

Procedure of filing a PIL

Introduction

In recent years the Supreme Court has relaxed its locus standi (Right of a party to appear in court) and has permitted public spirited citizens and civil society organisations to approach the Court on behalf of the victims for better administration of justice. On other accounts, the Court has on its own initiative started cases of public importance. For instance, it has summoned and reprimanded state authorities for their apathy and lack of diligence in running child care homes in the states. All, this has been possible through the judicial activism of the Supreme Court through Public Interest Litigation (Janhit Yachika) (PIL).

The first ever PIL is listed as *Hussainara Khatoon v. State of Bihar* and dates back to 1979. It was filed on behalf of thousands of prisoners of the Bihar jail against the inhumane conditions of the prison by a public interest activist lawyer.

Meaning of PIL?

Public Interest Litigation (PIL) can be termed as non-adversarial litigation that pits the interest of one party over the other. Rather than focusing on traditional litigation of adversary character, PILs are recognised as tools for social change. PILs are based on the tenets of citizen standing and representative standing which expands the rights of third-parties to approach the Court.

In simple terms, a PIL is a legal action or petition that an individual or a non-government organisation or an individual citizen can file seeking justice in an issue that has a large public interest involved.

Who Can File A PIL?

Any Indian can file a PIL, but a PIL cannot be filed with a Private interest, it can only be filed for a Public interest at large. Even the court can take cognizance of a matter if it is one of the utmost public importance, and appoint an advocate to the case.

Procedure For Filing A PIL

Once it has been decided to file a PIL, collect all the relevant information regarding the case and have proper documents to support your claim in order for it to be evidential enough.

Yes, one can argue in person or appoint an advocate to represent to fight the case. It is advisable to contact an advocate and consult before filing a PIL. If one is fighting in person, then, it is advisable to go over the top with your preparations and being very well versed in their take in order to back their claim and with proper documentation.

Once you are ready with the PIL copy and intend to file it in the High Court, submit two copies of the petition to the court. Also, a copy of the petition has to be served to each respondent in advance. And this proof of serving the copy to the respondents has to be affixed in the petition.

If you are filing PIL in the Supreme Court, then five copies of the petition are to be filed before the court. Respondent is served with the copy only when the notice is issued from the court.

The Court fees for filing a PIL is Rs 50 for each respondent and affixing it petition.

What are the issues that cannot be filed under PIL?

The Supreme Court has issued a set of PIL guidelines according to which the following matters will not be allowed as PILs:

- Landlord-tenant matters
- Service matters
- Matters pertaining to pension and gratuity
- Complaints against Central and State government departments and Local Bodies except those relating to items 1 to 10 mentioned in the list of guidelines
- Admission to medical and other educational institutions
- Petitions for early hearing of cases pending in High Court or subordinate courts.

