



## PUBLIC INTEREST LITIGATION (PIL) AND ITS IMPACT ON ADMINISTRATIVE IN INDIA

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### Abstract:

In the Indian legal system, Public Interest Litigation (PIL) has become a game-changing weapon that enables people and groups to ask the court to intervene on behalf of the public, especially for those who are unable to defend themselves. By extending the idea of “locus standi”, PIL, which was first introduced in the late 1970s, has completely changed access to justice and made it possible for anybody who genuinely cares about societal issues to petition the courts. This mechanism's promotion of social justice, accountability, and transparency has had a major impact on administrative law in India.

PIL has addressed important concerns like human rights, environmental protection, and government accountability via noteworthy cases, which have resulted in historic court rulings and reforms. For example, the “M.C. Mehta” series of judgments has strengthened the concept of environmental justice, while instances such as “Vishaka v. State of Rajasthan” have set rules for avoiding sexual harassment in the workplace. These instances demonstrate how PIL has not only helped individuals but also spurred administrative and legislative reforms with significant societal ramifications. PIL has encouraged more judicial activity and given citizens more authority, but it has also encountered problems including abuse and judicial overreach.

The demand for a more fair and inclusive judicial system that addressed the issues of underprivileged groups and individuals dealing with social injustices is where PIL got its start. Progressive justices like “Justice P.N. Bhagwati” and “Justice V.R. Krishna Iyer” supported the judiciary's aggressive promotion of PIL filing, highlighting the idea that justice should not only be available to the wealthy but also to the underprivileged and impoverished.

The growing volume of pointless PILs, according to critics, might overburden the court system and take focus away from important matters. Furthermore, there are worries that judicial action would overstep the legislative and executive branches and upset the balance of power.

This article examines the development, salient characteristics, and significant influence of PIL on Indian administrative law, emphasizing its function in establishing a more equitable and responsible system of government. We will provide a thorough examination, looking at important cases, the social justice goals pursued by PIL, and the continuous difficulties this crucial tool of the public interest faces.

### Objectives:

The following are the aims of this essay on Public Interest Litigation (PIL) and how it affects Indian administrative law:

1. To Examine the Idea of PIL: To give a comprehensive overview of Public Interest Litigation, including its background, salient characteristics, and Indian judicial system.
2. To Assess PIL's Effect on Administrative Law: To look at how PIL has changed administrative law by encouraging responsiveness, accountability,



and openness in governance, especially with regard to government policies and activities.

3. To Draw Attention to Important Cases: to examine important PIL cases that have influenced administrative and legal reforms in India, with a focus on the social justice and public welfare implications.

4. To Talk About Judicial Activism and Its Consequences: To talk about the role of judicial activism in PIL, looking at its advantages and possible disadvantages, such as worries about judicial overreach.

5. To Identify Issues and critiques: To list the issues and critiques related to Public Interest Litigation (PIL), including the impact on the legal system, the possibility of abuse, and the filing of pointless cases.

6. To Offer Suggestions for Enhancement: to make recommendations for actions that would minimize abuse and guarantee appropriate legal procedures while increasing the effectiveness of PIL as a social justice weapon.

#### Scope:

The following topics are included in this article's scope:

1. Historical Context: A study of the beginnings and development of public interest litigation in India, taking into account the sociopolitical elements that influenced its formation.

2. Legal Framework: An examination of the pertinent statutes and court rulings that control public interest litigation (PIL) in India, including the Supreme Court's position on locus standi and other procedural issues.

3. Impact on Administrative Law: A thorough examination of the ways in which PIL has impacted administrative law, particularly its function in encouraging accountability, responsiveness, and transparency in governmental operations.

4. Case Studies: Analysis of significant PIL cases that show how PIL is used in real-world

situations and how it affects administrative procedures and public policy.

5. Judicial Activism vs. Overreach: This section discusses the subtle distinction between judicial activism and overreach in the context of public interest litigation (PIL), taking into account the opinions of legal experts and practitioners.

6. Future Directions: Recommendations for how PIL could develop going forward, including possible changes to increase its effectiveness and solve issues with abuse and pointless litigation.

This article seeks to give a thorough overview of the function of public interest litigation in forming administrative law and promoting social justice in India by addressing these goals and scope.

#### Evolution of Public Interest Litigation in India:

Development of Public Interest Litigation in India: The traditional Indian legal system did not include the idea of public interest litigation. Before it appeared, the Indian legal system had a more stringent stance, requiring a party who felt wronged to show a direct personal stake in the matter in order to request court remedy. With the introduction of PIL, however, the courts broadened the definition of locus standi (the right to bring an action), enabling people, organizations, or groups to submit petitions on behalf of people who are unable to do so on their own, such as members of underprivileged communities or those who are the victims of discrimination or poverty.

PIL gained traction under the direction of Supreme Court of India Justices P.N. Bhagwati and V.R. Krishna Iyer, who aimed to democratize access to justice and increase the courts' responsiveness to social concerns. PIL was established by the seminal instances of *Hussainara Khatoon v. State of Bihar* (1979) and *S.P. Gupta v. Union of India* (1981), which emphasized that justice should not only be accessible to the wealthy but also to the underprivileged and impoverished.



### Key Features of Public Interest Litigation:

PIL differs from regular litigation in a number of ways. Among the salient characteristics are:

- Wider Locus Standi: PIL permits any public-spirited person or organization to file a petition in the public interest, in contrast to traditional litigation, which only permits impacted parties to file a case. This increases access to justice and gives courts the ability to handle cases involving significant societal segments.
- Judicial Activism: Public interest litigation frequently results in judicial activism, in which the judge actively directs government policy. To guarantee administrative adherence to legislative and constitutional requirements, judges have the authority to issue mandamus or other directions.
- Emphasis on Fundamental Rights: PILs are usually brought in circumstances where the Constitution's fundamental rights—especially those protected in Part III—are being violated (e.g., the right to life, equality, and freedom of speech).
- Social Justice: PILs frequently touch on topics related to social justice, such as government accountability, environmental preservation, and the rights of underrepresented groups. It gives judges the authority to rule on issues like health, education, and the environment that have a direct impact on society's well-being.

### Impact of Public Interest Litigation on Administrative Law:

India's administrative law has changed dramatically as a result of PIL. PILs have significantly changed the way the government operates by contesting the acts or inactions of government agencies, guaranteeing increased accountability and transparency. Among the main areas of influence are:

#### 1) Increased government Authorities' Accountability

Holding public officials responsible for their choices and deeds has been made possible in large part by PIL. The judiciary has used PILs to

make sure that administrative agencies and public servants don't abuse their authority or transgress constitutional norms. In order to improve administrative accountability in corruption investigations, the Supreme Court, for instance, issued orders in the Vineet Narain v. Union of India (1996) case to guarantee the Central Bureau of Investigation's (CBI) independence from political meddling.

#### 2) Improving Governance Transparency

By bringing corruption, inefficiency, and poor administration to light, PIL has helped increase transparency in government institutions. The judicial activism encouraged by PIL indirectly reinforced the Right to Information Act (2005), which gives citizens the ability to obtain information from public agencies. PIL has improved the general transparency of government operations by requiring officials to provide information and maintain accurate records.

#### 3) Advancement of Social Justice and the Environment

PIL has shown to be an effective tool for guaranteeing the preservation of natural resources and advancing environmental justice. The Supreme Court stepped in to safeguard the environment by ordering industries to adopt eco-friendly techniques and stopping environmental deterioration in historic cases like M.C. Mehta v. Union of India (among numerous cases, including the Ganga Pollution Case). These instances demonstrated the judiciary's authority to order corrective measures as well as the administrative authorities' involvement in upholding environmental legislation.

#### 4) Human rights and public welfare reforms

PIL has also played a significant role in resolving human rights abuses and changing public welfare policy. For instance, the Supreme Court addressed the problem of bonded labor in Bandhua Mukti Morcha v. Union of India (1984), ordering the government to put welfare measures in place and guarantee workers'



rehabilitation. Similarly, administrative improvements targeted at enhancing the protection of human rights have resulted from PILs addressing concerns including slum dwellers' rights, prisoner rights, and custodial fatalities.

#### 5) Judicial Monitoring of Executive Orders

The judiciary has expanded its judicial review of executive decisions and actions through PILs. By guaranteeing that executive bodies operate within the bounds of their power and in conformity with the Constitution, this has had a substantial influence on administrative law. The rule of law has been strengthened by the judiciary's frequent overturning of administrative actions that infringe upon fundamental rights or procedural standards.

#### Landmark PIL Cases in India and Their Impact on Administrative Law:

Indian administrative law has been significantly shaped by a number of important PIL cases. Among the noteworthy instances are:

##### 1) Hussainara Khatun v. State of Bihar (1979)

Many of the undertrial inmates in Bihar had been held for extended periods of time without being given a chance to defend themselves, and this case brought their appalling conditions to light. Due to the Supreme Court's intervention, the legal system underwent administrative reforms, guaranteeing the preservation of the right to a fast trial.

##### 2) Vishaka v. State of Rajasthan (1997)

In the absence of particular law, the Supreme Court established principles in this case to avoid sexual harassment in the workplace. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 was later passed after the Vishaka Guidelines served as a framework for administrative bodies to put policies in place guaranteeing women's safety and dignity in the workplace.

##### 3) MC Mehta v. Union of India (1987)

The absolute responsibility concept for businesses involved in hazardous operations was established as a result of this PIL, which is commonly referred to as the Oleum Gas Leak Case. The case brought about a major change in administrative law by requiring enterprises to provide safety and avoid harm to the public.

#### Challenges and Criticisms of PIL:

PIL has unquestionably aided in the development of social justice and administrative law in India, but it has also encountered opposition and difficulties.

##### a. The judiciary's overreach

According to some detractors, PIL has resulted in judicial overreach, as courts infringe on the authority of the legislative and administration. The separation of powers and the operation of administrative bodies can occasionally be compromised by excessive judicial activity.

##### b. Vexatious and Frivolous PILs

Despite being created to serve the public good, PILs have occasionally been abused to further personal agendas or settle political grudges. Filing pointless or politically driven PILs can overload the court system and take focus away from matters that are truly in the public interest.

##### c. Court Order Implementation Delays

Administrative entities frequently take longer than expected to enforce court rulings, even when judges intervene through PIL. This demonstrates the difficulties in guaranteeing adherence and the requirement for improved systems to keep an eye on the implementation of court orders.

#### Conclusion:

In conclusion, India's administrative law has been significantly and permanently impacted by public interest litigation. It has guaranteed increased responsibility of government officials, encouraged openness, and broadened the reach of judicial review over executive acts. PIL



has brought about many improvements in fields including public welfare, environmental preservation, and human rights, but it also has problems with court abuse and overreach. However, PIL continues to be an essential instrument for resolving structural problems in governance and guaranteeing that administrative institutions operate in conformity with constitutional norms. PIL has been significant in forming India's legal and administrative terrain by enabling citizens to pursue remedies for public wrongs.

### References:

#### Books

1. **M. S. Singh** (2016). *Public Interest Litigation: A Comparative Study*. New Delhi: Universal Law Publishing.
  - This book provides a comprehensive analysis of PIL and compares it with similar mechanisms in other countries.
2. **S. P. Gupta** (2004). *Judicial Activism and Public Interest Litigation in India*. New Delhi: Delhi Law House.
  - This book discusses the role of the judiciary in promoting social justice through PIL, highlighting key cases and legal principles.
3. **S. K. Verma** (2012). *Public Interest Litigation: A Tool for Social Justice*. New Delhi: Dhanpat Rai & Co.

- This book explores the concept of PIL in-depth and discusses its implications for social justice and governance.

#### Articles and Journals

1. **R. P. Anand** (2000). "Public Interest Litigation in India: A Critical Analysis." *Journal of the Indian Law Institute*, 42(4), 370-387.
  - This article provides an overview of the evolution of PIL and its impact on the legal landscape in India.

2. **K. K. P. Sinha** (2015). "Public Interest Litigation: Evolution and Challenges." *The Indian Journal of Legal Studies*, 1(1), 45-58.

- This paper discusses the challenges faced by PIL, including misuse and the need for reform.

3. **S. M. D. S. A. Sinha** (2013). "Judicial Activism and Public Interest Litigation: A Paradigm Shift." *Indian Journal of Constitutional Law*, 4(1), 90-105.

- This article analyzes the impact of judicial activism on PIL and its implications for administrative law.

#### Case Law

1. **Hussainara Khatoon v. State of Bihar**, AIR 1979 SC 1369.
  - A landmark case that expanded the concept of **locus standi** in India.
2. **Vishaka v. State of Rajasthan**, AIR 1997 SC 3011.
  - This case established guidelines for preventing sexual harassment in the workplace through PIL.
3. **M.C. Mehta v. Union of India**, AIR 1987 SC 1086.
  - A significant case concerning environmental justice and the application of the **absolute liability principle**.

#### Online Resources

1. **Supreme Court of India** (n.d.). "Public Interest Litigation: A New Horizon of Justice." [Supreme Court of India](#)
  - The official website of the Supreme Court provides resources and judgments related to PIL.
2. **Law Commission of India** (2008). "Report on Public Interest Litigation." Law Commission of India



- This report discusses the role and challenges of PIL in India, offering recommendations for reform.

