
A CRITICAL STUDY ON PUBLIC INTEREST LITIGATION (PIL): A BOON OR BANE

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ABSTRACT

Public Interest Litigation (PIL) is a significant development in the Indian judicial system that has made justice more accessible to the common people. By relaxing the rule of locus standi, it allows any public-spirited individual or organization to approach the courts on behalf of those who cannot do so themselves. This has strengthened the protection of Fundamental Rights and expanded the role of the judiciary in promoting social justice, equality, and accountability.

Over the years, PIL has helped address important social, economic, and environmental issues such as bonded labour, women's rights, child labour, prisoners' rights, and environmental protection. It has also improved transparency and ensured better governance.

However, PIL has sometimes been misused for personal, political, or publicity purposes, which has increased the burden on the judiciary and affected its credibility. This study briefly examines PIL as both a beneficial and misused tool, concluding that while it remains an important instrument for justice, it must be used responsibly and under proper judicial scrutiny to maintain its true purpose.

CHAPTER I

1.Introduction

Public Interest Litigation (PIL) is one of the most important developments in the Indian legal system because it changed the way people access the courts. Earlier, only an affected person could file a case, but PIL allowed public-spirited individuals and organisations to approach the court on behalf of those who cannot do so themselves. This made the justice system more inclusive, especially for poor and marginalized groups. Over time, PIL became a strong tool for protecting Fundamental Rights and promoting fairness and dignity. Its development was shaped by judicial activism in the late 1970s and 1980s, particularly by Justice P. N. Bhagwati and Justice V. R. Krishna Iyer. Supported by Articles 32 and 226, courts even accepted informal complaints like letters, showing a more accessible approach to justice.¹

At the same time, PIL has also faced criticism due to its misuse in recent years. Some petitions are filed for personal gain, political motives, or publicity, rather than genuine public interest. This misuse wastes judicial time and delays real cases. In response, courts have adopted stricter scrutiny and imposed costs on frivolous petitions. Despite these challenges, PIL remains an important instrument of social justice, but it requires responsible use to preserve its original purpose.²

CHAPTER – II

HISTORICAL DEVELOPMENT OF PUBLIC INTEREST LITIGATION

2.1 Historical Background of Public Interest Litigation

Public Interest Litigation (PIL) emerged mainly because the traditional legal system was too rigid and not easily accessible to everyone. Earlier, only a person who was directly affected by an issue could approach the court. This strict rule of locus standi meant that many poor and marginalized people were left without any real access to justice. PIL was introduced to remove these barriers and make the justice system more open, inclusive, and socially responsive. In simple terms, it helped ensure that lack of money, awareness, or education does not stop a

¹ S.P. Gupta v. Union of India, AIR 1982 SC 149, p. 189.

² State of Uttaranchal v. Balwant Singh Chauhan, (2010) 3 SCC 402, p. 430.

person from getting justice.³

The idea of PIL was inspired by developments in the United States during the 1960s, where public interest law was used to fight racial discrimination and protect civil rights. Organizations like the NAACP played a major role in using courts for social change. India later adopted this concept but shaped it according to its own realities such as poverty, inequality, and illiteracy. The Indian judiciary gradually relaxed procedural rules and expanded access to justice, which laid the foundation for PIL as a powerful tool for social transformation.⁴

2.2 Origin and Development of Public Interest Litigation

Public Interest Litigation in India developed strongly in the late 1970s and early 1980s when the judiciary became more active and socially conscious. Courts started moving beyond a strict legal approach and began addressing real social problems affecting weaker sections of society. Judges like Justice P. N. Bhagwati and Justice V. R. Krishna Iyer played a key role in this transformation by promoting the idea that justice should not be restricted by technical rules. They encouraged courts to protect fundamental rights even if procedural rules had to be relaxed.⁵

One major change during this time was the relaxation of locus standi, which allowed public-spirited individuals or organizations to file cases on behalf of others. Another important development was epistolary jurisdiction, where courts accepted letters and postcards as petitions, especially for prisoners and poor people who could not approach courts directly. The Emergency period also influenced this growth, as it exposed misuse of state power and the need for a strong judiciary. After the Emergency, courts became more proactive in protecting rights, and PIL expanded into areas like bonded labour, prison conditions, environmental protection, and public health.⁶

2.3 Evolution of Public Interest Litigation in India

The evolution of PIL in India can be understood in three main phases. The first phase (1970s–1980s) focused mainly on giving access to justice for poor and marginalized people. Courts

³ M.P. Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2018) 1520.

⁴ S.P. Sathe, *Judicial Activism in India* (2nd edn, Oxford University Press 2003) 98.

⁵ *S.P. Gupta v. Union of India*, 1981 Supp SCC 87.

⁶ Upendra Baxi, *Public Interest Litigation in India* (Eastern Book Company 1989) 45.

intervened in cases where individuals could not approach the judiciary themselves. A landmark case from this period is *Hussainara Khatoon v. State of Bihar*, where the Supreme Court recognized the right to speedy trial as part of the right to life under Article 21. This phase also dealt with prison reforms, bonded labour, and basic human rights.⁷

The second phase (1980s–1990s) expanded the scope of PIL to wider social issues like environmental protection, labour rights, and public health. In *M.C. Mehta v. Union of India*, the Supreme Court introduced the principle of absolute liability for hazardous industries. During this period, Article 21 was interpreted broadly to include the right to a clean environment, education, health, and livelihood, strengthening the idea of a welfare state.⁸

The third phase (2000s–present) focuses on governance, transparency, and accountability. PIL is now used to address corruption and misuse of power, but it has also seen misuse for personal or political reasons. To control this, the Supreme Court in *State of Uttaranchal v. Balwant Singh Chaufal* laid down guidelines to ensure PIL is used only for genuine public interest. Today, courts are more careful and examine the intention behind every petition before accepting it.⁹

CHAPTER III

CONSTITUTIONAL AND LEGAL FRAMEWORK OF PUBLIC INTEREST LITIGATION (PIL)

3.1 Constitutional Basis of Public Interest Litigation

Public Interest Litigation (PIL) is deeply rooted in the Indian Constitution, even though the term “PIL” is not directly mentioned anywhere in it. The Constitution aims to secure justice—social, economic, and political—for all citizens, and PIL has become one of the most effective ways of achieving this goal in practice. It reflects the idea that justice should not depend on a person’s financial or social position, but should be available to everyone equally.

A strong constitutional foundation for PIL can be found in Articles 32 and 226, which empower the Supreme Court and High Courts to protect fundamental rights. Over time, courts have interpreted these provisions in a much broader way, allowing even third parties to approach the

⁷ *Hussainara Khatoon v. State of Bihar*, (1980) 1 SCC 81.

⁸ *M.C. Mehta v. Union of India*, (1987) 1 SCC 395.

⁹ *State of Uttaranchal v. Balwant Singh Chaufal*, (2010) 3 SCC 402.

judiciary when public interest is involved. PIL is also linked with the Directive Principles of State Policy, which guide the State to promote welfare and reduce inequality. Although these principles are not legally enforceable, courts often use PIL to give them practical effect in areas like environment, health, and social justice.¹⁰

3.2 Article 32 and Article 226 of the Indian Constitution

Articles 32 and 226 form the backbone of Public Interest Litigation in India, as they give constitutional power to courts to protect rights and ensure justice.

Article 32

Article 32 gives every citizen the right to directly approach the Supreme Court for the enforcement of Fundamental Rights. Dr. B.R. Ambedkar called it the “heart and soul” of the Constitution because it ensures real protection of rights. The Supreme Court can issue writs like Habeas Corpus, Mandamus, Prohibition, Certiorari, and Quo Warranto. In PIL cases, this provision has been interpreted broadly so that even public-spirited persons can file petitions on behalf of those who cannot approach the court themselves.¹¹

Article 226

Article 226 gives similar powers to High Courts, but its scope is even wider. High Courts can issue writs not only for Fundamental Rights but also for other legal rights. This makes it useful for addressing local and regional issues more quickly and effectively. It has therefore become a very important tool for expanding PIL at the state level.¹²

3.3 Locus Standi – Traditional and Liberal Approach

Locus standi means the legal right to approach a court. Traditionally, only a person who was directly affected by an issue could file a case. This strict rule often created barriers, especially for poor and vulnerable people who could not reach the courts.

With the development of PIL, this approach changed. Courts adopted a more flexible and human approach, allowing any public-spirited individual or organisation to file a case on behalf

¹⁰ Articles 32 and 226, Constitution of India; S.P. Gupta v. Union of India, AIR 1982 SC 149.

¹¹ Dr. B.R. Ambedkar, Constituent Assembly Debates; Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802.

¹² M.C. Mehta v. Union of India, AIR 1987 SC 1086.

of others. This shift made the justice system more inclusive and helped bring important social issues before the courts that would otherwise have remained unheard.¹³

3.4 Judicial Activism

Judicial activism refers to the proactive role of courts in protecting rights and ensuring justice. In India, it has been closely connected with the growth of PIL. Instead of sticking strictly to technical rules, courts began interpreting laws in a broader way to address real social problems.

One major impact of judicial activism is the expansion of Article 21, especially after the decision in *Maneka Gandhi v. Union of India*. The right to life was interpreted to include the right to live with dignity, clean environment, education, and livelihood. Judicial activism has also helped protect prisoners, women, and children when other branches of the government failed to act. Although some criticize it as judicial overreach, it has significantly strengthened PIL and constitutional justice.¹⁴

3.5 Procedure of Filing Public Interest Litigation

The procedure for filing PIL in India is simple and flexible so that ordinary people can approach the courts without difficulty. A PIL can be filed in the Supreme Court under Article 32 or in a High Court under Article 226.

Any person or organisation acting in public interest can file a PIL, provided the intention is genuine. The petition must clearly explain the issue, the rights violated, and the relief sought. It should also include supporting documents and an affidavit.

After filing, the court first checks whether the case is genuine. If satisfied, it admits the petition and issues notices to the concerned authorities. The case is then heard, and in some situations, courts may also appoint expert committees. Finally, the court passes appropriate directions or orders to resolve the issue.¹⁵

3.6 Admissibility of Public Interest Litigation

Not every case filed as PIL is accepted by the court. Certain conditions must be satisfied before

¹³ S.P. Gupta v. Union of India, AIR 1982 SC 149.

¹⁴ Maneka Gandhi v. Union of India, AIR 1978 SC 597.

¹⁵ Sunil Batra v. Delhi Administration, AIR 1978 SC 1675; guidelines on PIL procedure.

it is admitted. The court first checks whether the issue affects the public at large and involves matters like fundamental rights, environment, or governance.

The petitioner must act in good faith without any personal or financial interest. Courts also examine whether proper facts and evidence are provided. If the case appears vague or motivated, it may be rejected.

The court also checks whether other legal remedies are available, because PIL is not meant for private disputes or personal grievances. At the initial stage itself, courts carefully filter out unnecessary or fake cases. If misuse is found, the court may even impose costs on the petitioner. This ensures that PIL is used only for genuine public causes.¹⁶

CHAPTER -IV

PUBLIC INTEREST LITIGATION: A BOON OR BANE – A CRITICAL STUDY

4.1 Boon of Public Interest Litigation

4.1.1 Protection of Fundamental Rights

Public Interest Litigation (PIL) has significantly strengthened the protection of Fundamental Rights in India by making justice accessible even to those who cannot approach courts themselves. It has allowed public-spirited individuals to seek remedies on behalf of marginalized groups, ensuring that rights are not merely theoretical but practically enforced. The judiciary has expanded the scope of Article 21 to include rights such as dignity, livelihood, health, education, and a clean environment, thereby addressing various social issues.¹⁷

PIL has also played an important role in protecting vulnerable sections like prisoners, bonded labourers, women, and children. In cases such as *Hussainara Khatoon v. State of Bihar* and *Bandhua Mukti Morcha v. Union of India*, the Supreme Court ensured speedy trial and rehabilitation of bonded labourers.¹⁸ Thus, PIL has transformed Fundamental Rights into effective tools for social justice.

¹⁶ *State of Uttaranchal v. Balwant Singh Chaufal*, (2010) 3 SCC 402.

¹⁷ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248, p. 281.

¹⁸ *Hussainara Khatoon v. State of Bihar*, AIR 1979 SC 1369, p. 1373; *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161, p. 183.

4.1.2 Environmental Protection

PIL has played a crucial role in protecting the environment by enabling courts to address issues like pollution, deforestation, and ecological imbalance. The judiciary has interpreted Article 21 to include the right to a clean and healthy environment, making environmental protection a constitutional obligation.

Landmark cases such as *M.C. Mehta v. Union of India* have led to major developments in environmental law, including the adoption of principles like “polluter pays” and sustainable development.¹⁹ PIL has also increased public awareness and accountability, making it a powerful tool for ecological protection.

4.1.3 Prisoners’ Rights

PIL has transformed the treatment of prisoners by recognizing that they retain their Fundamental Rights even while in custody. Courts have addressed issues like overcrowding, custodial violence, and lack of medical care, ensuring humane conditions in prisons.

In *Sunil Batra v. Delhi Administration*, the Court emphasized protection against custodial torture, while *Hussainara Khatoun v. State of Bihar* highlighted the right to speedy trial.²⁰ This has led to important prison reforms and protection of human dignity.

4.1.4 Bonded Labour & Child Labour

PIL has been instrumental in eliminating bonded labour and child labour, which violate Articles 23 and 24 of the Constitution. It has enabled courts to intervene and ensure the release and rehabilitation of affected individuals.

In *Bandhua Mukti Morcha v. Union of India*, the Court took strong steps to protect bonded labourers, while *M.C. Mehta v. State of Tamil Nadu* addressed child labour in hazardous industries.²¹ PIL has thus strengthened labour rights and social justice.

¹⁹ *M.C. Mehta v. Union of India*, (1987) 1 SCC 395, p. 421.

²⁰ *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494, p. 518; *Hussainara Khatoun v. State of Bihar*, AIR 1979 SC 1369, p. 1373.

²¹ *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161, p. 183; *M.C. Mehta v. State of Tamil Nadu*, (1996) 6 SCC 756, p. 764.

4.1.5 Women and Social Justice

PIL has played a major role in promoting women's rights and addressing issues like sexual harassment, discrimination, and violence. Courts have interpreted Articles 14, 15, and 21 to ensure gender equality and dignity.

A landmark judgment in *Vishaka v. State of Rajasthan* laid down guidelines against workplace sexual harassment, later leading to legislation.²² PIL has also improved awareness and accountability, contributing to social justice for women.

4.1.6 Consumer Protection

PIL has helped protect consumer rights by addressing issues such as unsafe products, adulteration, and unfair trade practices. Courts have intervened to ensure transparency, safety, and accountability among businesses and authorities.

It has also contributed to better regulation of essential goods and public services, thereby safeguarding the interests of consumers and promoting fair practices in the market.²³

4.2 Bane of Public Interest Litigation

4.2.1 Frivolous Public Interest Litigations

Frivolous Public Interest Litigations are petitions filed without any real public interest or legal basis. They are often based on weak facts, assumptions, or incomplete information. Instead of helping society, such petitions end up wasting valuable court time and delay genuine cases.

The easy access to PIL was meant to help disadvantaged groups, but it has also led to misuse by individuals seeking publicity or personal satisfaction. Courts have repeatedly warned that PIL is not meant for casual or experimental litigation. To control this misuse, judges now carefully examine petitions at the admission stage and often impose costs on irresponsible litigants.²⁴

²² *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241, p. 253.

²³ General principles derived from consumer protection jurisprudence under PIL.

²⁴ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598, p. 605.

4.2.2 Political and Private Interest Public Interest Litigations

PIL is sometimes misused for political or private purposes. Political PILs are filed to target opponents, challenge government actions, or gain publicity rather than serve public welfare. Similarly, private interest PILs are disguised attempts to resolve personal disputes or business-related issues.

Courts have clearly stated that PIL cannot be used to settle private grievances or political rivalries. Such misuse not only disturbs judicial functioning but also reduces the credibility of genuine public interest cases. The judiciary has therefore adopted a strict approach and dismissed such petitions with costs in several cases.²⁵

4.2.3 Publicity-Oriented Public Interest Litigations

Some PILs are filed mainly to gain media attention or personal recognition. These petitions are often sensational in nature but lack proper legal research or genuine public concern.

The Supreme Court has strongly criticized this trend, stating that PIL should not become “publicity interest litigation.” Courts have observed that such cases waste judicial time and shift attention away from serious public issues. To prevent misuse, courts now carefully verify the intent of petitioners and impose penalties where necessary.²⁶

4.2.4 Corporate and Business Rivalry Public Interest Litigations

PIL is also misused in corporate competition, where businesses file cases to harm competitors or delay projects. Such petitions are often disguised as environmental or public welfare concerns but are driven by commercial motives.

The judiciary has clarified that PIL cannot be used as a tool for business competition or economic obstruction. If a petition is found to be motivated by rivalry or personal gain, courts dismiss it and may impose heavy costs to discourage such practices.²⁷

²⁵ Dattaraj Nathuji Thaware v. State of Maharashtra, (2005) 1 SCC 590, p. 595.

²⁶ Ashok Kumar Pandey v. State of West Bengal, (2004) 3 SCC 349, p. 354.

²⁷ State of Uttaranchal v. Balwant Singh Chauhan, (2010) 3 SCC 402, p. 430.

4.2.5 Judicial Observations on Misuse of PIL

The judiciary has consistently expressed concern over the growing misuse of PIL. Courts have noted that many petitions are filed for personal, political, or publicity purposes rather than genuine public interest.

The Supreme Court has repeatedly warned against converting PIL into “publicity interest litigation” or “private interest litigation.” It has emphasized that only bona fide petitions with real public importance should be entertained. Frivolous petitions waste judicial time and delay justice for deserving cases.²⁸

4.2.6 Important Case Laws

Several landmark cases highlight judicial efforts to control misuse of PIL. In *Subhash Kumar v. State of Bihar*, the Court held that PIL cannot be used for personal disputes or hidden motives. In *Ashok Kumar Pandey v. State of West Bengal*, the Court strongly criticized publicity-driven petitions.

In *Dattaraj Nathuji Thaware v. State of Maharashtra*, the Supreme Court imposed costs for misuse of PIL and stressed that it is meant for social justice, not personal benefit. Similarly, in *State of Uttaranchal v. Balwant Singh Chauhan*, the Court laid down strict guidelines to prevent abuse of PIL jurisdiction.

4.2.7 Challenges in Controlling Misuse of PIL

Despite judicial efforts, controlling PIL misuse remains difficult. One major challenge is the lack of uniform rules across courts, which leads to inconsistency in handling cases.

Another issue is the easy accessibility of PIL, which, while positive, has also encouraged unnecessary and poorly researched petitions. Courts also find it difficult to determine the real intention behind a petition, especially when private disputes are disguised as public interest cases.

Political pressure, media influence, and increasing backlog of cases further complicate effective screening. Therefore, continuous judicial monitoring and stricter procedural

²⁸ S.P. Gupta v. Union of India, AIR 1982 SC 149, p. 189.

safeguards are necessary to preserve the true purpose of PIL.

CHAPTER V

JUDICIAL ROLE IN REGULATING PUBLIC INTEREST LITIGATION

5.1 Judicial Approach towards PIL Misuse

Public Interest Litigation (PIL) was originally introduced as a way to make justice more accessible, especially for people who are poor, weak, or unable to approach the courts on their own. In the beginning, the judiciary played a very open and supportive role by relaxing strict rules like locus standi, so that even public-spirited individuals could file cases for others.²⁹ This made the justice system more inclusive and people-friendly.

But with time, PIL started being misused. Some people began filing cases for personal benefits, political reasons, or media attention. Because of this, courts slowly became more careful. Now, judges clearly say that PIL should only be used for genuine public issues, not for private or hidden motives.

5.2 Supreme Court & High Court Guidelines

To control misuse, the Supreme Court has laid down clear rules in cases like *State of Uttaranchal v. Balwant Singh Chaufal*.³⁰ Now, anyone filing a PIL must clearly show who they are, why they are filing the case, and whether they are acting in good faith. The facts must be properly supported with documents.

Courts also check cases at the early stage itself to ensure they involve real public interest. High Courts have also made their own PIL rules to make the process more structured. If a case is found to be false or unnecessary, courts can reject it and even impose costs.

5.3 Imposition of Heavy Costs

Today, courts often impose heavy costs on people who misuse PIL. The idea is simple—if someone wastes the court's time with a fake or unnecessary case, they should face financial

²⁹ *S.P. Gupta v. Union of India*, 1981 Supp SCC 87.

³⁰ *State of Uttaranchal v. Balwant Singh Chaufal*, (2010) 3 SCC 402.

consequences. This helps discourage careless or dishonest litigation.

5.4 Screening of PILs

Before accepting a PIL, courts carefully check whether the case is truly about public interest. They look at the petitioner's intention, evidence, and whether other legal remedies are available. This step helps filter out unnecessary or fake cases early.

5.5 PIL Rules

High Courts have created specific rules for filing PILs. These rules ensure proper format, affidavits, and disclosure of facts. If someone does not follow these rules, their case can be rejected.

5.6 Preventive Measures

To avoid misuse, courts have introduced strict checking systems, online filing, and dedicated PIL benches. Lawyers are also expected to ensure that only genuine cases are filed.

5.7 Challenges in Controlling PIL Abuse

Even with strict rules, misuse of PIL is still a challenge. Some cases are filed due to political pressure, media attention, or lack of awareness. Courts must constantly balance two things—making justice accessible and preventing abuse of the system.

6.1 Conclusion

Public Interest Litigation (PIL) has changed the Indian legal system in a very meaningful way. It has made justice more accessible, especially for people who are poor, vulnerable, or unable to approach the courts on their own. Through PIL, the judiciary has been able to step in and protect fundamental rights in important areas like environmental protection, prison conditions, labour rights, and social justice. It has also strengthened government accountability and made the justice system more people-oriented.³¹

However, with time, PIL has also started facing the problem of misuse. Many cases are now

³¹ S.P. Gupta v. Union of India, 1981 Supp SCC 87.

filed for personal advantage, political motives, or publicity rather than genuine public interest. This not only increases the burden on courts but also delays important cases that truly need attention. Although the judiciary has introduced safeguards like strict scrutiny and imposition of costs, misuse still continues to some extent. Therefore, it is important to maintain a balance—PIL should remain open and accessible, but at the same time, it must not be misused. If used responsibly, PIL will continue to be a strong tool for justice and social change.

6.2 Suggestions

To make PIL more effective and reduce its misuse, a few important improvements are needed. First, there should be a more uniform system of rules across all courts in India so that PILs are handled in a consistent manner. This will reduce confusion and prevent misuse of different procedures in different courts.

Second, courts should focus more on screening PILs at the very beginning. Before accepting a case, it should be properly checked whether there is real public interest involved, whether the facts are genuine, and whether the petitioner is acting in good faith. This will help filter out unnecessary or fake cases early itself.

Third, strict and consistent penalties should be imposed on those who misuse PIL. When courts impose heavy costs on frivolous or motivated petitions, it sends a strong message and discourages others from filing such cases.³²

Fourth, public awareness about PIL must be improved. Many people still do not fully understand its purpose and scope, which leads to unnecessary or improper filing of petitions. Educating citizens can help reduce such misuse.

Fifth, lawyers also have a major responsibility. They should not encourage or support petitions that do not have genuine public interest. Ethical legal practice is important to maintain the dignity of the justice system.

Sixth, courts should clearly avoid entertaining purely private disputes disguised as PILs. This will help ensure that judicial time is used only for matters that truly affect the public.

³² State of Uttaranchal v. Balwant Singh Chaufal, (2010) 3 SCC 402.

Finally, the use of technology like e-filing and digital case tracking can improve transparency and help monitor misuse more effectively. Continuous judicial review of PIL guidelines is also necessary so that the system can adapt to new challenges over time.