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<description>Building up a judicial fund that will be used solely for the purpose of helping the poor to hire lawyers and to pay the court fees. The PIL is an instrument that has
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t is undeniable that there are thousands of people in India who are not in a position to af-
ford the financial burdens of a legal case. This, however, should not be made the reason for allowing public interest litigations. There are other ways to ensure that even the poorest can take recourse to justice when they suffer harm or injury. This can be done by building up a judicial fund that will be used solely for the purpose of hel-ping the poor to hire lawyers and to pay the court fees. This fund can be created by various means. For example, in cases where one of the parties has to pay a fine or costs, a percentage of that can be set aside for the fund. Even lawyers and barris-ters-at-law who charge astronomical fees can be asked to set aside a small portion of their fees for this fund. The creation of such a fund will meet many ends. For one thing, it will allow poor people access to the courts. For another, it will stop them from being dependent on so-called do-gooders to file PILs on their behalf. Most importantly, it will drastically reduce the number of PILs, which are a drag on the courts' precious time.
The prevailing confusion and controversy over PILs are functions of a misconception about the role and purpose of the judiciary. There is only one role the judiciary should perform in a democ-racy: to ensure that those who violate the laws of the land are adequately punished. The role of the judges is not to remove inequities, to provide wel-fare or to reform society. When a case is brought before a judge, he has to decide if the action has transgressed the law and then prescribe the rele-vant punishment. It is often assumed that the ju-diciary should intervene for the betterment of so-ciety or for the uplift of the underprivileged. These cannot be done by the judiciary. It is the role of the legislature to see to it that the laws are fair and equitable; and the executive's responsibility is to ensure that the existing laws are implement-ed. The failure of the legislature and the executive has often opened up the space for the judiciary to act as their surrogate. The PIL is an instrument that has enabled the judiciary to expand and en-hance its role. This increased role only adversely affects the separation of powers guaranteed in the Constitution. The Supreme Court should review not only whether PILs are a waste of time, but also if they violate what is the first and last purpose of the judiciary.

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