



PUBLIC INTEREST LITIGATION IN INDIA: THE ROLE AND IMPACT OF JUDICIAL ACTIVISM

Adv. Dipika Dnyaneshwar Gaikwad

INTRODUCTION:

In India, Public Interest Litigation (PIL) has become a crucial tool that allows the judiciary to actively participate in ensuring that justice is applied to the community as a whole, protecting the interests of all members of the community. Originating from the forward-thinking idea that Justice P. N. established for the court system by placing the group above the individual. This lawful p. According to Bhagwati, PIL enables any Indian citizen to petition the courts on behalf of the greater good rather than their own personal complaints; highlighting the crucial role that judicial activism plays in the country's democratic structure. PIL, which is mainly available through the Supreme Court and High Courts, has dramatically changed the paradigm and grown to become a strategic arm of the legal aid movement thanks to the relaxation of the rule of locus standi. It has also been instrumental in promoting social change and enabling wider access to justice, particularly for those who are marginalized because of social or economic barriers. Examining major PIL cases is essential to comprehending the impact of the courts' judicial activism on India's jurisprudence, rule of law, and power dynamics within the state apparatus. This is because the courts are becoming more proactive in their approach to justice.

THE EVOLUTION AND IMPACT OF JUDICIAL ACTIVISM IN INDIA

The legal landscape in India has been significantly shaped by Judicial Activism, which has also had a substantial impact on how the judiciary is able to protect democracy and fundamental rights. The following significant turning points and instances illustrate the judiciary's proactive attitude to this evolution:

Origins and Recognition:

- Judicial Activism in India was first observed in the landmark case of *Keshavanand Bharti v. State of Kerala*, where the judiciary began to actively engage in constitutional interpretation.¹
The concept was further recognized in a dissenting judgment by Justice Mahmud, laying the groundwork for future judicial activism.

Evolution Through Landmark Cases

- Pre-Emergency Era:** Notable cases such as *A K Gopalan v. State of Madras*², *Sakal Newspaper Private Ltd. v. Union of India*³, and *Balaji v. State of Mysore*⁴ showcased the judiciary's willingness to engage in matters of public interest and constitutional rights.
- Post-Emergency Era:** The judiciary's role expanded with cases like *Maneka Gandhi v. Union of India*⁵, *Minerva Mills Ltd. v. Union of India*⁶, and *Charles Sobraj v. Superintendent of Central Jail*⁷, further solidifying the place of judicial activism in India.

Impact and Expansion:

- Judicial Activism has been pivotal in defending the Constitution and correcting legislative and executive flaws, thereby maintaining the balance of power and ensuring the independence of the judiciary, legislature, and executive.
- The introduction of Public Interest Litigation (PIL) by Justices P. N. Bhagwati and V.R. Krishna Iyer marked a significant turning point, relaxing the traditional rule of *locus standi* and making justice accessible to the socially and economically disadvantaged.

¹ *Keshavanand Bharti v. State of Kerala*, AIR 1973 SC 1461.

² *A. K. Gopalan v. State of Madras*, AIR 1950 SC 27.

³ *Sakal Newspaper Private Ltd. v. Union of India* (1962) 3 SCR 842.

⁴ *Balaji v. State of Mysore*, 1963 AIR 649.

⁵ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

⁶ *Minerva Mills v. Union of India*, AIR 1980 SC 1789.

⁷ *Charles Sobraj v. Superintendent of Central Jail*, AIR 1978 SC 1514.

- This expansion of Article 21⁸ of the Constitution through judicial activism has effectively made it a 'Mini Constitution' itself, encompassing a broad array of rights and protections.
- These milestones illustrate the dynamic nature of Judicial Activism in India, highlighting its role in promoting social reform, protecting citizens' rights, and ensuring the judiciary acts as a guardian of the Constitution and the rule of law.

UNDERSTANDING PUBLIC INTEREST LITIGATION (PIL)

Public Interest Litigation (PIL) has evolved as a cornerstone in the Indian judicial system, fundamentally altering the landscape of legal recourse for the public at large. Its introduction marked a pivotal shift towards a more inclusive legal process, allowing for the safeguarding of collective interests. However, the journey of PIL has been both celebrated for its intentions and critiqued for its misapplications.

Purpose and Impact:

- Initially conceptualized as a mechanism to secure justice for the marginalized and voiceless sections of society, PIL has significantly contributed to the democratization of access to justice.
- The Supreme Court, through PIL, has introduced groundbreaking legal principles such as the 'Absolute Liability' and the 'Public Trust Doctrine,' which have had a profound impact on environmental jurisprudence and corporate accountability in India.

Challenges and Criticisms:

- Despite its noble intentions, PIL has faced criticism for instances of misuse, where frivolous cases have clogged the judicial system, diverting resources from more deserving causes.
- The minimal court fees and the ease of filing have occasionally led to PIL being weaponized for personal vendettas or political agendas, undermining the sanctity of the judicial process.
- In response to the abuse of PIL, the courts have begun imposing substantial fines on litigants filing baseless petitions, aiming to deter frivolous litigation and preserve the integrity of PIL.

Scope and Accessibility:

- Covering a wide range of issues from environmental pollution to human rights abuses, PILs have empowered citizens and organizations to initiate legal action in the interest of the public good without needing a direct personal stake in the matter.
- The courts recognize petitions filed not just by the aggrieved parties but also by public-spirited individuals or entities, including the introduction of cases by the court itself, thereby broadening the scope of judicial intervention for public welfare.
- With a nominal court fee, PIL has made the judicial process more accessible, encouraging the filing of cases that address systemic issues affecting large sections of society, including neglected children, bonded labor, and environmental degradation.
- This section underlines the dual nature of PIL—its profound impact on promoting justice and welfare for the marginalized, alongside the challenges posed by its misuse. Through judicial activism, the Indian judiciary continues to navigate these complexities, striving to uphold the principles of justice and public interest.

CHALLENGES AND CRITICISMS OF JUDICIAL ACTIVISM AND PIL

Critics of judicial activism in India highlight several instances where the judiciary is perceived to have overstepped its boundaries, venturing into the domains of policy-making and administration, which traditionally belong to the legislative and executive branches of government. These instances have sparked debates over the separation of powers, a fundamental principle intended to prevent any one branch of government from gaining too much power:

Judicial Overreach Examples:

1. **National Anthem Case:** The judiciary's decision to mandate the playing of the national anthem in cinemas was criticized as an imposition of patriotism, raising questions about judicial overreach.
2. **Liquor Prohibition Case:** This case illustrated the judiciary's direct involvement in governmental directive principles, challenging the established separation of powers.
3. **Censorship in Jolly LLB 2:** The intervention to censor certain scenes in the movie was seen as the judiciary merging personal prejudice with the law, under the guise of judicial activism.
4. **Administrative Domain Engagement:** The judiciary's frequent engagement in administrative areas, such as directing the screening of films only with 'U' and 'U/A' certifications, demonstrates a shift in the balance of power among the government's three departments.

⁸ Art. 21, the Constitution of India.

Socio-Political Challenges:

- The Indian judiciary faces numerous socio-political challenges, including handling thousands of habeas corpus writs and cases related to the Citizenship Amendment Act (CAA) and National Register of Citizens (NRC), along with over one lakh contempt cases.
- Criticisms have arisen regarding the judiciary's prioritization of cases involving the government, often expedited, while public interest matters languish for years.
- The misuse of laws such as the Unlawful Activities (Prevention) Act (UAPA) and the National Security Act (NSA) has been noted, with the judiciary remaining largely silent on these issues.

Judicial Independence Concerns:

- There are growing concerns about judges' indirect involvement with political parties and perceived support for the government, which raises significant questions about the judiciary's independence and the principle of separation of powers.
- Public Interest Litigations (PILs), while successful in holding official authorities accountable, have shown limited effectiveness at the grassroots level, often failing to deliver justice to the poor and needy in whose name they were initiated.
- The problem of competing rights and the overburdening of courts with frivolous PILs by parties with vested interests highlight the complexities of balancing judicial activism with the need for judicial restraint.
- These challenges underscore the need for the judiciary to formulate and implement specific solutions to preserve the sanctity of judicial activism while respecting the constitutional roles of all branches of government.

SIGNIFICANT CASES OF JUDICIAL ACTIVISM AND PIL

Significant Cases of Judicial Activism and PIL have played a pivotal role in shaping the legal and social landscape of India. These cases not only highlight the judiciary's proactive approach in addressing issues of public concern but also underscore the importance of Public Interest Litigation (PIL) as a tool for social change. Below are some landmark cases that have left an indelible mark on Indian jurisprudence:

Environmental and Public Health:

- **Rural Litigation Entitlement Kendra (RLEK) vs Union of India⁹**: Known as the first environmental PIL in India, this case set a precedent for environmental conservation versus industrial development. The Supreme Court's intervention led to the closure of limestone quarries in Dehradun, demonstrating the judiciary's commitment to environmental issues.
- **M.C. Mehta vs Union of India¹⁰**: In the case concerning the Shriram Caustic Chlorine and Sulphuric Acid Plant, the Supreme Court's ruling was pivotal in the establishment of the Environment (Protection) Act, emphasizing the judiciary's role in environmental protection.

Human Rights and Social Welfare:

- **Vishaka v. State of Rajasthan¹¹**: This landmark judgment laid down guidelines to prevent sexual harassment at the workplace, marking a significant step towards protecting women's rights in India.
- **Parmanand Katara vs. Union of India¹²**: The Supreme Court underscored the importance of emergency medical care, stating that preserving life should be a priority over legal formalities, thus ensuring immediate medical attention for accident victims.

Constitutional and Governance Issues:

- **Kesavananda Bharti v. State of Kerala¹³**: This case introduced the 'basic structure' doctrine, asserting that while Parliament has the power to amend the Constitution, it cannot alter its fundamental framework.
- **Golaknath v. State of Punjab¹⁴**: The court held that Parliament could not amend Part III of the Constitution or abridge fundamental rights, reinforcing the inviolability of fundamental rights.
- **Judges Transfer Case (S. P. Gupta v. Union of India, 1983)¹⁵**: Initially asserting executive supremacy in judicial appointments, this judgement was later overruled to ensure judicial supremacy, highlighting the evolving nature of judicial activism in governance.

These cases represent the judiciary's active involvement in various spheres, from environmental conservation and human rights to constitutional governance, through the mechanism of PIL and judicial activism. They showcase the judiciary's role in addressing issues of public concern and ensuring justice and equity in Indian society.

⁹ Rural Litigation Entitlement Kendra, (RLEK) v. Union of India 1985 AIR 652.

¹⁰ M.C. Mehta v. Union of India, 1987 AIR 965.

¹¹ Vishaka v. State of Rajasthan, (1997) 6 SCC 241.

¹² Parmanand Katara v. Union of India, 1989 AIR 2039.

¹³ Kesavananda Bharati v. State of Kerala, 1973.

¹⁴ Golaknath v. State of Punjab, 1967 AIR 1643.

¹⁵ S.P. Gupta v. Union of India, 1983.

CONCLUSION

Throughout the exploration of Public Interest Litigation and Judicial Activism in India, we have journeyed through the transformative power these mechanisms possess in steering societal progress and enforcing legal frameworks that cherish the public good over individual grievances. The remarkable cases of judicial intervention have not only redefined the contours of Indian jurisprudence but also underlined the judiciary's pivotal role in upholding democracy, human rights, and environmental stewardship. The evolution of PIL, initiated by visionaries within the judiciary, has fundamentally shifted the paradigm of legal recourse, making justice accessible to the marginalized and acting as a catalyst for substantial socio-legal reform.

However, this journey also brings to light the inherent challenges and criticisms faced by the judiciary, particularly concerning instances of perceived overreach and the balancing act between judicial activism and legislative autonomy. The discussions underscore the need for a calibrated approach that respects the delicate separation of powers while eagerly embracing the judiciary's role as the guardian of public interest and constitutional rights. As we reflect on the significant impact of PIL and judicial activism, it's imperative to recognize their contributions to shaping a more inclusive, just, and equitable society, all the while acknowledging the ongoing dialogue that these paradigms invite for ensuring their judicious application in the dynamic tapestry of Indian governance and society.