

PUBLIC INTEREST LITIGATION (PIL)

JURISPRUDENCE, PROCEDURE & CALCUTTA HIGH COURT FRAMEWORK

A JUDICIAL INNOVATION FOR SOCIAL TRANSFORMATION AND ACCESS TO JUSTICE

1 WHAT IS PUBLIC INTEREST LITIGATION (PIL)?

- A judicially evolved doctrine, not defined in any statute or the Constitution.¹
- Enables public-spirited individuals, NGOs or even the courts to seek justice for marginalized groups and protect collective/public rights.
- Rooted in Article 39A of the Constitution which mandates equal access to justice and free legal aid.⁴

KEY SHIFT: From strict locus standi → liberal access to justice

2 CONSTITUTIONAL FRAMEWORK: ARTICLE 32 VS. ARTICLE 226

FEATURE	ARTICLE 32 (SUPREME COURT)	ARTICLE 226 (HIGH COURTS)
Scope	Fundamental Rights only	Wider – Fundamental Rights + Legal Rights
Nature	Fundamental Right	Discretionary Power
Jurisdiction	Nationwide	Territorial
Against	State	State + Private Bodies (in appropriate cases)
Purpose	Protection of FRs	To do 'complete justice'

STRATEGIC INSIGHT: Article 32 for issues of national importance; Article 226 for local, public governance and administrative issues.¹¹

5 TECHNICAL FILING REQUIREMENTS & PROCEDURE

- Paper Size:** A4, durable quality
- Margins:** Top 1.5", Bottom 1.5", Left 1.75", Right 1.0"
- Font & Typing:** Times New Roman, Font Size 14, Line Spacing 1.5
- E-filing Format:** Single, OCR-searchable PDF including all annexures.
- Petition must include:** 'Case Title', 'Statement of Facts', 'Grounds', 'Prayer' and a declaration of no parallel litigation on same facts.¹⁷
- File Size:** Maximum 20 MB; bookmarks mandatory.
- Court Fee:** ₹ 100 (except Habeas Corpus, which is free).
- Affidavit:** Must be duly sworn and in prescribed format.

3 THE PREROGATIVE WRITS IN PUBLIC INTEREST LITIGATION

Mandamus	To command a public authority to perform its legal duty.
Habeas Corpus	To secure the release of persons unlawfully detained.
Certiorari	To quash illegal or without jurisdiction orders of inferior courts/tribunals.
Prohibition	To prevent a lower court or tribunal from exceeding its jurisdiction.
Quo Warranto	To challenge the legality of a person's claim to a public office.

"The writ jurisdiction is the high prerogative writ – an arsenal of justice against arbitrary State action."¹⁶

4 REGULATORY FRAMEWORK OF CALCUTTA HIGH COURT (CHAPTER II, RULES 56 TO 62 – NOTIFICATION 2010)

DEFINING PIL (RULE 56)	MODES OF INITIATION (RULE 57 – 58)	UNIQUE FEATURE
PIL involves a legal wrong or injury caused to a person or a class of persons who are unable to approach the court due to poverty, disability, or social disadvantage.	<ul style="list-style-type: none"> Formal Petition Letter (Epistolary Jurisdiction) Suo Motu Reference (Rule 59) 	Even a letter can be treated as a writ petition if it discloses a violation of public interest or legal rights.

The Calcutta High Court is a pioneer in recognising epistolary jurisdiction for the marginalised.^{1,20}

6 ESSENTIAL INGREDIENTS FOR A SUCCESSFUL PIL

Public Injury Not a private or personal dispute.	Bona Fides PIL must be in public interest, not for private gain or publicity.	Research & Substance Facts must be verified through RTI, data, field investigation.	Clean Hands Petitioner must be honest, unbiased & have no ulterior motive.	Prior Representation Preferably represent issue to authorities first.
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Courts discourage PILs filed for publicity, political vendetta or personal interests.¹⁹

7 CATEGORIES ORDINARILY ENTERTAINED AS PIL (SUPREME COURT GUIDELINES)

- Bonded Labour & Prisoners
- Environmental Protection
- Women & Child Rights
- Public Abuse & Human Rights
- Protection of Heritage & Ecology

8 LANDMARK JUDGMENTS: SUPREME COURT OF INDIA

Hussainara Khatoon v. State of Bihar (1979)	Right to speedy trial read into Article 21; PIL for undertrial prisoners.
S.P. Gupta v. Union of India (1981)	Liberalised locus standi; any public-spirited citizen can file a PIL.
Vishaka v. State of Rajasthan (1997)	Issued guidelines on workplace sexual harassment; PIL for dignity & equality.
M.C. Mehta Cases (1986 onwards)	Environmental jurisprudence and the 'Polluter Pays' principle.
NALSA v. Union of India (2014)	Recognised third gender rights and dignity as fundamental rights.

PIL: A tool to enforce constitutional values and bring social change.^{1,9}

9 LANDMARK JUDGMENTS: CALCUTTA HIGH COURT

1 PUBLIC v. State of West Bengal (East Kolkata Wetlands Case) (1992)	Protected the East Kolkata Wetlands; led to Ramsar site recognition.
2 Rabindra Sarobar Case (2002)	Directed restoration & desilting of the lake; protecting the lungs of Kolkata.
3 Cage Foundation v. State of W.B. (2025)	Strengthened animal welfare & enforcement against illegal trade.
4 Sabuj Mancha v. KMDA (2024)	Applied Public Trust Doctrine; protected green spaces from encroachment.
5 Suo Motu AQI Cognizance (2026)	Took suo motu cognizance of air pollution; right to clean air read into Article 21.

Consistent commitment to environment, urban governance and fundamental rights.²⁹

10 CHALLENGES: THE DARK SIDE OF PIL

CHALLENGES	COURT'S RESPONSE
• Frivolous, vexatious or politically motivated PILs	✓ Imposition of exemplary costs
• Business rivalry & competitive misuse	✓ Blacklisting of unscrupulous litigants
• Judicial time & resource burden	✓ Strict scrutiny of bona fides

11 THE FUTURE OF PIL

- Climate Change & Environmental Justice
- Digital Privacy & Data Protection
- Governance Transparency & Accountability
- Public Health & Right to Life



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"PIL is the heart and soul of our constitutional jurisprudence – the voice of the voiceless."

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