

PUBLIC INTEREST LITIGATION - PROS AND CRONS

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ABASTRACT

The term "Public Interest Litigation" refers to legal action aimed at safeguarding the public interest. Article 32 of the Indian Constitution, which is regarded as the supreme law of the land, contains a mechanism that directly connects the public and the judiciary. A PIL can be filed in a court of law by the court itself, not by the party who was wronged or by a third party. It is not necessary for the person who has been violated in their right to personally approach the in order to invoke the court's jurisdiction. Cases can begin on the petition of any public-spirited individual. The court itself can take cognizance of the matter and proceed suo motu. A person, an organization, or a non-governmental organization (NGO) could be the member of the public. However, the petitioner must demonstrate to the court's satisfaction that the petition is being filed in the public interest and not as a frivolous lawsuit by a busy body. This paper tries to look at the benefits and drawbacks of PIL in today's context. It also discusses various aspects of the PIL phenomenon. In this context, the judicial trend has also been looked at.

KEYWORDS: Public Interest Litigation, Indian Constitution, frivolous litigation, public-spirited individual

INTRODUCTION

The evolution of Public Interest Litigation (PIL) over the past few years is a significant departure from conventional judicial proceedings. PIL did not happen suddenly. Prior to its rapid expansion in the early 1980s, it was an idea that had been in the works for some time. The public's perception of the Supreme Court is now dominated by it. Now, the Court is seen as an institution that not only helps citizens, but also makes decisions about policy that the State must follow. The goal of the public interest litigation is to ensure social, economic, and political justice¹ for the most disadvantaged and vulnerable members of the community and to make fundamental human rights meaningful to them. Because public interest litigation is a component of participative justice, "standing" in civil litigation of that type must receive broad support from the judicial system² In *Bandhu Mukti Morcha v. Union of India*³, our nation's highest court noted that the majority of citizens were unaware of their legal rights and even less able to assert them. Under adversarial proceedings, the majority of illiterate and indigent citizens would have remained without the assurances of Directive Principles and the guarantees of Fundamental Rights, which are referred to as the "Conscience of the Constitution."⁴ PIL has been a deliberate effort to make the promise a reality. Additionally, the Court has made it abundantly clear that our current processual jurisprudence does not conform to the individualistic Anglo-Indian model. It envisions access to justice through "class actions," "public interest litigation," and "representative proceedings." It is broad-based and people-centered. Indeed, an affirmation of participative justice in our democracy

¹ *Ramsharan Autyanuprasi v. Union of India*, AIR 1989 SC 549

² *Fertilizer Corporation Kamagar Union v. Union of India*, AIR 1981 SC 844

³ (1984) 3 SCC 161

⁴ Granville Austin, *The Indian Constitution: The Cornerstone of a Nation*, Oxford University Press, NewDelhi, 1999. p.50.

is the large number of small Indians seeking remedies in collective proceedings rather than costly multiple lawsuits. We are unafraid to assert that the narrow concepts of "cause of action," "personaggrieved," and "individual litigation" are losing their relevance in some jurisdictions.⁵

CONCEPT & MEANING OF PIL

A legal proceeding initiated in a court of law with the intention of enforcing a right or seeking a remedy is referred to as "litigation." As a result, a legal action initiated in a court of law for the enforcement of the public interest is referred to as "public interest litigation" if the public or a group of the public has a monetary interest or some interest in which their legal rights or liberties are affected. The type of litigation that has a positive impact on the general public is referred to as "Public Interest Litigation" (PIL). It means that something must be done for the public good. In *Janata Dal v. H.S. Chowdhary*⁶, the Supreme Court of India noted that the term "public interest litigation" lexically refers to a legal action brought in a court of law to enforce the public interest or general interest in which the public or a class of the community has a financial interest or some interest by which their legal rights or liabilities are affected. In addition, in *People's Union for Democratic Rights v. Union of India*⁷, the Supreme Court ruled:

“Public Interest Litigation is essentially a collaborative effort by the petitioner, the state or other public authority, and the court to ensure that the constitutionally guaranteed rights, benefits, and privileges of the most vulnerable members of the community are upheld and to achieve social justice for them.

“Public interest litigation is not like adversary litigation; rather, it is a challenge to the government and its officers to guarantee the disadvantaged and vulnerable sections of the community social and economic justice, which is the signature tune of our Constitution. This is the challenge that public interest litigation is. Because it would give them a chance to examine whether the poor and the downtrodden are receiving their social and economic entitlements or whether they are continuing to be the victims of deception and exploitation at the hands of powerful parts of the community, the government and its officers must welcome public interest litigation.

ORIGIN & DEVELOPMENT OF PIL IN INDIA

In the 1960s, the United States of America saw the first appearance of the Public Interest Litigation (PIL). This procedure was initiated by lawyers and individuals who were sympathetic to the interests of underprivileged groups in the United States. The practice of public interest litigation is relatively new to the Indian legal system. It was established in our nation in the late 1800s and early 1980s. In the case of *Mumbai Kamgar Sabha v. Abdul Bhai*⁸ in 1976, Justice Krishna Iyer laid the groundwork for the Public Interest Litigation.

However, Justice Iyer did not use the term "Public Interest Litigation" in that judgment. However, Justice Iyer referred to the case of *Fertilizer Corporation Kamgar Union v. Union of India*⁹ as a "Public Interest Litigation." He used the term "Epistolary Jurisdiction"¹⁰ in this particular verdict. In order to achieve justice's goals, the Honourable Supreme Court ruled that the procedure needed to be relaxed. After the post-emergency period, the Indian legal system solidified the concept of public interest litigation. The rule of law was partially undermined during the emergency in 1975, and anyone who opposed the government's actions was subject to police action. As a direct consequence of

⁵ *Akhil Bharatiya Soshit Karamchari Sangh (Railway) v. Union of India*, AIR 1981 SC 298 at page 317

⁶ AIR 1993 SC 892

⁷ AIR 1982 SC 1473

⁸ AIR 1976 SC 1455

⁹ AIR 1981 SC 344

¹⁰ Epistolary Jurisdiction extended by the apex court is one of the most significant procedural innovations to secure justice for all. Encouraging letter petitions is based on the idea of easy and effective access to all without any procedural burden.

this, a flurry of petitioners filed Habeas Corpus petitions in accordance with Articles 226 and 32 of the Constitution in the Honourable High Court and the Honourable Supreme Court, respectively.

The Indian government argued that Article 21 of the Constitution, which protects the right to life, had been suspended during the emergency. Justice A.N. Ray was appointed Chief Justice of India, succeeding three senior colleagues, Justices Shelat, Justice Hegde, and Justice Grover, because the Indian government wanted a "Committed Judiciary." In *A.D.M. Jabalpur v. Shrikant Shukla*¹¹, more commonly referred to as the Habeas Corpus Case, the Apex Court completely abdicated its duty to safeguard individual liberty, which cost it credibility. The post-emergency Court had to work hard to regain its credibility as an institution. The transition from the "committed judiciary" of the past to the "activist judiciary" of today has taken place in the Indian judiciary over the past three decades, when it has been playing a very creative role in the administration of justice. This has been made possible by some judges, like Justice Krishna Iyer, Justice P.N. Bhagwati, Justice A.M. Ahmadi, Justice Kuldip Singh, and Justice S.P. Bharusha, who came up with the idea of public interest litigation through judicial activism at the Supreme Court. The Court's innovation of this kind of litigation was prompted by a pressing need to protect the public interest when fundamental rights of the poor, ignorant, or socially or economically disadvantaged were violated and they were unable to pursue legal action. The purpose of the Public Interest Litigation is to promote the public interest, which mandates that violations of legal or constitutional rights of poor, downtrodden, socially and economically disadvantaged sections of the society should not go unredressed. The Courts have emphasized the importance of non-adversarial jurisprudence, which would handle cases pertaining to the "have-nots."¹² was made by Justice P.N. Bhagwati in this context.

“Public interest litigation is brought before the Court not for the purpose of enforcing the right of one individual against another as is the case in the case of ordinary litigation; rather, it is intended to promote and vindicate the public interest, which demands that violations of constitutional or legal rights of a large number of people who are poor, ignorant, or in a socially or economically backward position should not go unnoticed and unredressed.” Prior to the introduction of PIL in India, the courts were in However, the courts have become more accessible to those in need since the PIL was introduced. A third party can address these individuals' concerns and submit a legal petition to the courts, even if they do not directly complain about the violation of their rights. If an individual or group of individuals' constitutional rights are violated, a third party may file a PIL. Because of poverty, helplessness, lack of awareness, or social and economic disadvantage, the individual or group cannot personally petition the court for justice. The petitioner of the PIL does not do so for financial gain or personal gain. It is not filed by him or her for political or other indirect reasons. A petitioner can also send a letter to the court to file the PIL.

CONSTITUTIONAL FRAMEWORK OF PIL IN INDIA

The provision gives the Supreme Court and the High Court the most expansive authority to enforce fundamental rights. Article 32¹³ of the Indian Constitution grants the Supreme Court authority. Under Article 226, the High Courts have the same authority and the ability to uphold both fundamental rights and other legal rights. The intention of the Constitution's authors to prevent any procedural complexities from hindering the enforcement of fundamental rights can be seen in the inclusion of the broadest terms possible. While expanding on this position, the Supreme Court added that, in order to effectively protect the Constitution's guarantee of fundamental rights, a court adjudicating inappropriate cases in the interest of justice will definitely be competent to treat a proceeding as appropriate under Article 32 and entertain it even if it does not follow the procedure outlined in the court's rules. A technicality in the form or procedure that does not affect the substance of any proceeding should not prevent the Supreme Court from

¹¹ AIR 1976 SC 1207

¹² Supra note 10

¹³ The Supreme Court is empowered to issue the directions or orders or writs including the writs on the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for enforcement of any of the Fundamental Rights

exercising the extensive powers and jurisdiction granted to it by Article 32 for the purpose of enforcing fundamental rights. However, procedural law, which is also a part of the law and must be followed, is subordinate to substantive law, and the purpose of procedural laws is to promote and advance justice. The preceding decision demonstrates that an adversarial procedure is not required in an Article 32 proceeding to enforce a fundamental right.

FACETS OF PIL

A. ACCESS AND STANDING

The litigant in a developing nation often feels alienated from the system and is intimidated by the legal system. A poor person who enters the legal system, whether as a claimant, witness, or party, might find the experience to be traumatizing. In the adversarial system of law, the traditional rules of procedure only allow a person whose rights are directly affected to approach the Court. A person seeking the writ of mandamus was required to demonstrate that he was upholding his own personal right under the Common Law. However, the two original justifications for citizen standing and representative standing have now combined. In the Judges Transfer case¹⁴, the Supreme Court concluded:

“Any member of the public can maintain an application for an appropriate direction, order, or writ in the High Court under Article 226 and in case of breach of any fundamental right of such person or class of persons, in this Court under Article 32 seeking judicial redress for the legal wrong or injury caused to such person or determinate class of persons.” This applies when a legal wrong or legal injury is caused to a person or to a determinate class of persons by reason of violation of any constitutional or legal right

The Court will allow any legitimate member of the public to support the cause of such person or group in such a case. PIL cannot be maintained by a meddlesome interloper, busybody, wayfarers, or officious intervener who have no public interest other than for their own personal gain or the glare of publicity, even though the courts have allowed easier access to PIL matters.

B. RELAXATION OF PROCEDURAL REQUIREMENTS

PIL has been marked by a departure from procedural rules that extend to the form and manner of filing a writ petition, the appointment of commissions for carrying out investigation and providing a report to the Court, and the appointment of lawyers as amicus curiae to assist the Court. This was done in order to allow for greater access to courts. The concept of "epistolary jurisdiction," which was discussed earlier, provides the best illustration of the adaptability of PIL procedure. In the Judges Transfer case¹⁵, the Supreme Court said that a public-spirited person could move the Court even by writing a letter, taking a cue from the American Supreme Court's decision in *Gideon v. Wainwright*¹⁶ where a postcard from a prisoner was treated as a petition. Letters and telegrams have been accepted as petitions by the Court. *Sunil Batra (II) v. Delhi Administration*¹⁷; *Veena Sethi v. State of Bihar*¹⁸; *Dr. Upendra Baxi v. State of UP*¹⁹; and *People's Union for Democratic Rights v. Union of India*²⁰ were just a few of the early PILs in which petitioners sent letters to the Supreme Court.

¹⁴ S.P. Gupta v. Union of India, AIR 1982 SC 149

¹⁵ Supra note 18

¹⁶ (1963) 372 U.S. 335

¹⁷ AIR 1980 SC 1579

¹⁸ AIR 1983 SC 339

¹⁹ (1983) 2 SCC 308

²⁰ Supra note 10

C. PIL PETITIONERS AND AMICUS CURIAE

The Court defines a PIL petitioner as someone who brings attention to a problem that needs to be fixed and has no personal stake in the matter. It assumes that she or he will know that they are obligated to support the cause and will act accordingly. As a result, individuals submitting PILs to the Court cannot voluntarily seek to withdraw the petition. If the Court thinks that the issue should be decided in the interest of justice, it can take over the case regardless of the petitioner's wishes. This took place in a case involving children incarcerated brought to the Supreme Court by a journalistic letter petition. She sought to withdraw the case because she was dissatisfied with the case's slow progress, primarily as a result of the state governments' repeated requests for and acceptance of adjournments. However, the Court declined to permit the abandonment at this point. The Court held that only private litigants could drop their claims.

PIL petitioners, who frequently appear in person, may not be able to maintain the necessary distance from the cause or may be inarticulate in their case presentation. A lawyer who is objective in her or his approach to the cause and who comprehends the legal aspects of the issue may be of greater assistance to the court. In PIL cases, the courts have sought the assistance of attorneys as amicus curiae. The court may require the amicus curiae to verify the information it receives from the petitioner or the state in order to prevent abuse of the court's process. It has received assistance as amicus curiae from senior Supreme Court justices in a number of cases, including those involving bonded labor, excesses by the police, forests, and public accountability.

D. NON-ADVERSARIAL

In the traditional adversarial system, lawyers for each side are expected to present opposing arguments to the judge so that the judge can decide whether to side with one party or the other. There are no winners or losers in PIL, and lawyers and judges' perspectives may differ from those of regular litigants. Participation in the resolution of a specific public issue is expected from the Court, the parties, and their attorneys. In *Dr. Upendra Baxi v. State of U.P.*²¹, the Court explained this as follows:

“It must be borne in mind that this is not a litigation of an adversarial character undertaking for the purpose of holding the State Government or its officers responsible for making reparation; rather, it is a public interest litigation that involves a collaborative and cooperative effort on the part of the State Government and its officers, the lawyers appearing in the case, and the Bench for the purpose of making human rights meaningful for the weaker sections of the community,” the statement reads. “It must be remembered that this is not a litigation.

ADVANTAGES OF PIL

Access to a national forum for decision-making and power by previously voiceless and invisible individuals is the primary benefit of PIL. The easing of procedural formalities has made it much easier for the underprivileged to access justice. Representative action, in which a person or group with a sufficient interest in a particular cause litigates on behalf of a large number of others who cannot afford the cost of litigation, has emerged as a result of the loosening of the locus standi rule. Additionally, the PIL has provided the court with an opportunity to address significant issues in consumer protection, environmental protection, and other areas. which have a large impact on a lot of people. The courts' acceptance of even telegrams and letters as PILs lowers the cost of such litigation and encourages public-spirited individuals and groups to notify the court of any circumstance requiring its intervention. A new method of proof has been established by the courts' appointment of fact-finding commissions to investigate the petition's allegation. In cases where rights have been violated, these commission reports have served as the court's guide. In practice, the vindication of rights is made possible by the Court's periodic monitoring of the implementation of the

²¹ Supra note 18

directives to ensure compliance. Social Action Groups have also frequently participated in the monitoring function, which has frequently been delegated to vigilance bodies.

DISADVANTAGES OR ABUSE OF PIL

However, the growth of PIL has also revealed its drawbacks and shortcomings. As a result, the Apex Court has been compelled to set rules for how PILs should be handled and disposed of. Along with its extended and varied use, PIL's abuse is also on the rise.

Since frivolous cases can be filed without investing in expensive court fees, as is required in private civil litigation, and deals can then be negotiated with the victims of stay orders obtained in the so-called PILs, many PIL activists in the country have recently found the PIL to be a handy tool of harassment. The lowering of the locus standi requirement has allowed privately motivated interests to pass as public interests, just as a weapon designed for defense can also be used for offense. The misuse of PIL has become more widespread than its use, and legitimate causes have either faded into obscurity or begun to be viewed with suspicion as spurious causes motivated by privately motivated interests disguised as "public interests." T.N. Godavarman Thirumulpad v. Union of India²² is a good example. The filing of a completely erroneous and fraudulent application by the litigant in the interest of the public interest was strongly criticized by the Supreme Court. Despite the fact that this Court has issued a series of notable decisions emphasizing the significance and significance of the newly developed PIL doctrine, it has also rushed to issue a stark warning that courts should not permit a mere busybody, meddlesome interloper, wayfarer, or officious intervener to abuse its process for personal gain or private profit or other indirect considerations. In a similar vein, the Honourable Court made it abundantly clear in Ashok Kumar Pandey v. State of West Bengal²³ that a petition disguised as public interest litigation must be rejected when evidence demonstrates that it is nothing more than a cover to promote personal disputes. We believe it is necessary to consider the issue from a public interest perspective prior to addressing the issue in the current case. It is not appropriate to refer to Public Interest Litigation as "publicity interest litigation," "private interest litigation," "politics interest litigation," or the most recent trend of "paise income litigation." Instead, it should be known as "public interest litigation." If it is not properly regulated and abuse is prevented, it also becomes a tool for dishonest individuals to unleash resentment and vengeance. The litigation must have a real and genuine public interest, not merely an errant knight's adventure or an investigation. It can't also be used by a single person or group of people to advance their own interests or settle personal grudges and animosities.

JUDICIAL TREND

PHASE-I - RELAXATION IN THE RULE OF 'LOCUS STANDI'

In the case of Bar Council of Maharashtra v. M. V. Dabholkar²⁴, the locus standi rule was relaxed. The court ruled as follows:

“Traditionally accustomed to the adversary system, we look for individual individuals who have been wronged. However, in a developing nation like ours, a new category of litigation known as public interest litigation has emerged. In this type of litigation, a portion or the entire community is involved (such as consumer groups or the NAACP-National Association for the Advancement of Colored People-in-America). This pattern of public-oriented litigation better satisfies the rule of law if it is to run close to the rule of life. The public's recourse to the court system as a means of stifling public disorder is a tribute to the justice system, so the concern that expanding legal standing with a public connotation might unleash a flood of litigation that could overwhelm judges is unfounded.

²² Writ Petition (civil) 202 of 1995, decided on 10.04.2006

²³ Writ Petition (crl.) 199 of 2003, decided on 18.11.2003

²⁴ 1976 SCR 306

In *Mumbai Kamgar Sabha v. Abdul Bhai*²⁵, this Court relaxed the traditional locus standi rule in an effort to make judicial access easier for the general public. The Court allowed community litigation in *Sunil Batra v. Delhi Administration*²⁶, departing from the traditional standing rule. P. N. Bhagwati, J. observed in *Hussainara Khatoon v. Home Secretary, State of Bihar*²⁷ that the poor in our country are unfortunately priced out of the judicial system, resulting in their loss of faith in its capacity. When it comes to interacting with the legal system, the poor have always been on the wrong side. They've always encountered "law for the poor; instead of the law of the poor. In *Prem Shankar Shukla v. Delhi Administration*²⁸, a prisoner sent a telegram to a judge requesting implicit protection from humiliation and torture and complaining about being forced to wear handcuffs. The strict locus standi rule was relaxed by the court to provide necessary instructions.

Even in *Labourers Working on Salal Hydro Project v. State of Jammu & Kashmir*²⁹ on the basis of a news story in the Indian Express about the conditions of construction workers, the Supreme Court noted that construction work is a dangerous occupation, and that no child under the age of 14 can be employed in construction work due to the prohibition enacted in Article 24. The Central Government is responsible for enforcing this constitutional prohibition. All of the aforementioned cases show that the courts gave a number of instructions to the relevant authorities in order to relax the rule of locus standi while still protecting and preserving citizens' fundamental rights.

PHASE-II - DIRECTIONS TO PRESERVE AND PROTECT ECOLOGY AND ENVIRONMENT

The second phase of public interest litigation began sometime in the 1980s. It was about the courts' ingenuity and creativity, and it involved giving instructions to protect the environment and ecology.

Oleum gas leakage in Delhi was one of the first cases brought before the Supreme Court. The court issued a number of orders to stop the damage to the environment, people's lives, and their health. This is commonly referred to as *M.C. Mehta v. Union of India*³⁰. In this case, the court made it clear that a business that is in a business that is dangerous or dangerous by nature and puts a potential threat to the health and safety of people working in the factory and living in the surrounding area has an absolute, non-delegable duty to the community to make sure that no one gets hurt because the activity is dangerous or dangerous by nature. The court's interpretation of Article 21 of the Constitution led to the emergence of environmental PIL. In the case *Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P.*³¹, the court noted that Article 21 of the Indian Constitution stipulates that every citizen has the fundamental right to enjoy quality of life and living. Article 32 of the Constitution provides recourse for anything that jeopardizes or impairs the quality of life and living of the people by conduct, whether in violation or derogation of laws. The case of *M.C. Mehta v. Union of India*³² concerns the pollution brought on by tanneries' trade effluents being dumped into the Ganga river in Kanpur. The court issued directives to preserve the environment and ecology and requested the Committee of Experts' report. This court ruled in *Vellore Citizens Welfare Forum v. Union of India*³³ that the country's environmental law includes the precautionary principle and the polluter pays principle. This court said that Articles 47, 48A, and 51A (g) are part of the Constitution's mandate to save the environment and make it better. In *S. Jagannath v. Union of India*³⁴, the Supreme Court heard a public interest petition filed by the Gram Swaraj Movement, a non-profit organization working to improve the lives of the less fortunate in society. In the petition, the petitioner sought

²⁵ Supra note 11

²⁶ AIR 1978 SC 1675

²⁷ AIR 1979 SC 1369

²⁸ AIR 1980 SC 1535

²⁹ AIR 1984 SC 177

³⁰ AIR 1984 SC 177

³¹ AIR 1990 SC 2060

³² (1988) 1 SCC 471

³³ AIR 1996 SC 2715

³⁴ (1997) 2 SCC 87

to stop intensive and semi-intensive prawn farming in ecologically fragile coastal areas and enforce the Coastal Zone Regulation Notification of 19.2.1991. In the present case, the Court issued significant instructions.

PHASE-III - TRANSPARENCY AND PROBITY IN GOVERNANCE

The Supreme Court extended the scope and ambit of public interest litigation further in the 1990s. In accordance with Article 226 of the Constitution, the High Courts also followed the Supreme Court and issued a number of judgments, orders, or directives to uncover corruption and maintain the integrity and morality of the state's governance. The absence of corruption is an important requirement for ensuring probity in governance, which is a prerequisite for an effective administration and for the country's development. The third phase of the Public Interest Litigation could be referred to as this. Significant orders have been issued by the Supreme and High Courts. An illustration of this is *Vineet Narain v. Union of India*³⁵. The journalist who was the petitioner brought public interest litigation in that case. He claims that the primary investigative agencies, such as the Central Bureau of Investigation and the Revenue Authorities, failed to carry out their legal responsibilities and take the appropriate action when they discovered, during an investigation with a terrorist, detailed accounts of substantial payments made to influential politicians and bureaucrats. These accounts were referred to as "Jain diaries," and direction was also sought in the event that a similar situation should arise in the future. The Supreme Court issued a number of directives. *Rajiv Ranjan Singh (Lalan) v. Union of India*³⁶ is another important case. The Department of Animal Husbandry in the Indian state of Bihar has been accused of falsifying accounts and defrauding the public of hundreds of crores of rupees in this public interest litigation. It was claimed that the respondents had influenced the public prosecutor's appointment. In this case, this court issued significant directives. The Government of Uttar Pradesh initiated a project known as the Taj Heritage Corridor Project in yet another case, *M. C. Mehta v. Union of India*³⁷. The same was done with the intention of diverting the River Yamuna and reclaiming 75 acres of land between Agra Fort and the Taj Mahal for the construction of food plazas, shops, and entertainment venues. The Central Bureau of Investigation (CBI) carried out a comprehensive investigation as directed by the Court. The Court ordered the FIR to be registered and conducted additional investigation into the matter based on the CBI report. The court questioned the respective roles of the Chief Minister of Uttar Pradesh and the concerned Minister for Environment of Uttar Pradesh. The aforementioned project was halted as a result of this Court's intervention. In *Centre for Public Interest Litigation v. Union of India*³⁸, the petitioner filed two writ petitions calling into question the government's decision to sell the majority of shares in Hindustan Petroleum Corporation Limited and Bharat Petroleum Corporation Limited to private parties without Parliamentary approval or sanction as being contrary to and violating the provisions of the ESSO (Acquisition of Undertaking in India) Act, 1974, the Burma Shell (Acquisition of Undertaking in India) Act, 1976. The petitions were upheld by the court until the appropriate statutes were amended.

CONCLUSION

It becomes clear that judicial activism led to the public interest litigation. India's failure to fulfill its constitutional obligations and the voluntary abdication of powers by the executive and legislature prompted the need for novel public interest litigation. Even when the executive branch and the legislature appeared to be at a crossroads, judicial decisions have provided people with a sense of relief in such circumstances. Through litigation in the public interest, activism in the courts has taken on new dimensions. Judges are now taking on roles that used to belong to the legislative or executive branches of the government. The judiciary's assumption of authority was not for show. The widespread corruption in the executive and legislative branches necessitated the people's submission of the issues to the Supreme Court. Through the principle of public interest litigation, the Court was forced to intervene in the

³⁵ AIR 1998 SC 889

³⁶ (2006) 6 SCC 613

³⁷ (2007) 1 SCC 110

³⁸ AIR 2003 SC 3277

executive and legislative day-to-day operations. In addition, PIL has contributed to the creation of legal concepts like the "polluter pays" principle, the "precautionary" principle, and the "award of compensation for constitutional wrongs" principle. However, strictly speaking, the three organs of the state—the legislature, the executive, and the judiciary—need to work together, not fight. The Constitution of India reigns supreme. The Constitution's limits should be followed by the aforementioned three bodies. They ought to behave in harmony. Even though the Indian judiciary holds primacy under the constitution, Parliament or even the executive can render it ineffective. The Supreme Court only issues orders, but it lacks an independent enforcement mechanism. In order to accomplish this, it must rely on the executive. Under Article 368, the legislature can also retaliate against the judiciary by amending the Constitution.