CONCLUSION
CONCLUSION

The focus of the present work is to study how Public Interest Litigation contributed in bringing awareness and in protection and preservation of human rights in India, human rights which are a part and parcel of human dignity and right to life. The emergence of the Supreme Court of India as a custodian of people’s rights have come to grip with the problems of contemporary society. The court is seen and perceived as a forum for raising, redressing and articulating the problems of the have-nots, deprived, oppressed and the downtrodden. The Supreme Court has become a forum for the representation and protection of the basic human rights of the people, through the mechanism of Public Interest Litigation. The Supreme Court is not only the conscience keeper of the status quo, but also a vigilant auditor of socially and economically accountable government of the people.

Though various domestic laws and international treaties, conventions, and resolutions have been passed to protect the rights of the people, yet the denial or violation of human rights is on an alarming scale. In a country like India where most of the people are illiterate, poverty ridden, and are surrounded by a circle of ignorance the violation of human rights continues in such a situation. Public Interest Litigation emerged as a weapon to provide voice to voiceless, have-nots, and expiated ceases. Various judicial pronouncements in Public Interest Litigation engendered a greater awareness of human rights, and prompted legislative enactments with expanded standing provisions. Access to justice was made far easier. In India until the emergence of Public Interest Litigation, justice was only a remote, even theoretical proposition for the mass of illiterate, underprivileged and exploited persons. The relaxation of the role of
Locus Standi, brought issues to the courtroom that had never before been discussed. Public Interest Litigation granted relief to women, children, prisoners, workers, bonded labourers, and many others, who were unaware of their legal rights due to ignorance, and were not familiar of the law. Unacquainted with the niceties of procedure involved, and too impoverished to engage lawyers, file papers, and bear heavy expenditure on dilatory litigations.

Apart from this Public Interest Litigation has also resulted in the birth of certain NGOs, which are fighting for the protection of the rights of a specific group, e.g. Bandhua Mukti Morcha, Peoples Union for Civil Liberties, People Union for Democratic Rights, Common Cause, and CRY. These NGOs file litigation on behalf of oppressed sections and help in the redressal of grievance and thereby bring awareness about their human rights.

A study of the notable cases below will reveal how Public Interest Litigation has echoed strong sentiments in the protection and preservation of human rights in India. The courts in India have identified themselves as the reformers, initiators, promoters and harbingers of social good, common welfare and social justice. The judges have, to a great extent, abandoned their mechanical role of interpreting law and have embarked on extensive judicial legislation on issues of concern like degraded bonded labourers, tortured undertrials, blinded prisoners, sexual exploitation, environmental pollution, ill-treatment of women prisoners, inmates of protection homes by allowing those who were without the resources to file proper petitions, thereby encouraging them to write letters and send telegrams to the courts. Innovative directions were made and the court began to monitor the implementation of its own directions and to appoint commissions to inquire into the facts of cases. The judicial decisions in
Hussainara cases proved to be a Magna-Carta to the 1,20,000 undertrial prisoners languishing in jails for years without trial.

The contribution of PIL in various areas, the loopholes in the legal system along with some suggestions are discussed in the following pages, in order to improve, rectify and to make the PIL system more effective.

Prisoners: Contribution of Public Interest Litigation

The history of cases decided by the apex court during the past few years reveals that entertaining Public Interest Litigation cases have multiplied on a very large scale giving an opportunity to court to render justice to prisoners and undertrials, who were languishing in jails for years together for no fault of theirs, presumably because they were not aware of their right to obtain their release on bail on account of their poverty. The most historic of the judgements is Hussainara Khatoon V. State of Bihar where hundreds of thousands of undertrials who had been languishing in jails of Bihar without any trial for periods longer than they would have served if convicted were directed to be released. The Supreme Court also declared that the right to legal aid was a fundamental right implicit in the guarantee of personal liberty under Article-21 of the Constitution. Another celebrated case regarding the rights of prisoners is Sunil Batra V. Delhi Administration, serving a sentence in the notorious Tihar Jail in Delhi, who wrote a letter to the Supreme Court regarding the practices of keeping convicts in solitary confinement and in bar fetters. In this case both these practices were held to be unconstitutional and violation of the right to life and liberty enshrined in Article-21 of the Constitution. Again in Sunil Batra II, the Supreme Court deprecated the practice of handcuffing prisoners in a routine manner and held that it violates Article 21 of the Constitution. Similarly in Rudal
Shah, case the Supreme Court ordered the state to pay to the petitioner a further sum of Rs.30,000 as an interim measure in addition to the sum of Rs.5000 already paid in the nature of a palliative, taking into consideration the great harm done to the petitioner by the government of Bihar for his illegal detention in jail. Thus it is evident from these decisions that the judiciary by way of Public Interest Litigation has recognized many rights of the prisoners, viz., protection against torture, right not to be put in solitary confinement, right to legal assistance, right to speedy trial, right against handcuffing, bar fetters and right to compensation for violation of human rights etc.

Many verdicts reveal that judiciary took a strong stand in favour of the helpless and held that rule of equality before the law and equal protection of law under Article 14 of the Constitution would only remain constitutional shibboleth if a person fails to secure a legal protection because he was poor. The right to legal aid has been thus held as one of the ingredients of fair procedure covered under Art.21 of the Constitution. The need to reform the jail manual has also been stressed by the court with a view to ensure human rights and to avoid abuse of imprisonment. Through the interim directions the court gave detailed directions to authorities concerned to provide security and safety in police lockups and particularly to police suspects. Many dehumanizing aspects of prison life have been taken care by the deeply humane judges; to be true the credit goes to honourable justice V.R.Krishna Iyer. Last but not the least the active approach of the courts by way of Public Interest Litigation persuaded the government to appoint A.N.Mulla Committee on Jail Reforms (1980-83). The committee has recommended that the prison laws must be reviewed, revised and updated to fall in line with the new thinking emerging from various sources of activities including judgements of the Supreme Court.
Loopholes in Prison Administration

Amnesty International has been concerned at the conditions in prisons throughout India for many years and first documented these in a report in 1974.

1. The Prison Act of 1894, which has been regularly criticized, remains in force.

2. Repeated calls, most recently by the NHRC, for the standardization of prison manuals, which set out guidelines on the management of prisons, have not yet been heeded.

3. Despite the concern expressed about the prison system by the judiciary in India, charges of ill-treatment of detainees are still reported. The prisoners are subjected to inhuman torture in the form of harassment, handcuffing, bar fetters, inordinate delay in the trial process and custodial deaths. The NHRC received 1,305 reports of custodial death in 2001-02, of these 1,140 deaths were in judicial custody and 165 in police custody. Many people have "disappeared" after apparently being taken into custody by agents of the state.

4. Legal safeguards for the protection of detainees are thus ignored with impunity. Records of detention are not adequately maintained and the lawful role of the judiciary in the detention process is ignored and there is little access to judicial remedies for those who are poor, illiterate and unaware of the existing laws.

5. Preventive detention provisions have meant that thousand of political prisoners have been held without charge or trial. A NHRC report to the Government stated that 3,007 people were in detention in J & K in 1994,
Conclusion

while local civil liberties groups estimated the number of detainees was 20,000. Fair and prompt trials are compromised by routine delays in the legal system throughout the country. The UN Body of Principles for the Protection of All Persons Under Any form of Detention or Imprisonment sets out comprehensive guidelines for arrest and detention, but many of these guidelines are not followed either in law or in practice in India.

6. A complex web of legal norms governs all aspects of life in India. Some laws, like the Indian Penal code (IPC) and Indian Evidence Act (IEA) were enacted in the colonial period, while others such as the Code of Criminal Procedure (CCrP) were introduced or re-enacted after independence. Jurists in India have for many years maintained that certain laws need to be updated and amended. However the lengthy process of introducing new legislation or amendments has not been extensively undertaken for the criminal law. An example is the Code of Criminal Procedure (Amendment) Bill (CrPC) which has been pending before the Lok Sabha in its present form since 1994.

7. Lastly the police and the security forces do not implement the legal safeguards that do exist. Arrest and interrogation procedures are routinely flouted. Detainees are not always brought before a judicial magistrate within 24 hours of arrest. Protective measures, where they exist, are unevenly implemented, compounding the violations of the right of individuals who are deprived and neglected.

Suggestions

1. *The Legal Process Facilitates Violations*

   The lengthy delays in the conclusion of legal proceedings and the inherent problems in using the law for those suffering political, social and
economic disadvantage in them facilitates violations. The problems include proceedings in the Supreme Court are conducted only in the English language, which effectively excludes the majority of the population, the ineffectiveness of the judicial system in many areas, the high cost involved, the difficulties inherent in accessing judicial fora discourage the registration of cases.

2. Legal Aid

The Legal Services Authorities Act is a welcome step, which aims at the provision of legal aid to those unable to afford legal redress. However, as with other legislations this act is not comprehensively applied throughout the country and therefore does not provide universal right to call upon a lawyer of one's choice, as called for in UN Basic Principles on the Role of Lawyers. Therefore in order to implement the spirit of Article-22 (1) of the Constitution which says any arrested person has a right to consult a legal practitioner of his choice, lawyers have a significant role to play by judicious utilization of Public Interest Litigation by ensuring that human rights are living realities for those whose rights are infringed.

3. Speedy Trial

Many of the problems in the prisons emanate from the slow legal proceedings, which means that the detainees await trial for many years. Overcrowding in prisons is endemic throughout the country. For example, Tihar Jail in Delhi, built for 2,500 detainees, now houses 9,000 inmates, 8,000 of whom are reported to be waiting for trial. Therefore speedy trial is in public interest and is a fundamental right of a prisoner implicit in Article-21 of the Constitution.
4. Establishment of Human Right Cells in State Police Headquarters

On 9 March 1999, the NHRC arrived at a consensus to create a Human Rights Cell in the police headquarters in all the states in pursuance with the increase in the number of complaints against members of the police force. This cell is expected to help develop training curricula, organise workshops and spread human rights awareness through publications and the media. It is being hoped that the establishment of such cells will help to reduce human rights violations by the police personnel, enhance the image of the police and increase the trust of the public in the police.

5. Revision of Cr.P.C.

The Government of India should review the code of criminal procedure to ensure that mandatory judicial inquiries are carried out into all allegations of torture, death in custody, rape in custody, “disappearance”, extra judicial executions and into attacks on human rights defenders. Measures should be taken to ensure that investigations into human rights violations are fully independent and impartial and that victims, their relatives and witnesses are granted protection from harassment and intimidation.

6. Workshops for Prison Officials

In the year 1999-2000, the Special Rapporteur of the NHRC incharge of custodial justice held zonal workshops. In these workshops systematic issues relating to courts, comprehensive medical screening of prisoners, problems of women prisoners and the need to increase the involvement of competent NGOs were discussed further in regard to the large number of undertrials in prisons. Jail superintendents were instructed to keep in touch with District, Session Judges
and to bring to the latter’s notice such cases of the prisoners who had committed petty offences and are languishing in jails, because their cases were not being decided quickly for various reasons.

Environment: Contribution of Public Interest Litigation

There are at present seven major central legislations dealing with environment. They are complemented by a number of central rules and notifications. The Environment (Protection) Act 1986 was based to implement the decisions taken at the UN Conference on Human Environment held at Stockholm in 1972. Yet the impact of these numerous legislations has not been up to the mark. Under these circumstances the initiatives taken by the Supreme Court in the field of environment during eighties and nineties is inspiring.

In various decisions the courts have reiterated the fact that the right to life under Article-21 of the Constitution includes the pollution free environment for example, it has been monitoring the cleaning of the Ganga for almost a decade. Several polluting industrial units have been closed down under its order. The Supreme Court has shifted hundred of air polluting stone crushers from the borders of Delhi and rehabilitated them elsewhere. Pollution levels have been brought down around Taj Mahal and it is monitoring the Ganga Action Plan. The apex court continued to pass interim orders in M.C. Mehta cases, directing the Delhi government to close down 1,300 hazardous polluting industries in residential areas and change fuel of public transport from petrol and diesel to CNG and other safe ones.

Loopholes

1. The linking of global Environmental Conventions to local issues is still a rarity.
2. International Environmental Law: Both hard law, such as environmental conventions and treaties and soft law such as declarations and principles are an important and much talked about area in environmental law, but sadly the most neglected. In fact, if one looks at the words of most conventions they offer hope in terms of protection of the world’s fragile environment. Yet, sadly very little is put into practice. Global Environmental Conventions rarely translate into strong and effective domestic legislation. It is not only environmental groups that need to focus on these environmental conventions, but rather it can be of much use to human rights and other social action groups. Thus for example the Ramsar Conventions on wetlands has provisions on the ‘wise use’ of such areas to benefit the local communities around such sites. Global environmental negotiations are another area, which is neglected a lot by Indian activists.

3. The basic problem with the bulk of the environmental law in India is that it is not generally relevant to the Indian circumstances. Thus whereas the bulk of activists have been concentrating on implementation, the form and structures of the legislations have rarely been questioned. “Laws are good but implementation is poor” is regarded as the source of all problems. Very few activists question the laws. It is noted that the bulk of the legislation in India has a rightly paternalistic approach. Thus in most of the environmental legislations people and groups have very little or no role of administrative measures. Most of the acts are not comprehensive.

4. The petitioners in most cases have tended to adopt the ‘NIMBY’ (not in my backyard) approach, whereby the activists are preoccupied in
protecting a specific area. It is this approach that results in the shifting of polluting industries from urban to rural areas.

5. In matters relating to pollution, although the courts are vigorous in their drive to close down polluting industries, polluting fuels etc. rarely is their impact. This has further created a cleavage between rights of people affected and the need for environmental protection.

6. Another very disturbing development is that the environment and human rights movements in India are now often regarded as being opposed to each other. Environmental activists blame the human rights movement for its anthropocentric vision, whereas human rights groups oppose the arguments of inter species equity and the “hands off” approach to conservation.

7. Inspite of several Acts, rules and notifications and the initiatives taken by the Supreme Court in judicial decisions, there are problems in legislation and the gaps in enforcement exist due to several reasons like the tardiness and corruption of the enforcement machinery, shortage of equipment to detect and treat harmful effluents, lack of awareness and plain greed to make quick money. Prosecutions under these laws are few and far between as they are slowed down by criminal court procedures and hitech evidence.

Suggestions

Environmental problems in India can only be solved with a holistic approach. Representatives of citizen’s groups, environmentalists and industrialists emphasise the need for policy makers and governmental
organisations to seek solutions, which combine the objectives of development. For example, the indoor air pollution from wood and coal stoves can be described as the greatest environmental problem, killing 600,000 women a year in India. In this case, giving the women an alternate cooking stove would solve not only the social objective of improving women’s health but also environmental objectives, by reducing the demand for forest firewood.

Environmental activist Debi Goenka highlighted the importance of citizen’s awareness and initiatives with people’s participation as the “only ones that will work”. The biggest challenge of all is to encourage the sense of solidarity among people, “connect people to their traditions which teach respect towards the environment and the sense that the world is my family”.

1. Filling Gaps in Law and Lacunae of Administration

In some cases courts issue directions to fill yawning gaps in the existing law; in others, they may go to the extent of asking the government to constitute national and state regulatory authorities or environmental courts. In most cases courts have issued directions to remind statutory authorities of their responsibility especially municipal authorities, to remove garbage and waste and clean towns and cities. The courts always wanted pollution control authorities to function effectively in the spheres allotted to them by law. By entrusting them directly with the responsibility of studying the state of the environment and ecology, like identification of hazardous industries, and asking them to issue notice of closure or relocation of industries, courts have moulded these bodies into dynamic independent environmental protection agencies.

2. Committees and Commissions

The judicial technique of appointing committees and commissions is ingenious, as this results in more light being shed on areas of environmental and
ecological knowledge. The feedback helps courts substantially to arrive at correct conclusions and to issue appropriate orders. This technique is a welcome development in the field of judicial activism, filling as it does yawning gaps in existing laws. Commissions are appointed when the courts feel that there is a need to find out the true nature of existing environmental problems.

3. Public Participation in Environmental Decision-Making

Public participation in environmental decision-making augments environmental protection measures and reflects the aspirations of not only the present generation but also future generations. Once people become conscious, mass movements gain momentum and their role in governance of the country is accepted. Consultation with the public streamlines the work of and envisages environmental decision-making agencies. When members of the public express their views on a proposed project, the decision-making agencies have to be thorough in their analysis and ease the pitch or create a balance between developmental gains and environmental values.

4. National Awards for Prevention of Pollution

In order to encourage industries and operations to take significant steps for prevention of pollution, the central government has introduced a scheme of national awards. The awards will be granted each year to units, which make a significant and measurable contribution towards development or use of clean technologies, products or practice that prevent pollution and find innovative solutions to environmental problems.

Women: Contribution of Public Interest Litigation

Public Interest Litigation has been a redressal forum for the rights of women. In recent years cases of sexual harassment, torture, custodial rape,
Even then the CBI took many years to complete investigations. The hearing was adjourned several times. The CBI report revealed that the State Government failed to take action against the policemen despite the report of the inquiry commission appointed by the Supreme Court. The case was heard several times between 1986 and 1993 and two commissions were appointed. Pending completion of inquiries by the State Government, the Supreme Court awarded Rs. 50,000 as compensation to Guntaben by its order in 1993. Further a news report revealed that 25 tribal women in certain areas of Western Tripura were raped by Army Personnel. In response to a PIL the inquiry report confirmed rape of some of these women. The Assam Rifles and the State Government did their best to hush up the crimes. Due to the failure of the state to file a timely reply, the case remained pending for long time.

Why women’s rights are violated?

1. The national policies, programmes and decisions are so structured as to relegate the women to the level of ‘passive’ participants rather than the ‘active’ ones in all the activities. Although they contribute more to the family income they are considered to be unproductive by government statisticians, economists, development experts and even by their family members. Gender-bias both at home and society in its various forms prevents many women from obtaining proper education, health care and economic independence and legal status also. This deprivation and denial of rights resulted in poor literacy among the women. Women comprise 66% of the world’s illiterates and 70% of the world’s poor.

2. Deeply rooted societal and customary rules have further impeded their progress to a great extent. The sex based discrimination and deprivation
are premised to a large extent on the arbitrary division of male and female roles in the society.

3. In addition, Amnesty International is concerned that systematic practices in society, which are detrimental to the rights of women, go un-addressed by the forces of law and order. Concern remains that the few convictions of police officers for crimes against women, the delay in introducing legal safeguards to protect women detainees, and the problems of the legal process exacerbate the specific vulnerabilities of women.

4. The UN from the very beginning is concerned with the plight of women. This is significant in itself as it not only accepts the prevalence of discrimination against women but also becomes a major instrument to eliminate discrimination in all its forms. However these UN instruments lay down international norms to be adhered by the state at the national and international levels, but it is the implementation which is crucial to judge the progress towards the realization of human rights.

5. Proper education, earning power and awareness about their rights could only enable women to break the traditional code in the family, where some always give orders and others obey. Growing awareness on the part of women only could help them to enjoy their rights.

Suggestions

1. Review the code of criminal procedure and the implementation of existing safeguards to enhance the protection provided to women detainees.
Ensure that any women who bring charges of rape or sexual abuse against law enforcement personnel are effectively protected from harassment or reprisals.

2. The drafting of the National Prospective Plan for Women, 1988-2000 is an effort at a long term policy for Indian women, linked to national targets determined for the end of century in respect of certain basic indicators especially of health, and employment.

3. Another important step is setting up of NCW in 1992. The commission should be given more powers so that it can implement its recommendations.

4. Empowerment is a dynamic process that enhances a women’s ability to challenge and change those structure and ideologies that relegate her to a subordinate position. While equality and the empowerment of women require actions in a number of areas, four areas stand out as critically important for achieving equality of women with men. These are: building women’s capability; improving opportunities for women; ensuring legal justice to women; and establishing, strengthening institutional machinery to ensure implementation and monitoring of gender empowerment policies.

5. Despite several reforms, women are still deprived of the basic necessities such as food, health and education. There is no dearth of schemes and legislations for gender reforms but what we need is political will to implement them expeditiously.
6. A comprehensive approach is needed for improvement in State’s response, clear and consistent documentation of various aspects of the case and rethinking on the definition of cruelty specifically under domestic violence.

7. Courts are only the last resorts and are not by themselves the solution. People’s actions and change in the societal mindset is what is required. A society cannot be excused where 86 million girls receive no primary education. In India every sixth death is of female infant due to neglect. The problem lies not in the direction of not knowing the solution, but in not being ready to accept our shortcomings and to the challenge towards the crucial step to the solution.

8. Oppression against women is manifested in several forms. It includes outraging of modesty, rape, immoral traffic, sexual exploitation and abuse of women for commercial purposes; for all those said offences, stringent provisions have been made, extreme penalty is provided for rape in custody, woman have got the right to seek justice in a court of law under the provisions of Indian Penal Code (IPC). A woman victim of suppression of immoral traffic can seek justice against the offender under Immoral Traffic (Prevention) Act, 1956 and by Act 44 of 1986.

With the growth of education, society has changed and social customs have undergone changes. Now-a-days with constitutional guarantees, reservations, vocational training and growth of governmental and non governmental organizations Indian women are no more confined to four walls, instead they are venturing out into every conceivable area of activity. But unfortunately, Indian women are still in darkness about their rights and the laws
enacted for their protection and safeguards due to lack of education and are subjected to discrimination in every walk of life. The only way to check crimes against women was to educate them. Making a special mention to the status of women, The Economic Survey of 2001, has acknowledged that women’s contribution to the country’s economy is either unrecognized, or, at best, undervalued. The survey makes a special mention of improving the educational status of women, which, it says, is essential for improving women’s living standards and enabling them to exercise greater “voice” in decision making in the family, community, and place of work.

**Bonded Labourers: Contribution of Public interest Litigation**

In India the bonded labour system continues to be the most pernicious form of human bondage. According to one estimate, there are more than 25 lakh bonded labourers in India. Keeping in view the plight of the bonded labourers, the Constitution of India has banned begar, under Article-23 and in 1976 parliament passed the Bonded Labour Abolition Act with elaborate provisions to tackle the evil. But until the 1980s, the implementation of these legal provisions was tardy. It was after the advent of Public Interest Litigation, the judiciary, particularly the apex court, played an important role in making right to live with human dignity a reality for millions of Indians and has protected them from exploitation.

Most of the Public Interest Litigation proceedings on bonded labour seek to implement the Act. The first major PIL on this issue was *Bandhua Mukti Morcha V. Union of India*, filed in 1981. The action was brought for identification, release and rehabilitation of hundreds of bonded labourers working in stone quarries of Haryana. Similarly the Supreme Court on *Peoples*
Union for Democratic Rights V. Union of India sought the intervention of the court for the enforcement of labour laws for the benefit of unorganised labour employed in the construction of the Asian Games Project. In Mukesh Advani V. State of M.P., the Supreme Court concentrated in giving directions to the government for taking suitable steps for implementation of labour welfare legislations in their true spirit. In Sanjit Roy V. State of Rajasthan the Supreme Court held that if the workers were not given the minimum wage, it will be a violation of the Minimum Wage Act, 1948 and this exemption was held to be unconstitutional. Therefore on account of the writ petition filed by Sanjit Roy contract labourers working on the Madangunj-Harmara Road got two extra rupees as daily wages.

Thus, from the analysis of various above mentioned cases it is evident that the judiciary has shown deep concern for the basic human rights of the bonded labourers and issued suitable directions for ensuring the protection and promotion of their human right to live with human dignity.

Loopholes

It is painful to note that inspite of the constitutional and legislative measures the menace of bonded labour still exists. In 1988, the Gandhi Peace Foundation in collaboration with the National Labour Institute conducted National Pilot Survey on the incident of bonded labour in ten states most affected from bonded labour. The report of the survey, which was limited to agricultural debt bondage in rural areas, noticed the gloomy status of bonded labourers. The report stated that labourers are deprived of basic human rights, freedom of movement and freedom of seeking employment, subjected totally to the mercy of landlord.
1. One of the major handicaps, which impede the identification of bonded labour, is the reluctance of the administration to admit the existence of bonded labour, even where it is prevalent. The process of identification and release of the bonded labourers is the process of discovery and transformation of non-beings into human beings. It is therefore necessary to take steps to eradicate it for the purpose of wiping out this blot on the fair name of the state.

2. The Supreme Court has also found that there has been violation of the various social welfare legislations or laws by the state and that the workers were being denied of their right to have just and humane conditions of work. The right to live with human dignity enshrined in Article-21 includes protection of health and strength of workers, men and women, and just and humane conditions of work and maternity relief.

3. Most of the workers are totally ignorant or unaware of their rights and entitlements. *The Indian express*, March 21, 2001 reported a bonded labour named Namdeo Bhagwan Mukne was pronounced free after 10 years. This man was not even aware that bonded labour is illegal. Mukne was issued an official certificate declaring him free. He received Rs.1,000 as immediate relief. The employer was booked under sections of the Bonded Labour System (Abolition) Act, 1976, and Prevention of Atrocities Act.

4. Remedies without rights: In Indian Public Interest Litigation, the “disconnection” of remedies from rights began with the practice of issuing major directions through interim orders for example in Bandhua Mukti Morcha v. Union of India, the court issued 21 directions to the Haryana
government to help the workers. Among them: setting up of vigilance committees in each sub-division of Faridabad, drafting a scheme to identify, release and rehabilitate the labourers, surprise checks by inspectors to see that the laws are enforced, supply of pure drinking water, medical assistance, training in explosives, and maternity benefits. During the proceedings, the court monitored its own directions and appointed a number of commissions of inquiry. Unfortunately, most of the directions remained unimplemented for many years. The court acknowledged its limited capacity in monitoring the schemes of rehabilitation. Ultimately in 1992 the court recounted the history of the case and was shocked that there was not even the slightest improvement in the conditions of the workers of the stone quarries. The litigation ended up with one more warning to the government to be responsive to judicial directions.

5. Rehabilitation of the liberated bonded labourers is yet another factor which is required to be looked into in its proper prospective. It is not enough merely to identify and release bonded labourers but it is equally, perhaps more important, that after identification and release they must be properly rehabilitated. Psychological rehabilitation must go side by side with the physical and economic rehabilitation.

6. Inadequate punishment to those who violate the labour laws makes it impossible to ensure the observance of beneficial provisions for the have-nots. In that case the welfare provisions remain only as paper tigers without any teeth or claws.

7. Sometimes vested interests obstruct the proper implementation of the beneficial provisions of laws.
8. Lastly instead of treating the programmes in isolation as a programme of a ministry/department; there has to be coordination among various concerned ministries/departments like those of animal husbandry, irrigation, so that the programme is dealt with as an integrated national programme.

Suggestions

A few suggestions are being made with a view to ameliorate the miserable conditions of such labourers.

1. Every State Government should make necessary notification in the official Gazette to constitute vigilance committees in each district and sub-divisional levels under section 13 of the Bonded Labour System (Abolition) Act, 1976 with a view to make survey of any offence whether committed at stone quarries or brick kilns or in agricultural sector of which cognizance ought to be taken under this Act.

2. After the Constitution of the vigilance committees and after conferring power upon District Magistrate under sections 10, 11, 12 of this Act, if any matter relating to the plight of bonded labourer is brought before the Court through public interest litigation and the Court finds, after necessary inquiry, non-implementation of the provisions of this Act, liability should be fixed by the Court upon the vigilance committee of the area concerned as well as to specified authorities while issuing necessary directions to the authorities for betterment of such labourers.

3. It is significant to note that the Protection of Human Rights Act, 1993 is in operation. This Act envisages constituting National Human Rights
Conclusion

Commission at Central level and State Human Rights Commission at State level. The definition of 'human rights' given under this Act, *inter alia*, includes rights guaranteed under Arts. 21 and 23 of the Constitution, within its ambit. Under Section 12 of this Act, the Commission has been authorized to inquire *suo motu*, or on a petition presented to it by a victim or any person on his behalf, into complaint of violation of human rights or abetment thereof or negligence in prevention of such violation by a public servant. It would have been better if the Commission had been given power to entertain violation of human rights by private people also. It is also necessary that some social activists should also be appointed as members of the Commission so as to help the Commission in making inquiry of the violation of human rights by private persons, a form of which may be the violation of human rights of bonded labourers also.

4. Section 30 of the Protection of Human Rights Act, 1993 deals with Human Rights Court. According to this section, the State Government may, with concurrence of the Chief Justice of the High court, by notification, specify for each district a Court for the speedy trial of the offences of violation of human rights under this Act. On the other hand, Section 21 of the Bonded Labour System (Abolition) Act, 1976 authorises the State Government to confer power on an Executive Magistrate, the powers of a Judicial Magistrate of the First Class or of the Second Class for the trial of offences under the Bonded Labour System (Abolition) Act, 1976. There are two forums for trial of offences relating to violation of human rights. It is, therefore, suggested that Legislature may consider to confer the powers for the trial of offences committed under Bonded Labour System (Abolition) Act, 1976, upon Human Rights Court by
making a suitable amendment of Section 21 of the Bonded Labour System (Abolition) Act, 1976 because Human Rights Court seems the proper judicial forum having a judicious and experienced person as presiding officer while under Section 21 of the Bonded Labour System (Abolition) Act 1976, judicial power is conferred upon Executive Magistrate to try the offence.

5. For the purpose of rehabilitation of freed bonded labourers, every State Government should constitute a separate Board. The Board should consist of the following members namely:

- The Minister of Labour or a person nominated by him who shall be the Chairman.
- Three persons belonging to scheduled castes, scheduled tribes and a person working among agricultural labourers to be nominated by the Labour Minister.
- Two social workers to be nominated by the Labour Minister.
- Secretary of the Finance Department who shall be the Secretary of the Board.
- The State Government at the disposal of the Board should place adequate fund.
- And the Board should be made duty bound, prepare special schemes for providing alternate jobs for the freed bonded labourers and to take any other measure to ensure their social and economic rehabilitation.

6. The Central Government should every year place on the table of the parliament a report on the measures taken by itself and by the State Government in pursuance of the provision of the Act.
7. Radical land reforms should be implemented so that land is distributed among the poor. Also apart provisions of legal aid to the bonded labourers should be made to tackle this problem with humanitarian outlook.

Public interest actions focusing on the plight of bonded labourers have, to some extent, helped implementation of the Act. The basic flaw, however, in implementation of this act is that emphasis is being placed only on identification, release and rehabilitation of bonded labourers. The real emancipation of bonded labourers would be achieved not by cutting them off from the life support system but rather by allowing them to work where they are working. The government must ensure them a reasonable wage and better living conditions.

General Suggestions

Rehabilitation of the Victims of Exploitation: Social Justice Cell

Women, children, bonded labourers, slum dwellers, displayed tribals, undertrials, tortured prisoners, etc. are examples of victims of injustice and exploitation and they need to be rehabilitated with the help of the government machinery. The task of their rehabilitation is often left on government officials and the government machinery is often indifferent to this task. This issue also has certain legal implications that need to be clarified by the courts. Therefore a social justice cell can play a vital role by making a representation to the government on behalf of the victims and if it fails to respond positively, to take up the matter in the court of law.

The courts often give excellent judgements in favour of the poor but they are rarely implemented due to the apathy of the government officials responsible for their implementation. In this situation the social justice cell must
assume the function of a watchdog and follow up the task of implementation and report the matter to the courts when they are not executed. This cell can also plead with the court to appoint its officials as members of the implementing team so that it can play an effective role in the rehabilitation of the victims of exploitation.

Collaboration of Various Professionals: Success of PIL depends on the collaboration of various professions and resource centers, and an interdisciplinary approach of education of the poor about their legal rights and systematic study and research on the problems to be tackled.

**Forming of Panels of Socially Committed Lawyers**

In the process of handling PIL cases a panel of socially committed lawyers at different cadres of judiciary is a necessity. Collaboration with ideologically committed lawyers is very important in the use of the legal system as a tool of injustice for the poor. Individual or group cases of injustice and exploitation can be taken up in every court, depending upon the nature of the case, with the help of legal activists.

**Mobilizing Public Opinion Against Injustice and Exploitation**

Ignorance, apathy, fear and lack of legal consciousness of the people also contribute to the gross violation of human rights therefore, there is a greater need to educate the people about their basic rights and to create awareness among them in order to build a healthy public opinion against injustice and exploitation.
A Legal Process facilitates Violations

The lengthy delays in the conclusion of legal proceedings and the inherent problems in using the law for those suffering political, social and economic disadvantages in themselves facilitate violation. The problems include: proceedings in the Supreme Court are only conducted in the English language, which effectively excludes the majority of the population from seeking judicial redress in this forum; the ineffectiveness of the judicial system in many areas; the high cost involved; the difficulties inherent in accessing judicial fora discourage the registration of cases, for example, when a relative has “disappeared”. Similarly PIL, a legal mechanism that emerged in response to need for greater access to justice, is also subject to the delays of the whole legal system, and to poor implementation of the orders that are given.

Establishment of Human Rights Court in States

Establishment of human rights courts at the state level as required under section 30 of the Protection of Human Rights Act, 1993, can be said to be a good movement to check the violation of human rights and help in their effective implementation. Though a few states like Andhra Pradesh, Assam, Sikkim, Tamil Nadu, etc, have established the courts and some others have issued a notification to that effect, it has not yet been made clear as to what type of offences should be tried by the court of human rights. Thus ambiguity about the nature of offences still continues.

Human Right Education to Police Personnel

Human Rights education to police personnel can be useful not only in controlling the violation of human rights but also in their effective
implementation. In this context the Human Rights Commission has devised a three-tier syllabus for various ranks of the police service ranging from constables to senior officers. Some states governments have already started human rights education at their training centers.

**Role of Non-Governmental Organizations**

Non-governmental organizations (NGOs) can play an important role in (i) promoting human rights; and (ii) checking their violation, such a role of NGOs was appreciated by World Conference on Human Rights in 1993 and now it has been given due recognition by Indian Parliament when it enacted the Protection of Human Rights Act 1993. Section 12 (i) of the Act creates an obligation on the Commission to encourage the activities of NGOs in the field of human rights. In this context, the introduction of some attractive incentives to make effective involvement of NGOs may be quite useful.

**Public Awareness About Human Rights**

Creation of public awareness about human rights especially among women can play a decisive role not only in checking the violation of human rights but also in their effective implementation. Such awareness may be created with the help of lectures and distribution of relevant material at the district and village level. Further the role of media like TV and press can also be useful in taking this movement to the grassroots level.

**Human Rights Education at School, College and University Level**

To start human rights education at the level of school, college or university can be useful in implementation of human rights and in controlling their violation. No doubt such movement has already been started by NCERT
and the University Grants Commission and implementation of this scheme may take more time but as soon as it is completed it would be an effective means in creating awareness among the youths at an early age.

**Role of Media in The Protection and Preservation of Human Rights**

The media can play a key role in promoting Public Interest Litigation. Many cases in the past originated from published news-reports, analysis or letters to the editor. A report published after a systematic study, investigation, survey or research can be a matter for filing a PIL especially when the reporter can file an affidavit on the truth of what he wrote. The editor or the correspondent also can join as a party in the PIL.

The media must also give adequate publicity on PIL. Social workers who want media publicity for their case must get an official court order and show it to the reporter along with the petition or case file. A summary of the case would help the reporter to understand the issue clearly.

**Apex Court Principles for Public Interest Litigation**

- The court must be careful that the members of the public who approach the court are acting *bona fide* and not in personal garb of private profit or political motivation or other oblique considerations. “The court must not allow its process to be abused.”[^5/493012] [S.P. Gupta V. Union of India AIR 1982 SC 149, Kazi Landup Dorji V. Central Bureau of Investigation, 1994 Supp (2) SCC 116: 1994 AIR SCW 2190.]

- The role of law requires to be played for the poor and ignorant who constitute a large bulk of humanity in this country and the court must uphold the basic human rights of weaker sections of the society. [Veena Sethi V. State of Bihar AIR 1983 SC 339: 1983 Cri LJ 675.]

• Where the court finds, on being moved by an aggrieved party or by any public-spirited individual or social action group, that the executive is remiss in discharging its obligation under the Constitution or the law, so that the poor and the under-privileged continued to be subjected to exploitation and injustice or are deprived of their social and economic entitlements or that social legislation enacted for their benefit is not being implemented thus depriving of their rights and benefits conferred upon them, the courts certainly can and must intervene and compel the executive to carry out its constitutional and legal obligations and ensure that the deprived and vulnerable sections of the community are no longer subjected to exploitation or injuries and they are able to release their social and economic rights.[State of H.P. V. Parent of a Student AIR 1985 SC 910.]

• The court should not take cognizance of PIL merely because of the popularity of the petitioner. The petitioner must inspire the confidence of the court and must be above suspicion. [Sachidanand Pandey V. State of West Bengal, 1987(2) SCC 295.]

• The PIL is for making basic human rights meaningful to the deprived and vulnerable sections of the community and to assure them social, economic and political justice. [Ram Saran Ayotan Parasi V. Union of India 1988(4) JT 557: AIR 1989 SC 356.]

• The High Court while entertaining a PIL must indicate how public interest was involved in the case. [Gyani Davender Singh Sant Sepoy Sikh V. Union of India AIR 1995 SC 1847: 1995 AIR SCW 2878.]
Conclusion

- It was for the aggrieved person to assail the illegality of the offending action and no third party has a *locus standi* to canvass the legality or correctness of the action. A case should not be entertained unless the petitioner points out that his legal rights have been infringed. [*R.K. Jain V. Union of India AIR 1993 SC 1769: Mohammed Anis V. Union of India 1994 Supp (1) SCC 145.*]

- If a person wants a relief in a court independent of a statutory remedy, he must show that he is injured or subjected to or threatened with a legal wrong. The courts can interfere only where legal rights are involved. Infact legal wrong requires judicially enforceable right and the touchstone to judiciability in injury to a legally protected right. [*Jashbai Motibhai Desai V. Roshan Kumar Haji Bashir Ahmed AIR 1976 SC 578.*]

- No person has a right to waiver of the *locus standi* rule and the court should permit only when it is satisfied that the carriage of proceedings is in the competent hands of a person, who is genuinely concerned in public interest and is not moved by other extraneous considerations, so also the court must be careful to ensure that the process of the court is not sought to be abused. [*S.P. Anand V. S.D.Deve Gowda 1996 (6) SCC 734: AIR 1997 SC 272.*]

- It is the solemn duty of the court to protect the society from the so called protestors of the society and, thus, while entertaining PIL the court should be conscious and try to ascertain the *bona fides* of the petitioner and further, find out whether he is really a public spirited person or he has approached the court to settle his ulterior score through the legal process.
Impact of Public Interest Litigation

- Because of Public Interest Litigation people are now aware that the court has constitutional power of intervention, which can be used to mitigate their misery arising from repression, government lawlessness and administrative negligence and indifference.

- Today undertrials, convicted prisoners, bonded labourers, unorganized labourers, scheduled castes, scheduled tribes, exploited women, slum dwellers, victims of police torture and other vulnerable sections of society, until now voiceless and invisible, have access to the Supreme Court and High Courts for securing their human rights.

- PIL has awakened the consciousness of the public regarding the dignity of human life, the importance of liberty and the right to equal justice.

- It is the beginning of a revolution in our system of delivery of justice and it “nourishes hope in an otherwise darkening landscape of Indian law jurisprudence”.

- The court decisions based on PIL have exposed the State’s liability to compensation for violations of fundamental rights.

- PIL has exposed the failure of the Government to deliver goods to the poor and this exposure of injustice and tyranny has begun to hurt the national conscience.

- Public Interest Litigation is a legal device to control the Government so as not to leave State agencies free to violate the laws or be casual or negligent in their enforcement.
The participation of social action groups in the struggle for justice has been enlisted. A simplification of procedures makes it possible for social action groups or individuals to approach courts more easily. This allows access to courts without recourse to lawyers in the first instance.

The appointing of commissions by the court as fact-finding bodies has established a new mode of proof. The commission reports have formed evidence and hence the basis of decisions given by the court.

PIL has created awareness among the judges and lawyers about their responsibility to administer social justice to the exploited millions and has compelled them to take human suffering more seriously. It has compelled the judiciary to play a more active role to tilt the balance of social forces in favour of the have-nots.

With the introduction of this new mode of litigation in the judicial system the Supreme Court has demonstrated that non-violent means can prevent the exploitation of the poor and promote social justice.

Every individual PIL case is a test case and its judgement affects a whole class of people and the principles involved become precedents for similar cases.

The Limitations and Problems Faced by PIL in India

Public Interest Litigation did not quite become as widespread as it could have because it failed to stir the imagination of a large section of judges, lawyers and social activists. In the late 80s, it acquired the title of “PIL”. This title was used by many to question the motivation of the judges, lawyers and journalists who pursued this technique of litigation. It was
alleged that the proponents of PIL were propounding it more for their personal publicity and less for the welfare of weaker sections.

- A large number of judges felt that PIL was an unruly horse, which followed no rules and procedures, and therefore, could completely disrupt the discipline of the judicial process and ought to be curbed.

- Some judges and lawyers started to use the PIL techniques in the Supreme Court and High Courts to help the poor, but a larger number of them were either indifferent to it or attacked its validity and strategy.

- The entertaining of PIL cases and their outcome depend very much on a particular Bench of Judges and their socio-political ideology and the jurisprudence practiced by them. Some Judges have attacked PIL even before it has taken roots.

- Facts relied upon by PIL petitioners are often based on newspaper reports, which are not altogether reliable.

- The courts have suddenly raised the expectation of the poor to get justice without undue delay, yet the actual decisions take a long time.

- While the courts speak much about human dignity, equality and social justice, the actual relief given in many of these cases is very small.

- In its decisions or orders the court promises more than it can deliver. In some cases the Government has not executed the orders of the Supreme Court. The judiciary is not always able to enforce its decisions. There is no sufficient follow-up with regard to the execution of its orders.
Most of the PIL has been confined to the issues of environment and human rights. Other important areas such as accountability of and corruption among public servants, etc. have hardly been tackled through PIL.

Social activists and lawyers are not willing to spend energy, time and money to collect relevant facts through survey and research from the field and to present them to the courts in a systematic and proper manner. Systematically filed PILs would have brought the movement within the existing procedures of the courts. The resources of the courts would have been sufficient to deal with such cases. This not having been done, the main PIL effort reduced itself to letter petitions. The result is that the courts gradually lost interest. They found that letter petitions are making unduly high demands on the resources of the courts.

PIL and its methodology is not properly understood by social activists working with the people. Consequently they cannot bring properly drafted petitions to the courts leading to the discredit of the PIL movement.

One of the limitations of PIL is that it has been initiated and led by the upper judiciary. The role of lawyers and social action groups has been supplementary. The judges themselves make all the arguments in favour of the petitioners, not by lawyers. Individual crusaders and social activists are not well equipped to deal with PIL cases and they often lack funds and expertise.

Public Interest Litigation is still mostly a Supreme Court phenomenon. It has not taken roots at the High Court level. The effect is that PIL has not become as effective a tool for redressing social injustices as it could have.
It remains a technique, which is sporadically used in various courts in isolated cases. Its total impact has not percolated deeply enough to make a significant difference to society.

Some of the judges of the Supreme Court discourage PIL petitioners by asking them to go to the High Courts. Thus they fail to exercise their power and shirk their responsibility to support the cause of the oppressed class of society. At the same time it has been found that they entertain the petitions of the Board of Control of Cricket in India and the liquor barons.

In several PIL cases the Supreme Court has given landmark judgements in favour of the oppressed sections of society. However it failed to follow up its own judgements and trusted the very executive, which has committed the offence, for executing them.

Some of the PIL cases take such a long time for final decision that not much is gained from the exercise. Very few PIL cases have been decided expeditiously.

PIL mechanism is misused by some people for private motive or personal gain or political ends.

PIL is not properly institutionalized and organized even after several years of existence.

Steps to Strengthen The PIL Movement in India

The success of PIL will depend upon the judiciary’s appreciation of the State as a welfare State, and the willingness on the part of the State to implement the constitutional mandate.
It must become the common policy of the Supreme Court and the High Courts to accept and entertain PIL cases on a priority basis.

High Courts should be actively motivated by the Chief Justice of India to encourage PIL.

There is need for establishing PIL Cell in the High Courts. One judge may be given the charge of PIL matters.

Petitions should be circulated among the judges dealing with PIL cases to obtain their views before admitting them.

Sponsors of PIL must be asked to take initiative to invite the opposite party to settle the issue amicably before presenting the matter for judicial intervention. This approach would save judicial time and prevent litigation from discrediting the entire movement.

The courts have recently been cautious to act on news reports. Now they insist on an affidavit of the writer or someone who has personal knowledge of the details of the complaint. Every such petition must be preceded by a study of the problem and collection of data. If a large number of persons are affected, signatures or affidavits from as many as possible should be collected and annexed to the petition. Instead of sending the petition by post, it would be advisable to file it in the registry of the Court. All facts and documents should be produced at the first instance itself, as far as possible.

The courts must do something to expedite the whole process of hearing in PIL cases. Otherwise the concerned people will lose faith in its efficacy.
In certain PIL cases like rehabilitation of bonded labour, environmental pollution, etc. the courts should not dispose of the case quickly but monitor the implementation of its interim orders by periodically listing them. Interim orders are more important in certain cases than the admission of the petition. If the court takes up the petition periodically, seeking affidavits from the parties and passing interim orders, the case is continuously alive and erring parties are forced to be on their toes.

The courts must use their own officials not only to ascertain facts, but also to monitor the implementation of the various directions given by the courts. They must create a fact finding and implementation machinery as part of their structure.

Contempt of court provisions must be strengthened, so that those who lie in the court and those who do not obey the orders or directions of the court can be punished.

Unless lawyers and social activists follow up the cases and see to it that implementation is done to the hilt, a trend-setting decision loses its value. So the courts could empower active NGOs to supervise the implementation of its orders in PIL cases.

Court orders must be issued to the persons concerned a soon as possible. Certified copies of orders must be made available immediately to those who have to go and make an inquiry. With the growing volume of PIL, procedures need to be streamlined and ground rules established.

An impartial agency of PIL law is required to be created by the participation of social action groups and PIL firms. Leading advocates can
Conclusion

give free services to such an agency. If possible PIL should be handled by an organization or a body of lawyers who are aware and sensitized, instead of a single lawyer doing a PIL. A Public Interest Litigation lawyer should use PIL in the spirit of social service and not in the hope of publicity for himself.

➢ The Supreme Court and High Court Legal Service Committees must crate a cadre of committed lawyers to conduct PIL cases in the Supreme Court and High Courts and create PIL laywers’ chambers funded by legal aid societies or the public. Periodic meetings of PIL lawyers should be organized to share their experiences. Cooperation among the lawyers, journalists, social activists and academics must be strengthened so that there can be a better interdisciplinary approach and support to conduct PIL cases.

➢ There is a need of a PIL journal to report all relevant PIL cases and to provide a forum for sharing information and ideas among those who are involved in this field.

➢ The legal aid programmes at the Supreme Court and High Court levels must be expanded to meet the expenses of PIL petitions. Voluntary agencies must be encouraged and financially supported to take up PIL to enforce the rights of the poor.

➢ The occasion of PIL must be used to educate a group or a community and help them to see it as part of its community action for justice. The affected people must be helped to participate in PIL so that it can awaken their consciousness. Every PIL petition filed in the court must be the result of community or group involvement, reflection and decision.
Any citizen who is acting *bona fide* and who has sufficient interest has to be accorded a “standing”. What is sufficient interest to give standing to a member of the public would have to be determined by the court in each individual case.

PIL should not be allowed to correct individual wrong or injury. The court must not also allow its process to be abused by politicians and vested interests to delay legitimate administrative action or to gain a political objective.

One has to find ways and means to check the tendency of some people to use it for publicity and prevent this important institution of PIL from being misused by the busybodies and interpolers, etc. When a court finds that persons for private profit or political consideration file a PIL, it should reject the application at the threshold, whether it is in the form of a letter addressed to the court or as a regular writ petition.

While dealing with PIL the courts must take care to see that they do not over-step the limits of its judicial function and activism and trespass into areas, which are reserved for the Executive and the Legislature by the Constitution.

**Supreme Court Guidelines on Public Interest Litigation**

To prevent personal gain, private profit or political or other oblique considerations, the Supreme Court of India framed certain guidelines for entertaining letters/petitions as Public Interest Litigation. These guidelines are followed by the High Court. The guidelines are as follows:
No petition involving individual/personal matter shall be entertained as a Public Interest Litigation matter except as indicated hereinafter.

Letter-petitions falling under the following categories alone will ordinarily be entertained Public Interest Litigation:

- Bonded Labour Matters.
- Neglected Children.
- Non-payment of minimum wages to workers and exploitation of casual workers and complaints of violation of Labour Laws (except in individual cases).
- Petitions from jails complaining of harassment, for pre-mature release and seeking release after having completed 14 years in jail, death in jail, transfer, release on personal bond, speedy trial as a fundamental right.
- Petitions against police for refusing to register a case, harassment by bride, bride-burning, rape, murder, kidnapping etc.
- Petitions complaining of harassment or torture of villagers by co-villagers or by police from persons belonging to Scheduled Castes and Scheduled Tribes and economically backward classes.
- Petitions pertaining to environmental pollution, disturbance of ecological balance, drugs, food adulteration, maintenance of heritage and culture, antiques, forest and wild life and other matters of public importance.
- Petitions from riot-victims.
- Family Pension.
Cases falling under the following categories will not be entertained as Public Interest Litigation and these may be returned to the petitioners or filed in the Public Interest Litigation Cell, as the case may be:

- Landlord-Tenant matters.
- Service matters and those pertaining to Pension and Gratuity.
- Complaints against Central/State Government Developments and Local Bodies except those relating to item Nos. (1) to (10) above.
- Admission to medical and other educational institutions.
- Petitions for early hearing of cases pending in High Courts and Subordinate Courts.

In regard to the petitions concerning maintenance of wife, children and parents, the petitioner may be asked to file a Petition under Section 125 of Cr. P.C. or a suit in the Court of Competent Jurisdiction and for that purpose to approach the nearest Legal Aid Committee for legal aid and advice.

With these guidelines, the flooding of cases under Public Interest Litigation is properly regulated.