

## Courting the People

The Indian higher judiciary has acquired an increasingly important role in India's public discourse in the last few decades. The Supreme Court and the state High Courts have emerged as enormously powerful judicial institutions in the aftermath of the Internal Emergency of 1975-77. The principal means through which these judicial powers have been enacted is the jurisdiction of Public Interest Litigation (PIL). This book studies the political role that PIL has come to play in contemporary India. It revisits the circumstances and manoeuvres that led to the rise of PIL and traces its political journey since then, arguing that the enormous powers that PIL confers upon the appellate judiciary stems from its populist character.

Based on empirical research, it shows how PIL grants the appellate courts enormous flexibility in procedure allowing them to manoeuvre themselves into positions of overweening authority. It focuses on the most intensive laboratory of PIL in recent times, the city of Delhi, and foregrounds the role that PIL has played in the radical reconfiguration of the city in the 21<sup>st</sup> century. While PIL cases are usually politically analyzed solely in terms of their effects, whether beneficial or disastrous, this book locates the political challenges that PIL poses in its very process: arguing that its fundamentally protean nature stems from its mimicry of ideas of popular justice.

This book examines PIL as part of a larger trend towards legal informalism in post-Emergency India. Casting a critical eye at these institutional reforms that aimed to adapt the colonial legal inheritance to 'Indian realities', this book looks at the challenges posed by self-consciously culturalist juridical innovations like PIL to ideas of fairness in adjudication as well as democratic politics.

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# Courting the People

Public Interest Litigation  
in Post-Emergency India

Anuj Bhuwania



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