

September 14, 2020

Press Release

JMI's Faculty of Law organizes Extension Lecture-II on Revisiting Public Interest Litigation Jurisprudence

The Faculty of Law, Jamia Millia Islamia (JMI) organized 2nd in series online Extension Lecture on 10th September, 2020 at 3:00 pm as a part of continuing legal education. The lecture was delivered by Dr. Aman Hingorani, Advocate-on-Record, Supreme Court of India and Chaired by Prof. (Dr.) Eqbal Hussain, Dean, Faculty of Law, JMI. The title of the Lecture was “**Revisiting Public Interest Litigation Jurisprudence**”. It was moderated by Miss Ayushi Bana, final year student of BA.LL.B (Hons.). The lecture was joined and attended by more than 200 participants, comprised of mostly students, faculty members and research scholars on both Google meet platform and Facebook live broadcasted on the Facebook page of Faculty of Law, JMI.

The lecture commenced with the opening remarks of the Chair, Prof. (Dr.) Eqbal Hussain, in which he put forth the outline and insight of the subject chosen for the discussion. At the very outset he spoke about the contours and objective of the Public Interest Litigation in terms of judicial redress for public injury comparing it with the principle of *action popularis* devised in Europe. He explained the ramifications of the PIL in bringing about positive changes in society by various remarkable judicial pronouncements. He also highlighted the concerns how the PIL has been reduced to private interest litigation by some people under the garb of fighting for the rights of public at large where judiciary came heavily by imposing penalties against those frivolous petitioners.

The speaker of the day, Dr. Aman Hingorani at the one hand started with appreciating the Supreme Court for the approach and stand shown in various PIL matters, particularly he pointed out that on May 11, 2020 the Supreme Court heard the PIL regarding protection of monuments and issued various directions towards that end, but PILs relating to the plight of migrant workers.

Dr. Hingorani asserted that PIL is not the creation of Courts rather they were forced to act as such to protect the fundamental rights of persons and the same was devised not on adversarial system of court proceeding, where it's not the litigant to prove the claims rather it's the duty of the courts to proactively enquire about and find out the violation of fundamental rights of individuals and redress accordingly. However, this free style litigation paved the way for various frivolous and unnecessary petitions under the garb of PILs which required some checks and balances. He referred the case of *State of Uttaranchal v. Balwant Singh Chaufal And Others* (2010) 3 SCC 402 where it was held that genuine and bona fide PILs to be encouraged while PIL filed for extraneous considerations to be discouraged. PIL available only where larger public interest is involved and matter is so grave and urgent that it must take precedence over other matters. The court further directed all the High Courts to frame rules to check the credentials of

the litigant in PIL. Dr. Hingorani disagreed by saying that the rules should have been to check the credentials of the matter brought forth instead of who brought before the court. It was somehow discouraging for genuine matters as well. He termed it as slight deviation of courts approach from the true spirit of the PIL jurisprudence.

He identified three stages of PILs and the responses of the Courts accordingly- action taken and action ought to have been taken. The first phase was regarding the protection of rights of Marginalized sections of the society, second phase is related to environmental protections, and third phase is related to rule of law, directions relating to governmental policy and decisions or inactions. According to him, the third phase can be termed as matter of class action where the credential of the litigants or the question of *locus standi* may be of some importance, but for the first and second phase, the credentials of the matter involved should have been of importance rather who are the litigants. So he concluded saying that the PIL jurisprudence needs to revisit keeping in view the broader object of dispensation of justice to the larger and underprivileged sections of the society. The checks and balances must be there but it should be towards the subject matter rather than towards the litigants or who has the *locus standi*. The lecture was followed by question-answer session. The audience put forth various questions on the subject and the same were responded comprehensively by the guest speaker to their satisfaction.

Before the formal vote of thanks, Prof. (Dr.) Eqbal Hussain, Dean, Faculty of Law, JMI, summarized the lecture in a very precise and crispy manner for the audiences which was appreciated by the speaker of the day as well. Finally a formal vote of thanks was delivered by Dr. Faizanur Rahman, Assistant Professor, Faculty of Law, JMI.

Ahmad Azeem
PRO-Media Coordinator