



Research Paper

## Public Interest Litigation in India: Evolving Jurisprudence and Judicial Innovation

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### ABSTRACT

Public interest litigation (PIL) is defined as litigation that serves the public interest. Article 32 of the Indian Constitution includes a tool that directly connects the public and the judiciary. Public Interest Litigation may be filed in a court of law by the court suo motu, rather than the aggrieved party or a third party. The concept of public interest litigation is consistent with the principles enshrined in Article 39A of the Indian Constitution, which seeks to preserve and provide quick social justice through the use of the law. Prior to the 1980s, only the aggrieved party could seek justice in court. Following the emergency, the high court reached out to the people, creating a mechanism for any member of the public or an NGO to approach the court seeking legal remedy in those cases where the public interest is threatened. Justice P.N. Bhagwati and Justice V. R. Krishna Iyer were among the first judges to hear PILs in court. This article examines the dynamic evolution of the Indian judiciary in pursuit of the constitutional goals of equality, liberty and justice. The Apex Court and the High Courts have expanded the scope of fundamental rights under Articles 14, 21, and 32 by addressing the issues ranging from environmental preservation and gender justice to transparency, governance, and human rights. This evolving jurisprudence has positioned PIL as both a tool of empowerment and a mechanism of judicial creativity in bridging gaps left by legislative and executive inaction. However, concerns of overuse, misuse, and judicial overreach highlight the need for a balanced approach. Thus, the researcher in this Article has exemplified the judiciary's role as a catalyst for social transformation through the tool of PIL while simultaneously underscoring the challenges of sustaining its legitimacy within a democratic framework.

**KEYWORDS:** Public Interest Litigation, Constitutional goals, Apex court, Fundamental Rights and Social Transformation.

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### I. INTRODUCTION

Public interest litigation (PIL) and social justice are important concepts in our evolving society, where many people live in misery and suffering. The vast majority of Indians still lead an uneducated and disorganized existence in spite of all the hype. After gaining independence, India made an effort to draft its own constitution against this backdrop. An outstanding document, the Constitution of India is introduced by a priceless and lofty Preamble that is inviolable. It represents a strong commitment by the government and political parties, as well as by all Indian citizens, to these high humanistic ideals in all of our socio-economic development and advancement endeavors. Along with the Preamble, Fundamental rights under Part III and Directive Principles of State Policy under Part IV of Indian Constitution ensure social, economic and political justice to all the citizens of the country without any discrimination. The citizens are having fundamental right under Article 32 of Indian Constitution to move directly to the Supreme Court in case of violation of their fundamental rights (1).

The occurrence of an emergency and the growing concentration of governmental authority under the control of one party posed a threat to democratic institutions. In reaction to these circumstances, social activists and "social action groups" have started to organize outside of Indian politics and have looked for other platforms for social struggle during the past 20 years. Courts have also taken the chance of claiming a more prominent position in Indian sociopolitical life in this context by filing PILs (1). In accordance with the ideals

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entrenched in Article 39A of the Indian Constitution, Public Interest Litigation (PIL) aims to defend and expedite social justice through the use of the legal system. Prior to the 1980s, only the party who had been wronged may go to court to seek justice. However, the High Court opened up to the public after the emergence of the era, creating ways for any member of the public or an NGO to seek legal recourse in situations where the public interest was at risk (2).

The rule of law, which is woven throughout the Indian Constitution and is one of its fundamental tenets, demands that those who are impoverished or illiterate be given assistance in exercising their legal rights. There won't be a true rule of law if the impoverished are unable to use the legal rights granted to them due to their financial situation. Because of this, the locus standi principle has been loosened, allowing any public-spirited individual, group, or organization to bring a public interest lawsuit in good faith to protect and further the public interest by halting the infringement of the rights of the poor, oppressed, illiterate, and downtrodden. The USA is where the idea of public interest litigation first emerged. Additionally, the American experience served as the impetus for PIL in India. In contrast to the United States, the PIL in India was started by a few Supreme Court judges. Judges V.R. Krishna Iyer and P. N. Bhagwati were among the first to allow PILs in court. There are times when letters and telegrams sent to the court have been taken up as PILs and heard, demonstrating that filing a PIL is not as difficult as filing a regular case (3).

The idea of public interest litigation is essentially distinct from that of conventional adversarial litigation. In *Peoples' Union for Democratic Rights vs. Union of India* (4), the Supreme Court noted that public interest litigation, a strategic arm of the legal aid movement, is a completely different type of litigation from ordinary tradition litigation, which is essentially of an adversarial character where two litigating parties dispute each other, one of them making a claim or seeking relief against the other, and the other opposing the claim or resisting the relief. Public interest litigation is meant to bring justice within the reach of the poor masses, which constitute the low visibility area of humanity.

The court further noted that public interest litigation is fundamentally a joint endeavor between the petitioner, the State or public authority, and the court to ensure that the constitutional or legal rights, benefits, or privileges granted to the most vulnerable members of the community are upheld and that social justice is achieved for them. The State or public authority that is named as a respondent in a public interest lawsuit should actually welcome it since it would provide them with a chance to make amends for wrongs done to the weaker and impoverished segments of society, whose welfare should and must be the State's or public authority's top priority (5).

## **MEANING OF PUBLIC INTEREST LITIGATION**

There have been numerous attempts to define the term "public interest litigation" but it is a complicated notion that cannot be reduced to a single definition. Public interest litigation, as defined by the Supreme Court in *Janta Dal vs. H.S. Chowdhary* (6), is a legal action brought in a court of law to enforce a general or public interest in which the general public or a class of community has a financial interest or some interest that affects their legal rights or liabilities.

The definition of "public interest" in Black Law's Dictionary (6th Ed.) is something in which the general public or community has a financial interest or that influences their legal rights or obligations (3).

According to Stroud's Judicial Dictionary, "public interest" does not refer to things that are fascinating as satisfying curiosity, a love of knowledge, or entertainment, but rather to things in which a certain class of people has an economic interest, or an interest that affects their legal rights or obligations (3).

In report of the Council for Public Interest Law set up by the Ford Foundation in USA, it has been defined as a term that has lately been applied to initiatives to provide legal representation to previously underrepresented groups and interests. These initiatives have been made in acknowledgment of the fact that large sectors of the population and significant interest are not served by the standard legal services market. Such groups and interests include the poor, environmentalists, consumers, racial and ethical minorities and others (3).

## **SIGNIFICANCE OF PUBLIC INTEREST LITIGATION**

PIL is a vital tool for protecting the human rights of those who are denied them due to poverty or other circumstances. It also supports the judicial supervision of governmental facilities including protective homes, prisons, and asylums. PIL aims to facilitate the process for ordinary citizens to seek legal assistance from the courts. It accelerates the attainment of justice and the rule of law and is a crucial tool for social change. PIL has been crucial in bringing about political and social change in India as well as in bringing to light and addressing a variety of public issues. PIL has been utilized to protect the rights of marginalized groups, such as bonded laborers, slum residents, and prisoners, and to improve their living situations. It is used to defend the rights of entities for whose fundamental rights have been established (7).

The primary aim of PILs was to assist the marginalized and underprivileged in accessing justice. Its goal was to guarantee that everyone has access to justice. Judicial review was then included to PIL's scope in

order to fulfill the legal duties of the legislative and executive branches. PILs guarantee judicial review of administrative actions while also enhancing public involvement. PILs are commonly used under the rules of judicial review to assess a failure to act, challenge the legality of a decision or action, or challenge the decisions of public entities. The following are some methods that the courts aim to uphold human rights using the PIL mechanism (8):

- 1) It creates a new regime of human rights by expanding the meaning of fundamental right to equality, life and personal liberty. In this process, the right to speedy trial, free legal aid, dignity, means and livelihood, education, housing, medical care, clean environment, right against torture, sexual harassment, solitary confinement, bondage and servitude, exploitation and so on emerge as human rights. Through Public Interest Litigation (PIL), these newly reconceived rights offer legal resources to activate the courts for their enforcement.
- 2) It democratizes the access to justice. This is accomplished by loosening the conventional locus standi rule. Any social action organization or public-spirited individual may petition the court on behalf of the oppressed classes. Writing a letter or sending a telegram can also get the attention of the court. Epistolary jurisdiction is the term used to describe this.
- 3) The writ jurisdiction of the court was used to create new types of relief. The court may, for instance, provide victims of governmental lawlessness temporary compensation. In contrast, the Anglo-Saxon style of adjudication restricts interim remedy to maintaining the status quo while a final decision is being made. In PIL cases, the award of compensation does not bar the harmed party from filing a civil lawsuit to recover damages. The court can provide the victims with any kind of relief in PIL petitions.
- 4) State institutions including juvenile homes, women's protection homes, jails, mental asylums, and the like are subject to judicial oversight by the courts. The court aims to gradually enhance their administration and management through judicial invigilation. This has been described as creeping jurisdiction, as the court assumes control over these organizations' operations in order to uphold human rights.
- 5) In most situations, the court has appointed its own socio-legal commissions of inquiry or assigned its own official to conduct the investigation while developing new fact-finding methods. To look into human rights abuses, the Central Bureau of Investigation (CBI), the National Human Rights Commission, or specialists have occasionally been called upon which is called investigative litigation.
- 6) It has expanded the application of Article 32. PILs have expanded the reach of Article 32 of the Constitution, which guarantees the right to constitutional remedies, and have made it possible for civic-minded individuals to bring legal action on behalf of the general public.
- 7) It has contributed to the strengthening of the Indian judiciary as it permits the court to act on its own initiative to address matters of public concern.
- 8) It has been crucial in exposing and resolving a number of issues that impact the general people as well as in bringing about social and political change in India.

### **JUDICIAL APPROACH TOWARDS PUBLIC INTEREST LITIGATION**

Over the years, India has seen a number of important rulings pertaining to Public Interest Litigation (PIL). *Bandhua Mukti Morcha vs. Union of India* (9) is among the most well-known. This was the first Public Interest Litigation (PIL) filed by an NGO and dealt with the abuse of bonded labor. All bonded laborers were released and given compensation by the Supreme Court. The apex court in the landmark judgement of *S.P. Gupta vs. Union of India* (10) elucidated in the following words "But we must hasten to make it clear that the individual who moves to the court for judicial redress in cases of this kind must be acting bonafide with a view to vindicating the cause of justice and if he is acting for personal gain or private profit or out of the political motivation or other oblique consideration, the court should not allow itself to be activated at the instance of such person and must reject his application at the threshold." The case of *Rural Litigation and Entitlement Kendra (RLEK) vs. State of Uttar Pradesh* (11) addressed mining operations that resulted in deforestation, environmental damage, and community uprooting. According to Article 21 of the Constitution, the Supreme Court acknowledged that the right to a healthy environment was a necessary component of the right to life. In the first Public Interest Litigation (PIL) to be filed on an environmental matter, the Supreme Court addressed the problem of environmental pollution in Delhi in *MC Mehta vs. Union of India* (12). In *Parmanand Kataria vs. Union of India* (13), the hospitals are allowed to handle those who are injured in emergency accidents without having to worry about further police investigations. A traffic accident victim must receive emergency medical care from any hospital or doctor, whether they are public or private, in accordance with the ruling. The Court substituted the absolute liability theory for the strict liability principle in order to safeguard the rights of people. The problem of deaths that occur while a person is in custody and their entitlement to legal assistance were addressed in the case of *People's Union for Civil Liberties vs. Union of India*. (14) The right to human dignity, free from torture and other cruel, inhuman, or humiliating treatment was deemed to be part of the right to life guaranteed by Article 21 of the Constitution, according to the Supreme Court. (7)

According to the ruling in *Vishaka & Others vs. State of Rajasthan & Others* (15), the court established rules and standards that must be followed in order to stop sexual harassment of working women. As a result of the ruling, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 was passed (7). In the case of *Javed vs. State of Haryana* (16), the validity of a population control clause governing the panchayat election was disputed. The Haryana Provision forbade those with more than two children from holding any kind of office in panchayats. The court mainly emphasized the issue of population increase as a national and global priority at the expense of protecting human rights. The court ruled that the Haryana Provision was well-defined and based on the intention of increasing the acceptance of family planning. In *Council for Environment Legal Action vs. Union of India* (17), Public Interest Litigation filed by registered voluntary organisation regarding economic degradation in coastal area, the apex court issued appropriate orders and directions for enforcing the laws to protect ecology. In *Kunal Kamra vs. Union of India* (18), the Comedian Kunal Kamra, along with media organizations, challenged the 2023 IT (Intermediary Guidelines) Amendment Rules specifically, the introduction of a government-backed “fact-checking unit” affecting online content. The Bombay High Court ultimately ruled the amendments unconstitutional, citing violation of Articles 14, 19(1) (a), and 19(1) (g), emphasizing concerns over undue censorship and overreach. In *Supriyo vs. Union of India* (19), the petitioners questioned the constitutionality of legislation that limited marriage to heterosexual couples. The Court by a 3:2 majority held that, while the right to choose a life partner is a basic right, the right to marry is not a fundamental right for LGBT couples under the Indian Constitution. The majority ruled that it is the legislature’s prerogative to develop legal frameworks for same-sex marriage and that the state is not having any obligation to recognize such unions. In a landmark August 2025 ruling, the Supreme Court for regulating stray dogs in Delhi involves balancing public safety and animal welfare recently ordering the removal of all stray dogs to shelters for sterilization and vaccination, though this was later modified to It now permit the release of non-aggressive, non-rabid dogs to be sterilized, vaccinated, and released, and it calls for dedicated feeding areas (20). On 29 August, 2025, a Bench of Justices Surya Kant, Joymalya Bagchi and Vipul M. Pancholi heard a plea against the alleged detention and deportation of Bengali-speaking labourers. The West Bengal Migrant Welfare Board filed a PIL challenging the imprisonment of Bengali-speaking workers accused of unlawful immigration. The Court asked for a detailed affidavit from the central government within one week and asked the Calcutta High Court to expedite relevant citizenship procedures. The Court stated, “Bengal is a land that has given refuge & strength,” expressing optimism for justice (21).

## **ABUSE OF PUBLIC INTEREST LITIGATION**

There have been heated discussions on the boundaries of judicial activism in the PIL domain. The Rajya Sabha was presented with a private member’s bill titled “Public Interest Litigation (Regulation) Bill, 1996.” According to the statement of objectives and reasons, PILs were abused under the name of giving justice to the underprivileged segments of society. Additionally, PIL cases were given precedence over other cases, resulting in the courtroom holding multiple “general section cases” for years. The bill was not passed, nevertheless. The procedure is successfully preceding keeping in mind the strength and significance of PIL in making the Constitution a living reality for its citizens and also the efforts directed through PIL jurisprudence to bring justice to the underprivileged. Due to economic hardship, a lack of “know-how,” or even red tape, a grieving, impoverished, and deprived citizen finds it difficult to seek justice in a nation with a large number of “variable ethnicities” and religious variety, operating via a pattern of extensive bureaucracy. A petition for a PIL is the only remaining alternative available to the deprived next to a miracle (22). The following factors contribute to the misuse of Public Interest Litigation in India (7):

1) **Publicity-Driven Litigations:** A rising abuse of the Public Interest Litigation mechanism is represented by Publicity-Driven Litigations also known as Publicity Interest Litigations. In certain situations, people or organizations sometimes referred to as “professional litigants” file PILs not because they really care about the welfare of the public, but rather in order to attract media attention, improve their own reputation, or further their political careers. Rather of being based on significant legal or constitutional issues, these petitions are frequently based on sensationalism and dramatized situations. They have no real substance and have the potential to sway public opinion, even though they might garner media or public attention. Such abuse erodes the legitimacy and integrity of PIL as a vehicle for true social justice in addition to clogging the legal system.

2) **Politically Motivated Public Interest Litigations:** Another misuse is the filing of Politically Motivated Public Interest Litigations by political parties, activists, or their affiliates for partisan purposes rather than the actual public interest. In the political sphere, these petitions are frequently intended to embarrass political opponents, stall governmental decisions, or gain strategic advantage. Courts have noted a discernible rise in these PILs, especially during election periods or when major government policies or reforms are implemented. Even if these cases are brought up in the name of public concern, their real goal is frequently political meddling,

which can undermine the judiciary's neutrality and take its focus away from more urgent and valid public concerns.

**3) Vexatious or Frivolous Public Interest Litigations:** These petitions are filed without sufficient investigation or preparation having poor drafting and or having no legal substance. The allegations made in these PILs are frequently vague, overstated, or too broad and lack supporting facts, reliable evidence, or valid legal standing. These petitions take up important court time and resources, which delays the settlement of more important and worthy matters. In addition to impairing the effectiveness of the justice delivery system, the overabundance of these poorly thought out lawsuits in the courts damages the legitimacy of PIL as a vehicle for sincere public interest advocacy.

**4) Judicial Overreach through Public Interest Litigation:** When courts consider PILs, they are engaging in Judicial Overreach through Public Interest Litigation, which is when they expand their jurisdiction into areas that are customarily the purview of the executive or the legislature. In certain situations, the court may give orders or render judgments on complex policy matters, frequently without the requisite administrative or technical know-how. An imbalance between the three branches of government, policy confusion, and ineffective implementation can all arise from this. Although judicial intervention is essential for protecting rights and guaranteeing accountability, going beyond constitutional bounds with PILs can upset the fragile framework of democratic governance and cause conflict between the judiciary and other branches of government.

**5) Personal or Private Interests Masquerading as Public Interest:** Interests that are private or personal A misuse of the PIL mechanism known as "masquerading as public interest" occurs when people take advantage of the platform to further private agendas while feigning to be working for the common benefit. As issues of greater social importance, these petitions are frequently submitted to resolve personal disputes, such as those pertaining to property, commercial competition, or local grievances. As an illustration, a petitioner may accuse a competitor of environmental violations in order to block their commercial proposal, while the true motivation is personal gain or business rivalry. PIL is meant to preserve the rights of the underprivileged and promote collective welfare, not to be used as a vehicle for self-interest or veiled litigation. Such abuse betrays the actual essence of Public Interest Litigation (PIL).

## II. CONCLUSION

It would be appropriate to conclude by quoting Cunningham, "*Indian PIL might rather be a Phoenix: a whole new creative arising out of the ashes of the old order.*" Public Interest Litigation (PIL) represents the first attempt by a developing common law country to break away from legal imperialism perpetuated for centuries. It contests the assumption that the most western the law, the better it must work for economic and social development such law produced in developing states, including India, was the development of under develop men. The shift from legal centralism to legal pluralism was prompted by the disillusionment with formal legal system (23).

In India, however instead of seeking to evolve justice- dispensing mechanism ousted the formal legal system itself through Public Interest Litigation (PIL). The change as we have seen, are both substantial and structural. It has radically altered the traditional judicial role so as to enable the court to bring justice within the reach of the common man. Further, it is humbly submitted that PIL is still in an experimental stage. Many deficiencies in handling the kind of litigation are likely to come on the front. But these deficiencies can be removed by innovating better techniques. In essence, the PIL develops a new jurisprudence of the accountability of the state for constitutional and legal violations adversely affecting the interests of the weaker elements in the community. We may end with the hope once expressed by an eminent judge "The judicial activism gets its highest bonus when its orders wipe some tears from some eyes." In India, Public Interest Litigation (PIL) is a potent instrument for defending and preserving issues of public interest. It increases government accountability and advances social justice. PIL is an essential tool for defending the rights of all people, but especially those of the weaker and more marginalised groups in society (23).

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