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IMPACT OF PUBLIC INTEREST LITIGATION IN INDIA

~ *Ayushi Raj*

ABSTRACT

Public Interest Litigation (PIL) is one of the most important developments in the Indian judicial system after independence. It was introduced to help people who cannot easily approach the courts or fight for their rights. Over time, PIL has developed into an important way of protecting fundamental rights, promoting environmental protection, ensuring human rights and improving transparency in public administration.

According to data presented by Law Minister Arjun Ram Meghwal in the Lok Sabha, 3,525 Public Interest Litigations (PILs) are currently pending before the Supreme Court of India. Of these, 698 PILs have remained pending for more than ten years, with the oldest case dating back to 1984. The number of newly admitted PILs has also increased, with the Supreme Court admitting 570 PILs in 2025, the highest annual figure recorded since 2014. At the same time, the Court disposed of 1,872 PILs over a recent five-year period, averaging around 374 disposals per year. These figures indicate that PILs are being filed at a faster rate than they are being disposed of, contributing to the growing pendency before the Supreme Court.

PIL is mainly based on Articles 32 and 226 of the Constitution of India, which give the Supreme Court and High Courts the power to protect constitutional and fundamental rights. Through PIL, the courts have allowed individuals and organisations to approach them on behalf of people whose rights have been violated or who are unable to approach the courts themselves. This has helped the judiciary address several important social and public issues.

INTRODUCTION

Judges such as **Justice V.R. Krishna Iyer** and **Justice P.N. Bhagwati**¹ played an important role in developing this approach. The courts began to treat even letters, postcards and other

¹ He was called as a “Father of Public Interest Litigation” in India.

communications concerning serious public issues as matters that could be considered under their writ jurisdiction. Justice P.N. Bhagwati playing a major role in making the judicial system more accessible to ordinary people and using it as a means to promote social justice. He played a key role in developing PIL jurisprudence during the early 1980s.

Through important cases such as *Hussainara Khatoon v. State of Bihar* and *Vishaka v. State of Rajasthan*, the Indian judiciary expanded the scope of fundamental rights and addressed several issues affecting society. These cases helped bring greater attention to prisoner's rights, environmental protection, gender equality and the protection of human rights.

Through this research paper examines the meaning, origin, development and constitutional basis of PIL in India. It discusses important judicial decisions that have shaped PIL and explains its different areas of application, including human rights, environmental protection, prison conditions and public administration. The paper also briefly compares the Indian approach to PIL with similar forms of public-interest litigation in other countries.

Finally, the paper discusses the safeguards developed by the courts to prevent the misuse of PIL and considers how PIL can continue to serve the interests of society while maintaining the proper balance between judicial activism and judicial restraint.

EVOLUTION OF PUBLIC INTEREST LITIGATION IN INDIA

The development of PIL in India is closely connected with the efforts of the judiciary to make justice more accessible to poor, disadvantaged and marginalised sections of society. Traditionally, only a person whose own legal right had been violated could approach the court. This requirement, known as locus standi, often created difficulties for people who were economically or socially unable to fight for their rights. The Indian judiciary gradually relaxed this requirement and allowed public-spirited individuals and organisations to raise issues on behalf of those who could not approach the courts.

1. ORIGINS AND EARLY PHASE (1979–1989)

Public Interest Litigation developed in India as a means of providing justice to poor, vulnerable and marginalised sections of society.

• *Hussainara Khatoon v. State of Bihar*²

² 1979 SCR (3) 532.

This case brought attention to the difficult conditions of undertrial prisoners who had spent several years in jail without their trials being completed. The Supreme Court recognised speedy trial and free legal aid as important aspects of the right to life and personal liberty under Article 21.

2. EXPANSION PHASE (1990–2000)

During this period, PIL became more widely used to address issues affecting society. Courts began dealing with matters such as environmental pollution, public health, education, corruption and urban development. PIL gradually became an important way of bringing issues of public concern before the judiciary.

• *M.C. Mehta v. Union of India*³

Through a series of cases, the Supreme Court played a major role in strengthening environmental protection in India. The Court addressed issues relating to pollution and environmental damage and contributed to the development and application of principles such as the *Polluter Pays Principle*. It also issued directions aimed at controlling vehicular pollution in Delhi.

3. JUDICIAL ACTIVISM (2000)

From the 2000s onwards, PIL became an established part of Indian constitutional and judicial practice. Courts increasingly used PIL proceedings to monitor the implementation of laws and policies, issue directions to public authorities and address problems relating to governance and administration.

• *Vishaka v. State of Rajasthan*⁴

This landmark case dealt with the issue of sexual harassment of women at the workplace. In the absence of specific legislation on the subject at that time, the Supreme Court laid down guidelines for preventing and addressing workplace sexual harassment. These guidelines remained in force until Parliament enacted the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*, commonly known as the POSH Act.

CONSTITUTIONAL AND LEGAL FRAMEWORK OF PIL

³ (1987) 1 S.C.C. 395.

⁴ (1997) 6 S.C.C. 241.

Public Interest Litigation does not have a separate constitutional provision or a single statute called the "PIL Act." Instead, its foundation comes mainly from the writ jurisdiction of the Supreme Court and High Courts and the interpretation given to constitutional rights by the judiciary.

1. ARTICLE 32

The importance of Article 32 in PIL is that the Court has adopted a flexible approach towards who can approach it in matters involving public rights. A public-spirited person or organisation may bring an issue before the Court when the affected people are unable to approach the Court themselves.

2. ARTICLE 226

It gives High Courts the power to issue writs not only for the enforcement of Fundamental Rights but also "for any other purpose." This gives High Courts a wider writ jurisdiction than the Supreme Court under Article 32.

Therefore, PILs can also be filed before High Courts when an issue involves a public cause within their jurisdiction.

3. FUNDAMENTAL RIGHTS

PIL has played an important role in expanding the interpretation of Fundamental Rights, particularly Article 14, Article 19 and Article 21.

Article 21, which protects the right to life and personal liberty, has been interpreted broadly by the judiciary to include several aspects of a dignified life. Through PIL cases, issues such as environmental protection, prisoner's rights, health, education and protection from exploitation have been connected with constitutional rights.

ROLE OF THE SUPREME COURT AND HIGH COURTS

The Supreme Court and High Courts have played a major role in the development and expansion of PIL in India. Through PIL, courts have been able to examine issues that affect large sections of society and have issued directions to public authorities where necessary.

The Supreme Court, particularly through Article 32, has dealt with several important public-interest issues. These include prisoner's rights, bonded labour, environmental protection, custodial violence, gender justice and government accountability.

This makes High Courts particularly important for public issues arising within a particular State or region. However, judicial power in PIL must also be exercised carefully. Courts are expected to respect the constitutional roles of the legislature and executive. PIL should therefore be used to protect legal and constitutional rights rather than to allow courts to take over ordinary policy-making.

IMPACT OF PIL ON INDIAN SOCIETY AND GOVERNANCE

PIL has had a significant impact on Indian society. One of its most important contributions has been making the judicial system more accessible to people who may not have the financial or social resources to approach the courts themselves.

- **PROTECTION OF HUMAN RIGHTS**

PIL has helped bring several violations of human rights before the courts. Issues concerning prisoners, bonded labourers, children, women and other vulnerable groups have received judicial attention through PIL.

- **ENVIRONMENTAL PROTECTION**

PIL has played a particularly important role in environmental matters. Cases concerning pollution, forests, rivers, hazardous industries and environmental degradation have contributed to the development of environmental jurisprudence in India.

- **GOVERNMENT ACCOUNTABILITY**

PIL has also been used to question administrative inaction and bring issues of public accountability before the courts. It can act as a mechanism through which public authorities are reminded of their constitutional and legal responsibilities.

- **SOCIAL JUSTICE**

PIL has provided a platform for raising issues affecting groups that may otherwise remain unheard. This has helped connect constitutional rights with real-life social problems.

- **BETTER GOVERNANCE**

PIL can encourage government authorities to take action where there has been prolonged inaction or failure to perform a legal duty. In this way, it can contribute to better governance.

However, PIL has also increased the responsibility of courts. When courts issue directions in areas involving administration and public policy, questions can arise regarding judicial overreach and separation of powers. Therefore, the success of PIL depends not only on judicial activism but also on maintaining constitutional limits.

JUDICIAL JUDGMENTS

1. *S.P. Gupta v. Union of India*⁵

This case played an important role in relaxing the traditional rule of *locus standi*. The Court recognised that in appropriate public-interest matters, a person who is not personally affected may approach the court when the actual victims are unable to do so.

2. *Bandhua Mukti Morcha v. Union of India*⁶

The case concerned bonded labour and the exploitation of workers. The Supreme Court emphasised the constitutional protection available to vulnerable workers and highlighted the responsibility of the State to protect their rights.

3. *D.K. Basu v. State of West Bengal*⁷

The case dealt with custodial violence and deaths in police custody. The Supreme Court laid down safeguards concerning arrest and detention and emphasised the protection of human dignity.

⁵ (1982) Supp SCC 87.

⁶ (1984) 3 SCC 161.

⁷ (1997) 1 SCC 416.

4. *Vineet Narain v. Union of India*⁸

The case is important for questions of institutional accountability and investigation of corruption allegations. The Court issued directions aimed at improving the functioning and independence of investigative agencies.

JUDICIAL SAFEGUARDS AND GUIDELINES

With the increasing use of PIL, concerns also arose regarding frivolous petitions, political motives and personal interests. To prevent such misuse, the Supreme Court has developed certain safeguards to ensure that PIL is used only for genuine public causes.

1. Guidelines in *State of Uttaranchal v. Balwant Singh Chaufal* (2010)⁹

The Supreme Court laid down important guidelines to prevent the misuse of PIL. The Court emphasized that PIL should be filed only for genuine public interest and not for personal, political or commercial purposes.

The main safeguards include:

- **Genuine public interest:** The court should examine whether the petition actually involves a matter affecting the public at large.
- **Verification of the petitioner:** The court may examine the petitioner's background, credentials, previous litigation and any personal interest in the matter.
- **Rejection of frivolous PILs:** Petitions filed for publicity, political motives, private disputes or other improper purposes may be dismissed.
- **Imposition of costs:** Courts may impose costs on petitioners who misuse the PIL process to discourage such petitions.
- **Judicial restraint:** Courts should exercise caution while entertaining PILs and should avoid interfering unnecessarily in matters that fall within the functions of the legislature or executive.

⁸ (1998) 1 SCC 226.

⁹ (2010) 3 SCC 402.

These safeguards help maintain the credibility of PIL and ensure that judicial time is used for genuine public causes.

2. ASSISTANCE TO THE COURT IN PIL CASES

PIL cases may involve complex legal, technical or policy-related issues. In such cases, courts may appoint an *amicus curiae*, meaning a “friend of the court,” to assist them in understanding the issues and reaching an informed decision.

An *amicus curiae* may:

- provide independent legal assistance to the court;
- assist in cases involving persons who cannot adequately represent themselves; and
- help the court understand the implementation and effect of its directions.

For example, in *Prakash Singh v. Union of India*¹⁰, the Supreme Court was assisted by an *amicus curiae* in dealing with issues relating to police reforms and accountability. The assistance helped the Court examine the complex administrative and legal issues involved in the PIL.

Courts may also constitute expert committees where a case involves technical matters such as environmental protection, public health or urban planning. These committees may help by:

- collecting facts and relevant information;
- examining the practical aspects of the issue;
- monitoring compliance with court directions; and
- providing expert recommendations to the court.

These mechanisms help courts make better decisions by providing them with legal, factual and technical assistance, particularly in complex PIL matters.

COMPARATIVE ANALYSIS

¹⁰ (2006) 8 SCC 1.

PIL is most developed in India, but similar forms of public interest and constitutional litigation exist in several other countries. A comparison helps to understand how different legal systems deal with standing, access to justice and judicial intervention in matters of public importance.

1. UNITED STATES

The United States does not have a PIL system similar to India. The closest forms are class actions and impact litigation, where groups or organisations approach courts to address issues affecting a larger section of society.

The U.S. follows strict rules of standing. Under Article III of the Constitution, a person generally has to show an actual injury, a connection between the injury and the challenged action and the possibility of a remedy from the court. Therefore, a person normally cannot approach the court simply because an issue is of public importance.

An important example is *Brown v. Board of Education (1954)*¹¹, where the U.S. Supreme Court declared racial segregation in public schools unconstitutional. Civil rights organisations such as the National Association for the Advancement of Colored People (NAACP) have also used impact litigation to advance rights and equality.

Thus, while the U.S. has no direct equivalent of Indian PIL, impact litigation has played a similar role in protecting the rights of disadvantaged groups.

2. SOUTH AFRICA

South Africa provides a broader constitutional basis for public interest litigation. Section 38 of the South African Constitution, 1996 allows a person acting in the public interest, a person acting on behalf of another person, and certain associations to approach the courts for the protection of constitutional rights.

South African courts have used this provision to address issues such as social inequality, environmental protection and healthcare rights.

¹¹(1954) 347 483 (U.S).

In *Minister of Health v. Treatment Action Campaign (2002)*¹², the Constitutional Court dealt with access to medicines for preventing the transmission of HIV from mothers to their children. The Court required the government to take reasonable steps to make the treatment available.

South Africa therefore provides a useful comparison with India because both countries give wider access to courts in matters involving constitutional and public rights.

3. BANGLADESH

PIL developed significantly in Bangladesh during the 1990s. The courts have used it to deal with issues such as environmental protection, child labour, public health and corruption.

In *Dr. Mohiuddin Farooque v. Bangladesh*¹³, the court recognised the ability of an organisation to approach the court in matters involving public interest and environmental protection. The case helped expand the concept of standing and allowed public interest organisations to represent affected communities.

The Bangladeshi approach is therefore similar to India in allowing public-spirited individuals and organisations to raise issues affecting the wider public.

4. PAKISTAN

It has also developed a form of public interest litigation through the constitutional jurisdiction of its Supreme Court. The Court has used its powers to address issues involving fundamental rights, environmental protection, police action, missing persons and administrative failures.

In *Shehla Zia v. WAPDA (1994)*¹⁴, the Supreme Court considered the health and environmental concerns arising from the construction of a grid station. The Court gave a broad interpretation to the right to life and recognised that environmental concerns could be connected with fundamental rights.

¹² (2002) ZACC 15.

¹³ (1996) 48 DLR 438.

¹⁴ (1994) SC 693.

The Supreme Court of Pakistan has also used its suo motu jurisdiction to take up matters involving public interest. However, this approach has sometimes been criticised for increasing judicial involvement in matters normally handled by the executive.

5. UNITED KINGDOM

The United Kingdom does not have a separate PIL system like India. Public interest matters are generally brought through judicial review, through which courts examine whether public authorities have acted lawfully.

An important example is *R (Miller) v. Secretary of State for Exiting the European Union* (2017)¹⁵. The UK Supreme Court examined whether the government could begin the process of leaving the European Union without prior authorisation from Parliament. The case shows how judicial review can deal with issues having significant constitutional and public importance.

However, unlike India, the UK generally does not allow courts to directly take up broad social issues merely on the basis of public interest.

6. KENYA

Kenya is another useful example because its 2010 Constitution provides broad access to courts in cases involving constitutional rights. Article 22 allows a person to approach the court on behalf of another person who cannot act for themselves and also permits proceedings to be brought in the public interest.

This approach is similar to India because it reduces the importance of traditional standing requirements and allows public interest organisations and individuals to raise issues concerning constitutional rights.

COMPARATIVE OBSERVATION

The comparison shows that India has developed a particularly broad approach to public interest litigation. In the United States, strict standing requirements limit access to courts, while South Africa and Kenya provide broader constitutional standing similar to India.

¹⁵ (2017) UKSC 5.

Bangladesh and Pakistan have also developed active forms of public interest litigation influenced by the Indian experience. The United Kingdom, on the other hand, mainly deals with public interest matters through judicial review.

At the same time, broader access to courts can increase the possibility of misuse and judicial overreach. Therefore, the experience of different countries shows that public interest litigation can be an effective means of protecting rights and promoting social justice, but it must be balanced with judicial restraint, proper standing requirements and respect for the separation of powers.

SUGGESTIONS

To preserve the original purpose of PIL while reducing its misuse, certain safeguards can be followed.

First, courts should carefully examine the bona fides of the petitioner before admitting a PIL. The Supreme Court's existing framework already requires important information about the petitioner's identity, personal interest and related litigation.

Second, courts should discourage petitions filed for publicity, political rivalry or private gain. Appropriate costs may be imposed in clearly frivolous cases.

Third, genuine PILs concerning poor, vulnerable and marginalised sections should receive proper attention.

Fourth, courts should maintain a balance between judicial activism and judicial restraint. PIL should not become a means for courts to routinely take over functions belonging to the legislature or executive.

Fifth, petitioners should use PIL responsibly. Before approaching the court, they should make sure that the matter genuinely affects the public and that there is a proper legal basis for seeking judicial intervention.

Finally, greater public awareness about the purpose and limitations of PIL can help ensure that it remains an instrument of justice rather than becoming a tool for private interests.

CONCLUSION

Public Interest Litigation has become an important part of the Indian judicial system. Its development has made it possible to bring issues before the courts that affect people who may not have the resources or opportunity to approach the judiciary themselves. From its early focus on prisoners, bonded labourers and other disadvantaged groups, PIL has gradually expanded to areas such as environmental protection, human rights, gender justice and government accountability.

The cases discussed in this paper show how the Supreme Court and High Courts have used PIL to protect fundamental rights and address issues of public concern. At the same time, the increasing use of PIL has also created concerns about frivolous petitions, political motives, publicity and judicial overreach. This makes the safeguards developed by the courts important for maintaining the proper purpose of PIL.

The comparative analysis also shows that different countries follow different approaches to public interest litigation and access to courts. India has adopted a relatively broad approach, but this wider access also requires responsible use.

Therefore, PIL should neither be discouraged nor used without proper scrutiny. It should remain focused on genuine public interest, particularly where the rights of vulnerable sections are involved. A proper balance between judicial activism, judicial restraint and separation of powers is necessary to ensure that PIL continues to serve its purpose of providing justice and protecting public rights.

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