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Q14

Explain the reasons for the growth of public interest litigation in India. As a result of it, has the Indian Supreme Court emerged as the world's most powerful judiciary ?

UPSC Civil Services Mains 2024 · GS II · 15 marks · Executive and Judiciary

Structure, organization and functioning of the Executive and the Judiciary - Ministries and Departments of the Government; pressure groups and formal/informal associations and their role in the Polity.

Core demand of the question

- Explain the reasons for the growth of public interest litigation in India
- Illustrate with standing, epistolary practice and **Article 21** without a case dump
- Answer whether the Indian Supreme Court has emerged as the world's most powerful judiciary
- **Give a yes-but:** appointments and socio-economic orders versus compliance

Revision summary

Public interest litigation grew because the Court stopped insisting that only a personally injured plaintiff could knock.

Hussainara Khatoon read speedy trial into **Article 21** for Bihar undertrials.

S.P. Gupta opened standing; Bandhua Mukti Morcha let a voluntary body sue for bonded labourers.

A letter could be treated as a writ; continuing mandamus kept administrations under watch.

The Court is unusually interventionist on appointments and social rights.

It is not the world's most powerful if power means being always obeyed.

Frivolous PIL should shrink; voiceless litigants have not vanished because GDP rose.

Introduction

Public interest litigation was India's answer to a poor litigant and a rich Constitution. From the late 1970s the Supreme Court loosened who may knock and how. That growth made the Court a household forum for bonded labour, undertrials and air. Whether it is the world's most powerful court is a different sentence - half true about jurisdiction, less true about obedience.

Body

Why PIL grew

Ordinary civil procedure asked the petitioner to show a personal injury; that rule shut out those who could not instruct a lawyer.

- **Peg:** The Court relaxed **locus standi**: a public-spirited person, a journalist or a social worker could move for bonded labourers, undertrials and pavement dwellers.

- **Peg:** **Hussainara Khatoon v. State of Bihar** treated years of undertrial detention as a denial of **Article 21** and read speedy trial into that article.
- **Peg:** **S.P. Gupta v. Union of India** opened standing for public-spirited lawyers; **Bandhua Mukti Morcha** let a voluntary body sue for quarry workers and keep the file under watch.
- **Peg:** After the Emergency the Court needed public legitimacy; newspapers, **Article 39A** legal aid and later rights institutions supplied facts and lawyers.

Method: letter, **Article 21**, continuing mandamus

The invention was procedure, not a new article.

- **Peg:** **Epistolary jurisdiction** let a postcard or a newspaper cutting be registered as a writ when the victim was voiceless; **Article 32** was not to be ornamental.
- **Peg:** After **Maneka Gandhi**, **Article 21** required fair, just and reasonable procedure, which opened undertrials, livelihood, environment and dignity.
- **Peg:** **Vineet Narain** used continuing mandamus so an investigation could not be buried; environment benches have done the same with rivers and air.
- **Peg:** **Olga Tellis**, **Unni Krishnan** and **Vishaka** show socio-economic and dignity claims riding the same expansion - with a later shadow of hobby petitions and publicity benches.

The world's most powerful judiciary?

Power here mixes docket, appointments and obedience.

- **Peg:** After the Judges cases the Court largely **appoints its own colleagues**; in 2015 it struck down the **99th Amendment and the NJAC Act**.
- **Peg:** **Kesavananda Bharati** lets it police constitutional amendments through the basic-structure doctrine - language the US Supreme Court does not use.
- **Peg:** It has no army and no budget of its own; farm-law protests, reservation politics and missed river-cleaning deadlines show that orders can be delayed or politically overrun.
- **Peg:** **A fair sentence: PIL made the Court one of the most interventionist** constitutional courts, and the collegium made it unusually **self-recruiting**. That is real power. In a republic, power still stops where legislatures, budgets and street politics refuse to follow.

Flow diagram

Relaxed locus -> PIL
 Epistolary Art 21 -> PIL
 PIL -> Interventionist court
 Interventionist court -> Collegium NJAC
 Interventionist court -> Compliance gap
 PIL -> Socio-economic orders

Conclusion

PIL grew because standing, **Article 21** and epistolary practice opened the Court to those without retainers. That made a remarkably interventionist judiciary. 'Most powerful in the world' is true only if power means docket and appointments - not if it means always being obeyed.

Facts & figures

Hussainara Khatoon v. State of Bihar

The Court acted on reports that undertrial prisoners had spent longer in jail than the maximum sentence, and treated speedy trial as part of **Article 21**.

S.P. Gupta v. Union of India

Liberalised public-interest standing, even as the Court lost that round on judges' transfers.

Supreme Court Advocates-on-Record Association (NJAC), 2015

Struck down a constitutional amendment on judicial appointments - a power few peers claim.

Vineet Narain v. Union of India

Continuing mandamus over a criminal investigation - PIL as a watch, not a one-shot order.

Bandhua Mukti Morcha v. Union of India

A voluntary organisation could petition for bonded labourers; the Court kept inquiries alive.

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