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PUBLIC INTEREST LITIGATION IN INDIA: EXPANDING ACCESS TO JUSTICE

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INTRODUCTION

Not every person whose rights are violated has the ability to approach the courts. In a country like India, where a large section of the population continues to struggle with poverty, illiteracy, and lack of legal awareness, access to justice has often remained difficult for weaker and marginalised sections of society. For many years, the traditional legal system allowed only the aggrieved person, someone who had a direct sufficient link to the case, to approach the court for enforcement of rights. However, this approach gradually changed with the emergence of public interest litigation in India.

Public interest litigation developed as an important mechanism through which courts could address issues affecting the public at large. The concept of PIL is largely based on the principle of *pro bono publico*, meaning “for the public good”. It allows public-spirited individuals and organisations to approach courts on behalf of marginalised or disadvantaged people. Many people are unable to seek justice because of poverty, lack of education, or simply because they are unaware of their legal rights.

The emergence of public interest litigation brought a significant change within the Indian judicial system. It expanded access to justice and also strengthened judicial activism in India. Over the years, public interest litigation has played an important role in matters relating to human rights, environmental protection, prison reforms, and protection of fundamental rights. At the same time, misuse of PIL for personal or political motives has also become a growing concern. This article discusses the concept, constitutional basis, importance, and challenges of public interest litigation in India.

MEANING AND CONCEPT OF PUBLIC INTEREST LITIGATION

Public interest litigation refers to a mechanism through which any public-spirited individual or organisation may approach the court for protection of public interest or enforcement of rights of disadvantaged sections of society. Unlike traditional litigation, PIL does not require the person filing the petition to be directly affected by the issue involved.

Traditionally, the Indian legal system followed the principle of locus standi. Under this principle, only the aggrieved party could approach the court. In simple terms, only the person whose rights were directly violated could seek remedies before the court. However, over time, the judiciary relaxed this principle in order to make justice more accessible to weaker sections of society. This later became one of the most important features of public interest litigation in India.

One of the landmark cases relating to PIL in India is the S.P. Gupta case¹, commonly known as the Judges' Transfer Case. In this case, the Supreme Court recognised the concept of liberal locus standi. The Court held that any public-spirited person could approach the court for enforcement of constitutional or legal rights of people who were unable to approach courts themselves because of any disadvantage. This judgment played a major role in the development of PIL jurisprudence in India.

The main objective behind PIL is to ensure that justice is not denied merely because a person lacks financial resources, education, or legal awareness. PIL therefore became an important instrument for promoting social justice and protecting the rights of vulnerable sections of society.

CONSTITUTIONAL BASIS OF PIL IN INDIA

The concept of public interest litigation in India is closely connected with the constitutional objective of ensuring justice and protection of fundamental rights. Although the Constitution does not expressly mention the term "public interest litigation", several provisions form the basis for its development in India.

One of the most important provisions is Article 32 of the Constitution of India, which guarantees the right to constitutional remedies. It empowers individuals to directly approach

¹ S.P. Gupta v. Union of India, 1981 Supp SCC 87.

the Supreme Court for enforcement of fundamental rights. Dr. B.R. Ambedkar had also described Article 32 as the “heart and soul” of the Constitution because it provides for remedies for violation of fundamental rights. Over the years, Article 32² became one of the most important constitutional provisions in development of public interest litigation in India.

Similarly, Article 226³ empowers High Courts to issue writs for enforcement of fundamental rights and other legal rights. Because of this, High Courts also play an important role in entertaining public interest litigation relating to various social and legal issues.

Another important constitutional provision related to PIL is Article 39A⁴, which forms part of the directive principles of state policy. It focuses on ensuring equal justice and free legal aid, especially for people who may not have the financial means to approach courts. The development of public interest litigation in India closely reflects this objective, since PIL mainly aimed to make justice more accessible to weaker and disadvantaged sections of society.

The constitutional framework of PIL therefore reflects the broader constitutional vision of social justice, equality, and protection of fundamental rights.

ROLE AND IMPORTANCE OF PIL IN INDIA

Public interest litigation has played an important role in expanding access to justice in India. One of its biggest contributions was that courts became more accessible to weaker and marginalised sections of society who otherwise lacked the means to seek legal remedies.

Through PIL, the judiciary intervened in matters relating to bonded labour, prison conditions, environmental protection, child labour, rights of women, and protection of human rights. Because of this, PIL gradually became closely associated with judicial activism in India

In cases such as *Hussainara Khatoon*⁵, the Supreme Court addressed the condition of undertrial prisoners and recognised the right to speedy trial as an essential part of Article 21⁶ of the Constitution. Similarly, environmental cases filed by *M.C. Mehta*⁷ led to important judicial intervention in matters relating to pollution control and environmental protection.

² INDIA CONST. art. 32.

³ INDIA CONST. art. 226.

⁴ INDIA CONST. art. 39A.

⁵ *Hussainara Khatoon v. State of Bihar*, (1979) 3 SCC 532.

⁶ INDIA CONST. art. 21.

⁷ *M.C. Mehta v. Union of India*, (1987) 1 SCC 395.

Public interest litigation also increased governmental accountability in India. Courts became more willing to examine administrative actions and intervene in matters involving violation of public rights. This gradually strengthened the role of the judiciary in protecting constitutional values.

Another important effect of PIL was that it made the legal system more accessible to ordinary citizens. It recognised that justice cannot remain limited only to people with financial resources or social influence. Relaxation of procedural technicalities also allowed courts to focus more on substantive justice instead of strict procedural requirements.

Over the years, PIL has also contributed towards spreading legal awareness regarding constitutional rights and public welfare. Today, it continues to remain an important mechanism for addressing larger social issues affecting the public at large.

CHALLENGES AND MISUSE OF PIL

Despite its importance, public interest litigation has also faced several criticisms and practical challenges over the years. One of the biggest concerns is the increasing misuse of PIL for personal, political, or publicity-oriented motives. In many cases, petitions are not filed genuinely for public welfare, but mainly for gaining media attention or targeting political opponents. Because of this growing misuse, courts have often referred to such petitions as “publicity interest litigation”.

Another criticism associated with PIL is judicial overreach. Critics argue that courts sometimes interfere excessively in administrative and policy matters through PILs. According to this view, such intervention may disturb the balance between different organs of the government. In certain situations, courts are also criticised for going beyond their constitutional role while dealing with PIL matters.

Frivolous and unnecessary PILs also increase the burden on the judiciary, which already faces heavy pendency of cases. Because of this, courts have repeatedly emphasised that PIL should not be misused for private interests or personal motives.

At the same time, lack of proper legal awareness among people continues to remain a major challenge. Many individuals are still unaware about the scope and purpose of public interest litigation. Delays in judicial proceedings also affect effective implementation of relief granted through PILs.

Because of increasing misuse and practical difficulties surrounding PILs, courts have attempted to strike a balance between encouraging genuine public interest litigations and discouraging petitions filed for irrelevant, political, or personal motives.

CONTINUING RELEVANCE OF PIL IN INDIA

Even today, public interest litigation continues to remain highly relevant within the Indian legal system. With changing social, economic, and technological developments, courts continue to address new issues through PILs.

In recent years, PILs have been filed in matters relating to environmental degradation, digital privacy, internet restrictions, rights of vulnerable groups, healthcare, and governance issues. This shows that the scope of public interest litigation has gradually expanded with changing social and legal concerns in India.

PIL also continues to remain important for protection of constitutional rights and ensuring accountability of public authorities. In many situations, it provides a way through which larger public issues may be brought before the judiciary, especially matters affecting the public at large.

However, PIL will remain effective only as long as courts continue to discourage misuse of PIL while protecting genuine matters involving public welfare and constitutional rights.

CONCLUSION

Public interest litigation brought a significant transformation within the Indian judicial system. It expanded access to justice and also strengthened judicial activism in India. PIL plays an important role in protecting rights of weaker sections of society and ensuring that justice does not remain limited only to privileged sections of society. Through PIL, courts have addressed several important constitutional and social issues affecting the public at large.

At the same time, increasing misuse of PIL for personal or political motives continues to remain a serious concern. Therefore, while genuine public interest litigations should continue to be encouraged, it also becomes necessary to prevent frivolous and unnecessary petitions. Despite these challenges, public interest litigation still remains an important mechanism for protection of constitutional rights, social justice, and public welfare in India.