



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

Judicial Activism And The Emergence Of Public Interest Litigation

Aishwarya Priyadarshini

Advocate

Odisha Bar Council, Bhubaneswar, India

Abstract: This research paper mainly talks about Judicial Activism and the emergence of Public Interest Litigation. Going by the word Activism we mean to take action or get things done with choice. Judicial Activism speaks about the use of Judicial Power by the courts to express and impose, which is actually beneficial for the people and society at large. With the emergence of public interest litigation, the concept of judicial activism came into the limelight. In this way, only the people from the remote areas i.e, the socially and economically backward class could approach the court as they do not have enough means to get justice in our country. This article/research paper firstly describes the evolution of Judicial Activism along with its rise and growth. Then it also describes How the process of Public Interest Litigation played a vital role in delivering justice to the people.

The objective of the Study –

To study the emergence of Public Interest Litigation And Judicial Activism.

To study the growth of Public Interest Litigation

To study the problems that are faced by the Courts in entertaining Public Interest Litigation.

To study how Public Interest Litigation works as an Aid to people.

Putting forward the research questions, that I have elaborated in the research paper are –

1. What is the role of Public Interest Litigation and Judicial Activism in Promoting Justice?
2. How far Judiciary is able to meet the demand of people in providing solutions to their problems?

The research method that I have used is doctrinal in nature where I have studied judicial activism and what lead to the emergence of Public Interest Litigation. Data has been collected from different books, articles, online sources, and magazines. More particularly, The concept of Judicial Activism has its impact on every aspect of law in India to give justice and it has also gone beyond the laws as mentioned in books.

However, the difficulties faced by this process of litigation are also discussed, and keeping in mind the problem what can be the possible check and balance approach that could be taken are given as suggestions.

Besides all the systems in delivering justice, it is to be kept in mind of the judiciary that they should never overstep the limitations set by the Law of Land i.e, The Constitution Of India. And as our Indian Judicial

System is quite complex, it is also very important to study that How Public Interest litigation awareness can be improved and how it is important for the Judiciary to play an active role in solving the matters in dispute.

KEYWORDS: CONSTITUTION, JUDICIAL ACTIVISM, PUBLIC INTEREST LITIGATION

Introduction-

“The court has to innovate new methods and strategies to provide access to justice to large masses of people who are denied basic human rights, to whom freedom and liberty have no meaning.”

-Justice P.N Bhagwati

When the topic is all about Judicial Activism, we should never forget the roots. i.e The Judiciary. So, The Judiciary plays a very important role in assisting and contributing the rights to the people in our country. Hence, that role of the Judiciary in promoting the rights and taking care of the constitutional and legal system of the country is said to be Judicial Activism.

Judicial Activism – Judicial activism basically denotes to the active role play by judiciary in deciding a case and providing justice to the people.

The term Judicial Activism refers to the proceedings of the court where they basically formulate new set of laws and rules for the aggrieved ones as a remedy to the problems or issues raised .

In the words of Justice J.S Verma : “Judicial activism must necessarily mean the active process of implementation of the rule of law essential for the preservation of a functional democracy”.

The Black’s Law Dictionary defines judicial activism as “judicial philosophy which motivates judges to depart from the traditional precedents in favour of progressive and new social policies.

Public Interest Litigation-

Public Interest Litigation basically means Any Litigation that is conducted for the benefit of people/ public at large.

Public Interest Litigation :According to Black’s Law Dictionary Public Interest Litigation means a Legal Action that is initiated in a court of law for the enforcement of Public Interest or general interest in which public or class or class of community have pecuniary interest or some interest by which their legal rights or liabilities are affected.¹

Public Interest means “The Interest of the people at large for the general welfare.”

Litigation means A legal action that is basically initiated in a court of law with a purpose of enforcing a right or seeking any remedy.

¹ Black’s Law Dictionary

LITERATURE REVIEW

“Public Interest Litigation and Judicial Activism”;(Pragya Sahu):

While in Public Interest Litigation is proving to be an effective tool for social change. It is dedicated to the well being of all members of society. It is each person's weapon that is used just to gain equity. The development of this legal tool has proven beneficial to developing countries like India. PIL has been used to combat the abuses that are prevalent in society. It is an institutional activity aimed towards the wellbeing of the general public's needy class.²

JUDICIAL ACTIVISM IN INDIA: A NECESSARY EVIL (Arpita Saha) Judicial activism has always sparked passionate debate, particularly in light of recent advancements in this area. Judges of the Supreme Court and different High Courts have re-ignited the issue that has always produced a lot of heat over the last few years with various controversial verdicts. However, the meaning of the word "judicial activism" remains a mystery. Several critics have presented various definitions of judicial activism since the beginning of legal history, which are not only distinct but also conflicting. This is an attempt to decipher the exact meaning of "judicial activism" and its implications in today's world. However, the meaning of the word "judicial activism" remains a mystery. Several critics have presented various definitions of judicial activism since the beginning of legal history, which are not only distinct but also conflicting. This is an attempt to decipher the exact meaning of "judicial activism" and its implications in today's rapidly changing society.³

Public interest litigation: A Critical Review (Deva): This article begins with a brief discussion of constitutional provisions as a foundation for PIL, and then moves on to the evolution and various phases of PIL. As this is a critical review paper, it goes over the benefits and drawbacks of PIL one by one.⁴

Public interest litigation: Access to Justice (Bohra) : This paper explores the meaning and evolution of PIL in India and uses judicial decisions to show the elements that have influenced PIL's evolution in India. It also explains how it is meeting the needs of those who are marginalised in society.⁵

A Study On the Advantages and Disadvantages of Public Interest Litigation (Jain): This document provides an overview of PIL's history and development in India. It also goes over the procedure for filing a PIL. This report would be supplemented with judicial directions to prevent the misuse of PIL in the future.⁶

Judicial activism: Critical analysis (Shruti Mittal): The study of judicial activism is the focus of this paper. It is the use of judicial power to explain and enforce what is in the best interests of society and the general public. Despite its constitutional limitations, the Supreme Court has performed well as a champion of justice in the real sense of the term. JUSTICE is a seven-letter word that is one of the most contentious in the English language. With the entire world's population connected to it, there is no doubt that the definition changes as the languages change. In order to accomplish positive justice, judicial activism has touched practically every element of life in India, and in the process has gone beyond what is prescribed by law or stated in black and

² Public Interest Litigation and Judicial Activism”;(Pragya Sahu)

³ JUDICIAL ACTIVISM IN INDIA: A NECESSARY EVIL (Arpita Saha)

⁴ Public interest litigation: A Critical Review (Deva)

⁵ Public interest litigation: Access to Justice (Bohra)

⁶ A Study On the Advantages and Disadvantages of Public Interest Litigation (Jain)

white. The only thing the judiciary must remember is that, while going above and beyond to help the common man, it must not go beyond the bounds set forth by the sacred, i.e. the Constitution.⁷

Sharma, B.R., Constitutional Law and Judicial Activism, Ashish Publishing House, New Delhi, 1990, p. 316.:The people are the most effective watchdog in a democratic form of governance. When the public is vigilant, institutions can help. The greatest asset and most powerful weapon in the arsenal of the father judiciary is the public's trust and faith in its ability to administer fair justice and keep the scales balanced in every conflict. In India, the judiciary has a high level of popular confidence.⁸

Public interest litigation (PIL) A Boon or Bane? (Vadivel):The benefits and drawbacks of PIL are discussed in this study. It discusses the concept's origins in India as well as its most modern implementation. It also explains how PILs are abused and presents Supreme Court recommendations to prevent such abuse.⁹

Public Interest litigation in India (Sadual) :With reference to different major judgments, Pros and Cons explores the origins and evolution of PIL. It discussed the benefits and drawbacks of PIL, as well as how PIL is affecting societal change in India.¹⁰

Public interest litigation: A Critical Review (Deva):This article begins with a brief discussion of constitutional provisions as a foundation for PIL, and then moves on to the evolution and various phases of PIL. As this is a critical review paper, it goes over the benefits and drawbacks of PIL one by one.¹¹

A Critical Analysis on Judicial Review, Judicial Activism and Judicial Restraint in India;(S. Tharani):India is a constitutional democracy that places a strong focus on constitutionalism. The judiciary safeguards the Constitution and people' rights from arbitrary legislative and executive actions, and has taken on the onerous task of serving as the Constitution's watchdog. This paper examines various landmark cases and recent decisions issued by the Hon'ble Supreme Court and High Courts to discuss the origins and evolution of judicial review, as well as the process of judicial review used in Germany and Bangladesh. It also discusses the features, types, criticisms, and justifications of judicial review in India. The paper also discusses a number of other topics. In addition, the study addresses judicial activism from an Indian perspective . Some feel that judicial activism is required to safeguard the public interest, while others argue that courts are obligated to interpret rather than enact laws as part of their judicial job.

Critical Analysis of Role of Judicial Activism in Indian Politics (Gagandeep Kaur):Today, judicial activism is one of the most misunderstood constitutional phrases. India is a constitutional democracy that places a strong emphasis on constitutionalism. This is accompanied by high rates of political exercises, with political on-screen actors abusing political authorities granted by the Constitution. Normally, the court is asked to take a dynamic posture and interpret the Constitution in light of how it affects the political class. With society's need for change, the court has assumed an important role in understanding and implementing new laws. As a dissident, it has gradually evolved into the overseer and underwriter of migrating privileges throughout time. Progressively, as a dissident, it has evolved into the overseer and underwriter of minorities' privileges, a marginalised area, poor and underprivileged parts of society, and has provided them with access to justice through the issuance of various writs. The constitution has assigned a dynamic role to the judiciary. Uncourageous creativity and down

⁷ Judicial activism: Critical analysis(Shruti Mittal)

⁸ Sharma, B.R., Constitutional Law and Judicial Activism, Ashish Publishing House, New Delhi, 1990, p. 316

⁹ Public interest litigation (PIL) A Boon or Bane? (Vadivel)

¹⁰ Public Interest litigation in India (Sadual)

¹¹ Public interest litigation: A Critical Review (Deva)

to business knowledge include legal activism and legal limitations. As a result, the possibility of judicial activism is the polar opposite of legal restraint.

JUDICIAL ACTIVISM VS JUDICIAL OVERREACH IN INDIA (B Nagarathnam Reddy):

Among the three branches of government, the judiciary is the most important, with powers derived from the Indian constitution to act as a watchdog for the proper functioning of our democracy. In the absence of responsible functioning of other organs, such a significant Organ must be active or demonstrate activism anytime it is required. A developing and maturing democracy allows for new and innovative ways to achieve the status of just society. Public Interest Litigation, Innovative Constitutional Interpretation, and Progressive Verdicts, to name a few, are some of the paths encouraged by the judiciary to improve our country's democratic values. It was suggested that the judiciary should establish its own 'Lakshman rekha (inviolable boundary)' and refrain from making decisions that are within the executive's jurisdiction, underscoring the growing rift between the judiciary and the executive over the courts' perceived overreach.¹²

EMERGENCE OF PIL-

To study, how Public Interest Litigation emerge in India, it is important to study the condition that made it necessary to arouse. It was during the 1970s where A majority of people were suffering from a lack of Access to Justice. The court fees were too expensive that a common man could afford to render justice. Moreover, it is also true that people were so uneducated in rural India that, they do not have any idea about their legal rights. And at that situation, creating more problems for Indian Citizens, then Prime Minister Indira Gandhi-daughter Nehru suspended the elections and civil liberties of the people that had led to the emergency period. That was a time when people were having the belief that the Supreme Court will intervene. But the court failed to do so , instead of that the court also surrendered to Indira Gandhi's autocratic tendencies.¹³

Then Post emergency, when Indira Gandhi and her allies in the congress party lost in the elections, The Supreme felt that they must respond to the people's emotion by expanding its Jurisdiction and securing those Civil Liberties that were threatened during the Emergency Period.¹⁴

One of the most important provisions of the Constitution that the Courts rely upon is Art.21 that states "No person shall be deprived of his life or personal Liberty except according to procedure established by Law."

After this Emergence of Public Interest Litigation, many people could now approach the courts through the agency of "Public Interest". However many Indians still could not approach the court as many sections of the people are either illiterate or have some restrictions and some are under the poverty category. Therefore, there comes limelight where the court allowed for third party standing for the people and filing cases.

Then, Now any Public Citizen can approach the court for a public cause by filing a petition-

1. In the Supreme Court under Art.32.¹⁵
2. In the High Court under Art.226.¹⁶
3. In the Court of Magistrate under Sec.133 of The Criminal Procedure Code.¹⁷

¹² Public interest litigation: Access to Justice (Bohra)

¹³ JUDICIAL ACTIVISM IN INDIA: A NECESSARY EVIL (Arpita Saha)

¹⁴ Public interest litigation: Access to Justice (Bohra)

¹⁵ Art.32 Constitution Of India

¹⁶ Art.226, Constitution Of India

Back in 1979, the first Public Interest Litigation was reported that focused on the inhuman conditions of prisoners. In the case of Hussaina Khatoun v. the State of Bihar, The Public Interest Litigation was filed by a Senior Advocate Pushpa Kapila Hingorani based upon a news item that was published in a newspaper that basically highlights the dangerous conditions of thousands of prisoners suffering in various jails in Bihar. She wrote a letter to Supreme Court to intervene and initiate a proceeding and Therefore, this led to the release of more than 40,000 under-trial prisoners. And then right to speedy justice has emerged as a basic fundamental right.

Public Interest Litigation and Judicial Activism actually go hand in hand. Public Interest Litigation is a result of Judicial Activism. When there is a violation of Fundamental Right, then it can be shown before the Supreme Court under Art.32 by filing of a writ petition and it can be entertained as Public Interest Litigation matter.

It is often said that the genesis of Judicial Activism lies in the evolution of PIL and the consequent liberalization of the Locus Standi Rule. The main of Public Interest Litigation was to empower the downtrodden, the poor, and the needy by ensuring Justice to them.

We can also say that Over the years the number of Public Interest Litigation filed in the court has increased.

And some of the prominent areas where the courts have dispensed justice by the mechanism of entertaining Public Interest Litigation are some matters of Public Interest like bonded labor matters, harassment of people in prisons, harassment to the Indigenous People, Matters of Environmental concerns, Some matters of Private Nature like matters where Individual seeking police protection, landlord-tenant dispute, service matters.¹⁸

The main proponents of Judicial Activism were Judges like V R Krishna Iyer, P.N Bhagwati, Chinappa Reddy, and DA Desai, as they have rendered many judgments keeping in mind the basic rights of the people.

Thereafter, In Sunil Batra v. Delhi Administration(1980) and In Sheela Barse v. Union Of India (1983) The Court also gave significant directions for the protection of Accused and Convicts (Male and Female) concerning their safety and security, better prison Condition, separate Lock-ups for female prisoners

Rise Of Judicial Activism-

We all are aware of the Fact, that earlier the Indian Judiciary had always taken An Orthodox approach in dealing the cases. But, it is also wrong to state that, in the past, there have been no Incidents Of Judicial Activism. Earlier also there were some incidents of Judicial Activism that took place but it is sad that it could not come to the limelight. So, to know about its origin we can go back to 1893 when Justice Mehmood of The Allahabad High Court had delivered a disagreeing Judgment that Inspire the concept of Activism In India.¹⁹

¹⁷ Sec.133 of The Criminal Procedure Code

¹⁸ Sharma, B.R., Constitutional Law and Judicial Activism, Ashish Publishing House, New Delhi, 1990, p. 316

¹⁹ Public interest litigation: Access to Justice (Bohra)

We should be aware of the theories behind Judicial Activism. The major theories that led to Judicial Activism are-

1. Theory Of Vacuum Filling
2. Theory Of Social Want.

The theory of Vacuum Filling states that a Vacancy is created in the governance system due to the Inactivity and slackness of any organ of the government. And the formation of such an empty space is basically against the good governance of a country. And such kind of behavior is never acceptable and there rises a reformation. Hence, we can say that when such a vacuum is created by any Inaction, neglectfulness, corruption, etc among the two organs of a Government i.e Legislative and Executive, there the third organ i.e Judiciary Come up with expanding or Overreaching their Jurisdiction.

When there is a need, there comes a law. According to this theory, when there is a failure in the existing legislation or there is some trouble in the Legislation to cope up with the existing situation in the country, then there is a need for Judicial Activism. The application of this theory can give rise to Judicial Activism. This activism plays a vital role in bringing social change.

How PIL works as an aid for people

Public Interest Litigation has emerged as a new Jurisprudence developed by the Apex Court through the mechanism of Judicial Activism. The main work of Public Interest Litigation is to safeguard the rights of the underprivileged and the weaker people of the society, who are deprived, either socially or economically, and are not able to approach the court.

Basically, Public Interest Litigation is a collective Litigation where the petitioner, the state, and the court come together under one umbrella to resolve the disputes.

In no way it is an adversary Litigation as the main purpose of Public Interest Litigation is to promote justice to people who are poor, ignorant, socially, and economically deprived. Under this mechanism, the court can take into consideration any complaints that really shocking to the judiciary and there is no other ulterior motive behind such complaints except the right to achieve Justice.²⁰

Some important things that the court must look after are that the people who are approaching the court in the name of Public Interest Litigation are not having any personal profit out of the matter. The court should also take into consideration that how Public Interest is affected in a certain case.²¹

People should always remember one thing before approaching the court of Law that they are going to the temple of Justice with a clean hand, mind, heart, and also clear objectives. And in the same way, the court should also be fair and do justice in good faith.

The Ministry of Communications and Information Technology (MCIT) misallocated licences and radio airwaves in January 2008 in order to launch 2G services, resulting in this PIL. The licences issued to the private respondents, as well as the subsequent allotment of spectrum to the licensees, were ruled to be unlawful and invalid. Directions for a fresh round of licences and spectrum distribution for 2G services were given based on new TRAI recommendations.²²

²⁰ Public Interest litigation in India (Sadual)

²¹ JUDICIAL ACTIVISM IN INDIA: A NECESSARY EVIL (Arpita Saha)

²² Centre for Public Interest Litigation v. Union of India and Others (AIR 2003 SC 3277)

Public Interest Litigation in India emerged in a phase wise manner like when Public Interest Litigation, on what subject Public Interest Litigation especially focuses on and how Judiciary is responding to Public Interest Litigation cases. When we look into the history, it was in 1970s when the culture of Public Interest Litigation was started. At that time, the Public Spirited people like Lawyers, Social Activists or the Academicians use to file Public Interest Litigation cases on various social issues on Child Labourers, Bonded Labourers, Prisoners, Women etc.

During this time, the judiciary would respond by recognising people's rights and issuing orders to the government to compensate for alleged infringement. As a result, it may be claimed that in the first phase, Public Interest Litigation actually became a vehicle for the people to engage in social revolution, as the Constitution intended.²³

Now follows the Second Phase of Public Interest Litigation, which took place in the 1990s and saw a number of changes in the notion of Public Interest Litigation. In comparison to the first phase, the filing of Public Interest Litigation cases grew more formalised during the second phase, with many NGOs and lawyers actively bringing topics of public interest before the court of law on a far more regular basis.

During this time, it was common practise for petitioners to seek relief not only from the executive, but also from private individuals in particular policy or legal concerns.

And it is a source of great pride that the judiciary has responded admirably to the concerns highlighted by the public.

The court also issued guidelines and offered various perspectives based on the facts of the case.

Along with all of the increased admiration, it is also true that there was a period when people began misusing it, and the court, without any checks, acted on it, causing numerous disruptions.

Then there's the third phase, which is the current scenario in the twenty-first century, in which any random person can file a Public Interest Litigation on any subject.

It may be claimed that now is the moment for judicial reflection as well as a reassessment of what the courts have attempted to accomplish through Public Interest Litigation.

The SC recognised bar associations as having the locus standi to file PILs. They had a legitimate interest in contesting the mechanism for shifting judges in this case.²⁴

Union of India v. Laxmi (2013) 9 SCALE 290- the PIL emphasised the necessity for stricter acid attack laws under the Poison Act of 1919. The Supreme Court established mechanisms for the correct treatment, aftercare, and rehabilitation of acid attack victims, as well as compensation payments to acid attack victims by the state or the establishment of a special fund to pay compensation to acid attack victims.

State of Maharashtra v. Dattaraj Nattuji Thaware²⁵ The Supreme Court of India ruled in 2005 (1) SCC 590 that Public Interest Litigation has now become an important field in the administration of law, and that PIL should not be confused with "publicity" or "private" interest litigation. The court emphasised the importance of imposing "exemplary" fines on those who file bogus petitions.

The PIL, Voluntary Health Association of Punjab v. Union of India²⁶, alleged that the states and Union Territories had failed to implement section 17 of the Pre-

²³ Public Interest litigation in India (Sadual)

²⁴ Union of India vs. S.P. Gupta (1997) 3 SCC 433

²⁵ 2005 (1) SCC 590

²⁶ (2013) 1 SCALE 383

conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, and that its objectives had not been met.²⁷

The court ordered the affected states' health secretaries to inform the court of the efforts taken to execute the Act's requirements and to provide the most recent statistics on the number of cases booked for violating the Act's provisions, prosecutions launched, and conviction rates.

The PIL was filed in the case of, which concerned the availability of potable drinking water to eighteen selected areas surrounding the Union Carbide Factory in Bhopal. The Supreme Court ruled that part of the work being done by the Bhopal Municipality to provide fresh drinking water should be overseen by a monitoring committee.²⁸

Environment and Rural Litigation The PIL concerning environmental and ecological issues that have ramifications for the welfare of the general public in the country. The Supreme Court ruled that Article 21 protects the right to a healthy environment and that humanity's permanent assets cannot be depleted.²⁹

The court now allows Public Interest Litigation or Social Interest Litigation at the request of "public spirited citizens for the enforcement of constitutional and legal rights of any person or group of persons who are unable to approach court for relief because of their socially or economically disadvantaged position." Public interest litigation is a part of the process of participatory justice, and its standing in civil litigation of that pattern must have a liberal reception at the court.³⁰

A 7 judge bench spoke very clearly, and it may be quoted, it must now be regarded as well settled law where a person who has suffered a legal wrong or a legal injury, or whose legal right or legally protected interest has been violated, is unable to approach the court due to some disability, or it is not practicable for him to move the court for other sufficient reasons, such as his socially or A person can seek the court's aid in delivering judicial redress to a person who has been wronged or damaged, so that the legal wrong or injury that has been done to him is not left unaddressed and justice is served. The tone and tenor of these sentences correctly convey that the individual whose legal rights or interests have been violated does not have to be the one who explicitly seeks the court's aid.

Certain Limitation Of PIL

During the independence of India, The court Procedure was actually adopted from the Anglo-Saxon System Of Jurisprudence. It is also true that Many people were not at all aware of the legal rights and duties enshrined under the constitution of india. Though there was many laws and regulations but the main problem was there with the illiteracy of the people. Gradually, the situation had changed when after the emergency, Supreme Court came up with different measure and that benefitted the people to approach the court and access Justice in true sense.

As earlier it was only the aggrieved party could only knock the doors of the courts to seek relief but after the advent of the Public Interest Litigation, it had opened the door for every one. People can also approach the court on behalf of others.

²⁷ Pre-conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994

²⁸ Research Foundation for Science v. Union of India (2013) 7 SCALE 497

²⁹ State of Uttar Pradesh and others v. Kendra, Dehradun, and others (1985)
2 SCC 431

³⁰ Union of India v. Peoples Union for Democratic Rights

Hence, Now onwards the court is not only medium to promote Justice but also to frame new policy as per the needs of people and society at large. But, as every good and innovative things has its own drawbacks or downfall same as in the case of Public Interest Litigation. There are certain drawbacks-

1. The ulterior objective the Public Interest Litigation mechanism is to promote justice in the need of Public. But now a days it is seen that many people are using it like a weapon to make their own gain, which is absolutely wrong. Hence, it has been observed that many people are approaching the court of law in many frivolous and fraud cases where there is no public interest is hampered. And it is not that easy for the court to always differentiate whether the cases are arising out of public or private interest.
2. As it is well versed that our system of governance is ruled under the policy of checks and balances. So it is true that in the areas where the legislature or executive fails to satisfy the people by any policy, regulation etc. Then, there is the Judicial review and activism arises. The judiciary entertain certain Public Interest Litigation and listens to the grievances of people and new policies are also framed. Example- In Vishakha case also, Judiciary stepped in by allowing a Public Interest Litigation. But, it is also true that in some cases, the Judiciary is not at a capacity to entertain. Certain cases are out of the Jurisdiction and ambit. Likewise certain petitions like Prohibition on sale of Liquor or on Recognition of a certain language are not entertained by court.
3. Misuse of Power leads to destruction likewise overuse of power leads to Non-seriousness. If for every second problem, people will knock the door of justice, then it is a very obvious problem for the Judiciary to listen to the case. Public Interest Litigation should not be the first and foremost step in reporting all kind of problems even also, it falls under the domain of Public Interest. For the Public Interest Litigation to be an effective remedy, it should not be allowed as a regular practice as this will lead to non-seriousness by the Bench, the Bar and most importantly the people. By this practice only the serious of the serious cases will be taken as a matter of joke.
4. Thousands of cases are registered everyday. In our country, the number of courts and Judges are very minimum as compared to the cases that are filed. And this leads to the problem of Insufficient resources. It is true that Public Interest Litigation cases are given more importance but as there is a huge backlog of cases already, it is very difficult in the parts of judges to find out the true and genuine Public Interest Litigation cases. Any the number of frivolous cases is rising it is very problematic to render speedy Justice. This is the reason why more time is wasted in this process of rendering Justice.

Suggestions –

We cannot deny the truth that, the misuse or abuse of the power of Public Interest Litigation is spreading rampantly. Steps must be taken to look into these matters where the fake activist in the Judicial Activism is crossing their limits.

1. The first step that can be implemented is that, an eye can be kept on very cases coming as a Public Interest Litigation. Because, if a case is registered frivolously as a Public Interest Litigation and there seems the interest of any private individual then it will definitely a loss for judiciary.
2. Another misconception that is famous among the people is that they believe Public Interest Litigation and Judicial Activism as same. It should always be understood that Judicial Activism is not Public Interest Litigation. A court can be judicially Active without even Public Interest Litigation. This is a growing problem because, as people find that Public Interest Litigation is a medium by which Public grievances can be brought before the court.

3. Most Importantly it should be taken into consideration that Judicial Activism is not Judicial Adventurism. Because ,Judicial Adventurism is an extreme form of Judicial Activism. In the situation of Judicial Adventurism, the Judiciary goes beyond its limits and also enters in the affairs of Legislature and the executive where there is an imbalance of powers between the three organs of the government whereas Judicial Activism is basically the use of power to enforce the laws and regulations that are beneficial for the people at large.

Conclusion-

The Indian PIL experience also demonstrates the importance of ensuring that PILs do not become a backdoor into the temple of justice in order to satisfy commercial interests, settle political grudges, or just acquire easy attention. Courts should not use PIL to administer the country on a daily basis or to intrude into the executive and legislative branches' lawful domains. As a result, for India and other jurisdictions, the way forward is to strike a compromise between allowing real PIL cases and preventing frivolous ones. One way to achieve this goal would be to limit PIL to cases in which access to justice is hampered by some form of impairment. The other useful resource is Another beneficial tool could be to impose financial penalties on people who are proven to be using PIL for nefarious reasons. At the same time, it's worth investigating whether some sort of financial incentive—such as a protected cost order, legal assistance, pro bono litigation, support for PIL civil society, and amicus curie briefs—should be offered in exchange for legitimate PIL lawsuits not being discouraged. This is significant because, given the basic premise for PIL, potential plaintiffs are unlikely to always be resourceful.

