not subject to litigation, the Supreme Court deemed the petition to be an abuse of the judicial process and rejected it with the exorbitant costs already specified.³⁵

In a Public Interest Lawsuit brought by an attorney named ML Sharma on September 1, 2014, the Supreme Court fined him Rs. 50,000 for asking the government's centre to determine Netaji Subash Chandra Bose's location. A number of Public Interest Litigations have already been brought to unravel the enigma surrounding his disappearance. The Supreme Court ruled that this Public Interest Lawsuit was pointless and frivolous, and that such petitions should not only be rejected but also be penalised with exceptional costs since they squander the court's valuable time.³⁶

Public Interest Litigation: Empowering Citizens for Social Justice and Accountability”

Hema Tiwari

CONCLUSION

1. **Access to Justice:** PIL provides an opportunity for citizens who may not have the means or resources to approach the court individually. It democratizes the judicial process by allowing individuals and NGOs to bring issues of public concern to the attention of the judiciary, thus ensuring that justice is accessible to all, irrespective of their socioeconomic status.
2. **Protection of Fundamental Rights:** PIL has been instrumental in protecting fundamental rights enshrined in the Indian Constitution. It has been used to address issues related to the right to life, liberty, equality, education, health, and the environment. By promoting the enforcement of these rights, PIL helps to strengthen the foundation of Indian democracy.
3. **Social Justice:** PIL has been effective in addressing various social justice issues, including child labor, bonded labor, women's rights, and rights of marginalized communities. It has provided a platform to challenge discriminatory practices and policies, leading to positive changes in society.
4. **Environmental Protection:** PIL has been a powerful tool in addressing environmental concerns and safeguarding the natural resources of the country. It has been used to challenge activities that harm the environment, promote sustainable development, and hold authorities accountable for their actions.
5. **Government Accountability:** PIL acts as a check on the functioning of the government and public officials. It allows citizens to question the decisions and actions of the government and seek transparency and accountability in governance.
6. **Judicial Activism:** PIL has encouraged the judiciary to play a more active role in addressing societal issues. It has led to the development of innovative remedies and directions by the courts, promoting progressive jurisprudence in India.
7. **Supplementing Executive and Legislative Actions:** PIL complements the efforts of the executive and legislative branches of government by acting as a supplementary mechanism for social change. It can be particularly effective in situations where the government has failed to take appropriate action.

However, while PIL has been beneficial, it is crucial to strike a balance to prevent misuse. There have been instances of frivolous PILs, which can burden the courts and hamper their efficiency. The judiciary must exercise caution and ensure that only genuine public interest issues are entertained.

In conclusion, Public Interest Litigation has been a necessity for Indian society, providing an essential tool for seeking justice, protecting rights, and promoting social welfare. By empowering citizens to participate in the judicial process and challenging unjust practices, PIL has contributed significantly to the evolution of India's legal landscape and its ongoing journey towards a more just and equitable society. The paper concludes by reiterating the vital role of Public Interest Litigation in Indian society. It emphasizes how PIL has become a significant force in promoting social justice, protecting

Public Interest Litigation: Empowering Citizens for Social Justice and Accountability”

Hema Tiwari

the environment, and ensuring government accountability. Despite challenges, PIL continues to be a necessary and empowering instrument for citizens, providing a platform for the pursuit of justice, equality, and a more inclusive society.

***Research Scholar
Department of Law
MJRP University, Jaipur (Raj.)**

References

1. (2004) 3 SCC 349
2. (2004) 3 SCC 363
3. Public Interest Litigation-A need to regulate, Vol-I, 200,5 p-8
4. [1984] 3 All ER 908
5. Upendra Baxi, "On the Problematic Distinction Between 'Legislation' and 'Adjudication' A Forgotten Aspect of Dominance" 10 Delhi Law Review 3-15 (1990).
6. AIR 1997 SC 811
7. AIR 1997 SC 3519.
8. Supra note 408.
9. Id., at 3520.
10. Supra note 17 at 231.
11. Raunaq International Ltd. v. I.V.R Construction Ltd., 1999 (1) SCC 492.
12. Id., at 503.
13. Supra note 17 at 232
14. Sheela Barse v. UOI, 1998 (4) SCC 226.
15. Ibid.
16. Supra note 415
17. Supra note 415.
18. AIR 1992 Karnataka 175.
19. AIR 1993 Karnataka 66.
20. Supra note 17 at 231

Public Interest Litigation: Empowering Citizens for Social Justice and Accountability"

Hema Tiwari

21. Supra note 413; Also see Environment Society of India v. Administrator, Chandigarh, AIR 1998 P&H 94.
22. Apoorva Neeral, “Public Interest Litigation: Judicial Overreach or a Legitimate Exercise?”, available at: <http://airwebworld.com/articles/index.php?article=1531> (Visited on July 20, 2018).
23. Surya Deva, “Public Interest Litigation in India: A Critical Review” 28 CQJ 19-40 at 34 (2009).
24. “Chased by the Moral Brigade”, Rediff News, October 3 2007
25. 2011 (3) SCC 287.
26. “The Supreme Court of India, Compilation of Guidelines to be Followed for Entertaining Letters/Petitions Revised in this Court as Public Interest Litigation” available at: <https://www.supremecourtfindia.nic.in/pdf/Guidelines/pilguidelines.pdf> (Visited on 5 August 2018).
27. Ibid.
28. 2004 (3) SCC 349.
29. Ibid.
30. Ibid.
31. 2004 (3) SCC 363
32. AIR 2005 SC 2841.
33. 2005 (5) SCC 136
34. Ibid.
35. “SC imposes Rs. 1 lakh cost on PIL seeking direction to centre to implement prohibition”, available at: <http://www.livelaw.in/sc-imposes-rs-1-lakh-cost-pil-seeking-directioncentre-implement-prohibition/> (Visited on 5 August, 2018)
36. PIL on Netajis whereabouts costs petitioner 50,000”, available at: <https://timesofindia.indiatimes.com/india/PIL-on-Netajis-whereabouts-costs-petitionerRs-50000/articleshow/41475636.cms> (Visited on 5 August, 2018).