

Justice Through Writ Petition/ Public Interest Litigation

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Any citizen of India whose Fundamental Rights is breached or hampered can move to the Supreme Court and High Court by virtue of article-32 and 226 of Constitution of India respectively for its enforcement and for redressal of the grievances of the persons who cannot move to the Court because of poverty, helplessness, disability or social and economical backwardness. A destitute citizen can also file a writ petition even through a simple letter written on a post card. This derives from the right to be heard as implied by article 32. It was through this mode that the bonded labour in stone quarries, situated in Faridabad district of Haryana got the court's attention. The court treated the letter as a writ petition and appointed a two member commission to make an inquiry to the court on the matter. Again there was a grim issue relating to the social and voluntary agencies engaged in the work of offering Indian children to foreign countries. It was stated in the petition filed by L.K. Pandey Vs. Union of India that such adoption of children makes them uncertain for their shelter and future and also their long dreadful journey from one country to the another country. Justice P.N. Bhagawati played the key role in enunciating the Public Interest Litigation (PIL), he did not insist on the observance of procedural technicalities and even treated ordinary letters from public / individuals as writ petitions. Justice Bhagawati cautioned the Courts to satisfy itself that the individuals bringing such case was not doing so for his personal gains or private profit, or political motivation, these were cautioned to stop misuse of PIL. The Principle of Public Interest Litigation is a sign of great development which will go a long way in creating a sense of responsibility among public authorities

who exercise and misuse enormous power under the Constitution and Law. Such Principle would certainly lower or minimize the abuse of power by some public authorities. About all, PIL has helped the poor and destitute in securing their rights and privileges and punishing those who are involved in various scams and corruption. In the recent years the concept of 'Judicial Activism' gaining popularity and has greatly contributed to the enhancement of power and prestige of the High Court and Supreme Court. The Supreme Court and High Court has respectively issued directions to control pollution, to check the growing menace of child prostitutes, to revive a sick company, to protect the Taj Mahal from the environmental pollution etc. The Jessica Lal, Priyadarshini Mattoo, Aroshi, and Ruchika cases have temporarily re-enforced faith in the Indian Judicial system. There is a new hype about hard talking, re-enforced who would stand by the truth, however harsh it might be. It's a shame we have only 13 Judges per million people. There's mountain of 3 crore pending cases, 2.55 crore in the District and Subordinate courts, 35.6 lakh in High Courts and over 50 thousand in the Supreme Court. With poorly paid and over-worked Judges tossed around by Baboos and Netas, it's no surprise that 25% of vacancies in High Courts remain unfilled. A vibrant democracy needs all its pillars to stand strong. Our judiciary, though still standing, has visible gaps. Its time we plugged these gaps. Today, India is a land of promise, a place where good ideas can only get better. So should our judicial system.

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