# Public Interest Litigation and Judicial Activism in India: An Overview

Recent discussions highlight the role, evolution, and challenges of Public Interest Litigation (PIL) and suo motu judicial actions in India.

Public Interest Litigation (PIL) is a legal mechanism allowing any public-spirited individual or organization to approach courts for enforcing constitutional or legal rights of marginalized groups.

## KEY EXAM POINTS

- Post-Emergency, the **Supreme Court** relaxed the rigid doctrine of **locus standi** to birth **Public Interest Litigation** (PIL) and suo motu cognizance.
- **Article 32** empowers citizens to approach the **Supreme Court** directly for the enforcement of **Fundamental Rights**.
- **Article 226** grants **High Courts** powers to issue **writs** for fundamental rights as well as for any other constitutional or legal purpose.
- **Dr. B.R. Ambedkar** termed **Article 32** as the "**heart and soul**" of the Indian Constitution.
- PILs were initially designed to protect marginalized sections like **bonded laborers** and **undertrial prisoners** from **human rights violations**.
- Critics argue that **PILs** and suo motu actions often face issues like lack of codified objective criteria and proliferation of frivolous or political interest litigations.

## DID YOU KNOW..!?

**Justice P.N. Bhagwati** and **Justice V.R. Krishna Iyer** are considered the pioneers of **Public Interest Litigation** (PIL) in India during the late **1970s**.

**SP Gupta v. Union of India** (**1981**) is widely known as the **First Judges Case** which firmly established the concept of PIL in India.

The **Supreme Court** derived PIL powers under **Article 32**, while **High Courts** exercise similar authority under **Article 226**.

In **Hussainara Khatoon v. Home Secretary, State of Bihar** (**1979**), the Supreme Court recognized the **right to speedy trial** as a fundamental right under **Article 21**.

In **Vishaka v. State of Rajasthan** (**1997**), the Supreme Court laid down comprehensive guidelines to prevent **sexual harassment** at workplaces.

**Article 32** itself is a **Fundamental Right** included in **Part III** of the Constitution, making the right to constitutional remedies guaranteed.

Unlike **Article 32**, the **writ jurisdiction** of **High Courts** under **Article 226** is wider as it applies to constitutional and other legal rights beyond Fundamental Rights.

**REVISION FLASHCARD**

*Dr. B.R. Ambedkar called Article 32 the "heart and soul" of the Constitution, which forms the basis for PIL.*

Syllabus Relevance: High relevance for Group 1, 2, 2A, 4 exams covering Articles 32 & 226, Judicial Activism, and Landmark Cases.

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