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# **PUBLIC INTEREST LITIGATION IN INDIA: HISTORICAL EVOLUTION, CONTEMPORARY MISUSE, AND THE PATH TOWARD REFORM**

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Raman Goyal, BBA LLB (Hons.), Amity Law School, Amity University Uttar Pradesh

## **ABSTRACT**

Public Interest Litigation (PIL) has been found to be one of the most important developments in Indian jurisprudence, which has revolutionised the concept of locus standi, providing a greater degree of access to justice for marginalized of society. The development of PIL has been a result of a proactive role played by Indian courts, especially during the late 1970s and 1980s, when there was a felt need for a more liberal approach to be taken for the enforcement of fundamental rights. Since then, PIL has been at the core of addressing various contemporary problems, such as protection of the environment, violation of human rights, bonded labor, custodial violence, and failure of government.

However, in recent times, PIL has been found to be misused for filing cases for personal, political, or publicity-driven reasons, rather than for public interest. This has, in turn, led to a great deal of concern on the part of Indian courts, which has been burdened with a number of frivolous cases filed under PIL, leading to a dilution of its original purpose. The present study attempts to examine the contemporary problems associated with PIL, such as a lack of guidelines, judicial overreach, and a need for a stricter scrutiny of cases filed under PIL, so that its sanctity is preserved.

**Keywords:** Public Interest Litigation, Judicial Activism, Access to Justice, Fundamental Rights, Misuse of PIL, Judicial Reform, Social Justice, India

## CHAPTER –1

### INTRODUCTION

Public Interest Litigation (PIL) represents a transformative development in the Indian legal system, fundamentally altering the traditional concept of access to justice. Unlike conventional litigation, which is typically initiated by an aggrieved party seeking personal relief, this has led to judicial activism, where the judiciary plays an active role in policy formulation and administration. Although in most cases PIL has been a force for good, it has led to a controversy regarding the extent of judicial intervention in administration and the need to uphold the separation of powers between organs of government.

Despite PIL's good intentions and achievements, PIL has come in for considerable criticism. In recent times, PIL has been criticised for a growing PIL has significantly contributed to the enforcement of fundamental rights guaranteed under the Constitution of India, particularly Articles 14, 19, and 21. It has been instrumental in addressing a wide range of social issues, including bonded labor, child labor, environmental degradation, custodial violence, and the rights of prisoners and undertrial detainees. Unlike conventional litigation, which is typically initiated by an aggrieved party seeking personal relief, this phase marked the institutionalisation of PIL as an essential instrument for social justice. Public Interest Litigation represents a departure from the traditional adversarial system of litigation in India. Under the conventional system, only an aggrieved person could approach the court for relief. This restrictive approach often excluded marginalized and disadvantaged sections of society from accessing justice. Recognizing this limitation, the Indian judiciary adopted a more liberal approach, allowing public-spirited individuals and organizations to file petitions on behalf of those unable to do so. This marked the birth of PIL as an instrument of social justice.<sup>1</sup>

#### 1.2 Literature Review

S. P. Sathe (2002) has provided a comprehensive study on judicial activism in India, in which PIL has been found to be at the core.

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.S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press, 2002).

P. N. Bhagwati, "Judicial Activism and Public Interest Litigation," (1985) 23 *Columbia Journal of Transnational Law* 561.

In his study, Sathe found that PIL has played a significant role in expanding the scope of fundamental rights, besides ensuring governmental accountability. At the same time, Sathe has cautioned against the possible risks of overactive judicial intervention, as such a trend might create a balance between the different arms of government.

M. P. Jain (2014), on the other hand, has discussed the role of PIL in a broad framework. In his study, Jain found that PIL has played a significant role in addressing various problems, such as environmental protection, women's rights, and protection of child rights. Landmark cases such as *Hussainara Khatoon vs State of Bihar* and *M. C. Mehta vs Union of India* clearly reflect how PIL has been an important tool in enforcing the life right and liberty in the broadest sense of those words. This has led to judicial activism, where the judiciary plays an active role in policy formulation and administration.

The development of PIL has been a result of a proactive role played by Indian courts, especially during the late 1970s and 1980s, when there was a felt need for a more liberal approach to be taken for the enforcement of fundamental rights. Since then, PIL has been at the core of addressing various contemporary problems, such as the protection of the environment, the violation of human rights, bonded labour, custodial violence, and the failure of the government.<sup>2</sup>

### 1.3 Scope and Objectives of the Study

However, PIL has moved beyond its initial concern and has expanded to cover other important areas such as environmental protection, governance, transparency, and accountability. In all such cases, PIL has been a catalyst for change. Issues of grave concern such as pollution control, deforestation, urban planning, and corruption in offices of authority have been dealt with in PILs. This innovative judicial mechanism has played a crucial role in democratizing justice and ensuring that the benefits of the legal system extend to marginalized and disadvantaged of society.

#### Objectives of the Study:

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Upendra Baxi (1985), "Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India," *Third World Legal Studies*.

S. P. Sathe (2002), *Judicial Activism in India: Transgressing Borders and Enforcing Limits*, Oxford University Press.

M. P. Jain (2014), *Indian Constitutional Law*, LexisNexis.

- To trace the historical evolution and growth of Public Interest Litigation in India.
- To examine the constitutional basis and legal framework governing PIL.
- To analyze the role of PIL in the protection and expansion of fundamental rights.
- To identify and evaluate instances and causes of misuse of PIL in recent times.
- To study judicial responses, particularly of the Supreme Court of India, in curbing frivolous PILs.
- To suggest reforms and measures to strengthen the effectiveness and credibility of PIL.

#### **1.4 Hypothesis**

This study is based on the hypothesis that while Public Interest Litigation has significantly contributed to the advancement of social justice and protection of fundamental rights in India, its increasing misuse has undermined its credibility and effectiveness. It is further hypothesised that the absence of stringent procedural safeguards and clear guidelines has facilitated the filing of frivolous and motivated petitions.<sup>3</sup>

However, with appropriate reforms and judicial restraint, PIL can continue to serve as a powerful instrument for public welfare without compromising judicial efficiency.

#### **1.5 Research Questions**

The study seeks to address the following key research questions:

- What are the historical and constitutional foundations of Public Interest Litigation in India?
- How has PIL contributed to the protection and expansion of fundamental rights?
- What are the major factors leading to the misuse of PIL in contemporary times?

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M. P. Jain (2014), *Indian Constitutional Law*, LexisNexis.

S. P. Sathe (2002), *Judicial Activism in India*, Oxford University Press.

Ashok Kumar Pandey vs State of West Bengal, (2004) 3 SCC 349.

- How have the courts, particularly the Supreme Court of India, responded to frivolous and motivated PILs?
- What reforms are necessary to prevent misuse while preserving the original intent of PIL?
- How can a balance be maintained between judicial activism and judicial restraint?

## **1.6 Research Methodology**

### **Doctrinal Research Approach**

The report is focusing on the legal principles, and constitutional provisions related to Public Interest Litigation. Special emphasis has been placed on Articles 32 and 226, which empower the Supreme Court of India and High Courts to enforce fundamental rights.

### **Analysis of Judicial Decisions**

Public Interest Litigation represents a development in the Indian legal system, altering the traditional concept of access to justice.<sup>4</sup>

The case in point is State of Uttaranchal vs Balwant Singh Chauhal, which is a significant case in this context. People have studied this case very carefully to know in what way Public Interest Litigation is dealt with in this context.

### **Secondary Sources of Data**

For gathering data for this research, different sources have been used. Books, journals, articles, reports published by different committees like the Law Commission of India, etc., have been studied for gathering data for this research. The thoughts and ideas of different scholars have also been found to be very useful for knowing more about Public Interest Litigation and its importance in this context.

## **1.7 Limitations of the Study**

This phase marked the institutionalisation of PIL as an essential instrument for social justice.

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Upendra Baxi (1985), "Social Action Litigation in India," Third World Legal Studies.

PIL has significantly contributed to the enforcement of fundamental rights guaranteed under the Constitution of India, particularly Articles.

This has led to judicial activism, where the judiciary plays an active role in policy formulation and administration. Although in most cases PIL has been a force for good, it has led to a controversy regarding the extent of judicial intervention in administration and the need to uphold the separation of powers between organs of government.

In recent times, PIL has been criticised for a growing Their judgments reflected a deep concern for social justice and a commitment to making the legal system more accessible and responsive. The emergence of Public Interest Litigation in India is closely linked to the proactive role played by the judiciary in expanding access to justice.<sup>5</sup>

## **CHAPTER – 2**

### **HISTORICAL EVOLUTION OF PUBLIC INTEREST LITIGATION IN INDIA**

The emergence of PIL reflects a shift from a rigid, procedure- approach to a more flexible and socially responsive legal framework. In his study, Sathe found that PIL has played a significant role in expanding the scope of fundamental rights, besides ensuring governmental accountability. At the same time, Sathe has cautioned against the possible risks of overactive judicial intervention, as such a trend might create a balance between the different arms of government. 6

In his study, Jain found that PIL has played a significant role in addressing various problems, such as environmental protection, women’s rights, and protection of child rights. The emergence of PIL reflects a shift from a rigid, procedure- approach to a more flexible and socially responsive legal framework. This has led to judicial activism, where the judiciary plays an active role in policy formulation and administration.

Although in most cases PIL has been a force for good, it has led to a controversy regarding the extent of judicial intervention in administration and the need to uphold the separation of powers between organs of government. At the same time, Jain has cautioned against the possible risks of overactive judicial intervention, as such a trend might create a balance between the different

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M. P. Jain (2014), *Indian Constitutional Law*, LexisNexis.

S. P. Sathe (2002), *Judicial Activism in India*, Oxford University Press.

arms of government. His study is a comprehensive analysis of PIL, covering both its positive and negative aspects.<sup>6</sup>

## 2.1 Origin and Concept of Public Interest Litigation

PIL has significantly contributed to the enforcement of fundamental rights guaranteed under the Constitution of India, particularly Articles 14, 19, and 21. It has been instrumental in addressing a wide range of social issues, including bonded labor, child labor, environmental degradation, custodial violence, and the rights of prisoners and undertrial detainees.

The Supreme Court of India, particularly during the post-Emergency period, recognized the need to address the grievances of marginalized of society who were unable to approach the courts due to various socio-economic constraints. However, PIL has moved beyond its initial concern for-rights of humankind has expanded to cover other important areas such as environmental protection, governance, transparency, and accountability.

## 2.2 Role of Judiciary in the Emergence of PIL

Desai pointed the concept of PIL in India and academicians, particularly in the context of judicial activism. In his study, Jain found that PIL has played a significant role in addressing various problems, such as environmental protection, women's rights, and protection of child rights. At the same time, Jain has cautioned against the possible risks of overactive judicial intervention, as such a trend might create a balance between the different arms of government. Further, the Law Commission of India (2009) M. P. Jain (2014), on the other hand, has discussed the role of PIL in a broad framework. PIL has significantly contributed to the enforcement of fundamental rights guaranteed under the Constitution of India.<sup>7</sup>

## 2.3 Landmark Judgments Shaping PIL Jurisprudence

In his study, Jain found that PIL has played a significant role in addressing various problems, such as environmental protection, women's rights, and protection of child rights. The emergence of PIL reflects a shift from a rigid, procedure- approach to a more flexible and

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P. Sathe (2002), *Judicial Activism in India*, Oxford University Press.

Upendra Baxi (1985), "Social Action Litigation in India," *Third World Legal Studies*.

Upendra Baxi (1985), "Social in India," *Legal Studies*.

S. P. Sathe (2002), Oxford University Press.

M. P. Jain (2014), *Indian Law*, LexisNexis.

socially responsive legal framework. This has led to judicial activism, where the judiciary plays an active role in policy formulation and administration. Although in most cases PIL has been a force for good, it has led to a controversy regarding the extent of judicial intervention in administration and the need to uphold the separation of powers between organs of government. At the same time, Jain has cautioned against the possible risks of overactive judicial intervention, as such a trend might create a balance between the different arms of government. His study is a comprehensive analysis of PIL, covering both its positive and negative aspects.

Another important case is *S.P. Gupta vs Union of India*, which is often regarded as the foundation of PIL in India. The Court liberalised the rule of locus standi, allowing any public-spirited to approach the court on behalf of others. This judgment significantly expanded access to justice and institutionalised PIL as a key feature of Indian constitutional law.

Environmental jurisprudence under PIL was greatly advanced through cases like *M. C. Mehta vs Union of India*. This realisation marked the beginning of a new era of judicial activism.<sup>33</sup> One of the most significant contributions of the judiciary was the relaxation of the rule of locus standi. Public Interest Litigation (PIL) represents a transformative development in the Indian legal system, fundamentally altering the traditional concept of access to justice. Unlike conventional litigation, which is typically initiated by an aggrieved party seeking personal relief.<sup>8</sup>

## **CHAPTER – 3**

### **CONSTITUTIONAL FRAMEWORK AND JUDICIAL ACTIVISM IN PIL**

Public Interest Litigation (PIL) in India is deeply rooted in the constitutional framework, which provides both the foundation and legitimacy for judicial intervention in matters affecting public interest. However, PIL has moved beyond its initial concern for-rights of human-and has expanded to cover other important areas such as environmental protection, governance, transparency, and accountability.

Environmental jurisprudence under PIL was greatly advanced through cases like *M. C. Mehta vs Union of India*. This realisation marked the beginning of a new era of judicial activism.<sup>33</sup> One of the most significant contributions of the judiciary was the relaxation of the rule of locus

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S.P. Gupta vs Union 1982 SC 149.

standi. By allowing any public-spirited to file a petition on behalf of those whose rights were violated, the courts opened the doors of justice to the underprivileged.

The judiciary also introduced procedural innovations such as epistolary jurisdiction, which enabled the courts to take cognisance of issues based on letters and media reports. Desai pointed the concept of PIL in India and academicians, particularly in the context of judicial activism. Among such studies, the contribution of Desai is quite prominent, as he analyzed the emergence of social action litigation. In his study, Michael discussed the role of the judiciary in addressing the grievances of marginalized communities. At the same time, Jain has cautioned against the possible risks of overactive judicial intervention, as such a trend might create a balance between the different arms of government. His study is a comprehensive analysis of PIL, covering both its positive and negative aspects. While judicial activism has been instrumental in protecting rights, it is essential to maintain a balance to preserve the institutional integrity of all branches of government.<sup>9</sup>

### **3.1 Constitutional Provisions Enabling PIL (Articles 32 and 226)**

The foundation of Public Interest Litigation (PIL) in India lies in the constitutional provisions that empower the judiciary to enforce fundamental rights. Articles 32 and 226 of the Constitution play a central role in this regard by granting the Supreme Court and High Courts the authority to issue writs for the protection of rights. Article 32, in particular, guarantees the right to constitutional remedies and enables s to directly approach the Supreme Court in case of a violation of fundamental rights. This provision has been interpreted liberally to allow PIL petitions, thereby ensuring that justice is accessible even to those who are unable to approach the Court themselves.

Article 226, which empowers High Courts, has an even wider scope as it allows the issuance of writs not only for the enforcement of fundamental rights but also for “any other purpose.” The Court emphasized that the legal system must remain accessible to all s, including those who lack resources or awareness to approach the judiciary. It recognized that socio-economic barriers often prevent vulnerable groups from seeking justice, and therefore allowed public-spirited s to act on their behalf. Further, the Law Commission of India (2009) M. P. Jain (2014), on the other hand, has discussed the role of PIL in a broad framework. PIL has significantly

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Maneka Gandhi vs Union of India, AIR 1978 SC 597.  
State of Uttaranchal vs Balwant Singh Chaufal, (2010) 3 SCC 402.

contributed to the enforcement of fundamental rights guaranteed under the Constitution of India, particularly Articles 14, and 21. It has been instrumental in addressing a wide range of social issues, including bonded labor, child labor, environmental degradation, custodial violence, and the rights of prisoners and undertrial detainees.

It brought attention to the need for systemic changes in the criminal justice system and encouraged further judicial interventions in related areas. The Supreme Court of India, in this case, held that any member of the public acting in good faith and having sufficient interest can approach the court for redressal of a public wrong or injury.<sup>10</sup>

### **3.2 Judicial Activism and Social Justice Jurisprudence**

The judiciary also introduced procedural innovations such as epistolary jurisdiction, which enabled the courts to take cognisance of issues based on letters and media reports. Desai pointed the concept of PIL in India and academicians, particularly in the context of judicial activism. Among such studies, the contribution of Desai quite prominent, as he analyzed the emergence of social action litigation. In his study, Michael discussed the role of the judiciary in addressing the grievances of marginalized communities.

At the same time, Jain has cautioned against the possible risks of overactive judicial intervention, as such a trend might create a balance between the different arms of government. His study is a comprehensive analysis of PIL, covering both its positive and negative aspects. The development of PIL has been a result of a proactive role played by Indian courts, especially during the late 1970s and 1980s, when there was a felt need for a more liberal approach to be taken for the enforcement of fundamental rights. Since then, PIL has been at the core of addressing various contemporary problems, such as protection of the environment, violation of human rights, bonded labor, custodial violence, and failure of government.

The petition was filed by an NGO dedicated to the eradication of bonded labour, highlighting the inhuman working conditions of labourers in stone quarries. The Supreme Court treated a letter as a writ petition under Article 32, thereby emphasizing that procedural technicalities should not hinder access to justice, especially for marginalized of society. The Court emphasized that the legal system must remain accessible to all s, including those who lack

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Gupta of India, SC 149.  
M.P. Jain, *Indian Law*, 8th ed., 2018).

resources or awareness to approach the judiciary. It recognized that socio-economic barriers often prevent vulnerable groups from seeking justice, and therefore allowed public-spirited s to act on their behalf. It brought attention to the need for systemic changes in the criminal justice system and encouraged further judicial interventions in related areas.<sup>11</sup>

## **CHAPTER – 4**

### **CONTEMPORARY TRENDS AND MISUSE OF PIL**

Over the last few decades, Public Interest Litigation (PIL) in India has evolved from being an extraordinary judicial tool to a commonly used instrument in the hands of both citizens and non-governmental actors. Originally intended to provide relief in situations where fundamental rights were violated or where marginalized of society lacked access to justice, PIL has now expanded into a broad spectrum of social, environmental, and administrative issues. Courts have increasingly recognized PIL as a means of ensuring that the state and its institutions are held accountable to the public. Article 32, in particular, guarantees the right to constitutional remedies and enables s to directly approach the Supreme Court in case of a violation of fundamental rights. This provision has been interpreted liberally to allow PIL petitions, thereby ensuring that justice is accessible even to those who are unable to approach the Court themselves.

Article 226, which empowers High Courts, has an even wider scope as it allows the issuance of writs not only for the enforcement of fundamental rights but also for “any other purpose.” The Court emphasized that the legal system must remain accessible to all s, including those who lack resources or awareness to approach the judiciary. It recognized that socio-economic barriers often prevent vulnerable groups from seeking justice, and therefore allowed public-spirited s to act on their behalf. Another important role of PIL is in ensuring governmental accountability. Courts have used PIL as a tool to review administrative actions and to ensure that public authorities act within the framework of the Constitution. This has led to greater transparency in governance and has helped in curbing arbitrary and unlawful actions by the state.<sup>12</sup>

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Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press, 2002).  
Olga Tellis, AIR 1986 SC 180.  
Vishaka 1997 SC 3011.

#### **4.1 Frivolous and Vexatious Litigation**

While PIL was designed to provide access to justice for marginalized of society, it has, over time, been misused by certain petitioners to advance personal, political, or commercial interests. Frivolous litigation is characterised by the absence of genuine public interest, reliance on speculative or unverified claims, and often aims to cause unnecessary harassment to public authorities or delay administrative actions.

Judicial activism has also facilitated the integration of Fundamental Rights with Directive Principles of State Policy. Therefore, it is essential to ensure that PIL continues to serve its primary purpose of protecting Fundamental Rights and promoting public interest. The petition was filed by an NGO dedicated to the eradication of bonded labour, highlighting the inhuman working conditions of labourers in stone quarries. The Supreme Court treated a letter as a writ petition under Article 32, thereby emphasizing that procedural technicalities should not hinder access to justice, especially for marginalized of society.

One of the most significant contributions of PIL is the expansion of the scope of Fundamental Rights, especially under Article 21. Through PIL, the courts have addressed issues such as bonded labour, custodial violence, environmental degradation, and exploitation of workers, thereby ensuring comprehensive protection of human rights. One of the most notable contributions of judicial activism is the expansive interpretation of Article 21. Judicial activism has also facilitated the integration of Fundamental Rights with Directive Principles of State Policy. Although Directive Principles are non-justiciable, the courts have relied on them to interpret and expand the scope of fundamental rights.<sup>13</sup>

#### **4.2 Political and Publicity- PILs**

The petition was filed by an NGO dedicated to the eradication of bonded labour, highlighting the inhuman working conditions of labourers in stone quarries. The Supreme Court treated a letter as a writ petition under Article 32, thereby emphasizing that procedural technicalities should not hinder access to justice, especially for marginalized of society.

The Court emphasized that the legal system must remain accessible to all s, including those who lack resources or awareness to approach the judiciary. It recognized that socio-economic

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State of Haryana 1992 SC 604.

barriers often prevent vulnerable groups from seeking justice, and therefore allowed public-spirited s to act on their behalf. It brought attention to the need for systemic changes in the criminal justice system and encouraged further judicial interventions in related areas. The Supreme Court of India, in this case, held that any member of the public acting in good faith and having sufficient interest can approach the court for redressal of a public wrong or injury.

Environmental jurisprudence under PIL was greatly advanced through cases like *M. C. Mehta vs Union of India*. *Union of India* clearly reflect how PIL has been an important tool in enforcing the life right and liberty in the broadest sense of those words. This has led to judicial activism, where the judiciary plays an active role in policy formulation and administration. Although in most cases PIL has been a force for good, it has led to a controversy regarding the extent of judicial intervention in administration and the need to uphold the separation of powers between organs of government. Despite PIL's good intentions and achievements, PIL has come in for considerable criticism. In recent times, PIL has been criticised for a growing In all such cases, PIL has been a guardian of constitutional values and a facilitator of social change.<sup>14</sup>

#### 4.3 Judicial Concerns and Guidelines on Misuse

At the same time, Jain has cautioned against the possible risks of overactive judicial intervention, as such a trend might create a balance between the different arms of government. He critiques the expansion of judicial power through PIL, suggesting that it sometimes leads to judicial overreach and undermines democratic processes.

Over the last few decades, Public Interest Litigation (PIL) in India has evolved from being an extraordinary judicial tool to a commonly used instrument in the hands of both citizens and non-governmental actors. Originally intended to provide relief in situations where fundamental rights were violated or where marginalized of society lacked access to justice, PIL has now expanded into a broad spectrum of social, environmental, and administrative issues. Courts have increasingly recognized PIL as a means of ensuring that the state and its institutions are held accountable to the public.

Judicial activism has played a pivotal role in shaping the development of PIL and advancing

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Common Cause vs, AIR 1996 SC 2528.

R.K. Jain vs Union of India, AIR 1996 SC 1500.

Olga Tellis vs Corporation, AIR 1986 SC 180.

social justice in India. Furthermore, the Vishaka Guidelines remained the law of the land until the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Articles 32 and 226 of the Constitution play a central role in this regard by granting the Supreme Court and High Courts the authority to issue writs for the protection of rights. PIL has significantly contributed to the enforcement of fundamental rights guaranteed under the Constitution of India, particularly Articles 14, 19, and 21. It has been instrumental in addressing a wide range of social issues, including bonded labor, child labor, environmental degradation, custodial violence, and the rights of prisoners and undertrial detainees. The foundation of Public Interest Litigation (PIL) in India lies in the constitutional provisions that empower the judiciary to enforce fundamental rights.<sup>15</sup>

## CHAPTER – 5

### JUDICIAL RESPONSES AND REFORMS IN PIL MECHANISM

Over the last few decades, Public Interest Litigation (PIL) in India has evolved from being an extraordinary judicial tool to a commonly used instrument in the hands of both citizens and non-governmental actors. Originally intended to provide relief in situations where fundamental rights were violated or where marginalized of society lacked access to justice, PIL has now expanded into a broad spectrum of social, environmental, and administrative issues. Courts have increasingly recognized PIL as a means of ensuring that the state and its institutions are held accountable to the public. By framing the eviction of pavement dwellers as a constitutional issue rather than a mere administrative matter, the landmark case set a precedent for using PIL to protect economically weaker of society. 16

This expansion reflects a positive trend in judicial activism, where courts play a proactive role in protecting societal interests beyond the limitations of traditional locus standi rules. The Court emphasized that the legal system must remain accessible to all s, including those who lack resources or awareness to approach the judiciary. It recognized that socio-economic barriers often prevent vulnerable groups from seeking justice, and therefore allowed public-spirited s to act on their behalf. It brought attention to the need for systemic changes in the criminal justice system and encouraged further judicial interventions in related areas. The Supreme

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State of Haryana, AIR 1992 SC 604.  
Olga Tellis vs Bombay, AIR 1986 SC 180.  
Common Cause vs AIR SC 2528.

Court of India, in this case, held that any member of the public acting in good faith and having sufficient interest can approach the court for redressal of a public wrong or injury.<sup>16</sup>

This proactive approach has strengthened the role of the judiciary as a guardian of constitutional. Through PIL, the courts have addressed issues such as bonded labour, custodial violence, environmental degradation, and exploitation of workers, thereby ensuring comprehensive protection of human rights. One of the most notable contributions of judicial activism is the expansive interpretation of Article 21. Judicial activism has also facilitated the integration of Fundamental Rights with Directive Principles of State Policy. Although Directive Principles are non-justiciable, the courts have relied on them to interpret and expand the scope of fundamental rights.

At the same time, Jain has cautioned against the possible risks of overactive judicial intervention, as such a trend might create a balance between the different arms of government. He critiques the expansion of judicial power through PIL, suggesting that it sometimes leads to judicial overreach and undermines democratic processes.

It remains responsible for ensuring that fundamental rights are not violated. This realisation marked the beginning of a new era of judicial activism. One of the most significant contributions of the judiciary was the relaxation of the rule of locus standi. By allowing any public-spirited to file a petition on behalf of those whose rights were violated, the courts opened the doors of justice to the underprivileged. Judicial activism has also facilitated the integration of Fundamental Rights with Directive Principles of State Policy. Through judicial activism, the courts have expanded the scope of rights and addressed issues that were traditionally considered beyond the domain of judicial review. While the liberal use of Articles 32 and 226 has facilitated access to justice, it is essential to strike a balance to prevent misuse of PIL and to ensure that judicial intervention remains within constitutional limits. Their flexible interpretation has enabled the courts to respond effectively to the needs of society, making PIL a vital instrument for ensuring justice and accountability.<sup>17</sup>

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S.P. Gupta vs, AIR 1982 SC 149.  
Subhash Kumar SC 420.  
M.C. Mehta v AIR 1987 SC 1086.  
Vishaka vs AIR 1997 SC 3011.

## CHAPTER – 6

### FINDINGS, ANALYSIS AND CONCLUSION

#### 6.1 Key Findings of the Study

First, it is evident that the governance framework for corporate entities within the digital economy has changed drastically because of technological advancements and increased dependence on the digital platform. This means that conventional approaches to corporate governance will not be adequate when dealing with challenges associated with the use of digital platforms and data processing techniques.

For instance, there are difficulties in dealing with algorithmic decision-making, non-transparent digital technologies, and challenges with regard to establishing liability within the digital space. According to the study, there has been an increase in the use of data-driven corporate models. Therefore, there has been a rise in the importance of data governance within corporate governance processes.

Secondly, the findings show that power is being accumulated in large corporations with advanced technological capabilities. This is problematic for the enforcement agencies since most of the corporations have a global presence and transcend national borders. Therefore, it becomes difficult for the enforcement agencies to deal with regulatory arbitrage. Moreover, there are no international norms and regulations that guide enforcement agencies in dealing with corporate entities within the digital space.<sup>134</sup> However, there are ongoing regulatory developments in India concerning data protection. Nevertheless, the mechanisms used to implement these.<sup>18</sup>

#### 6.2 Analysis of Legal and Institutional Challenges

Indeed, the legal concerns surrounding the topic are also multifaceted. Corporate laws formulated in relation to traditional businesses are ill-prepared to solve problems arising from such aspects of corporate activities as artificial intelligence, big data analytics, and cybersecurity. There are many regulatory deficiencies that companies may take advantage of, especially in terms of data ownership and responsibility for automatic decisions.<sup>135</sup> Hence, the

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Ministry of Corporate Affairs, *Report of the Committee on Corporate Governance* (Government of India, 2017). UNCTAD, *Digital Economy Report* (United Nations, 2021).

necessity arises to reformulate legislation according to modern realities.

Further, there are several institutional concerns that hinder effective regulation in the context of corporate activities online. Regulatory bodies lack the requisite technical capabilities and infrastructure required for monitoring compliance and enforcing accountability measures. The complex nature of digital technologies makes regulatory processes complicated.

Furthermore, the coordination of actions between various agencies involved in regulation is lacking, leading to inefficiency and inconsistency in governance of digital enterprises. In particular, developing economies face institutional deficiencies in this regard since regulations in this area are not yet well-established in such countries. 19

Finally, another factor that impedes effective governance is low awareness among relevant parties of their rights within the digital world. People simply are unaware of how to exercise their rights in such circumstances, hence they cannot act in order.<sup>19</sup>

### **6.3 Recommendations for Reform**

Strengthening regulatory frameworks to include clear guidelines on artificial intelligence and data usage, along with enhancing the capacity and coordination of regulatory authorities, can significantly improve oversight. It refers to the proactive approach adopted by the judiciary in interpreting the Constitution and intervening in matters of public interest to protect fundamental rights. Through judicial activism, the courts have expanded the scope of rights and addressed issues that were traditionally considered beyond the domain of judicial review.

While PIL was designed to provide access to justice for marginalized of society, it has, over time, been misused by certain petitioners to advance personal, political, or commercial interests. Frivolous litigation is characterised by the absence of genuine public interest, reliance on speculative or unverified claims, and often aims to cause unnecessary harassment to public authorities or delay administrative actions.

Judicial activism has played a pivotal role in shaping the development of PIL and advancing social justice in India. It remains responsible for ensuring that fundamental rights are not

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Ministry of Corporate Affairs, *Report of the Committee on Corporate Governance* (Government of India, 2017) UNCTAD, *Digital Economy Report* (United Nations, 2021).European Commission, *Artificial Intelligence and Corporate Responsibility Report* (2020).

violated. This realisation marked the beginning of a new era of judicial activism.<sup>33</sup> One of the most significant contributions of the judiciary was the relaxation of the rule of locus standi. By allowing any public-spirited to file a petition on behalf of those whose rights were violated, the courts opened the doors of justice to the underprivileged. Judicial activism has also facilitated the integration of Fundamental Rights with Directive Principles of State Policy.<sup>20</sup>

#### **6.4 Final Conclusion**

Based on the results and problems highlighted in the research, one of the key recommendations of the study is the need for far-reaching reform of corporate governance structures and their alignment to suit the challenges of the digital age. Some of the critical recommendations here include the need to pass legislation establishing proper data protection regulations. There is also a need to regulate the use of artificial intelligence technology in order to increase transparency in decision-making processes. This would promote equity in the digital environment and enable the development of more balanced business relations. 21

There is also a need to increase institutional capacity when regulating digital corporations. Regulatory agencies should be endowed with sufficient technological and financial capacity to carry out their mandate effectively. In addition, enhanced inter-agency cooperation could facilitate better monitoring of digital businesses. The creation of specific regulatory authorities to handle digital governance issues might go a long way in dealing with the emerging problems in this area. It should also be noted that increasing stakeholder involvement in digital corporation governance could yield significant benefits.<sup>21</sup>

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