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*methodology and teaching and learning.*

*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research*

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# **PUBLIC INTEREST LITIGATION AND** **THE DOCTRINE OF LOCUS STANDI**

*Authored by - Manisha Kumari Gupta,  
LL.M. student at Chanakya National Law University*

## **I. INTRODUCTION**

Public Interest Litigation in India is a new idea, and for the growing public dependence on the legal process to provide social remedy, it has opened up unlimited sectors by liberalising and/or extending the norms of locus standi. In its common sense, it encompasses all acts of carrying out a legal proceeding for the general public's benefit. When the public or a portion of the public gets interested in a lawsuit, it is deemed of public interest. Public encompasses any category of the public or any group. A particular locale may also fall within the definition of public. In common use, public refers to the whole human population or a nation. According to Webster, it also refers to a specific body or group of individuals. Also known as *social action litigation*. It is not restricted to this method alone. With the advent of the Courts' process for public relief, it has been observed that statutes contain a number of provisions for extending such remedy to the public in certain areas.

Convenience also demanded that if a great number of people have a common interest, just a few should be permitted to represent them all, liberalising the principle of locus standi, as in public interest litigation, in order to save time and money. Under order I rule 8 and 8A of the Code of Civil Procedure<sup>1</sup>, as revised in 1973, this idea has been codified as representative suit with approval of the court and notification to the parties.

Typically, those whose basic right has been violated have the right to petition the court. Article 32 of the Indian Constitution<sup>2</sup> restricts its use to the enforcement of basic rights. The Supreme Court can only use its power to uphold these rights. In the legal system, standing or locus standi refers to a party's capacity to establish to the court a sufficient relationship to and injury from the law or conduct being challenged to justify their participation in the case. In the absence of sufficient standing, the court will dismiss the action without examining the merits of the

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<sup>1</sup> Order 1 Rule 8, 8A of the Code of Civil Procedure, 1908.

<sup>2</sup> Article 32, the Constitution of India.

plaintiff's claim. In Public Interest litigation, impartiality, forensic expertise, procedural gamesmanship, and socio-legal insight are required. In light of this, this article will examine the notion of locus standi in the context of PIL. Additionally, it will be determined if this concept expands the scope of PIL in India.

## II. PUBLIC INTEREST LITIGATION IN INDIA

Several of the individual rights that compose the International Covenant on Civil and Political Rights<sup>3</sup> are recognised as fundamental rights in the Indian Constitution. Fundamental rights include the right to life, equality, freedom of speech and expression, and the right to seek judicial recourse before the Supreme Court and 21 High Courts of India for its enforcement and protection.

Despite the fact that the Constitution of India guarantees equal rights to all citizens regardless of race, gender, religion, and other factors, and that the “directive principles of state policy” require the government to provide a minimum standard of living to all citizens, the promise has not been fulfilled. The majority of Indians have no certainty of two healthy meals per day, work security, secure and clean housing, or an education level that would enable them to comprehend their constitutional rights and responsibilities. Indian media are filled with accounts of the exploitation of children, women, peasants, the poor, and the working class by landowners, factory owners, businesspeople, and the state's own employees, such as police and revenue officers.

Despite the fact that India's higher courts and, in particular, the Supreme Court have frequently been attentive to the terrible socioeconomic realities and have occasionally provided relief to the oppressed, the poor lack the power to represent themselves or to take advantage of progressive laws. In 1982, the Supreme Court acknowledged that extraordinary measures were required to ensure the full realisation of not only civil and political rights, but also the enjoyment of economic, social, and cultural rights, and in its landmark decision in the case of PUDR (People's Union for Democratic Rights) vs. Union of India<sup>4</sup>, it acknowledged that a third party could directly petition the Court and seek its intervention in a matter by letter or other means. In this lawsuit, PUDR argued, using the Constitution's ban on “beggar” or forced labour and human trafficking, that employees contracted to construct the vast sports facility at

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<sup>3</sup> International Covenant on Civil and Political Rights, 1966.

<sup>4</sup> AIR 1982 SC 1473.

the Asian Sports Village in Delhi were exploited. PUDR urged the Court to recognise that the term “beggar” encompassed much more than coercing someone to work against his or her will, and that work under exploitative and grotesquely humiliating circumstances, or work that was not even compensated by minimum wage requirements, was a violation of fundamental rights. As the Supreme Court noted, the rule of law does not imply that the protection of the law must be limited to a privileged few or that the law should be prostituted by vested interests for the protection and maintenance of the status quo under the pretext of enforcement of their civil and political rights. The poor have civil and political rights, and the rule of law is intended for them as well, although in practise it exists only on paper.

Hence, the court was ready to recognise that it had a duty to advance the rights of the vulnerable and underprivileged, even if this was at the request of persons or groups that claimed no handicap. This type of litigation, called Public Interest Litigation or Social Action Litigation by its leading proponent, Professor Upendra Baxi, has granted the court "epistolary jurisdiction."<sup>5</sup>

## 1. CONCEPT

The Indian PIL is an upgraded version of the PIL in the United States. According to the Ford Foundation of the United States,<sup>6</sup> public interest law (PIL) refers to activities that provide legal representation to previously unrepresented organisations and interests. Such attempts have been conducted in acknowledgment of the fact that the regular marketplace for legal services unable to meet the needs of major demographic segments and important interests. Among these organisations and interests include environmentalists, consumers, racial and ethnic minorities, among others. During the emergency period (1975-1977), the Indian judicial system exhibited a colonial character. State persecution and official lawlessness were pervasive during times of emergency. Hundreds of innocent individuals, including political opponents, were imprisoned, and civil and political rights were completely violated. The post-emergency period afforded the Supreme Court justices the opportunity to disregard openly the constraints of Anglo-Saxon process in giving access to justice for the poor.

Public Interest Litigation, sometimes referred to as PIL, is litigation in the general public's best

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<sup>5</sup> Baxi, Upendra (1985) “Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India,” Third World Legal Studies: Vol. 4, Article 6. Available at: <https://scholar.valpo.edu/twls/vol4/iss1/6>

<sup>6</sup> Mohd Haris Usmani, Public Interest Litigation, <https://www.legalserviceindia.com/article/1273-Public-Interest-Litigation.html>.

interests. Prior to the 1980s, only the aggrieved party may personally knock on the doors of justice and seek redress for his grievance; no one else could knock on the doors of justice on behalf of the victim or the aggrieved party. In other words, only the impacted parties had the legal standing to file a lawsuit and continue the litigation, whereas the unaffected parties lacked the legal standing to do so. Hence, there was no connection between the rights granted by the Constitution of the Indian Union and the laws passed by the government and the large majority of illiterate residents. Only those who: a) Have suffered a legal harm because of a violation of his lawful right or legally protected interest; or b) Are likely to incur a legal injury because of a breach of his lawful right or legally protected interest have locus standi in Writ jurisdiction. Prior to acquiring locus standi, a person was required to have a personal or individual right that was violated or threatened to be infringed. He should have been a person who had suffered or was going to suffer from bias, whether financial or otherwise.

Generally, only the injured party has the right to seek remedy under Article 32 of the Indian Constitution.

The post-emergency Supreme Court addressed the issue of people's access to justice by implementing dramatic revisions to the standards of locus standi and the injured party.

In 1979, the first documented instance of PIL centred on the inhumane circumstances of jails and detainees awaiting trial. In *Hussainara Khatun v. State of Bihar*<sup>7</sup>, a lawyer filed a PIL based on a news article published in the Indian Express, emphasising the condition of hundreds of undertrial detainees languishing in various Bihar jails. These proceedings resulted in the release of almost 40 thousand convicts awaiting trial. The denial of these inmates' right to prompt justice appeared as a violation of a key human right. The same established procedure was utilised in following instances.

In 1981, Justice P. N. Bhagwati, in *S. P. Gupta v. Union of India*<sup>8</sup> defined the concept of PIL as follows: "Where a legal wrong or a legal injury is caused to a person or to a determinate class of persons by reason of violation of any constitutional or legal right or any burden is imposed in contravention of any constitutional or legal provision or without authority of law or any such legal wrong or legal injury or illegal burden is threatened and such person or determinate class

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<sup>7</sup> AIR 1979 SC 1369.

<sup>8</sup> AIR 1982 SC 149.

of persons by reason of poverty, helplessness or disability or socially or economically disadvantaged position unable to approach the court for relief, any member of public can maintain an application for an appropriate direction, order or writ in the High Court under Article 226 and in case any breach of fundamental rights of such persons or determinate class of persons, in this court under Article 32 seeking judicial redress for the legal wrong or legal injury caused to such person or determinate class of persons.”

In *Indian Banks’ Association, Bombay and Ors. v. M/s Devkala Consultancy Service and Ors.*,<sup>9</sup> the Supreme Court ruled, “in an appropriate case, where the petitioner might have moved a court in her private interest and for redress of the personal grievance, the court in furtherance of Public Interest may deem it necessary to investigate the state of affairs of the subject of litigation in the interest of justice. Consequently, a case of private interest can simultaneously be considered a case of public interest.”

In *Guruvayur Devaswom Management Committee And Others. v. C.K. Rajan and Ors*<sup>10</sup>, the Supreme Court ruled, “The Courts exercising their power of judicial review discovered to its dismay that the poorest of the poor, deprived, the illiterate, the urban and rural unorganised labour sector, women, children, handicapped by ‘ignorance, indigence, and illiteracy,’ and other down trodden have either no access to justice or have been denied justice. ‘Social Interest Litigation’ or ‘Public Interest Litigation’ is a new discipline of law that aims to provide total justice to the aforementioned categories of individuals. With the passage of time, its wingspan grew. The pro bono public courts afforded jail prisoners relief, provided legal help, guided trial speed, upheld human dignity, and covered various other areas. Representative actions, pro bono publico, and test litigations were accepted in accordance with the current emphasis on justice for the common man and as a necessary disincentive for those who wish to circumvent the real issues on the merits by suspect reliance on peripheral procedural deficiencies... Pro bono publico was a significant aspect of the modern judicial system.”

“But they assigned the dockets a far greater obligation to make the notion of justice accessible to underprivileged segments of society. Public interest litigation is here to stay, and its importance cannot be overstated. The courts evolved a compassionate jurisprudence. Priority was to be given to substantive complaints regarding the violation of rights instead of procedural

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<sup>9</sup> [2004] INSC 287

<sup>10</sup> Appeal (Civil) 2148 of 1994.

issues. The locus standi rule was weakened. Instead of being an impartial arbiter, the court became an active participant in the administration of justice.”

## **2. WRITE JURISDICTION PURSUANT TO ARTICLE 32 AND ARTICLE 226 OF THE CONSTITUTION OF INDIA**

Under Article 32 of the Constitution, the Supreme Court’s Writ Jurisdiction may be exercised for the infringement of basic rights guaranteed in Part III of the Constitution. Every provision for Fundamental Rights in a Constitution is useless unless there are effective protections to ensure their execution. Due to the fact that the validity of such rights may only be determined by the courts, the protections are of much greater significance. In addition, enforcement depends on the degree of judicial independence and the availability of suitable mechanisms within the executive branch. Similar to the majority of Western constitutions, the Indian Constitution has measures to ensure the implementation of Fundamental Rights. These are as follows:

(a) The Indian Constitution protects the Fundamental Rights against executive and legislative action. Article 13 of the Constitution allows the courts to declare null and invalid any executive or legislative action that violates the Fundamental Rights of any individual or group of individuals.

b) The Judiciary also has the authority to issue prerogative writs. These are the extraordinary remedies available to people to enforce their rights against any state body. These are the writs of Habeas corpus, Mandamus, Prohibition, Certiorari, and Quo Warranto. The High Courts and the Supreme Court have the authority to issue writs.

(c) The State may not suspend the Fundamental Rights granted to people by the Constitution, save in times of national emergency, as stipulated in Article 359 of the Constitution<sup>11</sup>. A Basic Right may also be enforced by standard legal procedures, such as a declaratory lawsuit or a legal defence.

Article 32, however, is known as the “Constitutional Remedy” for the enforcement of Fundamental Rights. This clause has been incorporated into the Bill of Rights, therefore it cannot be refused to anybody. Dr. B.R. Ambedkar referred to Article 32 as the most vital provision, without which the Constitution would be rendered null and void. It is sometimes referred to as the Constitution's heart and soul. By incorporating Article 32 into the Basic

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<sup>11</sup> Article 359, the Constitution of India.

Rights, the Supreme Court has been designated as their guardian and guarantor. An application brought before the Supreme Court according to Article 32 of the Constitution cannot be denied on technical grounds. In addition to the five forms of writs specified by law, the Supreme Court may also issue any additional relevant order. In addition, only matters relevant to the Fundamental Rights can be decided in Article 32 procedures. Under Article 32, the Supreme Court of India may issue Writs against any individual or authority inside Indian territory. Where a violation of a Fundamental Right has been shown, the Supreme Court cannot deny redress on the basis that the injured party has recourse before another court or under the common law.

Moreover, the remedy cannot be granted on the grounds that the disputed facts must be examined or proof must be gathered. Even if the aggrieved party has not requested a specific Writ, the Supreme Court, after reviewing the facts and circumstances, may award the appropriate Writ and may even alter it to meet the case's exigencies. Often, only the aggrieved party is permitted to petition the court. Yet, the Supreme Court has maintained that in situations of social or public interest, anybody may petition the Court. In accordance with their different Writ Jurisdictions, a Public Interest Lawsuit can be filed before the Supreme Court under Article 32 of the Constitution or before the High Court of a State under Article 226 of the Constitution.

### **III. THE DOCTRINE OF LOCUS STANDI**

The Latin maxim “Locus Standi” is comprised of two words: ‘locus’ which means location, and ‘standi’ which denotes the legal authority to file a lawsuit. So, collectively, it refers to the right to appear in court or to file a lawsuit. According to this adage, a person must demonstrate his legal ability before addressing the court. That indicates that a person can only file a lawsuit when his personal interests are violated or he is injured. This adage is one of the essential tenets of the adversarial method of litigation.

The notion of locus standi is stated in Indian Civil Procedure Code, Order 7 Rule 11.<sup>12</sup> Before initiating any action, the plaintiff or appellant must establish his or her locus standi, and the trial will then commence. If the criteria of locus standi is not met, the court may dismiss the lawsuit regardless of its merit.

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<sup>12</sup> Civil Procedure Code, 1908, Order 7 Rule 11.

In accordance with order 7 Rule 11 of the Civil Procedure Code of 1908, a party must adhere to certain requirements. These components are listed below:

- **Existence of Injury:** In order to file a lawsuit, the plaintiff must have incurred some sort of harm. According to the Oxford definition, an injury is the violation of any legal right or any other bodily or financial harm that a person has suffered. The harm might be caused by either private parties or the government. Also, it is essential to highlight that the harm may be actual or anticipated. In addition, the type of the damage may be economic or non-economic.
- **Causation:** The term causality refers to the link between cause and effect. It indicates that there must be a substantial connection between the act of one party and the harm sustained by the other. The primary objective of this element is to ensure that the defendant's conduct caused the damage. It also assures that the alleged harm is not the result of an independent or other third party.

Since independence, there has been an alarming increase in poverty and unemployment. Several individuals lacked the financial means to contact the court. Others ruthlessly exploited them, and their legal rights were severely discriminated against. Due to poverty and illiteracy, individuals did not seek the court since litigation was too expensive. For this reason, the notion of Public Interest Litigation (PIL) was created to alleviate the burden of law. It was the product of judicial activism directed towards achieving justice in the truest sense.

The courts developed a humane legal philosophy. Preference was to be given to substantial allegations about the infringement of rights above procedural concerns. The rule of locus standi was weakened. Instead of serving as an unbiased arbitrator, the court became a participant in the administration of justice.

#### **IV. IMPORTANT SUBJECTS IN PIL DESIGNATED BY THE COURT AS LOCUS STANDI**

Public Interest Litigation is intended for the enforcement of the basic and other legal rights of those who are poor, vulnerable, uninformed of the legal redress system, or otherwise in a socially or economically disadvantaged position. Such lawsuit may only be filed for the purpose of redressing a public wrong, enforcing a public obligation, or defending a public interest. The petition must be filed in good faith in the public interest and not for personal benefit, private motivation, or any extraneous factor. There are three fundamental prerequisites

for filing a public interest lawsuit.

Those are:

1. Injury- The plaintiff must have experienced or imminently suffer damage - a real and particularised violation of a legally protected interest. The injury must be genuine or imminent, concrete and perceptible, and not merely hypothetical. This damage might be both economic and non-economic.
2. Causation: - There must be a causal relationship between the harm and the conduct complained of, such that the injury is properly attributable to the challenged activity of the defendant and not to the independent action of a third person who is not before the court.
3. Redressability- It must be probable, as opposed to just hypothetical, that a favourable court judgement would rectify the wrong. However, there are three important prudential limits or standing principles developed by the courts. These principles were expanded based on the situation:

The court considers the following as locus standi before the court:

Petitions sent by mail that are not in the public interest may be considered as writ petitions if the honourable judge designated for this purpose so directs. Individual pleas complaining harassment or torture or death in jail or by police, complaints of brutality on women such as harassment for dowry, bride burning, rape, murder, kidnapping, complaints relating to family pensions and complaints of refusal by police to register the case may be registered as writ petitions if the concerned Hon'ble Judge approves. Whenever considered necessary, a report from the appropriate authorities is requested prior to presenting the case to the Honorable Court for instructions. If so, as instructed by the Honorable Judge, the letter is recorded as a writ petition and placed on the Court's hearing schedule. In recent cases, however, the Supreme Court has substantially loosened this customary rule:

- 1) Any individual

In Peoples Union for Democratic Rights v. Union of India,<sup>13</sup> the court presently allows Public Interest Litigation or Social Interest Litigation at the instance of "Public spirited citizens" for the enforcement of constitutional & legal rights of any individual or group of individuals who are unable to approach court for relief due to their socially or economically disadvantaged position. Public interest litigation is a component of the process of participatory justice, and standing in civil action of this nature must be welcomed with open arms.

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<sup>13</sup> AIR 1982 SC 1473.

In the Judges Transfer Case, <sup>14</sup>the Court ruled that any member of the public with sufficient interest in a public damage resulting from a breach of legal rights may initiate a Public Interest Lawsuit in order to seek judicial remedy. This is essential for upholding the Rule of Law and advancing the equilibrium between law and justice. A person who approaches a court of equity in the exercise of its exceptional jurisdiction must not only have clean hands, but also a clean mind, heart, and goals.

In the Shiram Food & Fertilizer case<sup>15</sup>, Public Interest Litigation ordered the firm producing toxic and fatal chemicals and gases that endanger the lives and health of workers to take all essential safety precautions before reopening the factory.

In the case of M.C. Mehta v. Union of India<sup>16</sup>, a Public Interest Lawsuit was filed to prevent further contamination of Ganga water in order to avoid additional water pollution. While the petitioner is not a riparian owner, the Supreme Court ruled that he has standing to apply for the execution of legislative restrictions, since he has an interest in preserving the lives of Ganga water users.

The Supreme Court of India ruled in Parmanand Katara v. Union of India,<sup>17</sup> a Public Interest Litigation filed by a human rights activist fighting for the general public interest, that it is the foremost duty of every member of the medical profession to provide immediate medical aid to every injured citizen without waiting for any procedural formalities.

## 2) Non-profit organisation

Council for Environment Legal Action vs. Union of India<sup>18</sup>, a Public Interest Lawsuit brought by a recognised non-profit organisation concerning economic degeneration in coastal areas. The Supreme Court issued the necessary instructions and directives for the enforcement of environmental protection regulations.

## 3) Research article or newspaper report

According to a story headlined “Treat Prisoners Equally, HC” published in The Tribune on August 23, the Punjab & Haryana High Court ruled that there can be no categorization of

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<sup>14</sup> A.I.R. 1974 S.C. 209

<sup>15</sup> AIR 1987 SC 965.

<sup>16</sup> AIR (1987) 4 SCC 463.

<sup>17</sup> AIR 1989, SC 2039.

<sup>18</sup> (1995) 3 SCC 77.

convicts based on their social standing, education, or lifestyle. This is a stunning decision by the Supreme Court, which declared section 576-A of the manual to be “unconstitutional.”

In recent years, Judicial Activism has introduced a new dimension to the legal system and provided new hope to millions of people who are destitute. There is no reason why the Indian Supreme Court should not adopt an aggressive stance similar to that of the United States Supreme Court in order to expand remedial opportunities for Indian people.

Supreme Court has suddenly understood its appropriate function in a welfare state and is utilising its new approach to produce a whole new body of legislation for the efficient and successful execution of Public Interest Litigation. By submitting a letter or postcard to any Judge, a person can easily petition the court for the enforcement of basic rights. That specific letters founded on actual facts and ideas will be translated into writ petitions. When a court accepts a Public Interest Lawsuit, it attempts to uphold the implementation of social and economic programmes for the benefit of the disadvantaged and the poor. Public Interest Litigation has benefited the general populace. Many wrongs done by individuals or by society have been rectified via Public Interest Litigation. By reducing the scope of Public Interest Litigation, the Court has brought legal assistance to the doorsteps of millions of impoverished Indians, something that the government has been unable to accomplish despite spending a great deal of money on new legal aid systems at the federal and state levels. Commendable is the Supreme Court's key role in expanding the meaning of Public Interest Litigation as a counterbalance to the executive's laziness and inefficiency.

Given the above discussion, the following are the most essential PIL topics:

1) Labor exploitation occurs when workers are paid less than the minimum wage.

The Indian Express exposes the situation of Bihar's inmates awaiting trial. These defendants have been incarcerated for the last decade, in violation of their right to a prompt trial.

3) Dehumanized Case - The majority of the time, police brutality harms the victim's health and reputation.

a) Supreme Court directive to offer medical help to victims of police blindness.

b) Police brutality resulting in a person's death given for the compositor amount.

4) Eviction of Gudalur farmers - Individuals who had cultivated the land for many years were sought to be evicted in violation of the concept of natural justice. The case is sympathetic and the farmers were furnished with compassionate grounds.

5) Child welfare - Release of youngsters under the age of 16 and separate treatment of juvenile

criminals awaiting trial.

6) Women Atrocity - There are increasing incidents of women atrocities in the nation, and the police officer has access to PIL Guidelines for initiating cases;

a) In instances of gang rape, police officers are supplied with filing instructions.

b) Custodial violence against women - Ill treatment and custodial abuse against women in the police jail.

7) Environmental Cases: a) To combat the problem of water pollution, the Supreme Court in the Ganga River case mandates the closure of companies whose water pollution harms the Ganga River.

b) In an effort to combat air pollution, the court orders the closure of limestone quarries in the Mussoorie Hills range in order to preserve the ecosystem of the Himalayan area and protect public health.

## V. CONCLUSION

Hence, litigation in the public interest is a form of social litigation that provides remedies for everyone. Locus standi is a notion that originated in the United States; it refers to standing before the court or filing the case before the court. This PIL notion in the context of locus standi is that the entire public or society does not stand before the court, but rather a social worker or lawyer does so on their behalf. So, locus standi is a notion that originated from public interest litigation, that is altering their scope and meaning.

Eventually, people will regard it to be PIL based on media reports, such as those in the Hussainara Khatoon case, the research of a jurist or student, and other factors that the honourable court deems to be the source of public interest. Hence, the court is addressing the issue through public interest litigation, which is the footing before the court. The liberalisation of the locus standi principle enables the court to regard a litigant's broad interest in an issue as adequate for locus standi. So, the notion of individual interest evolved into the concept of special interest, then into the concept of class interest, and finally into the concept of adequate interest.

In such circumstances, no particular individual is required to appear before the court in order to bring a lawsuit; instead, the court evaluates the locus standi based on media articles and deems the issue to be one of public interest.

The expansive interpretation of locus standi, which allows anybody to petition the court on behalf of persons who are economically or physically unable to appear, has been beneficial. In several instances, judges have begun suo moto actions based on newspaper stories or received correspondence. In spite of the fact that social and economic rights outlined in Part IV of the Indian Constitution are not enforceable at law, courts have creatively interpreted them as basic rights, making them judicially enforceable.

Public Interest Litigation is a significant agent of social transformation. It works for the benefit of all segments of society. It is the universal sword used just for executing justice. The development of this legal tool proved advantageous for emerging nations like India. PIL has been utilised to confront the prevalent evils in society. It is an institutional endeavour for the wellbeing of the society's disadvantaged segment. In *Bandhua Mukti Morcha v. Union of India*<sup>19</sup>, the Supreme Court of India ordered the liberation of indentured labourers. In *Murli S. Dogra v. Union of India*<sup>20</sup>, the Supreme Court of India outlawed public smoking. In a historic decision, *Delhi Domestic Working Women's Forum v. Union of India*,<sup>21</sup> the Supreme Court of India provided rules for the rehabilitation and compensation of working women who have been raped. In *Vishaka v. State of Rajasthan*<sup>22</sup>, the Supreme Court established comprehensive standards for avoiding sexual harassment of professional women in the workplace.

For example, Article 21's right to life has been broadened to include the right to free legal help, the right to live with dignity, the right to education, the right to work, freedom from torture, barfettters, and handcuffs in jails, etc. Compassionate judges have consistently innovated on behalf of the disadvantaged. In the 1983 *Bandhua Mukti Morcha* case, for instance, the Supreme Court placed the burden of evidence on the respondent, indicating that it would regard every incidence of forced labour as bonded labour until the employer could prove otherwise. Similarly, in the *Asiad employees* case, Judge P.N. Bhagwati ruled that anyone earning less than the basic income may immediately approach the Supreme Court, bypassing the employment commissioner and lower courts.

In PIL instances in which the petitioner is unable to produce all the requisite evidence, either because it is too extensive or because the parties are socially or economically disadvantaged,

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<sup>19</sup> 1984 AIR 802.

<sup>20</sup> (2001) 8 SCC 765.

<sup>21</sup> 1995 SCC (1) 14.

<sup>22</sup> 1997 6 SCC 241.

courts have created commissions to gather information on the facts and present it to the bench. Thus, it is essential to note that the idea of Public Interest Litigation has expanded due to the relaxation of the locus standi doctrine.

It would be good to end by stating Cunningham, who compared Indian PIL to a Phoenix: a brand-new creativity blooming from the ashes of the previous order.

