

LAW AREA NAME : GENERAL
SECTION NAME : LAW AND THE CITIZEN
SUB SECTION NAME : PUBLIC INTEREST LITIGATION

LAW IN BRIEF

Public interest litigation (PIL) in simple words, means, litigation filed in a court of law for the protection of public interest. The introduction of PIL is an example of judicial activism where in the judiciary considers even a letter from an affected person seeking redressal as a petition before the court of law. Keeping public interest in mind, the locus standi for filing a case has been expanded to include any person / group on behalf of the affected person. However, there must be a legitimate public purpose / interest involved.

LAW IN DETAIL

A PUBLIC INTEREST LITIGATION can be filed only in a case where "Public Interest" at large is affected. Merely because, only one person is effected by state inaction is not a ground for PUBLIC INTEREST LITIGATION

The following are some of the possible areas where a PUBLIC INTEREST LITIGATION can be filed.

- Where a factory / industrial unit is causing air pollution, and people near by are getting effected.
- Where, in an area / street there are no street lights, causing inconvenience to commuters
- Where some "Banquet Hall" plays a loud music, in night causing noise pollution.
- Where some construction company is cutting down trees, causing environmental pollution.
- Where poor people, are affected, because of state governments arbitrary decision to impose heavy "tax".
- For directing the police / Jail authorities to take appropriate decisions with regard to jail reforms, such as segregation of convicts, delay in trial, production of under trials before the court on remand dates.
- For abolishing child labour, and bonded labour.
- Where rights of working women are affected by sexual harassment.
- For keeping a check on corruption and crime involving holders of high political offices.
- For maintaining Roads, Sewer etc in good conditions.
- For removal of Big Hoarding and signboard from the busy road to avoid traffic problem.
- Recently a PUBLIC INTEREST LITIGATION has been filed, for directing the "Delhi Traffic Police" to stop the method of sending challans to address by post, as it is being misused.

PROCESS FOR SOLUTION

Complaint Under which Section ?

Article 32, Article 226 of the Constitution of India.

Whom to complain / where to complaint?

Any Public-spirited person can file a case (PUBLIC INTEREST LITIGATION) on behalf of a group of person, whose rights are effected.

It is not necessary, that a person filing a case should have a direct interest in this PUBLIC INTEREST LITIGATION.

However it will depend on the facts of the case to determine, whether it should be allowed or not.

A PUBLIC INTEREST LITIGATION can be filed only against a State / Central Govt., Municipal Authorities, and not any private party.

However "Private Party" can be included in the PUBLIC INTEREST LITIGATION as "Respondent", after making concerned state authority, a party.

How to file the Case ?

A "Public Interest Litigation", is filed in the same manner, as a writ petition is filed.

If a PUBLIC INTEREST LITIGATION is filed in a High court, then two (2) copies of the petition have to be filed. Also , an advance copy of the petition has to be served on each respondent, i.e. opposite party, and this proof of service has to be affixed on the petition.

If a PUBLIC INTEREST LITIGATION is filed in the Supreme court, then (4) + (1) (i.e.5) sets of petition has to be filed. The opposite party is served the copy only when notice is issued.

A Court fee of Rs. 100/- per respondent(i.e. for each number of opposite party,) has to be affixed on the petition. However, if a letter or telegram is considered as a PIL, no court fees is required to be paid.

PROCEDURE

Proceedings in the PUBLIC INTEREST LITIGATION commence and carry on in the same manner, as other cases.

- However, in between the proceedings if the judge feels, he may appoint a commissioner, to inspect allegations like pollution being caused, trees being cut, sewer problems etc.
- After filing of replies, by opposite party, and rejoinder by the petitioner, final hearing takes place, and the judge gives his final decision.
- The court may order interim relief's to serve public interest before giving any final orders

What Next ?

Appeal to the Supreme court against the decision of the High Court.

ALTERNATE REMEDIES

Letters or telegrams can be sent to the chairman of the state Legal Services Authority also.