**PUBLIC INTEREST LAWYERING**

**Public interest law** refers to legal practices undertaken to help poor, marginalized, or under-represented people, or to effect change in social policies in the [public interest](https://en.wikipedia.org/wiki/Public_interest" \o "Public interest), on 'not for profit' terms (*[pro bono publico](https://en.wikipedia.org/wiki/Pro_bono" \o "Pro bono)*), often in the fields of [civil rights](https://en.wikipedia.org/wiki/Civil_and_political_rights" \o "Civil and political rights), [civil liberties](https://en.wikipedia.org/wiki/Civil_liberties" \o "Civil liberties), [religious liberty](https://en.wikipedia.org/wiki/Freedom_of_religion" \o "Freedom of religion), [human rights](https://en.wikipedia.org/wiki/Human_rights" \o "Human rights), [women's rights](https://en.wikipedia.org/wiki/Women%27s_rights" \o "Women's rights), [consumer rights](https://en.wikipedia.org/wiki/Consumer_rights" \o "Consumer rights), [environmental protection](https://en.wikipedia.org/wiki/Environmental_protection" \o "Environmental protection).

Public interest litigation means a legal action initiated in a court of law for the enforcement of public interest or general interest in which public or class or class of community have pecuniary interest or some interest by which their legal rights or liabilities are affected.

By the Fundamental Enforcement of Human Right Procedure 2009, the court is enjoined to encourage and welcome public interest litigations in the human rights field. Public interest litigation is a veritable tool for a revolutionary change in Nigeria.

**See CHIEF F. O. ORBIH, PUBLIC INTEREST LITIGATION BEING A PAPER PRESENTED AT THE NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES ON THE 7TH OF JULY, 2010**

Public Interest Litigation would therefore mean a law suit geared towards an issue, in which the Public as a whole, has a stake, with a view to enhancing it’s general welfare.

According to Joseph Chu’ma Otteh. “Public Interest Litigation is about using the law to empower people, to knock down oppressive barriers to Justice to reclaim and restore the right of Social Justice for the majority of the people. To attack oppression and denial that disefranchise our people, and about winning back human dignity of the people, it is about caring for the rights of the other, besides ones self.

**THE IMPORTANCE OF PUBLIC INTEREST LITIGATION**

Public Interest Litigation is thus, a veritable tool for revolutionary change especially if applied judiciously. Femi Falana’s activism in the field of public interest litigation can be placed against the backdrop of this philosophy. For instance in *I.G.P v A.N.P.P*. 6 , Falana (as counsel) challenged the constitutionality of the Public Order Act which makes it mandatory for a political party to obtain a permit for a public rally or meeting before the same can be allowed to hold, by the police authorities.

In another instance, Falana contended that the deplorable state of the Lagos-Ibadan express way and the Benin-Shagamu express way was a violation of his right to life and the dignity of his human person guaranteed under the constitution of the Federal Republic of Nigeria. One of the reliefs which he claimed in the suit was for an order on the Police and the Department of Custom and Excise to dismantle the numerous police and customs and excise check points respectively, on the said roads, on the ground that they are nothing short of toll collecting points for those governmental organizations. Femi Falana will by the said suit, draw attention of the government and the public at large, to the need to carry out urgent rehabilitation of the said roads and the need to check the government agencies that have converted them to toll collection points, from helpless motorists.

Public Interest Litigation and Social Action Litigation are designed to achieve the same purpose – using the law more for the benefit of collective, not just individual or public interest.

Under the THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 FUNDAMENTAL RIGHTS (ENFORCEMENT PROCEDURE) RULES, 2009

1. 1(d) The Court shall proactively pursue enhanced access to justice for all classes of litigants, especially the poor, the illiterate, the uninformed, the vulnerable, the incarcerated, and the unrepresented.
2. (e) The Court shall encourage and welcome public interest litigations in the human rights field and no human rights case may be dismissed or struck out for want of locus standi. In particular, human rights activists, advocates, or groups as well as any non-governmental organisations, may institute human rights application on behalf of any potential applicant.

In human rights litigation, the applicant may include any of the following:

1. Anyone acting in his own interest;
2. Anyone acting on behalf of another person;
3. Anyone acting as a member of, or in the interest of a group or class of persons; (iv) Anyone acting in the public interest, and
4. Association acting in the interest of its members or other individuals or groups
5. The Court shall in a manner calculated to advance Nigerian democracy, good governance, human rights and culture, pursue the speedy and efficient enforcement and realisation of human rights. (g) Human rights suits shall be given pri

Several activists like the late Constitutional Lawyer Chief Gani Fawehinmi SAN, Femi Falana, Olu Onagoruwa, Ebun Olu-Adegboruwa and some not for profit organisations like Socio-Economic Rights and Accountability Project (SERAP), Campaign for Democracy (CD) and many others have been involved in one way or the other with the enforcement of socio-economic benefits.

Judicial activism in public interest litigation is one of the absolute tools for good governance, quality and responsive leadership and accountability in governance.

Adoption of the Public litigation procedure Public Interest Litigation (PIL) is an action taken before the court of law for advancement of social welfare. The use of the word “interest” in the world of law refers to "the right material or moral interest protected by law." At other times, it refers to a "beneficial interest or practical that is accrued to the prosecutor of the judgment which is based on his demands (Al-Shabatat & Al-Kasabeh, 2017).

Late Chief Gani Fawehinmi took several writs on behalf of the less privileged in the society See *(Fawehinmi v. Akilu)* (1997) NWLR (Pt. 65) *Abraham Adesanya v. The President* (1981) ANLR 1)

Public Interest Litigation evolved over the years in Nigeria through the efforts of human rights activists which are involved with public lawyering.

Public Interest Litigation Public Interest Litigation (PIL) is a legal mechanism through which individuals, groups of people and communities contest government decisions and challenge social justice. It is done for the protection of collective interests. Issues of social and economic imbalance are challenged through PIL and it is often adopted as a strategy in support of the less privileged and the vulnerable in the society.

PIL provides a veritable avenue to commence litigation against mistreatment and deprivation of social and economic resources (Khatthewale 2016).

Public interest litigation has been used as a tool to effect change and influence legal development. It thus, fulfils the mandate of law as an instrument of social engineering. PIL expands the concept of access to justice and it helps in the improvement of the law in terms of the governed. It is anchor for the less privileged and the vulnerable members of the society.

**The gains of PIL**

The gains of PIL include but not limited to the following:

1. It applies pressure on the government for accountability. This would enhance performance since government agencies are aware of its monitoring.

2. Public interest litigation provides broader access to justice. Through the use of test cases in class actions, PIL is used to stimulate law reforms which have overall positive effect on large numbers of people (Temidayo, 2013).

3. It supports the government by provision of resources for the monitoring and enforcement of infractions against the law.

4. It is an avenue for law making through judges’ pronouncements. It further helps to clarify ambiguities in the law and improve human rights protection.

5. The practice is complementary to the criminal justice system.

6. It is an opportunity to remedy deep seated discrimination and injustices suffered by vulnerable individual, groups and communities (Khetthewale, 2016).

7. Through public interest litigation, the courts are urged to validate or redefine rights in constitutions, statutes, and treaties to better address the wrongdoings of government and society and to help those who suffer them.

8. PIL help the courts to validate and make pronouncements on rights hidden in the laws to correct illegalities on the part of the government and aid the deprived (Temidayo, 2013). In Nigeria, public interest litigation has been used as a tool to effect change and influence legal development, notably by Chief Gani Fawehinmi SAN. A foremost forensic lawyer and ingenious legal mind, he, more than any individual, has stamped his influence on the public interest litigation terrain in Nigeria.

See Adam, A (2009) ‘Nigeria: Judicial Activism and Public Interest Litigation’ Daily Independent Newspaper (Lagos)

In a public interest litigation brought against the state by a lawyer, Ebun-Olu Adegboruwa, a Federal High Court in Lagos has ruled that the restriction of movement during the monthly environmental sanitation exercise in the state is unlawful and a violation of the citizens’ right to liberty and freedom.

The trial judge, Mohammed Idris, while delivering judgement on Monday, said the restriction on movement violated Sections 35 and 41 of the Constitution which guaranteed personal liberty and right to movement. Mr. Mohammed voided the power of the state governments and its agents to arrest any citizen found moving between 7am and 10 am on the last Saturday of the month, when the exercise is observed. In his contention before the court, Mr. Adegboruwa had argued that the restriction of movement was illegal and obnoxious. He said the exercise violated the provisions of Section 35 and 41 of the Constitution. He also argued that it violated Article XII of the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, Laws of the Federation of Nigeria, 2004.

The lawyer said he was compelled to institute the case after he was arrested by agents of the state on June 29, 2013 while on his way to appear on the Sunrise programme on Channels Television. The counsel for the Lagos State Government, Jonathan Ogunsanya, had told the court to dismiss Mr Adegboruwa’s application for being an abuse of court process and for failure to disclose any material fact. He also argued that the exercise was instituted in the interest of the public. Another counter-affidavit deposed to by Bisayo Apata on behalf of the state government stated: “The issue of environmental sanitation is an age-long thing. In order to forestall a major derailment in public health, the Lagos State Commissioner for Health had made the regulation mandating all persons in Lagos State to stay at home and observe the Lagos State environmental sanitation exercise from 7am to 10am on the last Saturday of every month, as he is empowered by section 39 of the Lagos State Environmental Sanitation Law, 2002.”

Mr Apata also argued that the exercise was usually not observed on important public days such as during general Election Days, Christian and Muslim festive days, Joint Matriculation Examination days etc. “Essential service officials, such as people in hospital ambulance carrying patients requiring emergency medical attention and fire service buses, are allowed to move freely to carry out their essential services,” he said.

**Pro Bono Lawyering**

See [CARLA TARDI](https://www.investopedia.com/contributors/101361/), **What Does Pro Bono Really Mean?**

Pro bono is short for the Latin phrase pro bono publico, which means "for the [public good](https://www.investopedia.com/terms/p/public-good.asp)." The term generally refers to services that are rendered by a professional for free or at a lower cost. The term pro bono is used primarily in the legal profession. Lawyers who serve the public interest by providing free legal services to those in need do so on a pro bono basis. The provider is thought to be imparting a benefit for the greater good, instead of working for profit. The American Bar Association, which has a pro bono center on its website, recommends that all lawyers donate 50 hours a year to pro bono work.

* Pro bono is short for the Latin phrase pro bono publico, which means "for the public good."
* Pro bono work involves providing free services, rather than cash or goods, to those in need.

**Legal Profession Maintains Pro Bono Tradition**

Numerous factors are involved in the choice to conduct or support pro bono work. Sometimes, the motives are altruistic. In other cases, the goal is to promote an image or make professional connections.

There are instances where the court can call on any lawyer at the Bar to represent any accused person standing trial especially for capital offences e.g Murder, Armed Robbery, treason and the lawyer is duty bound to act accordingly. For Advocates applying for S.A.N, they are required to show records of pro bono cases handled.

**Institutions engaged in Pro Bono services**

1. Nigerian Legal Aid Council
2. Nigeran Bar Association
3. Public Complaints Commission