

Public Interest Litigation

May 3, 2020

What is Public Interest Litigation?

- Public interest litigation means litigation for the **protection of the public interest**. It is litigation introduced in a court of law, not by the aggrieved party but by the court itself or by any other private party.
- Public interest litigation is the **power given to the public by courts through judicial activism**. However, the person filing the petition must prove to the satisfaction of the court that the petition is being filed for a public interest and not just as a frivolous litigation by a busy body.
- Even the court can itself take cognizance of such matters and proceed Suo motu.
- This technique is concerned with the protection of the interests of a class or group of persons who are either the victims of governmental lawlessness, oppression, or social oppression or denied their constitutional or legal rights and who are not in a position to approach the court for the redressal of their grievances due to the lack of resources or ignorance or their disadvantaged social and economic position. The Indian Supreme Court began to identify itself as an institution of last resort when the other two branches of the government were facing a legitimating crisis.
- **A Public Interest Litigation can be filed against a State/ Central Govt., Municipal Authorities, and not any private party.** The definition of State is the same as given under Article 12 of the Constitution and this includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

