Public Interest Litigation (PIL)

Public Interest Litigation means litigation for public good. It means litigation in a court of law is initiated, by any person or group of persons or an organization who may be a third part or outsider to the matter and not necessarily the aggrieved party.

Thus, to file a PIL before a court one need not be a direct victim of violation of any law or right thereunder. Where matters of greater good are concerned the rule of locus standi has been relaxed and a person acting bona fide and having sufficient interest may approach the court to raise his voice against violation of fundamental rights and genuine defiance of laws.

Earlier only the aggrieved party would approach the Court in pursuit of Justice, but with onset of eighties, the apex court began to accept PILs moved at the instance of socially active and concerned persons/organizations for the enforcement of legal and constitutional rights of person or persons who may be socially or economically at a disadvantageous position and hence unable to approach the court for redressal of their grievance.

Justice P.N.Bhagwati and Justice V.R.Krishna Iyer were among the first judges to admit PIL's in the court. They gave some judgments which became landmarks and opened up a new avenue for social reforms-through PILs. Some of the major public reforms have been brought about by judgments delivered in PILs. The Vishakha case (sexual harassment of women), MC Mehta Cases (environmental issues), Vishwa Jagriti Mission case (ragging in educational Institutions) are only a few of such milestones.

When can a PIL be filed:
A PIL may be filed in the following matters of public interest: (i) bonded labour matters, (ii) matters of neglected children, (iii) exploitation of casual labourers and non-payment of wages to them (except in individual cases), (iv) matters of harassment or torture of persons belonging to Scheduled Castes, Scheduled Tribes and Economically Backward Classes, either by co-villagers or by police, (v) matters relating to environmental pollution, disturbance of ecological balance, drugs, food adulteration, maintenance of heritage and culture, antiques, forests and wild life, (vi) petitions from riot victims and (vii) other matters of public importance.

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Where can a PIL be filed:
A PIL may be is filed in the High Court of the state concerned as a writ petition under Article 226 of the Constitution. Article 226 of the Constitution of India empowers a High Court to issue writs, directions or order for the enforcement of fundamental rights and for any other purposes. Such writ, direction or order may be issued by the High Court to a person or authority amenable to the Court's jurisdiction either by residence or location within the State, even if the petitioner and other parties are from other States.

Alternately, a PIL can also be filed in the Supreme Court under Article 32 of the Constitution. Article 32 of the Constitution empowers the Supreme Court to issue writs, directions or order for the enforcement of fundamental rights.

Such petitions can be filed at the filing counter of the High Court/ Supreme Court like any other writ petition for enforcement of fundamental right.