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CRITICAL ANALYSIS ON PUBLIC INTEREST LITIGATION IN INDIAN JUDICIAL PROCESS

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INTRODUCTION:

Public Interest Litigation (PIL) refers to a legal case or petition submitted to a court with the aim of protecting, preserving, or enforcing the interests of the public. The term "public interest" encompasses the rights or concerns that pertain to society as a whole, a specific segment of the community, or a particular group of individuals. PILs are initiated to address issues that impact the legal rights of a community or the general populace. Public Interest Litigations (PILs) are submitted to the courts to protect collective interests rather than those of individuals. They may only be initiated in the Supreme Court of India or the High Courts of the respective states. PILs have emerged as a significant mechanism for ensuring compliance with the legal responsibilities of both the legislature and the executive. The fundamental aim of PILs is to deliver justice universally and to enhance the well-being of the populace.

RESEARCH QUESTION:

How much does it cost to file a Public Interest Litigation?

Who can file public interest litigation?

RESEARCH OBJECTIVES:

To analyse the cost to file a Public Interest litigation?

To determine the filing of a Public Interest litigation?

HOW MUCH DOES IT COST TO FILE A PUBLIC INTEREST LITIGATION?

In India, the court fee to file a Public Interest Litigation (PIL) is typically Rs. 50 per respondent, meaning the cost depends on the number of respondents listed in the petition; however, the overall cost of presenting the case in court will be determined by the lawyer you

choose to represent you.

Nominal court fee:

The primary cost associated with filing a PIL is the low court fee of Rs. 50 per respondent.

Lawyer's Fees:

The most important costs are from the employment of an attorney representing you in court.

Accessibility:

Due to low legal costs, PIS is designed to be accessible to citizens who want to raise issues of public interest

WHO CAN FILE PUBLIC INTEREST LITIGATION?

Any citizen or organization of India is entitled to submit a public interest litigation (PIL) petition to the Supreme Court in accordance with Article 32 of the Constitution of India, or to the High Courts as per Article 226 of the Constitution. It is essential for the individual or entity initiating the PIL to demonstrate to the court that the petition addresses a matter of public interest and that it serves the broader community's benefit.

A PIL may only be directed against the Central Government, state governments, or municipal authorities, and cannot be filed against private individuals. The term "government" encompasses the Parliament of India, the legislature of each state, and all local or other authorities operating under governmental oversight.

WHAT IS MEAN BY PUBLIC INTEREST LITIGATION?

A Public Interest Litigation (PIL) lacks a specific definition in any legal statute or act. It is submitted to the courts in accordance with the Constitution of India, aimed at safeguarding public rights and enhancing the common good. The notion of PIL emerged in India as a result of the authority of judicial review. Unlike traditional litigation, a PIL is initiated not by the individual directly affected but by a private citizen concerned with the welfare and improvement of society.

Any individual has the right to submit a Public Interest Litigation (PIL) concerning issues that impact the public interest. This includes matters such as road safety, environmental pollution, construction-related dangers, terrorism, the welfare of neglected children, violence against women, the exploitation of casual laborers, bonded labor practices, failure to pay minimum wages, food adulteration, disruption of ecological balance, and the preservation of heritage and

culture, among others.

PUBLIC INTEREST LITIGATION (PIL) IN INDIA

- *It have emerged as a significant mechanism for enforcing the legal responsibilities of both the executive and legislative branches.*
- *The primary aim of PILs is to ensure justice for all and to enhance the welfare of the populace. Typically, they are employed to protect collective interests rather than individual rights, which are safeguarded by Fundamental Rights.*
- *The authority to issue PILs resides with the Supreme Court of India and the High Courts. The foundation of PILs is rooted in the power of judicial review.*
- *This concept has effectively relaxed the traditional principle of locus standi, which restricts petition filing to those whose rights have been directly violated.*
- *PILs are most frequently utilized to contest the actions of public authorities through judicial review, assessing the legality of decisions, actions, or inactions by public entities.*
- *In the context of Indian governance, PILs have been instrumental, contributing to landmark rulings such as the prohibition of instant triple talaq, the admission of women to the Sabarimala and Haji Ali shrines, the decriminalization of consensual homosexual relations, and the legalization of passive euthanasia, among others*

HISTORY OF PUBLIC INTEREST LITIGATION (PIL) IN INDIA

In 1979, Kapila Hingorani initiated a petition that resulted in the release of nearly 40,000 undertrial prisoners from the jails of Patna, a landmark event known as the 'Hussainara Khatoon' case. Hingorani, a distinguished lawyer, presented this case before the Supreme Court, which was presided over by a Bench led by Justice P N Bhagwati. Due to her significant contributions to this case, Hingorani has earned the title of the 'Mother of PILs.' The court granted her the opportunity to pursue a case despite her lack of personal standing, thereby establishing Public Interest Litigations as an enduring element of Indian legal practice.

Justice Bhagwati played a significant role in articulating the concept of Public Interest Litigations (PILs). He was not rigid about adhering to procedural formalities and often regarded simple letters from concerned citizens as valid writ petitions. Alongside Justice V R Krishna Iyer, Justice Bhagwati was one of the pioneering judges in the nation to accept PILs.

THE IMPORTANCE OF PUBLIC INTEREST LITIGATION (PIL) IN INDIA

Ensuring that justice is accessible to the disadvantaged and disenfranchised groups in society has been the main goal of public interest litigations.

PIL is an essential tool for granting human rights to those who have been denied them. It makes it easier for all citizens to have fair access to justice. Any person or group that is capable of doing so may submit petitions on behalf of those who are incapable of pursuing legal action or do not have the funds to do so.

It also contributes significantly to the judicial supervision of state institutions such as protective homes, mental health centers, and prisons. Additionally, it is an essential tool in the judicial review process.

PROCESS TO FILE A PUBLIC INTEREST LITIGATION

Step 1: The individual initiating the Public Interest Litigation (PIL), referred to as the petitioner, should thoroughly comprehend the issues affecting the general populace by conducting research and engaging with all relevant individuals or groups associated with the matter.

Step 2: The petitioner is required to gather all pertinent information and documentation that will serve as evidence to substantiate the PIL petition.

Step 3: Prepare the PIL petition, which should include the name of the court, the name and address of both the petitioner and the opposing party (respondent), the legal article under which the petition is filed, a detailed account of the case (including facts and information pertinent to the public issue), and the specific relief sought from the court.

Step 4: Distribute a copy of the PIL petition to the respondent.

Step 5: Submit the PIL petition to either the Supreme Court or the High Court, accompanied by proof of the petition copy being sent to all respondents. In instances where the PIL is filed in the High Court, the petitioner must provide two copies of the petition, whereas for the Supreme Court, five copies are required.

CASE LAW:

HUSSAINARA KHATOON & ORS V. THE STATE OF THE BIHAR (1979 AIR 1369, 1979 SCR (3) 532

Hussainara Khatoon & Ors v. The state of the bihar (1979 Air 1369, 1979 SCR (3) 532) is a significant case in Indian legal history, which has played a decisive role in the recognition of

the right to a rapid test as a fundamental law in accordance with Article 21 of the Indian Constitution.

The Facts Of The Incident:

The trial on the public interest (PIL) was filed by lawyers on behalf of Khussainar Khatun and several other prisoners who had won for a long time at Biharsky's prison.

Many of these prisoners were detained for minor crimes and had no legal representation. The case revealed the terrible system of criminal judge of the state of India, in particular against prisoners during activit.

Important Issues:

Right to expedited trial - if a long-term interview with a prisoner violates a fundamental right in accordance with Article 21.

Legal Support - The state was obliged to provide free legal assistance to the less tv fortunate defendants.

Judicial responsibility - Council of courses and authorities seeking prosidement.

Judgment And Impact:

Supreme Court, headed by judge P.N. Bhagvati ruled that the right to quick test is a fundamental right in accordance with Article 21 (the right to life and personal freedom).

The court also emphasized that free legal assistance should be provided with disadvantaged prisoners. As a result, thousands of prisoners in the incident were released.

The decision paves the way for reform of the Indian criminal justice system, including the introduction of rapid methods and the best compliance with legal support provisions.

CONCLUSION:

Public Interest Litigation (PIL) in India has developed into a significant tool for fostering social justice, increasing governmental accountability, and advocating for the public's interests. It is essential to take measures to resolve the challenges related to PIL. By achieving a balance between ensuring access to justice and curbing potential misuse, PIL can persist as an essential means of maintaining the rule of law and safeguarding the rights of all individuals, especially those from marginalized and vulnerable groups in society.

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