

ASIEN 77 (Oktober 2000)

Abstract

Can Courts Empower Civil Society? Public Interest Litigation and the Public Sphere in India

Hans Dembowski

This essay assesses empirical cases of environmental litigation in Calcutta. It argues that the judiciary in India is giving non-governmental activists some leverage over an otherwise uncontrolled state apparatus - but that this has only limited results in terms of improving the living conditions of the people at large. The courts are inspiring HOPE for the alleviation of grievances, but - so far - do not inspire TRUST in institutions of democratic government. After a brief elaboration on the theory of governance, the first section of this essay will examine Calcutta's bleak ecological situation and link it to official agencies' malfunctioning. Sections two and three will provide case studies of public interest litigation before the local High Court and the Supreme Court of India. The conclusion in section four will then return to the general issue of governance, civil society, and public sphere.