
ROLE OF PUBLIC INTEREST LITIGATION (PILs) IN STRENGTHENING THE DEMOCRACY

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ABSTRACT

A crucial judicial development that took place in the early 20th century, India, was the expansion of Articles 32 and 226 of the Constitution and the introduction of the concept of Public Interest Litigation (PIL). This came into existence upon relaxation of the traditional rule of Locus Standi to allow public-spirited individuals to file cases in courts on behalf of underprivileged groups who are unable to approach the court themselves. Thereby, strengthening constitutional governance and helping in the eradication of systematic injustices that prevail in society.

Various judgements like *S.P. Gupta v. Union of India*, *Hussainara Khatoon v. State of Bihar* laid the foundation for this development and subsequent cases like *M.C. Mehta* and *Vishaka* expanded the scope of PIL into areas of environmental protection, gender justice,

However, its expansion has, time and again raised serious concerns about its misuse through unsubstantiated and frivolous petitions. Ultimately, the solution lies not in scrapping PIL as a redressal mechanism but by practicing judicial scrutiny at the stage of admission of petition.

INTRODUCTION:

Martin Luther King famously quoted “Injustice anywhere is a threat to justice everywhere”. This quote perfectly describes the reality of modern societies where legal wrongs not only result from private disputes but also public injuries that affect society at large. With increasing population and the need for change in the regulatory framework, traditional adversarial litigation proved to be inadequate in addressing the systemic harms. Several legal violations rose from the action/inaction of the public authorities that affected a large group of people, particularly the weaker sections of the society, who lack the requisite resources and knowledge required to approach courts. To ensure accessibility to justice, **Public Interest Litigation (PIL)** emerged as a remedy to turn the guaranteed rights enshrined in the Constitution into a living reality. Therefore, a conscious attempt was made to transform the judicial system of our country.

Public Interest Litigation is a petition filed by a person with bona fide intentions before a court for protection of public interests, enforcement of duties or to seek remedy for public injury. Such petitions are filed on behalf of individuals or weaker sections of the society who are not in the position to approach the court themselves. Although Public Interest Litigation has not been expressly defined under any statute or in the Constitution, it has evolved through judicial interpretation of Articles 32 and 226 which enable courts to entertain writ petitions. Through PIL, the courts have expanded the traditional rule of locus standi (place to stand) thereby agreeing to entertain petitions in matters of public interest.

EVOLUTION AND EXPANSION OF PIL:

The concept of Public Interest Litigation stems from American Jurisprudence where public interest law grew as a mechanism to facilitate justice to the disadvantaged sections of the society. However, the concept of constitutional writ jurisdiction already existed under Articles 32 & 226 which later helped in the evolution of PILs. During the late 1970s and early 1980s, the Supreme Court recognised the need for flexibility in procedural laws to ensure wider access to constitutional remedies.

The traditional rule of Locus Standi stood as a significant procedural barrier, which stated that only a person who is directly aggrieved by a legal injury could approach the courts for relief. This rule excluded large sections of the society from availing remedies due to their lack of

awareness, resources and capacity to seek judicial remedies.

To ensure that justice is available to all, the doctrine of Locus Standi was relaxed and permission to “public-spirited individuals” was granted to approach courts on behalf of those whose fundamental rights had been violated and were unable to seek justice for themselves.

The liberalisation of this traditional rule was marked in the case of *S.P Gupta v. Union of India 1981*¹, wherein the Court held that any public-spirited individual acting bona fide could invoke the writ jurisdiction of the Court in cases of public injury. Following this liberalisation, the scope of Public Interest Litigation expanded significantly, and Courts began to entertain petitions of public interest. Under this judgement, PILs became a means to enforce public duties and citizens got the opportunity to approach the apex court themselves to seek legal remedies in cases of public interest.

One of the first cases that was considered a Public Interest Litigation was the case of *Hussainara Khatoon vs. State of Bihar 1978*². The facts of this case were that a newspaper highlighted the inhuman conditions of undertrial prisoners who had been detained for years without trial. Recognizing the systemic nature of the injustice, the Supreme Court of India decided to take up this matter as a writ petition under Article 32 of the Constitution. In this case, the Supreme Court held that the rights to speedy trial is an integral part of the Article 21 of the Indian constitution. The decision not only resulted in the release of thousands of undertrial prisoners but also highlighted the practical functioning of Public Interest Litigation as an instrument for securing fundamental rights.

Thus, the evolution of Public Interest Litigation reflects the judicial shift from procedural rigidity to substantive justice. By modifying the traditional rule of locus standi in *S.P Gupta v Union of India 1981* (supra) and operationalizing its liberal approach in the case of *Hussainara Khatoon v State of Bihar 1978* (supra), the Supreme Court transformed constitutional remedies to ensure accessibility to social justice. In doing so, the Court redefined its constitutional role by ensuring that fundamental rights were not merely theoretical guarantees but also enforceable protections available even to the most marginalised sections of society.

¹ S.P Gupta v. Union Of India 1981, AIR 1982 SC 149 (India)

² Hussainara Khatoon vs. State of Bihar 1987, AIR 1979 SC 1369

SIGNIFICANCE & CONTRIBUTIONS OF PIL IN INDIA:

Public Interest Litigation has significantly transformed judicial accessibility in India by empowering public-spirited individuals to seek enforcement of constitutional rights on behalf of those unable to approach the Court themselves. This transformation of the Supreme Court from an adjudicator of private disputes to the custodian of public interest is reflected in several landmark cases.

One of the most significant contributions of PIL is reflected in the case *M.C Mehta v Union of India 1986*³, wherein the leakage of oleum gas in Delhi resulted in grave injury to the public. This was entertained as a Public Interest Litigation, and the Supreme Court examined the liability of industries engaged in hazardous activities stating that enterprises carrying on dangerous operations are subject to the doctrine of Absolute liability.

This case helped in the expansion of the ambit of Article 21 by recognising the right to a safe and healthy environment and imposed strict accountability on industries whose activities pose risks to public safety. Similarly, in *D.S Nakara v Union of India 1983*⁴, the Court extended constitutional protection to pension receivers by holding that pension is a matter of socioeconomic entitlement. This judgement strengthened the principle of equality under Article 14 by striking down arbitrary classifications and affirmed the State's obligation toward social welfare.

The role of PIL as a constitutional necessity was further solidified in *Vishaka v State of Rajasthan 1997*⁵, which arose from the sexual assault of a social worker and highlighted the absence of legislative safeguards against workplace harassment. This was treated as a Public Interest Litigation and the Court framed binding guidelines to prevent sexual harassment at workplace, holding that such conduct violates Articles 14, 19 and 21.

Further, in *Centre for Public Interest Litigation v Union of India 2012*⁶, the Court addressed the arbitrary allocation of 2G spectrum licenses on a "first-come, first-served" basis. This petition challenged the transparency and legality of the allocation process and was declared unconstitutional and violative of Article 14, leading to the cancellation of 122 licenses, this

³ M.C Mehta v Union of India 1986, 1987 AIR 1086

⁴ D.S. Nakara & Others v Union Of India 1982, 1983 AIR 130, 1983 SCR (2) 165

⁵ Vishaka & Ors v State Of Rajasthan & Ors 1997, AIR 1997 SC 3011

⁶ Centre For Pil & Ors v Union Of India & Ors 2012, AIR 2012 SC 1002

affirmed that natural resources are public assets which must be distributed in a fair and transparent manner.

In *M.C Mehta v State of Tamil Nadu 1996*⁷, the Court addressed the employment of children in hazardous industries and directed their withdrawal and rehabilitation, reinforcing the constitutional mandate under Articles 21 and 24. Through these interventions, Public Interest Litigation has evolved as a constitutional mechanism to enforce public duties, ensure executive accountability, and extend substantive justice to the vulnerable sections of society. It has bridged the gap between the constitutional guarantees on paper and their practical realization, thereby ensuring that fundamental rights operate as enforceable protection rather than abstract promises.

Furthermore, Justice P.N. Bhagwati and Justice V.R. Krishna Iyer played a pivotal role during the 1970s and 1980s in expanding access to justice in India. They strongly advocated the principle of free legal aid and adopted an activist judicial approach to ensure that constitutional remedies were not confined to the privileged classes. Recognizing the structural disadvantages faced by impoverished and marginalised communities, they sought to reshape procedural rules to make justice meaningfully accessible.⁸

An important early step in this transformation was the Court's willingness to exercise *Suo motu* jurisdiction in matters affecting large sections of society. One of the earliest decisions reflecting this shift was *Mumbai Kamgar Sabha v Abdulbhai*⁹ decided by Justice Krishna Iyer.

In this case, a labour union challenged the denial of bonus payments to workers employed by the respondent company. Although the expression "Public Interest Litigation" had not yet been formally articulated, the Court held that the petition was maintainable as it concerned the legal rights of workmen who, due to procedural and economic constraints, were unable to approach the Court individually. Justice Krishna Iyer emphasised that technical rules of *locus standi* should not defeat the purpose of justice where the rights of disadvantaged groups are involved. By permitting representative standing and relaxing procedural rigidity, the Court laid the foundational principles of what would later develop into Public Interest Litigation. Over time, these principles evolved into a distinct constitutional mechanism aimed at securing social

⁷ *M.C. Mehta v State Of Tamil Nadu and Others 1996*, AIR 1997 SC 699

⁸ Public Interest Litigation by Meera Patel

⁹ *Mumbai Kamgar Sabha v Abdulbhai Faizullabhai, 1976*, AIR 1976 SC 1455

justice and enforcing public duties.

RELEVANCE OF PILS IN CONTEMPORARY INDIA:

Public Interest Litigation has become a vital constitutional mechanism for bridging the gap between formal legal rights and their actual enforcement ensuring access to justice, particularly for disadvantaged and marginalised sections of society who lack the resources or awareness to approach courts independently. It aims to ensure that access to constitutional remedies is not restricted by procedural technicalities or economic incapacity. Over time, PIL has evolved into an essential instrument for securing social justice, enforcing public duties, and addressing legislative or executive inaction.

One of the foremost contributions of PIL lies in enabling access to justice. By relaxing the traditional rule of locus standi, the judiciary ensured that constitutional remedies under Articles 32 and 226 are not confined to the privileged few but are also available to marginalised groups such as prisoners, labourers, women, and economically weaker sections of the society who seek to enforce their fundamental rights. This is also closely linked to the development of epistolary jurisdiction, whereby Courts recognized the real barriers faced by disadvantaged individuals and began treating letters and informal communications as writ petitions in appropriate cases. By doing so, the judiciary ensured that technical rules do not obstruct the primary goal of delivering justice, particularly where issues of public injury or violation of fundamental rights are involved.

Another essential role of PIL is to bridge gaps between the rights guaranteed on paper and the actual application of the same. In situations where legislative vacuum exists, the judiciary has stepped in, to frame guidelines to safeguard constitutional rights until Parliament enacts appropriate legislation. A notable illustration of this was the case of *Vishaka v State of Rajasthan* 1997 (supra), wherein the Supreme Court, in the absence of statutory protection against workplace sexual harassment, laid down guidelines rooted in Articles 14, 19, and 21. These guidelines operated as law until the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, demonstrating how PIL functions as a constitutional safeguard in the face of legislative inaction.

Thus, the continued relevance of Public Interest Litigation lies in its role as a constitutional instrument that enhances access to justice, relaxes procedural rigidity, addresses legislative

gaps, and strengthens accountability within a democratic framework.

LIMITATIONS OF PIL:

Public Interest Litigation is conceived as a powerful instrument for social justice and constitutional accountability; however, it is not free from structural limitations and the risk of misuse. The very flexibility that enabled PIL to expand access to justice has over time generated concerns regarding judicial overreach, frivolous litigation, and dilution of genuine public interest. Although PIL remains an indispensable constitutional mechanism, its effectiveness depends upon responsible usage and judicial restraint.

One of the significant drawbacks of PIL is the possibility of judicial overreach. In extending the scope of judicial review, courts have occasionally entered domains that are reserved for the executive and legislature, especially in matters involving economic policy, administrative discretion, and technical expertise. Although judicial intervention is necessary in cases of arbitrariness or violation of fundamental rights, overreach may disrupt the balance that is maintained under the doctrine of separation of power.

In the case of *BALCO Employees' Union v. Union of India 2002*¹⁰, the supreme court held that courts should not interfere in economic or policy decisions unless there is clear illegality, mala fides, or constitutional breach. This judgment reaffirmed that judicial review is concerned with the decision-making process and not with the merits of the decision itself.

It was observed that issues related to disinvestment and economic reforms fall within the domain of executive wisdom and legislative policy, and that the courts do not have the institutional competence to assess complex economic issues.

In *Janata Dal v H S Chowdhary 1992*¹¹, the Supreme Court expressly warned that Public Interest Litigation should not be allowed to become a “private interest litigation” or “publicity interest litigation”. The Court emphasised that only petitions filed bona fide and in genuine public interest deserve to be entertained, and that meddlesome interlopers must not be permitted to misuse the judicial process. This decision laid down an important safeguard by requiring courts to examine the credentials and intentions of the petitioner before granting relief.

¹⁰ *BALCO Employees' Union v Union of India 2002*, AIR 2002 SC 350

¹¹ *Janata Dal v. H.S Chowdhary 1992*, AIR 1993 SC 892

The Court made it clear that only petitions which are filed bona fide and in public interest deserve to be entertained, and that busybodies or meddlesome interlopers must not be allowed to misuse the judicial process. This judgement established an important safeguard by requiring courts to examine the credentials and intentions of the petitioner before granting relief.

Moreover, in recent times, concerns regarding the misuse and over-extension of Public Interest Litigation have resurfaced. The Supreme Court has emphasized that PIL jurisdiction should not be invoked as a matter of convenience and has, in recent instances, dismissed several frivolous and unsubstantiated petitions ¹². This reflects a broader judicial trend of exercising caution and applying stricter scrutiny to ensure that only genuine public causes are brought before the Court.

During recent proceedings before the Supreme Court, the Central Government contended that PIL was originally conceived as an exceptional constitutional device to enable access to justice for underprivileged sections who were unable to approach courts due to poverty, illiteracy, and social exclusion. On the contrary, with the expansion of legal aid, increased awareness, and improved access to judicial mechanisms, it was argued that the continued and unregulated use of PIL risks deviating from its foundational purpose.

However, the Supreme Court has maintained that the solution lies not in abolishing PIL but in exercising calibrated judicial restraint. By evolving parameters to assess the bona fides and substance of petitions, the Court seeks to balance the prevention of abuse of process with the preservation of access to constitutional remedies.

Therefore, while the relaxation of procedural barriers was essential to democratise access to justice, the increasing instances of misuse, frivolous filings, and publicity-oriented litigation pose a serious challenge to the integrity of the Public Interest Litigation mechanism. The appropriate response does not lie in dismantling the institution itself, as that would undermine access to justice and weaken the democratic fabric, but in ensuring that PIL continues to function as a meaningful redressal mechanism subject to strict judicial scrutiny. Courts must therefore continue to filter out petitions lacking bona fide public interest while preserving PIL as a tool for genuine constitutional enforcement.

¹² "Approach Authorities Instead of Rushing to Court, Supreme Court Tells Petitioner Who Filed 25 PILs", *The Hindu*, April 10, 2026

CONCLUSION:

Public Interest Litigation has emerged as one of the most transformative developments in Indian constitutional jurisprudence. It started out as a procedural relaxation of locus standi and gradually evolved into a powerful democratic instrument capable of addressing systemic injustices. Through PIL, the judiciary expanded the meaning of access to justice, ensuring that fundamental rights are not limited to those with resources, awareness, or social standing. It enabled courts to respond to issues affecting prisoners, labourers, women, children, environmental victims, and other marginalised groups whose voices would otherwise have remained unheard. In doing so, PIL strengthened democracy by making constitutional remedies more participatory and responsive to public needs.

Over the decades, PIL has also functioned as a mechanism of accountability. By reviewing executive inaction, addressing arbitrary state conduct, and filling legislative gaps where necessary, the judiciary ensured that governance remains consistent with constitutional values. It bridged the divide between rights guaranteed on paper and their practical enforcement, thereby reinforcing the idea that the Constitution is a living document meant to operate in real social conditions. The expansion of epistolary jurisdiction, recognition of socio-economic rights, and development of doctrines such as absolute liability demonstrate how PIL has shaped substantive constitutional protections.

However, the journey of PIL also reflects the need for balance. Its very flexibility, which allowed it to become an instrument of social transformation, requires continuous discipline to prevent excess and misuse. Judicial restraint, scrutiny of bona fides, and adherence to constitutional boundaries are essential to preserving the legitimacy of this jurisdiction. Democracy is strengthened not merely by intervention, but by calibrated intervention that respects institutional roles while safeguarding rights.

Ultimately, the true significance of Public Interest Litigation lies in its ability to bridge the gap between constitutional promises and social realities. The role of PIL as a mechanism is to transform fundamental rights from abstract guarantees to enforceable tools of justice, ensuring that the Constitution continues to adapt to the changing societal needs.