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# **PIL- A JUDICIAL PLATFORM FOR DISPENSATION OF JUSTICE**

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## **ABSTRACT**

This dissertation critically examines the role of law as an instrument of social justice, with a specific focus on public interest litigations (PILs). The concept of social justice emphasizes the fair and equitable distribution of resources, opportunities, and rights within society. Law, as a powerful tool, has the potential to shape and transform society by promoting social justice. However, its efficacy in achieving this goal remains a subject of debate and scrutiny. The study begins by exploring the theoretical underpinnings of social justice and its relevance in contemporary society. This contextual background sets the stage for an in-depth examination of the role of law in addressing these social injustices. Public interest litigation, a legal mechanism designed to address systemic social issues and protect the rights of marginalized and vulnerable groups, assumes a central position in this dissertation. PILs serve as a means to access justice for those who are unable to engage with the legal system due to economic, social, or political constraints. By enabling the courts to intervene in matters of public importance, PILs have the potential to effectuate social change and advance the cause of social justice.

In conclusion, this dissertation critically appraises the role of law as an instrument of social justice, with a particular focus on public interest litigations. It recognizes the potential of law and PILs in promoting social justice and redressing systemic inequalities. By shedding light on these issues, this study contributes to the ongoing discourse on the role of law in advancing social justice and provides insights for policymakers, legal practitioners, and activists engaged in the pursuit of a more just and equitable society.

**Keywords:** public interest litigations, social inequalities, access to justice, social change, grassroots activism, judicial process.

## **PIL- A JUDICIAL PLATFORM FOR DISPENSATION OF JUSTICE**

Public Interest Prosecution shouldn't thus be viewed as one of the approaches to causing the court judicially dynamic yet additionally as a legal stage for regulation of equity to the people who to have been denied or denied of equity by any of the organisations of the chief. It has significantly expanded the judiciary's jurisdiction and granted it the authority to intervene in legislative and executive branches of government. As a result, it has prevented the legislature from passing arbitrary laws that override citizens' rights and the executive from making dictatorial decisions to ensure that social justice and human dignity are implemented. Social justice is connected to human dignity. One way that is against social justice is to attack human dignity.

In conclusion, constitutional justice must be regarded as encompassing both the distributive and corrective facets of justice. This suggests that the notion of justice for the judicial system itself should not be restricted to juridical justice, that is, justice delivered through courts. Instead, justice in law should be viewed as a means to the objective of establishing social justice. As a result, the judicial branch's mandate should be to provide a framework for law that, through substantive guidelines, procedural guidelines, and remedial functions, facilitates the advancement of social justice. Art. 39-A, which requires the state to ensure "that the smooth running of the court system encourages justice, on the principle that guarantees equal opportunity," really refers directly to this subject. As entities of the state with coercive authority, courts can also be places where rights are infringed. They are not just places where rights are safeguarded or enforced. Therefore, access to justice should be understood to include access to just behaviour in courts as well as access to just results from courts. Access to justice cannot therefore be confined to having access to the courts itself, in the context of being allowed to attend court to vent and settle grievances. As a result, it is inappropriate to equate access to justice that has accessibility to the courts, as is a widespread trend. In order to ensure that everyone has access to justice, substantive rights must first be established, and then all necessary measures must be taken to repair any violations of those rights in a way that is also just.

The S.C of India strives to deliver justice to the country's underprivileged and common people through Public Interest Litigation. Chief Justice P.N. Bhagawati made the following statement

regarding it: "The S.C has developed several new commitments." Participatory justice has been advanced by it. It has laid only norms of systems. Citizens now have easier access to justice as a result. It is important to remember that the authority of the court should not be viewed as a tool of legal intervention, but rather as one of equality for all, that they have been denied for a long time. The S.C has made some historic announcements with the decision to provide justice to the disadvantaged and disadvantaged classes as a result of Public Interest Litigation. It was declared in 1995 that health is a fundamental human right, and doctors were subject to the consumer's law as a result. The following year, the S.C also made the decision that it would be illegal for hospitals and doctors to did not want to admit a serious patient. The doctor has a professional duty and responsibility to attend to patients and do everything in his power to save their lives. He is unable to avoid responsibility. He cannot disregard a patient's care for any reason. When a doctor's carelessness leads to a patient's death, they must be held accountable by the criminal justice system.

A nation's progress is built on education. Education is a fundamental human right that no one should be denied. According to Article 41 of the DPSP, the state is obligated to guarantee individuals the right to learn, and if any individual is denied this given chance, social justice will cease to vanish away in society. The S.C ordered that no professional institution would charge capitation fees to admit students because education is so important. Additionally, the court governed traveling sessions in engineering and medical colleges . Even the Delhi High Court made it mandatory for all public schools to reserve some seats for economically and socially disadvantaged students. The court's directive aims ensure that no one is denied access to educational opportunities at any level due to poverty or social disadvantage.

Child labor is against the law in India, but the system continues unabated and the government has shown no interest in solving the issue. Child labor constitutes exploitation and a social offence. A child's rights to education, a free and normal life, and the enjoyment of childhood are at stake. It is inhuman and hostile to a child's rights to employ children in brick kilns, restaurants, hotels, and factories. This is considered a violation of child rights as well as an act of inhuman oppression and exploitation. As a result, the S.C mandated the establishment of a Child Labor Rehabilitation Worker Fund in December 1996, and the employers of child workers are required to deposit a compensation of Rs. 20,000 for each child worker, and treat them as such. The court tries to secure and validate

social justice for all by using PIL to enforce constitutional or legal rights, protect human rights and dignity, resist exploitation and oppression of children and women, and the recent incident of racial discrimination by against people from the North East is a serious violation of Indian citizens' rights and freedoms in India. A PIL filed by seven solicitors, some of whom are from the North East, called attention to the killing of Nido Tania, an Arunachal Pradesh youth who was battered to death by neighbourhood merchants in south Delhi. In the PIL48, the S.C. is urged to order the Indian government to create regulations to stop racial discrimination against citizens of North Eastern states living in the nation's capital and other areas of the nation. Racism as means of governing social and national life cannot be tolerated in a welfare state. Therefore, racial discrimination must be eradicated to ensure justice for all.

## CONCLUSION

In India, PIL has achieved remarkable outcomes previously unimaginable. Its best commitment has been upgrading the responsibility of State run administrations towards common freedoms of oppressed. While judges alone cannot effectively respond to government lawlessness, they can certainly foster a culture in which political power is more sensitive to human rights.

However, nationwide public interest litigation has not reacted kindly to such court decisions. They are concerned that this will signal the end of the people- friendly PIL concept. However, Indian legitimate litigants should not be concerned. The only activists who will be required to compensate the opposing parties are those who prefer to file frivolous complaints. It is really a welcome move on the grounds that nobody in the nation can reject that even PIL activists ought to be dependable and responsible. In addition, it is noteworthy that the Consumers Protection Act of 1986 has been amended to compensate opposing parties for frivolous consumer complaints. In any case, it now needs to be completely rethought and reorganised. However, it is obvious that PIL can only become stale and ineffective if it is used excessively. It should not be used by all litigants as a substitute for ordinary ones or as a means to file frivolous complaints because it is an extraordinary remedy that is accessible to all citizens at a lower cost.

The Court does not have unlimited authority to consider any situation that could impede societal

development or cause hardship to a particular group of people. It is tightly controlled and tightly regulated, and cases of public interest are only taken up after thorough investigation.

In a similar vein, there are situations in which the PIL may affect the rights of people who are not in court. As a result, the court must always take into account how the PIL will affect those interests when deciding what to do with the relief, use extreme caution, and follow a procedure to make sure that all likely to be affected interests are informed.

Currently, the court can act on a letter as if it were a writ petition. However, not every letter may be considered a writ petition by the court. Only in the following situations would the court be justified in treating the letter as a writ petition:

(i) Only if the letter is addressed by an enraged individual, a public-spirited individual, or a social action group for the enforcement of the constitutional or legal rights of a person in custody or of a class or group who find it difficult to approach the court for redress due to poverty, disability, or social or economic disadvantage.

Any attempt by the government to regulate PIL elicits widespread protests from individuals who are unaware of its abuse and view regulation as an infringement on their fundamental rights, despite the fact that reducing the misuse and abuse of PIL is crucial. In these circumstances, the S.C of India must intervene by incorporating the civil procedure code's safeguards for stay orders and injunctions in PIL cases. However, it must be acknowledged that PIL is serving as an important tool for social change, despite all doubts and abuses regarding its misuse. It is working for everyone's well-being in society. Everyone uses it solely for the purpose of pursuing justice. India, a developing nation, benefited from the invention of this legal instrument. PIL has been utilised as a strategy to combat societal atrocities. It's an effort by the institution to help the less fortunate in society.