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International Conference

on

PUBLIC INTEREST LITIGATION (PIL) A TOOL IN THE PRESENT TIMES: A BALANCED OUTLOOK

CONFERENCE PROCEEDINGS



Message

SATNAM SINGH SANDHU

Chancellor
Chandigarh University



I am delighted to for see that International Conference On Public Interest Litigation (PIL) A Tool In The Present Times: A Balanced Outlook - 2022 held at Chandigarh University on 8th May 2022.

I am sure that this conference will provide a significant inter-disciplinary platform for the researchers and practitioners to share their expertise and enrich themselves in terms of advancements and evolutions in Society.

Scientists and researchers need to find solutions to the problems of society through their research. I also hope that this conference illuminate emerging areas of the research and provide guidance to young researchers in this regard.

I extend a warm welcome to all delegates especially the prominent experts and key speakers. My best wishes for a great success of this conference.

Message

DR. S. S. SEHGAL

Pro-Vice Chancellor
Chandigarh University



International Conference On Public Interest Litigation (PIL) A Tool In The Present Times: A Balanced Outlook - 2022 held at Chandigarh University is a platform where research scientists, faculty & students and practicing engineers can share their experiences and ideas.

The plenary sessions incorporating presentations and discussions by experts will certainly create awareness in the intricacies of the subject among the professionals and research scholars. It would be a matter of great satisfaction, not only to the organizers but the whole community in the country, if some useful thoughts and directions for prospective developments can come out of the deliberations of the conference.

I would like to express my gratitude to all those who have contributed towards conference. I am thankful to all the authors whose papers are accommodated in the proceedings of the conference. I congratulate the Coordinators of that International Conference On Public Interest Litigation (PIL) A Tool In The Present Times: A Balanced Outlook - 2022 and the dedicated team of organizers of the Conference for their best initial move towards benefitting the young brains for a better world in future through this event and I wish you all success.

Message

DR. SANJEET SINGH

Dean Research
Chandigarh University



Learning is continuous and unending process and such conference unveils the treasures of knowledge. In a similar way it serves as a medium to blossom the talent, creativeness and professional skills of an individual. I believe that the Conference will serve its objectives and will provide the necessary impetus in setting forth a dynamic process of continuous interaction amongst industries of the country.

The deliberations of the conference should help setting up the agenda for improvements in Society.

It has been our pleasure to host all the participants of that International Conference On Public Interest Litigation (PIL) A Tool In The Present Times: A Balanced Outlook - 2022 held at Chandigarh University on 8th May 2022.

I convey my greetings to the organizers and wish a grand success for the event.

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A Bibliometric Analysis of Public Interest Litigation: Development and future research directions

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ABSTRACT:

This work is an attempt of a bibliometric analysis of the available literatures on Public Interest Litigation (PIL) to figure out the significance of the litigation cases from many angles. Secondary data from the years 1999 to 2022 is extracted from the Web of Science (WOS) database. A bibliometric software VOS Viewer is used for the analysis of the data. The paper highlights the work done in this field in terms of publications, authorship, subject area, keywords, and citations. The major limitation of our research work is its dependency on Web of Science database for the collection of secondary data. As , not all journals related to our research area are indexed in the WOS database, the result of this study may not fully cover all of the work done related to the study area.

Keywords: *Public Interest Litigation, Law, Bibliometric, Civil, Court.*

INTRODUCTION:

Public interest litigation (PIL) protects the rights of the citizen and provides an option to rise their voice against the unethical practices around them. In many countries, PIL acts as a significant instrument for the social transformation and controlling mechanism over the unsustainable practices (Kong, 2009).The PIL situations arise when the developmental activities start to disrupt the civil lives. However, litigation cannot assure regulations or control without a stronger judiciary system(Carpenter-Gold, 2015).Public interest litigation is considered as a civil weapon for environmental protection and conversation throughout the world(Baik, 2010; Zhai & Chang, 2018; Zhuang & Wolf, 2021).

The paper is categorized into four segments: It starts with an overview, of relevant studies in the "literature review" section, and an explanation of the technique in the "methodology" section. In the next section data is analyzed and interpreted. Finally it continues with a section where discussion and limitations are presented.

LITERATURE REVIEW :

The bibliometric study provides an insight on the importance of the topic, area where the study carried out and the relevance of the topic can be known from the citation indexes of the research articles(Andres, 2009; Glänzel & Schoepflin, 1999). Additionally the bibliometric study signifies the collaborative practices of the scholars and research areas. A bibliometric analysis on PIL can reveal the significance of PIL research in the academic world and areas. Several bibliometric analysis were studied over the years on different subject and specializations, whereas the study focus on the PIL aspect. The PIL research were conducted on several areas like: environmental issues, human rights issues, socio-economic matters and other developmental aspects.

Increased access to justice and adequate consideration of essential issues are two goals that Indian Public Interest Litigation (PIL) facilitates the process to achieve(Fowkes 2011). Establishing a good substantive environmental right, initiating public interest litigation, and enacting multigenerational justice are four legal possibilities for overcoming ecological threats (Albers, 2018). Community engagement is crucial to continuing long-term efforts to secure water rights through smart partnerships (Masiangoako et al., 2022).With regard to transformational constitutionalism, a number of nations' courts and attorneys are taking diverse approaches: some are more traditional law-focused, and some are more collaborative. Instead, the Indian participatory model encourages dialogue among numerous stakeholders and allows for greater legal freedom (Hailbronner, 2017). In order to successfully implement legal reforms, court officials are a critical element of the legal system (Hawes, C. 2020).Public benefit lawyers have been known to file class lawsuits in order to obtain injunctive relief against large government defendants(Marcus, 2015).Both the European Union and the United Nations are rethinking their strategies to class action lawsuits in recent times. (Coffee Jr, J. C. 2010).Enforcement of environmental laws relies on environmental public interest litigation (Mingde&Fengyuan 2011).Population expansion, which was fueled by the shifting of people and organic increasement, was the dominant driver of global warming, while deforestation is the primary environmental change(Bandyopadhyay, 2017).For farmers' economic security, India initially strengthened biocompatibility, then to a lesser level for community participation and dialogue(Freeman et al., 2011).The formal recognition of litigation in interest of public in the ecological context has given administrative agencies, procuratorates, and non-governmental organisations (NGOs) greater clout in environmental PILs. (Gao & Whittaker, 2019).

Increasing government enforcement procedures and fostering community participation in monitoring and enforcement are both aspects of ecological reform measures (Wilson, 2016).China's newly developed General Provisions of Civil Law require private players to participate in sustainability of resource protection and civic engagement.(Zhai & Chang,2019).

Judiciary review hearings became problematic due to CSOs' (CSOs) participation in them. They proposed modifications to the law regarding the presence and third-party involvement (Samuels, 2018). With regard to a democratic legitimacy problem, judicial practice in the United States, India, and Colombia currently employs structural solutions, which substitute for legislatures or bureaucrats (Lozano, 2018). Public institutions are called upon to represent their interests in the process and the prospect of settling the issue in collective litigation for property ownership (Guedes & Amaral, 2020). There is a lack of understanding of the importance of environmental litigation as an activist method and the role of the news media as a productive force in public opinion formation and mobilization (Konkes, 2018).

METHODOLOGY

The study is descriptive, and secondary data from the Web of Science (WOS) database is used to extract the literature sample. On April 20th, 2022 a search for "public interest litigation" was performed. In the 1st phase of screening, 229 papers were taken under consideration. To maintain the scientific rigour, in the 2nd phase 229 papers were further lowered down to 181 papers based on source type (Journal), and language (English). Data is analyzed through "VOSviewer" for the bibliometric analysis.

CO-AUTHORSHIP ANALYSIS:

There are 311 authors, which has publications related to the "public interest litigation" in the WOS database. To create more accurate authorship map (Fig .1) , we have only considered those authors which has two or more research articles and have a minimum of one citation. Out of 311 authors 18 researchers has meet this criterion. There are 15 clusters and the largest cluster consists of two items, which includes Mccann, Michael, Haltom, and William. Table 1, shows details of authors , with number of published documents , citations and total link strength.

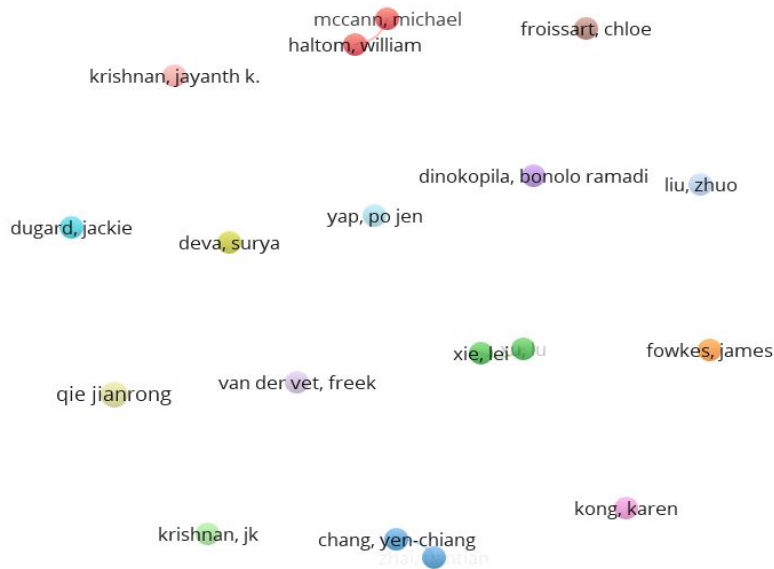


Fig 1: Co – Authorship Map of Authors
(Source : Extracted from VOSViewer)

Table 1: Details of Co – authorship analysis

Sr. No	Name of authors	Documents	Citations	Total link strength
1	chang, yen-chiang	2	21	2
2	deva, surya	2	37	0
3	dinokopila, bonoloramadi	2	4	0
4	dugard, jackie	2	35	0
5	fowkes, james	2	8	0
6	froissart, chloe	2	9	0
7	haltom, william	2	3	2
8	kong, karen	2	8	0
9	krishnan, jayanth k.	2	20	0
10	krishnan, jk	2	45	0
11	liu, zhuo	2	1	0
12	mccann, michael	2	3	2
13	qiejianrong	3	3	0
14	van der vet, freek	2	9	0
15	xie, lei	2	3	2
16	xu, lu	2	3	2
17	yap, po jen	2	4	0
18	zhai, tiantian	2	21	2

Figure 2, shows co – authorship map by country. Authors from 35 different nations have published research manuscript related to the PIL in the WOS database. For this analysis we have used a threshold of at least two publications, which finally yields 27 countries. Figure 2, shows there are 5 clusters, and the largest cluster consist of six nations i.e., Bangladesh , England, India, Nepal, Srilanka, USA . In terms of publications related to the field China has maximum 63 publications, followed by USA (33 publications), the United Kingdom (15 publications) and Australia (18 publications).

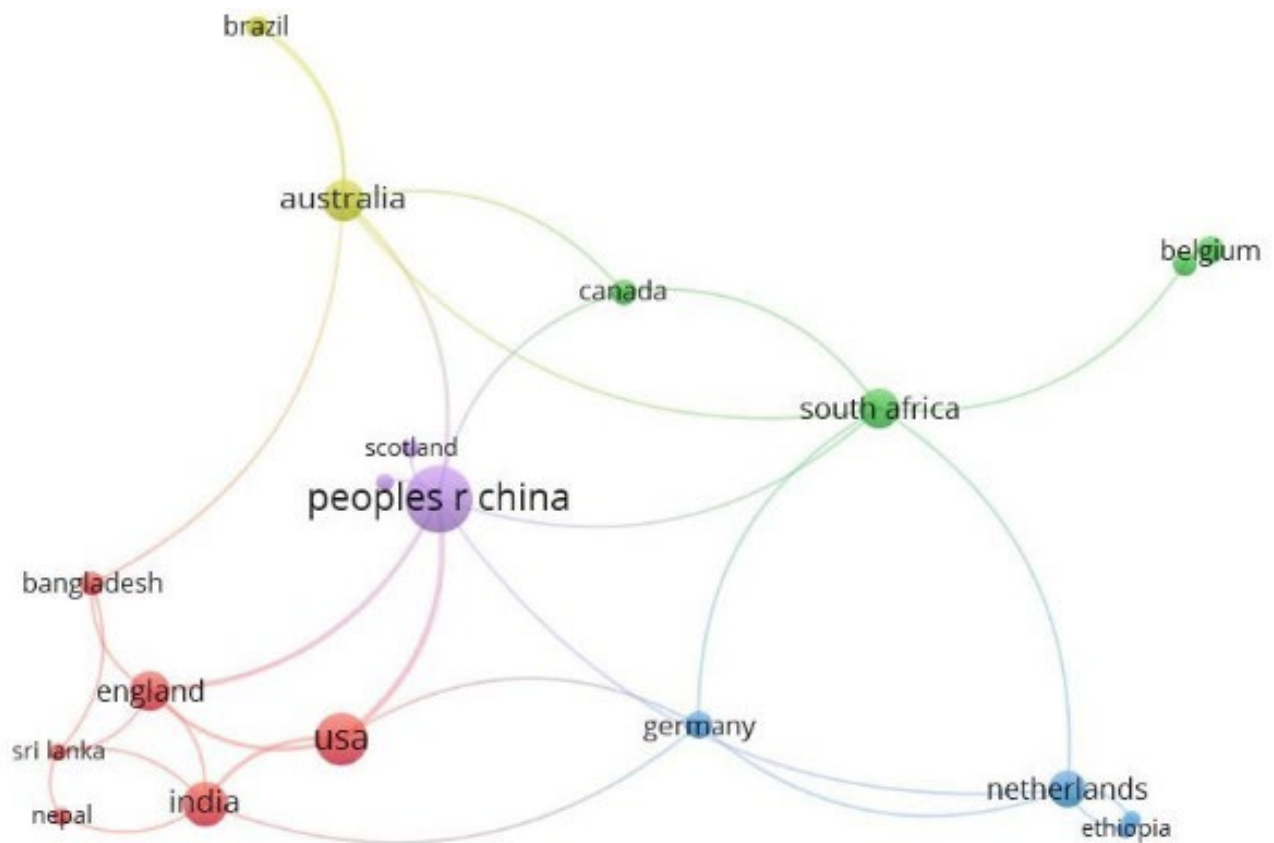


Fig 2: Co – authorship map by country (Source: Extracted from VOSViewer)

CO-OCCURRENCE ANALYSIS:

Fig 3, shows co – occurrence analysis of keywords. For this analysis we have used a threshold of at least three occurrences of keywords , which finally yields 41 keywords out of 576. The prominent keywords w.r.t their occurrences are . “public interest litigation” (54occurrences), “law” (19 occurrences), “governance” (8 occurrences), “pollution” (8occurrences),“civil society”(6 occurrences). There are 5 different clusters (highlighted by different colors) , and in the largest cluster there are 15 items , whereas cluster2, Cluster 3, cluster 4, and Cluster 5 has , 8 , 7 , 7 , and 2 items respectively.

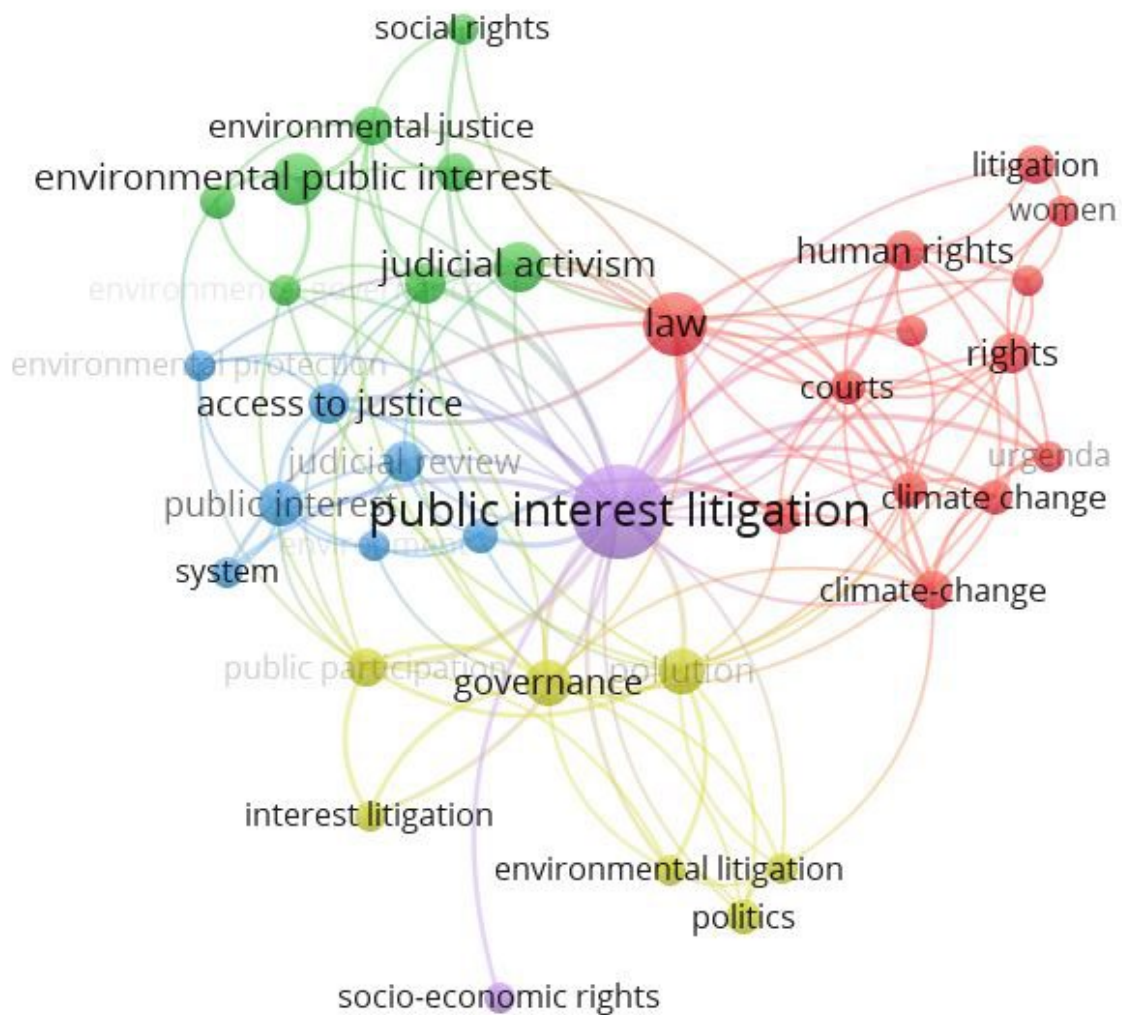


Fig 3: Co-occurrence map by All keywords (Source: Extracted from VOSViewer)

Figure 4, shows citation analysis by document. Research paper titled “Postcolonial environmental justice: Government and governance in India”, authored by Williams et al. (2006) is the most impactful paper in terms of its citation. Table 2 depicts the top 15 most cited research publications in public interest litigation. Figure 5, shows citation analysis by authors. Dugard, and Jackie are the most prominent authors in terms of Link strength (8), where as Krishnan J. K. is the most prominent author in terms of citations (45).

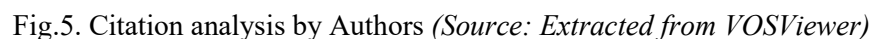
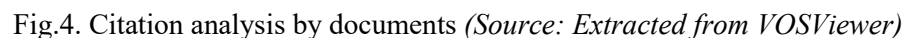


Table 2 : Top 15 most cited research publications (Source: Extracted from WOS)

Sr. No	Title	Authors	Publication Year	Total Citations
1	Postcolonial environmental justice: Government and governance in India	Williams, Glyn; Mawdsley, Emma	2006	79
2	Litigation Governance : Taking Accountability Seriously	Coffee, John C., Jr.	2010	64
3	Conflict between green space preservation and housing needs: The case of the Sanjay Gandhi National Park in Mumbai	Zerah, Marie-Helene	2007	60
4	Miscarriage of Chief Justice: Judicial Power and the Legal Complex in Pakistan under Musharraf	Ghias, Shoaib A.	2010	39
5	Making social rights conditional: Lessons from India	Khosla, Madhav	2010	29
6	Public Interest Litigation Concerning Environmental Matters before Human Rights Courts: A Promising Future Concept?	Schall, Christian	2008	26
7	The State of the Netherlands v. Urgenda Foundation: Ruling of the Court of Appeal of The Hague (9 October 2018)	Mayer, Benoit	2019	23
8	The Public Interest Class Action	Marcus, David	2016	23
9	Flying foxes, dams and whales: Using federal environmental laws in the public interest	McGrath, Chris	2008	22
10	Transformative Constitutionalism: Not Only in the Global South	Hailbronner, Michaela	2017	20
11	Courting the People The Rise of Public Interest Litigation in Post-Emergency India	Bhuwania, Anuj	2014	19
12	Art or Science? Synthesising lessons from public interest litigation and the dangers of legal determinism	Dugard, Jackie; Langford, Malcolm	2011	18
13	Courts and the poor in South Africa: A critique of systemic judicial failures to advance transformative justice	Dugard, Jackie	2008	17
14	Standing of Environmental Public-Interest Litigants in China: Evolution, Obstacles and Solutions	Zhai, Tiantian; Chang, Yen-Chiang	2018	16
15	Challenging Authoritarianism through Law: Potentials and Limit	Fu Hualing	2011	14

DISCUSSION AND CONCLUSION:

We found that research work on “public interest litigation” has significantly increased in the recent year, but is relatively decentralized. Although clusters of co-authors are forming, there is no specific group of researchers that lead the body of material at present. Similarly, because citation networks are scattered, there is considerable opportunity for the researchers to explore this field. The majorly used five keywords with the major appearance are “public interest litigation” (54 occurrences), “law” (19 occurrences), “governance” (8 occurrences), “pollution” (8 occurrences), “civil society” (6 occurrences). In terms of publications related to the field China has maximum 63 publications, followed by USA (33 publications), the United Kingdom (15 publications) and Australia (18 publications). Research paper titled “Postcolonial environmental justice: Government and governance in India”, authored by Williams et al. (2006) is most impactful paper in terms of its citation. , where as paper titled “ Litigation Governance : Taking Accountability Seriously” authored by Coffee , John C (2010) , and paper titled “Conflict between green space preservation and housing needs: The case of the Sanjay Gandhi National Park in Mumbai” authored by Zerah, Marie-Helene (2007) comes after that. Dugard , and Jackie are the most prominent authors in terms of Link strength , where as Krishnan J. K. is the most prominent author in terms of citations. The major limitation of our research work is its dependency on Web of Science database for the collection of secondary data. As, not all journals of related to our research area are indexed in WOS database, the result of this study may not fully cover all of the work done related to the study area.

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Public Interest Litigation- An Instrument or Obstacle For Development: With Reference To Indian Tourism

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Abstract:

Public Interest litigation PIL generally elucidated as the process of fostering human rights for public o community's legal interest. It enables to enforce and recognize the broader public issues through the judicial procedure. Public Interest Litigation is a power in the hands of people to voice important social or environmental issues by creating a legal platform to advocate for their rights. Tourism as based on social, cultural and environmental resources and wellbeing has seen and taken reformer decisions lad by PILs. Public Interest Litigation has supplied more possibilities in tourism industry as well to confirm the State's responsibility as per global human right standards.

This paper is an effort to review and frame the emergence and developments initiated in Indian tourism industry. India has taken remarkable and substantial decision for the growth of tourism without affecting of minimizing the impact on the local well being. This paper is an effort to analyze the outcome of PILs in the context of Indian tourism industry. Also to assume the potential of Public Interest Litigation in facilitation or obstacle the development of tourism projects with the perseverance of human rights in India's legal system with the simultaneous extension of Indian tourism industry.

Keywords: Public Interest, Legislation, Tourism, Indian, Human Rights, Environment.

Introduction:

Public interest litigation has been termed as a tool for the law by ensuring the rights of human and instating equality by raising the issues of public interest and concern. Public interest litigation can be private or public law issues or concerns, divers' rules and regulations which govern the exercise of power by public bodies. PIL is the most often used weapon to defiance the judicial review as the decisions of public authorities.

PIL often used for defining or clarifying a law, questioning or accounting public bodies to ensure credibility of taking pertinent decisions by acting equitably and transparently within their jurisdiction powers. PIL is an opportunity and instrument to interpret legislation by the judges. It's a power in the hands of people to voice important social or environmental issues by creating

a legal platform to advocate for their rights. PIL also help to create awareness and acceptance of importance issues from different segments of society through media platforms as well.

PIL- Meaning & Definition

According to Black's Law Dictionary-“ Public Interest Litigation means a legal action initiated in a court of law for the enforcement of public interest or general interest in which the public or class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected.”

In India's legal context, litigation meant for protecting public interest through courts only. So it can be filed in a court for protecting interests of public like people safety and equality. PIL is not defined in any act or statute, it has been elucidated by judges after assessing the intent of public. Hence the prime objective of PILs is around the areas of public interest such as:

- Contravention of basic human rights of deprived
- Coerce municipal authorities in the performance of public duties
- Acquiescent of government policy
- Violation of religious or basic fundamental rights

PIL- History

The concept of PIL in Indian jurisdiction is an improvised version of PIL of USA. In It is an outcome of Supreme Court's judicial activism. PIL is more likely to the principles enshrined in the Article of 39 A of the Constitution of India to protect and elicit social justice with in law. It was initiated in Indian Legal channel in early 1980s by the pioneer Justice PN Bhagwati and VR Krishna. PIL came into full bloom during 1980s as before it could be approached by the aggrieved party to the court for justice.

The first PIL was filed in 1979- Hussainara Khatoon Vs. State of Bihar pointed towards the inhuman conditions of under trail prisoners and prisoners and with the outcome of the release of more than forty thousand under trail prisoners. PIL has revolutionary changed the public rights after the SP Gupta Vs. Union of India benched by Justice PN Bhagwati.

- As an outcome of this case 'any member of the public or social action group acting bonafide' can solicit the writ jurisdiction of High Courts, under Article 226 or Supreme Court under Article 32 looking for restitution against the constitutional rights violation of a person or persons unable to reach court because of their economic, social or any other infirmity.
- Judgment of this PIL became the humming weapon for the enforcement of “Public Duties” as legal remedy in the cases of general public interest which were at stake.

Elements of PIL growth in India

- Written Indian constitution engrain a regulatory framework between the states and its citizens
- Progressive social legislations in the contexts of minimum wages, bonded labor, environmental protection etc. helps the courts to stop the authorities who are not delivering their duties as per law of the land.
- Forbearing elucidation of Locus Standi gives the right to any individual to approach or apply in a court on behalf of the person or persons who is physically or economically incapable to appear in the court. Judges of the courts has initiated suo moto action based on media news, articles or direct letters received over the time.
- Judicial initiatives to help poor and deprived like in Asiad workers judgment case, Justice PN Bhagwati stated that anyone can approach the Supreme Court directly if getting less than minimum wages.
- Court appoints commissions, to collect factorial informations to present in front of the bench, for those petitioner unable to provide required evidence or data because of social or economical conditions.

PIL Legalities:

Any citizen of the country can file a PIL by filing a petition:

- In the Supreme Court, under article 32 of the Constitution of India.
- In the High Court, under article 226 of the Constitution of India.
- In the Magistrate Court, under section 133 of the Criminal Procedure Code.

For filing writ petition in any court, it should satisfy and fulfill the basic needs for PIL. A PIL can be filed against any State/ Central Govt., Municipal Authorities, private party doesn't occur in this category.

Aims & Objectives of PIL

- The prime objective of Public Interest Litigation is to provide socially and economically weaker people reach to the courts to seek legal deterrence.
- Public Interest Litigation aims as a tool for societal changes and for securing the right practices of law and balancing between justice and law.
- PILs initiated in Indian legal system to forge justice approachable to the marginalized and the poor.
- PIL confirms the democratic ingress of justice for all. It provides the additional support by allowing any citizen or organisation that is in capacity to file a petition can represent and stand before Legal bench on behalf of unaided.

- PIL supports to monitor state institutions judicially for asylums, prisons and halfway houses etc.
- PIL is a salient instrument for executing the notion of judicial review.
- PIL is a mile stone to confirm the reach of human rights to those who have been devoid by the rights.

PIL and Tourism- In Indian Context

As PIL gives the juridical access to the people of India to any area of public interest, So with the tourism Industry has built, changes reformed many rules, regulations and laws for the well being of tourist or locals in different sectors, places of Indian Sub continent.

For this study researcher has reviewed different PIL filled in different areas of the country of public interest linked with tourism industry directly or indirectly. The aim of this study is to understand and draw the conclusion on the role of PIL in reforming or obstructing the growth and development of Tourism products and services. For analyzing the outcomes of PIL in Indian Tourism, few cases have been discussed below:

- **Taj Mahal Case of M.C. Mehta Vs. Union of India** – Taj Mahal being in the seven wonders of the world has been the centre of attraction reached to alarming situation because of pollution from the Refinery of Mathura, Glass Factories Iron Foundries, and other chemical industries. As an outcome of high emissions of toxic waste from such refineries, factories and foundries within the Taj Trapezium Area which consisted Taj Mahal and other 255 monuments of heritage importance were cladding and damaged due to acidic rain. MC Mehta filled a complaint in 1984 and during Dec 1996, the Apex Court of India delivered a historic judgment. The Zenith court directed these industries to be shifted from that area also banned coke and coal use and asked the industries to switch the use of petrol and diesel to Compressed Natural Gas (CNG).
- **Pollution case of M.C. Mehta Vs. Union of India** - This case has been the pioneered for reinstating the grace of Ganga and created the platform of ‘Namami Gange’ campaign by securing the value of Ganga in the life of people of Indian later on tourism. As a result three landmark judgments and various orders passed from time to time against polluting industries in the Ganga basin in 8 states. Court closed a large number of industries and permitted only after establishing adequate treatment of factories’ emissions. Plants and regulated emissions by those factories.
- **Environmental Awareness and Education Case-** MC Mehta’s efforts resulted as a minimum of 5 to 7 minutes awareness programs or advertisement through national television network and cinema theaters during the telecast of Programs throughout the country about environment need awareness and importance. Further from 1992 Environment became a mandatory subject up to 12 grade. UGC incorporated environment

as subject in colleges and universities. It also helped to give the base of different nature based tourism- sustainable, responsible, green etc.

- **Himanchal Pradesh:Kamal Nath Motel Case-** The Motel in Himachal Pradesh owned by Shri Kamal Nath, Minister of Environment and Forests, GOI of that time. For this motels beautification, The course Beas river was diverted and land use of nearby forest has been handed over by the motel management. The Supreme tribunal set the example in Indian history by its landmark judgment of adopting the principle of exemplary damage and firmly stated the fundamentals of polluter paying and public trust. The Apex court further directed the motel management to hand over forest and to Government of Himachal Pradesh by relieving all of their seizures.
- **State Vs. Coastal Areas cases-** In Feb 1991 Coastal Zone Regulation Notification was formed but none of the coastal states had developed a coastal zone management plan which resulted as destruction to coastal & Marine ecosystems on a larger scale. As a result to the written petition filed on behalf of the Indian Council for Environ-Legal Action (ICELA), the apex Court issued a landmark judgment by banning industrial or construction activities within the 500 meters of the area of High Tide Line, as well as also set a deadline for coastal states to develop coastal management plans.
- **Mr Anil kumar v Government of India-** This PIL was filed in the High Court of Kerala on behalf of the people of Quilon District by the Manishada Nature Club. For creating a tourist complex, the District Collector found to destroy old mangrove vegetation in the century area to increase tourism. The court urged to stop this construction on immediate basis.
- **Himalayan Ski Village Project, Kullu-** in 2006, GOI of that time approved the Himalayan ski village project between Kulllu and Manali on a 93.1 hectare area became unsuitable considering its consequences on local community and environment of the region. The decision of the PIL is still pending.
- **Sachidanand Pandey Vs. Tourism-** As an emerging concern under the section of 'Environment and Resources Infrastructure' was only case where the Court accepted the need to promote tourism as the prime consideration, overruling the environmental issues.
- **Andhra Pradesh Eco Tourism Project-** A PIL has been filled in Andhra Pradesh High Court to cancel the permission granted a eco tourism project in Kothguda Forest Reserve Area. AK Reddy, the petitioner urged that this project will result in converting forest land for non- forest purposes and will violate the public trust by building commercial construction like shopping malls, Cineplex, venues for movie shooting, wedding etc. in the forest area and harm endanger wild animals and ecology. He requested to the court to put a stay on the project. The PIL is still in proceedings

- **PIL Against the construction of Tehri Dam-** This dam has become one of the finest examples environment and ecology based PIL in India. After the approval of Tehri dam by GOI in 1994, the whispers of opposing this project became a movement assuming the damage of cultural heritage Tehri Territory and its environment. ND Jayal filed a writ petition against the construction this dam by urging the public and environ safety and rehabilitations of Locals. He raised many question on its construction and approval. in 2003 this writ petition succeeded to an extent by confirming public safety and restoring natural resources of the area.
- **PIL on Non Completion of Tourism Projects in Mizoram-** A PIL filed by Zomuanpuia Kolasib against the non completion of two projects of tourism interest funded by Ministry of Tourism, a ropeway from Durtlang to Chaltlang and skywalk at sakawehmuituaitlang, Aizwal. The project is running behind the deadlines, Gauhati High Court issues a notice for sharing the progress.
- **PIL on New Tourist zone in the Gir Asiatic Lions Sanctuary-** A PIL has been filed in Gujarat High Court Against the State and centre Government plan to set up a new tourist zone in Gir Sanctuary. The PIL stated to declare this area as ‘Critical Habitat Zone’. The esteemed court directed Gujarat govt. to share the status report on the construction activities by ensuring them permissible under the provision of national park law. This case has become a whistleblower as Gujarat high court taken the issue as Suo Motu PIL in the response of declaring this area a critical wildlife zone in the petition.
- **PIL on Madhya Pradesh Tiger Reserves-** In Sep2010, Activist Ajay Dubey filed a PIL in MP High Court to promote the protection of dwindling Tiger Population in the state by notifying the core and buffer areas in the six tiger reserves of the state. He also urged to ban touristic activities in core areas. He also seeks a confirmation of practicing tiger conservation plan specified by National Tiger Conservation Authority(NTCA). As a result to his persistence, The Supreme Court directed all 41 Tiger Reserves of India to ban tourism in the core areas as an unanticipated outcome of the PIL.
- **PIL on Jal Mahal Project-** The apex court has issue a significant judgment in the controversial Jal Mahal and Man Sagar lake Project by overruling the high court decision of giving the lease of 99 years to 30 years to the private developer. The lease terms and minimal handling over fee charges became to base of this PIL. The Apex bridged between the safeguarding of lake’s wetland and nearby environment and necessity of developing tourist attraction by securing the ownership rights with state government.
- **PIL to Stop Illegal Adventure Sport Activities in Himachal Pradesh-** Himanchal High Court took a precautionary and desired decision to stop all illegal adventure sport activities in Himachal Pradesh as a result to Sau Motu PII after the death of 12 years old at the paragliding site in Himachal Pradesh. High Court directed to stop forth with all adventure activities conducted without license and rules in the state.

There are various examples of public interest litigation filed for protecting natural, cultural and heritage importance of India's touristic treasure.

Conclusion:

PIL has yielded incredible results which would have been unpredictable before three decades. Many significant decisions have been taken by Indian supremacy for ensuring tourism growth and development into different sectors of tourism by maintaining and ensuring the well being of local culture societal norms, heritage values, wild lives and environmental resources in India. The most remarkable accomplishment of PIL has been to enhance govt. accountability for Tourism growth along with people's human rights in selected areas. It has served as a tool of change in many cases like industrial shift in Taj Mahal area; principle of public trust through Kamal Nath's motel case, banning touristic activities in countries all Tigers reserve's core areas through Ajay Duve Vs. State, stopping the construction within the 500 mtr area of Indian coastal Lines etc. These are few examples stated the environment, heritage, culture wild life and communities above the touristic activities which has directly and indirectly helped in the sustainable growth of tourism in the country. The zenith court has instructed to follow the guidelines and rules keeping tourism in mind in Jal Mahal Project, Himalayan Ski Resort, Tourist zone in Gir Sanctuary. The apex court has taken the middle way to valance between development and environment sustainability.

As a conclusion, the PIL establishes a new jurisprudence of states' responsibility for constitutional and legal infractions which harm the community's interests and the concerns of the weakest members of the area along with the development of tourism projects in the country. However, the judiciary should exercise caution when using PILs to avoid judicial overreach and violations of the separation of powers concept for overall development of tourism in Indian Terrain. Furthermore, frivolous PILs with vested interests must be avoided in order to keep the workload under control to set the examples.

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Public Interest Litigation: An Impact on Societal Issues

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Abstract

In the civil court system, Public Interest Litigation (PIL) plays a critical role in achieving goals that would be difficult to attain through traditional private litigation. When it comes to civil laws, PIL provides a path to justice for those who have been marginalised in society, a channel to enforce collective rights, and an opportunity for civil society to engage in government decision-making. PIL begins by outlining the various reasons why we could expect (or not) judicial action on socio-economic rights to lead to societal changes and then distils several key methodological factors for evaluating and conducting research. For this, researcher did a systematic review of literature of various studies related to PIL with an objective to identify the scope, and factors which play a significant role in providing justice via PIL. Individuals, communities, and social movements' material and political achievements might vary widely; but, the importance of social mobilisation, broad alliance building, and creative solutions are clear indicators of success. In this study, researcher found that PIL has provided a platform for the dissemination of rights among aggrieved members of the public who do not even have the opportunity to seek redress in the courts. PIL is important in ensuring fair treatment of the underprivileged. The creation of a nation like India relied on the development of this true instrument. PIL as a weapon against the populace's scourge has proven effective.

1. Introduction

Public interest litigation (PIL) is a relatively recent phenomenon in the legal system and a hot topic in the international legal community. It is a critical tool for social change in a number of industrialised and developing countries. It is a very useful tool in the legal arsenal for ensuring that the general public has access to social justice. PIL has begun to emerge as a

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significant new influence inside the court system in recent years. Social and political activists have expressed strong interest in the phenomenon's capacity to effect considerable change in a country. Thousands of PIL petitions have been submitted in recent years by non-governmental organisations (NGOs) before courts on a variety of public interest topics, including environmental protection, heritage preservation, labour rights, consumer rights, health rights, and the rights of women and children. The suit seeks to protect specific rights granted by government law and policy. The PIL has evolved into a way to make sure everyone has the same chance to get justice, especially the poor and disadvantaged who can't go to court because of a variety of resources (Karim, 2019). It is a well-known fact that it is not just the nation's disadvantageous and poor who frequently feel helpless in society, but also millions of middle-class residents who are subjected to wrongful government and institutional behaviour that they do not agree with yet are unable to stop. Because of widespread violations of human rights, citizens frequently feel disillusioned and powerless. While those who are harmed do not have a say in the decision-making process, the inability of the affected people to obtain legal representation usually prohibits them from gaining practical access to the courts, denying them the one and only place in which they can exercise their fundamental rights against the institutions that dominate them (Sonthalia., 2021).

Access to justice is an essential human right that is recognised by Public Interest Litigation (PIL). In order to enjoy both the classic legal right and the new social rights, this tool requires procedures for voluntary protection and a conventional idea of adjudication. It is litigation brought in a Jaw court by the court itself or by another private party, rather than by the injured party. It is not essential for the court to exercise its jurisdiction if the person who has been harmed by a violation of his or her right approaches the court directly. Public Interest Litigation enables the public to participate in the court process by supporting judicial activism. Such cases may arise when the victim lacks the means necessary to initiate litigation or when his or her right to proceed in court has been suppressed or encroached upon. The court may take cognizance of the subject and proceed suo motu, or cases may be instituted on the petition of any public servant (Nayebare., 2019).

2. Literature Review including Cases

If we go back to the beginning, 1970 marked a big change in the Indian legal system when Public Interest Litigation (PIL) was made legal. A lot of people think that the 17th Chief Justice of India, Justice P. N. Bhagwati, came up with this idea. Justice Krishna Iyer, who

was also a Supreme Court Justice, made it happen, though. People who have been wronged by the government can't go to court because of a disability or because it is not practical for them to go to court for other good reasons, like their social or economic disadvantages. This is now well-established law, says Justice Bhagwati in a case called *S.P.Gupta vs. the Union of India*, and it must be so. In India, this is considered to be the beginning of Public Interest Litigation, which will grow over time. In 1976, the first Public Interest Litigation in India was filed before the Bombay High Court. In this case, Justice Krishna Iyer planted the seeds for the PIL in a case about labour rights. The first petition to the Supreme Court of India was filed by a woman lawyer, but that has its own significance in the field of Public Interest Litigation. It was about as many as 40,000 undertrial prisoners known as the *Hussainara Khatoon* case, it is a big deal in Indian law because it says that a prisoner should get his or her case heard as quickly as possible (Pandya., 2022). An in-depth assessment of constitutionalization and its impact on judicial performance is the focus of this study. Constitutionalization is the process of bringing formerly private law and/or non-rights protected legal issues into constitutional law. Under the umbrella of fundamental rights, it refers to the resolution of previously unresolved conflicts, such as those involving economic and social policies or torts. There are now more people who can claim their constitutional rights as a result of these areas of law being constitutionalized. Constitutionalization is a court-driven process. Supreme Court and High Court judges, who have final and frequently only jurisdiction over constitutional concerns, are the ones who begin the process. It has both positive and bad consequences on judicial performance when judges rule on a wide range of topics, which they do by expanding the scope of constitutional law (Abeyratne., 2021).

In light of the recent criticism that the judiciary is overstepping its authority and is unable to effectively follow its orders, the trustworthiness of the PIL procedure has been exaggerated. More and more individuals believe that PIL is being skewed by those who want to make private accusations in the spotlight and seek publicity at the expense of advancing a more public cause. These concerns have been voiced by the judiciary on a number of occasions. Another concern is that the judiciary would have to devise new remedies and devices to ensure successful adherence to its rules as it moves into the policy-making arena. Women's issues are one of the most pressing issues affecting our society today. Women are exploited all across the world, not just in India. Muslim divorce is one such form. They are having a hard time making ends meet now that they are divorced. Muslim women's rights are infringed in a variety of ways when their husbands file for divorce. It's just a fact of life that even when

a guy has enough money to support his wife and children after divorce, the children end up living with him because he refuses to support them (Mahadeb., 2021).

3. Where can a PIL be filed

PIL can be filed in a number of situations, including:

- (i) Human rights abuses against the poor.
- (ii) Government policy's content or action.
- (iii) Force municipal authorities to carry out their responsibilities to the community.
- (iv) Violation of fundamental human rights, such as freedom of religion.

4. Who may File a PIL

As a public-spirited person, where should we file this petition to seek a remedy for this? As a result, it is clear that any petition for judicial review (PIL) is likely to be filed in the Supreme Court. Article 226 of Indian constitutional law allows a person to file a petition with the Supreme Court, while Article 32 of Indian constitutional law allows a person to file a petition with the High Court. Article 226's provisions, on the other hand, differ slightly from those of Article 32 of the Constitution. Article 32 allows a person to go to the supreme court if he or she is just concerned about the violation of fundamental rights, but if the person is also concerned about the violation of constitutional rights and other rights, he or she will be barred from doing so. Public Interest Litigation is often launched in the Supreme Court if there's a sewage problem in a neighbourhood that affects more than 50 people. Public Interest Litigation is sometimes launched in the Supreme Court when a large number of people are impacted by a decision made by the government or the Central Government. This includes a ban on adult movies, a prohibition on industrial units creating pollution, etc. that means both courts have the authority to hear public interest cases.

There should be no personal interest in this petition because it is stated that it can be filed by any public-spirited person. It's feasible that a little portion of his advantage may be disguised in the PIL he's filing for that particular action. However, this does not exclude him from

submitting a claim. He has the right to file a public interest lawsuit if this is in the public's best interest.

5. Impact of Public Interest Litigation on Public Administration

In order to ensure that the poor are treated fairly, PIL is an important component. The development of this authentic instrument has proven beneficial in the creation of a nation like India. Using PIL as a weapon against the scourge spreading through the populace has shown to be effective. "Indian PIL may be an ideal Phoenix: an entirely new innovative rising out of the remnants of the old request," as Cunningham put it, "a Phoenix may be acceptable for concluding." The legal executive's exceptional abilities must be put to use in the administration of the people's enormous and open excitement. The main cure is to keep minor suits under control through proper section check and rapid elimination. That it is often ignored without consequences is a glaring lack of credibility for a legal executive, and it must be tolerated any longer. The court must refrain from making decisions based on demands that cannot be carried out, regardless of whether the fundamental right is also violated. No need to issue a status mandate or notification that will only exist in paper form. Aside from a few situations in which a final judgement is made, the Supreme Court rarely follows up on its orders for relief and in the vast majority of instances this follow-up is poor.

It was then that courts were able to keep track of cases and guarantee that lawyers were truly enthusiastic about their work, and thus the idea of a clarification for action, to avoid useless lawsuits (Jadon and Roy., 2019).

6. Conclusions

An important role for public interest litigation (PIL) in the justice redressal mechanism is that it serves as a metaphorical elevator to the path of justice for the socially marginalised classes of society, which includes a section of people who are not even aware of the rights guaranteed to them by the Constitution of the country. The Public Interest Litigation Act, in this way, has provided a platform for the dissemination of such rights among aggrieved members of the public who do not even have the opportunity to seek redress in the courts; for such individuals, the notion of "getting justice" is already considered to be out of the question. Among the other good results that have resulted from the establishment of PIL are the direct involvement of civil society in raising general awareness about human rights and

offering a voice to underrepresented people in both the courts of law and public policy-making forums. Thus, by legitimising the government's accountability, the Public Interest Litigation has made a huge contribution to effective and sensible governance.

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Public Interest Litigation: A study on Consumer Rights

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Introduction

Public interest litigation is a subject which has received a very outlying attention in the literature. In the context of civil justice, public interest litigation has played a very vigorous role in awareness regarding consumer rights (Deva, 2009). The concept of public interest litigation was first introduced in USA (Zhu et al., 2022). For the purpose of redressing public injury, administering public duty, defending social, collective and diffused rights or interests considering it as a legal action, the public have a peculiar interest in it because it moves legal rights (Sharma, 2022). PIL (public interest litigation) has been studied from the involvement of misusing of PIL for private purposes (Deva, 2009). The power of litigation has been used strategically for protecting the rights and eradicating discrimination. It acts as a social change as well as act as a tool for social welfare to protect the rights of a consumer. The inadequacy of the implementation of law and its reforms act as a vehicle for social change.

Rather than public interest litigation limitations focusing on its possible contributions allows for a deeper examination of the circumstances that define good litigation strategies. Political and organizational structures, in particular, have been emphasised as influencing the development and impact of legal measures. Several fundamental insights for public interest practise can be learned from the law and social change literature. Actual use of litigation requires a planned analysis of the forces that shape its outcome, including organizational capacity, the likelihood of success on the merits, the challenges of enforcement, and the possible political responses which acts as a central theme. Two considerations need to be taken care for strategic analysis (Cummings, 2009). The first relays to how lawyers can maximize the political impact of litigation. Litigation typically works paramount when it is strategically entrenched in broader.

The substantive constraints on lawful amenities support have, by design, hampered the ability of lawful amenities programmes to file influence lawsuit or engage in administrative strategies that could lead to systemic reform. The prohibition on session

actions and fee-generating cases, in particular, restricts lawful facilities lawyers from pursuing large-scale, resource-intensive lawsuits, while also removing a key bargaining chip against defendants who can litigate without fear of a huge fee (Han, 2022). Proposed federal legislation would restore financing for legal services to 1980 levels while also removing several programmatic constraints, such as the prohibition on course movements and attorney's fees. Without such reforms 83, federally funded authorized aid organizations will remain severely controlled in efforts to pursue systemic justice through litigation (Konkes, 2018).

Objective of the research:

The objective of the research is to examine the character of public interest litigation in implementing consumer rights.

Review of literature:

The study reviewed 10 research articles in understanding the character of public interest litigation in consumer rights:

S.No.	Author name	Objective	Conclusion
1.	Bhuwania, 2018	To understand fundamental nature of PIL	Illegality and corruption has become a part of the litigation.
2.	Zhuyang and Wolf (2021)	To highlight the complex pathways through which empowerment of civil society organizations produced policy shifts	substantial indeterminacy and openness in governance
3.	Dilay, 2018	Impact of environmental assessment (EIA) in India and the potential environmental justice implications.	To enhance technical aspects of environmental justice in India, and expand the prospects for distributive, recognition and restorative justice by safeguarding that EIAs reflect local knowledge, morals and aspirations
4.	Leonelli, 2020	Exploring the over the top limitations that obstruct NGOs (Non-Governmental Associations) and other partners from specifically getting to the court of Equity of the European Union (CJEU) in natural open intrigued cases.	To extend supporting reforming the Aarhus Regulation its scope of application so as to involve regulatory acts of general application, regardless of whether they entail further implementation.
5.	Ryus, 2021	To understand association with crimes	At a national interest there is no effect.

6.	Zhao, 2022	The public interest litigation is the product of creative judicial engineering.	There are differences in litigation function and judicial effect between them.
7.	Wang, 2021	an important role is played by social organizations in the environmental civil public interest litigation system.	the functional orientation and relationship between the two, analyzes and draws lessons from the advanced experience of various countries, and puts forward specific improvement measures, including establishing the contact mechanism of administrative law enforcement; Optimize the pre-litigation procedure and establish a public participation mechanism.
8.	Liang et al.,2021	public interest litigation system has frolicked an important role in supervising administrative power and protecting public interests. However, there are various shortcomings in the operation process that restrict its development.	the development of environmental protection in our country is expected to be beneficial.
9.	Langford, 2022	To understand the processes of social transformation	There is significant variance in political and material outcomes
10.	Han, 2022	Clarifying the positioning of pre-litigation Procuratorial Suggestions can not only ensure that procuratorial organs exercise legal supervision over administrative organs, but also prevent judicial power from interfering excessively with administrative power	initiate proceedings on the grounds that the administrative agency does not fulfill the procuratorial suggestions.

Conclusion:

Clarifying the position of pre-litigation regarding consumer rights procuratorial recommendations in administrative public interest litigation on the one hand, is critical to the positioning of pre-litigation procedures since the rise of the administrative public interest litigation system in recent years, and is also helpful in encouraging administrative organs to carry out their legal obligations. On the other hand, it compensates for the inadequacies of late relief and expensive litigation costs in the legal system. Pre-litigation procedures, on the other hand, cannot take the place of litigation proceedings. Procuratorial organs are currently

investigating ways to effectively judicialize and standardise the pre-litigation procedures for administrative public interest litigation, including increasing the quality of procuratorial suggestions and assuring administrative public interest litigation compliance.

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A Systematic Review of Public Interest Litigation From 1999 to 2022

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ABSTRACT:

The paper provides an overview of Public Interest Litigation (PIL) from year 1999 to 2022. The study is descriptive, and secondary data from the Web of Science (WOS) database is used to extract the literature sample. A systematic literature review was conducted, and 181 research manuscripts published in academic journals were considered for the analysis. The information extracted is analyzed to understand the work done in this field in terms of publications, authorship, subject area, source, and citations. Findings suggest that the research work related to the PIL has increased significantly in recent years. The major limitation of our research work is its dependency on the Web of Science database (WOS) for the collection of secondary data as, not all journals related to our research area are indexed in WOS database, the result of this study may not fully cover all of the work done related to the study area.

Keywords: *Public Interest Litigation, Law, Review, Civil, Citizen.*

INTRODUCTION:

Over the years, public interest litigation (PIL) has sought the attention of the world when discrepancy raises the issues like inequality, unsustainability and unethical practices in the name of development. Worldwide the number in PILs filling has seen a significant growth over the decades. Since 1985, over nine lakh PILs have been filed before the Supreme Court of India denotes that more than 25000 PILs filled annually, which signifies the growing numbers (Saraogi & Kashyap, 2021). PIL can generally understand as litigation for the protection of public interest. Hence, common people are involved in the process, the matter gets more complex and the significance of the issues come to the limelight (Tollefson, 2008). The academic world carried out several scholarly works on PIL from different aspects related to the economy, environment, and, most importantly, civil society.

The paper is categorized into four segments: It starts with an overview, relevant studies in the "literature review" section, and explains the technique in the "methodology" section. In the next section data is

analyzed and interpreted. Finally it continues with a section where discussion and limitations are presented.

LITERATURE REVIEW:

Public interest litigation (PIL) protects the citizen's rights and provides an option to raise their voice against the unethical practices around them. In many countries, PIL acts a significant instrument for the social transformation and controlling mechanism over the unsustainable practices (Kong, 2009). The public interest litigation turns to success when the litigations are free from constraints of traditional judicial practices, political interventions and social practices (Deva, 2009).

Public interest litigation is considered as a civil weapon for environmental protection and conversation throughout the world (Baik, 2010; Zhai & Chang, 2018; Zhuang & Wolf, 2021). PIL is a powerful instrument to channel the public's opinion on protecting the environment (Kong, 2015). Several academic instances identify that PIL comes into action when the local government fails to enforce the environmental guidelines (McCallum, 2017), unsustainable developmental practices, and socio-cultural disruptions in any locality (Bandyopadhyay, 2017). PIL can help moderate issues like short-term developments and their negative impact on the environment. Jiang, Blazey, Wang, and Ashiabor (2020) categorize the litigation on environmental issues as civil interest litigation and administrative litigation, which further helps to consider the significance of the matter at judiciary level. The Urgenda case can be considered successful in terms of PIL for protecting the environment in which the separation of power between the politics and judiciary was described. It can be understood that a court decision can have a significant impact and implication in policymaking by the government and other administrative systems (Spijkers, 2018).

Though PILs were filled to minimize the effects, some challenges also limit the success of the litigation in environmental concerns like litigation strategies, guidelines on ecological protection, sustainable development planning, and the court's approach towards the litigation cases (Kong, 2015). The PIL situations arise when the developmental activities start to disrupt the civil lives, but litigation cannot assure regulations or control without a stronger judiciary system (Carpenter-Gold, 2015). Several actors are responsible for the PIL implementation like local community, current government, and social organisations. Hence standing of the social and environment concerning organisation can lead the PIL status to achieve its goal (Konkes, 2018; Mingde & Fengyuan, 2011; Zhai & Chang, 2018). Instances like seeking monetary compensation through PIL raise questions on the litigation status, which clearly indicates ignorance about the environmental impacts (Qi, 2018). More often the rapid development has created issues in society which further raises the conflicts leading towards PIL. In such example the land use and occupational pattern in Mumbai has raised the conflicts over preservation of green space (Zérah, 2007). The settlement grew at that point has filed PIL in order to protect the natural habitat.

The larger number of PILs also lead to citizen's lack of trust for the government also raises question on accountability of the public agencies and more community grievances (Dembowski, 1999). The court can develop appropriate strategies to overcome the barriers relating to the PIL issues and increase the effectiveness of legal decisions to gain the citizen trust on the Government and the judiciary service (Amit, 2011). Countries like Egypt, has put ban on PIL against government to tackle the issues like retention of forest direct investment in the country (Hazzaa & Kumpf, 2015). However the government

should focus on ethical practices at ground level and the decisions must benefit the society, the environment and overall sustainable development. In developed countries of Central and Eastern Europe PIL has significant contribution in consolidation and reformation of rules minimising the obstacles over the years (Goldston, 2006).

RESEARCH METHODOLOGY AND DATA ANALYSIS

Systematic study of the literature assists in identifying areas that require additional study focus; they also assist practitioners in gaining holistic awareness. The study is descriptive, and secondary data from the Web of Science (WOS) database is used to extract the literature sample. On April 21st, 2022 a search for "public interest litigation" was performed. In the 1st phase of screening, 229 papers were taken under consideration. To maintain the scientific rigor, in the 2nd phase 229 papers were further lower down to 181 papers on the basis of source type (Journal), and language (English). Figure 1, depicts research publications related to the keyword "public interest litigation" from the year 1999 to 2022. Since 1999, there is a significant increase in the research publications related to this topic.

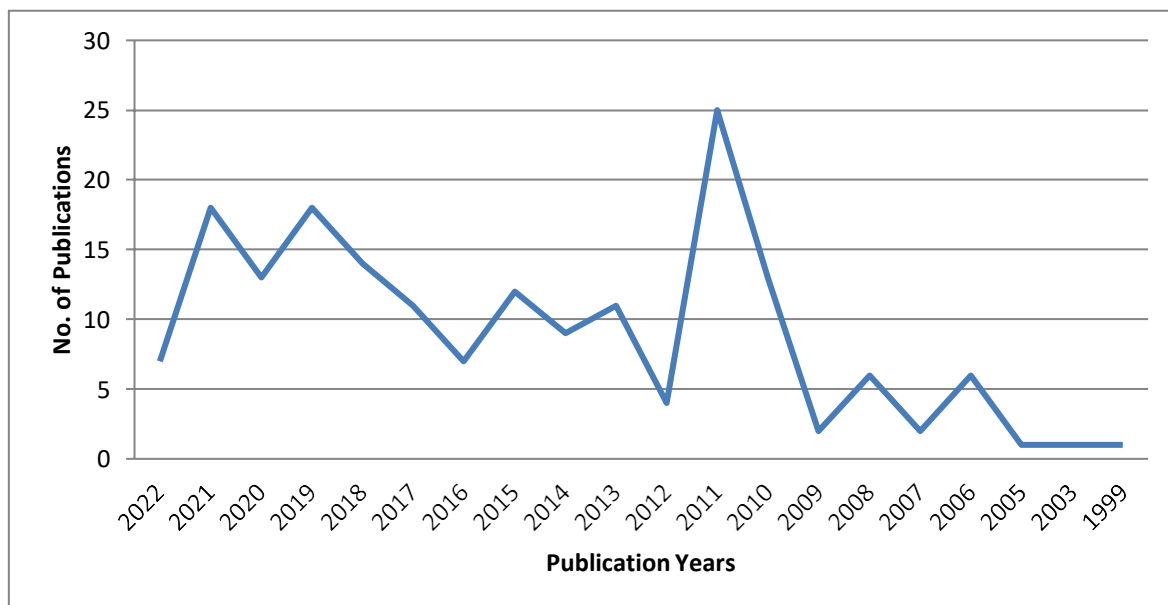


Fig.1. Publication by year. (Extracted from Web of Science)

Figure 2, depicts country-wise research publications. China has leading publications in this field i.e. 41. In contrast, USA has published 28, and India has 18 publications in their names. Figure 3 shows subject area wise research publications. In Law maximum, 116 documents are published. In contrast, publications in Environmental sciences and ecology, Asian studies, Business Economics, and Science and Technology has 42, 12 , 11 , and research publications.

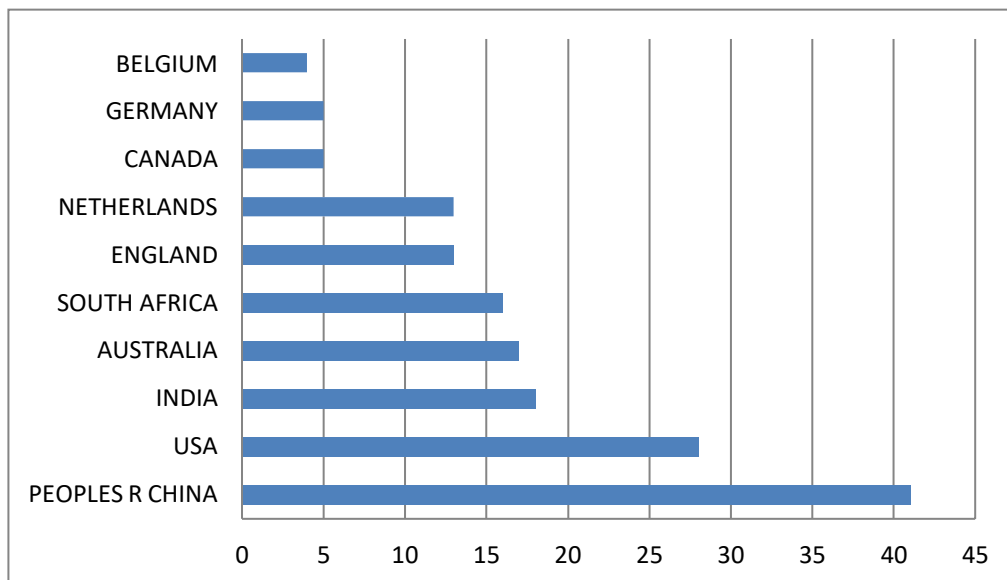


Fig. 2. Document by country or territory (Source: Extracted from Web of Science)

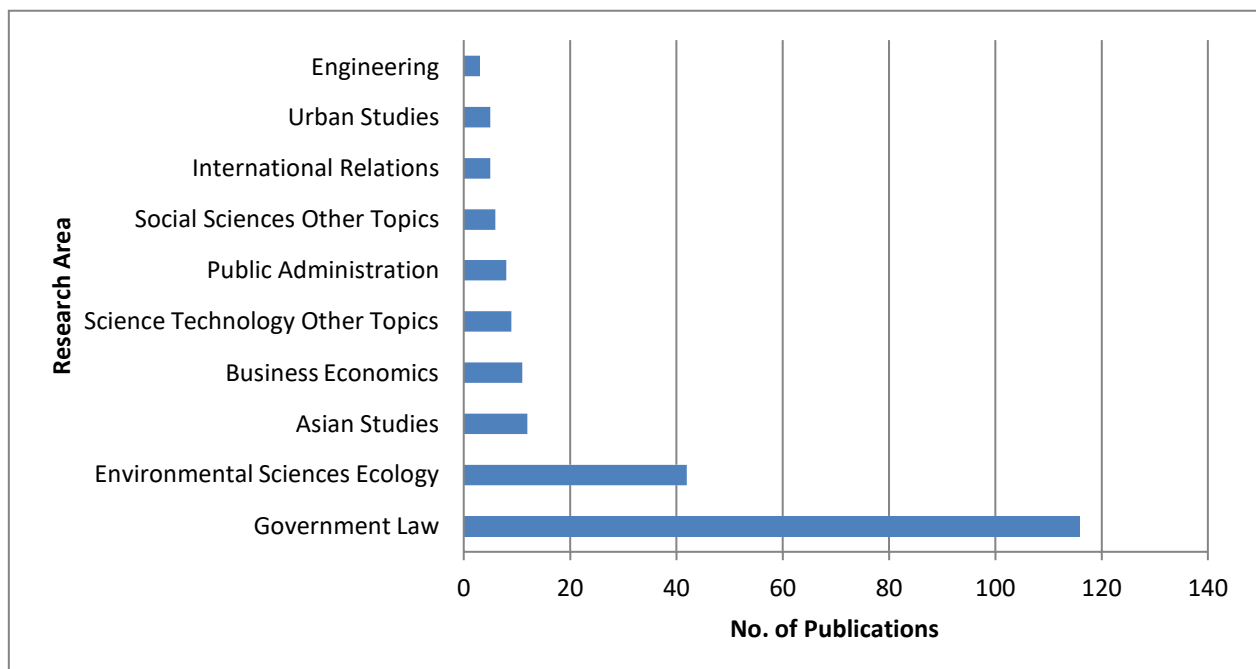


Fig. 3. Document by subject area (Source: Extracted from Web of Science)

Figure 4, shows author wise research publications. Qie. JR, has maximum i.e three research publications, whereas Chang YC , Chowdhury N , and Dinokopila BR has two publications, respectively.

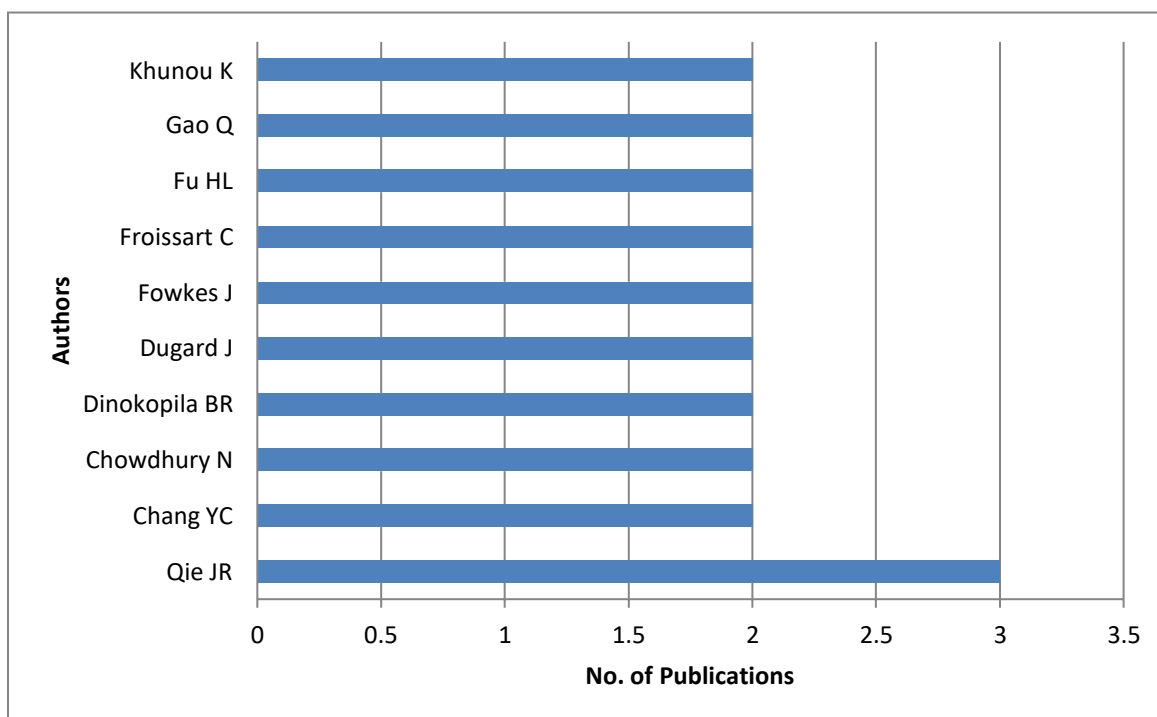


Fig. 4. Document by author (Source: Extracted from WOS)

Figure 5, depicts citation report of research publications from the year 1999 to 2022. The graph shows that there is a significant improvement in the research field related to the topic. Figure 6, shows top fifteen most cited research publications related to the field , whereas Table 1 , shows author and publication year wise details of these publications. Research paper titled “Postcolonial environmental justice: Government and governance in India”, authored by Williams et al. (2006) is most impactful paper in this.

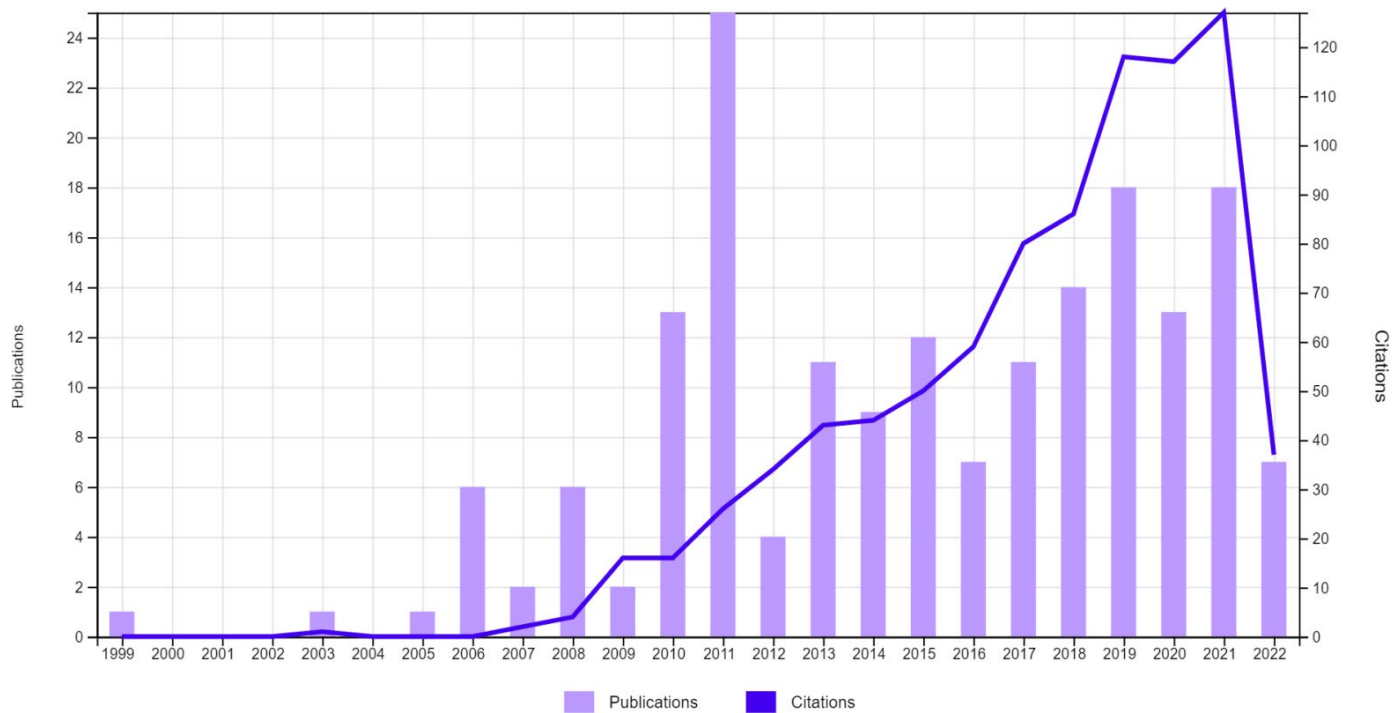


Fig. 5. Citation report (Source: Extracted from WOS)

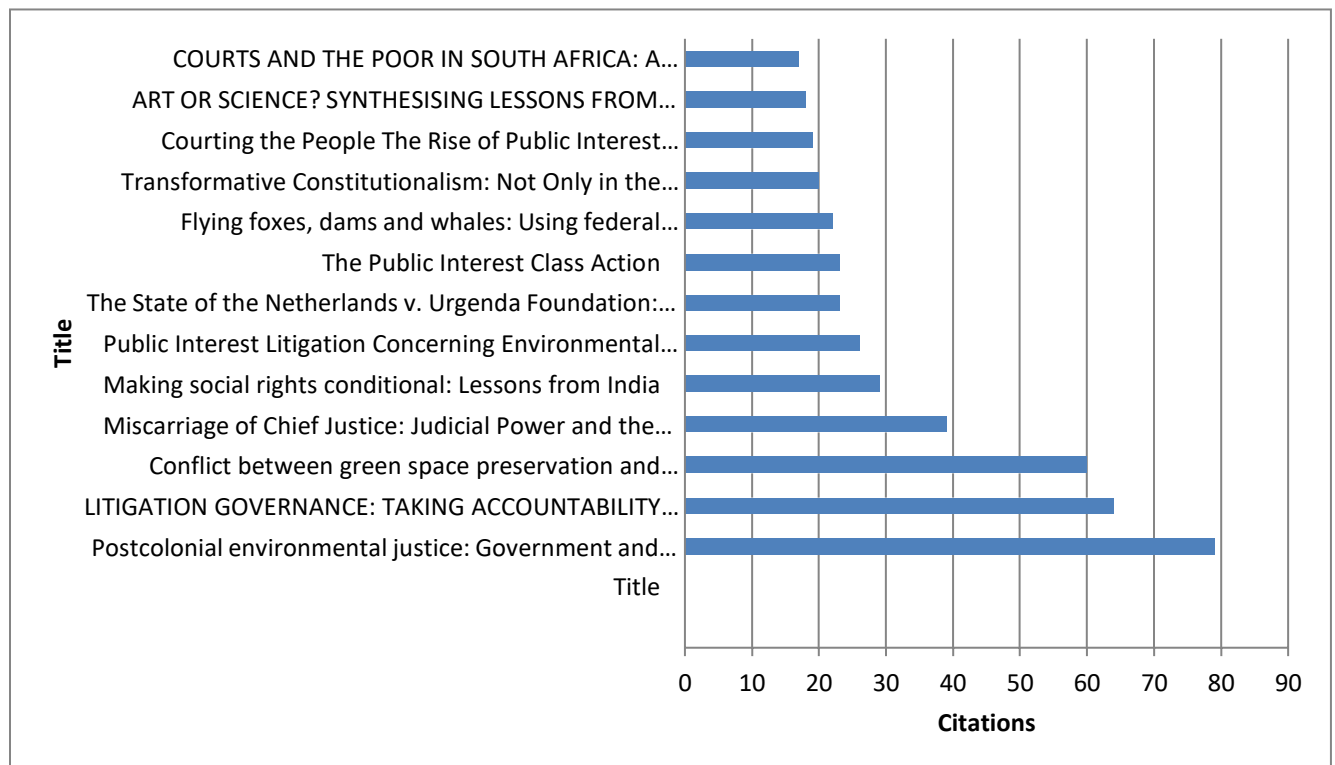


Fig. 6. Top 15 most cited research publications (Source: Extracted from WOS)

Table 1 : Top 15 most cited research publications (*Source: Extracted from WOS*)

Sr. No	Title	Authors	Publication Year	Total Citations
1	Postcolonial environmental justice: Government and governance in India	Williams, Glyn; Mawdsley, Emma	2006	79
2	Litigation Governance : Taking Accountability Seriously	Coffee, John C., Jr.	2010	64
3	Conflict between green space preservation and housing needs: The case of the Sanjay Gandhi National Park in Mumbai	Zerah, Marie-Helene	2007	60
4	Miscarriage of Chief Justice: Judicial Power and the Legal Complex in Pakistan under Musharraf	Ghias, Shoaib A.	2010	39
5	Making social rights conditional: Lessons from India	Khosla, Madhav	2010	29
6	Public Interest Litigation Concerning Environmental Matters before Human Rights Courts: A Promising Future Concept?	Schall, Christian	2008	26
7	The State of the Netherlands v. Urgenda Foundation: Ruling of the Court of Appeal of The Hague (9 October 2018)	Mayer, Benoit	2019	23
8	The Public Interest Class Action	Marcus, David	2016	23
9	Flying foxes, dams and whales: Using federal environmental laws in the public interest	McGrath, Chris	2008	22
10	Transformative Constitutionalism: Not Only in the Global South	Hailbronner, Michaela	2017	20
11	Courting the People The Rise of Public Interest Litigation in Post-Emergency India	Bhuwania, Anuj	2014	19
12	Art or Science? Synthesising lessons from public interest litigation and the dangers of legal determinism	Dugard, Jackie; Langford, Malcolm	2011	18
13	Courts and the poor in South Africa: A critique of systemic judicial failures to advance transformative justice	Dugard, Jackie	2008	17
14	Standing of Environmental Public-Interest Litigants in China: Evolution, Obstacles and Solutions	Zhai, Tiantian; Chang, Yen-Chiang	2018	16
15	Challenging Authoritarianism through Law: Potentials and Limit	Fu Hualing	2011	14

DISCUSSION LIMITATIONS AND FUTURE RESEARCH IMPLICATIONS:

We found that research work on “public interest litigation” has significantly increased in the recent years. In the Web of Science (WOS) database, China has leading publications in this field i.e. 41. In contrast, USA has 28, and India has 18 publications in their names. In terms of subject area wise research publications, Law has maximum, 116 publications, whereas Environmental Sciences and Ecology, Asian studies, Business Economics, Science and Technology has 42, 12, and 11 publications respectively. In terms of author wise research publications. Qie. JR, has maximum i.e three research publications, whereas Chang YC , Chowdhury N , and Dinokopila BR has two publications, respectively.

Research paper titled “Postcolonial environmental justice: Government and governance in India”, authored by Williams et al. (2006) is most impactful paper in terms of its citation , where

as paper titled “ Litigation Governance : Taking Accountability Seriously” authored by Coffee , John C (2010) , and paper titled “Conflict between green space preservation and housing needs: The case of the Sanjay Gandhi National Park in Mumbai” authored by Zerah, Marie-Helene (2007) comes after that. The major limitation of our research work is its dependency on Web of Science database for the collection of secondary data. As, not all journals of related to our research area are indexed in WOS database, the result of this study may not fully cover all of the work done related to the study area.

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Environmental, Socio-cultural and Political aspects under Public Interest Litigation: A case study of scrapped Himalayan Ski Village Project of HP

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Abstract

Public Interest Litigation (PIL) is a tool which gives an opportunity for the justice to the people of the society which are not fully aware of their rights. The accountability of the government bodies at center or state level may be assessed through PIL. Scope of PIL covers the broader area where interest of common people is linked directly or indirectly. It may refer to environmental concerns of a place, any non-acceptable practice being followed in the society, any act which may lead to cultural degradation or in some cases if political environment of any place is at stake. Present paper highlights one of the most highlighted cases of Himalayan Ski Village project at Manali in Himachal Pradesh, which got scrapped after the intervention of various stake holders followed by PIL filed against the project sanctioned at government level. All the phases starting from conceptualization of the project, MoU with government, intervention of local people, NGOs, involvement of Hon'ble High court, local deities, opposition parties till the present status of the project have been discussed in detail. The detailed discussion of the case of Himalayan Ski Village Project in this paper will definitely help in public domain to understand the scope of Public Interest Litigation in the common interest of local community, state government and other stake holders associated with it.

Keywords: PIL, Tourism, Environment, Socio – Culture, Himalayan Ski Village, Tourism Project

Introduction

The concept of Public Interest Litigation (PIL) is meant at large to protect the interest of public. Under PIL, litigation can be filed in any court of law in India by any person from public on the behalf of other persons of the public who are not capable to approach the court or even not aware of their rights they have in the society. In India it was started in late 1970s and first time

the rights of bonded laborer, other neglective people and prisoners were considered in the judicial forum. Any act which is done with the intention to protect rights or benefit the public comes under “Public Interest”. PIL can be filed by anyone in no. of cases to protect against environment degradation, ill facets related to social and cultural customs in the society etc. As stated in Article 226 and 32 of the Constitution of India, this PIL can be filed under any court in India including High court and Supreme court. Also, it is to mention that PIL can only be filed under Article 226 if it is affecting some small group of people but not an individual only. (Tripathi, 2019). In the present study the case of proposed Himalayan Ski Village has been discussed which was put forward as one of the mega projects under tourism in 2004. The idea was conceptualized by Alfred Ford, the great grandson of Henry Ford. Manali in Himachal Pradesh was chosen as the site for this proposed project. This picturesque town of Manali is situated in the lap of Himalayas under district Kullu, which is known for the place under the influence of local deities. In 2004 this project was one of the biggest foreign direct investments in tourism in India with estimated cost of \$300 million. To give a kick start to the project an MoU was signed between ABF International, a company owned by Alfred Ford and Government in December 2005. But before the signing of Implementation Agreement, the agitation against the project was started at local level headed by local environmentalists and political representatives. The environmental groups at local level which were involved for the agitation were a) Him Niti Abhiyan; b) Jan Jagran Evam Vikas Samiti (JJVS); c) Jan Hit Sangharsh Samiti. One of the main reasons of this agitation by all these groups with local leadership was inclusion of some problematic terms and conditions of the MoU which were publicized, those were considered to be directly or indirectly affecting rights of local community of 12 Panchayats and over 60 villages. Some of the objectionable clauses of MoU were related to the exclusive water rights to the resort village, irrevocable license for the use of ski trails, full access to the invitees to public and private roads and other infrastructure wherever required. Soon this agitation was aligned with battle between two rival political parties of the state. And at later stage the agitation was strengthen with the involvement of more than 100 local deities of Kullu valley. Despite the strong agitation against the project, the Implementation Agreement was signed between the company and government followed by submission of Environment Impact Assessment report by the company for the project in June 2006.

After all the sequences of event a public Interest Litigation was filed on 6th June, 2007 in the High Court of HP by Jan Jagran Evam Vikas Samiti and later by the hoteliers of the Manali. The sequence of rallies and agitations were kept on during subsequent months and

eventually it was listed for discussion with Expert Appraisal Committee of MoEFCC (Ministry of Environment, Forest and Climate Change). Later Jan Hit Jagran Samiti, Him Niti Abhiyan and EQUATIONS filed 3 separate petitions to Expert Appraisal Committee for the public hearing for the project considering the extent of social and environmental impacts. Stake holders involved in the entire case are enlisted as, Government of Himachal Pradesh, MoEFCC, Ministry of Environment, High Court of Himachal Pradesh, Expert Appraisal Committee, Jan Jagran Evam Vikas Samiti, Jan Hit Sangharsh Samiti, Him Niti Abhiyan, representatives of local deities with local people of 12 panchayats and over 60 villages of Manali (Environmental Justice Atlas, 2019). However, PILs in the court were not put much impact to the case, but in general, Public Interest Litigation has given short term redress to the issues never discussed anywhere on any forum. It has necessitated the recognition that every citizen of India should have access to the justice (Ahuja, 2014).

Literature Review

Public Interest Litigation: Indian perspective

Public Interest Litigation as one of the most innovative tools of judicial system and much talked about globally is the concept which India has borrowed from judicial system of United states of America. (Ajay Kumar, 2020). Unity in diversity is common phrase associated with our nation which leads to some socio-economic inequalities some of the times. To deal with this the provision of Fundamental rights and directive principles of state policy have been added in our constitution which is being described as “conscience of the constitution” (Austine, 1966). India can serve as role model for the developing nations who are struggling with legislative inertia and can provide the substantial source to downtrodden societies and communities globally (Holladay, 2012). PIL adds so many things to the society, for instance by keeping the government accountable it helps in good governance. It provides the way to justice to that part of the society which has disadvantaged section in it. Besides spreading the awareness about the human rights, it is helpful to make civil society to participate in government decision making (Deve, 2009). Although PIL in India is considered as the innovative judicial tool which in turn is responsible for enhancing the social and economic rights of marginalized and disadvantaged groups in India. However, it has attracted some criticism also in the recent years for separation of powers, inequality and judicial capacity (Gauri, 2009). It is pertinent to mention that many sections of the society are still not getting any benefit as the access to the justice under PIL is still to reach every corner of the country (Kelkar, 2022)

Society, Culture and Public Interest Litigation

PIL is one of the strategies to enhance the social rights of marginalized society in one sense by winning the case and changing social policies in another sense (Gloppen, 2005). Studying how people use the law and how it affects their lives is especially essential since, despite delays, poor facilities, and pervasive corruption, courts are often the major, if not the only, means for many people to get their complaints resolved. As a result, the Courts are humming with activity, demonstrating the critical role they play in society as centers of authority that influence every aspect of life (Daniela Berti, 2018). India is now attracting a lot of worldwide attention for its energy and creativity on a variety of fronts, yet the country is nevertheless bound by centuries-old customs and standards. This conflict is mirrored in the Supreme Court's rulings, which have taken an active role in defending women's rights in society through PIL but are often constrained in their ability to do so due to the complicated cultural milieu in which it functions (Sood, 2008).

Environment & Public Interest Litigation

In India, Supreme court has been proved to be very instrumental for the decisions for the PIL related to environment result of which can be seen in reduction of pollution level of Delhi and the river Ganges. PIL is acting as very strong instrument for reducing the environmental pollution (Micheal G. Faure, 2010). During early periods PILs related to environment were not so consistent because at that time importance was given more to developmental projects. But post industrialization period, the impact of PIL can be seen much effective significantly (A. J. Sidharth, 2020). In India one of the salient features of Pollution control is active role being played by the judiciary. Best example that can be quote here is all the public transportation in the capital city of India is fueled with CNG (Tsujita, 2007). The Supreme Court has broadened the scope of public interest litigation, as stated in Article 32, by intervening in injustices caused or being caused by the state. Anyone can approach matters relating to the environment, and these issues are brought before the courts by public spirited individuals and voluntary social agencies. They are likely to issue directives to CEOs or mandate the removal of pollution sources that are harming the environment. To conserve the environment, the public's desire to participate in this effort is critical (Dalai, 2013).

Proposed Himalayan Ski Village: Manali (Himachal Pradesh)

Himalayan Ski Village is the project planned by the Alfred Ford, a great grandson of Henry Ford, pioneer of automobile in USA. The cost involved with this project was \$300 million. The project attracted strong resistance from the locals and opposition still the promoters maintained that the project venture will be beneficial for the state as it will create more employment opportunities by setting up a world class tourism project. According to a thorough project study given to Himachal officials, the resort would have 700 five-star rooms, 300 chalets, and a gondola that will transport tourists up to 4,300 metres in altitude, creating employment for roughly 3000 people. (Makhaik, 2008). Apart from the rosy picture of employment and economic benefits to state of this proposed project there was other side of the coin as well for which local society and opposition stood against the ill effects of environment due to the project and some of the clause of MoU which were seemed against the local population (Asher, 2018). The Council of the Gods (local deity) of Kullu Valley overwhelmingly refused the proposal for the \$300 million Himalayan Ski Village (HSV) project (Sethi, 2006).

Objective of the study

The main objective of the paper is to study various issues related society, environment and culture while implementing of the Himalayan Ski Village (HSV) project and scope of PIL filed by various parties to scrap the project.

Background – Himalayan Ski Village

Himalayan Ski Village (HSV) project was one of the biggest FDI projects in India when it was conceptualized by Alfred Ford and MoU was signed for its implementation in the slopes of Himalayas at Manali in Himachal Pradesh. World class infrastructure was confirmed to be included while developing this ski village. The project would have five 7-star hotels, six 5-star hotels, four 4-star hotels, shopping malls, fitness spas, storage houses, support base with Helipad and gas station, gondola terminals for ropeways and other support facilities for operation. ABF International Company owned by Alfred Ford came to India in 2005 for its mega projects in Tourism. 3 projects were in Mayapur, west Bengal and for 1 project (HSV) site of Manali, HP was chosen. With the approval of state cabinet, MoU was signed with the company for this project in Dec 2005. First concern over the MoU terms were raised by the opposition in the state assembly on the behest of local community. One of the NGOs working in the area Jan Jagran Evam Vikas Samiti (JJVS) managed to procure the copy of MoU and revealed that there were many clauses where the ownership rights for several natural resources

were transferred to the company which would definitely impact the local population associated with those natural resources. Followed by these environmental issues were also discussed among the political domain and by members of various NGOs which support the agitation to scrap the project. The stress to the agitation was given when cultural and spiritual concerns were raised through local deities of the Kullu valley. Like JJVS, another Jan Hit Sangharsh Samiti, local network of 24 NGOs extended the support to the agitation.

Even after the involvement of local parliament of Gods (Dev Sansad) which unanimously rejected the project and also suggested the legal battle against it, the proponent of the project signed MoU with another company FINPRO Naturpolis to take the Manali resort forward. Amid the mass agitation Implementation agreement was signed by the government and after one year of IA the detailed project report was submitted to the Ministry of environment. After the massive protest rally against the project in 2007, the union ministry of Environment and Forests Expert Advisor Committee listed the project for discussion in which the proponents of the project did not turn up. Considering the environmental and social implications three different petitions were filled by Jan Hit Jagran Samiti, Him Niti Abhiyan and EQUATIONS seeking a public hearing for the case. The PIL filed in the High Court of Shimla was disposed of and cleared the way for the project in 2008. In the due course of time govt of the state changed and once cleared by previous govt, same project was asked for fresh proposal.

Proposed Site



Source: Jan Jagran Evam Smiti

Findings

In present scenario of global warming Himachal Pradesh is also facing the repercussions like entire world. According to one of the reports issued by State center on climate change and ISRO, in Himachal Pradesh, there is a decrease in 18.5% of snow-covered area. This trend has been notices for all five rivers of the state (Singh, 2021).

Rivers	Year 2020	Year 2021	Change (Sq Kms) %
Sutlej	11823.1	9045.5	-2777.6 (-23.16%)
Beas	2457.68	2002.03	-455.65 (-18.54%)
Ravi	2108.13	1619.82	-488.31 (-23.49%)
Chenab	7154.11	6515.91	-638.2 (-8.92%)
Total	23542	19183	-4359 (-18%)

Source : Hindustan Times

In case of Himalayan Ski Village (HSV) project there was several other issues which pave the way for the agitation and finally scrap of the project.

Social Concerns

Main concerns were arisen from some of the clauses mentioned in the MoU signed between the company and the Government.

- As per one of the clauses the exemption from section 118 of the HP Land Reforms Act was given to the party. This clause allowed the company to sell or sublease the property to any person within the scope area of the project. And the scope was shown minimum of 300 such units to be sold to non-Himachalis.
- Another clause of the MoU provided the grant of irrevocable license for the use of making snow or ice in the ski trails and all the things required to operationalize the project. The point of concern for the local was transfer of all rights of ground water, ponds, natural snow and other natural resources to the company. Secondly, it allowed the corporation and its invitees unfettered use of the common law right of lawfully allowed skiers to pass and repass on the ski trails without hindrance, as well as complete access to public and private roads, and authorization to build roads, ropeways, or gondolas wherever necessary. From the word “irrevocable”, it seemed that rights were given permanently to the company for natural resources over local community.
- As per another clause of the MoU, local community felt the denial under the right to information act to them. As it was mentioned that the parties shall not share any trade, technical and commercial or secret matters to any third party. On the other hand, company asked government to provide any information within 15 days if asked which may be helpful for the implementation of the project.
- Among all the benefits described in the MoU, most of them were given to the company, only one was in favor of the local community that the 70% employment to be given to the local people but a disclaiming clause was also added that subject to availability and suitability.

Environmental Concerns

Although there are environmental issues associated always when any kind of construction takes place anywhere. For this project, from one of the estimates 14.7 hectare of forest land was required to convert into commercial area.

- For the implementation of the project, deforestation on the major scale was envisaged by the locals and NGOs related to the environment. This will not only impact the ecosystem but some of the rare medicinal plants will also be on the verge of extinction. Even there are many rare and endangered birds and animals, whose breeding season

complements the tourist season in Manali. In that case flora and fauna both would affect by the HSV project.

- The potential use of chemicals to stabilize the snow in this project was another posed threat for water pollution in the concerned area.
- Not to mention, Manali is already catering the tourists of its full capacity. This HSV project would add the inflow of more tourist vehicles in the area which would ultimately lead to more air pollution and local warming.
- Local communities which are nestled to the slopes of the Himalayas in this area depended on the forests and ecosystem of upper reaches which would hamper the life of these communities if these forests would get disturbance from external factors.
- Kullu valley is 2nd largest producer of apple in Himachal Pradesh after district Shimla. With the implementation of this project total 12 panchayats with 60 villages (almost 40000 population) would be affected directly or indirectly.

S.No.	Panchayat	No. of Villages	Livestock Number	Population (2001 c)	Water Source	Schools	Health Centers
1	Jana	3	1700	1500	Tap Supply + Spring	1	1
2	Archandi	3	900	1040	Tap Supply	1	1
3	Nathan	6	2220	5215	Kuhl + Tap Supply	3	1
4	Naggar	8	1970	3450	Tap Supply + Kuhl + Spring	4	2
5	Hallan – 1	11	1825	3545	Tap Supply + Kuhl + Spring	2	1
6	Soel	4	1791	1942	Kuhl + Tap Supply	3	1
7	Karjaan	4	690	1600	Kuhl + Spring	1	1
8	Gojara	3	1600	2800	Tap Supply + Spring	1	1

9	Jagat Sukh	6	1590	3500	Tap Supply + Spring	3	2
10	Preeni	4	1230	1280	Tap Supply + Stream + Kulh	1	1
11	Vashisth	6	2500	4600	Tap Supply + Stream + Spring	3	2
12	Barua	2	600	2360	Tap Supply	1	1
		60	18616	32832		25	15

Source: Jan Jagran Evam Vikas Samiti, Kullu

- The Nallas and Streams are the main source of drinking water for the 60 villages which would be used totally by the company to create artificial snow to extend the snow period on the slopes for skiing. However, company was denying for the artificial creation of snow in HSV.
- The grazing area for the local livestock would also get shrunk due the implementation of the project in Manali.

Cultural and Spiritual Concerns

Kullu valley is the place known for the abode of local deities of this region. It is believed that these deities reside in the temples constructed by their ancestors in the forests of the proposed site of Himalayan Ski Village.

- The area under the HSV Project is proposed is considered as most sacred place for the local communities of Kullu valley.
- The spiritual opposition to the project took place in 2007 when local deities were evoked for their opinion on the Himalayan ski village for which all the deities unanimously vetoed the decision on HSV project.

Public Interest Litigation, HSV Project) and aftermath

NGOs and hoteliers filed two PILs in the High Court of Shimla in 2007 against the planned Himalayan Ski Village Project, numbered 892/2007 and 1237/2007. Following the change of administration in the state, the government informed the court that the HSV project was being

re-examined, and two PILs were dismissed in 2008. In 2009, the Himachal Cabinet issued a cancellation notice to HSV Promoters after the Principal Secretary for Tourism openly rejected the proposal for the HSV Project. In 2010, HSV filed a petition in the HP High Court, which was granted a stay, and in 2012, the High Court eventually overturned the government's cancellation notice. At present, government completely rejected the fresh proposal of Himalayan Ski village but now has planned another similar project at Chanshal in Rohru sub division of district Shimla (Manali venture rejected, HP Govt. revives ski village project in Rohru, 2021).

Alternative proposed

The upgrade of currently existing tourism infrastructure in and around Kullu-Manali town is one option proposed by local political officials. The fundamental problem for local environmental groups is ownership of natural resources such as land, water, and forests. As an alternative, they prefer a locally based and sustainable tourist model over a giant project involving massive foreign finance and concentrated control in a few hands. However, it is debatable if the 'locally rooted' tourist model aligns with the ambitions of the younger generation, who seek a thriving tourism 'business' in the region.

Conclusion

Public Interest Litigation is a very effective tool in the judiciary system of our country, for which the idea was inherited from United States. It helps to safeguard the rights of the people in the group who even do not have any idea of their rights while living in the society. The scope of this PIL is in every sphere, be it socio – culture, environmental, economic or political. It would address all the issues if society or group of people get affected by any policy, order or deed by Government, organization, NGO etc. These days PILs are being misused also. To avoid its misuse only relevant PILs are being forwarded to the court for hearing and if the court find irrelevance, same will be quashed. In case of Himalayan Ski Village Project, although the project at the proposed site got scrapped because of strong opposition and agitation. But here in this case both the PILs filed against the project were quashed by the High court of HP.

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Public Interest Litigation and Tourism: Review of destinations

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Abstract:

Tourism is tool for Conservation. It is well known that tourism is important for the state. Tourism is an activity that helps in economic, social and environmental ways .It help in earning revenue, which could be used for conservation activities. Study of Public interest litigation cases in tourism helps to clarify the law and right of the people. It helps in creating awareness amongst the local class .This paper will analyse the role and cases filed by or against public/private bodies in tourism resulting in Conflict management at the destination. Various cases will be cited after study to understand the importance of PIL in growth, development and managing issues related to Public/Private sectors conflicts in tourism .This paper will analyse how PIL give common people a way to raise basic issues creating hazard to either environment , society or nations. It is more like a voice which can be used to highlight an important issue and providing a platform for their rights. The study would be Secondary data based. Various research articles, journals and magazines will be source of data collection.

Key Words: PIL, Tourism, role of destinations and Conflicts

Introduction

Public Concern Litigation in the public interest is defined as litigation that is conducted in the public interest. Public interest litigation may be filed by any public-spirited person in any court of law for the protection of "public interest." Now "What is the public interest?" Public interest is considered public interest; when it is in favour of public in relation to activities include pollution, terrorism, road safety, building dangers, tourism related issues and so on. General public interest can be witnessed in all of these activities. A PIL may also be filed if the public believes that something has been done against the public interest. In a way, it refers to proper legal actions taken by the court in order to safeguard the public interest in relation to issues such as tourism, travel related issues, pollution, terrorism, road safety, and building dangers, among other things. As such, public interest has no proper definition in lawsuit in any statute or act. Judges have interpreted it to mean that the intent of the public is taken into account. Although the primary and sole objective of such litigation is Public Interest, a Public Interest lawsuit can be launched in a variety of areas. For instance, Poor people's basic human rights are being violated, the government policy of the local municipal authorities should be implementable and the various religious or other fundamental human rights should be protected.

Objectives of Study

1. To study the role of PIL in tourism Industry.
2. To review the various cases in tourism related to PIL.

Review of Literature – Role of PIL

According to Mamta Rao, 2002 *Public Interest Litigation in India - A Renaissance in Social Justice*, the book contains six chapters. Chapter -1 deals with P.I.L and Social Action Litigation appeared in the Indian judicial landscape in the mid-seventies. Chapter 2 deals with on Quest for Social Justice discussing four areas such as social justice and equality, social dynamics and social justice, law in parlance of social justice, political justice in relation to social justice. Chapter 3 is on New Vista in PM as liberalization of locus stand. Factors like poverty and ignorance of the huge masses, litigation and its high cost, justice and the need for its democratization, expeditious redressed of public injuries, and curbing executive excesses and ensuring responsible government are discussed here. Public Interest Litigation-Trends and Dynamics in India forms the subject matter of Chapter 4. Chapter 5 is on procedural innovations. The last chapter is on Limitations and Dilemmas of P.I.L.

According to Vadivel, 2004-*Is Public Interest Litigation (PIL) Beneficial or Harmful?* The benefits and drawbacks of PIL are discussed in this study. It discusses the concept's origins in India as well as its most modern implementation. It also explains how PIL is abused and provides rules for its use. The research states that to avert such abuse, the Supreme Court has been asked to intervene.

According to Deva, 2009 in *A Critical Review of Public Interest Litigation* paper that served as foundation for PIL, this paper provides a quick reference to constitutional provisions; thereafter, PIL's evolution and many phases are discussed. It is a review based study; therefore, it goes over the benefits and drawbacks of PIL in stages. It discusses the advantages and disadvantages of PIL in a phased approach. This document outlines the meaning and evolution of public interest litigation in India, as well as citing judicial rulings to shed light on the variables that have influenced the emergence of PIL in India. It explains how it is meeting the needs of those who are marginalised in society.

"Litigation is an imperfect but important tactic of social change," say Scott Cummings and Deborah Rhode in 2009. They discover the following in their key essay, on *Public Interest Litigation: Insights from Theory and Practice* that Litigation is not always enough- it cannot function in isolation from other strategies as effectively as it is thought of. In Money matters :related to the cause of public interest law funding and its impact on the types of cases that are brought. That can be pursued, as well as the social impact they are expected to have a thorough knowledge of. As a result, financial restrictions and opportunities in various practical scenarios are discussed crucial to successful reform. They also discovered that the difficulties differ between substantive domains. Environmental organisations, for example, appear to have the most favourable potential framework in terms of support of Public, access to funding, and standing rules that are liberal but they also have to deal with difficulties of vast global scope and opponents. Civil rights and women's rights organisations face societal scepticism. Children may appear to be more compassionate than other groups, but they lack the resources to do so.

Ghosh's work in 2013 on especially *Judicial Review, In India, activism and Public Interest Litigation (PIL)* have been used to illustrate the benefits and drawbacks of PIL. Taking a systematic look at PIL's journey in the light of several landmarks judgments.

Sadual in 2015 discusses the pros and cons of public interest litigation in India in his study, this paper discusses the origins and growth of PIL through a series of key decisions. Public Interest Litigation

in India: Pros and Cons is this book in which PIL's benefits and drawbacks were discussed, as well as how PIL is affecting social change.

Cases in Tourism Destinations related with PIL:

S. No	Destination	Source	PIL File by	PIL Filed against	Conclusion
1.	Karnataka	The Indian Express, 2st April ,2022	Mohan P.S and others belonging to Kodagu district of Karnataka. They filed it on the basis that permission was not obtained by Jungle Resort from the central government for construction of resort under the Forest Conservation Act for construction of JL&R.	Construction of Jungle Resort in Kodagu ,Karnataka	Fine of Rs, 50,000 was imposed by court against the petitioners which has to be paid to the Karnataka State Government as no permission was required for construction of the resort .
2.	Madhya Pradesh	Down to Earth , 15 th January ,2011	S,Pabla ,Chief Wildlife Warden M.P	M.P. Forest Department- Petitioner sought ban on tourism activities in core areas of National tiger reserves of Madhya Pradesh's .The case was filed in State Court .	The decision was taken by the court and the notification regarding the buffer areas was hurriedly after the PIL.
3.	Rajasthan	The Times of India ,3 rd AUGUST ,2018	Rajasthan Bar Federation, body of advocates and former high court Judges.	Rajasthan Tourism Board.	Ban was not imposed, as it is one of the factors to attract tourist to the state.

4	Tamil Nadu	Indain Kannon .org ,9 th July,2015	Mr.A.Manikandan	Commissioner, Kodaikkanal Municipality, Kodaikkanal,	According to the petitioner, under the guise of running Beauty Parlour Business, persons working in those centres are waylaying the tourists and insisting them to visit the parlours, and, instead of regular beauty parlour business, they are involved in illegal acts of prostitution and serving alcohol.
5.	Uttar Pradesh	Livelaw.in	Inner wheel club through President Pooja Jain and Others	State Of U.P. Thru. Prin. Secy. Forest Dept. And Others	The final decision was pending but the issue was that the State Counsel to seek instructions from the Department of Tourism on the issue as to whether there is any plan to develop Sandi wetland area as a tourist spot or as to whether an attempt has already been made to develop it as such. For making a lake as a tourist spot, certain amenities may be provided by the Tourism Department or U.P. State Tourism Development Corporation.
6	Himachal Pradesh	Tribuneindia.com,19 th January 2022	PIL registered by the court on the	Adventure tour operator of	The court ordered the committee to verify all

			basis of newspaper article .	Paragliding site	documents related to registration and tour operator licence, validity period, details of all guides and instructors, copies of certifications and record of their experience, copies of all permits and permissions for operating the various adventure sports.
7	Gujarat	Timesofindia,22 nd February,2022	Gujarat Khedut Samaj and Brackish Water Research Center	Meghmani Organic Limited ,	Damaging of Crop due to production of weedicide and pesticides producing acids. The petitioner sought compensation from farmers for loss of the crops.

PIL and Conflict Management :

- **Sanitation in Ratlam-** Highlighted the impact of a destroying the urban environment by the Supreme Court on the poor in a landmark decision in 1980. It related public services to human rights, requiring the municipal cooperation to provide adequate drainage and Cooperation.
- **Doon Valley Mining** -The Rural Litigation and Entitlement Kendra, in 1987 complaint in the Supreme Court on behalf of Doon Valley inhabitants opposing quarrying of limestone. Supreme Court here for the first time was forced to strike balance between environmental and ecological changes and see the industrial demands on forest resources. Court ordered the authorities to stop quarrying in the Mussoorie hills.
- **Shriram Factory and its Gas Leak-** It is the case of Shriram Food and Fertilizer factory in Delhi in 1986, which had oleum gas leak. The Supreme Court issued orders to the management to compensate the gas leak victims. In this case, the concept of "absolute culpability" was developed, requiring a hazardous chemical maker to compensate all persons impacted by an accident. Compensation was awarded to victims for the first time.
- **Silent Valley construction:** Kerala High Court in 1980 dismissed an issue brought by the Society related to the Protection of the Silent Valley, which sought to prevent the development of a hydroelectric plant in the valley. Despite the negative ruling, environmentalists used vigorous lobbying and grassroots activism to bring the case to a halt.

In 1985 an Activist and Advocate by profession , M C Mehta filed a writ petition in the Supreme Court regarding the alarming condition of river Ganga and its pollution created by industries and municipalities located on its banks. Very soon in its judgment related to this case court ordered that, all the polluting tanneries near Kanpur should be closed with immediate effect.

Mining in Sariska: the Tarun Bharat Sangh in the Supreme Court in 1991 filed a writ petition related Sariska wildlife sanctuary and mining in its surrounding It was proposed that it should be closed. The court banned mining in the sanctuary

In 1992, Supreme Court delivered an historic judgment against vehicular pollution in India .A team of three judges along with retired Supreme court judge was appointed to suggest measures for controlling the booming vehicular nation wise pollution. Supreme Court Ordered for providing Lead free petrol, maximum use of natural gas as an alternative to reduce pollution and using other mode of fuels also for use in the vehicles in India. In all the four metropolitan cities, lead free petrol was used from April 1995 and all new cars were fitted with catalytic convertors. Because of this case, Delhi became the first city in world where public transport ran on CNG.

In one of the cases of Himachal Pradesh, related to Span motel, owned by one of the ministers family. The hotel owners encroached some of the forestland and diverted the Course of river Beas in order to beautify the motel. However, in its judgement later, Court ordered Span motel to set back, hand over the forestland to the Govt. of Himachal Pradesh, and remove all sorts of encroachments done on purposely basis by the moteliers. The Court delivered its judgment and established principle of exemplary damages for the first time in India. The Court imposed a fine of Rs Ten Lakhs (Rs 10,00,000) on the Span motel as exemplary damages. The Supreme Court of India recognized Polluter Pays Principle and Public Trust Doctrine.

Despite Coastal Zone Regulation in India, none of the coastal states formed any management plan related to coastal zone in India, which had the consequences that it led to rigorous and unplanned growth and loss of livelihood for lakhs of anglers and other indigenous communities dependent on marine resources.

Conclusion:

Public interest Litigation is an awareness major tool for the public to access their rights. In tourism, it is a way to create, conserve and restore the destinations. Tourism is an activity, which is, totally destination based and PIL and its judgement in many destination related cases have proved that it is a tool for conflict management at the destinations .Every aspect that is part of tourism like the basic amenities – transport, hotels ,motels etc. and various other basic amenities are part of it. It is a tool for implementing welfare laws and raise voice against violation of fundamental rights of weaker sections .In addition, PIL can be filed in violation of or infringement of human rights.

Public Interest Litigation is a new jurisprudence, which has been developed by the Supreme Court through judicial activism. It is a way to protect the rights and interest of those who are under privileged and belong to the weaker section of the society. They are the ones who are exploited socially, economically, or otherwise and are unable to approach the court themselves. It is developed for ensuring social and economic justice for such under privileged and weaker classes.

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Conventional Provision and the Supremacy of PIL for the Environmental Conservation of India

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Abstract

Ecological insurance alludes to approaches and strategies pointed toward saving the natural assets, safeguarding the present status of the natural habitat, and where conceivable, switching its debasement. The subject of Environmental assurance worldwide is not a confined issue to any area or country. India has authorized different regulations at practically normal spans to manage the issue of natural exploitation. The Indian Constitution is among a couple on the planet that contains explicit arrangements on ecological assurance. This survey edict values the plan and the essential obligations pronounced the nation's pledge to defend and recover the atmosphere as well as examine the role of PIL for ecological conservation in the Supreme court of India. Toward the start of the 21st Century, ecological concerns have arisen as a main pressing issue for the government assistance of individuals. In India conservation of natural resources is not at all a new-fangled concept in India, it is as old as our civilization and present in our Holy Vedas. The legal executive took on the strategy of public interest litigation (and legal activism) for the reason of ecological security routinely. The Supreme Court and High Courts hide the control against declining outsiders to introduce appeals for needy and helpless people. The fundamental philosophy behind embracing PIL is that admittance to simply to be denied to the penniless for the absence of information or funds. In PIL a public-lively individual or association can keep an appeal to poor and oblivious people - In the space of natural security, PIL has ended up being a viable apparatus. Through the tool PIL, ecological NGOs, and social protestors have documented various cases to successfully uphold natural regulations and safeguard residents' privileges to a solid climate. Hearing a progression of public interest natural prosecutions, the Supreme Court of India has guaranteed the crucial right of a resident to a sound climate and has contributed monstrously to the advancement of new standards in ecological law. Nonetheless, the Court's methodology in engaging PILs for natural insurance has not been predictable.

Keywords: - PIL, Environment, Conservation, Indian Constitution

Introduction

The guideline and pecuniary parts of composing have attention to a characteristic, which has essentially been made by the Supreme Court of India, of allowing claims in the public interest, described as Public Interest Litigation ("PIL"). However, PIL brings up a couple of fascinating issues: What explicit highlights of the lawful establishments in India make it workable for the Supreme Court to assume this positive part in granting ecological assurance? How has the Indian legal executive had the option to safeguard the climate, yet courts in other agricultural nations have not? To respond to these significant inquiries, which

might have significant ramifications for the job of legitimate establishments in other agricultural nations, it is important to distinguish the key factors that make PIL work in India. To distinguish the particular circumstances and conditions that can play a positive job in advancing an expansion in friendly government assistance, explicitly a decrease of contamination levels, PIL should be examined from a more extensive regulation and financial aspects system. Such a way to deal with the investigation of PIL is yet to be embraced yet is important to demonstrate when PIL can play this positive role. Such an investigation needs to place PL in a more extensive viewpoint by contrasting it with other natural lawful instruments, which might uncover the conditions under which PIL produces similar advantages. The technique we apply to respond to the above questions will be both hypothetical and experimental. At a hypothetical level, the qualities also, shortcomings of existing ways to deal with natural issues in agricultural nations like India will be momentarily investigated. At the point when some of the shortcomings of these conventional methodologies have been recognized, one can comprehend the reason why and where PIL might assume a part in the natural approach.

On 26th January 1950, the Constitution of India came into power. Initially, the constitution contains no explicit arrangements for ecological assurance. Notwithstanding, certain particular consolidated by the Constitution (Forty Second Amendment) Act, 1976 and ensuing alterations. Indian Constitution is a very rare example of a constitution in the world, which gives explicit arrangements for the security and enhancement of the Fundamental Rights, Directive Principles of State Policy, Basic obligations, and a few other Legislative forces.

Highly Significant Laws toward the protection of the Environment

The Indian law-making body has instituted various fragments of significant regulation, including

There are six commandments associated with the preservation of ecology and wildlife are:- The Environment (Protection) Act, 1986; The Forest (Conservation) Act, 1980; The Wildlife Protection Act, 1972; Water (Prevention and Control of Pollution) Act, 1974; Air (Prevention and Control of Pollution) Act, 1981 and The Indian Forest Act, 1927.

Impact of PIL to safeguard the environment

An appeal perhaps is documented to the Supreme Court under Art.32 and the High Court under Art.226, on account of an infringement of a crucial right. Since the right to an entire, the climate has been perceived as a suggested crucial privilege, the writ appeals are frequently re-established in climate cases.

For the most part, the summons of Mandamus, Writ of certiorari, and Proscription are utilized in natural affairs. For example, a Mandamus (a summons to order activity by a common power when it is vested with the ability and unfairly will not practice it) would recline against a district that neglects to develop sewers and channels, clean roads, and clear trash (Rampal Vs. Province of Rajasthan) in like manner, a state contamination control desk might be constrained to make a move in opposed to an industry releasing toxins past the passable level.

When an essential right, which incorporates the right to a healthy climate is abused Art.32 and Art.226 give a suitable cure. Public interest legitimate activities brought to safeguard or

implement freedoms delighted in by individuals from general society or huge parts fit. In a public interest case, the topic of the lawsuit is ordinarily a complaint against the infringement of essential common freedoms of poor people and defenseless or about the substance or lead of government strategy this prosecution isn't rigorously confrontational (in a confrontational methodology, each party delivers his proof tried by interrogation by opposite side) and in it, an adjudicator assumes an enormous part in getting sorted out and molding the lawsuit and in regulating the execution of mitigation.

Since the 1980s Public Interest Litigation (PIL) has altered both the conference scene and the occupation of the more prominent lawful chief in India. High Court and Supreme Court judges were drawn nearer to oversee public objections about horrifying normal opportunities encroachment by the state or to legitimize the public systems summed up in goals or safeguarded courses of action. This new sort of legitimate business is aggregately called a public interest suit.

REVOLUTIONARY INSTANCE COMMANDMENTS

OLEUM GAS LEAK CASE

This is a milestone judgment where the standard of Outright Liability was set down. The manure plant was arranged exceptionally near the human residence and the court held that the carrying on of a dangerous industry in such nearness to the populace couldn't be allowed also, the plant was moved. The profound pocket guideline was likewise set down in the moment case. This judgment likewise introduced a time of emotional official advancement in India. The Parliament added a new part to the 1948 Factory Act, uniting portions for all intents and purposes in the same words from the Judgment. The Public Liability Insurance Act was passed and the plan for the lessening of Pollution Control was spread out. Moreover, the Environment Assurance Act was passed and the Policy for the Decrease of Pollution Control was spread out.

THE BHOPAL GAS LEAK CASE

The Bhopal debacle brought up complex legitimate issues about the risk of parent organizations for the demonstrations of their auxiliaries, the obligations of global companies occupied with perilous exercises, the exchange of dangerous advancements, and the relevant standards of responsibility. Bhopal was a helpful variable for the legal development in the space of advancing standards of corporate responsibility for utilization of perilous innovation. On December 3, 1984, extraordinarily destructive methyl isocyanides (MIC), which had been created and taken care of in Union Carbide's synthetic plant in Bhopal, moved away very high and killed more than 3,500 people and genuinely hurt around 2 lakh people. The Bhopal gas spill fiasco (Processing of Claims) Act, 1985 was passed by parliament to ensure that the cases arising out of the Bhopal disaster were overseen quickly, effectively, fairly, and to the best advantage of the offended parties.

HIGH COURT JUDGMENT

Justice Seth utilized English Rules of the system to make a privilege to break pay (for example it is allowable for courts to concede alleviation of provisional installment under the meaningful law of misdeeds). Under the English standards, in-between time help is allowed in private injury cases assuming a by all appearances case is made out. That's what he said

"more than by all appearances cases have been made out" against the Carbide. He saw that the norm of inside and out commitment without unique cases put down in the M.C. Mehta case applied even more energetically to the Bhopal suit. He holds that Carbide is fiscally a sensible organization with \$ 6.5 billion in unhindered assets and \$200millions hampered assets notwithstanding the security which could cover \$250millions worth of mischief. Given carbide's resources, it is unmistakably just that it meets a piece of its commitment by break pay (Rs.250cr.)

THE GANGA WATER POLLUTION CASE

M C Mehta V. Union of India, AIR 1988 SC 1037

Three milestone decisions and various Orders against dirtying enterprises numbering more than 50,000 in the Ganga basin breathed easy to time. Significant achievement has been accomplished via making mindfulness and controlling contamination in the stream Ganges.

For this present circumstance, besides organizations, more than 250 towns and metropolitan regions have been mentioned to put sewage treatment plants. 600 tanneries working in an outstandingly packed rural zone of Kolkata have been moved out of the city and relocated to an organized Leather Complex in the State of West Bengal. A colossal number of ventures were closed somewhere near the Court and were allowed to continue exclusively after these organizations set up spouting treatment plants and controlled tainting. In light of these headings, an enormous number of people have been saved from the effects of air and water tainting in the Ganga basin covering 8 states in India.

TAJMAHAL CASE

M C Mehta V. Union of India, AIR 1997, SC 734)

Taj Mahal, mesmerizing beauty of India was confronting thoughtful danger from contamination brought about by Mathura Refinery, iron foundries, glass, and other substance businesses. Because of extremely high harmful discharges from these businesses, the Taj Mahal and 255 other notable landmarks inside the Taj trapezium bone were confronting thoughtful danger given acidic rain.

The Petition was kept in the year 1984. The Supreme Court of India conveyed an important Judgment in December 1996. The apex Court gave various orientations including denying the usage of coal and coke and directing the dares to switch over to Compressed Natural Gas (CNG).

The Supreme Court viewed the letter as a writ bid under Article 32 of the Indian Constitution and facilitated to stop the uncovering (unlawful mining) under the Environment (Protection) Act, 1986. The respondent's combat/fought that the writ bid was signed up for 1983 and the Environment (Protection) Act was passed in 1986 subsequently the criminal systems can't be begun with a survey sway.

The court excused the debate of the candidates and decided that the plans of the jurisdictional guidelines will appeal to standard hoodlum cases and not to the environmental instances. The court managed the Central and State Governments to grab the requisite steps to avert unlawful mining and to do the plantation in the area of mines.

L. K Kollwal Vs State of Rajasthan

In L.K Kollwal Vs State of Rajasthan, a straightforward writ appeal by residents of Jaipur constrained the metropolitan specialists to give sufficient disinfection. The court sees that when each resident owes an established obligation to safeguard the climate (Art.51A), the resident should be likewise qualified to enroll the court's guide in authorizing that obligation against refractory State offices. The Court gave the organization half a year to tidy up the whole city and excused the appeal for the absence of capital and staff.

Conclusion

The Indian legal executive assumes a surprising part in inspiring the objective of conservation through its different milestone choices and the Acts and regulations which give a stage so as that one can't take advantage of nature and its gift for their insatiable requirements. Additionally, there is huge cooperation of person that should be visible through different development, for example, chipko movement and different others. Other estimates like instructive camps, and different developments, for example, swatch abhiyaan ought to be presented all the further-Environment is the endowment of nature and we need to regard it. Nevertheless, since the environment is a complicated, variable, and wide structure, defending the environment is tough and getting past the undertaking. It is inconceivable that all the ongoing tainting issues in the regular can thoroughly be gotten comfortable the accompanying 10 years. A brilliant and standard environment ought to be accomplished by tireless drafting, regulatory methodologies, tries of the endeavors, and public help. It is the commitment of everybody to save our ongoing conditions. Give us to achieve our commitments to get to normal security, layout a quality organic environment, and offer splendid green living individually. It is additionally seen that there has been an endeavor inside the legal framework to set down rules for engaging public interest cases subsequently making dread among the charitable people for their battel for natural equity. For illustration, although the Court has engaged PILs on natural issues like water contamination, air contamination, and woodland corruption from modern exercises, it has avoided PILs for ecological safety due to organization activities, for example, enormous dam, nuclear energy station, air terminal and rail route development, and so forth.

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A Study on Public Interest Litigation and Legal Framework in Tourism Segment

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Abstract

In year 1986, The Chief Justice of India P. N. Bhagwati presented Public Interest Litigation (PIL) in the legal system so that the agencies and other organizations will be answerable to the grievances of general public. In Tourism and Hospitality Industry also, PIL is a very important and powerful tool so that the public should not suffer from the self-will or arbitrariness of operators and companies. A number of case scenario are available in which the PILs were filed and appropriate actions were taken by the honorable courts of India. The cases related to wildlife sanctuaries were filed number of times in which the courts given suitable actions against the offenders. In many cases, the actions were taken with fine against the construction builders in the forest area to protect the wildlife and environment. While other Indian monuments have crumbled with the span of time, India's iconic Taj Mahal has stayed firm. However, pollution almost ruined this exquisite structure and this concern was raised in the PIL and was one of the key judgement. The petition was filed by M.C. Mehta a prominent lawyer requesting the Hon'ble Court to stop polluting Taj Mahal. In hotel, tour and tourism industry also the PILs are filed and courts give judicial remedy in the interest of general public. In this manuscript, a number of cases are addressed with focus on tourism industry so that the impact of PILs can be analyzed in the sector of tour, travels, hotels, wildlife protection and many others.

Keywords: Public Interest Litigation, PIL and Tourism Segment, Scope of PIL in Tourism, Scope of PIL in Hotels and Travels

Introduction

In India, Public Interest Litigation is one of the key mechanism in the interests of general public and used a number of times in the writ petitions under Article 226 or Article 32 in the honorable courts of India. Rather than the damaged party, the court or any other private person can sue the offenders using PIL. To exercise jurisdiction, a court does not require a victim to personally appear [1]. Beliefs of Litigation is the public's access to the courts, enabled by their social justice commitment.



Hunting | Wildlife Protection | Illegal Constructions

Figure 1 : Implementation Cases of PIL in Tourism Industry

Using the law to promote human rights and equality, or to raise public awareness of issues of public concern is addressed in the “Public Interest Litigations”. It benefits people and groups from underrepresented groups. Both public and private legal cases might be of public interest. The rules of the nation govern how governmental institutions exercise authority. It covers areas of law like employment and family law. The most common goal of public interest litigation is to appeal public authority judgments. A judge examines the legality of a public body's decision, action, or inaction. Judicial review is concerned if the legislation has been correctly executed.

This might happen when the victim lacks funds to suit or when his right to sue has been reduced or encroached. A case might be initiated by a concerned individual or by the court itself [2].

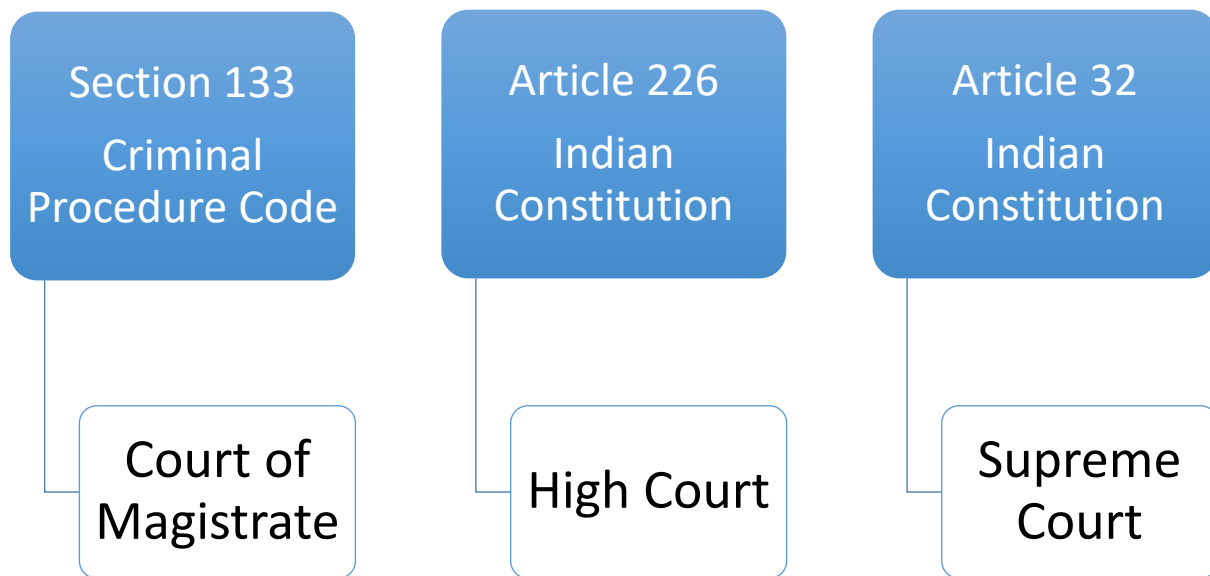


Figure 2 : Public Interest Litigation and Related Legal Perspectives

Key Cases in Hotel and Tourism Industry

Bombay High Court on Resort Hotels involved in violation of CRZ notification 1991

- Writ Petition (W.P.) 24/1992 (Construction Deviation by Fomento Resorts and Hotels Ltd.)
- Writ Petition (W.P.) 36/1992 (Vainguinim beach)
- Writ Petition (W.P.) 76/1992 (Beach Arc Hotels Pvt. Ltd.)
- Writ Petition (W.P.) 473/1992 (Hospitality)
- Writ Petition (W.P.) 507/1992 (CRZ notification Violation) – View Orders
- Writ Petition (W.P.) 331/1993 (Cutting Trees at Miramar)
- Writ Petition (W.P.) 319/1996 (“Sunset dunes” Baga Beach)
- Writ Petition (W.P.) 414/1998 (United Breweries Ltd. Candolim)
- Writ Petition (W.P.) 265/1999 (“Ramesh Hotels and Resorts Pvt. Ltd. Utorda”)

- Writ Petition (W.P.) 375/2006 (CRZ Violation with Beach Resort Construction)

Coastal Area Based Resort Hotels

- Writ Petition (W.P.) No. 349/1988
- Writ Petition (W.P.) No. 389/1988
- Writ Petition (W.P.) 25/1989
- Writ Petition (W.P.) 47/1989
- Writ Petition (W.P.) 309/1989
- Writ Petition (W.P.) No. 400/1989
- Writ Petition (W.P.) No. 225/1990

In order to defend or enforce a right that the government owes to them, an individual or organization might file a PIL on their own behalf, or on behalf of a group within society that is oppressed or disadvantaged and hence unable to enforce their own rights [3].

When filing a PIL, the idea of "Locus Standi" has been eased so that the Hon'ble Court can investigate grievances that have been lodged on behalf of persons who lack the means or education to do so on their own behalf [4].

PILs could only be filed by persons with a real interest in the matter. The Honorable Court will also not accept a motion for personal, private, or political gain. The Court may indeed act pro se [5]. PILs extend Writ Jurisdiction. PILs can be filed with the Supreme Court or any Indian High Court under Article 226 or 32 of the Indian Constitution. A letter or postcard to the Chief Justice of India (or a High Court Judge) will do. In Rural Arbitration & Eligibility Center, Dehradun, India vs. State of Uttar Pradesh [(AIR 1989 SC 594) (see here)], the Hon'ble Court turned the problem of unlawful and unlicensed mining in the Mussoorie Hills into an appeal.

Case Analysis with Tourism Industry

Legal action has been taken at the Allahabad High Court to register all hotels, lodges, Dharamsala and other establishments with the government, among other things. Many visitors are being taken advantage of by hotels since there is no regulating authority in place. There have

been notifications to all relevant parties, including India's Tourism Ministry, Uttar Pradesh's administration and the Federation of Indian Hotel and Restaurant Associations, who have been given three weeks to respond to the court's summons [6]. It was noted that Lucknow resident Pratima had addressed quite relevant with significant problem in her petition: ensuring that hotels, lodges, dharamshalas and other tourist accommodations are registered with the government.

the government has the authority to regulate hotel operations that directly affect the general public, yet the general public is often exploited by hoteliers in a variety of ways, according to the petitioner. While hotels may collect full tariffs even for stays of visitors lasting less than 24 hours, the petitioner's attorney cited one occasion in which hotels had set check-out times. Their rates are similarly speculative, as are the services they will provide to visitors, all of which must be subject to government regulation.

The High Court approves the writ petition as well as orders the respondents to file a reply narrative within three weeks. The PIL was admitted on September 16th. The forest department of Madhya Pradesh appears to be cordial with resort owners and tour companies. On September 14th, state wildlife warden H S Pabla said in an email that a PIL had been filed in the state High Court seeking a ban on tourists in crucial sections of Madhya Pradesh's national tiger reserves. Despite the state's opposition, you might also want to file as aggrieved parties to stop the PIL [7].

The email was sent to Travel Operators for Tigers, an international tour operator, Hashim Tyabji, a partner in a Pench National Park lodge, and Taj Hotels.

Wildlife experts think regulating tourist activities in protected areas is crucial to conservation. "It is regrettable that conservation rules are only aided by conservators," stated the secretary of a non-profit in Bhopal.

In a case related to Tiger Reserves, the petition was filed and it was in the favor of wildlife as well as the environment. After receiving Pabla's email on October 22, the State's Wildlife Tiger Program Organization filed action in High Court as an impacted party. According to the group,

the rationale for restricting tourists to the national tiger reserves' core areas is unfounded and misguided. According to it, "Tourism is crucial for our livelihood and travelers help in monitoring the reserves," it claimed Court delayed the case on December 16 until January 19. As a representative of the state administration, Pabla added, "It is my duty to inform all stakeholders of the situation." It was quite beneficial move and towards the protection of sanctuary. Core areas of tiger reserves should be protected under the modified Wildlife Protection Act, 2006, section 38. National Tiger Conservation Authority (NTCA), which was set up in accordance with the Act, defines inviolate as any activity save for management intervention.

According to Pabla, "Tourism is a management tool for conservation." Tourists are a priority for the state administration as well. "It helps generate cash that may be used toward conservation efforts," explained a state forest department employee who declined to be identified. In the Madhya Pradesh High Court, NTCA submitted a statement saying that key regions will not be exploited for tourism. Wildlife tourism is a problem in many states, not just Madhya Pradesh. 'Trespassers permitted', Down to Earth, June 15-30, 2010 explains how the Corbett National Park in Uttarakhand's Kosi river corridor has been obstructed by mushrooming resorts. On the other hand, the village of Kankwari in Rajasthan's Sariska National Park is being evacuated to conserve tigers and decrease human-animal conflict. It was again a very effective step in the favor of wildlife as well as effective tourism.

Forest officials deny this, but Rajasthan's chief wildlife warden, H M Bhatia, was quoted as saying the state tourist agency paid for the restoration to promote ecotourism. Bhatia later denied making the statement. Resorts are growing up near the Ranthambore Tiger Reserve, just few km from Sariska, despite a Supreme Court ruling banning commercial businesses within 500 yards of the reserve's boundary. Another way of putting it is that it is a legal action conducted to address public concerns including pollution, extremism, traffic safety, and construction hazards.

Neither a law nor a rule defines public interest Judges have interpreted this to suggest the public's purpose is considered [8]. Despite its focus on public interest litigation, it can be achieved about in other ways

- Human rights violations

- A government policy's content or actions
- Forcing local government to execute a public service is an example of this.
- Violations of religious freedom or other fundamental human rights

Over time, Indian courts have created a range of PIL guidelines. Anyone can file a PIL on behalf of persons that are unable to go to courts on their own. Because PILs are unique, the standard locus standi rule has been relaxed to accommodate their demands [9]. In *Rural Litigation & Entitlement Kendra vs. State of Uttar Pradesh*, the courts gave letters and telegrams a pass. The courts have also relaxed the pleading criteria for PILs [10].

The courts have intervened, citing Articles 14 and 21 of the Indian Constitution and the Global Covenant on Civil and Political Rights. As a result, courts must intervene when many persons are affected. If a group's constitutional rights are breached, the government cannot challenge the PIL's maintainability.

Depending on the facts and circumstances, res judicata or another comparable notion may apply. In some cases, a court may appoint a commission or other authority to investigate. If the Commission takes over a public institution, the Court can direct its functioning. The High Court isn't meant to consider PILs challenging the constitutionality or legitimacy of a legislation or rule of law.

Supreme Court of India has discretionary competence to issue a decree or judgement necessary to deliver complete justice under Article 142 of the Indian Constitution. High courts, but at the other end, can issue commands to guarantee justice, although not to the same extent as the Supreme Court.

Mistakes in bringing public interest lawsuits– Courts take incredible care to avoid inappropriate use of PILs, as this would contradict their fundamental purpose, which is to bring relief to the impoverished and downtrodden. In *Kushum Lata v Union of India* [(2006) 6 Supreme Court Case (SCC) 180], the Supreme Court of India reiterated this principle. Other jurisdictions' precedents argue that even if the petitioner just seeks a hearing for personal reasons, the court

may judge it necessary to investigate the dispute and its current state for the public interest [11]. The courts have articulated notions such as the Polluter Principle, the Precautionary Principle, the Public Confidence Doctrine, and Sustainable Development.

Conclusion

The use of PIL is quite effective in the favor of general public and to guard their interests in assorted domains including tourism, hotels and hospitality industry. The complaints were filed number of times against the hotel chain operators during illegal constructions at sea beaches, sanctuaries and related sites. In order to defend the rights of persons who are unable to go to court on their own, a PIL is a crucial judicial instrument to have. The most typical type of litigation in environmental disputes is the lawsuit with inclusion of public interest and is underlined in this manuscript. Efforts have been made by the courts to simplify the requirements for PILs so as not to discourage the filing of PILs on behalf of the disabled or underprivileged including tourism and hospitality industry. As a matter of fact, there are countless cases when PILs are being misused by those who want to further their own personal agendas. Consequently, courts must continue to exercise utmost caution when dealing with PILs. The hotel industry and tourism segment is also addressed in the courts with the Public Interest Litigations in which there are violations against general public.

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A Study on Impact of ecological Public Interest Litigation in India

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Abstract:*The purpose of this research paper is to analyze and investigate various aspects of public interest litigation (PIL) in ecological/Environmental jurisprudence. In particular, the paper aims to discover how effective such litigation is. A major aim of the article is to explain how Public Interest Litigation is ineffective in jurisprudence, as well as the detrimental consequences. Public Interest Litigation is greatly subsidized in comparison to private litigation, which has led to the misuse of PILs. Environmental administrative public interest litigation is a form of administrative litigation that protects citizens' environmental rights. It is intended to safeguard the environment. Abuse of power can occur if the government power isn't under proper supervision and controlled. This could lead to greater harm to the public interest. You can gain insight into the problems and identify effective solutions. The public interest litigation movement has come under criticism in recent years, including issues related to separation of powers, judicial capacity, and equality.*

Keywords: *PIL, Public Interest Litigation, ecological, effectiveness, Court, regulatory power.*

Introduction:

Litigation in public interest is essential to bring about change and promote social welfare. New criticisms within public interest litigation, including concerns tied to separation of powers, judicial capacity, and unequal access to justice, have been raised in recent years. A few Supreme Court Judges initiated the Indian Public Interest Litigation as a way to resolve public grievances. It was intended to protect the rights of the poor and help them recover from basic violations of their human rights. It also addressed concerns regarding government policy or conduct that was not in the best interests of society (Faure & Raja, 2010). PIL was also viewed as a solution for the problem of "accessing justice" in developing countries, where large numbers of people lack the literacy or the ability to access the legal system to address violations of their fundamental rights. Because the government has enormous regulatory power in India, misuse of power is inevitable. Sometimes, inaction or government policy can pose a threat to the environment (Hashim, 2013). Citizens could be denied

protection if the traditional standing doctrine is applied in such cases. The Supreme Court of India has thus expanded the standing of citizens to allow them to challenge government actions in public interest. This is even though the citizen suffered very little or no harm (Rajamani, 2007).

If viewed from the perspective of public environmental rights, environmental administrative public interest litigation can be considered a form public interest litigation. It dates back to ancient Rome, when public interest litigation was a concept that was distinct from private interest litigation. Public interest litigation was about individuals' rights and can therefore only be brought to court by an individual (Gauri, 2009). Public interest litigation was, however, concerned actions that result in the breach of public and social interests. Civilians were allowed to instigate such actions, except where otherwise specified by law. The modernization of society has led to a greater demand for public interest protection. States must therefore exercise their power accordingly (Shah, 2018).

Public interest litigation is a legal proceeding that seeks to promote equality and protect the rights of the most vulnerable and minorities. This raises concerns for the general public. PILs can concern both private and public law. A PIL is initiated by judicial review. This is a way to examine the activities of the legislature or the executive through the courts. A PIL has the following features:

The government or concerned public agency should be held accountable

- Clarifies the law's provisions
- Give justice to the poor.
- It does not require that the affected party approach the court directly.

The court cannot approach the environment because it is inanimate. The court ordered that anyone with an interest in the legal process can approach the court and initiate it. (Birlie, 2018) Although there are many established laws, there is not an authority to oversee their implementation. PIL can be used by people who don't consider all other options. This has its own consequences. Other provisions of law include the representative suit class-action suit, etc (Tsujita, 2007). This could have been used in the Bhopal gas disaster, which saw mass torts. These alternatives are available in both civil and criminal law. These aren't widely used. They could also be used to provide ideal solutions. The possibility of appeal is also

eliminated by directly approaching the higher court. In such cases, the decision is largely based on the whims of the judge (Shah, 2018).

PIL's Effectiveness

PIL is an important tool where environmental NGO's as well as activists have filed many petitions to ensure the effective implementation of the environment laws. It has made a significant contribution to environmental jurisprudence. The courts are more concerned with cases that involve multiple types of pollution than they are about addressing infrastructure destruction (Sahu, 2008). In the aftermath of the emergency, the PIL saw its boundaries expand as the executive began to control the judiciary and exceed its limits. Like most social causes, Indian public interest litigation was probably over-determined. However, most historians agree that it was partially an effort by the courts to address the poverty, social exclusion and powerlessness that most Indian citizens continue to experience. However, many commentators believe that the PIL objective has not been achieved or has been lost (Rathinam & Raja, 2008).

Literature Review:

(Bohra, 2019) India's concept of litigation was in its infancy and was viewed as a private pursuit to protect private vested interests. The majority of litigation consisted of actions initiated by and continued by individuals to address their own grievances. The injured party or aggrieved person had the right to initiate and continue litigation. The resources available to them made it difficult for even this to be possible. There were few attempts or organized efforts to address larger issues that affected consumers or the entire public. There was little connection between citizens of India and Indian Constitution rights. The legislature makes laws for the welfare of citizens, but the vast majority of illiterate citizens are denied the same.

(Krushna & Dalai, 2013) Hussainara Khatoon, (I) was one of the first cases of public interest litigation. This case involved a series of articles in the Indian Express that exposed the dire situation of prisoners under-trial in Bihar. An advocate filed a writ petition to draw the Court's attention to the deplorable conditions of these prisoners. Many of these prisoners had been held for longer than the maximum sentences allowed for the offenses they were charged with. The Supreme Court granted the locus standi to the advocate in order to keep the writ petition. The Court issued directions in a number of cases that followed, which established

that the 'right of speedy trial' was an integral part of the protections of life and personal freedom.

(Bhuwania, 2018) The doctrine of Public Trust has been upheld by the Indian Judiciary. The directives and orders of the Supreme Court and High Courts at State cover a broad range of subjects, including air, water and solid waste. This vast field includes vehicular pollution, pollution from industries, depletion and illegal cutting of trees, conservation of wildlife, dumping of hazardous materials, solid waste management, plastic decay, pollution of rivers, illegal mines, etc. There are many other topics. There are many other orders from the Supreme Court that have been issued by them. They include closures of polluting aqua-farms and closed down illegal mining activities. They also mandate cleaner fuel for vehicles.

(Bhuwania, 2018) The case of Research Foundation for Science Technology and Natural Resources Policy ((2007) 8 SCC 553) was filed in 2005 by the petitioner. He had filed a PIL with the Supreme Court invoking Article 21 of Constitution of India and asking for an intervention because a French ship named 'Clemenceau' had threatened the maritime environment at Alang Shipbreaking Yard in Gujarat. The Supreme Court issued a directive denying the ship access to Alang Shipbreaking Yard to be dismantled. The Supreme Court expressed deep concern about the shipbreaking operation and asked for suggestions from the Committee of technical experts (Dilay et al., 2020). The Government was also given directions. India will enact legislation on this issue. As an interim measure, the court has established guidelines that can be followed to reduce the incidence. This activity caused harm to the environment and included the decontamination and classification of any shipbreaking waste into hazardous and non-hazardous categories.

(Faure & Raja, 2011) The case of Him Privesh Environment Protection Society vs. State of Himachal Pradesh through Secretary Industries and Ors. was filed in 2010 before the High Court of Himachal Pradesh challenged the establishment of a cement plant by an industrial house in District Solan (H.P.). The cement plant was built in violation of all environmental laws, including the EIA Notifications. Without a proper public hearing, the plant had destroyed a large portion of the forest and taken lands from nearby villages. Conscientious that the passing of a demolition or closure order for the cement plant would result in immense hardship and negatively impact the livelihoods of thousands, innocent citizens, the High Court invoked the principle "polluter pays" to impose damages on the Cement Plant owner of

Rs.100 crores (i.e. 25% of the total project cost). All of the above The Cement Plant owner challenged the decision before the Supreme Court, but the appeal was denied in 2013.

(Hongqing, 2018) Tarun Bharat, Alwar, Union of India (Sariska Bio-Reserve), a prominent NGO had filed a PIL to the Supreme Court in 1991 regarding large-scale issues. Mining activities within the protected area were illegally authorized by the State Government and were steadily destroying Tiger habitats and pushing them towards extinction. A Committee was established by the Supreme Court, headed by Justice M.L. Jain) was tasked with preparing a list of mines in the protected area, and to enforce the Court's orders and notifications. It banned all mining in Sariska National park and areas designated as Tiger Reserves. The Chief Justice of India created a permanent Forest Bench in 1996 to handle cases related to forest and environment. The Forest Bench was renamed the "Green Bench" in 2013. It continues to supervise matters relating to National parks and Sanctuaries, as these matters are not under the National Green Tribunal's jurisdiction (Desai & Muralidhar, 2000).

Research objectives:

- To find out the effectiveness and various impact of environmental PIL (Public Interest Litigation) in India.

Finding & Conclusion:

The government didn't really pay much attention to environmental issues during those times. The problem of pollution grew as a result. Many environmentalists and non-governmental organisations approached the court after the state agencies failed to offer suitable measures to protect the environment. PIL is the most effective way they could approach court. These issues concerning the environment have been effectively dealt with by the Indian judiciary. The judiciary made several attempts to manage the conflict between environment and development. It can be concluded from this that India's environment jurisprudence has been shaped by Public Interest Litigations. Although the phenomenon of PIL is well-studied and much attention has been paid the Indian Supreme Court's application in environmental cases, this article attempts to place the seemingly successful PIL within an economic context. The basic economic literature was used as a starting point (Rathinam & Raja, 2008). It generally states that administrative and regulatory agencies have clear information advantages over courts, and are therefore better able to establish environmental standards. One could ask why and how courts intervene when regulatory authorities fail to protect the environment. The court's proposed environmental solutions have been criticized on technical grounds. It lacks

the democratic legitimacy and can be replaced by the legislature or executive. Voters may not hold it accountable for their actions.

This paper argues that the case of India is significant because it provides valuable lessons about what the best tools of environmental policy in developing countries and for general environmental policy (Chaturvedi, 2021). The relative strengths and competitive advantage of institutions in developing countries should be used. These institutions are well-developed and ready to support environmental goals in the public's interest. While standard-setting through administrative bodies remains the best and most effective solution, courts can temporarily provide protection for environmental issues where regulatory authorities or legislative agencies fail. In this regard, however, it is crucial that courts encourage and stimulate cooperation with regulatory and legislative authorities (Dilay et al., 2018). Court intervention can be used to encourage other branches of government to take action and fulfil their responsibilities.

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A Study on Impact and implications of Public Interest Litigation in the tourism sector in India

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Abstract: *The main purpose of this research paper is to find the Impact and implications of Public Interest Litigation in the tourism sector in India. In particular, the paper aims to discover how the Indian tourist business has exploded in recent years, adding significantly to the country's GDP, foreign exchange profits, and jobs. India, with its diverse natural beauties, is certainly a tourist destination worth promoting. The Indian government has taken a number of steps in this direction in recent years, but the country's tourist potential has yet to be fully realised. Secondary data, such as court opinion, research papers, and news items, was used in this investigation. Its goal is to identify the disadvantages of PIL and also provide some helpful hints for effective PIL access to justice.*

Keywords: *PIL, Public Interest Litigation, tour and travel, effectiveness, Court, regulatory power.*

Introduction:

The use of public interest litigation as a weapon and instrument for judicial activism is new. The meaning, goal, and procedure of Public Interest Litigation were examined in this research. This paper explains the importance of Public Interest Litigation in today's Indian justice system. According to the findings, Public Interest Litigation (PIL) plays an important role for tourism sector of India in civil justice systems. It can accomplish things that would be impossible to do through private litigation. Although a system for traditional private litigation existed, it was insufficient to address the needs of India's whole population. The Public Interest Litigation (PIL) was brought into the Indian judicial system in order to achieve aims that could not be attained using traditional methods. People who are unable or unwilling to go through the lengthy legal process might file a PIL (International Labour Organisation, 2010). The Indian government released its first tourism policy in 1982. In retrospect, the novelty of the issue, its low importance, and the confidence in its potential as a social engineering tool (consistent with Indian public ideology at the time) may have contributed to a relatively unsophisticated piece of work. The government did not present an updated policy document until 2002. Those hoping for a clear line of thought and strategy must be disappointed by the

new policy. It is founded on a number of contradictory viewpoints, the most prominent of which are those of the international development community and the worldwide lobby group for tourism and travel-related sectors (the WTTC). As a result, it begins with the notion that tourism is both a threat and a growth driver. PIL aim to focus on some of the major themes and beginning points of Indian tourist policy in this study (Bhuwania, 2018).

PIL was established to safeguard the fundamental rights of the impoverished, incompetent, and socially disadvantaged. It differs from typical litigation in that it is not brought against a single person to enforce a personal right. India is known for its variety as well as its togetherness. It does, however, have many socioeconomic discrepancies. It was something our founding fathers were well aware of, and they included special provisions to rectify the disparity. If there is a public interest, a PIL must be filed. In the challenging duty of mediating between social realities and social change, Public Interest Litigation, a sociological method for judicial activism, displays substantial growth of the judiciary. This legal method can be utilised to advance social welfare and change (Riensch et al., 2019).

Tourism, particularly in rural and backward areas, may make a substantial contribution to sustainable human development, including poverty alleviation, job creation, and environmental regeneration, thereby serving as an important tool for economic growth and social integration. For example, the Indian government has adopted more stringent environmental rules in recent years in order to preserve the country's legacy. It has also supported folk artists from all throughout the country (Dhariwal, 2005).

Literature Review:

There has also been a need to differentiate between the travel and tourism (T&T) 'industry' and the T&T 'economy' in recent years. The T&T economy includes the production and services that serve the industry's demand. The T&T industry refers to products and services for visitors' consumption, whereas the T&T economy refers to the production and services that serve the industry's demand. The T&T industry produces around 4.2 percent of global GDP, and the T&T economy contributes approximately 10.7 percent. Furthermore, the T&T economy accounts for 8.2% of total employment and 12.8 percent of global exports. The T&T industry in India provides 12.3 million jobs (2.9 percent of total employment) and contributes 2.5 percent to GDP, while the T&T economy contributes 5.3 percent to GDP, generating 25 million jobs (6 percent of total employment), ranking second in the world (Muralidhar, 1999).

(Hashim, 2013) Litigation was a new notion in India, and it was seen as a private activity to defend private entrenched interests. Individuals began and continued to file lawsuits to resolve their own issues, which accounted for the majority of the litigation. The damaged party or dissatisfied person had the authority to file a lawsuit and pursue it. Even this was challenging due to the limited resources available to them. Few initiatives or coordinated efforts were made to address greater concerns that impacted consumers or the general public. There was little link between Indian citizens and their constitutional rights. The legislature enacts laws to protect citizens' rights, but the overwhelming majority of illiterate individuals are denied the same protection.

(Sahu, 2008) The key findings demonstrate that the tourism private sector is heterogeneous; there are a wide range of hotel types in the area (from modest Mexican hotels to high-end resorts aimed at the international market) and they are not well structured in general. Five out of ten hotel owners or administrators interviewed acknowledge that Coprofotur only meets on a sporadic basis and that not all tourism entities are effectively represented at meetings. "It is not always easy to attend meetings because it requires a lot of time and gasoline to get to places, and the conversations frequently result in no results," one medium-sized hotel owner added. Other respondents shared the same sentiments. Although there are groups such as the Society of Hotels, Motels, and Restaurants of Costalegre, the vast majority of Costalegre's smaller hotels are not members of any formal organisation. Members of such associations, according to the Regional Tourism Office Commissioner, do not meet frequently and so do not play a significant role. Official hotel categories in Mexico range from one to five stars. However, there are also so-called High-end, Luxury, and Boutique hotels, as well as luxury residences in Costalegre that give tourism services to an affluent elite.

(Birlie, 2018) Workers are concerned that the sector's businesses are not properly involved in social conversation, with minimal communication between management and the labour, inadequate worker representation, and low union density. This could be owing to the sector's fragmented structure, as well as a high percentage of constantly moving youthful and otherwise vulnerable workers who are unaware of their rights. Women are often in a disadvantaged bargaining position due to their limited involvement in workers' groups, with even fewer women at higher levels of representation. Workplace issues, such as workplace safety, including workplace violence, are frequently overlooked. The usage of short-term or seasonal work, unionisation, and the ability to develop management are all factors in the sector's dominance in various locations.

(Sinha, 2003) The Delhi vehicular pollution case, also known as Writ Petition (Civil) 13029/1985, was supposed to lead to a total overhaul of public and private transportation in the city. In the mid-1990s, it began to have an influence with a series of orders. The phase-out of leaded gasoline, the introduction of pre-mixed fuels for two-stroke engine cars, and the removal of 15-year-old commercial vehicles were among its first instructions. But, in this case, the most well-known of its actions was to require all commercial public transportation vehicles to switch from diesel or gasoline to liquefied petroleum gas (CNG), which was viewed as a "green" fuel. The decisions were made at the request of the Surroundings Pollution (Protection and Control) Administration, a fact-finding agency.

(Dilay et al., 2020) The following recommendations were made by the researcher in order to contribute to the strengthening of a tourism governance model that allows for ongoing interactions and talks among stakeholders, as well as the mitigation or resolution of conflicts: The necessity for an urgent commitment from the authorities to provide Costalegre's Regional Tourism Office broader executive mandates emerges as a top priority from our analysis. This institution and its workers should take a more significant position in the region, serving as a vital link between government objectives and the needs of all residents, allowing them to rein in the region's vast private sector dominance.

Research objectives:

- To find out the various impact of PIL (Public Interest Litigation) in Indian tourism sector.

Conclusion:

India is strengthening its commitment to tourist development, and if tourism is promoted properly, the country will benefit significantly, particularly in terms of foreign exchange earnings and job creation. The reasons for the Indian tourism sector's failure to fully achieve its potential were investigated in the article, with a focus on the impact of Public Interest Litigations in limiting the awareness of policy and rules among all stakeholders. Several prior research have looked at how a sudden shock or a specific form of disturbance (such as terrorism) affects tourism (Desai & Muralidhar, 2000). There are significant differences between the government's legal framework for tourism development and local attitudes and qualities for action, according to this study. Even in cases when projects have gotten negative assessments from environmental specialists, owners and new investors in luxury tourism developments are highly organised and have the economic and political power to secure

approval for their projects. This study examines how ineffective local governance allows the wealthy segment of the private sector to dominate, compromising the development of a socially equitable regional strategy that considers the needs of local citizens (Chaturvedi, 2021). Local state and municipal tourism authorities lack the mandate and capacity to play a more effective role in reducing socioeconomic disparities and preventing environmental consequences. The considerable influence of a wealthy corporate sector over decision-making processes, as well as the lack of a strong and organised civil society, function as deterrents and do not align with modern concepts and aspirations of effective and sustainable governance.

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Impact of Public Interest Litigation on Sustainable development of India

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Abstract: *This paper presents public interest litigation (PIL), on Sustainable development of India. Despite its growing popularity as a means of achieving social justice and strengthened democratic constitutionalism, India has a long way to go in India, is not well-studied. Public interest litigation (PIL) has been a novel judicial procedure to enhance the economic and social rights of marginalized and disadvantaged groups in India. However, there have been a few criticisms of public-interest litigation in recent years. These include concerns about the separation of powers, judicial power, and inequality. These criticisms tend to be abstracted, and the sheer volume of cases has made it difficult to make empirical assessments. This paper shows that the public interest litigation cases are less than those related to separation of powers. It also reveals that criticisms of the effect of judicial intervention on Sustainable development sector governance are more understandable.*

Keywords: *PIL, Sustainable Development, litigation, social justice.*

Introduction: PIL (Public Interest Litigation) is a unique collection of processes designed to increase access to justice. It was created 30 years ago and has had a significant impact on the international reputation of Indian courts. Although assessments of PIL in India vary from the positive to the negative, recent scholarship has established a common narrative. The Environmental Jurisprudence promotes the awareness of humanity of the crucial necessity to preserve inestimable, not so easily replaced nature's gifts to man and his descendants from the inconsiderate waste and assignment that common law permits. It is a tool to envision and improve the environment, and to prevent any act or omission that could pollute or threaten the environment (Mohanty & Goyal, 2012).

Sustainable Development is not a goal; it's an instrument to achieve a sustainable and balanced growth in the world. It deals with the allocation of resources in such a way that the attributes and ease are not traded and the approaching fated consequences of their appearance are also possible. Smart Development should be its name because it strikes a delicate balance between the three main stances. It is both economically feasible, sustainable and civilly acceptable. PIL can be seen as a cost-effective method to bundle interests in the event of any

of the above failures. These conditions are caused by environmental harm. PIL is expected to work in order to avoid these problems. To determine if PILs can be considered an effective alternative, you must first prove that other legal options are too costly or lack substantive law to address the harmful activity(Desai, 2015).

Private litigation is not effective in protecting citizens against unwarranted tort actions, especially in developing countries where there are negative externalities like environmental pollution. This is because many people affected by the tort may not feel comfortable going to court. They are not aware of their rights and do not have the financial means to file a lawsuit in court. In all instances of environment, sustainable development is essential and vital. Sustainable development is now a way to protect the environment and the world. It is a balance between development and environment(Gill, 2016). There will be development in a developing nation. The time has come to stop and control environmental degradation. The Law Courts have a duty to society in order for it to grow and develop properly and by enacting legislations. This is a clear exercise of the judicial powers to ensure that the society is not in any way degraded. However, it does not mean that every development program will be stopped(Okediji, 2006).

Review of Literature:

In this case review the Court has concluded in a number of decisions that Sustainable Development and the right to life requirement include a clean environment, safe drinking water, and a pollution-free environment. The concept of sustainable development has been widely debated and approved by the legal system. Sustainable development was described by the Supreme Court in *Narmada Bachaoandolan v. Union of India* as "any sort or extent of development that can be supported by nature/ecology without mitigation.". Radio and television networks must regularly broadcast programming about environmental issues. This case has resulted in environmental education being offered to millions of students across the country. In India, more than one million Eco-clubs are being established in schools. Students are able to interact with local communities and strengthen the cause for Sustainable Development and environmental protection. Citizens can seek information from public agencies and government agencies to help them fight for their environment rights and force policy makers to adopt Sustainable Development.

Kinkri Devi v. State was filed a PIL alleging the unscientific and uncontrolled lime stone quarrying had caused damage to the Shivalik Hills, and was posing a danger to the

environment, ecology, and residents of the area. The Himachal Pradesh High Court stated that Articles 14, 21, 48A, 51A (g) and 51A (g) will be violated if there is no just balance between development and the environment through proper tapping of natural resources. The Court stated that natural resources must be used for social development. The tapping must be done with care to ensure that the environment and ecology are not adversely affected. Natural resources are permanent and cannot be exhausted in a single generation. The court gave an interim direction to state government in this case to establish a committee to review the issue of proper mining lease granting and the necessity to grant leases keeping in mind the protection of the environment (Thushara, 1996).

K. Guruprasad Rao v. State of Karnataka the Court clarified the scope and ambit of intergenerational equity as well as sustainable development. The appellant requested the cancellation of the mining lease granted to him and for the stoppage of mining within a radius of 1 km. Jambunatheswara Temple. The Court ruled that sustainable development means preservation and protection for future generations of historic / archaeological monumental wealth. The right to development encompasses the rights to the whole range of civil, economic, and political processes for improving the well-being of individuals and realizing their full potential (Sandhu & Arora, 2012).

The Supreme Court ruled in *Union of India v. Environmental Protection* that intergenerational equity was a part of Article 21 of the Constitution of India. This does not mean that all resources should be kept for future generations. However, economic growth requires that resources be used to their utmost. Since the UN General Assembly of 1967, the Maltese proposal, which suggested that future generations should not exploit natural resources excessively, has received wide international support. States should cut back on unsustainable patterns of consumption and production in order to achieve sustainable development. This is why conservation and use of natural resources are essential principles of sustainable development (Shyami, 2007).

Union of India v. Environmental Protection (1997) for Indian Council filed a PIL claiming that private industrial units had caused environmental pollution. Certain chemicals, such as oleum or H₂SO₄, were being produced by the industrial units in Bichhri, Rajasthan. They did not have the required clearance. They did not have any equipment to treat the highly toxic effluents they released. These toxic substances percolated deep within the earth, polluting groundwater and making it unsafe for human consumption and use for irrigation. The soil was unfit for cultivation (Basiago, 1998). All such industries were ordered to be closed by the Supreme

Court. The Court also directed the central government that it determine the cost of remedial measures, including the removal and disposal of sludge, at the industrial sites. This amount shall then be paid by the respondents. Villagers could seek damages for their losses by filing appropriate suits. The Supreme Court used the Polluter Pays Principle in this instance(N. Prasad, 2017).

Supreme Court's explanation of the "Polluter Pays Principle". This basically means that the producer of goods and other items should bear the costs of dealing with any pollution caused by the process. It covers both the environmental and direct costs to people or properties. It will cover all environmental costs, not just the immediate tangible ones .This notion does not exclude the polluter from polluting and being compensated for it.Each situation will be different in terms of circumstances and cost. (Rathinam & Raja, 2011).

Sterlite Industries India (India) Ltd. v. Union of India was a case in which the appellant company operated the plant with no renewal of its licence and failed to meet emission and effluent standards. This led to water and air pollution. The Supreme Court used the Polluter Pays Principle in this case. The court ordered the company to pay Rs.100 crores of compensation, considering its size, success, and potential(Agarwal, 2005).

Objectives of the Study:

- To find the effectiveness and impact of Public Interest Litigation on Sustainable development of India

Analysis and Findings

Sustainable development is an approach that balances development and environment. The principles of sustainable development allow the current generation to meet their needs while not affecting the availability and quality of resources. This will ensure that the future generations are well-off. The Supreme Court summarized the principles of sustainable growth in Vellore Citizens Welfare Forum (Tamil Nadu Tanneries Case). They are.

- Equity between generations
- Natural resource conservation and utilisation
- Environmental protection
- Precautionary principle
- Principle applies to polluters
- Obligation to aid and cooperate
- Poverty eradication
- Financial assistance to developing countries

Indian Constitution and Sustainable Development -

Sustainable development is about balancing the needs of the environment with those of developmental activities. It describes the manner in which developmental activities should be conducted. The protection of the environment is crucial for sustainable development. The Indian constitution did not include any provision that would directly address the improvement or protection of the environment. The preamble to the constitution states that India is a socialist nation. The state has a responsibility to address social issues in a socialist country (Gauri, 2009). In 1972, Indira Gandhi, then the Prime Minister of India made an historic representation at the UNCHE (Stockholm Conference). The Forty-Second Amendment of the Indian Constitution, 1976, In view of India's international obligations, it includes clear provisions for environmental improvement and protection. Both the Indian state and its residents are obligated to conserve the environment under the Constitution (Forty Second Amendment Act) of 1976. (Phillips, 1997). Directive Principles of State Policy included Article 48-A and Article 51-A (g). Both were added under fundamental duties. Both the state and the citizen are now obligated to improve and protect the environment. The state must protect and enhance the environment as well as the wildlife and forests of the country (Nyango, 2010).

L.K. In L.K. The municipality did not fulfill its primary duty. Mr. Koolwal, a resident of Jaipur, filed a writ the petition under Article 226 to the High Court. He argued that the municipality had failed to fulfill its primary duty , responsibility and this led to an acute sanitation problem in Jaipur. The High Court granted the writ petition. It ruled that insanitation causes slow poisoning and adversely impacts citizens' lives, and therefore falls under the scope of article 21. The Court ordered the municipality to clean up the dirt within six months (Kanodia, 2020).

In the past, economic sustainability has been defined as growth, development, productivity and sustainable development (Raghavan & Year, 2020). Environment sustainability is about maintaining ecosystem integrity, carrying capacities, and biodiversity. Natural capital must be preserved as an economic resource and as a sink for toxins. It is important to extract resources as quickly as possible. The environment must not absorb waste faster than it can be used (Raghavan & Year, 2020).

Conclusion:

Both the environment and development are sides of one coin. One cannot be separated from the other. Both are essential to our future. PIL has been a valuable tool in instilling an informed, participative, and apparent approach to development processes and to government and private sector actions that involve public assets. It has given voice to people who otherwise would be silenced. PIL allows multiple stakeholders and sectors to be involved in the development process as it is envisioned in the sustainable development. PIL created an environment for human faces to be shown in development and brought about accountability. Environment is never in opposition to development. Environment and development are two sides of the same coin. Both are complementary and cannot be separated. Both the right to a healthy environment and the right to develop are fundamental human rights. Without protecting the environment, we cannot have development. We need a policy that combines these contradictory concepts to allow us to enjoy both the right to develop and the right to a healthy environment. This will ensure that we can achieve development while protecting our environmental interests. The best way to achieve development is without having an adverse effect on the environment is to implement the principle of Sustainable Development(T. N. Prasad, 2014).

A shift in mindset is necessary to achieve sustainable development. It is important to balance the use of resources with their availability. The ecosystem's carrying capacity should allow for development activities. Sustainable development can be achieved using the 3R approach: reduce, recycle, and reuse. Sustainable development is an harmonious combination of environment and development. PIL is a tool that allows for creative, innovative and holistic compliance with sustainable development norms. However, this has resulted in policy decisions being made directly by the courts. This has both positive and bad implications, and it is not without controversy. This could lead to an ex post facto and decentralised decision-making system. If it is not limited within specified limitations, it may result in inconsistency and incoherence. This is a protection because the majority of cases are with the legality of a decision or action.

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- Nyango, J. O. L. (2010). *HUMAN RIGHTS AND PUBLIC INTEREST LITIGATION IN EAST AFRICA : A BIRD ' S EYE VIEW* Public interest litigation (PIL)— or the use of court action to pursue the goals of social justice 1 — has become a subject of increased concern and considerable academic debate in recent years . 2 Indeed , the global focus on the phenomenon has not escaped the three East African countries of Kenya , Tanzania , and Uganda , where PIL has been increasingly deployed as an impor- tant tool for the promotion and protection of human rights and democratic constitutionalism . 3 However , despite the deep cultural , historical , and political links between the three countries , and even though such litigation has become a prominent tool which activists and academics use to advance human rights in the region , there is little in-depth analysis considering the phenomenon from a com- parative perspective . Likewise , a critical appraisal of the implica- tions of the fourteen-year-old East African Court of Justice (EACJ)' s jurisprudence — which has emerged as a prominent forum for PIL in the region — is virtually absent . 4 In light of these omissions , this Article provides a

bird ' s-eye view to the state of PIL in the three aforementioned countries , as well as within the EACJ . It tests several hypotheses which have been offered as the rationale for PIL . The first theory states that PIL improves access to justice for marginal and vulnerable communi- ties . The second posits that PIL develops the overall state of legal protection in a country by eliminating bad law and fostering legal review . A third hypothesis is that PIL raises awareness and debate about a particular issue of general public concern , while also help- ing to reduce political tension and resolve social conflict . 5 Finally , in light of all the above , it is asserted that PIL acts as a mechanism of empowerment , voice , and accountability . In the succinct words of Frederick Jjuuko , as follows :17(24), 763–824.

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AN OVERVIEW OF PUBLIC INTEREST LITIGATION (PIL): EVIDENCE OF ITS MISUSES AND PREVENTION

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Abstract:

In a big country like India, it is of utmost importance to safeguard the interest of the public at large to shield democracy. There is no doubt of having major and minor social issues existing in this big country that need to be resolved by bringing them to light and of course there is a need for court intervention in it. To advocate this the litigation to protect the public interest called Public Interest Litigation came into existence. Although it is originated in the United States of America there are various benefits associated with this process of taking legal action in the court of law in India when it was introduced first in 1980 by Justice P.N. Bhagwati and Justice V.R. Krishna Iyer because during the 1970s there was lack of availability of common law and legal fees were also very high. The poor laborers etc. were being exploited by their employers. The main idea of Public Interest Litigation is that you need not go into the formalities to approach the court. If somebody's human rights or fundamental rights are being violated even you can simply write a letter to the Supreme court or to the High court. It started for the protection of the rights of the poor, later on, the concept of PIL got expanded and the Supreme court and High Court started intervening even in policy matters and there were instances wherein individual matters were also taken as a public interest litigation matters. There were also courts that started intervening in such matters. Further, in the landmark S.P.Gupta's case, the supreme court laid down certain norms as to in what cases PIL can be invoked (S.P. Gupta vs Union Of India & Anr on 30 December 1981). Though the PIL is immensely advantageous there are instances where the PIL is being misused. Over the years it is evident that the PIL has regressed into political interest and private interest litigation. There are many cases lodged as PIL for mere publicity. This research paper is an attempt to give an overview of Public Interest Litigation and to find and review some evidences of its misuse. We have also tried to formulate some remedies to prevent the PIL from being misused. Both

primary and secondary data are used. Inputs of 48 people are taken through questionnaire to collect primary data.

Key Words: Public Interest, Litigation, Public law, Private law, Judiciary

Introduction:

What is Public Interest Litigation (PIL)? Every country believes in human rights and equality. There are various issues of public concern at large. Public law and private law matters are raised and seen to protect the public and private interests.

The Public Interest Law (PIL) is a public law that safeguards matter of public interest. Human rights are advanced by the use of PILs because disadvantaged groups, minorities, and individuals get help from PIL. PILs are different from public and private law. Public law implies the different rules and regulations which govern the implementation of capacity or power by public bodies. In Private law, there is no involvement of the public body. We can say the private law intervenes in those cases where the public body is not involved. Private law also looks into family law and employment law. The most common use of PIL, by judicial review, is to challenge the verdict of the public body. In judicial review, there is a court proceeding where a judge reviews a verdict or action taken by the public body, to check its lawfulness or non-fulfilment to act; to check the correct application of the law and the correct procedures followed by the law.

But there are various pieces of evidence that say that there is a misuse of the PIL which is basically framed to protect the public interest. In recent years the law has been used for private interest for which the court has warned not to take undue advantages and use this law for public interest and not for private interest.

This research paper is to find and review the various evidences or examples of the misuse of PIL in recent years. For this, previous research papers on the misuse of PIL have been reviewed for secondary data collection. The objective is to analyze the reasons behind the misuse and take suggestions from various stakeholders to control the misuse to the maximum extent. We have conducted a survey of 48 respondents to find what people think about the misuse of PIL and how to control such misuse.

Literature Review:

Public Interest Litigation– important pillar for Rule of Law: An Indian Perspective by Khushi Pandya

“Public Interest Litigation as the name suggests is a mechanism for public spirited persons/organizations to raise questions of public importance before the Constitutional Courts namely – Supreme Court of India⁸ or High Courts of the States. PIL gives much needed leeway in conventional procedural laws such as – principle of locus standi, principle of cause of action, principle of direct injury etc”.

“Public Interest Litigation in India: A Critical Review” by Surya Deva

In his research Surya Deva said that PIL is very useful device for underprivileged section of the society. PIL also have an active role in awaking the society about human rights. “PIL has an important role to play in the civil justice system in that it affords a ladder to justice to disadvantaged sections of society, some of which might not even be well-informed about their rights. Furthermore, it provides an avenue to enforce diffused rights for which either it is difficult to identify an aggrieved person or where aggrieved persons have no incentives to knock at the doors of the courts. PIL could also contribute to good governance by keeping the government accountable”.

“Public interest litigation: Its use and abuse” by Chetna Malik, Advocate, District Bar, Hissar, Haryana

“A Public Interest Litigation can be filed by any member of Public acting as a bonafide on behalf of other/others for the enforcement of fundamental rights or other legal/statutory rights under Article 32 or Article 226 respectively. In A.B.S.K. Sangh (Rly.) v. Union of India it was held that the Akhil Bhartiya Soshit Karmachari Sangh (Railway), though an unregistered association could maintain a writ petition under Article 32 for the redressal of a common grievance. 'Access to Justice through class actions', 'public interest litigations' and representative proceedings' is the Present Constitutional Jurisprudence.”

“Public Interest Litigation: A Window For Justice” by Ajay Kumar¹ , Dr. Sunayana²

“Despite many contributions PIL has faced many shortcomings. It can be seen that the judiciary is encroaching the area of executive that is not a good sign for a democracy like India. Although apex judiciary has come with certain guidelines to stop its misuse but still introspection is needed again to renovate this tool for social transformation. PIL has done a lot for the disadvantaged section of the society and it is capable to do more if it works under a certain framework”. The researchers in this study discussed about the disadvantages of PIL namely “A low cost of PIL”, which attracts a large number of frivolous PIL without any justified grounds. Even the advantaged section is getting allured by the easy access to higher judiciary and file PIL for personal interest.

“THE ROLE OF PUBLIC INTEREST LITIGATION IN SHAPING UP THE PUBLIC POLICY REGIME IN INDIA: OVER-REACHING OR JUSTIFIED AND THE WAY AHEAD” by Manvendra Singh and Sourabh Roy

“Many instances lead the intelligentsia to believe that PIL is no more a tool for social reform but rather a failed gimmick to claim judicial intervention for personal motive and vendetta, an opportunity to build a private practice, an easy way to claim fame and a mechanism to over exert an already overburdened judiciary”. The author of this research paper argued that there are few cases where the court has to consider petition from third party and such petition has no connection with the cause of action or issue of the affected party. This is due to the diversion of Locus standi.

“LIMITATIONS AND DILEMMAS OF PUBLIC INTEREST LITIGATION” by Moumita Sen (Chakraborty)

“Misuse of PIL has reached ridiculous limits and petitions are being filed all over the country before the Writ Courts for matters like students and teacher strike, shortage of buses, classical case came up when PIL was filed in Delhi High Court to seek direction to the United Front Government at the Centre (1997) to form a coalition cabinet with the congress”. The researcher is in the view of putting petitioner behind the bar if the petitioner file a PIL that have been serving political or personal interest or malafide and should be panelised for the damages.

Research Design:

We have used a mixed type of research technique for our study. Hence, in one hand, this study employed descriptive research design where Descriptive Survey Design is used for examining the audience opinion on effectiveness and misuse of PIL and how to strengthen PIL by preventing it from being misused. For better serving this purpose a questionnaire of a series of 10 questions were made for gathering information from the respondents. And on the other hand, literature review method employed to explore the various qualitative data based on PIL and its misuse to get more insight into the study.

Evidence of Misuse of PIL:

There are plethora of cases where it has been seen that for private interest and political interest, the Public Interest Litigation is being misused.

1. “Janata Dal vs H.S. Chowdhary and Ors, A.I.R. 1993 S.C. 892”.
2. “Madhya Pradesh High Court Dismisses PIL Filed 'In The Guise Of Preventing Criminal Action', observing that 'the provisions of public interest litigation were misused'.

<https://www.livelaw.in/news-updates/madhya-pradesh-high-court-dismiss-pil-prevent-criminal-action-impose-cost-195421>

3. "India is a Country of great diversity. It is absolutely essential if we wish to keep our Country united to have tolerance and respect for all communities and sects" remarked the Allahabad High Court recently as it dismissed a PIL plea filed in connection with the decision of the UP Government to ban meat/liquor sale in Mathura-Vrindavan".

<https://www.livelaw.in/news-updates/tolerance-respect-all-communities-essential-country-united-allahabad-hc-pil-meat-sale-ban-mathura-vrindavan-196900?infinitemscroll=1>

4. "General Allegations Based On Newspaper Reports Won't Be A Cause For Taking Cognizance In Public Interest'; Rajasthan HC Disposes PIL Seeking Direction to cover all borewells in the state"

<https://www.livelaw.in/news-updates/rajasthan-high-court-disposes-pil-seeking-directions-to-cover-borewells-newspaper-reports-191860>

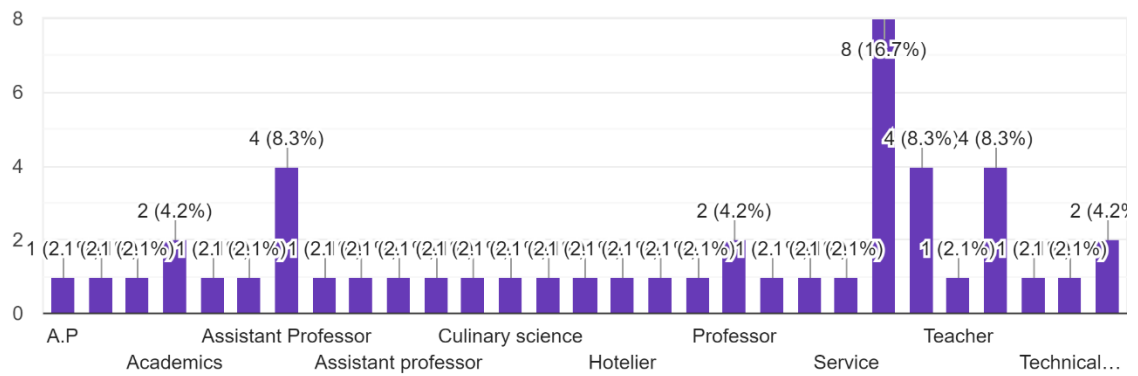
Analysis of the survey:

The survey is based on a series of 10 questions (Likert scale) as follows:

S.N	Question
1	How much the Public Interest Litigation is misused recently?
2	Many people registered false cases by PIL to settle Business scores, Personal vendetta, Political scores. Do you agree?
3	Many people using PIL as a tool of harassment. Do you agree?
4	The misuse of PIL is due to reason that filing a case in PIL is cheaper as compare to private cases. Do you agree?
5	Many people pose their private cases as public interest due to the relaxation given in PIL to have locus standi which encourages the misuse of PIL. Do you agree?
6	The lack of knowledge among people about the difference between public interest and private interest led to the misuse of PIL. Do you agree?
7	Increasing the cost to file cases in PIL can reduce the misuse of PIL. Do you agree?
8	Relaxation to have locus standi should be withdrawn to prevent the misuse of PIL .
9	The law practitioners should deny to take the case of such malicious petitioners to reduce the misuse of PIL. Do you agree?
10	Court should reject such petition with private interest and provide penalties and/or punishment against such misuse of PIL. Do you agree?

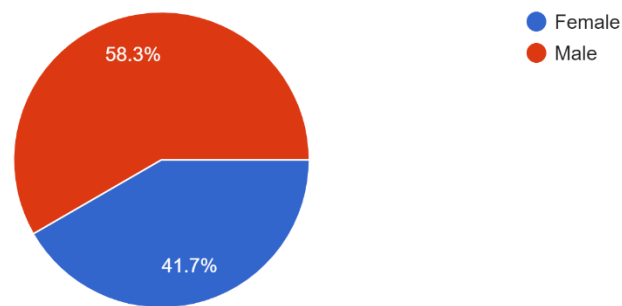
Profession

48 responses



Gender

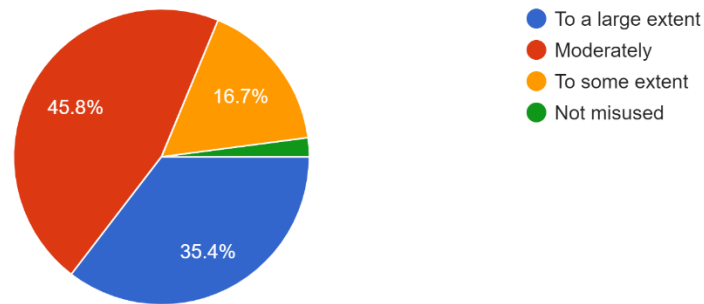
48 responses



The total number of respondents are 48 out of which 58.3% are male and 41.7% are female belong to different professions and of different age groups.

1. How much the Public Interest Litigation is misused recently?

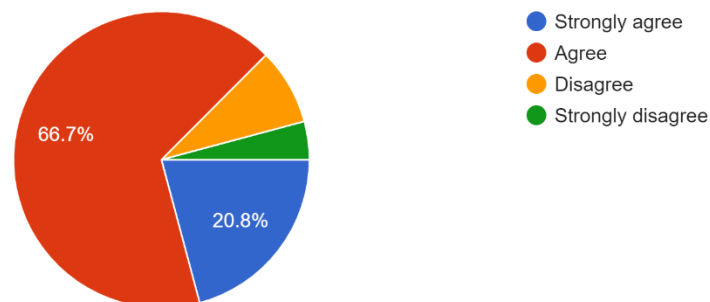
48 responses



As per the poll 45.8% participants are having an opinion that PIL is moderately misused in recent years, 35.4 are saying that its being misused to a large extent whereas 16.7% say to some extent. Rest are not in the opinion of its misuse at all.

2. Many people registered false cases by PIL to settle Business scores, Personal vendetta, Political scores.

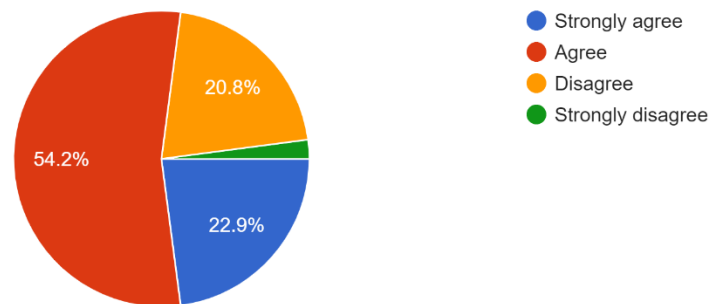
48 responses



66.7% respondents agreed that people are registering false cases in PIL to settle non public interest matters like business scores, personal vendetta, political scores etc.

3. Many people using PIL as a tool of harassment.

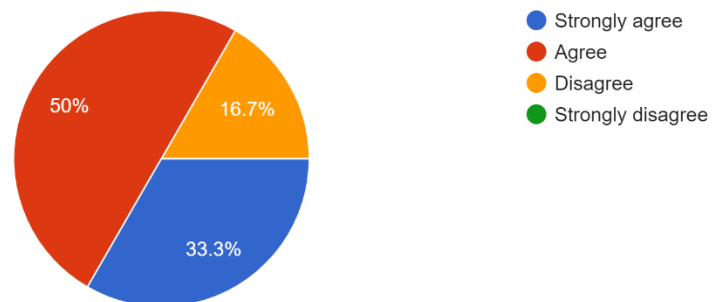
48 responses



54.2% of participants agreeing that there are people using PIL as a tool of harassment where as 20.8% disagree with them.

4. The misuse of PIL is due to the reason that filing a case in PIL is cheaper as compare to private cases.

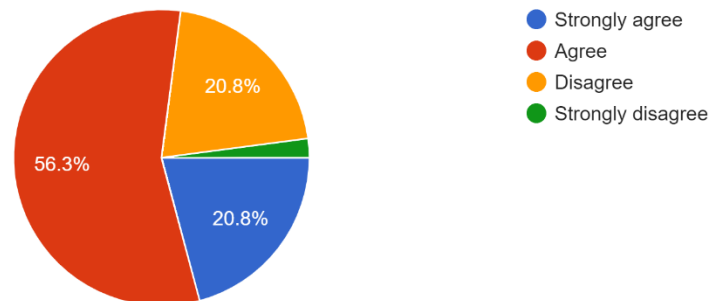
48 responses



50% are saying that the misuse of PIL has become easy because filing PIL is cheaper alike private cases. 33.3% have strong agreement for this whereas there people around 16.7% do not agree with them.

5. Many people pose their private cases as public interest due to the relaxation given in PIL to have locus standi which encourages the misuse of PIL.

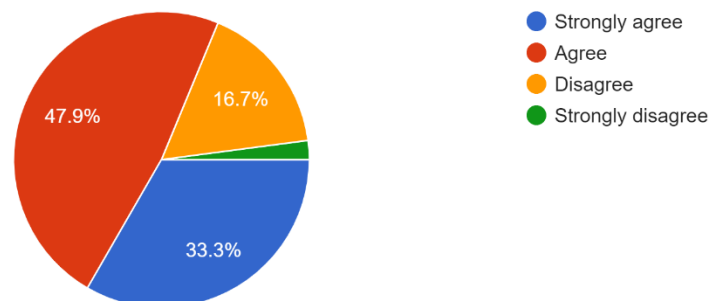
48 responses



The survey reveals that most of the people agree on the opinion that the misuse of PIL is due to the relaxation given in locus standi although the approach is to attain the constitutional goal of socio-economic justice for every citizen.

6. The lack of knowledge among people about the difference between public interest and private interest led to the misuse of PIL.

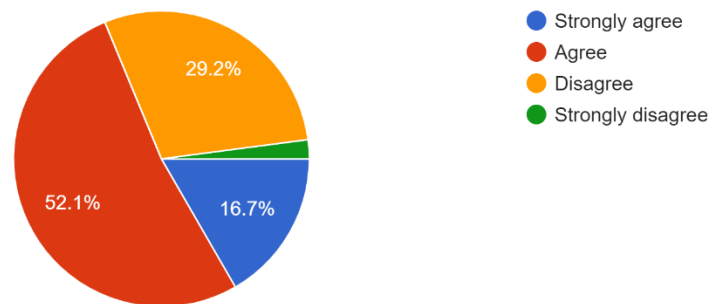
48 responses



47.9% believe that the reason behind misuse of PIL is that there is less awareness among people for public interest. Most of the time they do not know the difference between public interest and private interest.

7. Increasing the cost to file cases in PIL can reduce the misuse of PIL.

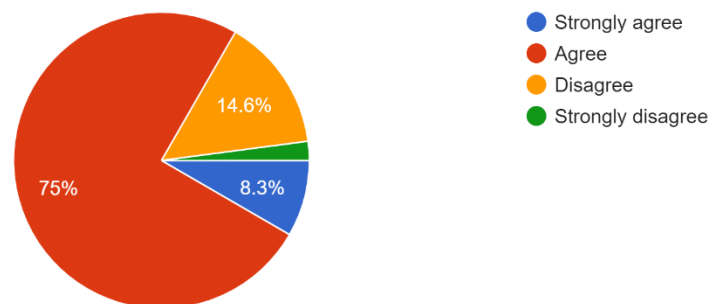
48 responses



52.1% people are suggesting to increase the cost of filing PIL as to discourage petitioner to file ineligible cases in PIL.

8. Relaxation to have locus standi should be withdrawn to prevent the misuse of PIL .

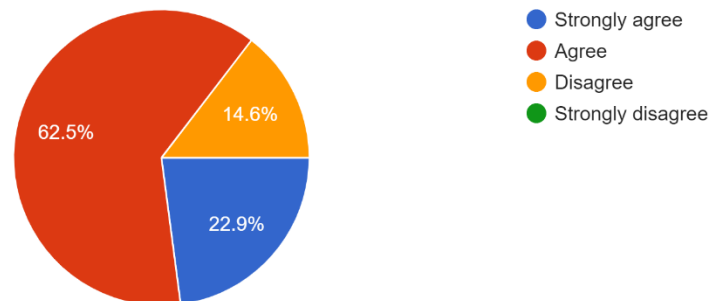
48 responses



75% agreed upon withdrawal of relaxation to have locus standi. They say that it may prevent the misuse of PIL as no third party will then approach for the affected party.

9. The law practitioners should deny to take the case of such malicious petitioners to reduce the misuse of PIL.

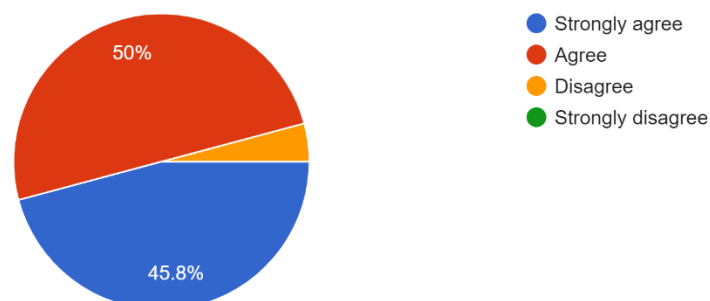
48 responses



62.5% are in side of advising the law practitioners to deny the cases with malicious intention in order to reduce misuse of PIL.

10. Court should reject such petition with private interest and provide penalties and/or punishment against such misuse of PIL.

48 responses



Half of the population and 45.8% strongly agreed while advocating that it is in the part of the court to reject petitions with private interest and imposition of penalties or punishment can be useful to prevent the misuse of PIL

Conclusion:

It is evident by the literature review and the responses of the survey done that the social weapon of justice Public Interest Litigation is being abused as petitioners approaching the court for

personal interest where a court need to be careful. There are many instances where petitioners have no public cause in filing a PIL. Hence, there is a need to protect this privilege of PIL from being abused or misused for the safeguard of underprivileged section of society. The court can itself take the charge to reject such cases as PIL that are not of public interest at large. If the cost of filing PIL is increased then it is expected to reduce the cases which are being filed with private interest under it. The ignorance of general people, especially the poor, is one of the reasons that many a time wrong cause is being registered under PIL. Hence the minor sections of the society need to be educated about Public Interest Litigation and its advantages. They should be aware that under what circumstances PIL can be filed. This can be a great endeavor towards decreasing the misuse of PIL.

As Martin Luther King, Jr. put it, "injustice everywhere is a threat to justice everywhere." The Public Interest Lawsuit is a type of litigation in which ordinary people can seek justice in a court of law. So, if one believes that public interest is being injured and has to be safeguarded, he can file a case, file a lawsuit in the Supreme Court or the High Court, and fight for the public cause. This will come at a very low cost, if not none at all. PIL is a powerful tool for social change. Democracy can only endure if there is a balance between law and justice.

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FOREST ENCROACHMENT PUBLIC INTEREST LITIGATION IN SHIMLA

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Abstract- There were around 16000 cases of forest encroachment found in Himachal Pradesh as per data of high court which involved forest land of 6.80 lakh bighas. The most cases were from Shimla district which consisted of 4900 cases under 10 bighas and 1079 encroachment cases over 10 bighas. This paper describes the Public Interest litigation filed by villager of Chaithala Kotkhai in Shimla district. The allegation was that there were 40 residents of Chaithala, Karewag Chaithala, Sevag Chaithala and Nagpuri Chaithala who had encroachment over 500 bighas of government land where they had set up their apple orchards. Study shows that after the court had given order to cut all the apple trees from forest land there was no action taken by forest officials. As there were protest and rallies all around against cutting of apple trees the court put a stay on cutting the trees and directed forest department to fence the encroached area and take it under its control.

INTRODUCTION

Public interest Litigation (PIL) means a type of litigation which is taken to court by a person, organization, or some agency to restrict the adverse behavior which can include behavior of individual legal person, government bodies or the organizations which can be dangerous to the social public or personal interests and to find out its corresponding liability. This litigation focuses on helping the groups to sue if they find their fundamental rights at risk and they are not able to do anything due to their incapability, financial constraints or they are not familiar with the law.

LITERATURE REVIEW

Dilaya et al. (2019) stated that there was public interest litigation in an Environment Impact Assessment (EIA) for a prosed industrial development which was affecting the agricultural

lives and the wet land in the state of Gujarat. As per the study there were some major gaps in EIA report and public participation opportunities were lacking which led to the litigation.

Schall (2008) explains to put light on the environment public interest litigation in front of the regional human right bodies of America, Africa and Europe regarding the case law and their treaties. It tends to find out the impact of Aarhus Convention and changing National Jurisdiction not only on procedural but also on considerable rights assured by these bodies. There were need of reforms to extent access to justice in regard to environment in human rights system of Europe.

RESEARCH DESIGN

The research is based on the secondary data collected from online sources.

OBJECTIVE

To study the forest encroachment in Shimla.

To study effects of PIL against the forest encroachment.

THE ENCROACHERS

16000 cases of encroachment were found in the state of Himachal Pradesh as per the data of high court which involved forest land of 6.80 lakh bighas. The worst hit district was the Shimla district which consisted of 4900 cases under 10 bighas and 1079 encroachment cases over 10 bighas and these numbers were majorly from Jubbal, Chopal, Rohru and Kotkhai. Most of these encroachers had strong connection with the politicians or were somehow connected with the government. Small and medium Farmers were also having connection with the forest or the revenue officers in return for monetary benefits. Most of the encroachment done was because of alignment between the local people, forest officials, the revenue and law agencies. Orchard's owners were keen on expansion of their plantation even after the Forest Conservation Act 1980.

PIL AGAINST ENCROACHMENT

Public Interest Litigation was taken up by court on a letter written to chief justice by villagers of Chaithala village in Kotkhai which was reviewed by chief justice Mansoor Ahmad Mir and Justice Tarlok Singh Chauhan. The allegation was that there were 40 residents of Chaithala, Karewag Chaithala, Sevag Chaithala and Nagpur Chaithala who had encroachment over 500 bighas of government land where they had set up their apple orchards. The petitioner alleged that deodar trees were cut for growing apples trees.

For constructing grading and packaging houses and water storage tanks financial help was given by the government to them. Electricity and water connections were given to them by the government. The High court had passed an order that all the encroachment should be evicted within six months. The allegation was that authorities were not serious in preventing encroachment because of which not only trees were cut but temporary structures were built, and cultivation of apples had commenced. There were 9612 cases filed by authorities with less than 10 bighas of forest land encroachment up to 30 September 2014.

THE HIGH COURT INTERVENTION

After hearing the PIL High court had ordered the forest officials to destroy all the plants and crops on such land at encroacher's cost. The order was given for fencing the land with barbed wire and that too at encroacher's cost. As forest department started cutting the fruit trees and seizing the land, there were lot of protest and rallies across the apple area. Farmers began a Chipko movement which aimed at stopping the cutting of trees with fruits to be harvested. The government was under pressure as to grant relief to apple growers who had encroached below 10 bighas of land and farmers who will become landless if their orchards were taken away.

The officials were ordered by the court for pruning apple trees on encroached land after the plucking of fruits so that in the coming season the crop is minimized. The court also directed that entire land to be fenced and make sure that no such encroachment is done ahead. The high court asked for the details of the people who had encroachment on forest either growing apple trees or sowing crop or in some other way and asked for detail of action if taken against such people. The orchardist whose apple bearing plants were cut included the 13 big

growers who were identified by the court and had encroachment between 50 to 200 bighas and had earned a lot from it. The court had observed that order given by them was not implemented by state authorities. Many environmentalists thought that fruit bearing trees should not be axed as they found this order as childish. Instead, such trees should have been protected and encroached land should have been fenced and taken care by forest department. They perceived tree cutting as anti- environment and unscientific. The Himachal Kisan Sabha were also not at all satisfied with this decision and wanted government to have an alternate way so that apple tree could be protected.

THE GOVERNMENT RESPONSE

The government had passed on an application seeking for modification in the order requesting that cutting of trees will lead to reduction in green cover and it will affect biodiversity. They promised enforcement of the orders given by the court earlier for removing the encroachments, taking over the illegal orchards and fencing of the land. The court put stay on felling of trees but made additional CS (Forests) and the Chief Secretary responsible for fruits picking, ensuring their sale and making sure that there are no further plantations of pears apples, cherries, plums or almonds and taking back of encroached land. They even asked for details and status report of the encroachers and wanted explanation as why there was no action taken against the officials who had allowed for plantation of such orchards.

This case was heard by high court comprising of Sanjay Karol the chief justice, and justice Sandeep Sharma and constituted the SIT which gave their best to ensure felling of trees which were grown at forest land. There was observation by court that the influential encroachers were spared by the officials and instead action was taken against the small farmers. The credit for such expose was given to the villager of chainthla village who had courage to file PIL in High court and filed affidavit that if his complaint was baseless, he would be ready for any punishment. He faced a lot of harassment from the encroachers and the officials involved. But he was determined to expose all of them. The documents required for PIL was difficult to gather as the encroachers had bribed all the officials. He got the mapping of encroached land done from Forest Research Institute at Dehradun where he had secretly visited which left all the culprits helpless.

CONCLUSION

From the research it was found that after the court had ordered to cut the trees from encroached area there was no action taken against the encroachers. It was good idea to take all the encroached area under forest department rather than cutting the apple trees as felling of trees would be hampering the environment around.

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The scope of Artificial Intelligence in achieving the goals of sustainability

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ABSTRACT:

Artificial Intelligence is rapidly expanding into new domains such as commerce, corporate operations, and government policy. Deep learning capabilities in machine intelligence and robotics have had significant disruptive and authorizing effects on businesses, society, and government. They have started influencing sustainable trends globally. As the Artificial Intelligence revolution affects the globe, it may proclaim an unworldly future in which machines and humans coexist in harmony or have a future filled with conflicts, pain, and poverty. This review paper investigates the effects of Artificial Intelligence on SD, with a particular focus on the advancement of the SDGs. It also procures a few global sustainability principles from managerial learning and leadership development.

Introduction:

The emergence of AI and its progressive impact across different sectors entails a review of its impact on achieving the SDGs. We discovered that AI can enable a consensus-based expert elicitation method.

It may enable the attainment of 134 targets covering all goals, but it may also restrain the achievement of 59 targets.

Current research priorities, on the other hand, miss critical features. The rapid advancement of AI necessitates

AI-based technology must be accompanied by the requisite regulatory expertise and supervision to promote long-term development frailty to do so may cause transparency gaps.

Some countries and towns will be intellectually and financially benefitted as Artificial Intelligence advances, while others will be overlooked. The formation and implementation of legal rules and regulations frameworks, as well as the procedures designed to supervise Artificial intelligence, are already growing exceptionally (Munoz & Naqvi, 2018). Many specialists who create these infra and procedures conceive about political and academic research cycles, which might be as short as twenty years (Harari, 2017).

With advancements in technology (Like in the fields of computer robotics, speech and vision recognition), researchers, business leaders, scientists, government officials, and lawmakers are too much concerned about how AI will replace human workers, automate warfare, and supersede human intelligence (Markoff, 2017) and what will be the after-effects. Humans, with their slow natural processes, wouldn't be able to compete with intelligent machinery the "ROBOTS", according to physicist and cosmologist Stephen Hawking (Goralski & Górniak-Kocikowska, 2017, 2018; Goralski & O'Connor, 2018; Penn, 2017).

While people in developed countries may fear going jobless as a result of Artificial Intelligence, people in underdeveloped and developing nations may see Artificial Intelligence as a way to earn a livelihood (Lohr, 2018). "AI is evolving at a quick, selective, and haphazard pace.... No one will be able to avoid AI's gloomy growth" (Munoz & Naqvi, 2018, p. 1). Upcoming generations of corporates and national and international governments will be benefitted greatly from the academic community's efforts.

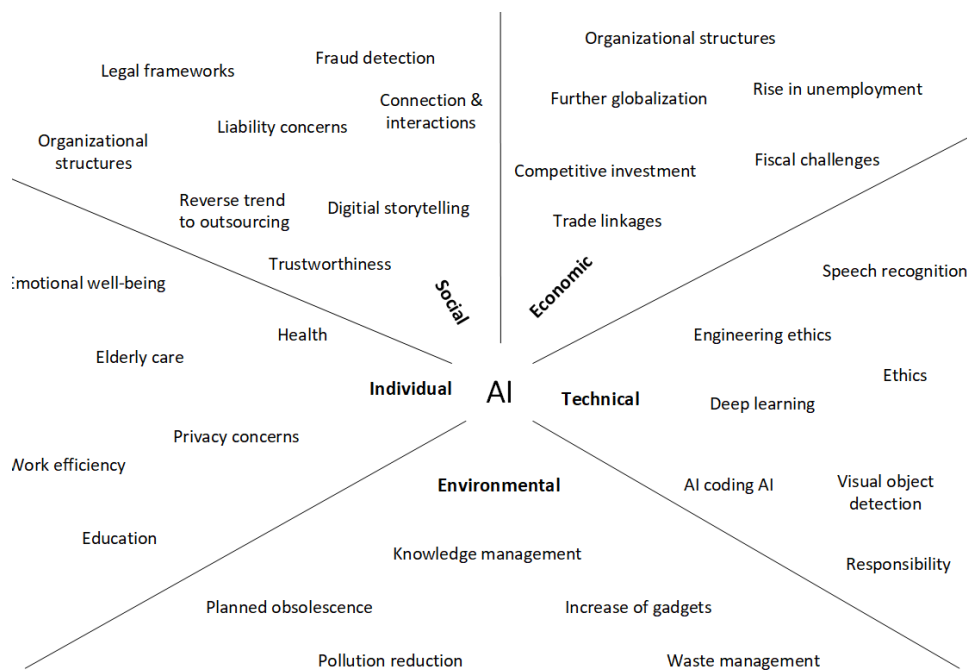
There are more than a hundred nations that have different policies and initiatives in place to promote sustainable consumption and production. However,

Progress is insufficient in several sectors to reach these targets by 2030, particularly for the most vulnerable.

1. AI in the Context of Sustainability Analysis

Using the five aspects described in the sustainability analysis section, this part gives an analysis of sustainability in the sector of Artificial intelligence. The picture here depicts a diagram of sustainability analysis for the field of Artificial Intelligence based on the five different dimensions of sustainability.

Picture 1: Depicts the five aspects of sustainability.



1.1 Economic Aspect

According to Gartner, by 2022, Government staff and customer-facing staff would have around 40% consultation through an Artificial Intelligence-powered virtual assistant daily for analyzing or procedure-related assistance [38].

To get a competitive advantage, companies should invest in AI deployment. For instance, The United Kingdom's (UK) government just unveiled a 1 billion pound deal to fix the country on the right track. The Artificial Intelligence industry's outrider[39]. In the same way, France has announced a 1.5 billion dollar investment in Artificial Intelligence research [40]. Foremost investments provide advanced nations with an aggressive advantage at the country level; yet, they met severe consequences for the globalization of production and services. Because of cost advantages, corporations from established economies are currently outsourcing services, such as call centers and manufacturing, to emerging economies. Companies that make the most of AI's potential Alternatively will no longer have to think about allocating prices or liveable salaries. Furthermore, rising overhead costs will cause the emerging market to reduce or halt outsourcing services and production, bringing all manufacturing in-house. Such adjustment may result in reduced production costs and other companies' expenditures. However, now the question that arises is: Will the company reduce the production prices since the production is through Robots or through?

Furthermore, there might be disruptions in local traders if advanced economies bring back the development in-house which may lead to decreasing spending power and an increase in unemployment. As we know "A significant role is played by trade links in the spillover crisis," says Papadopoulos et al. [41]. This will eventually have an impact on the economy of the world.

There is an argument that the execution of Artificial Intelligence in real-time personal production services may displace and stress low-skilled workers' daily income and only the creative, innovative, and supervisors' roles will be left for hiring [42]. So to avoid such a situation everyone in the company including the most experienced people must learn to keep themselves updated and upgraded. So they must attend different training programs to learn advanced skills to prevent being laid off [43]. Then the question arises, how much will the elderly be able to update themselves if they don't possess functional and operational computer skills? If they don't keep pace with new advancements they will have to retire early or leave the job. This early retirement will entail amendments to pension and other social security schemes. This will be a tough situation for many governments to maintain stability in fiscal balance and many national pension systems [44].

1.2 Technical or Applied Dimension

"Deep learning allows models composed of multiple processing layers to learn representations of data with multiple levels of abstraction," write Lecun et al. [45].

These ways have enhanced recognition of speech, detection of the object visually, and other areas significantly [45]. Neural network models are types of machinery that can understand a hierarchical feature by constructing advanced-level from low-level features. For e.g. to improve machine learning and vision we have CNN i.e. Convolutional neural networks [46].

To assist visually impaired people visual perception can be used in a variety of domains, improving security systems, and even improving some combat systems, this technology is challenging. Besides the purpose of the system, the procedure faces the challenge of misclassifying objects. There is starting dataset for training, followed by different phases of training, and the system can resume learning, but it is the choice of each developer to find out how long the system needs training before it goes for its final usage.

Even more recently, Artificial Intelligence learning is assisting in the automatic teaching of sophisticated conduct, that will be upgraded using periodic neural networks [47].

The influence of this advancement is difficult to predict, rather that it will accelerate research and development. With the positive impact that it may have, we can foresee more competent systems able of handling more crucial tasks. When we think of negative consequences, we can visualize the need for stronger engineering etiquette since maximum responsibilities are given in the hands of the developers who creates the systems upfront and must thus forecast There is numerous desirable and unacceptable usage framework.

1.3. Environment Aspect

The neural framework may be useful in helping with ecological management like waste detection etc, and the AI process can also be used to predict earthquakes and forecast weather to have a finer understanding of the probability of utmost events like cyclones, tsunamis, and hurricanes. Al-Jarrah et al. [48,50].

Furthermore, the usage of self-drive automobiles in the reduction of greenhouse gas emissions, the battery-operated vehicles can be of help. This could be achieved as follows:

1. A self-driven vehicle could fully utilize the concept of eco-driving all over a journey thereby decreasing consumption of fuel by up to 20%.
2. Robo-vehicles can reduce traffic or rush by recommending alternate and the shortest possible routes in urbanized areas, as well as distributing traffic information with other vehicles on highways, resulting in proper utilization of fuel and its consumption.
3. Self-driven vehicles could drive within planned and coded limits thereby resulting in smooth driving and a reduction in the energy-intensive process of accelerating.

Guiltinan identified "two impediments: (1) competitive pressure for and consumer expectations of frequent upgrades for durable goods, and (2) a lack of consumer concern for environmental consequences when contemplating durable goods upgrades." [49,56] Formalized paraphrase (p. 26).

(ii) Natural resource use: In general, planned obsolescence exhausts the resource environment like the ones which are scarce earth minerals while enhancing the quantity of scrap to be dealt with. However, the rise of automated systems has the potential to intensify these contradictory effects, for example, by further automated uprooting in more complex environments that are risky for human operators. If a "mining robot" will take charge of excavation tasks using Robotics, it would be possible to increase the yield of scarce earth minerals while also

increasing the rate of depletion. As a result, an escalation in the rate of depletion of natural resources will result in environmental degradation (that is deterioration of an environment due to resource depletion) as well as disastrous repercussions for both humans and their health [58,59].

1.4 Dimension of Individuality

It's no longer humanity's problem to become more efficient. We have become more productive over the last 50 years [60]. Individuals, however, are being squeezed by job demands and inflation.

These techniques are likely to help individuals and businesses by ultimately solving tasks that may remarkably reduce hours to work. Artificial Intelligence-powered virtual assistants, chatbots, logical tools, and robots could assist people in working for short hours, increasing the efficiency of work being done, improving staff's overall well-being, and lowering work-related injuries [61,62,65].

Furthermore, AI-assisted systems in fields such as mobile phones carrying Alexa and Siri carry soothing voice interfaces and help us in our daily activities of playing the music of our choice, weather forecasting, switching the appliances on and off, assisting in health needs, taking care of old age people, exploration of space, and transportation [63,66] are anticipated to cut down loads of work from the employee.

Among many examples, a human resembling robot (i.e., "upright multi-functioning social robot that typically has facial features, usually quite schematic or cartoon-like features, some sort of communicative interface, and perhaps arms") at a care center for elder group people is the best mode of entertainment, Assist in lifting and carrying household items, trace the whereabouts of the user in the house, stores the slips or various other signs of dangerous incidents, and recognizes the user's daily schedule [64,67,68]. Though there are benefits, there are also significant implications for the individual dimension of sustainability due to Abenomics (i.e., robot-based economy) [69]. Such incriminations are accelerated towards enhancement of anxiety-related mental health issues as a result of the fear of losing jobs and source of income [1,69]; As a result, the cogency of our real homo-sapiens to homo-sapiens dealings with others, Will restrict the people from knowing what's happening around them, loss of real emotions or restricted emotions and increase the self-isolation state.

1.5. Social Aspect

In terms of the social dimension, we can see both advantages and disadvantages; there is the possibility of strengthening communities, but there is also a need to develop legal frameworks around AI, and all of the strengths and weaknesses here come with the risk of giving AI too much power.

AI systems could help in making the communities stronger by guiding in a variety of minor roles such as network development, administration, and collaboration facilitation, and doing simple tasks in houses, midwifery tasks, and education [70,75]. There is the various point of view on whether the robot is capable of performing these tasks. Robots must be able to understand like humans to perform such tasks, as these skills makes a level of sociological applicability necessary ("wanting to have things") on the part of the Robots. Hasse [71,76]. While AI may be capable of assisting in a various work such as school teaching, online teaching [77], several behavioural issues, such as keeping student data private, the boundaries of liability between academicians and AI, and the potential for the Robots negative impact, must be notified. You may find automated customer care executives on online sites to answer your queries.

We are disconnected from the meaningfulness of our human-to-human interactions with others.

The more we enable SDGs by positioning Robotic applications, such as self-driven cars, Robotic powered health industry solutions⁴², and SEG's¹³, the more significant it becomes to spend money on the robotics safety research required to keep these systems robust and beneficial so that they do not malfunction or become hacked⁴³.

Conclusion

We have faced extraordinary situations in the 21st century, we will have around 9.5 billion people alive by 2050, we have no idea of how we will provide them with clean water, sustainable energy, education, there are serious problems with the environment, with bigotry with poverty and with starvation, We all know so far we have been unsuccessful in eradicating them from the society worldwide and are still figuring out the way to fix them. I am hoping that AI can adjust the various factors in a way that may be can solve these problems the real opportunity for AI is how can AI help the 7 million people that could practically benefit from these technologies. WE can't say AI, in general, is magic, though it has given us core tools to start putting in place systems that we know will the key issue like hunger famine, epidemics,

overall health and well being. AI offers an extraordinary possibility of accelerating solutions in the time we have to solve the problems we are now applying AI to the art of farming, a very old industry is also adopting the latest technology so through AI a farmer can now integrate massive sources of data whether its data from combines its weather satellite data its data from fields taking all that data together and through ai solution making recommendations to the farmers on how we can increase the production of his land. AI has enormous capacity and potential to solve problems that require an enormous amount of computing and pattern recognition that human beings struggle with. The way drugs are going to be designed in the future and again are already starting to be designed in the future and again already starting to be is by having models of the molecules, and how they interact, for example, would say no the virus proteins and then searching to find the best drug for the best problem. The UN summit and its goal excited everyone me in particular, with the idea of leveraging what I would call sleeping giants of beta we have a few lit of so much data in the world, and with some refinement aren't tagging this data can become available and leveraged to address famine to address human trafficking to address vicious cycles of economic poverty if you make progress in AI you make progress in all the different areas and the same time. So, a better machine learning algorithm, to find vented tomorrow heal make provide a medical diagnosis it/ll make fro a better self-driving car and you know what else AI is potentially the most powerful technology that we have ever created and it's going to create the next form of civilization. It's not happening in 10 years or 15 years but happening now. It depends on how we use AI for reaching a goal of sustainability and avoid its negative effect on our environment. As we all know the excess of anything is bad and when it comes to ROBOTS which are machines that only know what we have programmed into them, we need to be cautious.

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SUSTAINABLE EDUCATION IN INDIA: IDENTIFYING CONSEQUENCES OF COVID-19

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Abstract

Education is an important and valuable resource of knowledge. It facilitates quality of learning of our lives. The foundation of our wisdom, character and ethics based on a complete holistic sustainable education system. COVID- 19 is a highly contagious disease furthermore has been pronounced a pandemic by World Health Organization (WHO). The disease has already impacted the economies of large countries such as China, Italy, and the United States, and is now affecting our developing country, India. With this, the value of technology has strengthen the field where education can collaborate and can provide the outstanding results. The objectives of this study area – a. To concentrate on the impact of COVID-19 on the sustainability of education sector. b. To study the usefulness of ed-tech. c. To analyze the various problems associated with ed-tech. d. To suggest the ways by which the usefulness of ed-tech can be improved. The data was collected from 100 individuals including lecturers, teachers, and research scholars, students of Tri-city (Chandigarh, Mohali, and Panchkula). The gathered information has been broken down utilizing a percentage method. The study concludes that COVID-19, the so-called Corona virus has impacted the educational sector of the Indian economy massively and we can easily find the worth of ed-tech in the education system for sustainable growth.

Keywords: Sustainable Education, Education System, COVID-19, Ed-Tech

1. Introduction

“The highest education is that which does not merely gives us information but makes our life in harmony with all existence – Ravindranath Tagore”

Sustainable Education is based upon the human lives where we can talk about the quality of the learning, variety of knowledge resources and improvement scope of life styles. Talking about the India's Ancient Life Sustainable Education System, is totally a foundation of development of thoughts of life, happiness and humanity of the learner through GURUKULs. With this, Gurukuls life lessons assist learners to guide in – personality development, career through holistic education,

sense of discipline, respect for elder, gurus and nature, critical thinking and decision making. Nowadays Government is completely working on the learning outcome based system which is again a part of sustainable education system where we can amend according to the learning and human lives. Also helps to improve the degradation and exploitation of our eco-system through new education system or sustainable education system. Here we

In December 2019, (COVID-19) was at first distinguished in China, causing an influx of respiratory diseases (1). The infection that causes the very infectious viral disease is named the serious intense respiratory disorder corona virus 2 (SARS-CoV2), which has been hereditarily connected to the SARS episode (2) that impacted 8098 individuals in 26 nations (3). In March 2020, the World Health Organization articulated COVID-19 to be a pandemic in only three months. The aftermath of COVID-19 is still felt throughout the global health, education, financial and commercial industries, and the sports ecosystem is no exception. Since the outbreak, the COVID-19 pandemic has spread to most nations all over the planet. The physical and social distancing measures, prohibitive measures in business, schools, and in general social life that have become common to control the spread of disease also include many aspects of normality. The routine of life includes exercise and outdoor activity. This guidance note focuses on the challenges COVID-19 poses to both the world of sport and actual work and prosperity.

Since COVID-19, or corona virus, is a person-to-person transmission, social distance is the only cure that anyone can take to minimize this infection. Since becoming infectious, COVID-19 has spread to almost every country on the planet. Many parts of daily life, including outdoor activity, are the result of generalized social and physical distance, business, school, and general social life barriers to prevent the spread of illness. The blockade of the country is a government measure to create a distance between people. This includes socially excluded and vulnerable groups. There are also recommendations to governments, other stakeholders, and the United Nations system to support the safe resumption of sporting events and outdoor activity during and after the pandemic. The endless sports entertainment we're used to is over. The global recession caused by the outbreak of COVID-19 has the potential to transform the entire sports sector in ways never imagined before. Some sports are more powerful than others. The economic structure of international cricket is expected to change, which will put a financial burden on the downstream side. Sports like hockey have a dark future in front of them.

(4)In 2017, the World Health Organization (WHO) made the Global Action Plan on Physical Activity 2018–2030 (GAPPA) to forestall and decrease latency. Actions and targets were created in this plan, based on the condition of actual work in 2016. However, the world is currently dealing

with a COVID-19 epidemic, which has had an impact on many facets of life, including body exercise. According to certain research, physical activity decreased during the epidemic. The nationwide closure calls for a temporary shutdown of all components of the economy, comprising educational institutions, industrial production, the hospitality industry, aviation, tourism, and more. Only areas of necessities, including food and medical services, are open that provide basic daily support to the general public. So, everyone stayed at home as part of maintaining social distancing from each other so that the spread of the disease can be minimized or even completely banned (5). COVID-19 is posing a significant challenge to educational institutions. Students may have psychophysiological damage as a result of wearing face masks in present classes, which may impede their ability to learn. (6)The COVID-19 pandemic has unleashed devastation on the educational system. Remote learning employing multimedia approaches has replaced face-to-face learning. Several Education teachers faced special challenges as a result of online learning. Earlier, they had to give out a good example in the classroom when it came to promoting outdoor activity. (7)Since the first case of COVID-19 was detected, the multinational organization has been combating the disease. Additionally, with much research and results from health care and medical professionals, the daily behavior of citizens has become an important factor in the fight against infectious diseases. In China, the country is more hygienic due to the government's active epidemic prevention measures, refraining from voluntary outings of residents, and wearing masks. China has become the first country to be attacked and the best infectious disease control country in the world.

1.2 Impact on the educational sector of India:

1. Full closure of schools, colleges, and universities: As a precautionary measure for social distancing and self-isolation, 189 countries have implemented national closures, with 5 countries implementing provincial closures, affecting approximately 98.4% of the world's student population (UNESCO monitoring).

2. Cancellation and Postponement of Exams: Board exams, entrance exams, recruitment exams, any of the school and college exams have been deferred, including the CBSE, ICSE, and ISC board exams. All exams are held in Uttar Pradesh, Maharashtra State. Telangana, Maharashtra, Kerala, etc.

3. EdTech enhancements as Sustainable Education: Digital learning support has been improved for students who are encouraged to use open physics education applications, including online learning/education using internet-based EdTech-focused applications, by the closure of physics education institutions.

4. A boost to online distance education applications as a part of sustainability in education sector: In response to the pandemic, many schools have switched to online distance education through platforms like Zoom.

2. Literature Review

A training program that combines bodily exercise and cognitive components was originally developed for the elderly to reduce the risk of falls. ESS's potential to delay cognitive decline in the elderly seems promising Kawabata & Tc (2021). New educational models need to be defined to ensure that distance learning is effective and not the “online alternation” of classical methods used as an alternative to real-world education that meets students' learning requirements.

(8)The results of the review uncovered that the participation and satisfaction of families, students, and teachers were all favorable. Students also achieved optimal levels of content acquisition and essential competencies. The findings of this study support the necessity of offering interdisciplinary initiatives, as well as the benefits of online education in Primary Education in conditions of isolation, such as those created by Covid-19.

(9) When COVID-19 Michigan schools closed, 52 elementary and middle schools across the state were in the process of implementing comprehensive health programs, including outdoor activity, sustainable education, and nutritional guidance. #HealthyKidsQuarantined was created to support the transformation to a virtual learning environment by providing a curriculum and tools for virtual physics activity, sustainable education, and nutrition education. Teachers and families received weekly emails, and daily social media campaigns distributed the material to viewers across the country.

(10) The findings revealed that the majority of teachers used the flipped classroom methodology and taught virtual classes; the evaluation was complex and difficult, but they developed attitudes and values of tolerance and empathy, as well as ICT skills; they were also able to identify the potential for psychological problems in their students, and some teachers mentioned the need for training in this area. Several Education teachers confront a variety of problems in the classroom, but their resilience was demonstrated via patience, empathy, and the development of ICT skills, allowing them to complete their duties.

(11)The purpose of this study was to explain leisure-time physical activity (LPA) based on gender, degree of education, and social distance compliance in a municipality in the Rio Grande do Sul, southern Brazil, during the Corona 19 outbreak. bottom. Population-based and cross-section technology research was conducted in Bagé (RS), Brazil. The LPA throughout the pandemic, the location of the activity, and the director of the PE expert all explained.

(12) The purpose of this study was to create a physical / sustainable education program for

adolescents and investigate the effects of the program to offset the decrease in bodily activity level caused by COVID 19. This mixed-method study consisted of five parts to create and implement a "Music Beeps" (MB) program to improve adolescents' body structure fitness. For 16 weeks, 240 students from two secondary schools in South Korea took an interest in 32 sessions, divided into experimental and control groups. Through inductive examination of observation logs and inside and out interviews with groups, we studied changes in student fitness and the benefits of education.

(13)The recent breakout in jails during the COVID-19 pandemic has highlighted how prison health conditions and overcrowding pose considerable threats to people's health and mental health, and how this has turned into a major medical issue. The major purpose of this six-month study was to see how the training regimen affected mind-breathing abilities, upper and lower body resistance to dynamic strength, and muscular mass. Because of the COVID-19 epidemic, the objectives have shifted to emphasise the issues that have emerged as a result of a lack of bodily activity, as well as the errors that have happened.

(14)The perception of Physical Education (PE) and Sustainable Education (SE) has evolved tremendously in only a few months. This implies that the expert personality of the school personnel should be changed and adjusted to another circumstance. The objective of this review is to survey how three gatherings of educators from different instructive levels show PE and SE in COVID-19 and to assess homeroom coordination utilizing the possibility of personality reproduction for pioneers and experts.

(15) COVID-19 changed control of education, required sustainability in education. Even before the pandemic, injuries to online programs and higher education institutions raised questions about the viability of traditional models. Many argued that online programs were inferior to "offline" programs before they were mandated for virtual education rather than face-to-face education.

(16)Concerns have been raised concerning the role of the country's curricular framework in the acquisition and implementation of hygiene and disease prevention information in the context of the Covid19 epidemic. You may determine what students of various ages will learn about this topic and how they will develop and apply their insight to educational program planners in this section. Curriculum designers must do so in the face of a tendency toward lowering curriculum content and moving toward a competency-based curriculum with cross-sectional elements. To incorporate health literacy abilities, knowledge, and skills into planned science, sustainable education, and health curriculum, certain dialogues must be had.

(17)In the year 2020, the COVID-19 Pandemic struck the world. One of the strategies employed to address it was social isolation, which resulted in schools closing in mid-March 2020. Face-to-face classes have been replaced with online classes. We aimed to position sustainable education in the context of online classrooms in the Rio Grande do Sul, Brazil, from this perspective. We did qualitative study with instructors in the classroom who used online PE/SE lessons. A 20-item

questionnaire was emailed to participants as a tool. Following the activities set up at the education school, I encountered roadblocks as a consequence of changes in the manner classes were taught, as well as the instructor's job and curriculum.

(18) Globally, COVID 19 may have a very serious impact on education providers and youth coaches, as many common operations are significantly reduced. Given the characteristics of employment, this population faces distinct obstacles to participating in "virtual learning," which can lead to the development of a stationary way of life, weight gain, and burdensome mind-set issues..

(19) The need for PF assessment is currently underscored by the COVID-19 pandemic. Physical education in place of Sustainable is limited during this pandemic, and new data show that PF levels in young people are already declining. Sustainable Education is much required.

(20) Due to Spain's unprecedented endeavors to tackle the COVID-19 health crisis, schools were compelled to shift their face-to-face educational activities to an online mode. PE teachers faced a new challenge: adapting the subject's curriculum, which is most practical and social, to a virtual education focused primarily on digital resources. However, in the poorest of rural places, where many students have a high digital bias, this transition can be considerably more difficult: either they do not have access to the Internet, or they do not have the necessary skills to use it.

(21)The study presents the findings of a student survey on the quality of the online platform curriculum done at VasileAlecsandri University in Bacau as part of the COVID 19 initiative. This research included understudies from the resources of designing, actual training, and sports. Most of the understudies were content with the college shutting strategy and the instructing learning evaluation process, as per studies.

(22) The purpose of this study was to compare the levels of physical activity (PA) in adolescent as a sustainable education and polish adolescents before and during the blockade and to compare the level of this activity in the post-epidemic lockdown in terms of meeting the recommendations of the World Health Organization (WHO) on moderate-to-vigorous physical activity (MVPA) and potential environmental – holistic sustainable education.

(23)The study looks at the viewpoints of first-year freshmen students at Galati's Education teachers on online educational activities, which are common and required in today's pandemic environment. The survey was created with four distinct features in mind: appeal, accessibility, inspiration, and efficiency, as a part to understand sustainable education. After the winter semester of 2020-2021, it was utilized. For the four shown parameters, the alpha value of the internal consistency factor Cronbach reflects great fidelity for the measurement of the functions evaluated, an example of sustainability.

2.1 Objectives of the study

1. To study the effect of COVID-19 on the sustainability of education sector.
2. To study the usefulness of ed-tech.
3. To analyze the various problems associated with ed-tech
4. To suggest the ways by which the usefulness of ed-tech can be improved.

3. Materials and Methods

3.1 Data Collection

Primary data was gathered from individuals who used to maintain a professional life balance. The study gathered the vast majority of the information from lecturers, teachers, research scholars, students through organized surveys. A Likert-type 5- point scale was used to examine individual opinions about the problem under study.

3.2 Selection of Sample

The sample population of the study is 100 individuals including lecturers, teachers, research scholars, students of Tri-city (Chandigarh, Mohali and Panchkula).

3.3 Data Analysis

The gathered information have been examined utilizing a percentage method.

Table:1

The profession of individuals understudy		
Profession	Number(n)	Percentage (%)
A student	64	64
A teacher	31	31
A research scholar	05	05
Total	100	100

Interpretation:

The above study is conducted and the responses are collected from the individuals. Out of the total sample population, 5% are research scholars, 31% are teachers and 64% are students under study.

Table:2

Awareness of individuals about COVID-19		
Are you aware of COVID-19?	Number(n)	Percentage (%)
Yes	98	98
No	02	02
Total	100	100

Interpretation:

The above study is conducted and the responses are collected from the individuals. Out of the total sample population, 98% are aware of COVID-19 and only 2 % are unaware of this pandemic. And here unawareness is regarding the preventions to be taken for controlling the spread of this disease as this disease is a mass spread disease across the globe.

Table:3

Agreement of individuals about National lockdown to be a good measure of Govt.		
Is National lock-down a right measure taken by the Government to inhibit the spread of COVID-19?	Number(n)	Percentage (%)
Yes	99	99

No	01	01
Total	100	100

Interpretation:

The above study is conducted and the responses are collected from the individuals. Out of the total sample population, 99% of individuals are in favor of national lockdown whereas only 1 % is against it. And thus, we can conclude the national lockdown to be a good measure of the Indian Government against the fight towards Covid-19.

Table:4

No. of individuals getting problems in adoption of ed-tech.		
Are you getting any problem with the adoption of ed-tech	Number(n)	Percentage (%)
Yes	41	41
No	59	59
Total	100	100

Interpretation:

The above study is conducted and the responses are collected from the individuals. Out of the total sample population, 41% are facing problems in adopting ed-tech which works on the usage of internet technologies whereas 59% are the ones who are comfortable with the aid of ed-tech.

Table:5

Type of problems which are interrupting individual's flow with ed-tech		
Problems	Number(n)	Percentage (%)
Unavailability or poor internet connection	67	67
High data charges	7	7
Digital illiteracy	9	9
Other	17	17
Total	100	100

Interpretation:

The above study is conducted and the responses are collected from the individuals. Out of the total sample population, 67% of individuals are suffering due to unavailability or poor internet connections at their place. This might be due to the non-working of internet services in a few of the remote areas of the country. 9% have put themselves in the category of digital illiterate whereas 7 % states the high data charges to be one of the problems with the adoption of ed-tech and rest 17% are having their other reasons.

Table: 6

Individual's acquaintance with online educational websites		
Are you acquainted with online educational websites?	Number(n)	Percentage (%)
Yes	79	79
No	21	21
Total	100	100

Interpretation:

The above study is conducted and the responses are collected from the individuals. Out of the total sample population, 79% are acquainted with available online educational websites whereas the rest 21 % are still facing problems in searching for the right online educational sites for their field of study in physical mode.

Table:7

Type of educational aid individuals are taking/delivering online as a sustainable education		
What type of educational aid you are taking/delivering online?	Number(n)	Percentage (%)

Online video lectures	53	34.86
E-Classrooms	35	23.02
Skype lectures	6	3.94
zoom online classes	40	26.31
Other	18	11.84
Total	152	100

Interpretation:

The above study is conducted and the responses are collected from the individuals regarding the type of educational aid individuals are taking/delivering online as a sustainable education. These online video lectures, which might include YouTube lectures etc. are taking lead with 34.86% whereas zooming online classes, E-classrooms, and skype lectures are accompanying the online video lectures with 26.31%, 23.02%, and 3.94% responses respectively, and the rest 11.84% individuals are relying on other modes of educational aids which might include telephonic verbal lectures. All are the parts or innovation of sustainable education.

Table:8

Problems associated with work from home/learning from home		
The problems associated with work from home/learning from home are	Number(n)	Percentage (%)
Informal work environment	56	42.42
Frequent procrastination of work	20	15.15
Less time for family	12	9.09

Duplication of efforts	18	13.63
All of the above	26	19.71
Total	132	100

Interpretation:

The above study is conducted and the responses are collected from the individuals. Out of the total sample population, 42.42% of individuals are facing problems in work/learning from home due to the informal environment of the home, whereas it also results in frequent procrastinating of their work to the next days by 15.15% of individuals. 13.63% of individuals are stating that work/learning from home results in duplication of their worthy efforts and 9.09 % state that they are getting very little time for their family due to this work/learning from home, rest 19.71% of the sample population is full of all the above-stated problems and thus they are feeling overburdened with the model of work/learning from home.

Variables	Strongly Agree		Agree		Neutral		Disagree		Strongly Disagree	
	N	%age	N	%age	N	%age	N	%age	N	%age
As a consequence of COVID-19 reforms, ed-tech has emerged to be a boon for all educational institutes	33	33	46	46	14	14	7	7	0	0
With ed-tech teaching/learning has become much easier	12	12	42	42	29	29	15	15	2	2
"Online classrooms can take place of traditional classrooms"	9	9	22	22	27	27	26	26	15	15

Table:9 COVID-19 Variables

Interpretation:

As a result of the COVID19 reform, Ed-tech has benefited all institutions, a creativity of sustainable education. Studies show that 33% strongly agree, 46% agree with the above perspective, 14% are neutral, and the remaining 7% disagree. Therefore, we agree that Ed- techs is useful for all institutions.

Ed-tech professor/learning easier and baggage-based studies show that 12% strongly agree, 42% agree with the above perspective, 29% are neutral, and the remaining 15% and 2% agree with this opinion. We are in neutral situation to accept the ed-tech as sustainability in education sector. "Online classrooms can replace existing classrooms." Studies show that 9% are willing to agree, 22% agree, and 27% are neutral. The remaining 26% and 15% disagree to disagree with this opinion. We disagree with each other that online classroom can replace existing classroom

Variables	Highly satisfied		Satisfied		Neither satisfied nor dissatisfied		Dissatisfied		Highly dissatisfied	
	N	%age	N	%age	N	%age	N	%age	N	%age
Rate the level of satisfaction you are getting with the aid of ed-tech	10	10	59	59	24	24	5	5	2	2

Table:10 COVID-19 Variables

Interpretation:

Rate the level of satisfaction you are getting with the aid of ed-tech-The study indicates that 10% are highly satisfied followed by 59% are satisfied with the aid of ed-tech, 24% are neutral, and rest 5% followed by 2% are dissatisfied and highly dissatisfied respectively with the aid of ed-tech.

4. Results of the study:

This COVID19 is a pervasive infection, and most people are aware of the epidemic. We believe the country's lockdown is the right step the government has taken to restrain the spread of COVID-19. As the ratio of Ed-techs as sustainable education is 41:59, the individual who did not experience the problem dominates the other individual. Even still, there are a number of people who have issues with EdTech's recruiting, which must be addressed if EdTech is to be effective as an online physics instruction tool, an innovation of sustainable education. It's a problem that most individuals face, and what's blocking their flow at Ed-tech is either an unavailable or no internet connection. The ratio of individuals' acquaintances to non-acquaintances with online physics education websites is 79:21, suggesting that most individuals are familiar with online education websites, the growth of sustainable education. People are relying on online videos. They gave lectures to gain knowledge in their field of study. Apart from that, zoom online video lectures are well known among individuals in all centers for the collection and delivery of online lectures. The informal work environment is the most stressed issue for learning at work/home at home. Nearly 79% of individuals are in favor of the opinion that "as a result of COVID-19 reform, Ed-tech benefited all institutions, tagged sustainable education". More than half of the sample population agrees that Ed-tech as sustainable education is used inclusively / making learning much easier, but at the same time. The same sample population opposes the view that "online classrooms can replace traditional classrooms", and thus the importance of traditional classroom education cannot be specified. About 60% of the sample population is Ed-tech for understanding aspects of Sustainable education. We are satisfied with the use of various individual fields of study.

4.1 Suggestions and recommendations:

For increasing the usefulness of ed-tech, digital literacy among individuals should be given importance and every measure should be taken to improve this variable. This may be counted the tremendous awareness of ed-tech as sustainable education system.

1. The internet connections should be made stronger even in the remote areas of the country too, to make the country stronger in internet connectivity as well.

4.2 Conclusion:

In a nutshell, we can conclude the whole study based upon the responses of individuals who acted as the sample population under study. The study concludes that COVID-19, the so-called Corona virus has impacted the educational sector of the Indian economy massively. (Pavlovic et al., 2021) The COVID-19 epidemic has resulted in significant decreases in PE requirements and activity time. Teachers' difficulties were observed in both closed and open schools. The pandemic has resulted in closures of schools, colleges as well as universities which on the other hand gave rise to online-centered education and thus a boon for the ed-tech of India, a representation of sustainable education system in India. Sustainable Education system is part of every Human life if considering that changes are according to them and having strong force on the benefits of education in humanity, environment and technology. Apart from the problem of unavailability or poor internet connections of remote areas, this online mode of teaching/learning is playing very well in the lives of students/teachers. Still the informal working environment at the home or the owned places of individuals under study is triggering the growth of learning/teaching from home and thus less time for family, mental pressure is the obvious consequence which is being felt by the individuals under study, knowing the concept has proven itself the meaning and benefit of sustainable education among Indian people. Last but not the least, the individual responses under study gave rise to the conclusion that Individuals are satisfied and aware with the concept of sustainable education and aid of ed-tech but still this online aid can't replace the traditional method of teaching in classrooms, need more emphasis, improvements and replacements of education system to maintain the sustainability and growth.

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A RECKONING PUBLIC INTEREST LITIGATION FOR FRINGE BENEFITS IN INDIAN CONTEXT

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ABSTRACT

Technology is rapidly improving, offering new innovations and revolutionary leading towards sophisticated needs of human resources i.e. one of the important pillar of any organization. It is largely due to intense competition and the lives of the powerful technologies focus have migrated from human centric to machine centric (in terms of employee's emotional feelings and their benefits). Therefore, in order to attract and retain talent, enhance the morale and motivate employees needed to increase staff productivity, corporate organizations in our country have come up with new initiatives in the field of unfair profit.

The purpose of this current paper is to identify and describe the major new processes that have taken place in the past in the area of rare benefits. The paper explains naturally. Data is collected from secondary sources such as published books, newspapers and magazines etc. New key trends that have emerged in the past in the area of rare profits and the names of companies that have led this have begun to do the same.

Include: Acquisition Leave; Yoga to improve productivity and fight fatigue; Join Bonus (Golden Hello); Christmas presents; Child Money; Long Maternity Leave; Onsite Accupunture and Improv classes; Maternal and Father's Counseling Services; Gender redistribution; Travel Stipend; EPFO Plans to Launch Affordable Housing Program; Death Benefits; Student Debt Partial Payment; Egg Freezing; PTO Volunteer and Donation Fund; Internet Access and In-Person Interaction with a Professional; Temporary or Consistent Working Options Based on Personal Needs; Long-Term Maternity Leave Rehabilitation Program; Safe Performance Measurement System; Cable and Parking Support; Day Care Center / Creche Grant; Surrogacy

Leave; Men As Spokesmen for Gender Diversity, etc. Therefore, it is clear from the ongoing data that many companies have considered and used some of the unique advantages in their organizations for the purpose of attracting and retaining talent, to keep their employees happy, satisfied and motivated and thus increase their morale and productivity. It is expected that in the future new trends will emerge in the small profit sector and benefit the corporate sector in our country.

Keywords: Fringe benefits, Innovative practices

INTRODUCTION

Innovation has become a buzz word in the corporate world. In today's highly competitive scenario, it is difficult for any organization to survive not to speak of flourishing, unless it is innovative. Consequently, in the arena of fringe benefits too, organizations are coming forward with innovative practices to attract and retain talent, motivate their employees and boost their productivity.

OBJECTIVES AND RESEARCH METHODOLOGY

The main purpose of this current paper is to identify and describe new trends and recent trends in the field of rare profits, with particular reference to the corporate sector in India. The research paper describes it naturally. Data is collected from secondary sources such as newspapers, printed books and the like. Concept, Philosophy and Legal Framework for Incomplete Benefits Before delving into some of the latest trends and trends in the field of corporate benefits in the Indian sector, you will need to understand the concept, philosophy and law. frame for fringe benefits. First, it can be said that the term, 'Illegal benefits', is relatively new and was not used until 1950. However, there is no doubt that such benefits to employees, in one way or another, have existed. vogue for quite a long time.

Despite the fact that labor economists have been able to see the potential for profit margins in the performance of production systems, there is no single definition of marginal benefits that can be developed by them although they all agree that the main purpose of extraordinary profits is to raise wages. labor and thus reduce the gap between wages and living expenses. However, the reality remains that the limited benefits are usually the additional benefits provided to employees in addition to compensation paid in the form of salaries or wages. It is for this reason that Cockmar notes that rare benefits are those benefits provided by the employer or for the

benefit of the employee and are not in the form of salaries, wages and time-related payments. Belcher also describes these benefits as any salary costs that are not directly related to the productivity, performance, service or dedication of the employee. Therefore, it can be safely observed that benefits provided to employees in addition to negotiated wages or salaries, today are called reduced benefits or additional benefits or non-wage benefits, although the essence of all these conditions remains the same.

Differences in perceptions about the definition of limited benefits are mainly due to the fact that some employers and employees interpret the definition of uncommon benefits in their own way, that is, as they deserve. In view of this, in order to have a proper understanding of the meaning and application of the Indian industrial model, it may be appropriate to refer to Section 2 (vi) of the Remuneration Act, 1936, Section 2 (b) The Minimum Wage Act, 1948, Section 2 (22) of the National Employee Insurance Act, 1948, other provisions made under the Employees' Provident Funds and Misc. The Provisions Act, 1952 and the Bonus Payment Act, 1965. However, further definitions of uncommon benefits are also found in the Industrial Disputes Act, 1947 and in certain cases and decisions of the Supreme Courts and the Supreme Court of India.

Based on a study of appropriate actions, decisions and decisions issued by various courts, the profit may fall into the category of exceptional benefits only if (i) it is used in financial terms, (ii) it should not be part of any contract. Indicating when the amount must be paid, and (iii) the amount payable for that benefit is not determined. Of course, it should be noted that the benefits of fringe often serve as a caregiver rather than a motivating factor. The various benefits can be divided into three categories, namely, (i) social security benefits, (ii) Welfare benefits, and (iii) bonus.

Innovative Practices and Recent Trends/Developments in the Arena of Fringe Benefits in Corporate Sector in India

A brief of some of the innovative practices and recent trends in the arena of fringe benefits is as follows.

Adoption Leave

Adoption leave has been introduced across many organizations acknowledging an increasing trend of employee opting for adoption. For example, Accenture has started giving adoption leave to its employees, if eligible.

Yoga for Boosting Productivity and Combating Fatigue

Of late, a good number of organizations have started opting for yoga sessions. For example, an Assocham paper released in 2016 noted that over 53% of corporate companies were opting for yoga sessions at workplace to boost employee productivity, reduce sick days, and combat fatigue.

Joining Bonus (Golden Hello)

In order to attract talent, joining bonus are being now offered by many organizations though in the case of startups joining bonuses went down with funds drying up. Such bonuses were offered in 2016 to about 10% of the staff, down from 30-40% a year ago.

Xmas Gifts

Xmas gifts have also been showing an increasing trend, so much so that despite the adverse impact of demonetization, some startups pampered their staff in the Christmas holiday season with overseas getaways, roadtrips, bonuses, gifts and even happiness funds during 2016.

Baby Cash

A few companies have made a beginning to provide some cash to their employees with a new born. For example, Facebook provides \$4000 in baby cash to its employees with a new born. At Mondeleze India Foods, workshops and sessions are conducted for new parents on topics like health of the child, health and financial wellness in perspective of becoming a new parent and changing priorities. At Pepsico, an automated system called ‘_MatCare 4 U’ keeps consistent information flowing to women on maternity issues via email and SMS.

Maternity Leave for longer Period

Some organizations have started granting maternity leave for longer period even beyond statutory provisions of 26 weeks, along with some medical and other benefits. For example, a host of companies, including Pepsi, Godrej, PwC, GSK, Flipkart and KPMG allow women to take leave for six months or more. Tata Sons provide a seven months maternity leave.

Onsite Acupuncture and Improve Classes

Of late, some organizations have begun taking initiative in providing onsite acupuncture and improve classes for their employees. For example, Twitter well known for providing perks such as three catered meals a day, provides some lesser known benefits like onsite acupuncture and improve classes.

Counseling Services for Mothers and Fathers In order to advise young parents, some organizations have begun providing counseling services for few mothers and fathers. For example, Deloitte has readied a programme called ‘_EmoFit +’ geared specifically towards evolving needs of young parents. In addition to other facilities, it provides counseling services for some new mothers and fathers. At Infosys also parenting session and counseling sessions are held. Many companies now send gift hampers to their employees after the birth of their children. For example, Ericsson while offering crèche allowances and progressive maternity, paternity and adoption leave, also sends gift hampers after the birth of child.

Gender Reassignment

A new beginning has been made by a few organizations with regard to covering gender reassignment for their employees. For example, Accenture covers gender reassignment for employees as part of its commitment to LGBTQ2 right and diversity.

Travel Stipend

Some companies have also taken initiative for giving their employees an annual spend

to travel and stay in any listing of their company in the world. For example, Airbnb gives its employees an annual stipend of \$2000 to travel and stay in any Airbnb listing anywhere in the world.

EPFO Plans to introduce Low-Cost Housing Scheme

Recently highly appreciable initiative has also come to notice whereby low-cost housing will be provided to employees. Under the scheme, in order to build low-cost housing, the government will collaborate with Public Sector Banks, housing companies and state-owned construction firms like NBCC and there will be a tripartite agreement with the member, the bank/housing agency and EPFO. The scheme is meant for low-income formal workers who are EPFO subscribers and cannot buy a house during their entire service period. In 2016, there were over 70 percent subscribers whose basic wages were less than Rs 15000 per month. The retirement fund body known as Employees' Provident Fund Organisation (EPFO) has already started working on plans to provide low-cost housing to its five crore subscribers. The Central Board of Trustees (CBT), EPFO's highest decision making body, will consider the report of the expert committee on the same. A committee set up by the EPFO in 2015 had recommended a scheme to facilitate subscribers to buy houses where they will be allowed to give advance from their Provident Fund (PF) accumulation also, pledge their future PF contribution as EMI (equated monthly installment) payments.

Death Benefits

It has also come to notice that some companies have started paying death benefit to surviving spouse or partner of a deceased employee for a few years. For example, Google provides the surviving spouse or partner of a deceased employee 50% of their salary for the next 10 years.

Partial Re-imbursement of Student-loan Debt

Some organizations have already started reimbursing partially student-loan debt of their employees. For example, in PwC employees are offered a \$1200-a-year reimbursement on student-loan debt.

Egg Freezing

A new initiative by a few companies has also come to notice whereby some companies provide parental leave and the like to parents returning to office, and also reimbursing the costs for egg freezing and fertility assistance. For example, Spotify provides six months of paid parental leave, plus one month of flexible work options for parents returning to the office. The company also covers costs for egg freezing and fertility assistance.

PTO for Volunteering and Money for Donations

A new initiative has also been taken by some organizations whereby their employees are paid volunteer time to donate to a charity of their choice. For example, Salesforce employees receive six days or paid volunteer time off a year, as well as \$1000 a year to donate to a charity of their choice.

Access to Online and In-person Interaction with Specialists

In order to encourage and motivate employees, some companies provide their employees access to interact with specialists. For example, at Infosys, employees get access to online and in-person interactions with specialists.

Part-time or Flexible work options Based on Personal Needs

Of late, it has also been observed that quite a good number of organization provide part-time flexible work options to their employees to vary working arrangements based on personal needs, such as work from home, reduced working hours and sabbaticals.

Returning Moms Programme for Women Employees on Prolonged Maternity Leave

A new initiative has also been taken by a few organizations whereby returning moms programme offers a sustainable solution to women employees on prolonged maternity leave. Companies like EY and Genpact have secured careers programmes that help skills and retain women employees in the workforce.

Secure Performance Rating Programme

Secure Performance Rating helps new mothers in maintaining their high performance. For example, companies such as Tata Sons, PwC, Ericsson India, Godrej and Citi have initiatives in place to let women retain their performance ratings. It also enables women employees greater choice to plan their return to work while managing personal needs.

Cab and Parking Support

Some companies have taken initiative in giving priority parking to those expectant mothers who self-drive their own car to their workplace. For example, companies like Sony Pictures Networks India, and PwC, provide priority parking to self-driving expectant mother. Genpact has ‘stork parking’ at all its facilities, on site and offsite day care centres at subsidised rates and ‘reserved seating’ for expecting women employees in company transport vehicles.

Day Care Facility/Creche Allowance

An initiative is also being taken by some organizations to provide safe and secure surroundings for the babies/kids of working mothers when they themselves are at work. For example, companies like Ericsson, Mondelez, Genpact, EY and SAP have various initiatives in place in this regard.

Surrogacy leave

Some organizations have come forward and put in place parenting policies which formally cover alternative forms of parenthood like adoption and surrogacy. For example, SAP Labs, Sony Pictures Networks India, Accenture, EY, KPMG and Tata Sons have adopted such policies.

Men as Advocates of Gender Diversity

Some companies have policies in place ensuring gender diversity. For example, companies like Accenture have policies in place with the aim to ensure that the workforce come together in an inclusive manner.

CONCLUSION

It is, therefore, evident in the ongoing data that many companies have considered and implemented some of the new benefits available to their organizations with the aim of attracting and retaining talent, keeping their employees happy, satisfied and motivated. and thus enhances their character and productivity. It is expected that in the future, new trends will emerge in the nonprofit sector and benefit the corporate sector in our country.

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PUBLIC INTEREST LITIGATION – A WINDOW FOR JUSTICE TO AGGRIEVED PEOPLE

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“Social Action Litigation is a socio-economic movement generated by the judiciary to reach justice especially to the weaker sections of the society for whom even after two and a half decades of independence justice is merely a testing illusion.” - Professor I.P. Massey

ABSTRACT: India is a nation characterized by many disparities, divisions, and paradoxes. With its limitless intricacy and intricacies, the whole process is intimidating and maybe traumatic for weak or disadvantaged elements of society. The protection of liberties and the subsequent legal process has proven frightening for people harmed. Following the socialist economy and after that aiming to improve and accelerate the late 1980s socioeconomic revolution, the Supreme Court guided an activist viewpoint via (Judicial Activism) which standardized the complicated procedure since the beginnings of PIL and changed the Indian judicial process.

Purpose: The main purpose of this paper is to explore the emergence and importance of PIL to protect the interest of neglected section of the society.

Need of the study: To find out the mechanism of PIL for justice to aggrieved party.

Method: This research is exploratory, so that it will take a glance at some other studies regarding process and procedure of PIL.

Findings: This study explores the application of PIL in delivering of justice for unable people.

Implications of the research: This study will contribute to future research on applications and processes of getting justice through PIL.

Emergence of public interest litigations:

To seek justice for violations of judicial entitlement of citizens who cannot apply due to society, financial, or functional limitations right to invoke writ judicial constituency has been equipped through Articles 32 and 226 ([Rathinam & Raja, 2011](#)). Indian citizens, trade organizations, or civil taskforce inferred the right to invoke the Supreme Court seeking legal remedies in any issue involving a group or a segment of the people. PIL has become a powerful mechanism for enforcing "public responsibilities" when policymaking conduct or offense resulted in public hurt due to this decision. Justice Bhagwati of the Supreme Court made substantial contributions to the definition of PIL ([Chowdhury, 2014](#)). The Supreme Court stated in the case of the Association of Indian banks , Bombay vs M/s Devkala Consultancy Service, that if the plaintiff approaches the tribunal for some personal issues for redressal of a legitimate complaint. The court may deem it necessary in the interest of justice can consider the private lawsuit as PIL as referred in M.C. Mehta vs Union of India ([Singh & Dewan, 2021](#)). PIL was filed in the case of Ganga water contamination to stop the ejection of industrial and domestic waste. The person is entitled to file a petition to the court to enforce legislative limits meanwhile he is worried about the safety of those who use Ganga water. Rajasthan State v. Vishaka: Sexual harassment was identified as a defilement of fundamental legal rights of Articles 14, 15 and 21 ([Gandhi et al., 2021](#)). Furthermore, the proposals apply to the sexual abusing of working female workers (Prevention, Prohibition, and Redress) Act, 2013. A distinguishing feature of PIL in India is that it is essentially a lawfully manufactured phenomenon, closely associated with the aggressive exercise of judicial jurisdiction. The judiciary and Legislature have been at odds with agrarian reform. The Supreme Court's late 1950s and 1960s property rights rulings blocked social transformation. They asserted the right to a just return of the value of any property taken by the state for redistributive reasons ([Basheer, 2017](#)). It defended princes' rights and pensions against the state in the 1970s and rejected bank nationalisation legislation. Mrs Gandhi's Congress's election triumph in 1971 on financial and social reform concerns looked to be a public rejection of the court's approach. The court was marginalised in the years preceding the 1975–77 state of constitutional Emergency — constitutional changes overturned its pro-property judgements;

'uncommitted justices' were transferred, and the practice of supersession contributed to further diminishing judiciary authority ([Jalihal & Reddy, 2006](#)). Property rights have been omitted from the list of fundamental rights since the 1970s. The court's inability to uphold fundamental rights during the Emergency exacerbated its unfavourable reputation, and the 42nd amendment to the constitution attempted to abolish judicial review ([Mahadevia & Vyas, 2017](#)).

In 1976 as an evident, in *Mumbai Kamagar Sabha v. Abdul Thai*, Justice Krishna Iyer spread the origins of the notion of PIL in India. *Hussainara Khatoon vs State of Bihar* (1979) emphasized the unfortunate conditions of jails and pre-trial detainees and resulted in the discharge of nearly forty thousand pre-trial detainees. The entitlement to promotion of justice was recognized as a necessary right that these prisoners had infringed on. Numerous instances followed the same established precedent. Justice P.N. Bhagwati served as a catalyst of the public interest litigation campaign throughout the lawsuit of *S.P. Gupta vs Union of India*. As demonstrated by the Judicial Branch, PIL, a notion that revolutionised lawful court decisions, has been intended to provide recognition and safeguards to the sluggish, marginalised, socially disadvantaged, and abused group of people by filing suit in the court. In many of the early PIL cases, the definitions of PIL were long and ambiguous. Justice Bhagwati defined PIL as "litigation initiated to rectify community damage, impose public responsibility, and safeguard interest and social collective "diffused" in a landmark 1982 decision ([Rai, 2020](#)). He stated: "In which a legitimate damage or a lawful harm is exacerbated to an individual or a strictly defined body of individuals as a consequence of an infringement of any fundamental rights or any hardship is levied in direct violation of any constitutional position beyond the legitimated right, or any such legal wrong, legal injury, or illegal burden is threatened, and such person or determinate class of persons is poor, helpless, or disabled or politically or financially underprivileged ([Khosla, 2010](#))."

The purpose of PILs is to provide fair treatment and equal justice for everyone. These have developed as a potent tool for implementing the executive's and legislature's legal obligations.

It is utilized to ensure the protection of organizations rather than individuals for whom principles of natural justice have been established. The Indian Supreme Court and High Courts may file public interest litigation. The structure of PIL promotes community engagement and is derived from a court formed for the purpose ([Vallath et al., 2017](#)). The initial objective of PILs was to increase underprivileged people's access to justice. The notion of PILs has compromised the

requirement of not appearing in court by individuals or groups whose entitlements have been violated. It has been incredibly effectively and often enough to challenge federal agencies' judgments through judicial examination to determine the validity and legitimacy of a decision or achievement, or a refusal to act, by a public entity. The initiator of PIL has figured prominently in the Indian system of governance. They were responsible for several milestone judgments, including the exclusion of instantaneous triple talaq, allowing females to the Sabarimala and Haji Ali sanctuaries, the legalization of consensual homosexual relations, and the legalization of inactive assisted dying. PILs contribute to colonial transformation, the conservation legal rights, and the acceleration of the legitimate equilibrium to safeguard human entitlement. It democratizes the judiciary and oversees public bodies such as prisoners, sanitariums, and safe homes, among others ([Agrawal, 2017](#)).

Mechanism of PIL: Subject matter covered-

Matters related to the general public: Aspects of indentured servitude, labour exploitation and convict leasing, Concerns about vulnerable kids and young people, Contract laborer extortion and underpayment delayed payment and refusal to pay service charges, Assault, harassment, bullying and torture of members of backward class communities by, neighbors and cops, Environmental issues, narcotics, agricultural product adulteration, historic preservation, and forested species. Concerning rioting and looting victims, Complaint opposing wrongful convictions, misconduct, corruption, intimidation and murder in police detention, and Complaints condemning female's horrors, including newlywed extortion, assault, death, and abduction, is also considered under this ([Bandyopadhyay, 2017](#)).

Matters related with personal or private nature not included: PILs are filed in response to threats or harassment against the complainant by any individuals for obtaining independent inquiry through the bureau to obtain armed security, resolve rental dispute issues, and resolve business concerns ([Yadav et al., 2018](#)).

Who May File a Petition for Injunction and Against Whom? (An individual citizen)

As per Article 32 of constitutions in the Indian Supreme Court, as per fundamental rights served under Article 226 in the High Court, By section 133 of the Criminal Procedure Code, in a Magistrate's Court. A PIL may brought against the Government, Municipal Authorities, or any

other public entity, but not against a private person. The term "state" has the same meaning as in Article 12 of the Constitution ([Zerah, 2007](#)). It encompasses the Administration and Legislature of the Indian state and all local or other authorities located in or under the supervision of the Indian government. The grand jury must adhere to the initial conditions of a Writ petition as the issue addressed by an individual, or a non government organization to enforce lawful or legitimate rights to an individual who is incapable to approach the court for restore dignity ([Sen, 2013](#)).

Factors leading the evolution of PIL:

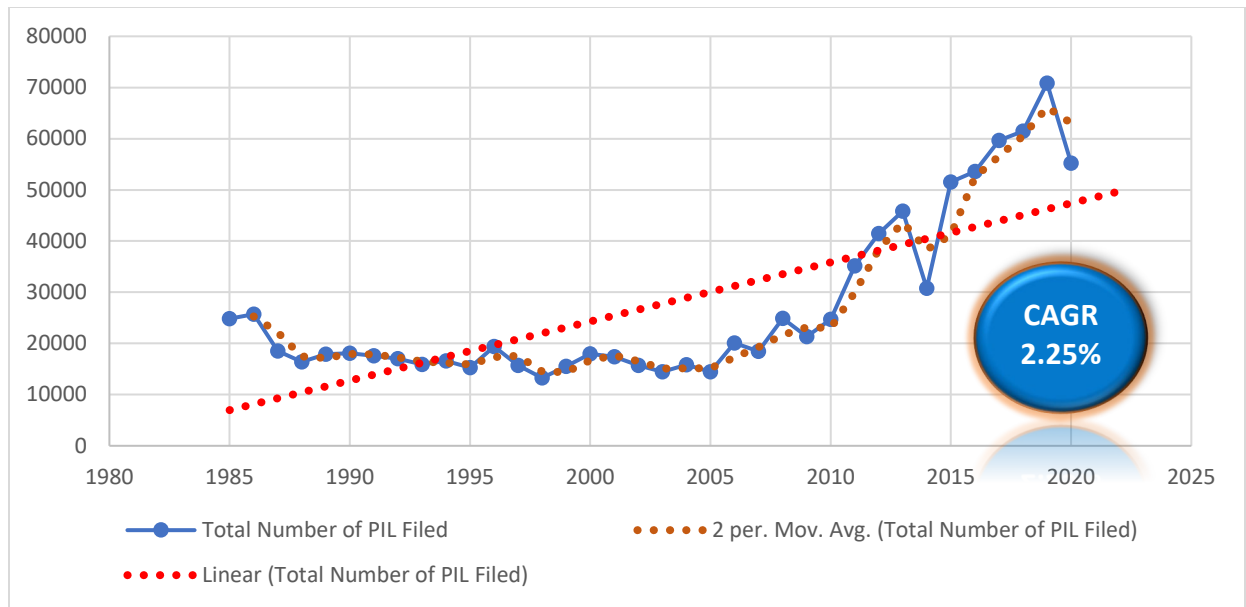
India has a codified constitution, which provides a framework for controlling interactions among the citizens and the public. Their state government, referred to in Part 3 of the constitution, consists of (Fundamental Rights) and Part IV (Directive Principles of State Policy). India has landmark colonial laws initiated, which can be implemented in any country around the globe. The constitutions introduced "locus standi", which ensures the appearance in tribunal on behalf of underprivileged people. The tribunals bring the administration to task when it fails to uphold the legislation's provisions safeguarding the people's entitlement ([McBroom, 2016](#)). In certain instances, judges have taken suo moto action in response to media articles or correspondence received. Although the socio-economic benefits of Part IV of the Indian Constitution are not legally enforceable, courts have interpreted them as fundamental rights, rendering them lawfully actionable. Right to life provided under Article 21 extended to include the free additional counsel, dignified existence, free education, selection of work and the freedom from torture, bar fetters, and handcuffs in jails, among other things. Thoughtful magistrates have always adapted on the middle class's behalf. Bandhua Mukti Morcha case from 1983, the Supreme Court lifted the load of evidence to the defendant, designating that it would regard all as bonded labour until the company established otherwise. Similarly, Justice P.N. Bhagwati declared in the Asiad Workers' case that anybody earning less than the least wage could seek the Supreme Court straight, bypassing the labour commissioner and lower courts. In PIL instances when the petitioner cannot provide or arrange all of the required proof, either since it is too long as they are financially impoverished, tribunals have created panels to gather evidence and have to produce these to the bench ([Sharma, 2005](#)).

Growth of PILs:

Table 1- Total Number of PIL Filed in India

Year	Total Number of PIL Filed	Year	Total Number of PIL Filed	Year	Total Number of PIL Filed
1985	24823	1997	15718	2009	21345
1986	25715	1998	13264	2010	24740
1987	18549	1999	15497	2011	35181
1988	16367	2000	17947	2012	41463
1989	17867	2001	17380	2013	45847
1990	18089	2002	15717	2014	30784
1991	17563	2003	14470	2015	51506
1992	17039	2004	15846	2016	53599
1993	15883	2005	14488	2017	59645
1994	16569	2006	20083	2018	61460
1995	15247	2007	18458	2019	70836
1996	19401	2008	24892	2020	55206

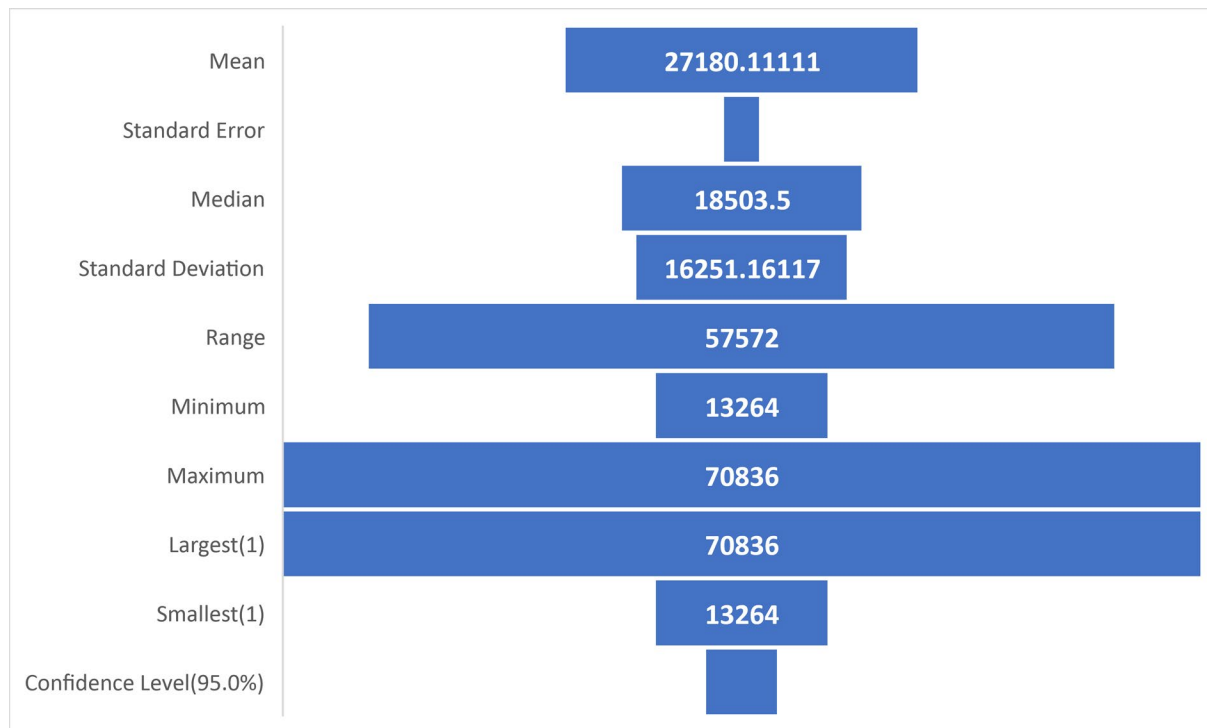
SOURCE- ([Indian Journal of Global Legal Studies, 2012](#))



SOURCE- Public Interest Litigation in India as a Paradigm for Developing Nations Report 2022 and Author's Calculation

Figure 1-Total Number of PIL Filed and related aggregates

Figure 1 shows the time series analysis of the PIL number filed in India from 1985 to 2020. The trend line fitted in the time series data shows an upward surge in the number of cases filed in India. Moreover, a positive slope can be witnessed in India's moving average data of PIL cases. A moving average (MA) is a variable indicator in time series analysis. The purpose of computing a average is to aid in smoothing out the data over a specific period by providing a continually updated average price. Also, based on data collected over time CAGR comes out to be 2.25% in terms of India's Cases. It also indicates a drastic development in public interest litigations since 1985 to 2020. However after 2010 it has reported largest numbers of PILs in India which is evident that this mechanism is useful in protecting the interest and dignity of human being.



SOURCE- Author's Calculation

Figure 2= Descriptive Statistics of total Number of PIL Filed in India

Descriptive analysis is the most reasonable way of deciphering the data incorporating the variables over many years. Figure 2 comprises the descriptive analysis of data exhibited in Figure 1 & Table 1. From the diagram, it is clear that the average number of PL filed over 36 years that has been projected in figure one is 2718.11. Moreover, the median of the framed data set is 18503.5, with a standard deviation of 16251.16. The data set range that signifies the difference between the highest and lowest value is 57,572. The minimum number of PL cases filed was 13,264, which was in 1998, and the maximum number of cases filed was 70,836 in 2019.

PIL and its Criticism:

In India's history, public interest litigation was an innovative method of advancing marginalized and oppressed people's economic and social rights. However, several objections to public interest litigation have surfaced recently, like issues about parting of powers, judicial capability, and discrimination. These objections have proven to be abstract, and the sheer volume of examples

complicates empirical evaluations ([Chandra, 2018](#)). Recently, PILs have evolved into promotional tools. Individuals submit frivolous petitions, wasting the judges' time. Additionally, they have been utilized to advance political agendas. They impose an unreasonably heavy load on the court. Yet if the application has been rejected, the courts assign reasonable time and kindness. At the moment, only judges are entitled for power to deny a petition. The SC or HC Registry ensures that the procedural terms for submission of an appeal subject to met. Consequently, applications are allowed to the court regardless of their merits. However, PIL has created new problems such as an expected response in the work overload of superior courts, a due to the absence of judicial facilities to ascertain factual matters, a disconnect between commitment and reality, misuse of authority, friction and potential conflict with other government organs, and the inherent danger of judicial populism ([Shah & Mathur, 2019](#)). Over the past thirty years, the Indian Supreme Court and High Court have been addressed through PIL to resolve a range of concerns, not all of which included claimed violations of FRs. For example, the judiciary has considered the constitutional provisions of the Government's privatization and policies for disinvestment, the defacement of rocks with painted posters, the risk to the Taj Mahal from a chemical plant, the pollution caused by reviewers, the realignment of industries out of Delhi, the lack of food accessibility, deaths from starvation, the use of eco-friendly energy in Delhi heavy vehicles and traffic norms, and the out-of-turn allocation of government housing ([Jacobsohn, 2005](#)). While a perusal of the preceding sample of PIL instances may surprise people unfamiliar with PIL in India, this should be highlighted that in each of the preceding instances, the court entertained the PIL and pursued the issue to its natural conclusion ([Fisher, 2013](#)). However, there have been cases of more flagrant abuse of the PIL procedure. For example, the Indian cricket team was summoned from Australia following the contentious Sydney test match. PILs were filed to control the handling of wild monkeys around Delhi and the interviewing system very young children seeking admission in private schools ([Jayanth K Krishnan & Thomas, 2015](#)). Furthermore, a PIL was filed in the Supreme Court to prohibit newspapers from publishing allegedly obscene and nudist images. 84 Some ostensibly public-spirited lawyers filed lawsuits against Richard Gere's publicly kissing of an Indian artist, Ms Shilpa Shetty; (ii) an accusation of inappropriate live stage performance on New Year's Eve; and (iii) former Miss World Aishwarya Rai's marriage to a tree in order to solve specific astrological barriers in her getting married. Furthermore, the PIL discourse was used to urge that the Indian

Government send experts to assist the Nepali Government in reinforcing the Bhimnagar barrage in order to avoid future flooding and to dispute the constitutional legitimacy of the Indo-US civil nuclear deal. The abuse of PIL in India, which began in the 1990s, seems to have progressed to the point where it is undermining the different purposes for which PIL was adopted ([Otalora Lozano, 2018](#)).

In other terms, the dark side of the PIL project is gradually eclipsing the lighter side.

(1) *Improper objective*: In PIL, the term "public" is used for "private" or "publicity." One of the primary reasons the courts embraced PIL was its use in advancing the public interest. However, it is uncertain if PIL remains committed to that objective ([Jayanth K Krishnan, 2006](#)). While it is not often possible to distinguish between "public" and "private" interests, one may argue that courts have not strictly enforced the obligation that PILs advance some public interest. Desai and Muralidhar reaffirm that "PILs are being abused by individuals arguing for personal grievances in the name of gaining publicity and public interest relatively advocating for public concerns ([Hailbronner, 2017](#)).

(2) *Unproductive use of scarce court resources*: When administered effectively, the PIL can contribute to the efficient resolution of people's problems. However, given that India has a smaller per capita judge population than numerous other nations and that the Indian Supreme Court and High Courts are dealing with a massive pendency of cases, it is mystifying that the courts have not finished more to halt non-genuine PIL petitions ([J K Krishnan, 2003](#)). Indeed, by permitting frivolous PIL litigants to squander the courts' energy and time, the judiciary may be infringing the right to a quickly trial of individuals awaiting the restoration of their private rights via traditional adversarial litigation ([Galanter & Krishnan, 2004](#)).

(3) *Judiciary populism*: Judges are human, except it would be undesirable to admit PILs because they raised a problem that is (or may become) popular in society. On the other hand, the intention to serve as the people's judge in a republic should not exclude accepting PIL petitions that represent a significant public interest but may be controversial. Fear of judicial populism is not theoretical, as Dwivedi J. observed in *Kesavananda Bharati v State of Kerala*: "The court is not elected by the people and is not accountable to them in the same way that the House of People is. However, it will earn a lasting position in people's hearts and strengthen its moral

standing if it can refocus judicial review away from the numerical idea of minority protection and toward the humanist concept of protecting the weaker segment of the population."

(4) *Justice on a symbolic level*: Another significant issue with the PIL effort in India has been that PIL lawsuits sometimes result in just symbolic justice. Two sides of this issue are worth noting here. First, the court is frequently unable to guarantee that its rules or orders in PIL matters are followed, for example, regulating workplace sexual harassment or police arrest ([Abdullah et al., 2018](#)). A more empirical study is necessary to ascertain the amount of adherence and the impact of the Supreme Court's directions. However, court involvement in these instances made little headway toward ending the sexual assault of women and minimizing police brutality during arrest and custody. The second example of symbolic fairness is shown by the folly of excessive conversion of DPSPs to FRs to render them justiciable. Recognizing rights that cannot be implemented or fulfilled accomplishes nothing ([Mukherjee & Tuovinen, 2020](#)).

(5) *Undermining the fundamental balance of power*: While the Indian Constitution does not adhere strictly to the separation of powers, it includes the notion of safeguards, which the judiciary must respect. However, in other instances, the court abandoned self-restraint and legislated, resolved policy disputes, assumed governance, or oversaw executive agencies. Additionally, there was a lack of coherence ([Hammond, 2020](#)). The Supreme Court has not hesitated to interject itself into policy debates in certain instances but has fled behind the cover of policy debates in others. Prof. M. P. Jain warns against this trend: "PIL is a weapon that must be handled with extreme prudence and circumspection; courts must ensure that, in the name of remediating a public grievance, PIL does not infringe on the executive and legislative spheres reserved by the Constitution ([Dugard, 2008](#))."

(6) *Overuse-induced insignificance*: PIL must not be the only step in resolving all types of concerns, especially those in the public interest. To maintain its effectiveness, PIL should not be permitted to devolve into a schedule procedure that is not carefully considered by the Bench, the Bar, and, most prominently, the public: "The excessive use of PIL for every feasible public interest may erode the original dedication to using this solution exclusively for enforcing the human rights of victimized and disadvantaged groups." If marginalized people and socially backward people lose trust in the effectiveness of PIL, it will perish ([Coffee Jr., 2010](#); [Huijbers & Loven, 2019](#); [Ramsden & Gledhill, 2019](#)).

Check on the dark side of PIL: If the aspect of PIL is so obvious, why hasn't the Government or courts done something about it? In 1996, a private member Proposal was submitted in the Rajya Sabha, the Indian Parliament's Upper House, to prevent the abuse of the PIL, but not precisely on the Government's behalf. The Public Interest Litigation (Regulation) Bill proposes that petitioners who file frivolous PIL lawsuits be imprisoned and had to pay restitution. However, the Bill — which prompted worries about impeding judicial independence — could not get support from all major parties ([Marcus, 2016](#)). As the Bill expired, this effort to rein down PIL abuse failed. However, on the other hand, the court, like the legislature, is fully aware of the challenges involved with PIL and has addressed them in two ways. To begin, the Indian Supreme Court and High Courts have attempted to convey strong signals individually whenever they saw the PIL procedure being abused. In certain instances, courts have imposed fines on litigants who exploited the legal process ([Preston, 2014](#)). The Supreme Court has also expressed dissatisfaction with how the High Courts have entertained PIL matters in a few instances. The Supreme Court's second and more methodical move was to create Guidelines for Addressing Letters/Petitions Received as PILs. The Recommendations, based on a full-court judgement dated December 1, 1988, were amended in 1993 and 2003 on the Chief Justice of India's orders/directions ([Lokaneeta, 2017](#)).

Generally, the Guidelines stipulate that letters/petitions falling into one of the below ten categories shall be considered as PILs:

- Matters involving bonded labour;
- Children who have been neglected;
- Failure to pay minimum wages;
- Petitions from prisoners alleging harassment, death in custody, and the right to a quick trial as a fundamental right, among other things;
- Complaints against police for failing to record a case, for police harassment, and police death in custody;
- Petitions against injustices against women, including bride pestering, bride-burning, rape, murder, and abduction;
- Petitions alleging abuse or torture of members of reserved castes and tribes;

- Petitions concerning contamination, disruption of the environmental balance, narcotics, food adulteration, preservation of history and culture, antiquities, wildlife and forest, and other problems of community concern;
- Petitions from victims of riots; and
- Pensions for dependents.

However, the Guidelines state that petitions relating to specific issues such as landlord-tenant disputes, service disputes, and academic institution admissions are not recognized as PIL. The PIL Cell has been tasked with screening letters/petitions following these Guidelines and then presenting them to a judge appointed by the Chief Justice of India. In light of the courts' development of epistolary jurisdiction, PIL petitions are not necessary to follow the prescribed format; a simple postcard may suffice ([van der Sloot & van Schendel, 2021](#)). To offset this particular power/procedure, the Rules were updated in 2003 to indicate that it may be beneficial to need an affidavit supporting the petition's assertions where the requirement is not unduly burdensome. Despite the judiciary's dual approach to preventing PIL abuse, many bogus PIL matters continue to reach the courts ([Mollah, 2014](#)). For instance, when hearing a slew of PILs seeking directions on the early release of prisoners serving life sentences in different jails, the Supreme Court recently voiced irritation with the PIL device's overuse. Noting that about 95% of PILs are baseless, the Court stated that PILs have developed into a nuisance and that the time has come to penalize individuals who file PILs for frivolous reasons. One reason it has been challenging to restrict PIL abuse is that, since the concept of PIL is predicated on flexibility (i.e., loosening general norms for standing, form, and proof), it is difficult for courts to keep it open while also stopping busybodies at the door. For example, the Court may not choose to reverse the PIL initiative to forfeit its ability to act as a protector of the interest of marginalized groups or hold the government responsible in chosen circumstances ([Marcus, 2016](#)). It may prefer a system in which no legitimate PIL application is excluded, although this leads to the admission of several non-serious PIL claims. This approach is perhaps reflected in the broad scope of the preceding Guidelines, which seem to facilitate rather than restrict PIL proceedings. This may also explain why the Supreme Court Has ruled that do not yet address PIL matters ([Mahadevia & Vyas, 2017](#)).

The Court's Approach to Public Interest Litigation: The Court should not enable politicians and others to misuse the procedure to stall lawful administrative action or advance political aims. PIL advocates must exercise responsibility and accountability. The Court must do due diligence to ensure that the petitioner operates in noble belief and not for private advantage ([Krishnadas, 2007](#)). The Court must study the effect of the remedy upon these public interests while shaping it. Since it is an unusual remedy accessible at a reduced cost to all people of the nation, it should not be utilized as a replacement for conventional remedies or as a vehicle for filing frivolous complaints by all litigants ([Khosla, 2010](#)).

Conclusion and discussion:

Laws governing PIL in India: Indian constitution to safeguard the interest socially and economically backward people have developed a variety of concepts regarding PILs throughout the years like “Locus standi” which ensures the filling of suit by others on behalf of aggrieved party. Thus, in situations involving public interest litigation, it eased to preserve and protect the rights of these deprived people ([Riley, 2017](#)).

Hassle-free rules and routes: Even a piece of paper, letter or telegraph can also be accepted as PIL in referred case of Dehradun vs State of UP in Rural Litigation & Entitlement Kendra. Even the courts have eased the law governing pleadings in PIL petitions ([Li et al., 2021](#)).

Court intervention: Articles 14 and 21 of the Constitutional law of India and international human rights conventions provide a reasonable and fair trial. So courts must interfere when widespread injustice occurs. The Government may not raise objections to the serviceability of the public interest litigation if the tribunal is prima facie persuaded that any fundamental right of a disadvantaged group of individuals has been violated ([Gormley, 2014](#); [Lokaneeta, 2017](#); [Singh & Dewan, 2021](#)).

Res Judicata Principle: This principle provides the adjudication of a competent authority, formation of panel and constitution of a commission resolute by the evidences and conditions of the case, as well as the character of the PIL ([Ahmed, 2012](#); [Araujo, 2009](#); [Bensaude, 2007](#); [Bordin, 2019](#); [Briza, 2008](#)). It can also order investigation to body in exceptional situations. If the Commission acquires control of a state body, the Court may order its administration. PILs are challenging the legality or rationality of legislation or constitutional rule— Generally, the High

Court dismiss such a petition in PIL form ([Budak, 2020](#); [Chamma Possamai & Dal Ri, 2015](#); [Chitimira & Warikandwa, 2018](#); [Clermont, 2016](#); [Cret & Stoicu, 2016](#)).

Comprehensive or complete Justice: Article 142 of the Constitutional Law of India, Supreme Court does have the discretion jurisdiction to issue any verdict or decision required to ensure that justice is done completely. However High courts can also direct to ensure inclusive justice, which lack the authority afforded to the Supreme Court. PILs are being abused– Courts use tremendous caution to avoid misusing PILs, since misusing PILs would not navigate from its basic motive of formation to confirm protection to poor and underprivileged ([Herland, 2020](#)). It has been reaffirmed in the case of *Kushum Lata v. Union of India*. However, courts have concluded that although the solicitor contacted the tribunal to address his concerns, the Court may deem it appropriate to look into the topic of the dispute and its current condition of matters in the general public favour([de Hoop, 2008](#)).

Public Interest Litigants throughout the country have reacted angrily to similar court judgments. They worry that this would be the end of the people-friendly PIL idea. However, India's bona fide claimants face no danger. Only such PIL activists who file frivolous cases will be required to compensate the opposing party ([Noor, 2014](#)). This is a positive development because nobody in the nation can disagree that even PIL advocates should exercise responsibility and accountability. Additionally, the Consumers Protection Act of 1986 has been revised to compensation to oppose group of people in situations of dizzy consumer complaints. In any case, PIL needs a complete rethink and restructure at the moment ([Satpathy, 2017](#)). In any case, excessive use and misuse of PIL will only render it obsolete and ineffectual. As it is an unusual cure accessible to all people at a reduced charge, it should not be exploited by all defendants as a replacement for conventional remedies or as a vehicle for filing frivolous petitions. Public Interest Litigation is a critical device for societal change ([Shankar & Dwivedi, 2016](#)). It is committed to the interests of all segments of society. It is the sword that everyone wields only to enforce the law. The originality of this lawful tool helped emerging nations such as India. PIL has been used to address social abuses. It is a kind of institutional action intended to support the weakest people of society. In *Bandhua Mukti Morcha v. Union of India*, the Supreme Court directed the liberate of bonded labors. In *Murli S. Dogra v. Union of India*, the Supreme Court of India declared smoke will be illegal as on community places. In *Delhi Domestic Working*

Women's Forum v. Union of India, the Supreme Court established precedents for rehabilitation and compensation for raped working women. In Vishaka v. State of Rajasthan, the Supreme Court imposed stringent norms barring sexual abuse of working women in the workplace. PIL is an effort by a developing country to liberate itself from millennia of lawful imperialism. It refutes the axiom that the more European the law, the more the effect it must act in the interests of social and economic growth. It argues that the growth of underdeveloped men was facilitated by the law generated in developing nations like India. The dissatisfaction with the formal legal system led to the move from legal authoritarianism to legal pluralism. However, in India, rather than striving to establish a method for administering justice, the official legal system was abolished via PIL. As we have realized, the changes are both noteworthy and systemic. It has fundamentally changed the conservative judicial function, enabling the Court to deliver justice to the average person. Furthermore, it is stated respectfully that PIL is now in the experimental stage. Numerous shortcomings in managing this kind of lawsuit are expected to light. However, these shortcomings may be overcome by the development of special procedures. In crux, the PIL establishes a novel jurisprudence about the state's culpability for legal and constitutional breaches that negatively impact the welfare of the community's poorer members. We might conclude by expressing the optimism voiced by Justice Krishna Iyer. Judicial engagement receives its ultimate reward when its rulings wipe some sorrows from some senses. PIL is critical to the legal system because it provides a track to justice for underprivileged segments of society, numerous of whom may be ignorant of their rights. In addition, it offers machinery for implement scattered rights. It is hard to recognize an offended the victims those lack the inspiration to approach the courts. Moreover, PIL may promote excellent authority by holding the administration answerable. Finally, PIL permits civil society to perform a energetic role in nurturing public consciousness of human rights, giving disadvantaged groups a voice, and enabling them to contribute in administrations decision-making. In As this research attempted to demonstrate via reference to the experiences in India, PIL is capable of achieving all or a portion of these critical policy goals. Nevertheless, the Indian PIL experiences have taught us that it is vital to avoid PILs becoming a backdoor into the temple of righteousness to settle political grudges and pursue private interests or gain easy attention. Moreover, courts should abstain from using PIL to administer the nation daily or from invading the executive and legislative branches' lawful domains. Furthermore, several objections have been levelled against PIL in recent years,

including issues about the division of powers, judicial capability, and inequity. While opponents have been compelling when citing specific examples, the sheer volume of cases and the variety in patterns across time and between court benches have complicated establishing a general judgement. This study suggests that objections to the separation of powers are best understood as critiques of the effect on sectoral Government. Organised research papers on sectoral democratic accountability are essential to analyse such criticisms. On the issue of disparities, this article contributes to a comprehensive assessment by systematically reviewing the roughly comparable magnitude, case configuration, and geographical roots of PIL and Fundamental Rights case scenarios that attained the Indian Supreme Court and legal counsel and the claimant's social class. Public Interest Litigation has produced exceptional results that were unthinkable three decades ago. Judicial involvement has resulted in reparation for degraded bonded labourers, abused women, convicts, humiliated inmates of safeguarded women's homes, blinded criminals, and exploited children and beggars. PIL's major accomplishment was always to raise governments' accountability for the human rights of disadvantaged people. The PIL provides a new jurisprudence regarding the state's culpability for constitutional and legal violations that adversely affect the poorest elements of the community. The judge, however, must exercise adequate care in adopting PILs to avoid judicial overreach that breaches the Separation of Powers. Additionally, irrelevant PILs involving particular interests must be avoided to ensure a sustainable workload.

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Evaluating Public Interest Litigations in India from a Management as well as Social Justice Perspective

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Abstract

This paper begins with a brief review of the background of the provision of Public Interest Litigation (PIL) in the Indian penal code, its rationale, goals and expected function. The paper attempts to evaluate the effectiveness of this law from the management as well as the social justice perspectives considering a range of arguments that call for a revision of the law as well as those that argue the opposite. An attempt is made to review relevant empirical data as well as in depth qualitative analysis of selected cases. The data collected is analyzed, organized, synthesized and reported with the aim to resolve the question of whether the misuse of the provision of PIL has an adverse effect on our economy and whether there is a need to review the law as it exists in its current form.

Introduction

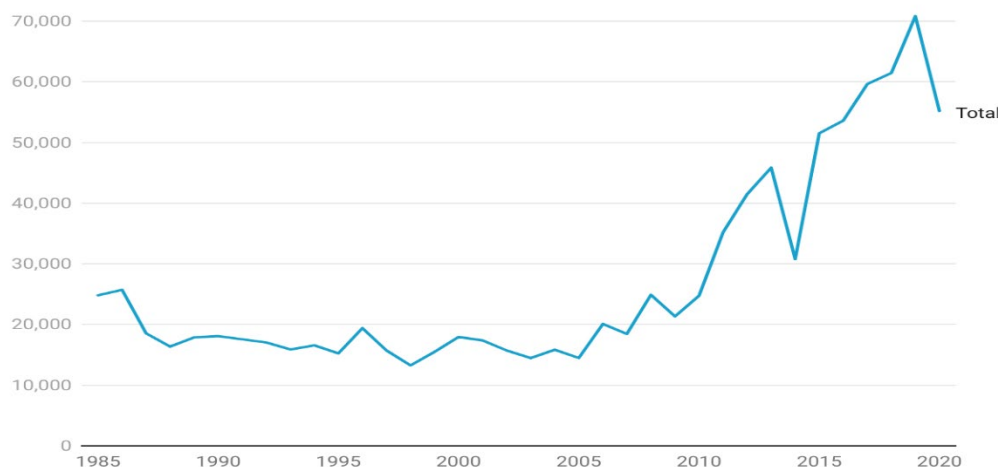
A Public Interest Litigation (PIL) is a provision in the Indian legal system that provides citizens the right to seek information on any issue related to the functioning and decision-making of public or private entities. It was conceived as a tool to ensure transparency and accountability in decision-making and as an effective instrument to curb corruption and prevent people in power from misusing their authority for personal gain, or to serve the ulterior motives of vested interests. In fact, according to the Ford Foundation the Indian PIL is an improved version of its American counterpart.¹ However, there has been a phenomenal increase in the number of PILs filed in recent times and there have been accusations of the misuse of this tool resulting in managerial

inefficiencies and broken timelines. This paper aims to investigate such claims to find out whether there seems to be a significant misuse that warrants a reconsideration or review of this provision. The paper also aims to recommend ways in which policy makers can improve and strengthen the manner in which the provision of PILs is used to protect the interests of Indian citizens, without having an adverse effect on organizational effectiveness and managerial efficiencies.

Background

According to the Supreme Court Observer, the court receives an average of 25000 Public Interest Litigations (PILs) a year (Saraogi, A. & Kashyap, G., 2021)² and an analysis shows an exponential increase in the frequency of PILs over the past decade reaching a peak of over 70000 by 2019 (from only about 24000 in 2010) followed by a sharp decline in the post COVID scenario (refer Fig. 1 below).

Number of PILs received by the Supreme Court [1985-2020*]



*The 2020 data is as on 30.09.2020

Chart: Supreme Court Observer • Source: Supreme Court of India • Created with Datawrapper

Figure 1 (Source : Saraogi & kashyap)

During the same period India's GDP dropped from a whopping 8.49% to about just a tad over 4% in 2019 and it was further reduced to an abysmal -7.25% in 2020 (World Bank, 2022).³ These contrasting trends, on the face of it, seem to provide some credence to the claims that there is rampant misuse of PILs and that it has had an adverse effect on the Indian economy. However, a

seeming association between an increase in the number of PILs and a drop in India's GDP cannot by itself be considered as proof that PILs caused the drop in the GDP. Therefore, we need to investigate further to see whether there is a significant link between the two and whether we can reliably conclude that one has an adverse effect on the other. At this juncture it is important to mention that the public interest law came into being in the 80s due to the efforts of Justice P N Bhagwati and Justice V R Krishna Iyer. Before then, only aggrieved parties were allowed to seek justice in the courts and people who were not personally affected had no locus standi; meaning that there was no provision for any individual to seek justice on someone else's behalf. Thus, PILs sought to enhance the judiciary's ability to protect the exploited, the downtrodden and the meek, who otherwise would have no recourse to justice.⁴ In this paper we shall attempt to investigate whether PILs have helped achieve this objective.

Identifying the problem

In addition to the objective mentioned above, another question that this paper attempts to answer is whether the increasing number of PILs in India have had an adverse effect on the economy, and if yes, then what can policy makers do to address the issue.

While we have already seen that there has been a rapid increase in the number of PILs, it is not easy to establish the impact this increase has had on the economy. For one, a country's economy is affected by diverse local and global political, social, legal, technological, economic and environmental factors, making it very hard to establish the effect of PILs alone. However, we can begin by reviewing relevant literature which is likely to provide useful insights into the subject. An additional objective should also be to find out whether PILs serve the purpose for which they were conceived, before we attempt to assess their impact on organizational effectiveness or managerial efficiencies. The principal aim of the provision of PILs is to encourage citizens to seek and enforce justice on behalf of others who may not be empowered or knowledgeable enough to be able to do so on their own. Therefore, the legislative principles on which the provision of PILs is based are not concerned with facilitating organizational effectiveness or economic growth, they are primarily concerned with protecting the rights of citizens and ensuring just economic, commercial and administrative practices in all sectors. Keeping this in mind the very question of whether PILs have an adverse effect on the economy seems like a moot question. However, having said that, we must also realize that even while a society attempts to ensure justice for all citizens

it needs to do so in a responsible manner ensuring that motivated parties do not misuse provisions of the law for vested interests or as an instrument of persecution holding legitimate profit-seeking entities to ransom. This balance, while achievable in theory, is always difficult to ensure in practice, which is why we need a thorough discussion on the subject to develop new approaches that could help the judiciary ensure justice for all while reasonably protecting the interests of national and multinational businesses which play an important role in employment generation as well as economic growth.

Review of Literature

Let's begin by investigating whether there is any demonstrated empirical evidence of PILs having had an adverse effect on the economy. One of the key indicators of economic performance is a country's per capita Gross Domestic Product (GDP), hence we will begin our review of literature by trying to find evidence of the impact of PILs on India's GDP. We will try to see what factors affect the GDP, which is also traditionally considered a key indicator of economic health from a management perspective; since management is principally concerned with organizational effectiveness (in the traditional sense). A country's GDP is a valid and reliable indicator of economic performance because it provides an effective measure of effectiveness and, while it cannot by itself provide a holistic assessment of economic health, it does serve as an objective measure that managements and governments can rely on to make evidence based decisions. Therefore, we will look at some key factors that affect India's GDP and then try to assess the impact of PILs on each of those factors to analyze whether the increasing number of PILs have had an adverse effect on India's GDP; and therefore on the economy.

In a quantitative study by Jain et.al. (2015), that attempted to assess the impact of factors like Foreign Direct Investment (FDI), Net Foreign Institutional Investor Equity (FII –Equity), Net FII-debt, Import & Export on GDP in manufacturing and services industries, they found the following: In both sectors over 99% of the changes in GDP were brought about mainly by the cumulative effect of variables like FDI, Net FII equity, Import & Export. With such a high impact it seems that these four variables play a far greater role than PILs do in economic development (as reflected by the GDP). However, we still can't conclude that PILs do not have an effect on India's GDP (and therefore, on the economy) because if they affect any of the variables mentioned above (like

FDI, etc.) then they would have an indirect effect on the economy as well. Hence we need to investigate further and would also need to look at some qualitative data.

Benefits of PILs (some highlighted cases)

The following are some of the prominent cases where PILs were filed in recent times challenging the manner in which large multinational organizations had invested in India in violation of the norms set by our FDI Policy:

In 2019 a PIL was filed seeking a probe into the practices of Flipkart and Amazon alleging violation of India's FDI norms. While this PIL was dismissed because the Enforcement Directorate informed the court that another investigation, concerning these organizations, under the Foreign Exchange Management Act (FEMA) was pending before it, the PIL did eventually result in Flipkart and Amazon altering their practices to ensure compliance with the FDI norms.⁵ Thus, this PIL filed by an NGO called Telecom Watchdog seems to have helped protect the interests of small retail sellers, which is what the FDI norms as well as the provision of PILs aim to do. From this case we can deduce that PILs seem to be effective in protecting the rights of unrepresented and unorganized groups (like small business owners) but could cause delays in the operations of multinational organizations augmenting perceptions of unchecked red tape-ism.

Similarly in 2012, a PIL was filed seeking investigation into the practices of Bharti Walmart which had allegedly been granted permission only to carry out wholesale trade but had been carrying out multi-brand retail as well, harming the ability of small businesses to compete with multinationals. Thus, while the PILs would certainly have created hurdles for Bharti Walmart and slowed them down, they do seem to be effective in protecting the interests of people involved in small businesses as well as in the unorganized sector. Considering that more than 90% of the businesses in India are classified as small businesses and over 80% of our workforce is employed in the unorganized sector⁶, the provision of PILs seems to be a useful tool that allows citizens to themselves take up the responsibility of protecting their rights and interests. If, for whatever reason, the Government of India decides to do away with this provision then it is likely to expose weaker, unorganized and marginalized groups to potential exploitation at the hands of unscrupulous corporations that are primarily driven by the profit motive.

Another relevant case is related to a landmark litigation - S. P. Gupta vs. Union of India,⁷ where the court ruled that even lawyers have the right to file PILs. Following this ruling there was a phenomenal increase in the number of PILs filed by lawyers in India.⁸ This increase in activism by the lawyers is considered by some as undesirable while others welcome it, but with lawyers

themselves turning into activists there seems to be a growing criticism about the misuse of the PIL as a tool for personal gain or for vested interests; even though the very genesis of this tool was meant to protect against these malpractices. However, it is our contention that such fears could be misplaced since lawyers are an important part of society and can be expected to be as responsible citizens as any other segment of the population. Further, being a large group of people, they are spread across all geographical areas and come from many different economic, religious and other ethnic groups. This makes them representative of the population and ensures diversity which itself acts as a check on the misuse of PILs by lawyers.

In fact, there is ample evidence of the effectiveness of PILs in enforcing laws. For example, as reported by Faure and Raja (2010) there is convincing empirical evidence that the Supreme Court of India has played an important role in addressing the issue of rising pollution levels in Delhi. The success of PILs in India and other countries has led to the introduction of similar legislative provisions even in countries like China where traditionally citizens would not be encouraged to sue government officials (McCallum & Kathryn, 2017).

One of the most significant cases that has been cited to argue both in favor of as well as against the use of PILs as an instrument of justice as well as economic development is the case involving the South Korean Steel Giant the Pohang Steel Company's (POSCO's) attempt to set up a steel plant, a power station and a port in a tribal district in Odisha with a proposed unrepresented FDI of a whopping \$12 billion⁹ (appx. Rs. 51000 Crores). On one hand we had vehement opposition from environmentalists to this project, claiming extensive deforestation, and other ecological impacts, along with adverse effects like displacement on tribal communities engaged in beetle farming and fishing; while on the other hand the project received all the required clearances from government agencies after extensive reviews from expert committees covering all aspects of impact and risks (including social, environmental and economic) (Mishra, n.d.). A detailed analysis of the case reveals that while in principle a project of such phenomenal possibilities should have been facilitated by the Indian Government (and it was, considering that they received the required clearances and repeatedly expressed their commitment to social justice and promised to rehabilitate local communities to the government's satisfaction), it ran into deep trouble with the local communities and regulatory authorities because of activism from local political groups opposing the project and several PILs attempting to thwart the project. On the face of it, it seems

that PILs virtually led to the shelving of this project, however the case raises more questions about the very rationale of depending on FDIs as an engine of economic development, about the trade-offs between environmental impact and economic development, and about the manner in which the government formulates policies and implements them (Kaushal, 2017; Park, 2011).

Drawbacks (Arguments for reviewing the provision of PIL)

While the cases reported above seem to indicate that PILs serve a useful purpose and they have generally been effective in realizing the goal they were meant to achieve, there have also been a plethora of cases that were utterly frivolous and resulted in vehement criticism from some of the best legal minds in the country. In fact as early as 2004, D. V. Suba Rao, the Chairman of the Bar council, himself called for a review of the provision of PILs and demanded the introduction of new safeguards that could restrict their misuse¹⁰. Soli Sorabjee, a former Attorney General and acclaimed Jurist, while emphasizing that PILs are a valuable tool to protect the marginalized and weaker sections of the society, said that every public interest matter cannot automatically become a matter of public interest litigation. In his words, for a matter to qualify as a matter of public interest litigation the following three prerequisites must be met: “Now, one prerequisite is that it (PIL) must be instituted ‘bona fide’ and must avoid the three pitfalls associated with PIL: namely ‘private interest litigation,’ ‘political interest litigation’ and ‘publicity interest litigation’”¹¹. Therefore, the courts must check to ensure that only bona fide matters which do not stem from ulterior political or private motives are entertained as matters for litigation, as explained above.

One of the biggest weaknesses of the provision of PILs in its current form is that even when a PIL is dismissed as ‘frivolous’ or ‘bogus’ there is no provision to ensure consequences for such petitioners even when the petitioner is proven to have submitted a baseless petition with mala fide intentions. This weakness has been pointed out by many, however the eminent lawyer and late Rajya Sabha member Ram Jethmalani while rejecting the idea that PILs need to be regulated said the following: “PIL's opponents try to paint a grim picture of a flood of vexatious litigation congesting the judicial system. Similar arguments have been voiced and refuted elsewhere. As the Australian Law Reforms Commission noted, ‘A major expressed reason for limiting standing rights is fear of a spate of actions brought by busybodies which will unduly extend the resources of the courts. No argument is easier put, none more difficult to rebut. Even if the fear be justified, it does not follow that present restrictions should remain.’ In India, the law is now firmly

established. Any public-spirited citizen can invoke the courts to secure redress for those who cannot litigate or where the law is being flouted to public detriment. To read politics into this is to be blind to public good.”¹²

Conclusion and recommendations

A brief summary of the findings from our investigation reveals that there has been a significant increase in the frequency of PILs filed in India in recent times. This increase has also led to increasing criticism about the very rationale of allowing the provision of public interest litigation in India to be used unchecked. Further, based on the literature reviewed, we find that it is very difficult to measure the specific impact of legal provisions like PILs on the economy of the country because of the complex relationship among multiple micro and macroeconomic factors and the economy. However, a review of several case studies does seem to indicate that PILs have been effective in realizing the goal of ensuring social justice for marginalized and socially or economically backward groups. Though, we also find several instances where PILs seem to emerge from motivated intentions and political goals rather than from the desire to seek justice. Having said that, we recognize the positive social outcomes that PILs have resulted in over the decades. While there is a visible need for reform, as seen from the POSCO case, we do not want to throw the baby out with the bath water. The POSCO case is a good example that shows that reforms are needed in the manner in which the government forms and implements policies; and gathers, uses and manages information, rather than revising the provision of the PIL. Therefore, the only recommendation for reform that can possibly originate from our investigation is the one made by the Honorable Soli Sorabjee, stating that the courts must ensure that only ‘bona fide’ PILs are admitted; however, there is no doubt that the public interest law is a useful tool and has served well the purpose for which it was established .

We therefore recommend more robust discussions on the matter involving all stakeholders to identify ways in which the provision of PIL can be reformed such that we continue to use PILs to uphold justice but prevent them from being misused by vested interests to thwart progress. However, before we consider any change or review of the law we need to remember that an overwhelming majority of our working population is employed in the unorganized sector and operate small businesses; hence, even if there are some instances of misuse, the courts can perhaps

deal with them on a case to case basis, instead of reducing the effectiveness of the law (which is well demonstrated in its current form).

To sum up, after reviewing selected cases and some relevant literature, and considering the arguments made by eminent jurists both in favor of and against the idea of introducing some sort of reform to prevent the misuse of the law, we can say that the jury is still out and debates must continue.

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Notes:

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- ¹ <https://www.legalserviceindia.com/article/I273-Public-Interest-Litigation.html> (Accessed April 26, 2022)
 - ² Saraogi, A., & Kashyap, G., (2021). <https://www.scobserver.in/journal/on-an-average-the-court-receives-over-25000-pils-a-year/> (Accessed April, 25, 2022)
 - ³ www.worldbank.org (accessed April, 25, 2022).
 - ⁴ http://www.legalservicesindia.com/articles/pil_ind.htm
 - ⁵ <https://economictimes.indiatimes.com/small-biz/startups/newsbuzz/hc-spikes-pil-for-probe-into-alleged-fdi-violations-by-flipkart-and-amazon/articleshow/68474421.cms> (accessed April 27, 2022)
 - ⁶ <https://www.livemint.com/Opinion/X1dFJK1jxn8pP8GeBlv9YK/The-persistence-of-small-enterprises-in-India.html> (accessed April 27, 2022)
 - ⁷ <https://indiankanoon.org/doc/112850760/> (accessed April 26, 2022).
 - ⁸ <https://vakilsearch.com/advice/pils-changed-face-india/> (accessed April 26, 2022)
 - ⁹ <https://thewire.in/environment/posco-odisha-tribal-land> (accessed April 29, 2022)
 - ¹⁰ <https://timesofindia.indiatimes.com/india/pils-are-not-pills-for-all-ills/articleshow/558364.cms> (accessed May 2, 2022)
 - ¹¹ <https://www.firstpost.com/india/soli-sorabjee-on-pils-every-matter-of-public-interest-cannot-be-a-matter-of-public-interest-litigation-2592886.html> (accessed May 2, 2022)
 - ¹² <https://www.indiatoday.in/magazine/indiascope/story/19970616-a-debate-on-the-pros-and-cons-of-pil-between-suresh-pachouri-and-ram-jethmalani-831594-1997-06-16> (accessed May 2, 2022)

Reckoning the role of Environmental Public Interest Litigation System in the Maintenance of Sustainable Development

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ABSTRACT

As India's economy has grown stronger in recent years, so has the country's national might. Nevertheless, the fast growth of the economy harms the natural environment, which is already suffering from severe pollution. Environmental public interest litigation is gaining international attention to address environmental issues. This study describes the present state of environmental public interest litigation in India by describing the meaning and features of this kind of lawsuit. It proposes ideal steps to increase environmental public interest litigation's legal position, merge individual individuals into environmental public interest lawsuits, and abolish the limitation period.

Keywords : Environmental rights, Public interest litigation, Environmental public interest litigation

INTRODUCTION

Public interest litigation, a worldwide movement that originated in the American and British law systems, has spread far beyond those borders (Abdullah, 2015). Particular adaptations and inculcation of local characteristics have invaded other common law jurisdictions such as India and Pakistan (Agarwala, 2019; Agrawal, 2017; Akhtar, 2017). However, this trend began in the United States in the late 1960s, establishing specific public interest law firms to represent unrepresented or underrepresented groups or interests (Albers, 2017). These businesses specialised in various fields, including the environment (Amechi, 2015), consumerism(Amit, 2011), civil liberties, and minority rights (Alvim Gomes, 2019).

Public interest litigation states to litigation conducted in the public interest. The term 'public' refers to the general public, which includes all classes (Anozie & Wingate, 2020) and segments of society regardless of sex, societal rank, financial background (Babu, 1999), ethnic source, religious belief, or social orientation. The purpose of public interest litigation is to overcome prevailing legal, technical,

and routine barriers and deliver justice (Baik, 2011), predominantly collective justice, to a specific individual, community or class that is barred from carrying a claim before a court of justice due to a individual deficit, economic or shared deprivation, or state oppression. In this perspective, the litigation mode represents a new juristic recommendation for overcoming the legal system's formal shortcomings to provide genuine and substantive justice for the people, especially the destitute (Baird, 2008). In some ways, PIL is a judicial reaction to the underprivileged's difficulties by granting them the right to seek justice. It is a method for adapting to changing circumstances and meeting the needs of developing realities. It is a development analogous to and as significant as the emergence of the law of equity. It is a phenomenon unprecedented in judicial history and possibly as significant, if not more so than the precedent of *Marbury v Madison*, which established the theory of judicial review (Bandyopadhyay, 2017; Banik, 2010; Bao & Li, 2017; Basheer, 2017). PIL is a technique for emancipating the judicial system from its formalistic and technical meanings and emancipating judicial process from the shackles of money, social and muscles power. Especially, it allows the humble and impoverished to enter the temple and get the goddess of justice's benediction (Bhuwania, 2014; Bose, 2010; Brems & Adekoya, 2010; Carpenter-Gold, 2015).

The state's primary function is to define, defend, and enforce the public interest (Chandra, 2018). Thus, in civil procedures, the public interest has historically been represented by individuals such as the minister of the public (civil law) and the attorney general (common law) (Chang, 2011). Historically, the emergence of PIL is often traced to the 1954 case *Brown v. Board of Education*, in which the United States Supreme Court declared unlawful a state's seclusion of public school children by race (Chen, 2019). Under this case, the respondent was a public entity, while the plaintiffs were a self-made organisation whose affiliation fluctuated over time (Choukroune & Froissart, 2013).

Numerous nations have now incorporated the notion or portions of it into their local legal systems. The Indian court has been incredibly inventive in using PILs as a legal instrument for the impoverished and the general population (Chowdhury, 2014). Before the 1980s, only an aggrieved party had the standing to bring a lawsuit (*locus standi*) (Chu, 2019). Nowadays, even the court might commence legal action 'on its own initiative' (*suo motu*) in response to letters or public interest problems presented in the media. As a consequence, the great majority of people seldom get justice (Coffee Jr., 2010).

Additionally, PILs have enabled the court to expound on key international environmental law concepts, including sustainable development, polluter pays, and precautionary principles. PIL

evolved differently in various nations, building on shared antecedents but operating under distinct situations and legal traditions (Cote & Van Garderen, 2011). Depending on the country's social, economic, and political situations and the judiciary's independence, there are varying pressures and chances for PIL. In some nations, PIL applies to practically all social, economic, and environmental rights, whereas in others, it is limited to a single issue (Court, 2010). As a result, the substantive and procedural legal criteria for PIL use vary significantly amongst countries (Dasgupta, 2008).

Recent legal and economics scholarship has focused on the practice of permitting law cases in the public interest, Public Interest Litigation. The Supreme Court of India essentially pioneered this phenomenon. Numerous studies have shown that, in terms of environmental impact, the Supreme Court of India had a critical role in decreasing pollution levels, notably the ambient air quality in Delhi (H Dembowski, 1999; Hans Dembowski, 2008; Deva, 2009). There is compelling evidence that PIL is successful in environmental disputes. Nonetheless, PIL raises several intriguing questions: What characteristics of India's legal system enable the Apex Court to show such a constructive role in giving ecological safety? How is it that the Indian judiciary system has been able to safeguard the environment effectively when courts in other emerging nations have been unable to do so? To address these critical problems, which may have ramifications regarding function of authorized institutions in developing countries, it is crucial to determine the critical characteristics which contribute to the success of PIL in India (D'Souza, 2005; Dinokopila, n.d., 2013; Dreyfus, 2018).

To ascertain the particular conditions and situations that might contribute to an improvement in social welfare, more precisely a decrease in pollution levels, PIL must be evaluated within a more extensive legal and economic framework (Dugard, 2008). Such an examination of PIL has not yet been conducted, but it is vital to determine when PIL may play this beneficial function. This study should situate PIL in a larger context by comparing it to other environmental legal tools, which may illuminate the situations in which PIL delivers comparative advantages (Dugard & Langford, 2011). We will use theoretical and empirical methods to address the concerns mentioned above. On a theoretical level, the advantages and disadvantages of current responses to environmental issues in emerging nations such as India will be briefly discussed (Durbach et al., 2013). After identifying some of the shortcomings of these more conventional techniques, it becomes clear why and when PIL could be useful in environmental policy. Indeed, some significant theoretical issues emerge (E' Xiang, 2010). For instance, how can the Indian Supreme Court compel many polluters to comply with rulings requiring them to cut their emissions of specific pollutants? We will examine how the

Supreme Court of India has addressed particular practical issues and possible PIL shortcomings (Efimov, 2019).

Environmental justice is termed as sustainable development goal, and PIL is a novel tool for achieving it. *PIL* is a set of legal instruments that enable people, organisations, and societies to dare government verdicts and actions in a court or other able entity with jurisdictional capacity to enforce the public interest. When markets participants fail, governments must preserve the environment via taxes and the polluter-pays principle's command-and-control mechanisms (Epstein & Schoukens, 2021). Simultaneously, public interest lawsuits might use either a fundamental right or a duty of care strategy to hold governments accountable for environmental contamination (Fayiza, 2021).

Similarly, the historic use of PIL in environmental justice demonstrates its potential significance in the fight against environment mismanagement in developed and developing nations' common and civil law jurisdictions (Fisher, 2013). Thus, the use of PIL to address unsustainable waste management is not context-specific and applies to all legal systems. As a result, it is reasonable to assume that PIL plays a role in the fight against environment mismanagement in India (Fowkes, 2012).

Sustainable development objectives are universal in scope and application. They are interconnected and indivisible, and achieving one SDG advances the development of the others (Fowkes, 2011). Thus, the proper application of PIL (Galanter & Krishnan, 2004) in relation to environmental justice contributes to the advancement of sustainable waste management (Gandhi et al., 2021; Gao & Whittaker, 2019), which is defined as "efficiently using material resources to reduce waste generation and, where waste is generated, managing it in a way that actively contributes to SDGs (Freeman et al., 2011; French & Papamatheos, 2015; Froissart, 2014; Fu & Cullen, 2011)."

LITERATURE REVIEW

There has been a lot of emphasis in recent legal and economic literature to a phenomena known as "PIL," which has been mostly created by the Supreme Court of India ("PIL")(Gebregiorgis, 2018). According to Raja and Xavier's research, the Supreme Court of India has had a significant impact in decreasing pollution levels, particularly in Delhi's ambient air quality, by a significant margin. What are some of the questions that PIL raises? What unique aspects of India's legal system allow the Supreme Court to play such an important role in providing ecological fortification? The courts of

other developing nations have not been able to successfully safeguard the environment, as the Indian judiciary has (Ghosh, 2010; Gibson, 2009; Gill et al., 2021; Goldston, 2006). Identifying the essential characteristics that make PIL operate in India is vital in order to address these critical concerns, which may have substantial consequences of officially authorized institutions and their role in developing nations (Gormley, 2014). Law and economics frameworks must be used to PIL in order to determine the exact situations and circumstances that may have a favorable impact on societal welfare, especially pollution levels. PIL analysis must use this approach before it can show when PIL can play this beneficial function. In order to understand the comparative advantages of PIL, it is necessary to compare it to other environmental legal instruments, such as the Clean Water Act and the Clean Air Act (Greeff, 2021). Since command-and-control regulation has inherent flaws, the law and economics literature has recommended market-based mechanisms like marketable emission permits and environmental fees. In India, a group of Supreme Court judges came up with the concept of "PIL" as a way to address public complaints (Grusic, 2018; Guedes & Lacerda Amaral, 2020). Furthermore, PIL was seen as a manner of addressing the issue of "access to justice" in developing nations, where many citizens are illiterate and lack access to the legal system to seek compensation for human rights breaches. Justice Bhagwati and Justice Krishna Iyer's report to the Indian Ministry of Law, Justice, and Corporate Affairs proposed explicitly reducing the locus standi criteria to enable concerned people to bring lawsuits on behalf of the poor in India (Hailbronner, 2017). Another alteration to the standings concept was to enable a citizen to sue, not on behalf of others, but in his or her own right as a member of the citizenry owing a public duty, known as "citizen standing," to be granted. The abuse of power and authority is inescapable in India due to the government's regulatory competencies, which give it considerable influence. Policy or inactivity on the part of government may put the environment in danger (Hammond, 2020). Using the standard standing concept in these situations might prevent individuals from obtaining legal aid. That's why Indian courts have given individuals the ability to dispute government activities even if they haven't been harmed in any way by the conduct of the government. Legal standing has always been maintained by traditional economic analysis, which argues that litigants may only sue if they have an interest at stake and, save in class action litigation, for losses they personally experienced. As a gatekeeper to the filing of cases, locus standi serves as an admissibility requirement (Handmaker, 2011). In order to file a legal complaint, a person must follow a certain process. As long as the complainant does not have standing under the instrument, a complaint will be dismissed by the judicial body without assessment of the merits. The

nature of the harm claimed, that is, whatever substantive rights were infringed, is a crucial question of the standing concept. The locus standi criterion becomes a hindrance when substantive rights are not in harmony with procedural rights (Hashim, 2013). Expansion of standing, according to classical economic reasoning, would lead to many, wasteful proceedings, which might lead to an inefficient use of the court system and even over deterrence. As a result, a rigid locus standi makes sense in private law. Appreciative why the position prerequisite may not be beneficial to the administration of justice may be broken down into three basic perspectives (Hawes, 2020). With regard to the issue of "rational disinterest," as was described before, the verdict in an instance involving many stakeholders takes on a "public good" quality that is not provided for, or is at best scarce by a rational victim. The first solution comes from this viewpoint. Having a clear sense of where you stand might be a hindrance to getting the compensation you deserve (Hazzaa & Kumpf, 2015; He, 2017; Heywood, 2019).

PIL may be seen as a technique of bringing charges of illegal government power exercise or rights violations to the courts (Hong-xia & Qiao-lin, 2013; Hong & Yanjie, 2011). To put it simply, the government's inability to serve as a check on criminal activity has resulted in hardship for individuals whose basic rights must be safeguarded by the courts. The answer to the following question may be phrased as a third solution to the aforementioned problem: What should be done if the government fails to enact and implement laws that are in the best interests of the people? Judicial activism refers to the judiciary's more active role in ensuring that the State "does its job" (Hoque, 2006). In country where participatory democratic system is still in its formative years and where civil society is not yet strong, the magistrates and the powers that it wields via sensible review may prove to be a cost-minimizing solution to the locus standi problem. In this context, PIL and locus standi relaxation become critical components. The most important element of PIL is that a claimant does not need to establish a personal interest in the case as a consequence of a broadened standing definition (Hossain, 2016). Anyone who claims to have an interest in a specific topic may, in theory, become a plaintiff, which greatly expands the pool of possible litigants. It is hoped that this bigger applicant pool would be able to better enforce the rule, which will help to correct the sort of regulatory failure indicated above (i.e., underenforcement). Although there is a larger pool of potential plaintiffs, this does not explain why the litigant(s) who initiates the PL must balance the expenses they suffer. India, unlike many other countries, does not have the same problem with PILs since the processes for launching a PIL case are straightforward, flexible, and affordable in India. People's quality of life has improved

as a result of the rise of the industrial era and global commerce, but at a high price in terms of environmental degradation, smog blanketing cities, water pollution concerns, global warming, and many other direct risks to humanity's existence(Hualing, 2011; Huijbers & Loven, 2019; Islam & Prihandono, 2011; Iyengar et al., 2019). Despite these dangers, PIL has developed through time, expanding its scope to include environmental contamination; as a result, environmental PIL was formed. It is possible to define an environment-related PIL system that is protected by the courts from the abuse and infringement of environmental public interest by administrative institutions, businesses, enterprises, or other organisations and individuals as an environmental PIL system(Jacobsohn, 2005; Jaliha & Reddy, 2006).

Taking a look at it from the standpoint of public environmental rights, administrative environmental PIL is a kind of public litigation. PIL may be traced back to the Roman era, when private interest litigation was a relatively new idea(Jansen & Achiume, 2011). In order for private interest litigation to be successful, it must be brought to court by a single person. When it came to PIL, on the other hand, civil liberties advocates were concerned with enforcing the rights of the broader public, unless otherwise stipulated by the law. The requirement for governments to wield their authority in a way that protects the public interest grows as society evolves and the state administration's power grows in proportion. Adopting private interest litigation would serve the dual purposes of protecting the public interest while also addressing the development demands of society and the public under the impact of early liberal capitalism and the constraints of social growth(D. Jiang, 2017; H. Jiang et al., 2020; Jianrong, 2013).

But as we move into today's modern society, and also because of its complexity, an act that is too unitary in its structure often leads to frequent violations of personal interest, which drastically reduces the capacity of traditional litigation to solve the complex social issues of today, and exposes more unsolved problems as time passes. One of the hallmarks of the contemporary era is the ease with which one's self-interest may be trampled upon(Jian-ya, 2009; Jianrong, 2014; Jin, 2021). Environmental administrative PIL is a kind of legal action that may be properly brought by any procuratorial organ, citizen, legal person, or organisation that believes that an administrative act has violated ecological resources or environmental public interests. On the basis of a set of legal processes and in accordance with the appropriate institutions' reviews of administrative activities, this lawsuit

is carried out by the court. The filing of legal cases will also secure the preservation of environmental justice(Jun & Jianrong, 2011).

OBJECTIVES

1. To reckon the leverage of PIL in perpetuating the goal of sustainable development In India.
2. To bring out case studies highlighting the entities contributing to ecological development by using the tool of justice, i.e. PIL.

RESEARCH METHODOLOGY

For concreting the research objectives, various reports and published research were scrutinised to reckon the persuasiveness of PIL in accomplishing the goal of sustainable development. Also, various judgments were dissected and articulated in the form of case studies exhibiting the power of a person's intention to save the environment through the assistance of PIL.

INDIAN PERSPECTIVE IN PIL

The resources that the environment provides us are essential to our continued existence as a species. Our health and life are in grave danger because of environmental pollution and devastation. As a result, everyone has the right to enjoy the benefits of living in a healthy, safe, and secure environment(Agrawal, 2017). Environmental rights are the term used to describe them. The following qualities show how aspects of human rights emerge in environmental rights. In the beginning, the idea of "human rights" was used to justify the notion of environmental rights. Not only that, but academics have embraced the idea, and it has received worldwide backing from experts in the subject. "Stockholm Declaration" was a declaration made during a United Nations conference on human environment that included environmental rights as one of several human rights it enshrined. As the fourth major milestone in the history of human rights development, it is a new kind of human rights that is meant to carry on the legacy of France's "Declaration of the Human and Citizen's Rights" and the Soviet Union's Constitution, as well as the Universal Declaration of Human Rights (UDHR)(Babu, 1999; Bandyopadhyay, 2017; Basheer, 2017; Chandra, 2018).

Theories of environmental rights in relation to human rights have so far aided the development of environmental rights theories, while environmental rights theories have enriched the substance of human rights. Secondly, environmental rights are universal. A new kind of legal right, analogous to

other fundamental human rights for people, economic rights for corporations, or related sovereign rights for governments, this is a new type of legal right. An interest-based strategy is the most dependable and successful of all, and it's the most important reflection of its distinctive nature(Gandhi et al., 2021). This need for attention in environmental rights conforms to conventional ethical criteria for ethics, such as applicable assessments of public rights, as well as human conduct and nature. For this reason, environmental law is acknowledged as the set of principles for peaceful and harmonious relationships between persons and their society, as well as people and nature. The subject of rights; the purpose of rights; the substance of rights; and the required party are all four components of a right. Civilians have the right to a healthy environment as part of their fundamental human rights, which includes environmental rights(Gill et al., 2021; Jaliha & Reddy, 2006; Khosla, 2010).

A lawsuit may be brought against the government if it is determined to have engaged in any actions that harm the environment, with people as the plaintiffs and administrative law as the guiding concept in the case. Human life and production may be adversely affected by environmental conditions and its component parts, which are the focus of environmental rights. A lawsuit filed in the name of the public interest in environmental regulation seeks to safeguard these rights. There are a variety of environmental rights, including those relating to environmental beauty, mental well-being and cultural heritage(Kumar, 2020; Mahadevia & Vyas, 2017; McBroom, 2016). Although it may seem limitless, environmental quality regulations, for example, may specify and quantify the boundaries. Last but not least, sites where rights have been conferred must also be accompanied by duties. State officials are in charge of protecting environmental rights, despite the fact that its citizens are perceived as having much more influence and authority. The country's legislative, executive, and judicial powers are constrained by environmental rights. Restrictions of this kind are designed to protect citizens' environmental rights and interests against governmental violations. An environmental administrative public interest lawsuit may be brought by any citizen in the event that this occurs. While environmental rights may be seen as a kind of social right, they also share characteristics with other social rights, such as dualism and the right to freedom, with that classification(Rathinam & Raja, 2011; Sen, 2013).

The formation and development of environmental administrative PIL systems has been heavily impacted by environmental rights as a theoretical foundation. If environmental rights are the foundation, then environmental administrative PIL processes serve as the umbrellas for protection. It

is also true that without environmental rights as a basis, environmental administrative PIL procedures would be ineffective at all(Shah & Mathur, 2019; Sharma, 2005).

It's no secret that various nations' environmental administrative PIL statutes vary not just in terms of their unique titles and structures but also in terms of the provisions they've developed. Examples include environmental PIL in India and South Korea, as well as residents-initiated litigation in Japan and environmental administrative PIL in China, which symbolise the Anglo-American legal system and are important to study. Even though they are given different names, all of them have a common goal in protecting environmental public interest, which is to better understand environmental administrative PIL systems in Asia in accordance with their respective plaintiff's qualifications, the scope of the lawsuit, fees, and other factors stipulated in the leg of the leg(Singh & Dewan, 2021). There are many environmental public interest lawsuits filed by non-profit environmental non-governmental organisations (NGOs) in South Korea, as well as cases of setting up pilot regions, expanding its scope until the formal confirmation of the rights of citizens to environmental protection. Environmental administrative PIL systems in Asia may be better understood with these case studies(Vallath et al., 2017).

For the purposes of this work, the author has used a comparative analysis technique by comparing the environmental administrative PIL systems of nations based on the legal system of mainland China (such as India and South Korea). Thus, the flaws in the various administrative PIL systems for environmental regulation might be further assessed and the related reform methods implemented. Administrative PIL on behalf of the environment began to grow in India throughout the 1970s and has been steadily improving ever since(Yadav et al., 2018). In fact, India is leading the pack among Asian nations in this regard. According to the Indians' environmental legislation, as early as 1986, they created a "PIL" section, which limits environmental lawsuit to the federal and local governments as well as the central government, among many other national organisations, and not to individuals. Thus, the public interest lawsuit under Indian environmental law may likewise be classed as environmental administrative PIL." Environmental rights have been granted fundamental and remedy rights by the Indian court, which has led to the creation of many additional procedural rights(Zerah, 2007).

There are three distinguishing features of the environmental administrative public interest lawsuit system in India: When it comes to litigation, there are no strict requirements. The lawsuit may be

filed by anybody or any organisation, and there is no need for plaintiffs to present evidence of their connection to the case. Written judicial authority is the second. In 1987, the Indian Supreme Court heard the "Rural Lawsuit and Entitlement Kendra, Dehradun v. State of Uttar Pradesh" case, which was the first environmental public litigation case to employ the written form of judicial authority. India's environmental administrative PIL system has a new invention in this area (Chowdhury, 2014). There may be times when a person's time and money are stretched thin by the court process; this financial burden may be tough to bear on top of everything else. Therefore, the Indian court needs a person or group to ask for the court to disclose all necessary material to the public via a written letter, therefore permitting the case to be begun. As a last point, the court's investigating system. "M. C. Mehta and another vs. Union of India," an environmental public interest action from the 1970s in which an absolute responsibility with exempted justification was explicitly established. As a result of this, the "National Environmental Court's Act" was enacted and environmental courts were established. In many cases, the problems being litigated need specialised knowledge that the court may be unable to provide (Coffee Jr., 2010). As a first step, the court will undertake a set of technical steps, and although it may not require a major investigation on the topic, a committee or a group of specialists will still be assigned to proceed with appropriate investigations, and the final report will be presented to the judge-in-charge (H Dembowski, 1999).

CASE STUDIES SHOWING PIL'S ROLE IN SDG'S

A PIL case is brought in the interest of society as a whole or, as the name indicates, in the general public's interest. In 1979, the Indian Supreme Court adopted the idea of PIL (Protection of Individual Rights) in the case of Hussainara Khatoon Vs. Union of India (1979 AIR 1369, 1979 SCR (3) 532).

As a result of Justice P.N. Bhagwati's pioneering work, a powerful new tool for the general public to use in a failure to uphold a vital responsibility has been created.

Under the following conditions, a PIL may be filed concerning environmental degradation:

- It is polluting the environment in any way that might endanger the general population.

- They disregard the fundamental human rights of the poor, which results in their violation. For example, if a farmer loses his farmland and is not compensated enough.
- The failure of municipal corporations or panchayats to properly maintain the area's water and sanitation infrastructure is one example of a failure to perform their duties.
- A problem emerges when religious rights and environmental concerns conflict. Consider, for example, loudspeakers in religious buildings disrupting the peace.

Judges in their opinions on procedural rights lawsuits (PILs)

Even though it has not been codified, the PIL notion is an example of judicial activism and hence an invention. As a consequence of the judiciary's efforts, justice is served more effectively in this case.

There may not be a high weight placed on rules, regulations, and processes in matters of justice, as Justice Bhagwati highlighted. Even a single letter from anybody might be regarded as a writ petition.

However, there is another facet to this hypothesis. The boundary between Judicial Activism and Judicial Overreach is very narrow. Rather than delivering justice, the Court's use of its authority to reach out to the public — known as "Suo Moto" in Japanese — may interfere with the process. PIL cases tend to ignore the administrative aspects of justice and concentrate on circumstances where compensation is the most common remedy, making them less critical.

Recent Developments

There has been an enormous rise in PILs filed each year due to increasing awareness of the environment. PIL has been involved in several high-profile lawsuits, including:

Union of India and 11 others vs Vanashakti and four others (4 October 2019)

PIL was filed in Bombay High Court to safeguard the last of Mumbai's Aarey forest from being chopped down for building. Environmentalists and social activists took the government to Court to challenge its instructions, but the Court ruled against them because of the facts and circumstances.

This demonstrates that the Courts have taken into account the environment and the social considerations into account.

BEG vs Maharashtra and others: Bombay Environmental Action Group (17 September 2018)

Before this case, a PIL was filed in the Bombay High Court against the loss of mangroves in the state of Maharashtra. The Court ruled that the state was responsible for repairing the mangrove ecosystem, and a committee was appointed to investigate this issue.

Kalia Sethi et al. v. Odisha State and other parties (9 August 2017)

Throughout this case, there was a discussion about the National Green Tribunal's role in environmental matters. An environmental tribunal was formed by the High Court of Odisha to ensure that environmental laws are protected and that if they are violated, the tribunal may take action.

Analyzing the effects of pollution on the environment

This is a brand-new innovation that makes it possible to anticipate any new institution's social and environmental effects. Preventive steps may be taken if authorities are aware of such issues before they arise. As good as it is, it eventually limits PIL's reach since fewer people are involved in the disputes it causes.

CONCLUSION

The courts have utilized PIL as a powerful weapon regarding environmental challenges. One of PILs' most significant functions is to serve the general public. Private interests cannot be pursued via PIL, and the courts must guarantee that this is not allowed.

The Indian Constitution mandates that every person care for the environment and show compassion for all living things, as stated in Article-51(g). Article-32 and Article-226 must be used once a duty has been breached.

The Court is ultimately responsible for determining whether a matter merits a hearing or how serious the offence is. On the other hand, PIL plays a significant role in providing justice not only to the individual implicated in the case, but also to the community as a whole, preserving the collective rights of everyone.

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Misappropriation of Public Interest Litigations *vis-à-vis* Environmental Law: A critical study in the light of modern day Judicial Confrontations

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Abstract:

There is no denying the fact that Public Interest Litigations have completely revolutionized the traditional notion of locus standi in the recent decades and has set the tone right for the general masses to approach the judicial forum in order to enforce collective rights; thereby effectuating the righteous civic sense and empowering the society towards informed decision making. Time and again Public Interest Litigations have been rigorously utilized to address the needs of the hour as far as the Environmental Jurisprudence is concerned in the country. The Judiciary has also played a pivotal role in catering to the environmental protection and related interests of the masses inter alia through various decisions. The present paper makes an attempt to critically evaluate the vitiated and biased trends which have overpowered the effective tool of Public Interest Litigation in the recent times as far as the Environment Law matters are concerned. An attempt shall also be made to narrate the present day judicial outlook over such unaccountable change and possible recommendations shall be included towards the concluding segment of the paper to suggest plausible means which could help in gauging the problem to its core.

Keywords: Public Interest Litigation, Locus Standi, Collective Rights, Vitiating Interests, Environment Law.

I. Introduction and Conceptual Framework: The concept of Public Interest Litigation in India traces its evolution and emergence in the late 1970s; a period in the aftermath of the National Emergency, prevailing judicial approach on the overtures of critically acclaimed decisions like *ADM Jabalpur*³, and prevalence of autocratic tendencies marking harassment of the general masses due to lack of education, governmental neglect and a serious lack of accessing justice owing to unawareness of legal rights and remedies on the part of the citizenry. As the time progressed, Hon. Supreme Court of India emerged as savior of the access to justice for the masses as it came up with notion of Public Interest Litigations, leaving the arena of accessing justice wide open for the underprivileged and downtrodden in order to raise their collective claims and lead a dignified and just life. The contribution of Justice PN Bhagwati and Justice VR Krishna Iyer has been instrumental in conceiving the idea of Public Interest Litigation in India and cannot be forgotten at any cost in shaping of the conceptual notion for the welfare interests

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of masses.⁴ Justice Bhagwati described the objective of Public Interest Litigation in India as, “*counter to state repression, governmental lawlessness, administrative deviance, and exploitation of disadvantaged groups and denial to them of their rights and entitlements.*”⁵ The forthcoming sections of the paper shall discuss the aspect of locus standi vis-à-vis Public Interest Litigation, Utility of PILs *qua* Environmental Law, misuse of the concept of PILs etc. in the light of the judicial discourse on the subject matter.

II. By passing the Traditional Notion of Locus Standi vis-à-vis Public Interest Litigations:

Public Interest Litigations have emerged as one of the most progressive tools in the Indian Legal System as far as approaching the Courts for remedying out violation of rights is concerned. The ordinary and traditional notion of locus standi i.e. Right to be heard suggest that only such individual whose rights gets tarnished or thrown away has a remedy to approach the Court of Law for enforcement of his or her concerned rights. The emergence of Public Interest Litigations bypassed this traditional notion, when Hon. Supreme Court relaxed the said requirement, thereby allowing public spirited individuals to approach the Court of Law on behalf of an individual whose rights have been curtailed or who is not in a position to approach the Court himself owing to some sort of impoverishment or disability for that matter.⁶ With the passage of time, Hon. Supreme Court of India has been vigilant as well as innovative enough to entertain Public Interest Litigations by virtue of letters and postcards; and has gone to the extent of appointing *amicus curiae* and commissioners in order to assist the Court *qua* gathering necessary information concerning the petitioner’s antecedents or inter alia checking eligibility criteria of the petitioner. It could therefore be summarized here that the evolution of mechanism of Public Interest Litigations completely revolutionized the way how the principle of locus standi works. Furthermore, as put forth by American Jurist ‘Abram Chayes’, there exists a liberalized approach *qua* the ‘Joinder of parties’ in Public Interest Litigation, where such parties possessing or owning some sort of ‘interest’ in the *lis* can freely come in and join the surrounding controversy in the matter.⁷ At this juncture, it also becomes pertinent to point out that the focus area of Public Interest Litigation has been the ‘interest of public’ on a general note, which is undoubtedly over and above the private concerns or disagreements; existing amongst the two opposite parties to a litigation.

III. Utility of Public Interest Litigations *qua* Environmental Law: The conventional and customary model of implementing the Environmental Law had a certain flaws. It is evident from the aspect that many a time private enforcements of Environment Law violations resulted only in little amounts of awards, thereby persuading citizens towards refraining from raising such claims

⁴ Dr. (Mrs.) Saroj Bohra, “Public Interest Litigation: Access to Justice”, *available at*: <http://www.manupatra.com/roundup/379/Articles/Public%20Interest%20Litigation.pdf> (last visited on Apr. 28, 2022).

⁵ Ashok H. Desai, S. Muralidhar, “Public Interest Litigation: Potential and Problems”, *available at*: <https://www.ielrc.org/content/a0003.pdf> (last visited on Apr. 29, 2022).

⁶ Michael G. Faure, A.V. Raja, “Effectiveness of Environmental Public Interest Litigation in India: Determining the Key Variables”, *available at*: <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1668&context=elr> (last visited on Apr. 30, 2022).

⁷ *Supra* note 4.

against the polluters. The Public Interest Litigations have come forth as a nightmare for the polluters due to the fact that probable litigants would bring in the element of ‘public safety’ and ‘public welfare’ which would simply magnify the issue, thereby attracting heavier and hefty penalties. It cannot be simply denied that in Public Interest Litigations, the litigant pool would simply be a large set of people, forcing the polluters to refrain from opportunistic behaviors for that matter.⁸ As the concept of Public Interest Litigation matured over a span of few years, several environmental activists and public spirited citizens have played a pro active role in the protection of environment and allied concerns. One of the most renowned names in the said list includes the likes of M.C. Mehta, who has championed the cause of environment safety and protection through continuous public interest litigation such as *Oleum Gas Leak Case*,⁹ *The Taz Trapezium Case*, *The Ganga River Case*,¹⁰ *The Vehicular Pollution Case*,¹¹ *Beas Diversion Case*,¹² etc. amongst others. Therefore, it could be articulated that the tool of Public Interest Litigation has been instrumental in safeguarding the environmental concerns and allied matters over a span of few decades in the past.

IV. The vitiated and biased trends around Public Interest Litigation: The past trends in the litigation show that the Courts have been flooded with Public Interest Litigations without a complete and decisive understanding of the instrument of Public Interest Litigation in its complete sense. In the past few years, the instrument of Public Interest Litigation has been used to give color to vexatious and personal interests over public welfare and protection of a larger group interest. It has been observed many a times that the instrument of Public Interest Litigation is being used to camouflage political interests, private interests as well as publicity interests. In order to place a check and scanner upon the vitiated and biased trends *qua* Public Interest Litigations, A Bench of High Court of Himachal Pradesh issued several guidelines on the subject matter; which primarily included that the courts must *prima facie* verify the credentials of the petitioner, the courts must fully satisfy that substantial public interest is involved, the matters involving urgency and higher gravity must be given priority, litigations with ulterior, extraneous, vexatious and personal interests must be discouraged and dismissed with exemplary costs etc. amongst others.¹³ At the same time, it cannot be negated that Public Interest Litigations necessarily follows an in depth surrounding notion of involvement or inclusion of public interest *per se*. Therefore, the utility of the tool must be restrained to the extent which served the public interest at large and does not go into the domain of justifying vendetta, fulfillment of private interests, seeking publicity and fame or a manifestation of politics or political interests for that matter.

⁸ *Supra* note 6.

⁹ M.C. Mehta v. Union of India & Ors. 1987 AIR 965, 1986 SCR (1) 312.

¹⁰ M.C. Mehta v. Union of India & Ors 1988 AIR 1115.

¹¹ M.C. Mehta v. Union of India & Ors 1991 SCC (2) 353.

¹² M.C. Mehta v. Kamal Nath & Ors (1997) 1 SCC 388.

¹³ Prashant Mehta v. State of H.P. & Ors., 2021

V. The judicial outlook towards the subject matter: Hon. Supreme Court of India and respective High Courts have been very vigilant on the issue of utilizing Public Interest Litigation to justify private or vexatious interests. Time and again, respective Courts have expressed serious concern on the said trend and have issued advisories and guidelines to bring the matter under scanner. In *Shri Sachidanand Pandey and another v. The State of West Bengal*,¹⁴ Hon. Supreme Court observed that, “Today public spirited litigants rush to Courts to file cases in profusion under this attractive name. They must inspire confidence in Courts and among the public. They must be above suspicion”. In the said case, Justice Khalid in his separate judgment had observed that, “If courts do not restrict the free flow of such cases in the name of public interest litigations, the traditional litigation will suffer and the courts of law, instead of dispensing justice, will have to take upon themselves administrative and executive functions.”¹⁵ In *Ashok Kumar Pandey v. State of W.B.*,¹⁶ Hon. Supreme Court observed that, “When there is material to show that a petition styled as public interest litigation is nothing but a camouflage to foster personal disputes, said petition is to be thrown out.” In *State of Himachal Pradesh v. A Parent of a student of Medical College, Simla*,¹⁷ High Court of HP had observed that, “public interest litigation is a weapon which has to be used with great care and circumspection.” Further, Hon. Supreme Court in *State of Uttaranchal v. Balwant Singh Chaufal*,¹⁸ observed and directed that, “We must abundantly make it clear that we are not discouraging the Public Interest Litigation in any manner, what we are trying to curb is its misuse and abuse. According to us, this is a very important branch and, in a large number of PIL petitions, significant directions have been given by the Courts for improving ecology and environment, and the directions helped in preservation of forests, wildlife, marine life etc. etc. It is the bounden duty and obligation of the Courts to encourage genuine bona fide PIL petitions and pass directions and orders in the public interest which are in consonance with the Constitution and the laws.”

VI. Suggestions and Conclusion: Public Interest Litigations have emerged as a progressive means in order to pave path for a just social order. In fact, Public Interest Litigations are the true reflection of the notion of judicial activism and have contributed significantly to ensure that the best interests of the masses are secured. The Judicial outlook upon the subject matter of Public Interest Litigations have also been a liberal one, whereby respective Courts at various times have given extended meaning and scope to the arena of excusing the traditional notion of locus standi through utilization of the said mechanism. It cannot be ignored that the Judicial Organ of the Government has played a pro active and vigilant role in order to cater to the needs of the society by entertaining various Public Interest Litigations on various subject matters; in particular the environmental law and allied concerns. It is worthwhile to mention that the mechanism of Public Interest Litigation has come under scanner by virtue of misusing the said tool for publicity,

¹⁴ AIR 1987 SC 1109.

¹⁵ 1987 (2) SCC 295.

¹⁶ (2004) 3 SCC 349.

¹⁷ 1985 AIR 910, 1985 SCR (3) 676.

¹⁸ (2010) 3 SCC 402.

personal gains, political pomp and show etc. amongst others. The Courts have been flooded with litigation under the name and banner of Public Interest Litigations; whereby 'public interest' has little or no presence in real sense. Hon. Supreme Court of India and various High Courts of the country have been continuously warning the litigants to understand the true essence and scope of the said instrument and resort to adopting the mechanism in matters involving public interest prima facie. It is in this light that stricter implementation of said directions and regulations must be adhered to, in order to up keep and maintain the significance of the Public Interest Litigations, which have contributed greatly in developing the judicial activism and judicious temper in the masses in a generic sense.

The Right to Know is the Right to Live- Analyzing the Challenges in Environmental Information Disclosure by Government under the Right to Information Act-2005

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Abstract- The recognition of the concept of ‘procedural environmental rights’ in Principle 10 of the Rio Declaration has impacted how governments see environmental rights in general. The three procedural rights specified in the declaration, namely, the right of access to information, the right to public participation in environmental decision-making, and the right of access to justice are intended to aid in the achievement of substantive environmental rights. By way of statutes, policies, governmental notices, executive directives, and other ways, certain rights have made their way into municipal law. In India, the right to information has been enshrined in the municipal domain by way of a statute, and it has made a significant contribution to improving access to information. This article evaluates India’s right to information framework and its contribution to the implementation of substantive environmental rights in the country. It also outlines the fundamental challenges that obstruct an individual’s entitlement to a complete set of environmental information in India. While the situation appears to be stable, we have a long way to go to meet the Rio Declaration’s objectives.

Keywords- RTI Act, Rio Declaration, Environmental Rights, Right to Know

I. Introduction

In India, the framework for environmental rights has been crystallized into a Fundamental Right guaranteed by the Constitution. An aggressive judiciary’s progressive interpretation of *Article 21* of the Indian Constitution has resulted in the establishment of a substantive ‘right to the environment.’ This right to the environment has been expressed in numerous ways, such as the right to pollution-free air, the right to safe drinking water, and so on. While this substantive right is an end in itself, the procedures by which this end is attained are¹ frequently referred to as a procedural environmental right (“*PER*”). The PERs have been given express recognition under Principle 10 of the United Nations Convention on

¹ Indian Kanoon, *Bandhua Mukti Morcha vs Union of India & Others*, 1983; Indian Kanoon, *Subhash Kumar vs State of Bihar And Ors*, 1991.

Environment and Development (“*Rio Declaration*”), which is the bedrock of international environmental law.² Three procedural rights have been identified: the right to knowledge, the right to public participation in environmental decision-making, and the right to access to justice. Principle 10 reads as:

*Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.*³

Principle 10 aimed to give civil society civil, political, and procedural rights in order to influence environmentally friendly and sustainable policies and decision-making. It was thought to herald the dawn of a new era of ‘environmental democracy.’ At the national and regional levels, numerous attempts have been undertaken to reinforce the mandate of Principle 10 of the Rio Declaration as a guide for policymakers and governments. The United Nations Environmental Programme, for example, adopted the Bali Guidelines for the Development of National Legislation on Access to Information, Public Participation, and Access to Justice in Environmental Matters (“*Bali Guidelines*”) in 2010 as a guide for national authorities to assess their legislation giving effect to PERs.⁴ Various regional mechanisms have also been adopted to aid in the achievement of Principle 10’s “*three cornerstones*.”⁵ As a result, Principle 10 has paved the way for a developing body of domestic and international law.

Despite the fact that PERs are based on a single international legal instrument, the Rio Declaration, the rights have been incorporated into municipal systems in varying ways and degrees across jurisdictions, with a relatively low level of recognition in developing countries due to differences in legal systems and

² UN General Assembly, *Report of the United Nations Conference on Environment and Development*, 12 August 1992.

³ Henk ten Have and Maria do Céu Patrão Neves, “Rio Declaration on Environment and Development,” in H. ten Have, M. do C. Patrão Neves (eds.), *Dictionary of Global Bioethics* 51–51 (Springer International Publishing, Cham, 2021).

⁴ UNEP, *Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matter*, (United Nations Environment Programme, 26 February 2010).

⁵ Stephen Stec, Susan Casey-Lefkowitz and Economic Commission for Europe, *The Aarhus Convention: An Implementation Guide* (United Nations, New York, 2000); Louis J. Kotzé and Duncan French, “A critique of the Global Pact for the environment: a stillborn initiative or the foundation for Lex Anthropocenae?,” 18 *International Environmental Agreements: Politics, Law and Economics* 811–38 (2018); UNECLAC, *Lima Vision for a Regional Instrument on Access Rights Relating to Environment* (United Nations, 13 October 2013).

legal cultures. This could be due to a lack of informed citizens who can engage in decision-making, the presence of weak institutions, and a lack of simple access to the courts, among other things. The purpose of this research is not to emphasize the importance of PERs, but to assess their efficacy in the Indian setting. The article uses a review of the existing legal framework, specific judicial interpretations, and actual concerns experienced by individuals to identify issues in the proper realization of the PER of the right to information.

II. EXPLAINING ENVIRONMENTAL PROCEDURAL RIGHTS

A. Origin and Importance

Principle 10 of the Rio Declaration was the first attempt to codify the PERs. Principle 10 is the only international enabling mechanism that emphasizes the role of non-state actors in achieving sustainability. Despite the fact that the concept demarcates three important rights, it actually encompasses a slew of other civil and political rights, such as the freedom of assembly, dissent, and the right to sue the government.⁶ A regional agreement called the UNECE Convention on Access to Information, Public Participation in Decision Making, and Access to Justice in Environmental Matters (“*Aarhus Convention*”) gave the ‘soft law’ aspect of Principle 10 concrete legal responsibilities. Principle 10 was furthered by the Aarhus Convention, which established a model provision for ensuring PERs at the national level.⁷

PERs have a crucial role in empowering individuals, making them feel included, and lending democratic integrity to environmental governance in a country, regardless of the level of enforceability.⁸ They serve as an effective mechanism for monitoring compliance and enforcing environmental law, as well as a guarantee of the right to the environment and a means of promoting participatory democracy in environmental preservation.⁹ PERs have been given due recognition in the legal environment at national, supranational, and international levels, recognizing their relevance. Some of these legal recognitions could be found in a patchwork of laws that overlap.

B. Right to Information as a PER

⁶ Jerzy Jendroska and Magdalena Bar (eds.), *Procedural Environmental Rights: Principle X in Theory and Practice* (Intersentia, 2018), IV.

⁷ Anne Wetzel, “The Influence of International Institutions on Access to Justice in Environmental Matters in the EU and its Member States,” in O. Costa, K. E. Jørgensen (eds.), *The Influence of International Institutions on the EU: When Multilateralism hits Brussels* 76–95 (Palgrave Macmillan UK, London, 2012).

⁸ Joshua C. Gellers and Christopher Jeffords, *Procedural Environmental Rights and Environmental Justice: Assessing the Impact of Environmental Constitutionalism* (University of Connecticut, Human Rights Institute, August 2015).

⁹ Jerzy Jendroska et al., *Procedural Environmental Rights: Principle X in Theory and Practice*, 2017.

The right to information PER denotes a right to access or get information documents, reports, or meetings that have influenced or are likely to impact the country's environmental governance as per Art. 2(3), 5(3) & 5(5).¹⁰ This right can cover a wide range of information, including policy decisions, circulars, and orders issued by the country's environmental authorities, as well as information on emissions, reports from expert committees, full studies on environmental impact assessments, and so on. Some crucial phrases, such as "*public authorities*," "*environmental information*," and "*public concerned*," are defined in the Aarhus Convention. The Aarhus Convention, for example, defines "*environmental information*" as "*any information about the state of elements of the environment, administrative measures, policies or legislation, or plans that are likely to affect elements of the environment or conditions affecting human health, life, or safety*." As per Art. 2.¹¹

III. INFORMATION RIGHTS IN THE INDIAN CONTEXT

A. Legal Provisions

a) Constitutional Protections

In India, the right to information ("**RTI**") jurisprudence has grown out of the fundamental right to freedom of speech and expression. The Supreme Court has ruled that the right to know how government works is a form of expression and that an open government that discloses information is necessary for the meaningful exercise of the right under Article 19(1)(a)¹² and Article 21.¹³ Depending on the situation, this right to know has taken on many meanings. The right has been recognized as a part of Indian Administrative Law from the standpoint of good governance.¹⁴ For example, the right to know the reasons for a quasi-judicial body's decision or the right to know the reasons for an individual's arrest. In that sense, the substantive right to a clean environment enshrined in Article 21 of the Constitution and the right to knowledge included in Article 19(1)(a) may appear to be incompatible. This was true prior to 2005 when there were no instances of the 'right to know' being used in connection with environmental issues.

¹⁰ Anne Wetzel, "The Influence of International Institutions on Access to Justice in Environmental Matters in the EU and its Member States," in O. Costa, K. E. Jørgensen (eds.), *The Influence of International Institutions on the EU: When Multilateralism hits Brussels* 76–95 (Palgrave Macmillan UK, London, 2012).

¹¹ Stephen Stec, Susan Casey-Lefkowitz and Economic Commission for Europe, *The Aarhus Convention: An Implementation Guide* (United Nations, New York, 2000).

¹² Indian Kanooon, *State Of U.P vs Raj Narain & Ors*, 1975; Indian Kanooon, *S.P. Gupta v. Union of India*, 1981.

¹³ Indian Kanooon, *Reliance Petrochemicals Ltd. v. Proprietors of Indian Express Newspapers Bombay Private Ltd.*, 1988; Indian Kanooon, *Research Foundation for Science Technology and Natural Resources Policy v. Union of India (UOI)*, 2007.

¹⁴ F. Ahmed and S. Jhaveri, "Reclaiming Indian Administrative Law," in D. Kapur, M Khosla (eds.), *Faculty Books*, 2019.

b) Right-Based Guarantee – Statutory Guarantee

Following that, in 2005, the Right to Information Act (“*RTI Act*”) established formal recognition for the right to know. The reasons underlying the statutory recognitions are outside the scope of this study. However, there is no doubt that statutory recognition sharpened the sword of the right to know. Because India’s Right to Information Act allows all citizens to seek information under the control of public authorities as a matter of right, in the manner prescribed by the Act in Sections 3 and 4.¹⁵, environmental activists and researchers have used the RTI framework extensively to obtain information from various environmental public authorities, including the Ministry of Environment, Forests and Climate Change (“*MoEF*”), Pollution Control Boards, Environment and Forest Departments of various States, and the National Institute of Environmental Studies.

c) Duty-Based Guarantee – Statutory Guarantee

Not only the RTI Act but the right to know has been enshrined in the country’s several environmental statutes in various ways, each with its own set of semantics. When it comes to the environment, it’s important to consider the PER not only from a rights standpoint but also from a duty standpoint. It implies that it should be interpreted not only as a right to obtain information but also as an obligation to provide information when necessary. A public entity, such as the Pollution Control Board, an industry, or an individual engaged in polluting activities, may be obligated to divulge information. This need to share information could be enacted as a mandatory mandate under various environmental statutes and guidelines.

The Water (Prevention and Control of Pollution) Act, 1974 (“*Water Act*”), and the Air (Prevention and Control of Pollution) Act, 1981 (“*Air Act*”), both work on a ‘command and control mechanism,’ in which they prescribe emission standards and require all industries that are potentially polluting to obtain consent from the regulators under the Acts, namely the State Pollution Control Board (“*SPCB*”). In light of the command-and-control mechanism, there are two requirements for information disclosure: first, the regulated body must disclose all details about its potential pollution-causing activities, and second, the regulator must disclose all details about consent grant/refusal, conditions attached, and so on. As a result, the industry must publish efforts taken to comply with the regulator’s approval and conditions in the form of an annual statement as per Rule 14, (Form V).¹⁶ Sterlite Copper Industries, for example, has posted a document titled “*Compliance with Conditions imposed in the Environmental Clearance given by MoEF*

¹⁵ M. Sridhar Acharyulu, *Right To Information (Duty To Disclose) RTI*, 1s first edition (allahabad law agency, 2015).

¹⁶ Asia Law House, *The Environment (Protection) Act, 1986 with Rules, 1986*, 1st edition (Asia Law House, 2013).

dated 09.08.2007” on their official website for the general public in order to meet this obligation.¹⁷ It has also posted its Environmental Audit Statement for the fiscal year 2016-17, which highlights the pollution-reduction initiatives performed by the company and their impact on natural resources.¹⁸ Furthermore, the SPCB is required by the Air Act and the Water Act to provide copies of relevant information on various industries and activities to private individuals who intend to file a complaint in court for any violations of the Act as per Section 49(2)¹⁹ and Section 43(2)²⁰. The obligation to provide copies of relevant reports is, however, discretionary, and the SPCB can refuse to do so if it believes the non-disclosure is in the ‘public interest.’²¹ The SPCB’s unguided discretion casts a pall over the provision’s potential for effective use. The duty to disclose has been absorbed into the process of Environmental Clearance (“*EC*”) and Environmental Impact Assessment (“*EIA*”). Some of these standards are outlined in the EIA Notification of 2006 and the Draft Notification of 2020, while others are imposed by various administrative directives or decrees. According to these, the industry that applies for the EC, also known as the project proponent, is required to make the following information public:

- a. Detailed information about the proposed project,
- b. Project proponent-defined Terms of Reference,
- c. Draft EIA Report, and
- d. Notice the public hearing date, time, and agenda.

The PER of the right to consultation and public participation in environmental decision-making also inspired the concept of public hearings. To make involvement more meaningful, the right to public engagement is inextricably related to the right to know/information.

B. Justification/Rationale for Disclosure

The necessity for information disclosure enshrined in much environmental legislation serves two purposes. To begin with, the motivation for requiring such disclosure is to make information regarding various compliances and defaults/violations publicly available. This would provide concerned persons legal standing to take the defaulting entity to court, allowing them to use their citizenship rights to participate in

¹⁷ MOEF, *Six Monthly MOEF EC Conditions Compliance* (Sterlite Copper (A Unit of Vedanta Limited), 8 September 2007).

¹⁸ Vedanta Limited, “Environmental Statement Annual Return” (Sterlite Copper (A Unit of Vedanta Limited), 2017).

¹⁹ Universal Law Publishing, *Water (Prevention and Control of Pollution) Act, 1974 along with Rules, 1975, Cess Act, 1977 and Cess Rules, 1978*.

²⁰ Professional, *Air (Prevention & Control of Pollution) Act, 1981 Alongwith Rules, 1982 [Paperback] Professional*, 2017th edition (Professional Book Publishers, 2017).

²¹ Universal Law Publishing, *Water (Prevention and Control of Pollution) Act, 1974 along with Rules, 1975, Cess Act, 1977 and Cess Rules, 1978*; Professional, *Air (Prevention & Control of Pollution) Act, 1981 Alongwith Rules, 1982 [Paperback] Professional*, 2017th edition (Professional Book Publishers, 2017).

governance.²² Because standing and evidentiary standards are two of the procedural barriers in environmental lawsuits before Indian courts, the information supplied by the regulator empowers individuals and makes for a better case in the Indian court. This assertion will be supported by the instances provided in Part IV of this paper.²³ A two-way information flow between authorities and the local community will also ensure that local communities act as watchdogs and give real-time information on non-compliance by nearby industries.²⁴

Second, the ‘limited period’ for initiating a lawsuit is a crucial procedural feature of litigation before courts. In this regard, the right to information in the form of disclosure is critical. The statute of limitations usually begins to run on the day the information giving rise to the cause of action was made public. For example, the grant of an EC must be notified and published in accordance with the rules. Anyone who is dissatisfied with the decision to award EC has thirty days to file an appeal with the NGT as per section 16(h).²⁵ The thirty-day timeframe begins on the date that the EC order was notified and published in accordance with the rules. The Tribunal has clarified that “*communicating both the factum and content of the clearance in a way that is easily accessible by a common man*” should be understood as “*communicating both the factum and content of the clearance in a way that is easily accessible by a common man.*”²⁶ It is critical to understand the Tribunal’s meaning of ‘communication’ in order to appropriately determine the limitation period.²⁷

IV. RIGHT TO INFORMATION ENFORCEABILITY AS A PER, SOME SUCCESS STORIES, AND ISSUES

A. Right to Information Enforceability as a PER

The enforceability of PERs is a hot topic among academics. The PER is enforceable as long as it is enshrined in the form of a rights-based guarantee, such as the RTI Act. The question becomes whether the obligation to reveal information is justiciable when the PER is manifested through a duty-based assurance, as stated above. If, for example, the SPCB, which is required by environmental laws to divulge certain statistics, fails to do so, may this failure be challenged in court, and action is taken against the responsible

²² Rajesh Chakrabarti and Kaushiki Sanyal, *Public Policy in India (OISI): Oxford India Short Introductions* (OUP India, New Delhi, India, 2016).

²³ G.S. Tiwari, “Conservation of Biodiversity and Techniques Of People’s Activism,” 43 *Journal of the Indian Law Institute* 191–220 (2001).

²⁴ CSE-GIZ, *Filling the Blanks: A Discussion Paper on Strengthening Environmental Governance* (Centre for Science and Environment, 2014).

²⁵ Universal Law Publishing, *National Green Tribunal Act, 2010 (19 of 2010) with Order, 2010 along with the National Green Tribunal (Practice and Procedure) Rules, 2011*.

²⁶ Indian Kanoon, *Save Mon Region Federation & Anr vs Union of India & Ors*, 2013.

²⁷ Shibani Ghosh, “Access to Information as Ruled by the Indian Environmental Tribunal: Save Mon Region Federation v. Union of India,” 22 *Review of European, Comparative & International Environmental Law* 202–6 (2013).

body? Now, there is no one-size-fits-all judicial response to an issue like this, and the only way to address it is to look at some examples of disclosure and non-disclosure.

B. Some Success Stories and Examples

While the PER of right to information has a lot of theoretical relevance, its practical significance can only be asserted if the information gained via the application of the PER is useful in environmental decision-making and does not only qualify as a discrete piece of information.

a) The Judiciary's Role

In India, information collected through RTI has not only been relied on and utilized by the judiciary, but it has also influenced the Courts' decision-making process. For example, the Delhi High Court ("**Delhi HC**") relied on material obtained through an RTI as evidence for establishing that the Expert Appraisal Committee (EAC) lacked credibility and, as a result, struck aside an EC given to a project proponent based on the EAC's recommendation.²⁸ The RTI request was for information about the EAC's founding, and the information obtained revealed several inconsistencies. The Central Information Commission ("**CIC**"), an appellate authority under the RTI Act, has taken a pro-disclosure stance in some cases, emphasizing the importance of information being made publicly available.²⁹

b) The National Green Tribunal's Role

A new degree of transparency has been ushered in with the establishment of the National Green Tribunal ("**NGT**"). The NGT is continually reminding regulatory organizations of their responsibilities in relation to various environmental challenges. The report provided by the bodies in response to the NGT's order is subsequently made publicly available on the NGT's website. Before the emergence of NGT, such a practice went unnoticed. For example, on August 3, 2018, the NGT directed the Central Pollution Control Board ("**CPCB**") to post an action plan and a "*measures taken report*" on its website in order to comply with the Hon'ble Supreme Court's ruling in *Paryavaran Suraksha Samiti and Anr. v. Union of India*³⁰. The judgment concerns the monitoring of Common Effluent Treatment Plants ("**CETPs**") and the establishment of an environmental compensation mechanism in the event that CETPs fail to meet their obligations. As a result, the CPCB is now required to publish the efforts it has taken to ensure effective CETP monitoring.³¹

²⁸ Indian Kanoon, *Utkarsh Mandal vs Union of India*, 2009.

²⁹ Indian Kanoon, *Union of India vs G Krishnan*, 2012.

³⁰ Indian Kanoon, *Paryavaran Suraksha Samiti & Anr vs Union of India & Ors*, 2017.

³¹ NGT, *Step Taken Report by CPCB* (National Green Tribunal, 13 February 2020).

In another case, the NGT ordered the CPCB to establish a scale of compensation to be collected under the Noise Pollution (Regulation and Control) Rules, 2000 (“**Noise Rules**”) based on the polluters’ pay principle to enforce Rule 4(2) of the said Rules in a decision dated 01.08.2019.³² As a result, the CPCB established a scale of compensation to be paid by defaulters for various instances of violation of Noise Rules, which is presented to the NGT in October 2019 and then again in June 2020, and which was then made public on the NGT website.³³ This was in response to the failure of Delhi’s statutory agencies to manage noise pollution in accordance with the law. In this way, the NGT has contributed to the building of India’s PER of right to information and right to know

c) The CIC’s Function

Not just the NGT and the judiciary, but also the CIC, an RTI Act appellate authority, hold the PER of the right to information in high regard. The CIC has often campaigned for greater transparency of many environmental decisions in the public arena, such as the MoEF’s website or PCBs. The CIC has guaranteed that Public Information Officers (“**PIOs**”) and other public entities do not avoid their obligation to disclose information under the RTI framework’s different exemptions as per Section 8.³⁴ It has also ensured that information is widely accessible to the public and that a concerned person does not need to file an RTI every time he or she seeks environmentally sensitive data.

There have been situations where the judiciary has backed the CIC’s pro-disclosure attitude. The Delhi High Court’s ruling in *Union of India v. G. Krishnan*³⁵ (“*G Krishnan Case*”), although maintaining the CIC’s order, noted that a policy should be made available to the public/stakeholders even in its draught form, and their views should be considered when completing the policy. The RTI applicant sought the report submitted by the Western Ghats Ecology Expert Panel (WGEEP) to the MoEF, and the Ministry refused to provide access to the report on the grounds that it was still in the draught stage, and disclosure at this stage would jeopardize the State’s strategic or economic interests, an exemption allowed under Section 8(1)(a) of the RTI Act. The CIC had authorized disclosure of the Report³⁶ after an appeal, which was later supported by the Delhi High Court. The Delhi High Court and the CIC have taken a pro-disclosure stance, with a combined emphasis on the PERs of right to information and right to public participation.

³² Casemine, *Hardeep Singh v SDMC*, 2019; Casemine, *Akhand Bharat Morcha v. Union of India*, 2019.

³³ NGT, *Report Prepared by CPCB on ‘Scale of Compensation to Be Recovered for Violation of Noise Pollution Rules, 2000’*, (National Green Tribunal, 2019).

³⁴ M. Sridhar Acharyulu, *Right to Information (Duty to Disclose) RTI*, 1s first edition (allahabad law agency, 2015).

³⁵ Indian Kanoon, *Union of India vs G Krishnan*, 2012.

³⁶ Indian Kanoon, *G. Krishnan v. Ministry of Environment and Forest*, 2012.

In addition to the CIC's order in the *G. Krishnan case*³⁷, the CIC has held in another case that a policy or report should be made available to the public/stakeholders even if it is still in draught form because of attempts to conceal policies or reports on the grounds that they are still in draught form creates suspicion about their compliance.³⁸ The CIC issued this order in response to an RTI request for the release of an Expert Committee Report on the Coastal Regulation Zone Notification, 2011, which had been changed numerous times, resulting in a diminution of the notification's scope. The applicant sought to make sure that the regulations were being diluted in accordance with the Committee's Report. However, the MoEF refused disclosure on the grounds that the Report is preliminary and has not yet been adopted, but the CIC overruled the MoEF on appeal, stating that disclosure is important for the public interest due to the fragile ecosystem of the coastal regions.³⁹

There have been numerous instances where information obtained through an RTI has been the subject of potential litigation or legal challenge before the NGT or courts of law. For example, Down to Earth filed an RTI request to learn about the status of the Bharatmala Highway Project, which is building three highways across the Ranthambore and Mukundhara Tiger Reserves. The application was accompanied by a study to the government from the Wildlife Institute of India (WII), which said that the highway development will have a significant impact on and fragment the wildlife habitat in the two reserves. According to the information provided by the MoEF, the Central Government has approved the diversion of forest area in the two reserves for highway building, notwithstanding the WII's concerns.⁴⁰ Now, a concerned individual has locus standi and a cause of action to sue the MoEF for failing to fulfill its obligations.

C. Issues

While it is true that Principle 10 has been put into effect in India to produce a set of guidelines for how individuals can fulfill their responsibility to safeguard the environment, it is not without its flaws. Despite the fact that the PER of right to know and right to information is recognized in many Indian statutes, its effectiveness remains a challenge. Despite receiving sufficient backing from the NGT, the courts, and the CIC, implementing the PER of the right to information has been challenging in numerous cases. This is due to a slew of procedural and substantive roadblocks that prevent the effective implementation of the right to information. To begin with, information is not made available due to administrative flaws, such as

³⁷ Indian Kanoon, *Union of India vs G Krishnan*, 2012.

³⁸ Indian Kanoon, *Kavitha Kuruganti vs Union Of India*, 2018.

³⁹ *Ibid.*

⁴⁰ Ishan Kukreti, "RTI reveals MoEF&CC cleared 3 highway proposals disregarding WII's views," 2021 available at: <https://www.downtoearth.org.in/news/wildlife-biodiversity/rTI-reveals-moef-cc-cleared-3-highway-proposals-disregarding-wii-s-views-75250> (last visited April 25, 2022).

the public authority failing to record or maintain information in accordance with legislative requirements, such as Section 25(6) of the Water Act, or the authority evading the application by providing incorrect or misleading information.⁴¹ Furthermore, because “*environmentally sensitive information*” is sometimes scientifically complicated and technical in character, the information provided by the government is incomprehensible to the general population.⁴²

Furthermore, because the information is mostly recorded and maintained in English, but the ‘affected population’ is primarily made up of people who speak vernacular languages, the information is translated into a regional language and then presented, and some information is lost in the translation process. For example, according to Ritwick Dutta, a famous environmental lawyer in India, a dangerous chemical called cyanide was translated into ‘*jhaag wala paani*’ (foamy water) in the Hindi version of an EIA report that was made public.⁴³ This is combined with a fundamental lack of dedication and administrative laxity, resulting in an undue delay in responding to the RTI application, in violation of the RTI Act’s section 7(1) 30-day deadline.⁴⁴

Second, the information finally available to the applicant loses its relevance as a result of the prevalent practice of delaying responses to RTI applications or delaying the appeal procedure, which has been widely noted by applicants and activists.⁴⁵⁴⁶ The issue of delay is more essential since environmental harm is irreversible in nature, and it is critical that environmentally sensitive information be made public as soon as possible so that concerned citizens can take appropriate action before an irreversible ecological disaster occurs. As a result, prompt disclosure of ecologically sensitive information becomes critical.

Finally, PIOs tend to take advantage of the exemptions granted to them under the RTI framework.⁴⁷ The RTI Act exempts information from disclosure in some circumstances, such as when it concerns business confidence or jeopardizes the state’s economic interests as per S. 8(1).⁴⁸ The exemption from disclosure available under Section 8(1)(a) of the RTI Act was abused by the Ministry to justify the non-disclosure of information sought in the G. Krishnan case discussed above, but the CIC with its order pointed out the

⁴¹ Shibani Ghosh, *Indian Environmental Law: Key Concepts and Principles*, First edition (The Orient Blackswan, Hyderabad, 2019).

⁴² *Ibid.*

⁴³ Asian Development Bank, *South Asia Conference on Environmental Justice* (Asian Development Bank, 2013).

⁴⁴ S Ghosh, “Regulatory Domains: The Environment,” in D. Kapur, M. Khosla (eds.), *Regulation in India: Design, Capacity, Performance* (Hart Publishing, 2019).

⁴⁵ Gaurav Vivek Bhatnagar, “Delay in Replies to Appeals and Complaints Killing RTI Movement, Warn Activists” *The Wire*, 2020 available at: <https://thewire.in/rights/rti-movement-appeal-notice-activists> (last visited April 25, 2022).

⁴⁶ “SPIOs liable for delay in responding to RTI queries,” *The Hindu* (Kannur, 29 May 2019), section Kerala.

⁴⁷ I. P Massey, *Administrative Law*, 2017.

⁴⁸ M. Sridhar Acharyulu, *Right To Information (Duty To Disclose) RTI*, 1s first edition (allahabad law agency, 2015).

abuse and ordered disclosure.⁴⁹ Similarly, under the Official Secrets Act, the government has classified some environmental information and records relevant to particular places, such as the Narmada Dam's submergence zone, as "*secret*" and made them inaccessible to the public.⁵⁰

Fourth, gun-jumping is feasible due to the dispersed structure of environmental control, administrative agencies, and decision-making. The MoEF PIOs, SPCBs, and CPCB continue to avoid their obligations to disclose in the name of one another, claiming that they do not have the essential information sought in the application. For example, three environmental researchers submitted RTIs in 22 Indian states in 2016 requesting information on the constitution, composition, tenure, rules of procedure, and other aspects of Appellate Authorities under the Water and Air Act.⁵¹ The RTIs were filed with the State Department of Environment, but in 17 states, the application was transferred by the State Government to the concerned SPCB, and some of these applications were sent back to the State Departments by the SPCB on the grounds that the information was not available to them.⁵² This case exemplifies the problem of gun jumping and the lack of clarity as to who should keep track of and record the required data. The authorities' administrative discretion, therefore, contradicts the basic objective of the right to information mechanism.⁵³

Finally, while compliance with various disclosure obligations is evident in some circumstances, it is unsystematic and outdated, making information disclosure a pointless formality. A look at the Uttar Pradesh Pollution Control Board's website, for example, reveals that compliance with the MoEF order mandating publication of the status of the grant of the No Objection Certificate to various industries has been achieved, but it is still incomplete. Details on the status and industry are only available until October 2017, after which there is no information. According to a survey conducted by Price Waterhouse Coopers in 2012 on issues related to the implementation of the RTI Act in India, more than 75% of citizens are dissatisfied with the level of information provided to them, citing the information as "*incomplete*" or "*irrelevant*."⁵⁴ While this research illustrates the dire state of RTI in general, it also sheds light on the quality of environmental data disclosure.

V.CONCLUSION

⁴⁹ Indian Kanoon, *G. Krishnan v. Ministry of Environment and Forest*, 2012.

⁵⁰ Prof Sairam Bhat, *Right to Information and Good Governance*, First Edition (National Law School of India University, Bengaluru, 2016).

⁵¹ Shibani Ghosh, Sharachandra Lele and Nakul Heble, "Appellate authorities under pollution control laws in India: Powers, problems and potential, LEAD (Law, Environment and Development) Journal, 14(1): 45-58" (2018).

⁵² *Ibid.*

⁵³ Prof Sairam Bhat, *Right to Information and Good Governance*, First Edition (National Law School of India University, Bengaluru, 2016).

⁵⁴ Mohit Sharma and Sanjiv Bhadauria, "Right to Information: Pros and Cons," 6 *IJARIE* 2017-395 (2017).

The lack of political will in any country is one of the most significant hurdles to the realization of PERs. Even in ‘advanced’ countries such as the United States, residents have been denied the freedom to participate in environmental protection and seek justice due to a lack of political will.⁵⁵ A review of the status of Principle 10 of the Rio Declaration, which includes the PERs, finds that there is still a gap between the principles’ goals and their effective execution by state actors.⁵⁶ Furthermore, due to the diversity of legal systems and legal cultures throughout jurisdictions, the rights have been incorporated into municipal systems in diverse ways and degrees, with a relatively low level of recognition in emerging countries. The constitutional protection afforded to environmental rights is frequently underutilized in the pursuit of procedural environmental rights around the world.⁵⁷

This has been especially true in the case of India. It was thought that by incorporating Principle 10 of the Rio Declaration into domestic law, an era of “*environmental democracy*” would dawn. While India has had its share of environmental democracy, it is possible that it is not fully attributable to the PERs as stipulated by Principle 10. As India grapples with growing environmental issues, it is critical to remember that environmental justice cannot be achieved solely by ensuring a set of rights, but also by providing residents with information and a venue to discuss, debate, and seek redress of their grievances. As a result, India’s institutional protection of the right to environmental information must be strengthened.

The Indian government’s commitments under Rio Declaration Principle 10 must be rendered justiciable. The Indian government should be held accountable for not implementing Principle 10 fully and effectively. A similar practice can be seen under the Aarhus Convention framework, where a Member State that is not fully complying with the Convention in terms of ensuring PERs can be brought before the Aarhus Compliance Committee and held accountable. Client Earth, a UK-based NGO, took the UK government to the Aarhus Compliance Committee in 2010 for failing to ensure the right to access to justice by imposing exorbitant expenses on litigants.⁵⁸ While upholding the litigants’ rights, the Compliance Committee determined that the imposition of prohibitive costs is impeding the realization of PERs under this Convention and, ultimately, under Principle 10.⁵⁹ Because the UK is one of the 47 signatories to the Aarhus Convention, which is largely a regional agreement of the Economic Commission of Europe, this was made possible. As a result, India must become a member of a similar regional institution and cooperation, as well as form partnerships with other countries that can mutually

⁵⁵ Casetext, *Center for Biological Diversity v. Hagel*, 2015.

⁵⁶ Ayça Tokuç, “Rio Declaration on Environment and Development (UN),” in S. O. Idowu, N. Capaldi, *et al.* (eds.), *Encyclopedia of Corporate Social Responsibility* 2087–94 (Springer, Berlin, Heidelberg, 2013).

⁵⁷ James R. May, “Constitutional Directions in Procedural Environmental Rights” (2013).

⁵⁸ Blackstone Chambers, *R (on the Application of ClientEarth) (Appellant) v Secretary of State for the Environment, Food and Rural Affairs (Respondent)*, 2015.

⁵⁹ *Ibid.*

impose a binding obligation to implement and guarantee PERs. For example, the SAARC countries must develop a partnership in accordance with regional agreements like the Escaz Agreement and the Lima Vision.⁶⁰

Furthermore, rather than modifying existing administrative structures and methods, the overall trend in Indian administrative reforms is to create newer institutions or statutory regulators.⁶¹ However, when it comes to enforcing PERs in India, we must buck the trend and focus on reforming the current environmental administrative infrastructure in order to smooth up the country's right to environmental information framework. As a result, regulatory bodies such as PCBs and others must streamline their information recording and maintenance mechanisms, and this system must be consistently checked by an independent regulator. For example, the SPCB should record and retain all relevant "*environmental information*" in each state, and the process should be overseen by the NGT, or all relevant "*environmental information*" should be made available to the public on the NGT's website. This is specifically stated in Bali Guidelines Guideline 4, which stipulates that governments should ensure that their competent public bodies gather and update environmental data on a regular basis.⁶² Noncompliance has become the norm rather than the exception due to the lack of a strong punitive and deterrent mechanism. As a result, we must either financially incentivize the process of information disclosure or severely penalize the process of non-disclosure. Also, anyone who fails to comply with his statutory duty of disclosure under various environmental laws should face criminal penalties.

In addition, as envisioned in Bali Guidelines Guideline 7, the government should actively engage in the capacity building of public agencies as well as private citizens to promote access to environmental information.⁶³ This is because one of the main reasons for the low level of PER enforcement, in general, is that those who are harmed by various forms of pollution are unaware of any mechanism or mandate to have their PERs enforced. As a result, a capacity-building exercise will equip the "*affected people*" with the skills and knowledge necessary to request and act on environmental information from the government. In countries like India, the Client Earth case should be used as a model for civil society. In 1992, India became the first country in the world to incorporate environmental statement audit into its legislative framework, making it the first country in the world to do so as per Rule 14.⁶⁴

⁶⁰ Stephen Stec, Susan Casey-Lefkowitz and Economic Commission for Europe, *The Aarhus Convention: An Implementation Guide* (United Nations, New York, 2000).

⁶¹ Krishnan K. P. and Anirudh Burman, "Statutory Regulatory Authorities: Evolution and Impact," in D. Kapur, M. Khosla (eds.), *Regulation in India: Design, Capacity, and Performance* (Hart Publishing).

⁶² UNEP, *Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matter*, (United Nations Environment Programme, 26 February 2010).

⁶³ *Ibid.*

⁶⁴ Asia Law House, *The Environment (Protection) Act, 1986 with Rules, 1986*, 1st edition (Asia Law House, 2013).

The Ministry of Environment and Forestry recommended that a higher level of self-regulation⁶⁵, self-assessment, and self-disclosure by industries be incorporated into the Environmental Protection Act in a discussion paper released in 2009.⁶⁶ While these developments in India are encouraging, a step toward a more proactive and voluntary information disclosure policy is needed, because the more environmental information that is already available in the public domain, the less burden the government will have to bear in dealing with specific applications and requests. We may achieve decentralization of environmental governance in this way, which implies not only the delegation of powers to lower levels of government, but also the dissemination of information and decisions to the general public.

⁶⁵ CSE-GIZ, *Filling the Blanks: A Discussion Paper on Strengthening Environmental Governance* (Centre for Science and Environment, 2014).

⁶⁶ Ministry of Environment & Forests, "Towards Effective Environmental Governance: Proposal for a National Environment Protection Authority," 2009.

PUBLIC INTEREST LITIGATION FOOD FOR NEEDY OR FOOD FOR SOUL?

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PLAGIARISM DECLARATION

1. I know that plagiarism means taking and using the ideas, writings, works or inventions of another as if they were one's own. I know that plagiarism not only includes verbatim copying, but also the extensive use of another person's ideas without proper acknowledgement (which includes the proper use of quotation marks). I know that plagiarism covers this sort of use of material found in textual sources and from the Internet.
2. I acknowledge and understand that plagiarism is wrong.
3. I understand that my research must be accurately referenced. I have followed the rules and conventions concerning referencing, citation and the use of quotations as set out in the Departmental Guide.
4. This assignment is my own work, or my group's own unique group assignment. I acknowledge that copying someone else's assignment, or part of it, is wrong, and that submitting identical work to others constitutes a form of plagiarism.
5. I have not allowed, nor will I in the future allow, anyone to copy my work with the intention of passing it off as their own work.

Name...cherrykushwaha..... Student #...chandigarh university.....

Date

ACKNOWLEDGEMENT

First and foremost i would like to thank the guide, dr hadley and dr jasgurpreet for their untiring efforts and dedication in guiding us through the dark roads and shady but luring paths of research. I am solely responsible for any errors and mistakes in this research and also find it pertinent to state that the views expressed are not intended to offend any person or community

ABSTRACT

The double edged dagger of public interest litigation, seems to hang on the shoulders of 4 pillars of democracy, media, politics, judiciary and executive. What if one pillar shakes a little? allow the author humble submission of the present paper to take you on the journey from pil in india to its thought at world scale. What if the author puts you in some hypothetical situations and takes you on the tour of two pilot surveys, with proposed plans of actions and unending open edged conclusions, the present paper offers your honourable self an opportunity of nothing less. Imagine the screams of masses for justice and the fear of upturning the scale of justice. Now imagine the opposite, screams of masses drowning in unheard reservoirs of laws. The humble submission of the present paper takes you all to the overview of this all with humble review of a few research papers , and finally drawing some conclusions, while leaving rest to your hon'ble judgement.it is hereby submitted for your scrutiny and vigil.

KEYWORDS- locus standi, public interest litigation, Justice P. N Bhagwati, courts inherent powers, pilot survey, politics vs judiciary,justice, world court, uniformity, article 19, judicial activism

INTRODUCTION

What started as a wave in U.S. in the mid 1980' became a movement under the aegis of justice P.N.Bhagwati in India. We are witnessing today the era of displaced rule of locus standi and activists, socialists and young lawyers running towards public interest litigation.

In the words of justice P.N.Bhagwati himself, "govt alone will never be able to do it. it is only the people themselves who must utilize law for the purpose of bringing justice at the doorsteps of the large masses of people of the country"

India has seen different eras of different centre state dominance relationship, their confrontations from times and now its witnessing an era of judiciary giving directions to centre at most times.

What has triggered this new wave?

- Has the dominance of politics overturned and scale of justice in judiciary?
- Is it the mass discontent from both judiciary and politics?
- Or is the abuse of power of activism in the hands of judiciary by nasty elements of society for their ulterior motives?

It appears to be overuse of the weapon of public interest litigation, for name, fame and tall claims. It is humbly submitted by the author that it is in no way intended to undermine or overlook the heap of decisions, which have given us new jurisprudential theories, struck down rules of ultravires acts¹, from decisions where a handwritten note of a prisoner if reaching a judge², being treated as a writ of habeus corpus to freeing of undertrial prisoners rotting in jails for more time then they would have served as punishment, if convicted, we have had tremendous and laudable judicial decisions in the 80s and 90s era

- Has the morale of judiciary gone down?
- Is the hon'ble judiciary overlooking justice while weighing down rules?
- Or just the "public spirited" person become too used to of having a way with things. Lets review the current scenario 5 years back.
- Covid brought n number of opportunities for the "public spirited" man to shine and rightfully abuse article 19.

¹ Jahangir R.Modi vs Shamji Lodha

² Sunil Batra v Delhi administration

- News channels in rush for their ratings, distorting the words, before verdicts and igniting the fire
- Or is it okay if I just talk about some “intolerance”?

With a bill in rajya sabha lying desparately since 1996 to have public interest litigation regulated, to a fully functional legal aid office in new York , different land marks have definitely been marked.

Before reaching conclusions, it is humbly submitted that the results of a pilot survey by the author be considered here.

PILOT SURVEY 1-

5 field workers from the background and field of law³ were directed to randomly sample the population of district courts of tricity and the randomly the people amongst advocates/ litigants and victims.

It is submitted that utmost care as to confidentiality of the subjects and respect of the delicate subject matter at hand have been maintained before they pilot survey itself became a “sting operation” or cause for another public interest litigation.

(either ways the author takes full responsibility of either scenario)

Before we check out the derivations, it is pertinent to mention some of the limitations of the survey⁴:

- The field workers were solely from the background of law with no prior experience in the field of psychology or methods of projection.
- The geographical limitations of the survey, being conducted in the tricity does not elucidate the conditions of entire india
- Lastly the restriction of time, for the survey did not include open ended questions, but the opinions of subjects have been humbly respected and mentioned along with confidentiality clause

Sampling size has been limited to 100 participants from all over the tricity district courts each, to reach a sample size of 300⁵

significance level of .5 has been taken

³Willing and under no pressure

⁴ the sample of the survey has been attached at the end of the paper.

⁵ Significance level of 0.5 has been taken

DATA AND STATISTICS DERIVED:

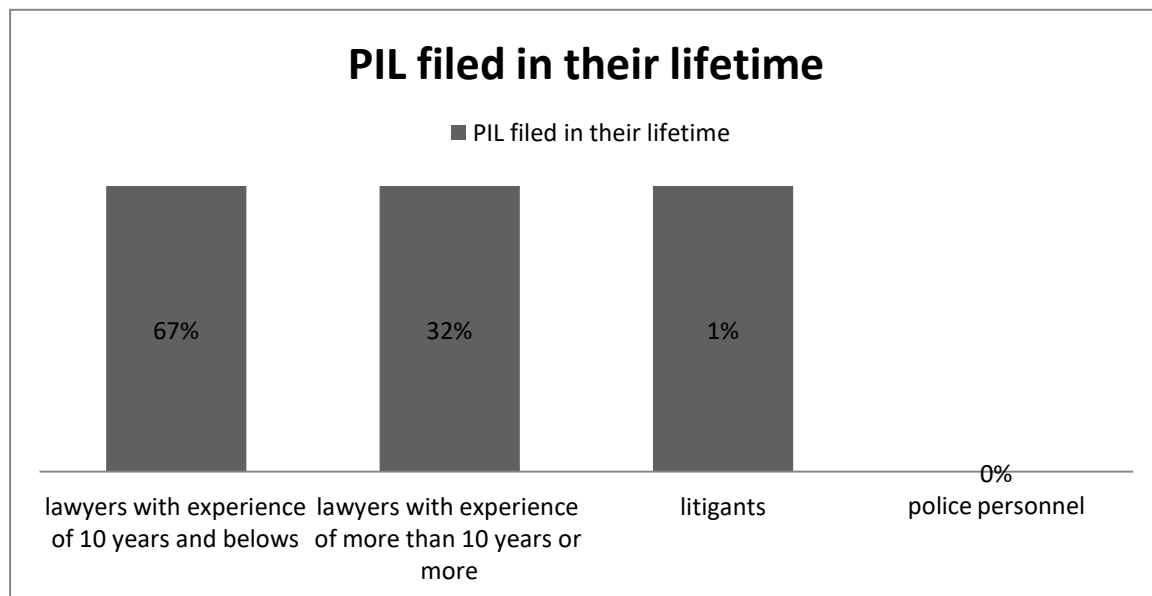


Fig 1

Before we get rushed to draw conclusions from PILs filed, let's dig in a bit more with observation of the field workers and adopting direct observation method, next table has been derived

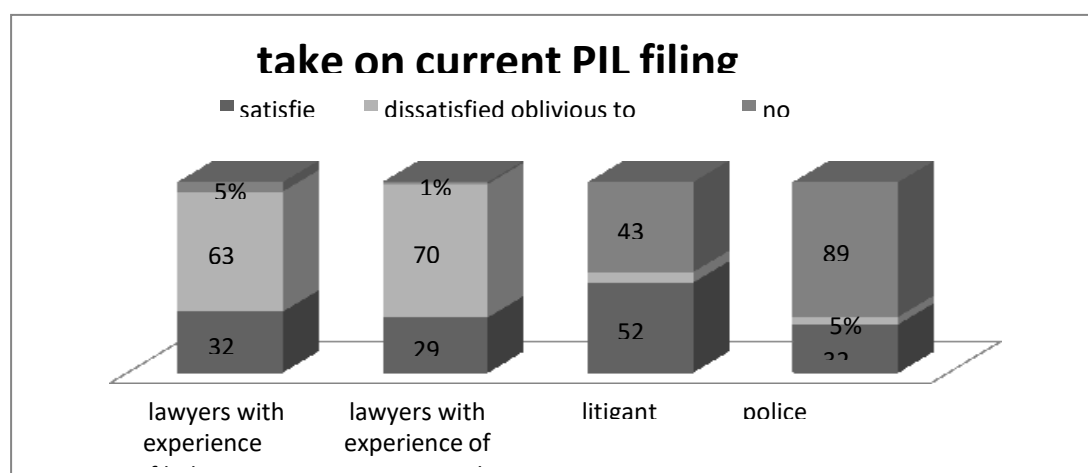


Fig 2

Again it is pertinent to mention here that the answers have been probed deeper than just calculating at the face value⁶,

Next figure shows that

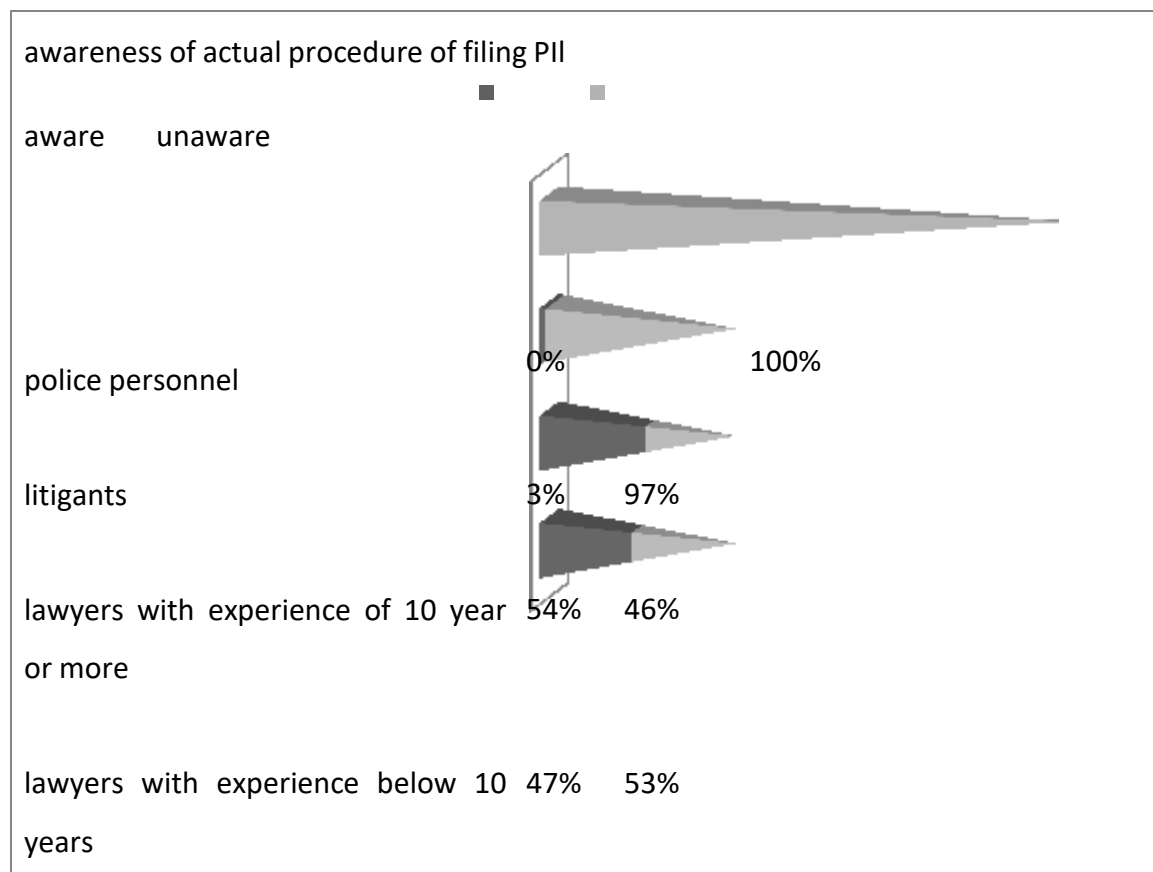


Fig3

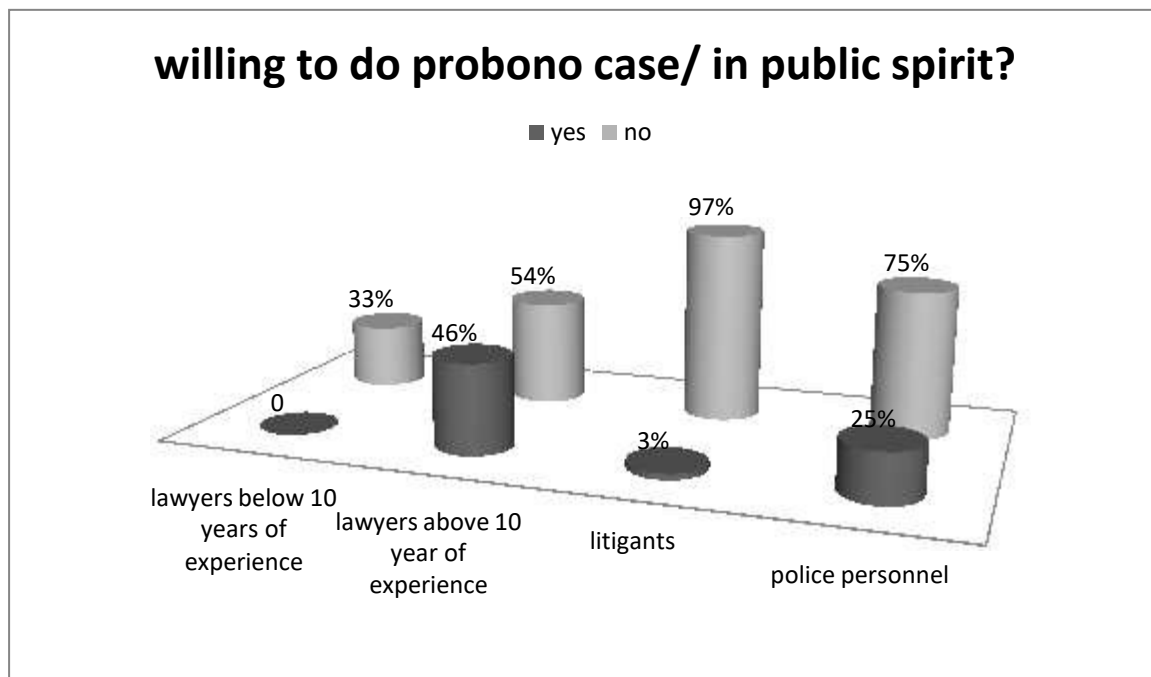


Fig 4

⁶ relevant projection techniques of interdisciplinary study have been used

For the next category of questions, allow the humble author to guide you through the second pilot survey.

PILOT SURVEY 2

For the next pilot survey, the random sample of 100 students was taken from first, second and third year of llb from the tricity, they are hereinafter named as group A. group B, group C⁷

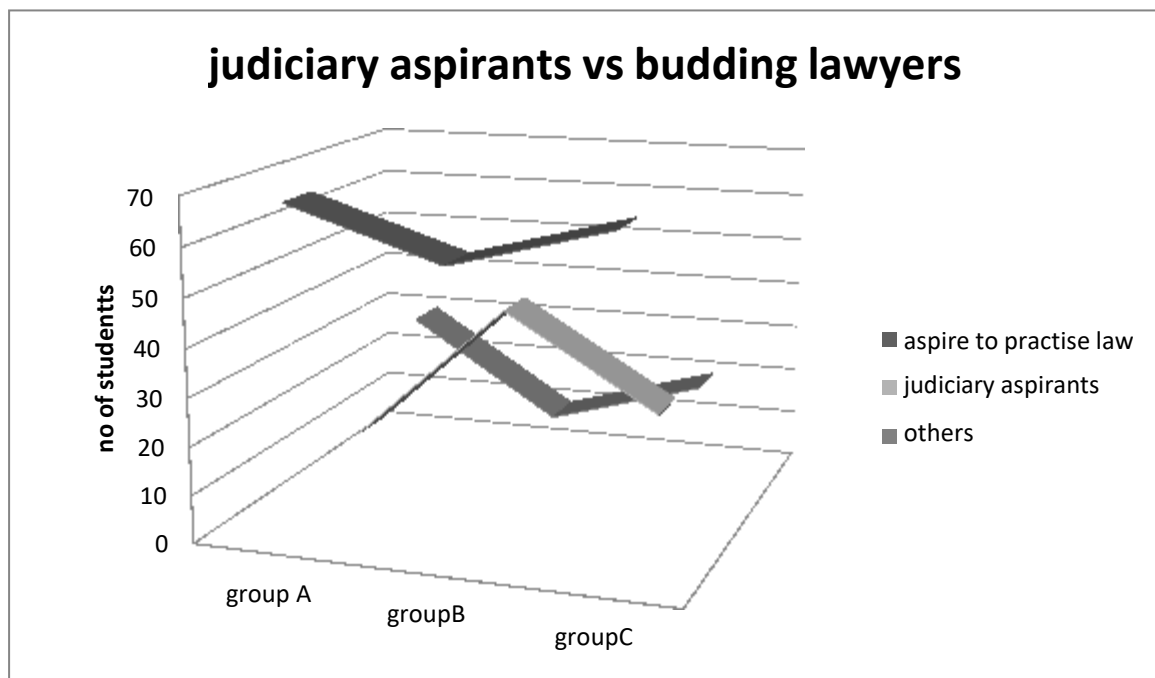


Fig 5

The young law students were then probed on current PIL cases

⁷ only 3 year law students have been included in the survey

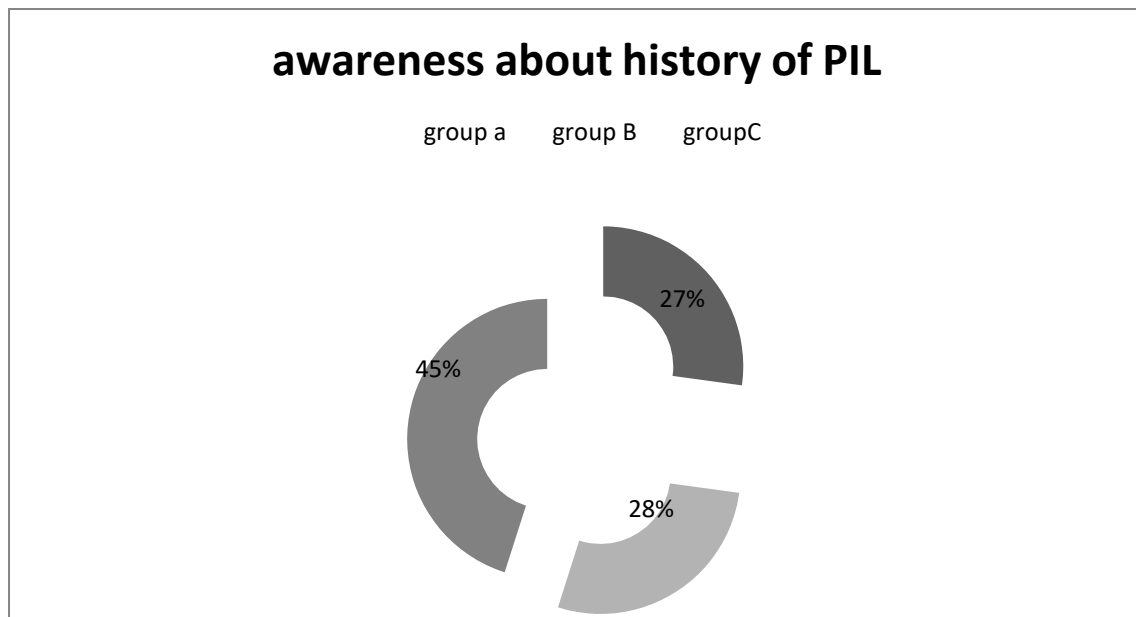


Fig 6

It is humbly submitted that the students had been assured that the data taken and opinions recorded were only for the purpose of research and their anonymity would be maintained.

(though the students seemed to be worried less on this account)

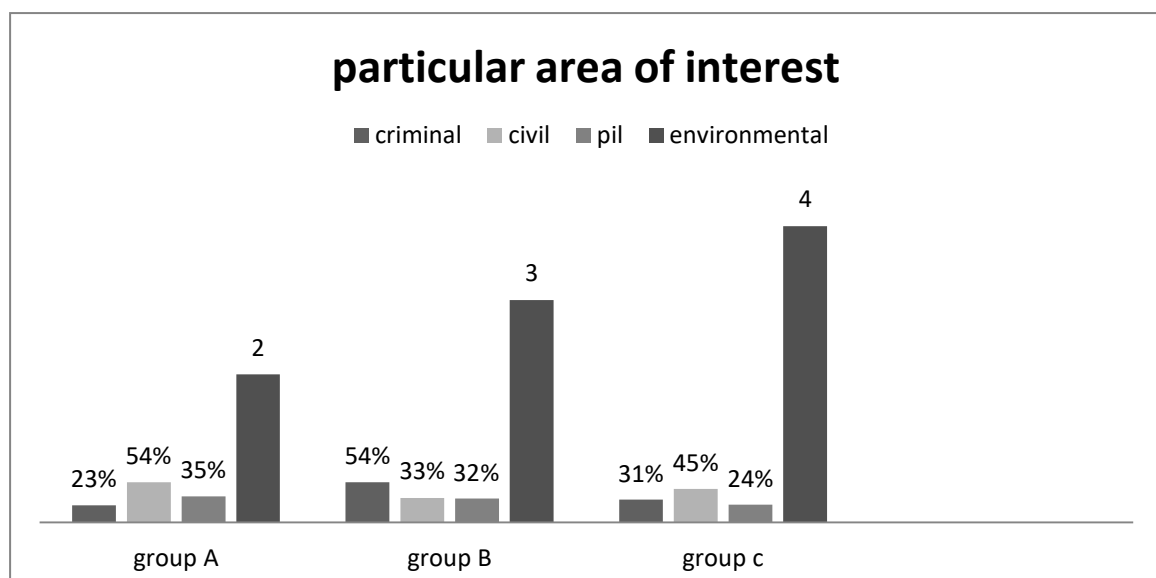
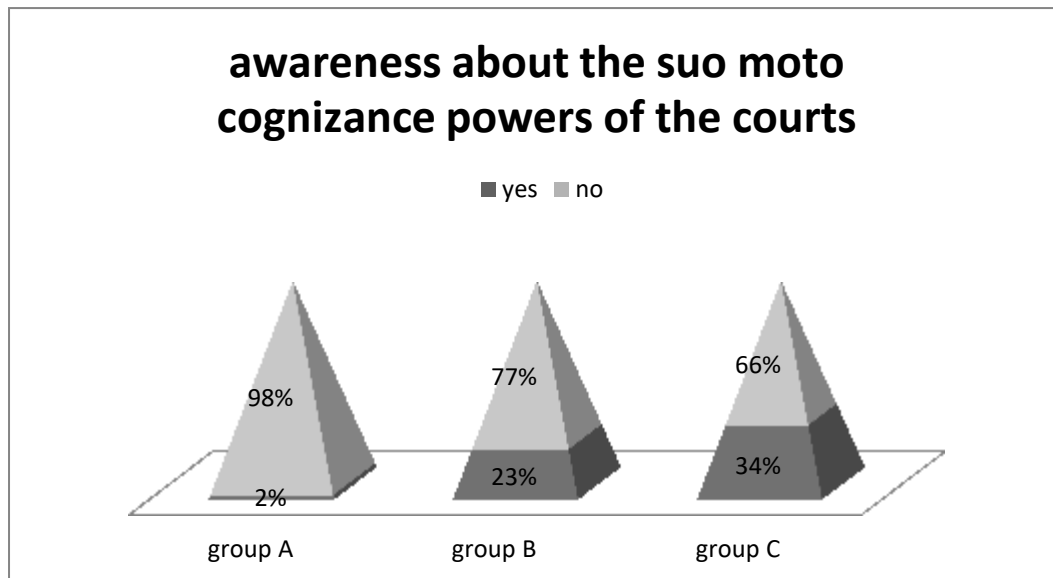


Fig 7

It is humbly submitted that no reference to the current study was made, to ensure 2 targets

- Students do not form a prior opinion/ be overexcited
- Ensure that data can be used for other study (hopefully next research paper!!!)



CRITICAL TAKE:

Before we move ahead and form opinions on the ignorance levels of law students about the provisions of law, the author humbly submits that none of the students related article 39 A, or inherent powers of the court⁸ probably because that is exactly what PIL and writ petition experience has taught us over the years, ignorance being the bliss, it becomes easier to dive into the ocean of PIL. Public interest litigation.

HYPOTHETICAL SITUATIONS:

before we proceed further on the journey of exploring the facets of public interest litigation, humbly allow the author to put your minds in some hypothetical situations:

situation 1- person x dislikes a particular political party, with y agenda, he files a PIL against the agenda y and opposite party comes to back it up and support him, making the grounds for PIL not sounding frivolous.

Situation 2 – A lawyer x, wants to seek fame and files PILs, charging heavy fees from the

beneficiaries, after filing but before withdrawal or intentionally loses it and indirectly supports the opposition view

Situation 3 - new law students, oblivious of the procedure, and used to moot courts, happens to take up a serious topic in court, and without much account of data the decision is given in upturned balance of justice.

These situations definitely boggle the mind and lead us towards 3 paths of thoughts-

⁸ 482 CrPc

- There should be no bill or rule, hon'ble court's discretion should matter the most to ensure justice is delivered
- There should be stringent laws and heavy penalties to deal with frivolous PILs not to forget "frivolous" needs to be defined too as per the act
- There should be separate courts to deal with PILs

Though third option sounds more like a suggestion but would that be an attempt to strip the hon'ble courts of their inherent powers and lead to another controversial journey (becoming history years later, like the journey from Golakh Nath vs State to Keshavnanda Bharti and again evaluating the centre and judiciary's relationship over the years?

Before forming conclusions let's think big.

INTERNATIONAL DOMINANCE VS WORLD PEACE?

What could happen if the international court of justice at Hague, had inherent powers like the ones in Indian judiciary?

Would it lead to world peace or subjugation of the entirety? What if nations could file PILs against others?

Much more than the stopping of grants, sanctions and voting against the poll?

It could either lead to supreme power play and a political dominance much as in world war 1 and 2 or it could be the next solution to deter nations before causing harm to the other one.

It is humbly submitted that for the unprecedented situation, outcome would be extreme in either

case.

IRONICAL TWIST OF LAWS

Which ground does the PIL stand when torts like *damnum sine injuria* and *injuria sine damnum* are in play?

Where does the duty of a lawyer, of not fuelling unnecessary litigation amongst parties⁹ stand in situations like this?

⁹ legal services authorities act 1987

Was the historical British rule of making wife accountable for the torts of husband a subject of PIL now?

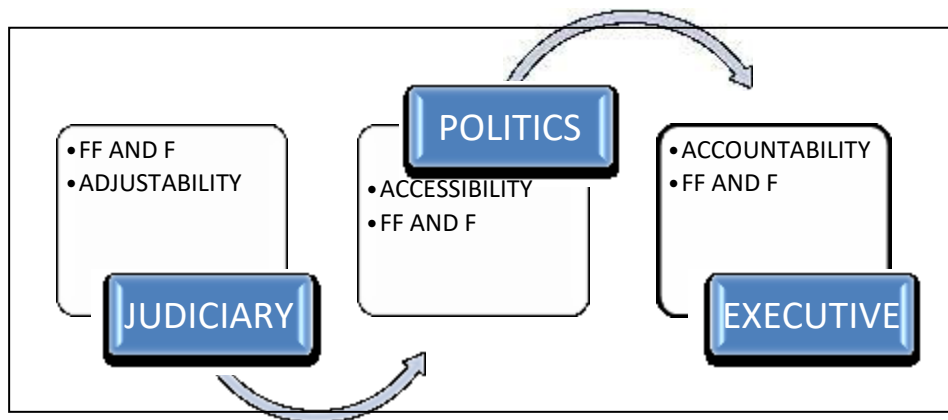
The fire ignited by one Facebook post today, can lead to heavy twist of misuse of article 19¹⁰ or a new hashtag movement. In this era, it is humbly submitted by the author that being critical of the PIL alone not solve the scenario.

PROPOSED SUGGESTIONS-

- Making it mandatory for the inclusion of supreme court and high court rules separate handbook for each lawyer
- Summons to be sent to every person filing for a PIL mandatorily
- Keeping court records of organizations and lawyers, repetitively filing PILs regularly
- Ensuring that not just email IDs but even addresses are made known along with those who still live in the era where all they can do is write or letter for help or maybe even not that.
- Appointing special committee of parliament to geographically survey the whole census and jail records for any dire need of legal help and also penalizing those who abuse the free legal aid provision (hopefully that's covered in another of my research papers)

Making law students aware of legal provision, before they have categorized themselves as PIL lawyers or civil or criminal tags are added to their noble black coats.

PUTTING FORTH PLAN OF ACTION-



FF- FEED FORWARDS F-
FEEDBACK

¹⁰ freedom of speech

HUMBLE REVIEW OF RESEARCH PAPERS MENTIONED-

The author hereby submits that the few research papers, (cited as references), served enough to fuel my curiosity about what bothers the authors of not being critical of something hugely and widely prevalent. Not to sound critical and be humble of thyself, the author submits the provisions have been dealt with at large, as per the little knowledge of your humble author, and have definitely widened my pupils and general knowledge but what evades the senses is the tightfistedness of the authors pens probably fearing another PIL¹¹

DRAWING HUMBLE CONCLUSIONS-

Those who weave the fabric too closely are often the ones who know that pulling one right thread could either untie it all or knot it too harsh.

Public interest litigation is not the panacea to every social evil but definitely a strong foundation to a sound democracy, with years of successful judicial activism, PILs are anecessity but so is moulding, shaping and reforming them with times.

¹¹ still a humble apology is sought from anyone offended

SAMPLE PILOT SURVEY 1

NAME-AGE-

OCCUPATION-

IT IS HEREBY DECLARED THAT THE INFORMATION GATHERED WOULD BE USED ONLY FOR RESEARCH PURPOSES. IT SHALL BE KEPT WITH UTMOST CONFIDENTIALITY AND THE OPINIONS SHALL BE ANONYMOUSLY AND HUMBLY BE SHARED.

1) PUBLIC INTEREST LITIGATION FILED DURING LIFETIME

A) NONE

B) LESS THAN 10

C) MORE THAN 25

2) TAKE ON THE CURRENT PIL FILING SYSTEM?

A) SATISFACTORY

B) DISSATISFACTORY

C) NO COMMENTS

3) ELUCIDATE THE PROCEDURE FOR FILING OF PIL ALONG WITH PERSONAL OPINIONS IF ANY

4) WILLING TO DO PROBONO CASES/ FILINGS IN PUBLIC INTEREST?

A) YES

B) NO

SIGNATURE

DATE

SAMPLE PILOT SURVEY 2

NAME- AGE-

CLASS-

AREA OF INTEREST POST LLB-

IT IS HEREBY DECLARED THAT THE INFORMATION GATHERED WOULD BE USED ONLY FOR RESEARCH PURPOSES. IT SHALL BE KEPT WITH UTMOST CONFIDENTIALITY AND THE OPNIONS SHALL BE ANONMOUSLY AND HUMBLY BE SHARED.

1) ARE YOU AWARE ABOUT THE HISTORY OF PIL IN INDIA?

A) A)YES

B) NO

2) FIELD OF INTEREST IN LAW?

A) CRIMINAL

B) CIVIL

C) PIL

D) OTHER

3) ARE YOU AWARE ABOUT THE SUO MOTO COGNIZANCE POWERS OF THE HON'BLE COURTS?

A)

B)

4) SUGGESTIONS/OPINIONS/ FEEDBACK ABOUT THE

POLL_____

SIGNATURE

DATE

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Geopolitics and Challenges: An International Perspective for Sustainable Development

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Abstract

Environmental deterioration and natural resource scarcity are jeopardizing our capacity to address some of the world's most pressing concerns. Conflict around the globe takes the lives of thousands and millions displaced worldwide. The US and particularly the NATO future relationship with Russia and China, the withdrawal of the US from Afghanistan, the Yemen, Syria civil war, and most significantly the invasion of Russia to Ukraine are the very latest geopolitics challenge that jeopardizes the sustainable development goals. The new geopolitical challenge will push the international relationships in a direction in which the big actors instead of cooperation to obtain the sustainable development goals pave the way for a contest, such evidence has been appearing in the Ukraine war, and the world has not yet overcome to the Covid-19 pandemic challenge which we are witnessing new geopolitical challenges that can cause more displace refugee and face the world in a bad famine.

Purpose: The objective of this paper is to evaluate the geopolitics and challenges' effect on sustainable development from an international perspective.

Methodology: For the present paper, doctrinal research methodology is adopted, the approach intended to focus on geopolitics and challenges which affect sustainable development goals from an international perspective.

Keywords: Geopolitics, Challenges, Sustainable Development, Principles

1. Introduction: Trend Toward Sustainable Development

The trend toward sustainable development started with United Nations' "World Commission on Environment and Development" in 1987 reports. According to this report, the word sustainable development denotes "development that meets the needs of the present without compromising the ability of future generations to meet their own needs"¹. Also known as the Brundtland Commission which envisages strategies for the preservation of the environment and promoting sustainable development and emphasis on interconnectivity among environmental protection and economic development and energy production crises². The Brundtland Commission was not the first UN conference regarding the environmental matter. The "World Commission on Environment and Development" wasn't the first time the United Nations convened a meeting to discuss environmental challenges³.

In 1972, the UN conference on "Human environment" in Stockholm, also marked the talk between industrialized countries regarding economic growth, water pollution as well as oceans, and the well-being of people around the globe. The creation of "The United Nations Environment Program" was one of the outcomes of this meeting⁴. Sustainable development is also the core aim of this conference, for instance, principle 1-4 acknowledge the need for maintenance of natural resource use, to meet the welfare of present and future generation⁵.

Actually, after "Our common Future" every UN environmental convention has accepted the idea of sustainable development as an essential environmental policy. The ideals of "Our Common Future" were used in the "Earth Conference" 1992, 2000, on sustainable development.

The Earth Summit 1992 resulted in the Rio Declaration on "Environment and Development and Agenda 21" held in Rio de Janeiro Brazil. The Rio Declaration provides a comprehensive plan of action internationally for UN organizations and governments in which humans affect the

¹ World Commission on Environment, *Report of the World Commission on Environment and Development: Our Common Future*.

² Joseph Hyder, "United Nations World Commission on Environment and Development (WCED) Our Common Future Report (1987) ," in *Encyclopedia.Com*, accessed April 22, 2022, <https://www.encyclopedia.com/environment/energy-government-and-defense-magazines/united-nations-world-commission-environment-and-development-wced-our-common-future-report-1987>.

³ *Ibid*.

⁴ UN, "United Nations Conference on the Human Environment, Stockholm 1972" *United Nation*, available at: <https://www.un.org/en/conferences/environment/stockholm1972> (last visited April 22, 2022).

⁵ Günther Handl, "Declaration of The United Nations Conference on The Human Environment (Stockholm Declaration), 1972 And The Rio Declaration on Environment and Development, 1992," United Nations Audiovisual Library of International Law, 20AD, https://legal.un.org/avl/pdf/ha/dunche/dunche_e.pdf.

environment, and the “Commission on Sustainable Development” (CSD) was created in December 1992 for implementation of the agreement at the national and international levels⁶.

And Earth Summit 2002 resulted in the “Johannesburg Declaration on sustainable development”, which repeated numerous points include in the Rio Declaration. In terms of the political commitment of parties, this was more a general statement than the Rio Declaration⁷. The Johannesburg declaration focuses on “the indivisibility of human dignity and is resolved, through decisions on targets, timetables, and partnerships, to speedily increase access to such basic requirements as clean water, sanitation, adequate shelter, energy, health care, food security and the protection of biodiversity”⁸.

In 2009 General assembly decided to organize the UN conference on sustainable development, which was eventually in 2012 held in Rio de Janeiro, entitled “The Future We Want” and the participant renew their commitment to sustainable development. The “Future We Want” points out poverty as a global challenge and emphasizes eradicating poverty⁹.

Another important step which has been taken in 2014 to support Small Islands in line with the goals of sustainable development is the “SIDS Accelerated Modalities Action (SAMOA) Pathway”, the SAMOA conference acknowledged that the following point is very essential for the sustainable development to take into consideration in the Small Island “sustainable tourism, climate change, sustainable energy, disaster risk reduction, food security, sustainable transportation, health and non-communicable disease, social development, culture, and sport e.tc.”¹⁰

To boost the achievement of sustainable development, General Assembly adopted a resolution in 2015 entitled “Addis Ababa Action Agenda of the Third International Conference on Financing for Development (Addis Ababa Action Agenda)”. The aim was to eradicate famine and hunger and attain long-term outreach by supporting economic growth, environmental protection, and

⁶ United Nations, “Agenda 21” *Sustainable Development Knowledge Platform* available at: <https://sustainabledevelopment.un.org/outcomedocuments/agenda21> (last visited April 22, 2022).

⁷ Cultural rights, “Johannesburg Declaration on Sustainable Development, 2002” available at: <https://culturalrights.net/en/documentos.php?c=18&p=196> (last visited April 22, 2022).

⁸ *Ibid.*

⁹ UN General Assembly, The future we want, GA RES/66/288, GAOR, UN Doc A/RES/66/288(September 11, 2012).

¹⁰ UN General Assembly, SIDS Accelerated Modalities of Action (SAMOA) Pathway, GA A/RES/69/15, GAOR, UN Doc RES/69/15(December 14, 2014).

social inclusion¹¹. Meanwhile, another agenda was proposed by the general assembly entitled “Transforming our world: the 2030 Agenda for Sustainable Development” these agendas specify 17 sustainable development goals for the next 15 years is essential for humanity and the planet¹².

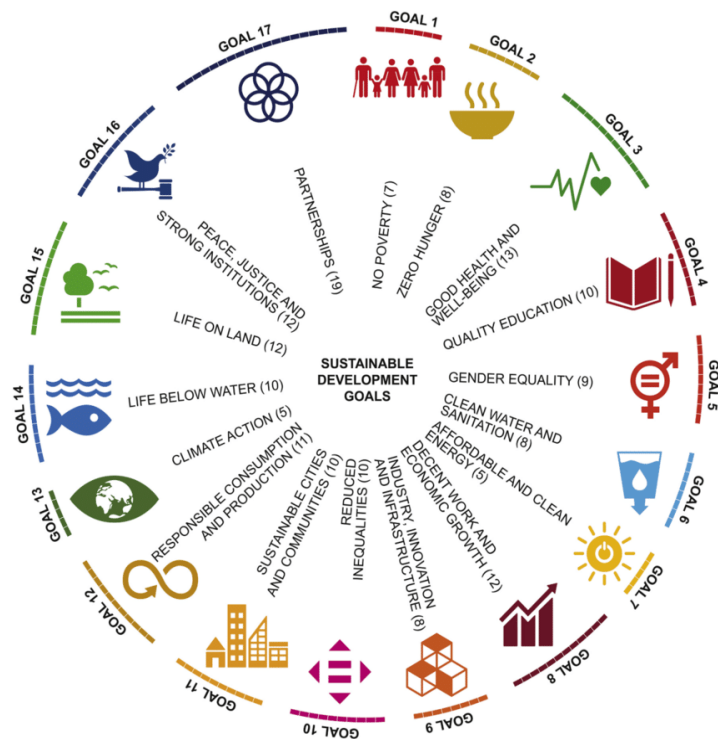


Figure 1. The 17 UN Sustainable Development Goals¹³.

There has been some development in agreements and treaties on sustainable development. This little movement is just a governmental declaration and good intentions, environmental degradation mostly affects those who depend on natural resources for their life and have fewer substitutes to change it, with geopolitics and challenge for sustainable development outlook seem ambiguous.

2. Geopolitics Challenges and their Impact on Sustainable Development

Globalization for Sustainable development despite offering opportunities for capital flow, investment and trade faces serious challenges such as poverty, insecurity, financial crises, deprivation, and inequality within and between societies. Whereas globalization should be

¹¹ UN General Assembly, Addis Ababa Action Agenda of the Third International Conference on Financing for Development (Addis Ababa Action Agenda), GA RES 69/313, GAOR, UN Dos A/RES/69/313 (August 17, 2015).

¹² UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, GA RES/70/1, GAOR, UN Doc A/RES/70/1 (October 21, 2015).

¹³ Anticipated impacts of achieving SDG targets on forests - a review - Scientific Figure on ResearchGate. Available from: https://www.researchgate.net/figure/The-17-UN-Sustainable-Development-Goals-SDGs-Numbers-following-goal-names-indicate_fig1_349054310 (accessed 23 Apr, 2022)

inclusive and equitable¹⁴. The geopolitics challenges have widened the gap between society as well as countries. Recent geopolitics shifts can make problems and challenges for sustainable development, and we can see the geopolitics effect on sustainable development in the following geographical area of the world:

2.1 Geopolitics and Challenges for Sustainable Development in Latin America

The geopolitics traditionally in the 1960 and 1970 were influenced by the bipolarity structural frameset during Cold War, in which ideology and power structure had the upper hand. During Cold War, the geopolitics in Latin America was managed by US and USSR. After the 1990s the main factor that influenced geopolitics in Latin America to become less isolated in international politics, the concept of geopolitics moved from national to regional and international. South America become a new geopolitical region as well as the US has lost centrality to the new player such as China and now the Latin America as a result of its independent position inter to interregional dialogue forums with “Europe, Africa, Asia, and the Arab countries”¹⁵. From an environmental perspective, there are no clear signs of development towards sustainable development either. Environmental degradation getting worse, which feels the effect on urbanization patterns, unsustainable production, and consumption. This has resulted in poverty, economic insecurity, and undermining sustainability, especially for island States¹⁶.

The most important conclusion to be drawn from the impact of geopolitics challenge on sustainable development in Latin America is that progress toward sustainable development has not been made, as well as the unilateral sanction of the United States on some of these countries pushed these countries to the brink of states failed.

2.2 Geopolitics and Challenges for Sustainable Development in Asia

China and India are the two key players in the Asia geopolitics context which directly or indirectly affect Sustainable development and in some cases the geopolitics and challenges for sustainable development function as a claymore.

¹⁴ United Nations, “Plan of Implementation of the World Summit on Sustainable Development” *United Nations available at: https://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/WSSD_PlanImpl.pdf* (last visited April 23, 2022).

¹⁵ Leslie E. Wehner Detlef Nolte, “Theoretical approaches to security in Latin America” *Geopolitics in Latin America, Old and New from 35–6* (Routledge, 2015).

¹⁶ Julia Carabias Lillo, Fernando Tudela Abad and et. al., *The Sustainability of Development in Latin America and the Caribbean: Challenges and Opportunities 200-201* (United Nations Publication, Mexico City, 2000).

China: China's political and economic footprint has become larger rapidly in so many countries, which attract the attention of most advanced industrial democracies such as the United States, Japan, and Western Europe. However, “vulnerable” nations where the gap between the area and strength of Chinese involvement and domestic valence to manage and reduce political and economic peril is a big challenge. The method, strategies, and influence efforts of China are understood by local specialists and elites in these states. Yet, both within and outside these states, Western policies and remedies are ineffectively suited to local realities. This is particularly true in two important regions: Southeastern, Central, and Eastern Europe, and also South Asia, which have seen an increase in China's political and economic profile.

Many nations lack a strong bench of knowledgeable people who can complement the analysis of the national implications of Chinese political engagement to policy recommendations that represent domestic political and economic true data. China's geopolitics goal is to assist in the construction of massive “infrastructure projects” in every nation in the area, in most cases lent them such as Sri Lanka (\$4.6 billion) and Maldives (\$1.1-1.4 billion) these are all happening in a place where consider the India strategic backyard¹⁷. If the region nations do not fill the gap of lack of domestic capacity along with China's geopolitics policy it becomes a challenge rather than an improvement of sustainable development.

India: India has risen as a prominent global player. As it tried to navigate its place in the evolving regional and global order, it is experiencing geopolitical repositioning. India as the world's second-most populated country is caught among old geopolitical challenges and new rising regional and global trends. When it comes to coping with the consequences of the US-China rivalry, India must also keep an eye on long-standing border concerns, new regional geopolitics, and its relations with China. India in terms of shifting alliance, trying to reframe the future of the Indo-Pacific region in the context of security and economics to strengthen its position as a trade hub for regional and international commerce as well as prepare for post-Covid-19 recovery for sustainable development and tackling climate changes¹⁸.

¹⁷ Deep Pal, “China’s Influence in South Asia: Vulnerabilities and Resilience in Four Countries” *Carnegie Endowment for International Peace* (Elsevier Ltd) available at: <https://carnegieendowment.org/2021/10/13/china-s-influence-in-south-asia-vulnerabilities-and-resilience-in-four-countries-pub-85552> (last visited April 26, 2022).

¹⁸ Friedrich-Ebert, “India in the New Geopolitics of Asia” available at: <https://asia.fes.de/news/india-geopolitics-national-lab> (last visited April 25, 2022).

In Asia, these two important players' competition will shape the geopolitics of the region and this will directly affect the sustainable development and the future cooperation of these two main players will determine the policy regarding environmental degradation toward sustainable development.

2.3 Geopolitics and Challenges for Sustainable Development in the West Asia Region

This region is oil-rich but water-scarce, and it sits at the crossroads of three different continents, making it an important geopolitical location. These and other causes have sparked disputes and rivalries that have had major consequences for people and the environment¹⁹.

Afghanistan: This year commemorates the 21st anniversary of the 9/11 terrorist assault in “New York and Washington, D.C.”, which transformed “global geopolitics” in an instant. These terrorist attacks against the U. S. labeled the dawn of a new period, guided by a political concept known as the “War on Terror” which saw the biggest mobilization of Western strong military, undoubtedly since the Second World War, with military interventions in Afghanistan and Iraq, pursued by secret wars against terrorist organizations around the world²⁰.

In the last two decades, the elimination of the Islamist terrorist organization al-Qaeda, and the 9/11 masterminds has been viewed as the single most effective way to “win” the US-led war on terrorism. In 2011, a lot of this thinking came to an end, when the US killed Osama Bin Laden Al-Qaeda Chief in Abbottabad, Pakistan, at the core military system, following an 11-year hunt²¹. The withdrawal of the last group of US forces from Afghanistan has raised various worries about the South Asian nations' foreign policy decisions. New geopolitical reality imposes three main concerns such as regional stability, connectivity, and security²².

The new geopolitics shift has impacted the “sustainable development” of Afghanistan and the growth perspective of this country is in the ambiguity, according to the International Rescue Committee (IRC) predicts that famine might kill more Afghans than in the previous 20 years of

¹⁹ UN Environment Programme, “West Asia” *available at*: <https://www.unep.org/regions/west-asia> (last visited April 26, 2022).

²⁰ Kabir Taneja, “20 years since 9/11: Transnational jihadist threat remains constant” *ORF*, 2021 *available at*: <https://www.orfonline.org/expert-speak/20-years-since-911-transnational-jihadist-threat-remains-constant/> (last visited April 27, 2022).

²¹ *Ibid.*

²² Nahian Reza Sabriet, “The Taliban takeover: Afghanistan-Bangladesh relations during this period of transition | *ORF*” *ORF*, 2021 *available at*: <https://www.orfonline.org/expert-speak/the-taliban-takeover-afghanistan-bangladesh-relations-during-this-period-of-transition/> (last visited April 27, 2022).

conflict, with 97 percent of the people living in poverty²³. The World Bank reports state the aftermath of last's political crisis risks removing advancement gains made over the previous two decades, posing serious "poverty, displacement, fragility, and extremism threats to Afghanistan, the region, and the world²⁴.

New Geopolitics of the Middle East and sustainable development: As the world is transformed by technological development, climate, and the need for equitable economic and social systems. Given the current geopolitical uncertainty in the area, many in the Middle East²⁵, believe that not only the political structures of Arab governments and communities are being transformed by the Arab revolutions. The region's geopolitics are likewise changing dramatically. New alliances and relationships are being forged, and new regional powers are emerging²⁶.

Since the Arab Spring erupted in 2011 throughout West Asia and North Africa, the regional geopolitical situation appears to be becoming increasingly complicated. The long-awaited shift from autocracy to democracy has been painful and convulsive, and there is still a long way to go. Other Arab Spring-affected nations, aside from Tunisia, have failed to develop a credible future political roadmap. The deterioration of the situation in Syria poses a geopolitical danger to regional peace and security. The emergence of sectarian politics in the region has also aided the spread of radical beliefs among the populace. Iran has been the most influential actor in the region, supporting different Shia organizations. The Salafists are supported by Saudi Arabia, whereas the Muslim Brotherhood is supported by Qatar. This conflict has serious consequences for West Asia's regional stability²⁷.

In the past, the region has been subjected to outsider influence and even intervention. The United States continues to be the most powerful power in the area, according to several stakeholders, and its regional allies have criticized it for its response to the Arab Spring and its

²³ IRC, "Afghanistan," 2022 available at: <https://reliefweb.int/report/afghanistan/six-months-change-power-irc-warns-starvation-could-kill-more-afghans-last-twenty> (last visited April 27, 2022).

²⁴ The World Bank, "World Bank: Urgent Action Required to Stabilize Afghanistan's Economy" *World Bank*, 2022 available at: <https://www.worldbank.org/en/news/press-release/2022/04/13/world-bank-urgent-action-required-to-stabilize-afghanistan-s-economy> (last visited April 27, 2022).

²⁵ World Economic Forum, "How can the Middle East unify to promote sustainable economic growth?" available at: <https://www.weforum.org/agenda/2020/01/middle-east-geopolitical-economic-growth/> (last visited April 27, 2022).

²⁶ Helle Malmvig, "THE ARAB UPRISINGS AND THE NEW GEOPOLITICS OF THE MIDDLE EAST," 33 *EuroMesco* 1 (2012).

²⁷ Prasanta Kumar Pradhan, *Geopolitical Shifts in West Asia*, in P. K. Pradhan (ed.), 3 (Pentagon Press, New Delhi, 2016).

strategy of rebalancing toward the Asia Pacific. At the same time, Russia with its support for Iran and its stance on Syria has altered West Asia's regional geopolitics²⁸.

Yemen is another country that has been affected by the new geopolitics shift in west Asia which has severely affected the sustainable development of Yemen. The seven-year war between the Saudi-led coalition and Houthi which was supported by Iran has been experiencing the most worse humanitarian crisis in the world due to widespread famine, disease, and targeting of a civilian by the Saudi-led coalition²⁹.

The new geopolitics challenge side effect in west Asia for sustainable development of the region is very deep and it will take much time to fulfill the 17 sustainable development goals. The most devastated nations in this conflict are Syria, Yemen, Iraq, and Afghanistan these three countries have the most refugee and internally displaced, and as well as most of the population lives under the poverty line. Yet the outlook of the region is unclear.

2.4 Geopolitics and Challenges for Sustainable Development in the Europe Region

Ending the Covid-19 epidemic worldwide is a necessity for resuming and speeding up sustainable development goals (SDG) development in Europe and throughout the world. In many countries, the pandemic stalled development toward meeting the SDG targets by 2020, lowering life expectancy and rising poverty and unemployment levels³⁰. The epidemic is a setback for Europe's long-term growth, but the SDGs should remain the guiding principles. The EU's average SDG Index score did not grow in 2020 for the first time since the SDGs were adopted in 2015, it slightly decreased in the EU27 on average, owing to the pandemic's negative impact on life expectancy, poverty, and unemployment. Notwithstanding geopolitical conflicts and attempts to cut back SDG objectives, the SDGs remain the only comprehensive framework for economic, social, and environmental development that all UN member States have endorsed³¹.

Russian President Vladimir Putin on February 21, 2021, announced the “Special Military Operation” in Ukraine, which constitutes the biggest threat after the end of the Cold War to peace and security in Europe³². The Russian invasion considers a geopolitical awakening and reshaping

²⁸ *Ibid.*

²⁹ Council on Foreign Relations, “Yemen’s Tragedy: War, Stalemate, and Suffering ”*available at:* <https://www.cfr.org/background/yemen-crisis#chapter-title-0-3> (last visited April 27, 2022).

³⁰ Sustainable Development Solutions Network and Institute for European Environmental Policy, *Europe Sustainable Development Report 2021*, 2021.

³¹ *Ibid.*

³² Jeffrey Mankof, “Russia’s War in Ukraine” 1(April, 2022)

the European security order to take control of their political, energy future. The EU intends to influence its full economic weight as a compulsory tool against Russia to prevent further escalation³³. Although Russia is one of the biggest natural gas exporters and second exporter of crude oil and the third producer of crude oil in the world. Before the invasion, Russia supplied 60% and 20% of oil to China and the EU respectively as well as 40% gas to European Union. Due to the Russian invasion, the crude oil price and gas pushed to a 14-year high in European³⁴.

The escalation of the situation in the European region further weakens the geopolitics of Europe as well as the sustainable development outlook. Ukraine and Russia are major exporters of essential agricultural goods and possess an important share of the global market (30% of world wheat). With food exports disruption both economy and prices are soaring which may bring back memories of the global food price of 2008 and 2009³⁵.

3. Conclusion

The Sustainable development trend for the upheld of life standard has been started back by the world commission on environmental 1997 and followed by many other international convention and agreement the international community target 17 sustainable development goals and annually evaluate the profile of all UN member on the realization of these goals. Despite environmental degradation which highly affected the sustainability of the world geopolitics challenges also have a significant impact on it. Geopolitics challenge impact on SDGs in Latin America in 1960 and 1970 were influenced by the bipolarity system of the Cold War after that environmental degradation and climate change has been affected. In Asia or indo-pacific China and India are two traditional rivals one by investment in the mega project in regional countries and the other trying to strengthen their position as trade hotspots for regional and international purposes, West Asia is another geopolitics as well as the geo-economics region which has affected the sustainable development, Afghanistan, Syria, Yemen and Iraq are the most devastated countries which has affected by regional and international players. In the European region recent

³³ Alexandra Hoop Scheffer, "Russia's War on Ukraine: the EU's Geopolitical Awakening" *The German Marshall Fund of the United States*, available at: <https://www.gmfus.org/news/russias-war-ukraine-eus-geopolitical-awakening> (last visited April 28, 2022).

³⁴ Thomas Reilly, "The Geopolitical Implications of the Russian-Ukraine Crisis" *Global Policy Watch* available at: <https://www.globalpolicywatch.com/2022/04/the-geopolitical-implications-of-the-russian-ukraine-crisis/> (last visited April 28, 2022).

³⁵ Richard Florizone, "What the Invasion of Ukraine Means for Sustainable Development" *International Institute for Sustainable Development* available at: <https://www.iisd.org/articles/insight/invasion-ukraine-sustainable-development> (last visited April 28, 2022).

incidents between Russia and Ukraine heavily impacted sustainable development alongside the Covid-19 impact on SDGs.

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**Is existing law ineffective in combating climate change? A study of
global and regional efforts and legal instruments
affecting South Asia**

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We certify that this Article/Short Article is our own work, based on our personal study and research and that we have acknowledged all materials and sources used in its preparation, whether they be books, articles, reports, news paper, and any other kind of document or electronic database. We also certify that this short article has not previously been submitted for assessment in any other unit.

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Name

Date: 5/3/2022

Introduction

Climate change is a word that refers to lengthy changes in temperature and weather systems. Although climate change is fundamentally natural, people have been the primary cause of it for the past two centuries since their requirements for bare existence and civilizational advancement need the variables that contribute to climate change¹. Thus, since climate change is inevitable, we can categorize its causes into two categories: natural and man-made. On the other hand, whereas human-caused acts have already had irreversible repercussions, future consequences may still be manageable via rules, policies, and international collaboration². Changes in a country's weather systems are not only a problem of just that territory since the influence of climate change transcends national boundaries. A country's climatic pattern may jeopardize critical necessities such as a suitable health environment, clean water, availability of healthy food, and housing options. Climate change can undo years of development in healthcare systems and the economy, public health, and peace nationally, regionally, or even globally³. Climate change is sometimes referred to as global warming; however, researchers describe the phenomenon as the former⁴. Weather patterns are influenced either naturally or as a result of human activity. It is worth noting that science observes that human-caused climate change has wreaked greater havoc on weather patterns over the past two centuries than natural change has during the previous million years. Humans gradually alter the weather and the earth's temperatures through burning coal, cutting trees, and rearing livestock, resulting in environmental damage, water pollution, and soil degradation.⁵ More alarming and destructive is that human-caused activities are now impacting natural occurrences⁶. Even though the greenhouse effect is a naturally

¹ "What Is Climate Change?," United Nations available at: <https://www.un.org/en/climatechange/what-is-climate-change> (last visited April 26, 2022).

² "Effects, Facts – Climate Change: Vital Signs of the Planet," NASA's Jet Propulsion Laboratory available at: <https://climate.nasa.gov/effects/> (last visited April 26, 2022).

³ "Climate change," World Health Organization available at: https://www.who.int/health-topics/climate-change#tab=tab_1 (last visited April 28, 2022).

⁴ "Global warming and climate change effects: information and facts," *National Geographic* available at: <https://www.nationalgeographic.com/environment/article/global-warming-effects> (last visited April 28, 2022).

⁵ "Causes of climate change," *European Commission* available at: https://ec.europa.eu/clima/climate-change/causes-climate-change_en (last visited April 28, 2022).

⁶ "Global Warming - Solutions to solve global warming," *SOLAR IMPULSE FOUNDATION* available at: [https://solarimpulse.com/global-warming-solutions?utm_term=causes of global warming&utm_campaign=Solutions&utm_source=adwords&utm_medium=ppc&hsa_acc=1409680977&hsa_cam=11451944566&hsa_grp=117528790528&hsa_ad=475011813041&hsa_src=g&hsa_tgt=kwd-10746366&hsa_kw=causes of global warming&hsa_mt=b&hsa_net=adwords&hsa_ver=3&gclid=CjwKCAjw9qiTBhBbEiwAp-GE0Yc2DQKvWvFfSRAR8Z0UMZs2scA6diOnQVqHsIxcx1H7AGqwCPAUQRoCgkYQAvD_BwE#](https://solarimpulse.com/global-warming-solutions?utm_term=causes%20of%20global%20warming&utm_campaign=Solutions&utm_source=adwords&utm_medium=ppc&hsa_acc=1409680977&hsa_cam=11451944566&hsa_grp=117528790528&hsa_ad=475011813041&hsa_src=g&hsa_tgt=kwd-10746366&hsa_kw=causes%20of%20global%20warming&hsa_mt=b&hsa_net=adwords&hsa_ver=3&gclid=CjwKCAjw9qiTBhBbEiwAp-GE0Yc2DQKvWvFfSRAR8Z0UMZs2scA6diOnQVqHsIxcx1H7AGqwCPAUQRoCgkYQAvD_BwE#) (last visited April 28, 2022).

occurring phenomenon, human activities have increased the same GHE, leading climate experts to agree that human actions are more likely to be blamed for this tragedy⁷.

Without greater cooperation, or at the very least regional cooperation, the human-caused component of climate change cannot be mitigated. As a result, it can only be accomplished via international or regional treaties or accords that ensure the sustainability of States' diplomatic relations. Thus, they are the most critical element in ensuring global collaboration, harmony, and prosperity. Some international and regional agreements, on the other hand, exist in today's modern world to slow the process of climate change by limiting human interactions in polluting ecosystems such as water, air, sound, and the ozone layer.

The article discusses how global warming affects economic growth, public health, and human existence in general. Additionally, it continues to investigate the causes of climate change. Additionally, the paper reviews current regional and international instruments in order to get a better understanding of their effectiveness and usefulness. The essay seeks to investigate the gaps in international agreements' coverage of mitigating climate change. Additionally, this study examines South Asia's regional strategy for climate change. Finally, the essay makes some recommendations on the future of intergovernmental collaboration on climate change challenges.

Climate change's sources and effects

The issue here is that the idea of climate change is ill-defined in both public and scientific discourse. It is essential to first define anything before enacting rules or laws. However, since changing climate is a scientific event, discipline-specific specialists must define it—the lack of definition results in an inability to adequately describe climate and climate change. The experts struggle to explain climate correctly since the nature of climate itself is challenging to define. The “Intergovernmental Panel on Climate Change's (IPCC)” critical report's climate assessment is imprecise and confusing⁸.

Additionally, the IPCC's mission is to provide a research point of view supporting the “United Nations Framework Convention on Climate Change (FCCC)”. The FCCC's definition is oriented toward international relations. Unfortunately, none of the two meanings is socially, economically,

⁷ *Ibid.*

⁸ Charlotte Werndl, “On Defining Climate and Climate Change,” 67 *The British Journal for the Philosophy of Science* 337–64 (2020).

legally or scientifically appropriate⁹. However, the United Nations refers to the processes as long-term fluctuations in temperature and weather systems for broad comprehension. Additionally, the worldwide organization attributes these phenomena to the activity of homo sapiens¹⁰.

According to the United Nations, energy sources - coal, oil, and gas - contribute to more than 75% of greenhouse gas pollution and nearly 90% of all carbon dioxide emissions¹¹. Additionally, the latest IPCC study reaffirms that CO₂ is the primary cause of the greenhouse effect, which initially results in climate change¹². According to the UN, human-use energy, such as electricity, is created by burning natural resources, releasing CO₂ and nitrous oxide into the atmosphere, increasing the said gases' percentage. Factories and industries also add a significant amount of gases to the atmosphere via the combustion of fossil fuels; in fact, they account for a significant portion of the global greenhouse impact. People produce CO₂, methane, and other greenhouse gases as they feed their stomachs. The removal of trees, clearing of forest and agricultural areas for agriculture, and using fertilizers all contribute to global warming. In recent years, agriculture has become more machine-dependent, using fossil fuels or electricity and creating all the gases that exacerbate the greenhouse impact. Additionally, the generation of electricity, farming, transportation, and living space, among other factors, finally results in deforestation. Nevertheless, since trees absorb carbon dioxide, burning forests also reduces the earth's capacity to combat and remedy the greenhouse effect¹³.

According to the “World Health Organization(WHO)”, climate change influences physical health determinants, such as breathable air, basic sanitation, fresh fruit and veg, and decent housing. As a result of examining all available facts, the organization forecasts that the death rate will rise in the next decade to twenty years due to climate change. Around 250000 extra fatalities per year will occur due to this epidemic¹⁴. The “United States Global Change Research Program” likewise concurs with the WHO, stating that greenhouse effects enhance the length, regularity, and severity of extreme

⁹ Roger A. Pielke, “What is Climate Change?;,” 15 *Energy & Environment* 515–20 (2016).

¹⁰ “What Is Climate Change? ,” *United Nations* available at: <https://www.un.org/en/climatechange/what-is-climate-change> (last visited April 30, 2022).

¹¹ “Causes and Effects of Climate Change,” United Nations available at: <https://www.un.org/en/climatechange/science/causes-effects-climate-change> (last visited April 30, 2022).

¹² “Climate change widespread, rapid, and intensifying – IPCC,” Intergovernmental Panel on Climate Change (IPCC) available at: <https://www.ipcc.ch/2021/08/09/ar6-wg1-20210809-pr/> (last visited April 30, 2022).

¹³ “Causes and Effects of Climate Change,” United Nations available at: <https://www.un.org/en/climatechange/science/causes-effects-climate-change> (last visited April 30, 2022).

¹⁴ “Climate change and health,” *World Health Organization*, 2021 available at: <https://www.who.int/news-room/fact-sheets/detail/climate-change-and-health> (last visited April 30, 2022).

weather events, significantly raising health hazards for the elderly and newly born infants¹⁵. The reality that the sea level is rising challenges the fundamental human rights of those who live in coastal regions. Additionally, the entire ecosystem is threatened by climate change in the said area¹⁶. Whenever the environment changes, it affects the regional boundaries of several plant and animal species and the schedule of their biological activities, such as immigration and mating, including humans¹⁷.

The “National Oceanic and Atmospheric Administration (NOAA)” examined data and discovered that the global temperature had increased by one degree Celsius during the previous century. Over the previous four decades, 30 well-studied icebergs have shrunk by more than 60 feet, increasing sea level. Sea level rise has increased to 3.7 millimetres per year in the previous 30 years, up from 1.7 millimetres per year¹⁸. Additionally, the UN notes that climate change leads to increasing storms, drought, famine, heatwaves, and habitat loss. As the temperature increases, numerous species go extinct daily due to their inability to evolve in lockstep with nature¹⁹.

The UN acknowledges that climate change is a factor in displacement on the related topic. Floods, droughts, starvation, and soil degradation contribute to people migrating within or beyond borders. Additionally, the UN claims that most refugees come from the most fragile and least prepared nations to adjust to climate change²⁰. As a result, climate change adds a new dimension to refugee legislation and research by broadening the reasons for migration. Climate change will be so severe that individuals from tiny nations or those most susceptible and least prepared to adapt will have no choice but to cross the border in realistic fear for their lives.

¹⁵ R.S. Vose et al., “2018: Temperature Changes in the United States. Climate Science Special Report: Fourth National Climate Assessment, Volume I,” in D. J. Dokken, D. W. Fahey, *et al.* (eds.), *Climate science special report: Fourth national climate assessment* 197–9 (U.S. Global Change Research Program, Washington, DC, 2017), 1.

¹⁶ Elizabeth Fleming et al., “2018 : Coastal Effects,” in D. R. Reidmiller, C. W. Avery, *et al.* (eds.), *Impacts, Risks, and Adaptation in the United States: The Fourth National Climate Assessment* (U.S. Global Change Research Program, Washington, DC, 2018).

¹⁷ Douglas Lipton et al., “2018: Ecosystems, Ecosystem Services, and Biodiversity. Impacts, Risks, and Adaptation in the United States: The Fourth National Climate Assessment, Volume II,” in D. R. Reidmiller, C. W. Avery, *et al.* (eds.), *Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment* 268–321 (U.S. Global Change Research Program, Washington, DC, USA, 2018).

¹⁸ “Climate change impacts ,” *National Oceanic and Atmospheric Administration* available at: <https://www.noaa.gov/education/resource-collections/climate/climate-change-impacts> (last visited April 30, 2022).

¹⁹ “Causes and Effects of Climate Change,” United Nations available at: <https://www.un.org/en/climatechange/science/causes-effects-climate-change> (last visited April 30, 2022).

²⁰ *Ibid.*

Natural climatic change is essential for the earth's life and has a negligible influence. Climate change is indeed a natural occurrence as well. Specific natural cycles, such as the Milankovitch cycle, alter the world's climate significantly due to the rotation and speed of the globe on its axis. Additionally, an *El Nio* Southern Oscillation pattern affects the Pacific Ocean's temperature. Regardless of cycles and patterns, some components in nature, such as solar irradiance and volcanic eruptions, may also contribute to climate change. However, it is worth emphasizing that these natural contributors to climate change are very sluggish. As a result, it is evident that, although climate change is accelerating due to anthropogenic activities, her rage is not far away. Ragnarok can be averted only via the advent of scientific discipline and long-term policymaking through international and regional cooperation. It is critical to examine present legal tools for deficiencies.

International Law on Climate Change:

Human rights and legislations relating to global warming are inextricably linked. According to the United Nations, one of the primary goals of international human rights legislation is to protect and bind the states to enforce human rights treaties via international law²¹. It is imperative that all nations work together to deal with the environmental or climate change crisis, which affects everyone. From the prior accord known as "The Kyoto Protocol," the "United Nations Climate Change Conference in Copenhagen, December 2009" was an essential step to start on a committed, legally enforceable worldwide pact to decrease global emissions after 2012. International legislation and accords have been put in place to address the issue of climate change.

The international documents that are available in relation to climate change are as follows:

“United Nations Framework Convention on Climate Change (UNFCCC), 1984”:

As stated in the “United Nations Framework Convention on Climate Change (UNFCCC)”, collective action on climate change or global warming is based on the goal of stabilising greenhouse gas (GHG) levels in the air to prevent "severe human involvement." The treaty was a purely symbolic document with no legal effect. On March 21, 1984, the Convention entered into effect and was signed by 191 nations. As a "framework" instrument, the Convention allowed for future revisions and additions.

Kyoto Protocol

²¹ “International Human Rights Law,” *Office of the United Nations High Commissioner for Human Rights* available at: <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law> (last visited April 30, 2022).

As part of the “United Nations Framework Convention on Climate Change (UNFCCC)”, the Kyoto Protocol was drafted as a global climate change agreement. According to the Kyoto Protocol, 192 countries are encouraged to decrease their ghgs, with many industrialised countries having enforceable emission reduction goals in place. On the 11th of December of 1997, the Kyoto Protocol was signed into law. It took till the 16th of February, 2005, for the ratification procedure to be completed. The Kyoto Protocol now has 192 Parties. The Kyoto Protocol, which is based on the Convention's concepts and objectives, follows an annex-based structure. It binds and burdens industrialised countries entirely on the basis of "shared but differentiated responsibilities and unique capabilities," recognising that they are primarily responsible for the current high levels of GHG pollution in the surrounding air.

The Bali Roadmap

Members of the UNFCCC and Kyoto Protocol gathered in Bali in December 2007 to create a timetable for the development of a new climate accord by the end of the year. Deforestation is one of the major challenges addressed by the Bali Road Map, which also outlines further steps to combat climate change. It also served as a platform for nations to communicate their climate change strategies and thoughts. It was in 2008 that the UN Climate Change Conference in Poznań, Poland, which followed the Bali Road Map Implementation Sessions with four key UNFCCC meetings.

Paris Agreement

In 2015, 175 countries came to an agreement on the Paris Agreement. To keep rising temperatures far below 2 degrees Celsius, the treaty aims to restrict it to 1.5 degrees Celsius. Global stocktakes every five years, a "ratchet" mechanism to enhance carbon reduction goals over time, and a goal to peak total pollution as soon as feasible are all included in the Paris Agreement. Every party set a goal for reducing greenhouse gas emissions.

Montreal Protocol

Although the ozone layer is not explicitly addressed by the Montreal Protocol, it is crucial in light of increasing temperatures. To protect the stratosphere, a global agreement known as the Montreal Protocol was formed in 1987. It calls for a decrease in the generation and usage of “ozone-depleting substances (ODS)”. According to Ronald Reagan, the former US president, the protocol is the product of a lengthy and complex process that included scientific research, talks between corporate

leaders and environmentalists, as well as international diplomacy. The President recognized the protocol as a huge accomplishment²². The "Montreal Protocol" has established itself as a creative and comprehensive treaty since it was signed into law by all nations.

Regional & country-level measures in South Asia

Climate change's most devastating effects transcend national borders. Member nations from South Asia's developing regions have responded by reaffirming a shared commitment to tackling common issues. As part of the "SAARC Declaration on Climate Change", which was endorsed by the SAARC Council of Ministers in 2007, the region's leaders were tasked with jointly assessing and responding to the dangers and implications of climate change. Dhaka Declaration on Climate Change, signed in 2008 by the SAARC Environment Ministers, calls on the international community to foster collaboration and offer greater funding to combat climate change. Securing and protecting the region's unique and vulnerable eco-systems, especially those threatened by climate change and natural hazards, has been reaffirmed by the chiefs of state or government of the SAARC member countries at every Assembly since 1987. Their observations revealed that these problems were seriously impeding member states' efforts to progress and improve their futures. As the SAARC countries continue to work together, environmental preservation and protection, as well as catastrophe risk reduction and mitigation, remain top priorities on the table. Multiple SAARC Session and SAARC Environment Council orders have provided ongoing momentum for developing and deepening regional cooperation in environmental, climate change, and natural catastrophes. The SAARC Environment Ministers' Meetings and the Working Groups on Environmental and Forestry sessions are other important tools for guiding and facilitating the subject of collaboration.

According to the "SAARC Climate Ministers Dhaka Proclamation on Climate Change", 'the developed world's greenhouse gas emissions for over two centuries are substantively the outcome of global warming.' The second assertion is linked to the desire of many developing areas to attract foreign financial assistance. After the Thimphu Statement on Climate Change was issued in 2010, SAARC created an "Expert Committee on Climate Change" to provide strategic vision and advice for the collaboration between its member nations. With regard to climate action, UNFCCC and NAPAs

²² "The Montreal Protocol on Substances That Deplete the Ozone Layer - United States Department of State," *OFFICE OF ENVIRONMENTAL QUALITY, U.S. DEPARTMENT OF STATE* available at: <https://www.state.gov/key-topics-office-of-environmental-quality-and-transboundary-issues/the-montreal-protocol-on-substances-that-deplete-the-ozone-layer/> (last visited May 2, 2022).

are often mentioned as focus points in SAARC statements, and this emphasis is consistent throughout SAARC countries. SAARC does not finance climate initiatives, the majority of environment-related plans are undertaken at the domestic level via different funds established under the UNFCCC structure. Climate change adaptation and capacity development in South Asia are urgently needed, and India has recommended the construction of innovation centres to research sustainable solutions in the region. There is an Indian mission to protect the Himalayan ecology, which may be the basis for regional collaboration in this critical area of conservation²³.

Despite several commitments to fight climate change and the security threats it poses, many measures remain unimplemented or have not yet been enacted. Although several institutions have been set up, researchers often point out that they have not been able to deliver actual outcomes in compliance with SAARC declarations and agreements.

However, before the 2010 SAARC declaration, during the Small Island States Conference in the Maldives in November 2007, the “Malé Declaration on the Human Dimension of Global Climate Change” was issued. The Malé Declaration cites several human rights, including the right to life and liberty, cultural engagement, personal land-owning right, decent living conditions, food rights, and the right to the highest possible state of general health.²⁴

Conclusion

In summary, the normal legal procedures available in international treaties do not adequately address climate change. Due to the informal character of the present regulatory structure, significant gaps in coverage for regional and environmental origin exist. At the regional scale, the legislative system also fails to provide adequate reductions in environmental pollution owing to a lack of ambition, insufficient execution, noncompliance, and geopolitics. While the region's nations are capable of cooperating individually as members of numerous international platforms in this field, collectively, they do not appear to have the voice they should in climate change negotiations. As a result of climate change, the South Asia area is experiencing extraordinary catastrophes including flooding and tropical cyclones, as well as rising vulnerability. Pre-existing political and social weaknesses and

²³ Desk, “India announces SAARC climate change fund - The Hindu” *The Hindu* (Thimpu, 28 April 2010).

²⁴ *Climate Change, Coming Soon to a Court Near You.*, (Manila, Philippines, December 2020).

other political issues, such as inadequate regional engagement and cooperation on global warming and resilience-building initiatives, aggravate most of these climate-induced challenges and their implications on people and businesses in the area.

SAARC, one of the area's major inter-governmental organisations, offers unique prospects when the region is dealing with the combined vulnerability of climate change consequences and an epidemic. The presenting of SAARC-wide opinions at different UNFCCC meetings is a critical step toward amplifying regional voices. It is critical, however, that the SAARC does not stop at expressing a single perspective and makes insufficient strategic efforts to ensure that the South Asian region's voice is heard at the world level. Having said that, there is reason to expect for more global collaboration in addressing chronic climate change, since the subject has risen to prominence on regional and international legislative initiatives. In order to achieve the Sustainable Development Goals (SDGs), the SAARC region has to gain greater speed and encourage more participation and learning through projects driven by public sphere. Apart from intergovernmental agreements, numerous non-governmental projects sponsored by development partners have the potential to make resilience building more participatory and open to everyone, thereby ensuring that no one is left behind.

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An Analysis of the Legal Requirements for Combating Climate Change in Terms of International Treaties

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Abstract: *International environmental law is one of the younger fields of “international law” that arose in response to the problem of “climate change” and swiftly established itself among other topics of international law by signing multiple international treaties. This article first provides a brief analysis of the most significant international agreements related to “climate change” and then the commitments of different countries to deal with climate change as well as the requirements of various domestic institutions. Finally, the gaps and shortcomings of these requirements in international law examined. The findings of this study show that upgrading the status of environmental treaties to human rights treaties can strengthen the status of these treaties in international law. Structural and normative reforms in the domestic law of countries will also lead to the development and promotion of environmental standards in the world.*

Keywords: International law, Conventions, Climate Change, Treaties, Greenhouse Gas

1. Introduction

Climate change is the interface between destruction and Environmental pollution is on the one hand and endangers human life and the planet on the other hand, in the sense that this phenomenon, on the one hand, is the result of environmental degradation and on the other hand is a factor that threatens human existence. In the meanwhile, the international community first step is identifying the phenomenon of climate change as a definite threat and then anticipating technical, executive and scientific measures in the context of legally binding standards in the next step, has expressed its understanding and concern in dealing effectively and comprehensively with this phenomenon. As a result, from the 1980s onwards, multiple international treaties were signed with the participation and consent of the majority of the world's countries, based on scientific certainty that the planet's biodiversity is endangered owing to “climate change” . As a consequence of this wave, they began to internalize international norms and align domestic laws with international treaties in order to fulfil their

shared international responsibility, which was an important result of this collective cooperation in reducing greenhouse gas emissions and demonstrating partial Ozone layer repair. Accordance with “Article 1 of the International Convention on Climate Change (Climate change) means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods” . In the first step, we examine the legal requirements for combating climate change from the perspective of international treaties by looking at the content of the legal provisions in this field and in the second step, we'll examine at the gaps and legal inadequacies in dealing with climate change at both the “international and national levels” .

1.1 Hypothesis

The legal mechanisms that have been formulated so far in international treaties and domestic laws of countries, despite their breadth and diversity, due to some structural gaps, have not been able to achieve the desired result in reducing the effects of climate change.

1.2 Method

This study proves this hypothesis by using the library method, evaluating various legal documents, and contacting scientific sources in the subject of environmental law and climate change.

1.3 Objective

Climate change is currently affecting every country on the earth. It is endangering lives and destabilising national economies, and it is costing people, municipalities, and countries a lot of money now and in the future. Climate change is having an influence on humanity due to changes in weather patterns, increasing sea levels, and more intense weather occurrences. Human-caused greenhouse gas emissions are driving climate change, and these emissions are expected to continue to grow. In this study we are looking for:

- To aware the global society regarding the climate change.
- To discuss the impacts of “climate change on human being life” and role of international treaties and countries for climate protection and promotion.

2. Legal Developments Regarding to Climate Change

Modern law, especially on the world stage, because of its ideological origins based on humanism, and because of the catastrophes that have brought to humanity nothing but misery,

terror and hardship, has given rise to "human rights". The preamble of the "United Nations Charter, adopted at the San Francisco Conference in 1945", indicates that members of the UN are concerned about "faith in fundamental human rights, in the dignity and worth of the human person" as well as "the establishment of a better standard of living". The United Nations' main duty and objective, according to Article "1, paragraph 1 of this Charter", is to "maintain international peace and security" in order to "take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace", every breach of the peace is unavoidably necessary.

It is apparent that today's peace is inextricably linked to "natural resources and the environment, and that efforts to protect the human environment and limited natural resources are in fact considered peacekeeping efforts".¹ As a consequence, any threat to one of these factors also poses a threat to the other, hence the "right to peace" and the "right to a healthy environment" are mutually exclusive. Following the adoption of the Charter and the establishment of the "United Nations", the process of developing international human rights standards has accelerated, resulting in three generations of human rights. According to Karl Vasak's "classification we are confronted with three generations of human rights: The first generation or civil and political rights" that aim to protect the rights and individual freedoms of human beings before the state and include these rights: Human dignity, right to life, prohibition of torture, removal illegal discrimination, prohibition of slavery and slave trade, "right to freedom of expression", formation of parties, right to vote, release from arbitrary detention.

The "second generation or economic, social and cultural rights", their goal is to accomplish social justice and the public good, thus they, unlike the first group, require government intervention, which includes the following rights: "the right to social security, the right to work, the right to rest, the right to welfare in life", the right to life the right to support scientific, cultural and artistic productions.

The third generation human rights or solidarity human rights with the goal of safeguarding the interests of the entire human society, have been established, and at the same time it is the crystallization and embodiment of the previous generations, including the following rights:

¹ Rio Declaration on Environment and Development 1992, Article 25

the “right to a healthy environment”², “the right to peace, the right to receive assistance, and the right to mutual assistance” .

As can be seen, the “right to a healthy environment” is considered a human right and, of course, all international support and protection for human rights will include this right as well.

Apart from these idealistic “human rights” endeavours, the “United Nations” has identified the issue of climate change since 1979 and, by hosting international meetings and adopting recommendations and binding agreements has aided in the formation of worldwide plans, policies, and guidelines to prevent climate change.

The formulation of the “Vienna Convention for the Protection of the Ozone Layer” in 1985 was one of the first legislative attempts in this sector, and in 1987, with the addition of a crucial protocol known as the “Montreal Protocol” , it became the most effective international agreement on climate change³. The “United Nations Environment Program (UNEP), in collaboration with the World Meteorological Organization, formed the Intergovernmental Panel on Climate Change (IPCC)” to make the legal preparations for an international agreement on climate change. Then, on the fringes of the “United Nations Conference on Environment and Development, which took place from the 3rd to the 14th of June 1992 in Rio de Janeiro” , the first document of a convention directly related to climate change, titled the "Convention on Climate Change," was ratified. The difference between this convention and the “Vienna Convention and the Montreal Protocol was that the Convention on Climate Change had a more comprehensive view of the environment and did not limit itself to the protection of the Ozone Layer” .

The Rio Convention on Climate Change⁴, also known as “the United Nations Framework Convention on Climate Change” , might be considered a turning point in international climate change treaties. Because it was the source of a wide range of international commitments based on this convention and was considered as a launching pad for more fundamental future actions. According to this convention, the highest “decision-making” body is the "Conference of Parties"(COP), which has two scientific and executive sub-pillars.

² The right to the environment is composed of several sub-rights, including the right to environmental information, the right to participate in environmental decision-making, the right to environmental education, and the right to access administrative and judicial authorities in environmental disputes.

³ <https://www.un.org/en/events/ozoneday/index.shtml>

⁴ The main purpose of the convention is to reduce greenhouse gas emissions by 2050, greenhouse gases should not exceed 450 ppm and global warming should not exceed 2 ° C.

The first (COP1) “Conference of Parties was held in Berlin in 1995, and the members agreed to expand their obligations under the Convention. Following this decision, in 1997 the (COP3) Conference of Parties was held in Kyoto, Japan” , and objective commitments were made to the various members of the “Rio Convention” , which known as the “Kyoto Protocol” . Also in 2015 at the 21st “Conference of Parties (COP21) Paris Agreement” was adopted.

3. Legal Requirements for Combating Climate Change

Dealing with “climate change” is such a complicated and multi-faceted issue that it necessitates the simultaneous participation of numerous sciences such as chemistry, geography, physics, medicine, biology, various branches of engineering, law, economics, and so on in order to make decisions. The difference between the knowledge of law in this collection and other sciences is that law tries to provide the most appropriate basis for the realization of the findings of other sciences and, from the various tools at its disposal, bring the aspirations of scientists in other fields closer to realization. We are witnessing the synergy of international and domestic law in the subject of climate change, in the sense that international regulations determine the requirements and fundamental lines and objectives, which are then implemented by domestic legislation. As a consequence, the general needs and macro-strategies to combat climate change are addressed in this section using three significant texts in this area: the “Convention on Climate Change, the Kyoto Protocols, and the Paris Protocol” .

3.1 Legal requirements for combating climate change in international instruments

As previously stated, climate change is causing both direct and indirect damage. Indirect damages are the same natural damages induced by climate change that put human life on the planet in jeopardy. The international community, as well as its successors, national legal systems, have made steps to address these repercussions and created requirements to mitigate these harms. Due to the division formed in the United Nation Convention on Climate Change between different countries, these obligations can be categorised into two groups, which will be discussed below.

3.1.1 Obligations of all countries

Since the aforementioned accords are generic and universal, they are primarily directed to all countries that have ratified them. The following are the most significant responsibilities that all governments have under these treaties:

I. Stabilization and reduction of greenhouse gas emissions

Introduction of the “Convention on Climate Change” explicitly states that the main cause of climate change, according to the drafters of this convention, is the increase in the concentration of “greenhouse gases in the atmosphere” , which has led to an increase in global warming and changes in natural ecosystems. And also according to introduction of convention, the first step and most immediate response to “greenhouse gas emissions” must come from “developed countries” , and in exchange, economic and social considerations, as well as “the legitimate and priority needs of developing countries for economic growth and poverty alleviation” , are acknowledged⁵. Under Article 4 (c) of this Convention on Climate Change, States are obliged to take climate change considerations into account as far as possible in their social, economic and environmental policies. Furthermore, the objectives of these agreements are mentioned in “article 12 of the Kyoto Protocol Clean development mechanism requirement” and article “2 of the Paris Agreement Strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty” .

II. Attention to preventive measures in climate change

Based on paragraph “3 of Article 3 of the Convention on Climate Change the Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost” . And also article 8 Paris Agreement “Parties recognize the importance of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change, including extreme weather

⁵ Paragraph 1 of Article 3, Convention on Climate Change

events and slow onset events, and the role of sustainable development in reducing the risk of loss and damage”.

III. Focus on sustainable development rather than economic development

Sustainable development is defined as "development that meets current generation demands while not jeopardizing future generations' ability to meet their own needs."

To put it another way, while current generations gain from the advantages of development, this process should be sustainable so that future generations can also benefit from it. The notion of sustainable development was first substantially articulated at the Stockholm Conference in 1972; until the UN General Assembly, along with other human rights, adopted Resolution 123/36, sustainable development became an inherent aspect of human rights⁶.

IV. Develop, review, implement and disseminate national and regional programs to mitigate climate change

Under Article 4 (b) of the “Convention and Article 10 (b) of the Kyoto Protocol, States are obligated to design and propose comprehensive national strategies for climate change in all areas of culture, society, economy, politics, science, and technology”. And also according to Article “4 (1) (c) of the Convention on Climate Change states are required to consider climate change in all socio-economic policies and practices, and to align their economic plans with the convention objectives”.

V. Obligation to publish national statistics on all greenhouse gases

Under Article 4 of the Convention, as well as Articles 3 and 7 of the Kyoto Protocol and Articles 10 and 13 of the Paris Agreement, all countries are required to publish their “greenhouse gas emissions” by type of gas and source.

VI. Require all government to publish (INDC)⁷ to minimize greenhouse gas emissions.

According to “Article 10 of the Paris Agreement” and Executive Decision No. 13 under Article 2 of this Agreement, all state parties should submit a program to their various government agencies to decrease greenhouse gas emissions, and to update it every five years.

3.1.2 Obligation for developed countries

⁶ Declaration of the Right to Development Adopted December 4, 1986 by the General Assembly of the United Nations United.

⁷ Intended Nationally Determined Contribution)

Policies and actions to preserve the “climate system” from changes caused by human activities must be tailored to the individual conditions of each member State and coordinated with national development programs, according to Article 3 paragraph 4 of the “Convention on Climate Change”. As a result, the “UN Framework Convention on Climate Change” divides countries into "developed" and "developing" countries, each with different rights and obligations. The following are the most essential demands from developed countries in the face of “climate change”:

- I. Under Article “4 of the Convention and Article 10 of the Kyoto Protocol”, developed countries are required to assist developing countries in providing scientific, technical, and technological support.
- II. Second, "the payment of the costs incurred to developing countries for the implementation of this Convention", paragraphs “3, 4 and 5 of Article 4 of the Convention and paragraph 2 of Article 11 of the Kyoto Protocol”. It has been stated specifically in the Convention on Enforcement Guarantee that developing nations will only be committed to the Commission to the extent that wealthier countries support them (Paragraph 7, Article 4 of the Convention).
- III. Third, more attention and support should be given to countries with single-product economies that rely on fossil fuels (Paragraph 10, Article 4 of the Convention).
- IV. Developed countries should not carry out their commitments under the Kyoto Protocol and the Convention in such a way that it has negative social, environmental, and economic consequences for poor countries (Paragraph, Article 3 of the Kyoto Protocol).
- V. Developed countries are forbidden from engaging in economic activities that are incompatible with the general goal of the Convention on the Reduction of Greenhouse Gases (paragraph 4, Article 10 of the Paris Agreement).

4. Challenges of Legal Standards in Combating Climate Change

Despite the various legal measures that have been proposed in the international arena as well as in domestic legislation of state parties in order to climate change, these measures still contain flaws and deficiencies that make achieving their objectives challenging. The following are the most significant legal hurdles to mitigating climate change on both a global and domestic level:

4.1 International Challenges in combating Climate Change

- No obligation for countries to accept and accede to environmental treaties; Countries have complete flexibility to accede to and withdraw from international treaties based on the principle of freedom to accede to treaties “Articles 11 and 12 of the 1969 Convention on the Law of Treaties”. As a consequence, if a country does not ratify any environmental treaty, it has no legal obligation to take effective environmental action under international law.
- Lack of effective criminal protection for environmental degradation and pollution in international law; some scholars have highlighted the need to define the crime of "Ecoside" in international criminal law. This means that, while environmental degradation is intrinsically an international crime, it is only an inter-international infraction punished by damages under present international law.
- The liability system's inability to compensate for climate change-related damages; As noted previously, some countries have been or will be severely impacted by climate change (which they did not cause), and international law and related treaties have so far failed to provide a comprehensive civil liability system designed for this purpose, requiring developed countries (which they are the causes of climate change) to “compensate for the damage caused by climate change”.

Conclusion

Climate change is an unforeseen consequence of the industrial revolution, as well as the result of merciless development devoid of thoroughness and serious thought. After being caught up in this phenomenon and witnessing the harmful and irreversible consequences of its remediation, the international community sought to mitigate the severity of the event through collective wisdom and mutual agreement through legal requirements "in both international and domestic dimensions" and to help development forward in a better way. As a result, various international treaties were established to control the behavior of nations throughout the world, with the “UN Framework Convention on Climate Change” and its Tokyo and Paris Protocols serving as the focal point of worldwide legal efforts to address climate change.

These valuable legal undertakings, however, contain flaws and weaknesses that, if left ignored, will prevent them from meeting the goals and strategies set forth. Without a guarantee of particular, realistic, and attainable implementation, no legal norms will come to an end. The recipient of the legal norm must understand exactly what will happen if he

breaches it, as well as that the punishment and its repercussions will undoubtedly occur. Due to the nature of international relations on the one hand, and the principle of voluntary acceptance of international treaties on the other, the observance of the requirements to deal with climate change is entirely dependent on the will of governments, and in the event of abandonment, there are almost no consequences for that country, demonstrating that international law rules are more of a moral than a legal rule. The solution to this shortcoming is to raise the international environmental law system to the level of “human rights rules”, so that countries cannot easily and unjustly shirk their environmental responsibilities, and that any violation of environmental rules, violation of international peace and security, and mass murder of human beings are all considered genocide and gross violations of human rights, and should be prosecuted as such. In domestic law, amendments in both structural and legislative dimensions can include constitutional objectives, general environmental policies, and international conventions on climate change.

Reference

Rio Declaration on Environment and Development 1992

1. United Nations Framework Convention on Climate Change, 1992
2. Declaration of the Right to Development Adopted December 4, 1986 by the General Assembly of the United Nations United.
3. <https://www.un.org/en/events/ozoneday/index.shtml>

SUSTAINABLE DEVELOPMENT AND ROLE OF PUBLIC INTEREST LITIGATION IN PROTECTING ENVIRONMENTAL POLLUTION

Rupneet Kaur ¹

One of the very basic topics or subjects being taught in schools all over the world for over ten decades is about the earth's environment and its main constituents- Atmosphere, Lithosphere, Hydrosphere, and Biosphere which are complexly inter-related and the depreciation of one will result in an imbalance of the earth's environment. Irrespective of that, what are we doing? We are dynamically involved in widening this imbalance by over-exploiting the resources available in all these four components. Excessive deforestation, illegal mining, releasing human and industrial wastes in rivers, releasing noxious gases and other harmful chemical vapors from industries, vehicles, in the air has led to the global warming and affecting the ecosystem unfavorably.

Natural resources like air, water, air, forest, and others are significant for life on earth for all living beings and it would be unfair if these resources are over-exploited or degraded by private parties or big corporate houses for their financial gains. The State shall protect these resources and take measures for maintaining a balance between biodiversity and development.

The efforts of the United Nations and its agency have led to the revival of the concept of Sustainable Development at the International level. The Brundtland Commission (1987), Stockholm Conference on Human Environment (1972), and The Paris Agreement (2015) are milestones in bringing environmental issues to the forefront.

The Brundtland Commission Report described the term 'Sustainable Development' as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” The main objective of the Commission was to bring countries to a consensus in pursuit of sustainable development. The Stockholm Conference on Human Environment, 1972, has influenced the environmental jurisprudence of developing countries significantly. In India, it led to an era of judicial activism. In the absence of explicit

¹ Ph. D. Research Scholar, RSOLS, RIMT University, Mandi Gobindgarh.

legislation and weak implementing agencies, the higher judiciary in India played an imperative role in strengthen the environmental code through the Public Interest Litigations (PIL).

Under PIL, the malady of *locus standi* was unshackled and the power to challenge the acts and omissions of government or individual violating the environmental and human rights was vested in the general public and thus, securing public interest at large.

A. TYPES AND CAUSES OF ENVIRONMENTAL POLLUTION

The fundamental need of every living being is fresh air, clean water, and food. As compared to natural catastrophes like volcanoes or forest fires, human beings generate much more wastes that pollute our environment. In order to accomplish our derived needs, we have ignored the importance of well-balanced natural resources and unfairly exploited them. While we started constructing buildings, using vehicles, and producing manufactured goods to urbanize and modernize, we also massively pollute our environment. Some of the main causes of pollution are:

1. Industrial Pollution

The development of any Nation is adjudged today from its industrialization because of its contribution in providing opportunities, employment and economic growth.. But industrialization is the foremost reason of air, water and soil contagion. Chemical, fertilizer, tannery, and pesticide industries are leading sources of air and water pollution along with the Energy industry.

2. Vehicular pollution

Commercial and passenger vehicles also contribute to global warming and general health issues.

3. Water Pollution

Oil spills, medical waste, industrial solid waste and effluents containing toxic pollutants, chemicals, metals and increased usage of plastic posed a serious threat to both human and marinelife.

4. Agricultural pollution

Stubble burning on agricultural lands in north India is considered as one of the key cause of air pollution.

5. Sound Pollution

The noise caused by the sounds of industrial machinery, construction activities (e.g. use of jackhammers), transport or vehicular sounds, public rallies, rock concerts, high volume music at religious or social gatherings, etc is also a potentially harmful to the health of human beings causing problems like Noise-Induced Hearing Loss (NIHL), stress, high blood pressure, sleeplessness, etc. and other organisms. In the same ways, underwater activities conducted through sonar devices, seismic tests, and oil drills have gravely affected the oceanic life disturbing their echolocation system and beaching up whales, dolphins, etc on the seashores.

B. SUSTAINABLE DEVELOPMENT: MUST FOR COMING GENERATIONS

Sustainable Development implies upholding the growth and expansion of economic resources, achieving social equality but at the same time safeguarding the natural resources and protecting the environment for future generations through strategic management and planning with a global participation and mutual political support of developed and the developing nations. Development and environment, are keys to a healthy, safe, and quality life, and such development can be sustained for generations.

INTERNATIONAL PROVISIONS ON SUSTAINABLE DEVELOPMENT

1. Stockholm Conference, 1972.

The United Nations Conference on the Environment in Stockholm, 1972², piloted the concept of Sustainable Development and management and protection of the environment alongwith economic development. Meaning thereby that environmental protection must not come in way of development and vice versa. Among other major principles, it was approved to protect the natural resources, non-renewable resources must be shared and not worn out, pollution must be controlled, oceanic pollution must be prevented, environment policy must not hamper development.

² <https://www.un.org/en/conferences/environment/stockholm1972>

2. Brundtland Commission, 1987

The World Commission on Environment and Development, 1987, in its report- *our common future*, beautifully described the concept of sustainable development as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Brundtland argued " the "environment" is where we live, and "development" is what we all do in attempting to improve our lot within that abode. The two are inseparable."

3. Rio Declaration, 1992

Brundtland Commission resulted in the international conference at Rio de Janeiro, 1992 where a comprehensive action plan, known as *Agenda 21*, for developing the planet sustainably by twenty-first century, was formulated. It emphasized on inter-generational equality, global partnership, public participation, the rule of precautionary principles and polluter pays..

4. The Paris Agreement, 2015

It is the maiden treaty climate change that is legally binding internationally. Its goal is to limit global warming³.

C. ROLE OF JUDICIAL ACTIVISM AND PIL IN PROTECTING ENVIRONMENTAL POLLUTION

As a result of International developments on environmental protection, the Governments of all the signatory States, especially developing Countries, initiated immediate execution of developmental plans but safeguarding the biodiversity was insouciant and thus started an era of judicial activism, in particular reference to India.

In the development process, the vested interests of the big companies preceded the rights of the general public due to the incapacity of enforcement agencies and due to heterogeneity in damages

³ <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

caused to the victims, therefore, it became essential that by some means, these deprived victims must be represented.

A very constructive role was played by Justice Krishna Iyer and Justice P.N. Bhagwati in endowing access to environmental justice by widening the scope of the right to life u/a 21 of the constitution and declaring that the right to life includes the right to live in a healthy and pollution-free environment.

One of the most significant decisions made by Justice Krishna Iyer w.r.t. environmental justice and social justice vis-a-vis public's access to justice and implementation of the Polluter Pays Principle can be witnessed in the case of *Ratlam Municipal Council v Shri Vardhichand & Ors*⁴. Residents under Ratlam municipality were plagued by human excrete, stinking effluent from alcohol plant into the roads. Magistrate ordered the council u/s 133 of the CrPC to remove the nuisance. Supreme Court upheld the order and further directed the government to act decisively against the alcohol plant.

In *Mumbai Kamgar Sabha v Abdulbhai*⁵ and *ABSK Sangh Railways v Union of India*⁶, Justice Krishna Iyer held that public participation is feasible through PIL to marmalade the environment.

In *Vellore Citizen Welfare Forum vs. Union of India*⁷, a PIL was M.C. Mehta filed against a number of tanneries of Tamil Nadu that were discharging unprocessed effluents into farming and open lands, roadsides, waterways, and the river Palar. The Hon'ble Supreme Court held that as per the preventive measures and doctrine of polluter pays, polluter is liable to pay the cost to the victims and is also liable to pay for mend restore the dented bionetwork.

Taking cognizance of the matter through a PIL in *Tarun Bhagat Singh vs. Union of India*⁸, SC, in order to protect forests, and wildlife, directed the Govt of Rajasthan to stop mining activities within the declared area of 'reserve forests'.

⁴ 1980 AIR 1622

⁵ AIR 1976 SC 1455, 1458 [7]

⁶ AIR 1981 SC 298, 317 [63]

⁷ AIR 1996 SC 2715

⁸ 1992 Supp(2) SCC 448

In a series of petitions relating to degradation of the environment filed before it, SC has never acted as a taciturn body, rather it has asserted that u/a 32, it is duty-bound for the enforcement of the fundamental right u/a 21 including the right to the enjoyment of pollution-free water and air. It reiterated that the doctrine of sustainable development has to be in accord with the environment⁹. For instance, in the case of the *Rural Litigation and Entitlement Kendra vs. State of U.P.*¹⁰ the Supreme Court allowed a mine to operate until the expiry of the lease on the condition that the developer would undertake afforestation on the leased land, however, on the breach of condition, the mine was ordered to be shut and a fine of 3 lacs was imposed on lessee in pursuance of the principle of 'polluter pays'.

In *Arjun Gopal v. Union of India*¹¹ The Supreme Court observed that the right to health precedes profit-making activities like the manufacture and sale of firecrackers. SC ordered a ban on the sale of firecrackers in retail outlets and on e-commerce platforms. Only 50% dealers were allowed to get licenses and a stipulated time was given to burst only *green fire crackers*¹².

It would be unfair in the context of environmental protection if we do not mention the efforts and contributions of the *Green Avenger, Mr. M.C. Mehta*¹³, who alone fought number of legal battles on environmental pollution issues and represented different sections of society. To a great extent, he is responsible for controlling the industrial pollution in India and getting some very important policies and legislations framed. A few of these cases are discussed below:

In *M.C. Mehta v. Union of India and Others, popularly known as Ganga Pollution Case*¹⁴, the Supreme court upheld the contention that environment and public health are of primary concern, therefore, municipality was directed to take desired measures within 6 months to stop the water pollution.

⁹ People United for Better living in Calcuta Vs State of West Bengal AIR 1993 Cal 215

¹⁰ 1985 AIR 652

¹¹ (2017) 16 SCC 280

¹² Arjun Gopal v. Union of India, green firecrackers case (2019) 13 SCC 523

¹³ <https://inspiringstory.org/2020/05/18/m-c-mehta-the-green-avenger/>

¹⁴ 1988 AIR 1115

consequent to the decision in the PIL in *M.C. Mehta v. Union of India and Others* popularly known as *Vehicular pollution case*¹⁵, Delhi switched its public transport to Compressed Natural Gas. In compliance with the order passed in this case, governments took measures for arrangements for providing lead-free petrol, CNG, etc.

Due to the decision in *M.C. Mehta v. Union of India and Others* ¹⁶ popularly known as the *Environmental awareness and education case*, the environment became a compulsory subject schools.

The list of the landmark decisions by the higher judiciary in India is very long which, unfortunately, cannot be covered in a paper of such length. But is quite evident from the decisions in the above-mentioned cases that the courts have taken a liberal interpretation of Art 21 and always tried to uphold the principle of sustainable development while dealing with the cases of environmental degradation.

D. CONCLUSION AND SUGGESTIONS

A clean and healthy environment and development go hand in hand. One can't enjoy the development and amenities when the basic needs like breathing clean air and drinking safe water have gone astray. At the same time, if there is no development, the people will experience economic and social hardships. There must be natural an inter-generational equality in the utilization of natural resources. Taking preventive action in the face of uncertainty and exploring substitute methods in case of harmful activities, must be implemented where ever necessary. Besides, the doctrine of '*Polluter Pays*' should be actively put into practice not only by the courts but also by the respective state governments at first instance.

SUGGESTIONS

A number of suggestions are being provided by various committees and environmentalists from time to time and we purpose a few suggestions in the light of what we experience and observe in our daily lives:

¹⁵ 1991 SCR (1) 866

¹⁶ 1992 AIR 382

1. More and more public participation is required. At least the aware citizens should take cognizance of the violations and represent the matter. Municipal corporations and municipalities must be held accountable for acts and omissions resulting in environmental violations and action shall be taken against the guilty connivers.
2. It is pertinent that we should make children aware of the causal effects of overexploitation of natural resources and also educate them about their fundamental rights not just substantially but practically too. Environmental education is imparted in schools and tree plantation etc drives are initiated, however, the children are not aware of how much damage illegal mining, toxic gases, sewage, industrial and medical effluents, solid waste, etc. can do to the environment and eventually, they will be at the receiving end.
3. The provisions of the Act like Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1977, must have preventive and punitive provisions for violators.
4. The benches of the National Green Tribunal must be increased to achieve its very purpose of providing speedy legal and administrative relief to the victims of the environmental damage.

Public Interest Litigation: Misuse of Civil Weapon of Justice

Jonika Lamba¹ & Dr Esha Jain²

Abstract

Public Interest Litigation is a powerful weapon of civil justice for the weaker and deprived section of society. The objective of the study is to critically examine the literature on the misuse of PILs in India. So, the paper is a review-based study including some recent and famous case laws on misuse of public interest litigation. The main purpose of the PILs is to establish a good structure of governance where the interest of every section is protected. In recent times, the spirit behind the PILs has been distorted and it has been used as a tool for harassment, publicity, personal gains, business interest, professional PIL shops, corporate gain, etc. The study includes the recommendations to curb the practice of misusing this transformational weapon of justice such as only bona fide PILs should be accepted, doubtful PILs should be rejected at the initial stage and the role of media in highlighting the misuse of PILs, etc. The PIL remains an important part of judicial activism.

Keywords: *PIL, Misuse, Court, Judiciary, Social, Weaker*

Introduction

The judiciary system of the nation is discovering new ways of bringing justice to the aggrieved and underprivileged society one such method or strategy is the introduction of Public Interest Litigation. The concept of Public Interest Litigation has emerged because many disadvantaged people were behind the bars for no reason. The final decision of the judiciary takes lots of time and that time privileged people suffer. The revolution step was taken by Justice P.N Bhagwati and Justice V.R Krishna Iyer by filing a PIL in the Supreme Court for the benefit of undertrial prisoners. The prisoners were bound to spend many years in jail without being punished. We have constitutional provisions related to PIL covered under Article 32 and Article 226 of the Indian constitution. It is meant to safeguard socially disadvantaged groups and communities. It has even relaxed the “principle of locus standi”, PIL can be filed by the individuals who have no personal interest in the

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matter and use PIL to bring social justice to the aggrieved people. It empowers the individuals to fight against the wrong and helps in bringing timely justice to the needy person. There is a dark side to the PIL as well, even if PIL is introduced for the benefit of society at large it is being misused by the greedy and nuisance creators in the society. It is a lifesaving weapon on one hand but on the other hand, it is misused and led to the wastage of precious time of the courts and used by the mischievous people to gain popularity and fulfill political gains. Justice is difficult to be imparted to everyone so anyone who is deprived of justice or remains unheard, unrepresented can use the concept of PIL to attain justice in the court of law. The cost of filing PIL is very nominal that's why it is used by the people for harassment. Private litigation is expensive to undertake so people shifted to PIL as it is a cheaper method of reaching the doors of justice. Court many times reminded people that no personal interest should be agenda behind the PIL but still, people hope to fulfill their business and private interest by using PILs.

In India where ample cases are filed every year and the seats of judges remain vacant so it's difficult to get timely justice. The concept of PIL when misused by the people increases the time to get justice and turns out to be harmful to society. The government officials waste lots of time responding to the PILs filed in large numbers. There seem to be professional PIL shops that waste lots of the time of the judiciary.

Literature Review

Dema (2009) stated that PIL has a pivotal role to play in the civil system of justice. PIL aims to provide welfare to the needy and disadvantaged groups of individuals. It helps in contributing toward good governance and making the government of India more responsible. It needs to be ensured that PIL is used for the only legitimate purpose only, the frivolous use of PILs harms the public interest and wastes the precious time of the judiciary. The use of PIL for personal gains, political interest, and easy publicity should be discarded and people doing the same should be penalized.

Gloppen (2008) stated that in a developing nation like India, PIL helps in raising the voice of marginalized people who are deprived of their social rights. It emphasized the fact that the success of a case is based on how the case fares in the court but also depends on whether the terms of the case complied with. The agenda behind PILs is to benefit not litigants but also similar individuals in the same situations. The petitioner is fighting for the justice for sake of humanity and on social grounds.

Pawaiya & Jain (2018) emphasized that PIL is a transformational step in the system of justice and focused on giving equal opportunity to all the marginal and disguised groups of society. It has made justice flexible for deprived individuals. In recent times plenty of cases witnessed the abuse and misuse of the PILs. Due to less cost in comparison to private litigation these PILs are used for meeting personal and private goals. Indian PILs are just the advanced version of PIL in the USA, it entirely depends on the discretion of the judge to analyze the facts of the case.

Singh & Singh (2017) stated that PIL is a highly effective weapon in the court of justice. Anybody who suffered because of denial of constitutional remedies, legal rights, and social oppression can get justice with the help of PIL. It also highlighted how PILs are misused such as publicity, corporate gain, personal interest, etc. The author emphasized the role of media in signifying the misuse of PIL by wrong and frivolous individuals.

Aggarwal (2021) stated that the apex court i.e., The Supreme Court of India has control over the domain of PILs. Traditionally who have suffered in person were only able to file a case but with the introduction of PILs, the deprived people who cannot afford the legal fees would be able to keep their case before the court of justice. It has provided the basic human and fundamental rights to the weaker section of society.

Objectives of the Study

The objective of the study is to review the literature on the misuse of Public Interest Litigation and also suggest ways to avert the exploitation of the notion of PIL.

Public Interest Litigation: A Misused Weapon of Civil Justice

In recent times, PILs are being used for gaining publicity in society. The main objective behind PILs still remains in papers, actual public welfare and security are nowhere to be felt. During the period of the COVID 19 pandemic, the number of PIL petitions has gone up. The students, advocates, and other stakeholders are reaching the house of justice to seek mercy for online exams during the time of the pandemic. The concept of PIL has become a joke because of its misapplication by society. The welfare of humanity is not taken care of by the frivolous petitioners. The judges often get frustrated because PILs are filed on a fake basis of facts and evidence. The needy and aggrieved people are getting nothing out of the concept of PILs. The judiciary system of the nation has warned against the willful conduct of the frivolous petitioners.

Cases for PIL

The famous case laws enlightening the theme PIL: A Misused Weapon to Gain Justice are as follows:

SPV Paul Raj v. The Chief of Electoral Officer and Anr.

In this case, the petitioner prayed to the High Court that all the candidates contesting the election need to get themselves tested for COVID 19 and asked High Court to use its power u/s 226 and issue a writ of Mandamus for conducting a compulsory medical test of candidates who were contesting in the Tamil Nadu Legislative Assembly Elections. The petition said that it is for the benefit of the voters and they should not get infected with the virus because of the negligence of the election commission.

The court considered this petition baseless and called it complexly frivolous. The court banned the petitioner from filing the petitions for one year.

Pratyush Prasanna and Anr. V. State of NCT of Delhi

In this case, the petition relied on a tweet and filed a PIL in the Delhi High Court seeking an inquiry into the funds allocated for COVID 19 relief. He claimed that the Delhi government is misusing the funds for different purposes. The court said that the petitioner have not used the Right to Information Act, of 2005 for gaining such information and directly come to the court for wasting the precious time of the judiciary.

The petitioner has not done his homework before filing the petition and the court fined him Rs 50,000 for misusing PIL.

Rajeev Suri v. The Delhi Development Authority

The petitioner dared the possibility of the Central Vista Project and the method of getting the clean chit for heritage, environment, and land use matters. It was considered a matter which required high political scrutiny. The honorable Supreme Court of India dismissed the petition and stated that PILs are meant for those people who are facing insecurity over their rights and facing injustice.

Lalit Valecha v. Union of India

The petitioner filed a PIL stating the news channels should not show the number of deaths due to the pandemic as it was a sense of panic among the people. The Delhi High Court dismissed the petition stating that Article 19 of the Indian constitution regarding freedom of speech and expression is not absolute. The court also stated that showing the real number of deaths during a pandemic is not a piece of negative news.

Recommendations to avert the exploitation of the notion of PIL

- The doubtful PILs should not be taken for further processing rather they should be dropped at the initial phase of screening. There should be a high cost on frivolous petitions so that it turns as restrictive in the future.
- The petitions against the socio-economic regulations should be rejected provided they are filed after a long time and the reason for rejection should be in line with the general rules of the litigation.
- The advocates and practitioners who are specially working in the area of PILs should give assurance to the court in the form of an affidavit and affirm the judiciary to recover the cost or damages in case of rejection by the house of justice.
- The advocates should abide by their professional ethics and they should not take the PILs which are baseless and just meant for wasting the time of the judiciary. There is a need for discipline and morality in the profession of advocates they should emphasize the true spirit behind the law.
- The basis of filing PILs should be bona fide. There should be no private interest in filing the petitions and the reason behind every PIL should be social welfare.
- The media have the power to famous anything, the concept of PILs has been sparked by the media now there is a need for the media to highlight the misuse of PILs in the public interest. In COVID 19 pandemic period various PILs have been filed in Supreme Court on baseless facts and evidence, just to waste the time of the judiciary.

Conclusions

Public Interest Litigation is an important part of judicial activism. It strengthens the system of justice for the needy and deprived people. It is meant for social gain at large and any sort of personal and private interest should be discouraged. The study focuses on the recent judgments on the misuse of PILs and suggests how exploitation of this powerful tool can be distorted. The study includes the recommendations to curb the practice of misusing this transformational weapon of justice such as only bona fide PILs should be accepted, doubtful PILs should be rejected at the initial stage, and the role of media in highlighting the misuse of PILs, etc. The judgments should act as a deterrent for frivolous petitioners in the future. Justice should be fairly served to every section of society and within the time frame. The apex court of justice has also formulated some guidelines for dealing with PIL, these need to be followed by a good spirit and focused on a healthy and fair system of judiciary.

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Public Interest Litigation on Environment: A Legal Outlook to Environmental Litigation in India

Abstract:

Environment is the greatest concern of each nation and it is the most basic issue experienced by the Indian government too. The Indian judiciary adopted the technique of the public interest litigation system which is an exceptionally promising and open door for the right method for getting equity in a natural suit in India. The nation has made some important progress by adopting the technique of public interest litigation for environmental protection in many cases. The system consists of environmental regulatory authorities under National Green Tribunal there is Central Pollution Control Board and the State Pollution Control Boards. These bodies strictly examine the Comprehensive Environmental Pollution Index (CEPI). This paper focuses on analyzing the present challenges India appearances to safeguard and work on the offended party in ecological prosecution by dissecting the regulations improvement, guidelines, and arrangements. Some suggestions are also given after examining the status on how to more readily layout a lawful guide framework and quick of the public interest suit framework.

Keywords: India, Public interest litigation, Environment litigation, CEPI

I. Introduction to Environmental Litigation

Earth is under great pressure due to the ways humans are exploiting natural resources and due to the pollution level. It is a common concern to save the earth for the whole world and all countries are keeping an eye on the pollution level and use of natural resources through the governing bodies. Environmental litigation involves the implementation of environmental policy through the judicial branches of the government ([Lettie M. McSpadden, 1999](#)). It is well recognized that India is suffering from polluted water and air problems due to not well-regulated environmental norms, along with that forest degradation is also a major concern ([Chetan Chauhan, 2022](#)). The idea of "climate" is known as the idea connected with the regulations for the insurance of the climate for individuals of India, which is influencing the endurance of people and improvement. India's established system mirrors the regulations connected with the security and protection of the climate for India as well as the worldwide

responsibilities too. Part IVA (Art 51A-Fundamental Duties) projects an obligation on each resident of India to safeguard normal assets (woods, streams, lakes, untamed life, and living animals). Craftsmanship 48A is connected with the Directive Principles of State Policies to secure and work on the climate ([Vinay Vaish and Hitender Mehta, 2017](#)). The Laws in regards to the assurance of the Environment and natural life in India are planned so any foundations and associations can document a body of evidence at the court against any demonstration which is against the public interest like making contamination the climate or harming the true privileges or interests of individuals in general. Assuming there is any mischief to the indigenous habitat and assets or any activity that makes harms the privileges and interests of the buyer while performing responsibilities and capacities it can prompt the recording a case in the court. Yet, within the sight of the regulations, the requirement for a sound climate was being overlooked by the concerned specialists either deliberately or accidentally and no progression or legitimate move against experts for not it is initiated to keep up with the feasible natural turn of events. There was just a single procedure of the public authority that was overwhelming i.e., monetary turn of events yet presently the public authority is additionally making significant strides towards working on expectations for everyday comforts. PIL is a weapon in the possession of individuals on the off chance that there is a break of any open obligation that causes natural contamination, the annihilation of the essential common freedoms of the needy individuals, default in obligation by the metropolitan partnerships, and clashes between strict privileges and ecological issues ([Aniket Vashisth, 2021](#))

II. Literature Review

Public Interest Litigation is giving more freedom compared to the traditional judicial proceedings. It gives power to the individuals to use the fulcrum of the Supreme Court to leverage public policy. PIL on the environment raises many issues like access, participation, effectiveness, and sustainability for the solution duration. The author studied two environmental cases in Delhi, i.e., the automobile pollution case and the public solid leftover case. The analysis was based on the real verdicts taken by themselves and interviews with the main performers involved in the cases and the affected outcome was also studied. The result revealed that there is some alienation with the judicial process which needs to be addressed ([Rajamani L., 2007](#)). PIL is the most important law for achieving justice in the civil court, which was hard to achieve otherwise. It provides a platform for getting justice in the disadvantaged sections of society by providing awareness about human rights ([Surya Deva, 2009](#)). Green regulation in India is the proactive activity of the Supreme court and the legal executive has

expanded the importance of the right to life for natural assurance. In view of the restricted adequacy of leaders and executive's legal executive plays taken the part of true an overseer of the climate. The creator made sense of that public interest suit isn't enchantment and to demonstrate two contextual investigations are likewise examined in the paper alongside this new foundation and its job additionally talked about ([Gitanjali Nain Gill, 2012](#)). In China, there are lawsuits related to the environment being launched by the NGOs, procurement bodies and administrative bodies as citizen enforcement is having several deficiencies rather environmental public litigation plays a very important role in the enforcement of the law. Still, NGOs are also facing obstacles in China relating to litigation, registration, etc. ([Cao Mingde, 2016](#)). Environmental impact assessment (EIA) inspected with its potential. A qualitative case study was done with the parameters of document review, semi-structured interviews, observation of participants, thematic analysis, etc. The review uncovered that there are a few holes inspected in the EIA report, for example, an absence of public support, specialized ability and legal cures, and so forth. Assuming that these deficiencies would improve, it will upgrade the ecological equity in India ([Alan P. Didluck and Kirit Patel, 2019](#)).

III. Legal Framework of Environmental Interest Litigation

- **Pre-Independence-Period** India is known for its rich culture in terms of religion in ancient times people were doing worship towards earth, sky, air, water, plants, animals, and trees and they were having respect for nature as God and Goddesses Under the British rule The Indian Penal Code 1860 was enacted for public health, safety and decency. In 1893 The Shore Nuisance Act, 1893 was enacted to check the waste and marine water pollution. In 1905 Bengal Smoke Nuisance Act was enacted to prevent atmospheric pollution around Calcutta. Until 1947, the environmental issues were not taken seriously because of the low level of population, and low industrial growth.
- **From Independence, to now** As the Indian constitution was adopted in 1950 and then no concern was given to the environmental protection and control of the pollution. In 1972, National Council for Environmental Policy and Planning was set up which later in the year 1985 evolved into the Ministry of Environment and Forests. The wildlife protection act was introduced in 1972 and in 1974 Water prevention and pollution control act was introduced. In 1980 Forest prevention act was introduced in India to check the diversion of the forest land for non-forestry purposes and after that Air prevention and control act was introduced by the govt. of India in 1981 for checking the pollution level in the air via pollution control boards. In 1986 Environment protection act was introduced with a single

motive of protecting the environment. A sacred revision integrated with Article 48A and Article 51A (g) under the Directive Principles of State Policy and Fundamental Duties to reinforce the ecological regulations in India. The public responsibility protection demonstration of 1991 gives quick alleviation to the people impacted by mishaps while managing risky substances. In 2002, Biological variety regulation was started by the public authority. The table given beneath is showing the definite data connected with lawful strategies in India for the insurance of the climate.

➤ **Table 1: Legal Policies of India for Environmental Safety**

S.No.	Policy Name	Aim of the Policy	Status
1	The Water (Prevention and Control of Pollution) Act, 1974	To accommodate the avoidance and control of water contamination and to keep up with or reestablish the healthiness of water in the country	The Act was last amended in 2003.
2	The Air (Prevention and Control of Pollution) Act, 1981	The aim is to provide for the prevention, regulation, and reduction of air pollution.	All problems linked with air pollution; ambient air quality standards were considered only
3	The Environment Protection Act, 1986	It aims to provide protection and improvement of the environment.	This Act was last amended in 1991.
4	National Water Policy, 1987	To develop and govern the water resources and their optimum utilization.	Reviewed in 2002 and 2012 to strengthen efficiency to maintain the availability of water
5	National Forest Policy, 1988	To maintain ecological balance and provide livelihood opportunities to the forest people.	The national policy was released in 2018 and accepted in 2019 for water conservation and livelihood security.

6	National Conservation Strategy, 1992	To regulate the natural resource utilization for environmental protection.	A public preservation methodology was sent off for one-horned Rhinos in India and Nepal
7	The policy statement for Abatement for pollution, 1992	To enforce the pollution control norms in India through CPCB and SPCBs	Nine states in India are securing 60% power from coal power plants and finding a way satisfactory ways to meet SO2 standards.
8	National Pollution Policy, 2000	To achieve a stable population by 2045 by managing TFR	Deficient help to build admittance to training and other monetary open doors for ladies strengthening will emphatically influence TFR
9	National Environmental Policy, 2006	To achieve sustainable development with the environment in the development process.	Environment misgovernance is fueling the destruction
10	The National Green Tribunal Act, 2010	To accommodate the foundation of NGT for the powerful and speedy removal of cases connecting with ecological insurance and preservation of woodlands and other normal assets.	Limited to natural resources
11	National Agroforestry Policy, 2014	To increase agricultural production.	Limited work is done among farmers.

Source: Author's Compilation

Alongside the arrangements to safeguard the climate numerous associations (government and private), colleges, organizations, research establishments, and NGOs are assuming a vital part to fill the holes by leading more exploration to execute strategy, building limits with the common society,

and help to individuals for the more legitimate climate. The table given beneath gives point-by-point data connected with India-based NGOs who are right now taking care of ecological problems.

Table 2 Different types of environmental social organizations in India

S.No.	Organization Type	Registration
1	International Institute of Health and Hygiene (IIHH)	An ISO 9001/2008 & 14001/2004 certified organization
2	The Energy and Resource Institute (TERI)	Register as a Private Entity
3	Central Pollution Control Board (CPCB)	Registered as Board under Government of India
4	Satpuda Foundation	Registered as a non-profit NGO registered under Society's Registration Act, 1860 (Section 21)
5	Wildlife Protection Society of India (WPSI)	Registered as a non-profit organization.
6	World Wide Fund (WWF)	Registered as a Charitable Public Trust
7	Indian Environmental Society (IES)	Registered as a business enterprise but operating as a non-profit organization
8	Centre for Media Studies (CMS)	Registered as a non-profit organization.
9	National Institute of Occupational Health (NIOH)	Health institute funded by the Indian government
10	G.B. Pant Institute of Himalayan Environment and Development	An Autonomous Institute of Ministry of Environment, Forest & Climate Change, Govt. of India

Source: Wildlife Conversation, 2016

IV. Some Landmark cases wherein PIL was filed for Environmental Protection in India

AAREY FOREST CASE, MUMBAI 2019

Aarey Colony, prevalently known as Green Lung of Mumbai is a rural area situated in Goregaon. This district has in excess of five lakh trees consolidating the Sanjay Gandhi National Park. An undertaking was presented for another vehicle shed in light of which many trees should have been sliced off to give space for the metro project. Against this a law student-written a letter to C.J.I. Ranjan Gogoi urged him to direct the state government to stop cutting trees as it is against the environmental laws. The Supreme court registered the letter as a PIL and ordered a stay on further cutting trees till the next hearing. In August 2019 the approval was given for the felling of 2600 trees were granted and after the public protest began immediately and many celebrities also took their social media to voice their disapproval. 29 protestors were arrested and section 144 was imposed in the area. After the long periods of dissent, Maharashtra Government, at last, moved 800 sections of land in Aarey province to State Forest Department in June 2021. This has been enlisted as a significant triumph for the dissent to safeguard the city's woodland.

VELLORE CITIZENS WELFARE FORUMS, 2016

For this situation, a government assistance discussion Vellore Citizens recorded a PIL under Article 32 of the constitution. The PIL was recorded against the water contamination caused because of the extreme arrival of the poisons by the tanneries and different ventures into the waterway Palar in the territory of Tamil Nadu. Palar stream is the primary wellspring of water for the job of the encompassing individuals and it was analyzed by Tamil Nadu Agricultural University Research Center that 35,000 hectares of horticultural land have turned desolate and not good for additional development. The high court then fundamentally examined the case. Solicitor contended that the entire surface and sub-oil water of the waterway has been inebriated and not good for utilization now. Subsequent to hearing both the gatherings the high court concluded that Tanneries no question are the major unfamiliar trade worker and give business potential open doors too however it hurts the climate and strength of individuals. The court chose to fine every one of the Tanneries up to an amount of 10,000 rupees.

V. Conclusion

PIL has been utilized by the Law court as a powerful instrument for managing environment-related issues. The law courts should guarantee the proper utilization of PIL and ensure that it is not to be engaged for the private interests on the grounds that it nullifies the actual point of this idea. Serving people in general at large is the main quality of PILs related to the environment. Moreover, it is the obligation of every resident to deal with the climate and have sympathy toward living animals and forests. PIL assumes a significant part in conveying equity not exclusively to the person who is associated with the situation yet to the local area in general safeguarding the aggregate freedoms of all.

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Does the Covid-19 lead to Spike in filling of PILs:
A Case Study of Indian Stock Market

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Abstract:

The present study is an attempt to do the trend and behavioral analysis of the stock market's major equities and stocks like Nifty and Sensex and examine the impact of Covid-19 on the hike in public interest litigation filling. Public Interest litigation (PIL) has a important position in the civil justice machine in that it may gain the ones goals that may hardly be carried out through conventional private litigation. PIL, as an instance, offers a ladder to justice to deprived sections of society, provides an street to put into effect diffused or collective rights, and enables civil society to no longer handiest unfold cognizance about human rights however also allows them to take part in government selection making. PIL may also make a contribution to top governance through preserving the government responsible. The V-shaped recovery has been observed in the overall movement of the economy in general and in the Indian Stock market in particular (RBI). Major reasons for its downfall are the covid-19 pandemic and the recession period of the business cycle which tends to price rise and fall almost every 10 years. The last time India faced this kind of recession was in the crisis of 2007-08. This time it became a very extensive case because of pandemics and trade war.

Keywords: Public Interest Litigation, Covid-19, Nifty, Sensex, V-Shape, Stock Market

Pil: An Upheaval & Radical Alternation Towards Public Interest Nature

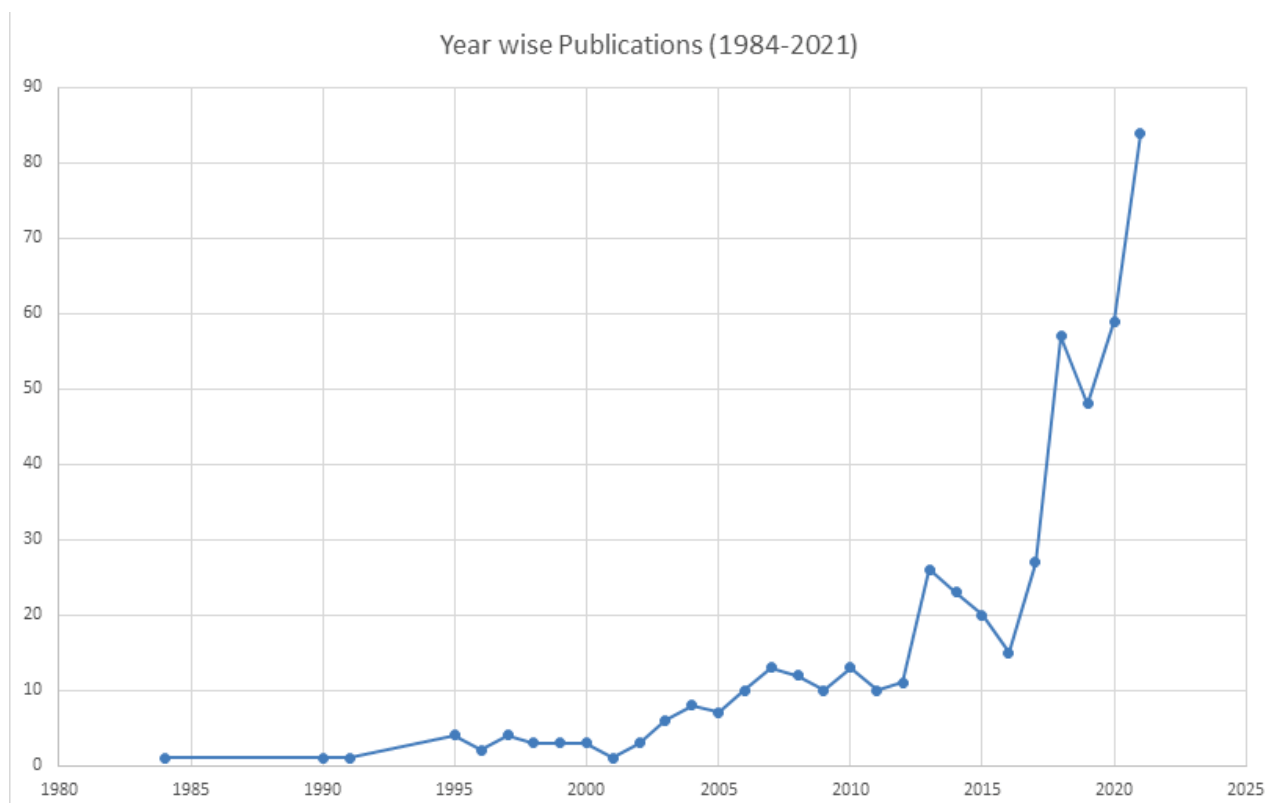
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ABSTRACT:

The overwhelming majority of Public Interest Litigation research has focused solely on the legal merits of court decisions, with no consideration given to the broader social impact of those judgements. The purpose of this study is to shed light on the impact of court decisions on public sentiment, the openness and responsibility of India's democratic system via cases that have transformed altered the judicial process. Correspondingly, the study analyses whether the courts' policy intervention is a way to monitor and control issues that affect the consensus or a means to establish primacy over the emerging and developing system. Public interest litigation is a great boon to the underprivileged, impoverished, and sensitive. In order to be of national significance, it must be of financial or material value.' Formal complaint can be managed to bring by any groups or individuals who have no specific curiosity and therefore are working on behalf of the general populace.

Keywords:

Public Interest, Judicial, Nation, Decisions



A Review on Emerging Abuse of Public Interest Litigation in India: With Special Reference to Post Covid Period

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ABSTRACT:

This paper highlights the emerging misuse of public litigation in India after post covid. This paper is an attempt to review the various case studies on Public Interest Litigation after COVID. With this study, it has been observed that law that has been introduced for the benefit of the victim to provide justice but many PIL activists using it as the equipment to plague the legal framework of the country. It has also been observed that, many people use as rather I would say misuse public interest litigation as the tool by filling invalid petitions for their own benefit just to take personal revenge from the aggrieved party. If such petitions are entertained by the court under article 32, this would lead to abuse of the court process. Consequently, the genuine petition by the true aggrieved party is facing the delay on the judicial processing by the court and thus leading to the fading of trust and faith on judicial system of India by the citizens. Though this paper we are also trying to highlight the suggestions which can be helpful to mitigate the misuse or abuse of public interest litigation. As study is based on review of various case studies after pandemic, for which we have collected data from the secondary sources that includes research paper, news articles, other case studies mentioned by respective author, government reports etc having special focus on misuse of public interest litigation.

Keywords:

Misuse, Public Interest litigation, Abuse ,Cases Studies

Public interest litigation : As a tool to protect natural environment in India

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ABSTRACT:

Public interest proceedings and judicial activities on environmental issues go beyond the Supreme Court of India. These include the individual state high courts. Some say that India's legal activity on environmental issues had a positive impact on India's experience. Proponents say intense legal activity has made the Supreme Court a symbol of hope for the Indian people. As a result of judicial activity, the Supreme Court of India argues that the Indian state cannot act arbitrarily but must act in a rational and public interest. Others have suggested that India's judicial activities on environmental issues have had a negative impact. Public interest proceedings have been repeatedly filed to prevent infrastructure projects aimed at solving the following environmental problems in India: In India, pollution has become even more severe because of accidental pollution, killing tens of thousands of people, and proceedings routinely postpone such projects. Even after the infrastructure project is lifted or a particular project is approved by a court order, the new facts form the basis of a court order and new proceedings for the public good. India's legal activity discovered that the state's economic development failed in some important cases and has since enacted legislation encouraging more competition and free markets to reduce pollution. This article critiques the improvement of new environmental public interest litigation in India. Despite considerable time and efforts spent on the litigation, the judicial demanding situations thus far had restricted achievement in yielding the favored final results that environmental issue agencies had been hoping for.

Keywords

Environmental pollutants/pollution, Constitution, laws, PIL, judicial system

India's Public Interest Litigation as a Model for Developing Nations

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ABSTRACT:

In India, public interest litigation (PIL) can be used to create and enforce rights, which is critical to the survival of democracy. When the Indian National Congress is paralyzed by legislative inertia, public interest litigation in India has the potential to meet the needs of its people. This note explains how PIL in India can serve as a model for other developing nations dealing with legislative inertia while also providing recourse to disadvantaged and marginalized societies. Moreover, while PIL obfuscates the conventional barriers of power in a liberal democratic system of governance, broadening standing to include any citizen who has struggled with an infraction of their rights strengthens democracy. One way to strike this balance is to include financial (dis)incentives in PIL even while restricting it to cases where the right to a fair trial is hindered by a disorder.

Keywords

Public Interest Litigation, Indian Constitution, Fundamental Rights, Principles, Judicial

An Analysis of Role of Public Interest Litigation

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ABSTRACT:

The objective of paper is to highlight the purpose, meaning and required procedures of Public Interest Litigation. The study shows that Public Interest Litigation plays a significant role in judiciary system which cannot be achieved by private litigation. PIL (Public Interest Litigation) offers a strong ladder to the underprivileged section of society, strengthen and enforce the collective rights. PIL also helps the society to participate in decision making of government, but Indian experiences about Public Interest Litigation shows that it has not been successful fully. The paper discussed these shortcomings of Public Interest Litigation. The paper highlighted the origin of PIL in India. The paper is based on secondary data and it analyse the concept of Public Interest Litigation. The researcher also elaborated the procedure for filing Public Interest Litigation in India. The paper further explored and revealed the significance and characteristics of Public Interest Litigation

Keywords

Public, Interest, Litigation, Society, rights, underprivileged, origin, filing

A study of Public Interest Litigations on use of loudspeakers in public places in India

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ABSTRACT:

Among all the sources of noise, loudspeaker has become the most disturbing in the normal working of people. It's frequent use in religious ceremony, political rallies and family functions, beside disturbing normal life, has an adverse effect on the studies of students, specially during the period of examination. Its use has become so much as a part of prayer in temples mosques and Gurdwara, that it has made it difficult for people to enjoy the basic freedom with all human dignity. This paper confines different public interest litigations (PILs) filed in the high courts seeking ban on the use of loudspeakers in public places and how the courts have dealt with the issue in the past.

Neurophysiological Explanation of the Socio-Economic Rights Related Public Interest Litigation on Young Citizen Concern towards It

Dr. Rishi P. Shukla

Background

Since 1970 the public Interest Litigation (PIL) is the strongest source of attracting the attention of legal and administration among public. This connect public with the government through judiciary system and are useful for the situation that required immediate response. Public and Activist especially Youth, working in Socio Economic Rights are also utilizing the potentials of PIL to ensure the well-being, autonomy, and social participation of human beings.

Methodology

This study was designed and carried out with 72 youth (47 males and 25 females) from 8 major cities of India (Tire I & II). Five PILs filled in the field of Socio Economic Rights (from 2015 – 2020) were randomly selected for the focus group discussion (8 groups of 9 members each). Participants' concern towards Socio Economic Rights were measured with 21 item Neurophysiological scale before and after the focus group discussion.

Findings

Findings of the study confirm the Neurophysiological association of PIL and Participants' concern towards Socio Economic Rights. The development and concern was significantly increased after the focus group discussion across all the groups. PILs sensitizes the citizens on positive note and it was well reflected on the responses received from the youth.

Conclusions

The study concluded that the PILs have significant role in sensitizing the public on related issues. It was reflected in the study with the case of in Socio Economic Rights and its concern among Youth.

Keywords Socio Economic Rights, **Public Interest Litigation**, Neurophysiology, EEG, Brain Mapping.

Environmental Public Interest Litigation in India: A Cradle of Positive or Negative Externality?

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Keywords

Environment, litigation, PIL, Externality

Abstract

The evolution of India from the ancient Indus Valley Civilization to the present day has witnessed rapid economic development and vicissitudes. These changes have been on account of explicit resource use being harnessed from our environment. The constant change in the land use pattern and exploitation of natural resources has put forth a conflict between growth and preservation of environment (sustainability). This environmental struggle gave birth to an innovative legal tool viz 'Environmental Public Interest Litigation' introduced by the Supreme Court of India with the objective of solidification of the environmental justice in India. This major step of judiciary acting as amicus environment has brought a metamorphosis in the environmental landscape of India. Environmental PILs are primarily used to conserve and protect our biodiversity thereby creating externalities for the society. This paper attempts to investigate the tool of environmental litigation from the economic point of view, whether it is creating a positive or a negative externality for the general public. Few case studies pertaining to Indian environmental PILs were undertaken extensively. The observations demonstrate and validate that there is a tradeoff between growth and environment protection. Environmental litigations do have a positive externality in the sense that it guards the environment from severe exploitation, whereas on the other hand it also creates a negative externality by inhibiting the growth activities in the economy like hurdles in getting NOCs and clearance for infrastructure (viz dams, bridges, urban settlements, factory production activities, nuclear plants etc.). There is a burning need to evaluate the short term as well as long term effects of externalities instigated by the environmental litigation in India.

Analysis of Conscious Perception of Young Government Job Aspirants towards Selection Process in relation to PIL Filed

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Abstract

Purpose: The role of Public interest litigation (PIL) is beyond the Civil Justice System. PIL has power to achieve what conventional laws may not be able to achieve. But with increasing PIL cases in India on Government Job selection process in last few years is raising the questions on integrity of fairness and just. In last three years there has been increase in the cases filed against the government job recruitment and selection process which has made the selection process critical and increased the time to hire to a substantial level.

The attraction of government jobs in India is phenomenal. Due to high compensation and benefits along with job security the charm has attracted millions of aspirants. But in last three years the application rates and candidates hiring has dropped significantly. The paper aims at finding the relationship between the perception of Government Job aspirants towards the selection process fairness and PILs filed against the Selection Process in India.

Methodology: An empirical research was carried out, in which 1200 students of India. Primary data for the final study was collected through a self designed structured questionnaire. The data collection was done online using five point Likert Scale and items for construct in study were taken after thorough Literature review. The analysis of data was done with the help of descriptive statistics, with the use of SPSS (Statistical package for social sciences). The consistency of the data was tested by applying Cronbach alpha coefficient.

Findings: It was found that the test is appropriate to estimate the perception of Government Job Aspirants towards Selection process and PIL filed. The results of the study displays that there is a significant relationship between the no. of PILs filed against the selection process in last three years in India and change in perception of aspirants towards the Government Jobs. The study also displays that there is no direct relationship between the age of aspirants towards and their perception towards the selection process; there is no direct relationship between the type of job and their perception towards the selection process. But there is significant relation between the age of aspirants and awareness towards the PILs filed against the government job selection process.

Practical Implications: The results provide a clear view that increasing number of PILs has changed the perception of aspirants towards the government job to some extent. The increasing PILs have raised the issues regarding the fairness and transparency of the selection process. This has not only slower down the entire recruitment process but also has refrained top talent to apply from the jobs. The government should take some concrete actions to make the entire process more transparent and structured. Digitalization can create effective recruitment process.

Keywords: Public Interest Litigation, PIL, Recruitment and Selection, Government Jobs, Fairness and Justice

Category: Research paper

A critical Review on Public interest litigation system in India

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Abstract

Public interest litigation is an innovative judicial procedure for improving the quality and values for the social and economic rights of impoverished and deprived people in India. PIL has a vital role in the judicial system as it can attain those objectives which is highly difficult to be attained via conventional and traditional private litigation. The aim of research is to highlight that PIL could attain these important objectives. However, the existing studies related to Indian PIL also reveal that it is highly difficult to ensure that PIL does not become a disguising face for fulfilling private interests, settling political scores or publicity stunt.

The government should therefore ensure means to identify and allow legitimate PIL cases and discouraging impractical ones. One of the means could be confining it to those cases where justice could not be accessed by certain disadvantaged sections of society due to some kind of disability.

Keywords

innovative, impoverished, Judicial Procedures, Human Rights, Information Security & Privacy, Legal Institutions

Public Interest Litigation: Effect on Corporate Governance?

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Abstract

Corporate Governance includes the rules and policies through which corporates are run and controlled by the top management of the organisation. Though the effective working of corporation is to be ensured by the Board of Directors but they have been acted as the rubber stamp in most of the cases. They are considered as the people to be manipulated and kept in loop. Typical members of corporate governance are shareholders and managers. Its other members are employees, customers, suppliers etc. It also depends upon the legal, regulatory, institutional and ethical environment of the community. With the increasing awareness among the other stakeholders and introduction of regulations, the corporate governance responsibility of managers have increased. One effective tool to ensure that by the society is Public Interest Litigation. It is tool to raise voice against the wrong doing of corporates where the public interest is ignored.

But with time, PILs have been filed for corporate gains, political advantage or personal interest. The paper aims to bring in view that how courts are filled with dubious PILs that are wasting time and resources of court. It considers examples of how vexatious litigations effect the performance of corporates and has become a tool of blackmail for them. The screening of PILs should be efficient enough to reject these dubious litigations, so that the trust of the society and corporates is maintained on the system and ill use of these can be avoided.

Branding in Films Related Public Interest Litigation and its impact on Viewers' attitude toward the Brand

Mr. Ravi Kaushal

Background

Branding in Films were much in demand after the advent of Ad avoiding technologies and marketer invested huge money with an expectation of increased brand recall and recognition that too reflected in viewers purchase intension. When such brands drag into controversies with Public Interest Litigation, it result in enormous loss in brand value and acceptance.

Methodology

This study was designed and carried out with 372 youth (210 males and 162 females) from 16 major cities of India (Tire I & II). Five Branding in Films Related Public Interest Litigation (from 2015 – 2020) were randomly selected for the descriptive study. Viewers' attitude was measured with 19 item scale before and after the inclusion of such PILs.

Findings

Findings of the study confirm the association of Branding in Films Related Public Interest Litigation and its impact on Viewers' attitude toward the Brand. The development and concern was significantly increased after the inclusion of such PILs. PILs sensitizes the citizens on negative note on attitude and it was well reflected on the responses received from the viewers.

Conclusions

The study concluded that the PILs have significant negative role on the attitude of viewers and it dilute the brand value too.

Keywords

Public Interest Litigation, Branding in Films, Viewers Attitude, Purchase Intention, Brand Value.

Assessment of issues leading to file public interest litigations (PILs) in the maritime logistics sector

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Abstract

There have been numerous instances where the exporters aren't getting payments on time or not receiving the payments at all. This happens mostly with foreign buyers. Not only exporters but if there are issues with payments then all the involved actors and stakeholders in the entire maritime supply chains are impacted. It is imperative that exporters be especially careful when selecting a method to receive payments as this in itself can be a form of risk mitigation. Considering the vast number of cases involving non-payment against goods already shipped or dispatched, exporters must understand the available legal resources in such situations. Such payment issues lead to exporters filing PILs. This paper aims to identify and evaluate strategies so that issues leading to filing PILs in the maritime logistics sector. As a result, 15 strategies were identified with the help of available literature and consulting domain experts. Thereafter, these strategies were assessed using Fuzzy AHP (Analytical Hierarchy Process) technique of MCDM (Multi-Criteria Decision Making). The strategies are ranked on the basis of their criticality. This study focusses on top 5 ranked strategies and argues in brief on their importance. This study aims to help various actors and stakeholders in the maritime logistics sector to either mitigate or avoid issues in the maritime logistics sector.

Keywords

Public Interest Litigations; Maritime; Logistics; Fuzzy AHP; MCDM

A Review Paper on Public Interest Litigation in India

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Public interest litigation (PIL) plays an imperative role in the civil justice system because it can achieve goals that are difficult to procure through traditional private litigation. PIL, for example, provides underprivileged parts of society with a pathway to justice, provides a channel for enforcing diffused or collective rights, and enables civil society to not only raise awareness about human rights but also participate in government decision-making. PIL could also contribute to enhance governance by holding the government to account. With reference to the Indian experience, this article will demonstrate how PIL can achieve these key objectives. The Indian PIL experience, on the other hand, highlights the significance of ensuring that PIL does not become a front for pursuing commercial interests, settling political scores, or seeking easy attention. In a democracy, the judiciary should not use PIL to rule the country on a daily basis or to intrude into the lawful realm of the executive and legislative. As a nutshell, states must strike a balance between allowing real PIL cases and prohibiting frivolous ones. One option to strike this balance is to include economic (dis)incentives in PIL and to limit it to cases where access to justice is hampered by some form of disability.

Key Words

Public Interest Litigation, Collective Rights, Decision Making, Misuse, Indian Constitution.

