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PUBLIC INTEREST LITIGATION

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I INTRODUCTION

THE LAST four and a half decades' journey of Public Interest litigation (hereinafter PIL) in India, through its apex court, the Supreme Court of India and across high courts, has been a satisfying one, transforming the way justice is accessed and delivered. Whether it is a question of social justice, bonded labour, environmental degradation, or strengthening the democratic system, public interest litigation has always served as the extended and strategic arm of social justice, helping vulnerable groups, such as bonded labourers, prisoners, women, children, and environmental victims. Through public interest litigation, the courts have been able to examine the actions or inaction of public authorities and direct them to perform their duties lawfully, thereby reducing corruption, administrative negligence, and misuse of power, and thereby strengthening the rule of law. This way, public interest litigation has become an essential instrument of social justice and democratic governance. Truly, it has proved to be the guardian of public interest and the voice of the lowliest and the lost.

The year 2024 has once again demonstrated how the public interest litigation process continues to shape the legal and civic issues in India today. Questions of political donations, prison reforms and human rights, public welfare and drug abuse monitoring, environmental and developmental challenges, and governance and corruption investigations all came before the courts, and both the Supreme Court and high courts worked to expand rights systems and hold the governance process accountable.

II GENDER JUSTICE AND WOMEN'S SAFETY

Rape and Murder of a doctor in Kolkata shook the conscience of the nation and the Supreme Court. *In Re: Alleged Rape and Murder Incident of a Trainee Doctor In R.G. Kar Medical College and Hospital, Kolkata and Related Issues*,¹ the court insisted on the urgent need for formulating institutional safety measures for medical professionals following the murder and alleged rape of a doctor in Kolkata. Three judges' bench, including CJI Dhananjaya Y. Chandrachud, J. J.B. Pardiwala and J. Manoj Mishra, examined the questions as to whether the lack of

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¹ 2024 INSC 613.

institutional safety measures for doctors and medical professionals in hospitals necessitates the intervention of the Supreme Court, and if yes, what measures should the court design. Discussing key legal issues in such cases as delays in filing FIRs, the State's inaction and the Police's unprofessional investigation of crime scenes, and the lack of safe working conditions, the Supreme Court of India issued several mandates and directions.

The Supreme Court established a nine-member National Task Force to develop a national protocol for the safety of doctors and medical professionals nationwide. The task force was required to formulate practical recommendations to address concerns regarding safety, working conditions, and the well-being of medical professionals, as well as other cognate matters. The Supreme Court also ordered the CBI to submit a status report by August 22, 2024 on the progress in the investigation. The State of West Bengal was also directed to file a status report by August 22, 2024 on the progress of the investigation into the acts of vandalism that occurred at the hospital following the incident.

The court highlighted the lack of institutional safety standards in health care establishments. It pointed out that medical professionals posted for night duties are not provided adequate rest areas. Often, doctors rest in the patients' room or in available public spaces. Interns, residents, and senior residents are required to perform 36-hour shifts in conditions where even necessities such as sanitation, nutrition, hygiene, and rest are lacking. There is a lack of uniformity in the national standard protocol. It also addressed the shortage of security personnel in medical care units and the lack of sufficient toilets for medical personnel. Doctors and nurses who must travel to and from the hospital are not provided with transport facilities by the institution. The court also stated that there is an absence of properly functioning CCTV cameras to monitor ingress and egress to the hospital and to control access to sensitive areas.

The Supreme Court noted that women are at particular risk of sexual and non-sexual violence in various settings. Due to ingrained patriarchal attitudes and biases, relatives of patients are more likely to challenge women medical professionals. In addition to this, female medical professionals also face different forms of sexual violence at the workplace by colleagues, seniors and persons in authority. A key mandate of the Supreme Court in the *RG Kar* case was to ensure effective investigation and accountability. The court recognised deficiencies in how the incident was handled and highlighted the need for rigorous probe and monitoring beyond ordinary criminal processes. This included directing periodic status reports from the Central Bureau of Investigation (CBI) and ensuring that the state authorities complied with procedural safeguards in the probe.

The High Court of Madras, in the case of *R. Varalakshmi v. Govt. of Tamil Nadu*, addressed a significant violation of a rape victim's right to privacy as enshrined in article 21 of the Constitution of India.² The court determined that the unauthorised disclosure of the FIR, which included the victim's identity and the

2 2024 MHC 4229.

details of the incident, constituted a breach of her privacy and dignity, resulting in considerable mental trauma for both her and her family. This violation not only encroached upon constitutional privacy rights but also posed a risk of victim shaming and public disgrace. The case highlighted the necessity of a victim-centric, respectful approach to handling complaints, emphasising that the public revelation of sensitive information, such as an unauthorised press conference by the Police Commissioner, was detrimental to the investigation and contravened established protocols. The court noted that such leaks discourage victims from reporting crimes and undermine the integrity of investigations.

Additionally, the ruling identified serious shortcomings on the university's part regarding campus safety. The administration's inadequate security measures, including non-functional CCTV cameras, insufficient security personnel, and unrestricted access, endangered the safety of female students and violated UGC guidelines. The University was instructed to enhance its internal mechanisms and security protocols.

The court mandated the establishment of an All-Women Special Investigation Team to complete the investigation and submit charge sheets without delay. The police were asked to assist in the investigation and ensure interim protection for the victim and her family. The State was instructed to promptly provide interim compensation for police failures and the trauma inflicted, with the option of recovery from the officials responsible. The university was mandated to enable the victim to continue her education without financial strain and offer counselling support. The police were also asked to remove all victim-related information from social and electronic media immediately.

High Court of Rajasthan, in the *suo moto* PIL *In Re: Dignity, Respect and Honour of Girls and Women*, acknowledged the insufficient public sanitation facilities available for women.³ Referring to Article 47 of the Constitution, which outlines the State's responsibility to enhance public health, the court directed that sufficient sanitation facilities be provided to females in public places, workplaces, schools, and along streets. The court anchored its directions in constitutional guarantees, particularly article 21, which underscores the dignity and health as fundamental rights that are significantly compromised by inadequate sanitation. The court noted the statutory responsibilities under the Rajasthan Municipalities Act which require local authorities to ensure proper sanitation.⁴ It recognised India's international obligations regarding health as a human right. It instructed the State and regional bodies to provide clean, hygienic, and accessible public toilets specifically designed for women, taking into account needs related to menstruation and caregiving.

The key directions required municipal corporations to formulate comprehensive plans for the construction and upkeep of women's toilets in public areas, workplaces, and educational institutions. Committees, comprising municipal

3 2024 SCC OnLine Raj 3424.

4 The Rajasthan Municipalities Act, 2009 (Act 18 of 2009).

commissioners and female representatives, are to supervise the identification, construction, and maintenance processes, with an emphasis on quality and user-friendly, environmentally sustainable facilities. Essential requirements include a continuous supply of water and electricity, sanitary disposal bins, female attendants, CCTV for security (while respecting privacy), grievance redressal mechanisms, and regular audits to ensure accountability. The engagement of private enterprises through CSR/PPP models was also encouraged. These initiatives are intended to meet constitutional and public health obligations, address systemic sanitation deficiencies, and uphold the dignity and rights of women.

III DEMOCRATIC ACCOUNTABILITY

Funding general elections has always been a contentious issue in any democratic government. The Supreme Court examined the constitutional validity of the electoral bonds scheme in *Association for Democratic Reforms v. Union of India*.⁵ A constitutional bench of five judges comprising CJI Dhananjay Y. Chandrachud, J. Sanjiv Khanna, J. Bhushan R. Gavai, J. Jamshed B. Pardiwala, J. Manoj Mishra examined two critical questions, one as to whether the non-disclosure of funding to political parties under the Electoral Bond Scheme violates voters' right to information and two Whether unlimited corporate funding to political parties interferes with free and fair elections and equality?

The Supreme Court held that the Electoral Bond Scheme, 2018 and the amendments made by the Finance Act to Section 29C of the RP Act,⁶ Section 182(3) of the Companies Act, 2013⁷ and Section 13A(b) of the IT Act are unconstitutional. The court also held that the deletion of the proviso to Section 182(1) of the Companies Act, 2013⁸ permitting unlimited corporate contributions to political parties even for loss-making companies, is arbitrary and violative of article 14. The judgment of the Court was authored by CJI Dhananjay Y. Chandrachud and J. Sanjiv Khanna, who wrote a concurring but separate opinion. The Supreme Court directed the SBI to submit to the Election Commission of India, by March 6, 2024, details of the Electoral Bonds purchased from 12 April 2019 till date including the date of purchase of each Bond, the name of the purchaser and the denomination of the Bond purchased and details of political parties which have encashed Electoral Bonds since April 12, 2019 to date to the ECI including more information of each Electoral Bond encashed by political parties, the date of encashment and the denomination of the Electoral Bond.

The court directed the Election Commission to publish the information shared by SBI on its official website within one week of receipt (by 13 March 2024). The Supreme Court noted that finance is crucial for electoral politics. Expenditure on political campaigns affects voting behaviour because of the impact of television advertisements, campaign events, and personal canvassing. The court noted that

5 2024 INSC 113.

6 The Representation of the People Act, 1951 (Act 43 of 1951), s. 29C.

7 The Companies Act, 2013 (Act 18 of 2013), s. 182(3).

8 The Income-tax Act, 1961 (Act 43 of 1961), s. 13A(b).

money also creates an entry barrier to politics by limiting the nature of candidates who can contest elections. The Supreme Court further held that the action of voting is a form of expression protected by article 19(1)(a).⁹ The court noted that voters have a right to information that allows them to cast their votes rationally and intelligently, including information about candidates. The court held that this right to information extends to political parties as well, as they are a relevant political unit in the democratic electoral process, and voters associate candidates with the ideologies of their respective parties.

The Supreme Court observed that an economically affluent person has a greater ability to make financial contributions to political parties, and there is a legitimate possibility that such donations could be exchanged for political favours, such as the introduction of a policy change. Information about political funding would enable a voter to assess whether there is a correlation between policymaking and financial contributions. The Supreme Court relied on the proportionality test to determine whether the restriction on voters' fundamental right to information is justified. The court held that a measure restricting a fundamental right must have a 'legitimate goal', it must be a 'suitable means' of reaching that goal, it must be the least restrictive measure, and it must not have 'a disproportionate impact' on the rights holder.

The Supreme Court noted that a stated goal of the Electoral Bonds Scheme was to protect the donor's privacy. The court held that citizens have a right of informational privacy over their political beliefs. Information about a person's political beliefs deduced through their political donations can be used by both public and private actors to suppress dissent, discriminate, or harass individuals based on their political views. The Supreme Court observed that section 29C of the RP Act mandates disclosure of information of contributions beyond Rs. 20,000 in one financial year. The rationale for section 29C (1) is that smaller donations (up to Rs. 20,000) made by individuals cannot influence policy decisions; thus, the donors' right to privacy outweighs the public's right to information. But in the case of larger donations that may influence policy, the public's right to information outweighs the donor's right to privacy.

Applying the proportionality test, the Supreme Court found that the Electoral Bonds Scheme did not balance the fundamental right to information of voters with the informational privacy of donors. The Scheme completely tilted the balance in favour of informational privacy and underserved the informational interests of voters. The Supreme Court also held that political parties in power may have additional access to information regarding donations, and thus, the privacy of donors can be breached. Therefore, the entire objective of the Scheme is contradictory and inconsistent.

J. Khanna, in his separate opinion, held that a company's claim to privacy would be restricted to protecting the privacy of individuals responsible for conducting the company's business. Since the affairs of a company must be open

⁹ The Constitution of India, art. 19(1)(a).

to shareholders and the public who interact with the body corporate, it is tough to claim a violation of privacy by such a body corporate. The Supreme Court applied the proportionality test and noted that there are other alternatives to curb black money that are less restrictive of the voter's right to information, such as the Electoral Trusts provided under section 2(22AA) of the IT Act.¹⁰ In an Electoral Trust, details of both the political parties and the contributors are maintained and provided to the income tax authorities. Still, the identity of the donor, the amount donated, and the political party to which it was donated are not disclosed, thus balancing donors' privacy and voters' right to information. Further, the RP Act mandates disclosure by political parties only of contributions exceeding 20,000 in a financial year. So, for contributions of less than 20,000, anonymity is already protected under the law.

The Supreme Court concluded that, on an overall assessment, contributions below Rs. 20,000 can be made through other electronic transfer methods. For contributions above Rs. 20,000, contributions through the Electoral Trust are a less restrictive means. Hence, the Electoral Bonds Scheme is not the least restrictive means to achieve the purpose of curbing black money in the electoral process. The Supreme Court noted that the proviso of section 182(1) of the Companies Act (before the Finance Act, 2017 amended it) limited the contributions by companies for political purposes to seven and a half percent of their average net profits in the preceding three years. The Finance Act, 2017, removed the proviso and allowed unlimited contributions by companies to political parties, and, by removing the net-profit requirement, also allowed even loss-making shell companies to donate to political parties.

The Supreme Court further noted that the main reason for corporate funding of political parties is to influence the political process, which may in turn improve the company's business performance. Unlimited corporate contributions to political parties undermine free and fair elections by allowing companies to use their resources to influence policymaking. The Supreme Court held that the amendment to section 182 is manifestly arbitrary as it places a profit-making company and a loss-making company at an equal footing and a corporate and an individual on an equal footing without realising that the degree of harm arising from donations is higher in the case of companies and especially loss-making companies. J. Sanjiv Khanna, in his separate opinion, held that the invalidity of amendments to section 182 of the Companies Act, which allowed unlimited donations, was more properly analysed using the proportionality standard than the manifest arbitrariness standard, as the proportionality test ensures reasonableness.

The case of *Jaya Thakur v. Union of India*, examined the matter of applications for stay of selection and appointment of the Election Commissioners.¹¹ The Division bench, comprising J. Sanjiv Khanna and J. Dipankar Datta, held that the grant of stay of selection and appointment of the Election Commissioners

10 The Income-tax Act, 1961 (Act 43 of 1961), s. 2(22AA).

11 2024 INSC 246.

would lead to chaos and a virtual constitutional breakdown. In matters involving the constitutionality of legislation, courts are cautious and show judicial restraint in granting interim orders, unless the provision is *ex facie* unconstitutional or manifestly violates fundamental rights. The statutory provision cannot be stultified by granting an interim order. Stay is not *ipso facto* granted for mere examination, or even when a cogent contention is raised; suspension of legislation pending consideration is an exception, not the rule. The Supreme Court refused to replace section 7(1) of the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service, and Term of Office) Act.¹² It held that two more ECs, in addition to the CEC, bring plurality to article 324, which is necessary and desirable, and denied any interventions due to the onset of the 18th General Elections.

The Supreme Court in *Association for Democratic Reforms v. Election Commission of India*, a Division Bench comprising J. Sanjiv Khanna and J. Dipankar Datta, examined the challenge to the integrity of Electronic Voting Machines (EVMs) and the need of 100% verification of VVPAT.¹³ The Division Bench of J. Khanna and J. Dipankar Datta rejected the Petitioner's demand for a complete return to paper ballots or for 100% counting of VVPAT slips. The court acknowledged the petitioner's concerns regarding the transparency and reliability of EVMs. Still, it emphasised that the current system, which makes the VVPAT slip visible to the voter for 7 seconds before it is deposited in a sealed box, provides an adequate method for verifying votes. The court also issued further directions to improve the electoral process, enhancing voter confidence and the integrity of elections. The Supreme Court highlighted the procedures and safeguards implemented by the Election Commission of India to uphold the integrity of elections.

The court noted that, before polling, the presiding officer must demonstrate to the polling agents that no vote has been recorded on the control unit.¹⁴ On polling day, rigorous procedural checks include a mock poll to verify that pressing a party's button results in a VVPAT slip for that party, and the sealing of EVMs with serialised paper seals, overseen by candidates and security personnel.¹⁵ Further, the EVM will not accept more than four votes in 1 minute, preventing booth capture and repeated pressing of the voting button.¹⁶ The polled EVM units are sealed and stored in strong rooms in the presence of candidates or their representatives, who are also allowed to affix their seals to the strong room's lock. These rooms are guarded by armed security and monitored with CCTV, ensuring the integrity of the stored EVMs.¹⁷ After polling, the presiding officer can press

12 The Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service, and Term of Office) Act, 2023 (Act 11 of 2023), s. 7(1).

13 2024 INSC 341.

14 *Id.*, para 43.

15 *Id.*, paras 34-38.

16 *Id.*, para 33.

17 *Id.*, para 39.

the 'Total' key to determine how many votes were recorded, but cannot ascertain the breakdown of votes in favour of each party. Only on the counting day, in the presence of the candidates or their representatives, is the 'Result' key pressed on the control unit to ascertain which party's button was pressed how many times.¹⁸ EVMs are not connected to the internet. Therefore, it would be impossible to hack or tamper with the EVM's firmware.¹⁹

The Supreme Court highlighted the well-documented weaknesses of the ballot paper system, emphasizing its impracticality in a country with nearly 97 crore voters, numerous candidates, and extensive polling booths.²⁰ J. Khanna noted that EVMs have significant advantages, including preventing booth capturing, eliminating invalid votes, reducing paper usage, and improving administrative efficiency.²¹ J. Datta concurred, stating that the suggestion to revert to the paper ballot system was an attempt to discredit the EVM system and create unnecessary doubts among the electorate. He affirmed that reverting to the old system was not feasible and emphasised the importance of improving the EVMs or developing better systems in the future.²²

Khanna J., emphasised that while voters have a fundamental right to ensure their vote is accurately recorded and counted, this does not mean that the way to secure this right is to require 100% counting of VVPAT slips or to allow voters to access them physically.²³ It was further held that increasing the number of VVPAT slip counts would delay the results, require double the manpower, introduce more human errors and increase the potential for manipulation. Khanna J., noted that data does not support the need for such an increase in verification.²⁴ Datta J., pointed out that existing measures, such as tallying VVPAT slips in five EVMs per assembly constituency, as established in *N. Chandrababu Naidu v. Union of India*,²⁵ have ensured transparency and reliability without any mismatches.²⁶

Finally, J. Khanna issued two directives to bolster the credibility of the electoral process further: Firstly, the symbol-loading units of VVPATs must be securely sealed and stored with EVMs in strong rooms for 45 days after elections, with the seals signed by candidates or their representatives. Secondly, candidates ranked second or third behind the highest polling candidate can request engineers to verify the burnt memory of EVMs within seven days of result declaration, covering 5% of EVMs per constituency. The costs will be borne by the candidates and refunded if the EVM is found to have been tampered with.²⁷

18 *Id.*, para 41.

19 *Id.*, para 42.

20 *Id.*, para 72.

21 *Ibid.*

22 *Id.*, para 4.

23 *Id.*, para 69.

24 *Id.*, para 70.

25 2024 INSC 341.

26 *Supra* note 5 at para 11.

27 *Id.*, para 76.

In a fascinating case in which Hindenburg Research made serious allegations against the Adani Group, the Supreme Court in *Vishal Tiwari v. Union of India* examined a plea challenging SEBI's investigation into the Adani Group and seeking the constitution of a Special Investigation Team (SIT).²⁸ The Supreme Court held that the courts' power to interfere with SEBI's regulatory functions is limited. The court did not find any valid grounds to cancel the amendments made to SEBI Regulations. The court held that there was no apparent failure in SEBI's regulatory oversight and, accordingly, no need to transfer the investigation to an SIT. The court directed the Union Government and SEBI to consider the expert committee's suggestions to strengthen the regulatory framework. The Supreme Court observed that it cannot act as an appellate authority to assess the correctness of policies formulated by statutory regulators such as SEBI.²⁹ Judicial review is limited to determining whether a policy violates fundamental rights, constitutional provisions, statutory laws, or is manifestly arbitrary. The court further held that in technical areas, particularly economic and financial matters, courts should defer to the expertise of regulators who have considered expert opinions in formulating their policies.³⁰

The Supreme Court upheld SEBI's regulations, stating that the agency had adequately explained the evolution and rationale of its regulatory framework, and that the procedures followed were neither illegal nor arbitrary.³¹ The Supreme Court found no evidence of regulatory failure by SEBI in its investigation into the Adani Group.³² The court observed that its authority under article 32 and article 142 of the Constitution to transfer investigations should be used sparingly and only in extraordinary circumstances. The court cannot intervene unless the investigating authority shows clear, willful, and deliberate inaction in conducting the investigation.³³

The High Court of Calcutta, in the case of *Baishakhi Bhattacharya (Chatterjee) v. State of West Bengal*, declared the 2016 selection process for non-teaching staff conducted by the West Bengal Central School Service Commission invalid.³⁴ This decision was made under the West Bengal School Service Commission Act³⁵ and the associated Rules.³⁶ The court exercised its jurisdiction under article 226, following a prior order from the chief justice limiting appeals to this recruitment.

Initially, writ petitions were filed by unsuccessful candidates who contested the selection process, alleging extensive fraud, including tampering with answer

28 2024 INSC 3.

29 *Id.*, para 15-17.

30 *Id.*, para 17.

31 *Id.*, para 28.

32 *Id.*, para 36.

33 *Id.*, para 32.

34 2025 INSC 437.

35 The West Bengal School Service Commission Act, 1997 (West Bengal Act 5 of 1997).

36 The West Bengal School Service Commission Rules, 2009, rr. 10, 12 & 13.

sheets and the appointment of unqualified individuals after the selection panel's authority had expired, thereby breaching the fundamental fairness guaranteed under articles 14 and 16. The discovery of such fraudulent activities transformed these petitions into PILs, enabling the court to address issues beyond individual complaints and protect broader public interests. The court accepted digital evidence obtained through a CBI investigation, including certificates summarising data from hard drives, with all parties acknowledging their authenticity.³⁷ This evidence indicated that appointments were made beyond the validity of the selection panel and involved manipulation.

On substantive grounds, the court found that the entire selection process was tainted by irregularities, including the selection of candidates who submitted blank OMR sheets, thereby nullifying the appointments. It ordered the cancellation of these appointments, the return of any undue remuneration by those improperly appointed and required the public disclosure of electronic records on the SSC website to ensure transparency.

High Court of Jammu and Kashmir in *Welfare Committee, Naugran, Prithipur, Sehora, and Kotli Mian Fateh v. Union of India*, entertained a PIL seeking directions to the respondents to construct service lanes in the shape of crossing lanes beneath the Ring Road at certain villages, as villagers of said area were suffering and were not in a position to reach their respective houses.³⁸ The court issued directions to the NHAI authorities to take steps to construct either an overhead bridge or an underpass at the ring road between the villages.

High Court of Bombay in *Hindu Janjagruti Samiti Registered Charitable Trust, Aurangabad v. State of Maharashtra*, deciding a PIL relating to fraud and misrepresentation in management of temple funds in respect of offerings received by deity from 1991 to 2009 held that since it was matter of misappropriation and criminal breach of trust resorting to forgery, it being a cognizable offence punishable under relevant sections of Indian Penal Code, 1860 (IPC),³⁹ criminal law must be set in motion and there has to be a threadbare investigation into allegations.⁴⁰ Directions were issued that two enquiry reports shall be registered as FIR.s and investigated by an officer of the rank of superintendent.

IV ENVIRONMENTAL AND ECOLOGICAL JUSTICE

Genetically modified crops are a need of the hour, but their approval and use have been contentious. The Supreme Court in *Gene Campaign v. Union of India* examined the challenge against the approval of hybrid transgenic mustard DMH-11 for environmental release.⁴¹ In the instant case, J. B. V. Nagarathna and J. Sanjay Karol, in their split verdict, referred the matter for fresh consideration by a larger bench. The instant case concerned the examination of the approval for DMH-11, a

37 The Indian Evidence Act, 1872 (Act 1 of 1872), s. 65B.

38 WP(C)PIL No. 10 of 2023, 2024 J&K 332.

39 The Indian Penal Code, 1860 (Act 45 of 1860).

40 CRPIL No. 05 of 2022.

41 2024 INSC 545.

GM mustard crop. J. B.V. Nagarathna opined that the approval was not in accordance with the law, as it violated the precautionary principle, while J. Sanjay Karol held that it was in accordance with the law, as the non-application of the mind did not vitiate it.

The division bench unanimously affirmed that GEAC's decisions on GMOs are open to judicial review. It mandated that the Central Government need to develop a national policy for GM crops, involving all relevant stakeholders and ensuring broad publicity. It was emphasized that the Ministry of Environment and Forest must finalize this policy within a period of four months, with inputs from state governments and. Supreme Court referring to Public Trust Doctrine, observed that the doctrine enjoins upon the Government to protect the natural resources as well as the environment for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes.⁴² J. Nagarathna referred to *M.C. Mehta v. Kamal Nath*, wherein it was observed that there is no reason why the public trust doctrine should not be expanded to include all ecosystems operating in our natural resources.⁴³ The State, being a trustee of all natural resources and the public at large, is the beneficiary of the same, and is under a legal duty to protect the natural resources. Furthermore, noting that while granting permission for the environmental release of transgenic mustard hybrid DMH-11, the condition imposed was that usage of any formulation or herbicide would not be permitted for cultivation in the farmer's field, and any such use in the farmer's field without due approval would attract appropriate legal action under the relevant laws.

Discussing the *precautionary principle*, J. Nagarathna said that the petitioners' apprehensions that HT crops would have a highly adverse impact over time on sustainable agriculture, rural livelihoods, and the environment are not unfounded.⁴⁴ It can be inferred that there is a potential loss of species of the indigenous mustard crop, as India is the centre of origin and diversity, a fact that cannot be doubted. It was held that GEAC failed to take into consideration the precautionary principles while approving the environmental release of the transgenic mustard DMH-11 hybrid.

In a watershed judgment, the Supreme Court recognized the impact of climate change and the need to protect biodiversity. In *M.K. Ranjitsinh v. Union of India*, the Supreme Court sought to balance safeguarding biodiversity by preserving the Great Indian Bustard with mitigating the impacts of climate change, interpreting Indian constitutional provisions and other legal frameworks, as well as international commitments.⁴⁵ A bench comprising CJI Dhananjay Y. Chandrachud, J. Jamshed B. Pardiwala and J. Manoj Mishra, examined three questions, one, what steps should be taken to protect the Great Indian Bustard, two, whether the order of the Supreme

42 *Id.*, para 41.10 – 42.18.

43 AIR OnLine 1996 SC 711.

44 *Supra* note 29, para 43.

45 2024 SCC OnLine SC 570.

Court restricting overhead transmission lines over 99,000 sq km needs reconsideration and three, whether a committee of experts is required for monitoring and preparing data to ensure protection for the declining Great Indian Bustard population?

The three-judge bench of the Supreme Court, while emphasising the critical importance of proactively protecting Great Indian Bustards, overturned the earlier interim order dated 19 April 2021, stating that the Great Indian Bustard is seriously endangered as a species and needs to be protected. However, there is no basis to impose a general prohibition regarding the installation of transmission lines for the distribution of solar power in an area of about 99,000 square kilometres. Additionally, it was held that this move would not serve the cause of conserving the Great Indian Bustards and that there are many technical hurdles to undergrounding these lines. Balancing two equally crucial goals, the conservation of the Great Indian Bustards on the one hand and the conservation of the environment on the other, it is necessary to adopt a holistic approach that does not sacrifice either of the two goals at the altar of the other. The delicate balance between the two aims must not be disturbed; instead, all actors, including the state and the courts, must ensure that both goals are met without compromising either.

Despite governmental policies, rules, and regulations that recognise the adverse effects of climate change and seek to combat it, there is no single, umbrella legislation in India that addresses climate change and the attendant concerns. However, this does not mean that the people of India do not have a right against the adverse effects of climate change. Importance of the environment, as indicated by article 48A and article 51A(g) of the Constitution of India, becomes a right within the broad parameters of Part III of the Constitution.⁴⁶ Article 21 recognises the right to life and personal liberty, while article 14 provides that all persons shall have equality before the law and the equal protection of the law. These articles are essential sources of rights to a clean environment and to protection against the adverse effects of climate change. Both are two sides of the same coin. As the havoc caused by climate change increases year by year, it becomes necessary to articulate this as a distinct right under article 14 and 21 of the Constitution. Further, the right to health (a part of the right to life under article 21) is impacted by factors such as air pollution, shifts in vector-borne diseases, rising temperatures, droughts, food shortages due to crop failure, storms, and flooding. If climate change and environmental degradation lead to acute food and water shortages in a particular area, poorer communities will suffer more than richer ones. The right to equality would undoubtedly be impacted in each of these instances. There is a right to be free from the adverse effects of climate change. While giving effect to this right, courts must be alive to other rights of affected communities, such as the right to be free from displacement and allied rights. It is imperative for states like India to uphold their obligations under international law, including their responsibilities to

46 The Constitution of India, arts. 48A and 51A(g).

mitigate greenhouse gas emissions, adapt to climate impacts, and protect the fundamental rights of all individuals to live in a healthy and sustainable environment.

The court acknowledged that, to combat climate change at the global level, India has made international commitments, grounded in the Kyoto Protocol,⁴⁷ the Paris Agreement, and related instruments, to reduce greenhouse gas emissions and promote renewable energy. One of these commitments is to achieve approximately 50 per cent cumulative installed electric power capacity from non-fossil fuel-based energy sources by 2030. The promotion of renewable energy shall also play a crucial role in advancing social equity by expanding access to clean, affordable energy. In its discussion of climate change, the court reiterated the importance of promoting solar energy as a crucial step in the global transition to cleaner fuels. The Court also discussed various international cases on greenhouse gas emissions, apprehensions about rising sea levels, the intersection of climate change and human rights, and related issues. For the first time, the court recognised the right to be free from the adverse effects of climate change within domestic environmental jurisprudence.

In *Re T.N. Godavarman Thirumpulad v. Union of India.*, the Supreme Court has addressed the criteria for identifying private ‘forest’ land in the State of Goa.⁴⁸ Supreme Court rejected the requirements for private forest as suggested by appellant and held the application of criteria cannot be universally standardized across the country, as it is contingent upon the specific geographical conditions prevalent in each State, and as a result, the criteria may vary from one State to another, thus, the task of identifying forest areas expressly delegated to expert committees to be constituted by state governments, thereby recognizing that there can be no uniform criteria for such identification across the country.⁴⁹ The Supreme Court made a distinction between ‘forest cover’ and ‘recorded forest area’. ‘Forest Cover’ encompasses all lands exceeding 1 (one) hectare in size with a tree canopy exceeding 10%, regardless of land use, ownership, and legal status. This category may encompass various features like orchards, bamboo groves, palm plantations, *etc.*, and is evaluated through remote sensing techniques – Term ‘Recorded Forest Area’ or ‘Forest Area’ refers to all geographic areas officially designated as ‘Forests’ in government records – Recorded forest areas primarily include Reserved Forests and Protected Forests which are notified under the provisions of the Forest Act, 1927, or equivalent State Acts. Recorded forest area may also cover regions recorded as forests in revenue records or established as such under any State Act or local laws.

The Supreme Court’s ruling in *T.N. Godavarman Thirumpulad* revolves around the court’s recognition that the Central Empowered Committee (CEC),

47 Kyoto Protocol to the United Nations Framework Convention on Climate Change, adopted Dec. 11, 1997, entered into force Feb. 16, 2005.

Paris Agreement under the United Nations Framework Convention on Climate Change, adopted 12 Dec 12, 2015, entered into force Nov. 4, 2016.

48 2025 INSC 1325.

49 *Id.*, para 63, 67-69.

which was set up back in 2002, could no longer function effectively under its previous ad hoc arrangement. The Court supported the 2023 Notification issued under section 3(3) of the Environment (Protection) Act, which officially established the CEC as a permanent body.⁵⁰ This change aims to fix the structural issues that have hindered accountability, continuity, and efficiency in overseeing environmental matters. Additionally, the court made it clear that any decisions made by the central and state governments regarding the CEC's recommendations are still under the Supreme Court's watchful eye. This maintains a crucial balance between administrative power and judicial oversight, ensuring that the executive branch doesn't compromise environmental protections. The bench also went beyond the CEC's structure to discuss a broader concept of the 'environmental rule of law.' The court highlighted that effective environmental governance should be transparent, accountable, and involve public participation. It highlighted the ongoing gap between legal standards and their actual enforcement, linking failures in governance directly to violations of the fundamental right to life under article 21. Moreover, the court stressed that constitutional courts play a vital role in ensuring that environmental regulatory bodies comply with the rule of law and operate effectively.

In *Re: Gaurav Kumar Bansal*, the Supreme Court examined the legality of tiger safaris under the Wildlife (Protection) Act.⁵¹ A three-judge bench of J. B.R. Gavai, J. Prashant Kumar Mishra, and J. Sandeep Mehta clarified that 'zoos' as defined in section 2(39) are focused on ex-situ conservation for captive animals, thereby excluding core tiger habitats unless there is approval from the National Board of Wildlife. According to the NTCA's 2012 and 2016 Guidelines, tiger safaris are intended for buffer or fringe areas to rehabilitate injured, conflict-affected, or orphaned tigers that are not suitable for release into the wild. The Court upheld the 2012 and 2016 Guidelines but invalidated the 2019 Guidelines that allowed the use of zoo-sourced animals, considering it contrary to the principles of tiger conservation. Safaris are prohibited in core or critical habitats without prior approval, but they are permitted in buffer or peripheral zones strictly for the purposes outlined in clause 9 of the 2016 Guidelines.

The judgment represents a shift from an anthropocentric to an ecocentric perspective, recognising humans as part of nature and acknowledging the inherent value of non-human entities, in line with the National Wildlife Action Plan 2002-2012. It reinforces the principles of sustainable development, the public trust doctrine in ecological issues, and environmental restitution as stipulated in Article 8(f) of the Convention on Biological Diversity, requiring state-led restoration of damaged forests, assessment of damages, and recovery from responsible parties.⁵²

The court directed the appointment of a committee comprising NTCA, WII, CEC, and MoEF and CC to evaluate the damage in Corbett, estimate restoration

50 The Environment (Protection) Act, 1986 (Act 29 of 1986), s. 3(3).

51 2024 INSC 438; The Wildlife (Protection) Act, 1972 (Act 53 of 1972).

52 Convention on Biological Diversity, adopted 5 June 1992, entered into force Dec. 29 1993, art. 8(f).

costs, assess the feasibility of safaris in buffer zones only (excluding core areas), and develop ecotourism guidelines, including noise control and displays of rescued tigers. A CBI investigation and disciplinary measures are to be implemented within six months to ensure accountability. This framework aims to balance conservation efforts with regulated tourism, prioritising the restoration of ecosystems over exploitation.

The High Court of Karnataka, in *Geetha Misra v. State of Karnataka*, decided a PIL concerning deforestation that caused massive landslides in the Madikeri area, Coorg.⁵³ Deforestation causing massive landslides was pleaded, but there was no substance in the grievance raised by the petitioner relating to the circular, which permitted felling of trees for reasonable and chosen purposes. The court dismissed the PIL, finding that the petitioner was not a resident of the affected area.

High Court of Uttarakhand in *Aali-Bedini-Bagzi Bugyal Sanrakshan Samiti v. State of Uttarakhand*, a PIL seeking direction to permit all devotees, regardless of restrictions, to participate in the Butter Festival instead of 200 devotees only.⁵⁴ The court held that it is the duty of every citizen of India to protect and improve the natural environment, including forests, lakes, rivers and wildlife and to have compassion for living creatures. No compromise can be made in protecting and enhancing the natural environment, particularly when there are many cases of soil erosion due to natural calamities or otherwise. The court refused to increase the limit of 200 people.

High Court of Meghalaya in *Kaustav Paul v. State of Meghalaya*, entertained a PIL seeking an order to prevent felling of 103 trees while building National Highway and issued directions to National Highways and Infrastructure Development Corporation Limited (NHIDCL).⁵⁵

The High Court of Tripura in *Paramita Sen v. State of Tripura* entertained a PIL regarding the illegal transportation of cattle in an inhumane manner and their irregular release and issued directions to the Police to comply with the Prevention of Cruelty to Animals Act, 1960, and the Rules made thereunder.⁵⁶

The High Court of Uttarakhand in *Joga Singh Mehta v. State of Uttarakhand* entertained a PIL on Road widening and the degradation of forest, especially oak forests. The court held that species of Oak (Banj trees) were very significant to the quality and quantity of springing water, and oak forests were the basis of the age-old subsistence of agriculture in the Himalayan mountains.⁵⁷ Therefore, when constructing a road, the authority should ensure that no unnecessary trees are felled.

53 Writ Petition No. 6586 of 2021 (GM-POLICE-PIL).

54 WPPIL No. 123 of 2014, (2018) 08 UK CK 0098.

55 Public Interest Litigation No. 13 of 2022, (2023) 05 MEG CK 0088.

56 2024 SCC OnLine Tri 878.

57 Writ Petition (PIL) No. 12 of 2023, (2024) 04 UK CK 0125.

The High Court of Rajasthan, in *In Re: Save Planet Earth and the Future Generations of Universe v. Union of India*. Entertained a *suo motu* PIL on the Importance of protecting Earth and future generations from the effects of the climate crisis.⁵⁸ The court emphasised the urgent need to protect planet Earth and future generations due to the escalating climate crisis. The court noted that, despite drafting such action plans, the welfare state did not take practical steps to benefit the public at large or to protect them from such an extreme heatwave. The court issued various directions to ensure the effective implementation of heat action plans, the provision of essential services during extreme weather, the dissemination of alerts, and compensation for victims.

V SOCIAL JUSTICE AND MARGINALISED COMMUNITIES

In *Sukanya Shantha v. Union of India*, a bench comprising Chief Justice Dhananjaya Y. Chandrachud, J. Jamshed B. Pardiwala, and J. Manoj Mishra examined a question whether provisions in the Prison Manuals of various States, which distinguish between inmates based on caste, are unconstitutional.⁵⁹ The Supreme Court held that the challenged Prison Manual provisions were unconstitutional and violated articles 14, 15, 17, 21 and 23. The court ordered the States to revise their prison manuals within three months. It also asked for a status report on the subject from the states.

The Supreme Court held that the government could differentiate between citizens based on caste only to create protective policies for marginalised castes and not to further discrimination.⁶⁰ The court held that the caste classification set out in the Prison Manuals lacked a rational nexus to the classification's object, namely the orderly running of prisons and the reform of inmates.⁶¹ The Supreme Court held that the Prison Manual rules reinforce the occupational immobility of prisoners of certain castes, which contributes to institutional discrimination, depriving inmates of an equal opportunity to reform.⁶² The court held that provisions which differentiate between citizens based on 'habit', 'custom', 'superior mode of living', and 'natural tendency to escape' are unconstitutionally vague and indeterminate.⁶³

The Supreme Court held that by assigning cleaning and sweeping work to marginalised castes, while allowing the 'high' castes to do cooking, the Manuals directly discriminate based on caste and thus violate article 15(1) of the Constitution.⁶⁴ The Supreme Court also held that the Manuals indirectly discriminate against marginalised castes by using broad phrases such as 'menial' jobs to be performed by castes 'accustomed to perform such duties.' While such phrases

58 *Suo Moto* Public Interest Litigation, order dated May 30, 2024.

59 2024 INSC 753.

60 *Id.*, para 164.

61 *Id.*, para 165.

62 *Id.*, para 185-186.

63 *Id.*, para 168.

64 *Id.*, para 171.

may appear to be neutral, they refer to marginalised communities. These provisions disproportionately harm marginalised castes and perpetuate caste-based labour divisions (para 172). The Supreme Court held that only such a classification that proceeds from an objective inquiry of factors such as work aptitude, accommodation needs, and special medical and psychological needs of the prisoner would pass a test of reasonable classification.⁶⁵

The Supreme Court held that the Prison Manual rule, which prevented members of de-notified tribes from being overseers, reinforces a stereotype that excludes them from meaningful participation in social life.⁶⁶ These stereotypes not only criminalise entire communities but also reinforce caste-based prejudices. They resemble a form of untouchability, assigning certain negative traits to specific groups based on identity, thereby perpetuating their marginalisation and exclusion.⁶⁷ The court ruled that discrimination against de-notified tribes is prohibited under article 15(1), as it constitutes caste discrimination.⁶⁸

The Supreme Court held that some of the provisions of the Prison Manuals, which assigned ‘degrading or menial’ work to certain castes, were unconstitutional. The court ruled that the notion that an occupation is ‘degrading or menial’ is part of the caste system and untouchability.⁶⁹ The provision that food shall be cooked by a ‘suitable caste’ reflects notions of untouchability. The court held that the division of work based on caste is a practice of untouchability prohibited under article 17 of the Constitution.⁷⁰

The Supreme Court further held that a provision prohibiting all forms of caste discrimination in prisons should be inserted in the Model Prisons and Correctional Services Act⁷¹ (‘Model Act 2023’).⁷² The Supreme Court also ruled that the definition of ‘Habitual Offender’ under section 2(12) of the Model Act 2023 is vague and overbroad.⁷³ The Court also held that the classification of ‘habitual offender’ in the Prison Manuals has been used to target members of de-notified tribes, and this cannot be allowed.⁷⁴ However, since habitual offender laws were not challenged in this case, the court urged the state governments to reconsider their use. In the meantime, the court held that the definition of ‘habitual offender’ in the prison manuals/rules shall be interpreted in accordance with the definition provided in the habitual offender legislation enacted by the respective state legislature, subject to any future constitutional challenge to such legislation. The court held that if there is no habitual offender legislation in the State, the references

65 *Id.*, para 169.

66 *Id.*, para 174-175.

67 *Id.*, para 183.

68 *Id.*, para 175.

69 *Id.*, para 179.

70 *Id.*, para 180.

71 The Model Prisons and Correctional Services Act, 2023.

72 *Id.*, para 210.

73 *Id.*, para 211.

74 *Id.*, para 218.

to habitual offenders directly or indirectly in prison manuals, as discussed in this judgment, would be struck down as unconstitutional.⁷⁵

The Supreme Court held that the 'caste' column and any references to caste in undertrial and/or convicts' prisoners' registers inside the prisons shall be deleted. The court directed all States and Union Territories to revise their Prison Manuals/Rules in accordance with this judgment within three months. The court also directed the Union government to make necessary changes, as highlighted in this judgment, to address caste-based discrimination in the Model Prison Manual 2016 and the Model Act 2023 within three months.

In *Gaurav Kumar v. Union of India*, the bench of CJI Dhananjaya Y. Chandrachud and J. Jamshed B. Pardiwala addressed a PIL as to whether State Bar Councils can charge a higher enrollment fee than set out in the Advocates Act.⁷⁶ The Division Bench (two judges) held that SBCs cannot charge enrolment fees beyond the fees set out in section 24(1)(f) of the Advocates Act, and charging of such exorbitant fees is violative of the right to equality under Article 14 and right to practise any profession under Article 19(1)(g) of the Constitution. The Court gave the judgment with prospective effect. The Supreme Court observed that the burden of payment of enrolment fees and other miscellaneous fees imposed by the SBCs falls equally on all persons seeking enrolment. However, it unequally impacts individuals with limited economic resources. Thus, the high fees perpetuate structural discrimination against persons from marginalised and economically weaker sections of society.⁷⁷ Therefore, levying high fees and additional payment requirements violates individuals' right to equality.⁷⁸ The Supreme Court also observed that the purpose of the Advocates Act is to create an inclusive Bar. The BCI and SBCs are responsible for ensuring greater representation of persons from marginalised communities in the legal profession.⁷⁹

The Supreme Court held that admission to the roll of advocates is a prerequisite to practise law in India.⁸⁰ The Advocates Act provides comprehensive legislation for the collection of fees paid by advocates for their enrolment in the state rolls to practise law in their respective states.⁸¹ Therefore, the SBCs and BCI cannot demand payment of any miscellaneous fees other than the stipulated enrolment fees set out in section 24(1)(f) of the Advocates Act as a precondition to enrolment. The Supreme Court held that the right to practise law is not only a statutory right but also a fundamental right under Article 19(1)(g) of the Constitution of India.⁸² Any restriction on fundamental rights beyond a reasonable restriction under article 19(6) of the Constitution of India is unconstitutional.⁸³

75 *Id.*, para 219.

76 2024 INSC 558.

77 *Id.*, para 84.

78 *Id.*, para 90.

79 *Id.*, para 90.

80 *Id.*, para 79.

81 *Id.*, para 78.

82 *Id.*, para 95.

83 *Ibid.*

In the present case, the Court observed that, first, the authority's power to impose restrictions on profession, trade, and occupation under article 19(2) of the Constitution is not absolute and must be exercised reasonably.⁸⁴ Secondly, any fees or licences levied by the authorities must be lawful. Thirdly, delegated legislation which is contrary to or beyond the scope of the legislative policy laid down by the parent legislation places an unreasonable restriction in violation of Article 19(1)(g) of the Constitution.⁸⁵

In the case of *Society for Enlightenment and Voluntary Action v. Union of India*, the bench comprising Chief J. D.Y. Chandrachud, J. J.B. Pardiwala, and J. Manoj Mishra issued Guidelines to prevent Child Marriages on a PIL filed by an NGO.⁸⁶ The Supreme Court held that child marriage infringes upon articles 21 and 21A, thereby compromising the autonomy, health, education, and dignity of children. The PIL emphasises critical principles, including the acknowledgement of systemic enforcement shortcomings under the Prohibition of Child Marriage Act (PCMA) 2006, such as underreporting, the burden on Child Marriage Prohibition Officers (CMPOs), and low conviction rates. It also reaffirms the state's responsibilities to promote awareness, provide support to victims, and ensure judicial sensitivity.

The directions stipulate the exclusive appointment of CMPOs in each district, along with the provision of necessary resources and training; the integration of Special Juvenile Police Units (SJPUs); the initiation of *suo motu* actions by magistrates against mass gatherings; the establishment of Fast-Track Courts; the implementation of 'Child Marriage Free Village' initiatives through Panchayats; the inclusion of sexuality and prevention education in school curricula; and the training of health workers, police officers, judges, and educators. These measures are designed to enhance community engagement and establish effective redressal mechanisms. The court observed that marriages fixed in the minority of a child have the effect of violating their rights to free choice, autonomy, agency and childhood, as noted by the court.

The Supreme Court decided a PIL *In Re: Inhuman Conditions in 1382 Prisons*, relating to Status reports filed by various States/UTs, furnishing information on the action proposed to be taken within a fixed timeline, as regards multiple facilities lacking in jails, and the recommendations made by the Committee(s) constituted by the Supreme Court.⁸⁷ The Bench, comprising Hima Kohli, J. and Ahsanuddin Amanullah, J., addressed a PIL related to Prison Reforms. Various guidelines were issued in the Model Prison Manual 2016 related to Overcrowding in jails, capacity enhancement, welfare of women prisoners and children in prisons, Amicus Curiae, inmate-capacity enhancement/augmentation, and creation of posts of wardens/cooks/doctors/various jail staff, *etc.* Status reports

84 *Id.*, para 101.

85 *Ibid.*

86 2024 INSC 790.

87 2024 INSC 461.

filed by the States of Bihar, Punjab, Chhattisgarh, Rajasthan, Jharkhand, Odisha and Kerala in terms of directions issued vide order dated 23.04.2024 was considered.

Supreme Court in *People's Rights and Social Research Centre (Prasar) v. Union of India*. Decided a PIL about the issue of Silicosis among workers in various industries across the country.⁸⁸ The Bench, Comprising J. Vikram Nath and J. Prasanna Bhalachandra Varale, addressed the PIL under Articles 32, 21, 39(e), 42, 48A and 43 of the Constitution and delivered on the issue of 'silicosis' among workers in various industries such as mining, construction, stone cutting, and sandblasting, where workers are exposed to high levels of silica dust, causing incurable occupational lung disease. Petitioner's case that 'silicosis' rampant throughout India due to inadequate detection, monitoring, and remedial measures, thus, urgent need for systemic reforms to protect the health and rights of workers across the country; and that the State's failure to protect workers from hazardous conditions and provide adequate medical care, compensation, and rehabilitation, a direct infringement of the constitutional mandates.

As regards the environmental aspect, to ensure that industries meet minimum standards to prevent silicosis among their workers, and in the event of non-compliance, these industries will face closure. The NGT, CPCB, and NHRC issued several directions to oversee the impact of silicosis-prone industries and factories across India and to ensure that affected workers or their next of kin receive adequate compensation as swiftly as possible.

High Court of Madras in *S. Muralidharan v. Madras High Court Chennai*, dismissed a PIL seeking the constitution of a special bench for faster disposal of cases against public-spirited individuals, journalists and YouTubers.⁸⁹ The court held that no person has a right to invoke jurisdiction under article 226 seeking a direction to constitute a special bench. Petitioner had also not placed a shred of material indicating the number of cases pending as of the date, and how many years they had been pending. The alleged victims pointed out in the instant petitioner were cognizant of their rights and were already pursuing them.

High Court of Bombay in *Harish Shetty v. State of Maharashtra*, decided a PIL related to shortcomings in the implementation of the legal framework for mental health care and protection of the rights of individuals with mental health problems.⁹⁰ PIL related to Mental Healthcare Act and Mental Healthcare (State Mental Health Authority) Rules.⁹¹ The High Court, while disposing of the PIL, emphasised the urgent need to address the situation of patients who, despite being declared fit for discharge from mental health institutions, remain confined due to familial rejection. The court's directions emphasise the importance of gathering credible data on such cases, placing responsibility on the deans of government hospitals and directors of private hospitals to furnish relevant information to the State Mental

88 2024 INSC 582.

89 W.P. No. 2106 of 2013, 2025 MHC 2421 .

90 Public Interest Litigation No. 43 of 2022, 2022 SCC OnLine Bom 6622.

91 The Mental Healthcare Act, 2017 (Act 10 of 2017), ss. 18(3), 27, 46, 49, 62-64 & 73; The Mental Healthcare (State Mental Health Authority) Rules, 2018.

Health Authority. The state government was instructed to provide details on the functioning of the Mental Health Review Board and the status of pending matters. The State Mental Health Authority was required to prepare a comprehensive plan for the rehabilitation of persons cured of mental illness. The direction outlines a comprehensive framework for the rehabilitation of individuals cured of mental illness, emphasising flexibility to cater to individual needs. It mandates that the State Mental Health Authority prepare a detailed rehabilitation plan that defines the roles and responsibilities of the involved agencies.

High Court of Uttarakhand in *Shruti Joshi v. State of Uttarakhand*, heard a PIL related to a child's custody in Matrimonial Disputes.⁹² The court observed that, in the past, while dealing with parental disputes, a child's emotional needs and proper emotional growth were never examined. By the time litigation reaches the high court, children have already faced agony for at least 5 to 9 years. Direction was necessary to ensure that the child's custody would be shared by both parents and grandparents, so that the child's emotional growth would not be affected. Individuals who must get married, and their parents, should be made aware that when children marry and have a child, they must follow the guidelines for shared parenting set out by the Shah Commission in its report. The court directed that the proposed amendments to the Hindu Minority and Guardianship Act, 1956 should be mandatorily followed in matrimonial disputes, custody cases before family courts, and during mediation.⁹³

In *Social Jurist, A Civil Rights Group v. Government of NCT of Delhi*, the High Court of Delhi, in a PIL, addressed the plight of students enrolled in MCD schools.⁹⁴ A PIL was filed regarding Article 21A and section 39 of the Delhi Municipal Corporation Act (66 of 1957), raising a grievance that many students studying in schools run by GNCTD and MCD were being deprived of statutory benefits such as uniforms, writing materials, textbooks, stationery items, school bags, and scholarships. Inability was pleaded due to non-constitution of the Standing Committee. The court observed that GNCTD's response was in wilful non-compliance with the high court's order directing the delegation of the requisite financial power to the Commissioner, MCD. The GNCTD's inability to act with alacrity and respond to the urgency of the issue at hand demonstrates its indifference towards the plight of students enrolled in MCD schools. It constitutes a willful violation of their fundamental rights. Commissioner, MCD was directed to incur the expenditure required to fulfill said obligations forthwith, without being constrained by the expenditure limit of Rs. five crores. However, expenditure incurred by the Commissioner, MCD, shall be subject to a statutory audit.⁹⁵

The High Court of Gauhati, in *Manjit Gogoi v. State of Assam*, heard a PIL related to the substandard supply of medicines.⁹⁶ The court directed the State to

92 WPPIL No. 37 of 2024.

93 *Id.*, para 5-8.

94 W.P.(C) 1350/2015, (2025) 6 SCC 213.

95 *Id.*, para 14, 25, 27, 37, 39.

96 Criminal Appeal No. 604 of 2013.

strictly follow all protocols and prescribed procedures when procuring drugs and medication from suppliers to reduce the risk of supplying substandard drugs and medicines to the government. Hospitals and medical facility centres across the State will take stern action against suppliers upon detection of the supply of substandard drugs/medicines.

High Court of Madhya Pradesh in *Pramod Kumar v. Govt. of India.*, decided a batch of PILs and issued comprehensive guidelines including school buses will be painted in yellow, will have grills on windows, will have first aid kits and that none of these buses will be more than 12 years, bar of challenged driver even once has to be followed for safety and protection of children traveling in school buses until the state government amends the Madhya Pradesh Motor Vehicles Rules, 1994.⁹⁷

High Court of Bombay in *Gorai Villagers Welfare Association v. Hydraulic Engineer*, Municipal Commission Greater Mumbai, heard a PIL related to access to clean drinking water.⁹⁸ The PIL highlighted the acute shortage of drinking water faced by residents of Gorai village in Borivali (West) and directed the Brihanmumbai Municipal Corporation (BMC) to provide potable water. The court observed, 'Thus, a distinct duty constitutionally as well as statutorily has been cast on the Municipal Corporation to ensure that the residents within its limits are provided with adequate and proper access to potable water to be used for domestic purposes. No municipality, in view of the aforesaid provisions, can shirk off its shoulders, the certain responsibility and duty cast on it.'

VI JUDICIAL REFORMS

In *All India Judges Association v. Union of India*, a bench of J. DY Chandrachud, J. J.B. Pardiwala, and J. Manoj Mishra addressed a PIL related to allowances granted to judicial officers and retired judicial officers by the Second National Judicial Pay Commission (SNJPC). It directed the release of 21 allowances, with certain modifications.⁹⁹ The Supreme Court rejected objections that revision of rates/new allowances will result in an increased financial burden and expenditure; the rules governing the payment of allowances prescribed by each State for their own administrative establishment must be followed; and the benefits which are provided to judicial officers must be equivalent to those provided to other government officers.

The Supreme Court of India reaffirmed its commitment to upholding the independence and dignity of the judiciary by endorsing the recommendations of the SNJPC. Recognising the unique constitutional responsibilities of judicial officers, the court emphasised that their service conditions must be distinct from those of administrative officers. It held that financial constraints cannot justify neglecting the state's obligation to ensure dignified working conditions for the judiciary. The court directed the implementation of uniform service conditions

97 MPHC-IND 34320.

98 PIL (L) No. 15255 of 2024, High Court of Judicature at Bombay.

99 2025 INSC 1328.

across states, including enhanced allowances and benefits, to address disparities and promote efficiency in judicial administration. The court observed that the Supreme Court and various high courts had definitively resolved these matters. Judicial precedents have firmly established that statutory provisions permitting direct appeals to the Supreme Court do not eliminate or restrict the constitutional powers of judicial review held by high courts. As a result, all challenges to the validity of the mentioned sections were deemed without merit. Each contested provision had withstood prior constitutional examination, with courts consistently affirming that writ jurisdiction remains unaffected by statutory appellate frameworks.

VII MISCELLANEOUS MATTERS

In *Bilkis Yakub Rasool v. Union of India*, the Supreme Court addressed the PIL related to a challenge against the order of the State of Gujarat granting remission and early release of 11 convicts held guilty in the Bilkis Bano matter.¹⁰⁰ The Supreme Court held that the writ petition filed by the petitioner before the Supreme Court under article 32 was maintainable. Because the Petitioner-victim's Writ Petition was held to be maintainable, the court did not answer the question of whether other citizens can file PIL petitions to challenge remission orders. The court found that the Government of Gujarat was not competent to pass the remission applications in favour of the convicted/respondents. Therefore, the Supreme Court quashed the orders granting remission to the eleven convicts as illegal. The Supreme Court observed that the order in the *Radheshyam Shah* case directing the Government of Gujarat to consider the remission application was legally invalid because it was obtained by fraud. The court's judgment was unanimous and authored by J. Nagarathna. The eleven released convicts were directed to report back to the concerned jail authorities within two weeks.

Supreme Court in *Just Rights for Children Alliance v. S. Harish.*, decided a landmark PIL related to the sections 15 and 30 of The Protection of Children from Sexual Offences Act(POCSO)¹⁰¹; section 67B of the IT Act¹⁰² and whether it is permissible for the High Court in a quashing petition filed under section 482 of the Cr PC.¹⁰³ to resort to the statutory presumption of culpable mental state contained in Section 30 of the POCSO.¹⁰⁴ The Division Bench (Chief J. Dhananjaya Y. Chandrachud, J. Jamshed B. Pardiwala) of the Supreme Court set aside the judgment of the high court. It restored the criminal proceedings against the Respondent. The court held that mere viewing of CESAM is punishable if no steps have been taken to delete or report it. J.Pardiwala authored the judgment of the court.

The Supreme Court held that section 15(1) of the POCSO Act penalises the storage or possession of any pornographic material involving a child, a failure to

100 2024 INSC 24.

101 The Protection of Children from Sexual Offences Act, 2012 (Act 32 of 2012), ss. 15 & 30.

102 The Information Technology Act, 2000 (Act 21 of 2000), s. 67B.

103 The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 482.

104 2024 INSC 716.

delete, destroy or report it, and an intention to share such material. The Supreme Court held that section 15(1) does not require the actual transmission of any CESAM to be attracted. The court ruled that section 15(1) penalises possession of CESAM when done with the intention or purpose of sharing it.¹⁰⁵ The Supreme Court ruled that this form of criminal act in criminal jurisprudence is known as an ‘Inchoate Crime’ or ‘Inchoate Offence’ (criminal acts that are committed in preparation for a further offence).¹⁰⁶ The court ruled that the conduct that is also penalised under section 15 is the failure to delete, destroy or report any CESAM that was stored or in possession of any person with an intention to share the same.¹⁰⁷

Supreme Court *In Re: Section 6A of the Citizenship Act 1955*, examined the constitutionality of Section 6A of the Citizenship Act. A Constitution Bench of the Supreme Court, by a majority of 4:1, upheld the constitutional validity of section 6A.¹⁰⁸ J. Kant, on behalf of himself and J.s Sundresh and Mishra, authored the majority opinion, and Chief J. Chandrachud authored a separate concurring opinion. J. Pardiwala authored a dissenting judgment declaring section 6A invalid. In response to the contention that section 6A was not being adequately enforced, the majority directed that the directions issued in *Sarbananda Sonowal v. Union of India* should be followed to deport the illegal migrants who entered after 1971 and the provisions of the Immigrants (Expulsion from Assam) Act, 1950, should be integrated with section 6A for identifying illegal immigrants.¹⁰⁹ The court observed that the current statutory framework and tribunals for identifying illegal immigrants in Assam are inadequate and must be enhanced to enforce the legislative intent of section 6A in a time-bound manner.

In 1985, the Citizenship (Amendment) Act was enacted, adding section 6A to the Citizenship Act.¹¹⁰ Section 6-A of the Citizenship Act, 1955, confers citizenship on persons of Indian origin who migrated from Bangladesh to Assam. The provision classifies migrants into two categories based on when they entered Assam: those who entered before 1 January 1966, and those who entered after 1 January 1966 but before 25 March 1971. Section 6-A of the Citizenship Act, 1955, specifies the criteria for determining whether a person is deemed to be a citizen of India as on January 1, 1966. It particularly addresses the situation of immigrants in Assam, stating that those who arrived after this date but before March 25, 1971, can apply for citizenship after residing in India for 10 years; however, they are not allowed to vote for the first 10 years of their citizenship. In contrast, immigrants who arrived after March 25, 1971, are classified as illegal immigrants and are subject to detection and deportation. The petitioners initiated proceedings under article 32 of the

¹⁰⁵ *Id.*, para 81.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Id.*, para 84.

¹⁰⁸ 2024 INSC 789.

¹⁰⁹ 2005 INSC 287.

¹¹⁰ The Citizenship Act, 1955 (Act 57 of 1955), s. 6A (as inserted by the Citizenship (Amendment) Act, 1985 (Act 65 of 1985)).

Constitution, challenging the constitutional validity of section 6A of the Citizenship Act, on the ground that it violates Articles 6, 7, 14, 29, and 355.

The Supreme Court held that courts have the power to review a foreign policy enacted as a statute.¹¹¹ Despite the petitioners approaching the court many years after section 6A was passed, the court held that the doctrine of laches (delay) would not proscribe the Petitioner's claim as it affects the larger public interest and the constitutionality of a provision.¹¹² The majority held that section 6A aligns with the fundamental purpose of articles 6 and 7 of the Constitution, which seek to grant citizenship to individuals of Indian origin who suffered from political disturbances in neighbouring nations.¹¹³ In any case, the provisions in Part II of the Constitution only prescribe who would be granted citizenship at the commencement of the Constitution. Citizenship after the commencement of the Constitution would be governed by Parliamentary law.¹¹⁴ CJI Chandrachud held that Article 246, read with Entry 17 of List I in the Seventh Schedule, confers Parliament the power to enact laws on citizenship.¹¹⁵

The Supreme Court held that Section 6A does not violate Article 14 of the Constitution. Article 14 allows the legislature to classify individuals into different groups and treat them differently. Still, such classifications must be based on an intelligible differentia and have a reasonable connection to the purpose sought to be achieved by classifying individuals.¹¹⁶ Assam, with a high influx of migrants and a small area, faces unique challenges compared with other states; therefore, treating the situation in Assam is a legitimate classification.¹¹⁷ The federal structure allows the Union Government to enter separate treaty arrangements with the states, and section 6A was inserted to implement the Assam Accord.¹¹⁸ This provides a sufficient reason for Parliament to have enacted section 6A solely for the State of Assam.¹¹⁹

The majority found that there were historical reasons for the different cut-off dates and legitimate reasons for categorising migrants.¹²⁰ As those who suffered political turmoil and entered Assam before January 1, 1966 were already included in the electoral rolls, and March 25, 1971 marked the date of the beginning of the Bangladesh Liberation War and the date of the grant of Bangladeshi citizenship under the Bangladesh Citizenship (Temporary Provisions) Order,¹²¹ there was a

111 *Supra* note 86., para 46, 53.

112 *Id.*, para 69, 72.

113 *Id.*, para 132.

114 *Id.*, para 139.

115 *Id.*, para 134-135.

116 *Id.*, para 168-177.

117 *Id.*, para 205.

118 *Id.*, para 192.

119 *Id.*, para 194.

120 *Id.*, para 238-239

121 Bangladesh Citizenship (Temporary Provisions) Order, 1972 (President's Order No. 149 of 1972).

valid rationale for the cut-off dates.¹²² Therefore, section 6A is not manifestly arbitrary because careful consideration underlay the different cut-off dates. Further, the term ‘ordinary residence’ in section 6A is not too vague to be undefined.¹²³

In his concurring opinion, CJI Chandrachud held that section 6A contemplated rules and sufficient infrastructure to ensure that immigrants of Indian origin from Bangladesh could acquire citizenship.¹²⁴ Section 6A continues to serve this goal; however, increased State capacity is needed to ensure the effective implementation of the provision. However, this does not render section 6A unconstitutional.¹²⁵ The majority acknowledged that Assam has a distinct language, culture, and script, which are entitled to preservation under article 29(1).¹²⁶ However, it found that section 6A provides for the timely detection and deportation of illegal immigrants. Thus, the challenge should be against the non-implementation of the statute and not its constitutionality.¹²⁷

CJI Chandrachud observed that the mere presence of different ethnic groups cannot violate the right under article 29(1), and that various constitutional and statutory provisions provide for the protection of their distinct cultures.¹²⁸ The majority acknowledged that the Union Government has a duty under article 355 to protect its citizens from external aggression and internal disturbance.¹²⁹ Although unabated migration could constitute external aggression, section 6A does not promote unrestricted migration. It provides a regulated approach for the grant of citizenship to migrants who entered before 1971, and this cannot amount to external aggression.¹³⁰

The High Court of Allahabad in *Naitik Party v. Union of India* heard a PIL challenging the Central Government’s Sansad Adarsh Gram Yojana, finding it to be an encroachment on the powers of the state government.¹³¹ The court held that the petitioner’s claims of potential conflicts between the Scheme and constitutional provisions could not be accepted, since the Scheme was well aligned with the constitutional provisions on social and economic planning, as set out in Entry 3 of the Concurrent List.¹³²

The High Court of Karnataka, in *All India Dalit Action Committee (R) v. Susheela Devaraj*, heard a PIL challenging statements made by an MLA during an election campaign, alleging that the remarks are derogatory and offend the modesty

122 *Id.*, para 231.

123 *Id.*, para 273.

124 *Id.*, para 119.

125 *Id.*, para 120.

126 *Id.*, para 228.

127 *Id.*, para 304.

128 *Id.*, para 102.

129 *Id.*, para 351.

130 *Id.*, para 365.

131 PIL No. 12743 of 2014, Neutral Citation No. 2024:AHC-LKO 66708.

132 The Constitution of India, Seventh Schedule, List III (Concurrent List), Entry 3.

of women as a class.¹³³ The Court observed that such matters were not suitable for consideration in a PIL and that they could be pursued through other legal remedies.

The High Court of Calcutta, in *Sanjoy Das v. Registrar General*, High Court of Calcutta, heard a PIL seeking modification of the allotment of cases by the Chief Justice. The Court held that ‘There cannot be any direction to the Chief Justice as to who shall be sitting on the Bench or who shall take up a matter as that touches the composition of the Bench. Right of Chief J. in finalising determination could not be tinkered with at the option of the petitioner and more particularly, in the case at hand, by an advocate, stated to be practising before the Court.’ PIL was found to be frivolous and a clear abuse of the court’s process. The PIL was dismissed with costs of Rs. 50,000/- payable to the West Bengal State Legal Services Authority, and the petitioner was permanently debarred from presenting any PIL before the Court in the future.

High Court of Madhya Pradesh in *Balram Mangilal Dhangad v. State of Madhya Pradesh* dismissed a PIL in a service matter.¹³⁴ The petitioner’s grievance was that no action had been taken against the employee following the enquiry report. The court held that it was for the authorities to act in furtherance of the enquiry report, as it fell within the ambit of the service matter.

High Court of Himachal Pradesh in *Jagdev Chand v. State of Himachal Pradesh*, heard a PIL in a service matter and examined the *locus standi* relating to a dispute as to the appointment of the respondent based on a fake certificate.¹³⁵ The court held that public interest litigation is not maintainable in service matters, as the petitioner has no personal interest.

Public Interest Litigation (PIL) has evolved into a powerful democratic instrument that amplifies the voices of those who are often unheard, ensuring that justice is not confined to the privileged but extended to every citizen. It has enabled the judiciary to intervene in matters of public concern, address structural inequalities, and uphold constitutional rights dynamically and responsively. However, the true strength of PIL lies not merely in judicial activism but in its responsible and ethical use. When approached with sincerity and genuine public purpose, PIL becomes a catalyst for social reform, environmental protection, and governmental accountability. Conversely, its misuse for personal, political, or frivolous gains undermines its credibility and burdens the justice system. Therefore, maintaining a balance between accessibility and scrutiny is essential. As societies continue to evolve, public interest litigation must remain a constructive force, empowering citizens, guiding state institutions, and reinforcing the rule of law. Ultimately, PIL embodies the spirit of participatory justice, reminding us that law is not static, but a living promise to secure dignity, fairness, and equality for all.

133 2024 SCC OnLine Kar 1234.

134 Criminal Appeal No. 1651 of 2023.

135 CWPOA No. 212 of 2019.

