

NEXT IAS

**DAILY EDITORIAL
ANALYSIS**

TOPIC

**DEBATE OVER RECONSIDERING
PUBLIC INTEREST LITIGATIONS (PIL)
JURISDICTION**

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DEBATE OVER RECONSIDERING PUBLIC INTEREST LITIGATIONS (PIL) JURISDICTION

Context

- Recently, the Union government urged the Supreme Court to reconsider the **framework of Public Interest Litigation (PIL), citing concerns** over “agenda-driven litigation.”
- Debate has intensified on whether PIL has deviated from its **original purpose of ensuring justice for the marginalized.**

About Public Interest Litigations (PIL)

- It is a legal mechanism that allows **any individual or group** to approach the court for the protection of **public interest**, especially for the enforcement of **Fundamental Rights (Articles 32 & 226)**.
- It is a **judicial innovation** that relaxes traditional rules, enabling even **non-affected persons** to file petitions on behalf of the disadvantaged.
- It is recognized by the Supreme Court as part of its **epistolary jurisdiction.**
- **Key Features of PIL:**
 - ◆ **Relaxed Locus Standi:** Any public-spirited person can file
 - ◆ **Focus on Public Good:** Not private disputes
 - ◆ **Epistolary Jurisdiction:** Courts accept letters/postcards as petitions
 - ◆ **Judicial Activism Tool:** Courts actively intervene for justice
 - ◆ **Flexible Procedures:** Less technical and more accessible

Evolution of PIL in India

- **Genesis (Late 1970s–1980s) as Access to Justice:** PIL emerged under Justices PN Bhagwati and VR Krishna Iyer. It was focused on **bonded labour, prisoners’ rights, environmental protection.**
 - ◆ Relaxation of **Locus Standi** allowed third parties to file petitions.
 - ◆ PIL became a tool of **social justice and judicial activism.**
- **Expansion (1990s–2000s) as Governance Tool:** PIL expanded into **environmental governance, corruption, and policy matters.**
 - ◆ Courts issued **structural injunctions** and monitored implementation.
 - ◆ PIL transformed into a mechanism of **continuing mandamus** and enabled courts to shape governance through **structural remedies and oversight mechanisms.**
- **Contemporary Phase as Regulation & Scrutiny:** It is a shift towards **regulating misuse and limiting excesses.** Courts increasingly cautious of **frivolous PILs and judicial overreach.**

Concerns with PIL Jurisdiction

- **Misuse and Frivolous Petitions:** Growth of **Publicity Interest Litigation / Private Interest Litigation.**
 - ◆ PIL used for **personal, corporate, or political gains.**
- **Judicial Overreach:** Courts entering domains of **policy-making and administration.**
 - ◆ It weakens **separation of powers.**
- **Docket Explosion and Judicial Burden:** Frivolous PILs increase **pendency of cases**, and diverts attention from genuine disputes.
- **Politicisation of PIL:** PILs used as tools for **ideological battles and political rivalry.**
- **Lack of Institutional Expertise:** Courts sometimes lack **technical expertise** for policy decisions (e.g., environment, economy).

Judicial and Governmental Responses

- **Judicial Measures:** In **State of Uttaranchal v. Balwant Singh Chaufal (2010)**, court mandated the mandatory guidelines for PIL admission, verification of petitioner credentials, and discouraging frivolous PILs.
 - ♦ It also mandated the imposition of **heavy costs and penalties** in misuse cases, and increasing insistence on **bona fide intent**.
- **Governmental Position:** Government often raises concerns about judicial encroachment into executive domain; and impact on policy implementation and governance efficiency.

Debate: Should PIL Jurisdiction be Reconsidered?

- **Arguments for Reconsideration:** Prevent misuse and protect judicial credibility; ensure **institutional balance and separation of powers**; and improve **efficiency of judiciary**.
 - ♦ There is a need to **redefine the scope** of PIL to prevent misuse. introduce **stricter admissibility criteria**, and ensure PILs are aligned with **constitutional morality and institutional limits**.
- **Arguments Against Curtailment:** PIL remains crucial for **access to justice for marginalized groups**; and addressing **executive inaction and governance failures**.
 - ♦ Curtailing PIL may weaken **rights-based governance**.

Conclusion & Way Forward

- PIL is a **cornerstone of Indian constitutional democracy**, bridging the gap between citizens and justice. However, its **expansion without adequate safeguards** has led to misuse and institutional concerns.
- India needs a **calibrated reform strategy** that balances **judicial activism with accountability**, ensuring that PIL continues to serve its original purpose i.e. **justice for the voiceless**, rather than abandoning PIL jurisdiction.
- India also needs **pre-screening of PILs** by judicial committees, **strict locus standi guidelines** with flexibility for genuine cases, **imposition of exemplary costs** for misuse, **judicial restraint in policy matters**, and encouraging **data-driven and expert-backed PILs**.

Source: TH

Daily Mains Practice Question

[Q] Examine whether the Public Interest Litigation (PIL) jurisdiction in India needs reconsideration. Suggest measures to ensure its effective and responsible use.