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PUBLIC INTEREST LITIGATION IN INDIA: EVOLUTION, GROWTH, AND CHALLENGES

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Abstract

Public Interest Litigation (PIL) represents one of the most significant innovations in the Indian legal system and has transformed the traditional concept of access to justice. It emerged as a powerful judicial mechanism through which courts became accessible to disadvantaged and marginalized sections of society who were unable to approach judicial institutions due to poverty, illiteracy, social backwardness, or other disabilities. By liberalizing the traditional rules of locus standi, the Indian judiciary expanded the scope of judicial review and enabled public-spirited individuals and organizations to seek remedies on behalf of those whose rights had been violated. Since its emergence in the late 1970s and early 1980s, Public Interest Litigation has contributed significantly to the protection of human rights, environmental conservation, governmental accountability, prison reforms, labour welfare, gender justice, and numerous other areas of public concern. However, the increasing use of PIL has also generated concerns regarding judicial overreach, frivolous litigation, and misuse of judicial processes. This paper examines the evolution, growth, constitutional foundations, achievements, and challenges of Public Interest Litigation in India and critically evaluates its role in strengthening constitutional governance and social justice

Keywords: *Public Interest Litigation, PIL, Judicial Activism, Access to Justice, Human Rights, Constitutional Law, Social Justice.*

Introduction

The legal system traditionally required that only a person whose legal rights had been directly violated could approach a court of law for redress. This principle, known as the doctrine of locus standi, restricted judicial access to parties having a direct personal interest in a dispute.

While such a requirement served important procedural purposes, it often prevented disadvantaged sections of society from seeking legal remedies. In countries characterized by widespread poverty, illiteracy, and social inequalities, many individuals lacked the resources, awareness, or capacity necessary to enforce their rights through formal legal processes. Consequently, serious violations of

constitutional and legal rights frequently remained unaddressed.

The emergence of Public Interest Litigation in India represented a revolutionary departure from this traditional approach. Recognizing the realities of Indian society and the need to ensure meaningful access to justice, the Supreme Court adopted a liberal interpretation of procedural rules and expanded the concept of standing. Through this innovative approach, public-spirited citizens, social activists, journalists, lawyers, and voluntary organizations were permitted to approach courts on behalf of individuals or groups unable to seek legal remedies themselves. Public Interest Litigation thus transformed the judiciary into a more accessible institution capable of addressing issues affecting large sections of society.

The growth of PIL coincided with the emergence of judicial activism in India. During the post-Emergency period, the judiciary increasingly assumed an active role in protecting constitutional rights and promoting social justice. Judges recognized that constitutional guarantees would remain ineffective unless courts adopted flexible procedures capable of addressing the needs of marginalized communities. Public Interest Litigation became an important instrument through which courts sought to enforce fundamental rights, ensure governmental accountability, and promote the objectives of the Constitution.

Over the years, PIL has evolved into one of the most influential features of Indian constitutional jurisprudence. It has facilitated judicial intervention in matters relating to bonded labour, environmental degradation, prison conditions, child labour, custodial violence, gender discrimination, corruption, and public administration. Through PIL, courts have not only resolved individual grievances but have also addressed systemic problems affecting society as a whole. The institution has therefore become closely associated with the constitutional ideals of justice, equality, and human dignity.

Concept and Meaning of Public Interest Litigation

Public Interest Litigation refers to legal proceedings initiated before a court of law for the protection of public interest, public welfare, or the enforcement of constitutional and legal rights affecting a community or a disadvantaged group. Unlike traditional litigation, which focuses primarily on the rights of individual parties, PIL seeks to address broader social concerns and promote collective welfare. The primary objective of PIL is to ensure that legal remedies remain accessible to individuals and groups who may otherwise be unable to seek judicial protection.

The distinctive feature of Public Interest Litigation lies in its relaxation of the traditional rules relating to locus standi. Under the conventional legal approach, only a person directly affected by a legal wrong could institute proceedings before a court. PIL permits public-spirited individuals and organizations to approach courts on behalf of those whose rights have been violated but who lack the capacity to seek legal remedies. This procedural innovation significantly expanded access to justice and enabled courts to address issues affecting vulnerable and marginalized communities.

Justice P.N. Bhagwati, one of the principal architects of Public Interest Litigation in India, emphasized that procedural technicalities should not become obstacles to the enforcement of fundamental rights. According to him, courts must adopt flexible procedures when dealing with cases involving disadvantaged persons who are unable to approach judicial institutions. His vision contributed significantly to the development of PIL as an instrument of social transformation and constitutional justice.

Public Interest Litigation differs from ordinary litigation in several respects. While conventional litigation generally involves disputes between private parties concerning personal rights and obligations, PIL addresses matters affecting public welfare and collective interests. The objective is not merely to resolve individual disputes but to secure broader social justice and ensure compliance with constitutional principles. Consequently, courts often adopt innovative procedures and issue continuing directions to facilitate effective implementation of their orders.

Theoretical Foundations of Public Interest Litigation

The intellectual foundations of Public Interest Litigation can be traced to various theories relating to social justice, constitutionalism, and the role of law in society. One of the most influential contributions in this regard comes from Roscoe Pound, whose theory of social engineering emphasized that law should function as an instrument for balancing competing interests and promoting social welfare. According to Pound, legal institutions should actively contribute to the realization of social justice and the protection of vulnerable groups. Public Interest Litigation reflects this philosophy by enabling courts to address systemic inequalities and protect disadvantaged sections of society.

The concept of access to justice developed by Mauro Cappelletti also provides an important theoretical basis for PIL. Cappelletti argued that access to justice constitutes the most fundamental human right because it enables the enforcement of all other rights. Legal rights become meaningless if individuals lack practical mechanisms for their enforcement. Public Interest Litigation enhances access to justice by removing procedural barriers and enabling representation of marginalized groups before judicial institutions.

Similarly, the theory of justice advanced by John Rawls supports judicial interventions aimed at protecting disadvantaged members of society. Rawls emphasized that social institutions should be organized in a manner that benefits the least advantaged sections of the population. PIL serves this objective by enabling courts to address social and economic inequalities and ensure that constitutional protections extend to vulnerable communities.

The development of PIL also reflects the broader philosophy of constitutionalism. Constitutional governance requires effective mechanisms for preventing abuses of power and protecting fundamental rights. Public Interest Litigation strengthens constitutional accountability by enabling citizens and civil society organizations to challenge governmental actions that violate constitutional norms or adversely affect public welfare.

Constitutional Foundations of Public Interest Litigation

Although the Constitution of India does not expressly mention Public Interest Litigation, its constitutional foundations can be found in several provisions relating to fundamental rights, judicial review, and constitutional remedies. The emergence of PIL was largely facilitated by the expansive interpretation of these provisions by the Supreme Court.

Article 32 of the Constitution confers upon individuals the right to approach the Supreme Court for the enforcement of Fundamental Rights. Dr. B.R. Ambedkar described this provision as the "heart and soul" of the Constitution because it provides effective remedies against violations of constitutional rights. The Supreme Court utilized Article 32 as the primary constitutional basis for the development of PIL and adopted a liberal approach towards procedural requirements in cases involving public interest.

Similarly, Article 226 empowers High Courts to issue writs for the enforcement of fundamental rights as well as other legal rights. The broad jurisdiction conferred by Article 226 has enabled High Courts to entertain numerous PIL petitions concerning issues of public importance and social welfare.

Articles 14, 19, and 21 have also played a crucial role in the growth of PIL jurisprudence. Judicial interpretation of these provisions expanded the scope of constitutional protections and facilitated judicial intervention in matters relating to human rights, environmental protection, prison reforms, labour rights, and social justice. The judiciary increasingly viewed PIL as a means of giving practical effect to constitutional values and ensuring that the benefits of constitutional governance extended to all sections of society.

Evolution and Growth of Public Interest Litigation in India

The evolution of Public Interest Litigation in India cannot be understood without examining the social and political circumstances that prevailed during the 1970s and early 1980s. Although the Constitution guaranteed extensive

fundamental rights and provided judicial remedies for their enforcement, a substantial section of the Indian population remained unable to access the legal system. Poverty, illiteracy, social discrimination, and lack of awareness prevented many individuals from approaching courts even when their constitutional rights were violated. The traditional doctrine of locus standi further restricted judicial access by requiring that only a person directly affected by a legal wrong could seek judicial remedies. As a result, numerous violations of human rights and constitutional guarantees remained beyond the reach of judicial scrutiny.

The period following the Emergency of 1975–1977 witnessed significant changes in Indian constitutional jurisprudence. The judiciary, conscious of the need to restore public confidence and strengthen constitutional governance, began adopting a more activist approach toward the protection of rights and liberties. Judges such as Justice P.N. Bhagwati and Justice V.R. Krishna Iyer played a transformative role in this process. They recognized that procedural technicalities should not prevent disadvantaged groups from obtaining justice and that courts should become more accessible to vulnerable sections of society. Their progressive interpretation of constitutional provisions laid the foundation for the emergence of Public Interest Litigation as a distinct judicial mechanism.

One of the earliest and most significant cases associated with the development of Public Interest Litigation was *Hussainara Khatoon v. State of Bihar* (1979). The case originated from a series of newspaper reports highlighting the plight of thousands of undertrial prisoners who had been detained in prisons for periods longer than the maximum punishment prescribed for their alleged offences. Treating a newspaper report as a writ petition, the Supreme Court intervened to address this grave violation of human rights. The Court held that the right to a speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution. The decision not only secured the release of numerous undertrial prisoners but also demonstrated the willingness of the judiciary to adopt flexible procedures in matters involving public interest. This case is widely regarded as one of the foundational

decisions in the history of Public Interest Litigation in India.

The scope of PIL expanded further in *S.P. Gupta v. Union of India* (1981), commonly known as the Judges Transfer Case. Although the case primarily concerned judicial appointments and transfers, the Supreme Court made important observations regarding locus standi. Justice P.N. Bhagwati emphasized that any member of the public acting bona fide and having sufficient interest could approach the court for redress of public wrongs or enforcement of constitutional obligations. This liberal interpretation significantly widened access to judicial remedies and established the doctrinal basis for Public Interest Litigation in India. The judgment effectively transformed the traditional concept of standing and enabled public-spirited individuals to represent the interests of disadvantaged groups before the courts.

Another landmark decision that contributed significantly to the growth of PIL was *Bandhua Mukti Morcha v. Union of India* (1984). The case concerned the inhuman conditions of bonded labourers employed in stone quarries in Haryana. A social organization addressed a letter to the Supreme Court highlighting widespread exploitation and violation of labour rights. Treating the letter as a writ petition, the Court conducted an inquiry and issued extensive directions for the protection and rehabilitation of bonded labourers. The judgment reaffirmed the principle that procedural formalities should not obstruct access to justice and emphasized the judiciary's responsibility to protect the rights of marginalized communities. The case remains one of the most celebrated examples of judicial intervention on behalf of vulnerable sections of society.

The development of environmental jurisprudence in India owes much to Public Interest Litigation. Among the most influential contributors to environmental PIL was M.C. Mehta, whose series of petitions led to several landmark judgments. In cases relating to industrial pollution, environmental degradation, vehicular emissions, and the protection of natural resources, the Supreme Court adopted an activist approach and developed important environmental principles. Decisions such as the *Oleum Gas Leak Case*, the *Ganga Pollution Cases*, and the *Taj Trapezium*

Case significantly strengthened environmental governance and established doctrines such as absolute liability, sustainable development, and the precautionary principle. These cases demonstrated the capacity of PIL to address issues affecting not only individual rights but also collective environmental interests.

Public Interest Litigation also played a vital role in advancing gender justice and protecting women's rights. In *Vishaka v. State of Rajasthan* (1997), the Supreme Court addressed the issue of sexual harassment at the workplace in the absence of specific legislation. The case arose following the brutal assault of Bhanwari Devi, a social worker who had attempted to prevent child marriage. Recognizing the inadequacy of existing legal protections, the Court formulated the Vishaka Guidelines, which established a comprehensive framework for preventing and addressing workplace sexual harassment. These guidelines remained operative until the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The judgment illustrates how PIL enabled the judiciary to fill legislative gaps and protect fundamental rights.

The protection of human rights in custodial settings was another area significantly influenced by Public Interest Litigation. In *D.K. Basu v. State of West Bengal* (1997), the Supreme Court addressed the problem of custodial violence and deaths occurring during police detention. Recognizing the seriousness of the issue, the Court laid down detailed guidelines governing arrest and detention procedures. These safeguards were intended to protect individuals against abuse of power and ensure compliance with constitutional guarantees under Articles 21 and 22. The judgment remains one of the most important contributions to human rights jurisprudence in India and demonstrates the role of PIL in promoting governmental accountability.

The growth of Public Interest Litigation during the 1980s and 1990s transformed the Indian judiciary into a proactive institution capable of addressing a wide range of social, economic, and environmental issues. Courts increasingly intervened in matters relating to prison reforms, child labour, bonded labour, environmental protection, education, public health, corruption, and governance. This expansion of judicial

activity became closely associated with the concept of judicial activism. Judicial activism refers to the willingness of courts to adopt an active role in interpreting constitutional provisions and protecting public interests. Public Interest Litigation became one of the principal instruments through which judicial activism was expressed in India.

The success of PIL can be attributed largely to its ability to bridge the gap between constitutional promises and social realities. By relaxing procedural barriers and expanding access to justice, the judiciary enabled marginalized communities to benefit from constitutional protections. PIL transformed courts from passive adjudicatory bodies into active guardians of social justice and human rights. It facilitated judicial scrutiny of governmental actions and enhanced accountability within public institutions. Moreover, it encouraged greater participation by civil society organizations in the enforcement of constitutional norms and the promotion of public welfare.

However, the rapid expansion of Public Interest Litigation also generated debates regarding the appropriate limits of judicial intervention. While supporters viewed PIL as a necessary instrument for protecting constitutional values and addressing governance failures, critics expressed concerns regarding excessive judicial activism and the potential encroachment upon functions traditionally performed by the executive and legislature. These concerns became increasingly prominent as courts began addressing complex policy matters through PIL proceedings. Nevertheless, there is little doubt that the evolution and growth of Public Interest Litigation represent one of the most remarkable developments in Indian constitutional law and have significantly expanded the scope of judicial protection available to disadvantaged and marginalized sections of society.

Achievements, Challenges, and Critical Analysis of Public Interest Litigation

Public Interest Litigation has emerged as one of the most influential instruments of constitutional governance in India. Its greatest achievement lies in democratizing access to justice and making the judiciary accessible to those who were

historically excluded from the legal system. Before the emergence of PIL, many disadvantaged individuals lacked the resources and awareness necessary to approach courts for the enforcement of their rights. By relaxing procedural requirements and expanding the concept of locus standi, the judiciary enabled public-spirited individuals and organizations to seek legal remedies on behalf of marginalized communities. This transformation significantly enhanced the ability of courts to address social injustices and enforce constitutional guarantees.

One of the most remarkable contributions of PIL has been the protection of human rights. Through PIL, courts have intervened to improve prison conditions, protect bonded labourers, prevent child exploitation, combat custodial violence, and safeguard the rights of women, children, and other vulnerable groups. Judicial intervention in these areas has often compensated for administrative inaction and legislative inadequacies. The enforcement of socio-economic rights through PIL has further contributed to the realization of constitutional objectives relating to social justice and human dignity.

Environmental protection represents another major achievement of Public Interest Litigation. Prior to the growth of environmental PIL, legal mechanisms for addressing environmental degradation were relatively underdeveloped. Through a series of landmark judgments, the Supreme Court expanded environmental jurisprudence and recognized the close relationship between environmental quality and the right to life under Article 21 of the Constitution. Judicial recognition of principles such as sustainable development, the precautionary principle, intergenerational equity, and the polluter pays principle significantly strengthened environmental governance in India. These developments illustrate the capacity of PIL to address emerging societal challenges and contribute to the development of legal doctrine.

Public Interest Litigation has also strengthened governmental accountability and transparency. Numerous PIL petitions have exposed corruption, administrative arbitrariness, misuse of public resources, and violations of constitutional obligations. Judicial scrutiny of governmental actions has encouraged greater adherence to

constitutional standards and enhanced public confidence in democratic institutions. By enabling citizens and civil society organizations to challenge unlawful or arbitrary actions, PIL has promoted participatory governance and reinforced the principles of constitutional accountability.

The contribution of PIL to legal awareness and constitutional culture should not be underestimated. Public interest cases often receive significant public attention and generate broader discussions regarding constitutional rights and social justice. Through its judgments, the judiciary has educated citizens about their rights and responsibilities and encouraged greater engagement with constitutional values. This educational function has contributed to the development of a more informed and rights-conscious society.

Despite its many achievements, Public Interest Litigation has also faced substantial criticism. One of the most significant concerns relates to the increasing misuse of PIL for personal, political, commercial, or publicity-oriented purposes. As the popularity of PIL grew, courts began receiving petitions that lacked genuine public interest and were motivated by private considerations. Such petitions consume judicial resources and divert attention from matters involving genuine public concerns. Recognizing this problem, courts have repeatedly emphasized that PIL should not become a tool for advancing personal agendas or settling political rivalries.

The Supreme Court addressed these concerns in *State of Uttaranchal v. Balwant Singh Chaufal* (2010), where it observed that PIL must be used carefully and responsibly. The Court emphasized that judges must verify the bona fides of petitioners and ensure that PIL is invoked only for genuine public causes. The judgment highlighted the necessity of preventing abuse of judicial processes while preserving the beneficial aspects of Public Interest Litigation. This decision reflects the judiciary's awareness of the need to balance accessibility with procedural discipline.

Another challenge concerns the phenomenon commonly described as judicial overreach. Critics argue that in certain cases, courts have exceeded their constitutional role by entering areas

traditionally reserved for the executive and legislature. Through PIL proceedings, courts have occasionally issued detailed directions relating to policy implementation, administrative management, and governance matters. While such interventions are often motivated by legitimate concerns regarding public welfare, they raise questions regarding the separation of powers and institutional competence. Critics contend that courts may lack the expertise and democratic legitimacy necessary to formulate complex public policies.

Supporters of judicial activism, however, argue that judicial intervention becomes necessary when other branches of government fail to discharge their constitutional responsibilities. According to this perspective, PIL serves as an essential mechanism for addressing governance failures, protecting vulnerable groups, and ensuring compliance with constitutional obligations. The debate between judicial activism and judicial overreach remains one of the most important issues in contemporary constitutional law. While opinions differ regarding the appropriate limits of judicial intervention, there is broad agreement that PIL should remain focused upon the protection of constitutional rights and public welfare rather than routine administrative matters.

The growing burden upon courts presents another challenge. The expansion of PIL jurisdiction has increased the number of cases requiring judicial attention. Indian courts already face substantial backlogs and delays, and the proliferation of PIL petitions has added to these pressures. Some scholars argue that excessive judicial involvement in public interest matters may divert resources from ordinary litigation and affect the efficiency of the justice delivery system. Ensuring that PIL remains an effective instrument therefore requires careful management of judicial resources and prioritization of matters involving genuine public importance.

The implementation of judicial directions issued in PIL cases has also generated concerns. Courts frequently issue comprehensive orders addressing complex social and administrative issues. However, the effectiveness of such orders depends upon their implementation by governmental authorities. In some instances, compliance has been delayed or incomplete,

limiting the practical impact of judicial interventions. Effective realization of the objectives of PIL therefore requires cooperation among the judiciary, executive agencies, civil society organizations, and citizens.

A further criticism relates to the possibility of judicial populism. Because PIL cases often involve issues attracting considerable public attention, there is a risk that judicial decisions may be influenced by popular sentiment rather than legal principles. Although there is little evidence that courts routinely succumb to such pressures, maintaining public confidence in judicial impartiality requires adherence to constitutional norms and legal reasoning. The legitimacy of PIL depends upon the perception that judicial interventions are guided by constitutional values rather than political or populist considerations.

Notwithstanding these challenges, Public Interest Litigation remains one of the most significant innovations in Indian constitutional law. Its contribution to social justice, human rights protection, environmental conservation, and governmental accountability has been profound. PIL has expanded the reach of constitutional remedies and enabled courts to address issues affecting millions of individuals who might otherwise remain excluded from the legal system. The institution has played a transformative role in bridging the gap between constitutional ideals and social realities.

Conclusion

Public Interest Litigation has fundamentally transformed the Indian legal system and emerged as a powerful instrument for the realization of constitutional justice. By liberalizing traditional procedural rules and expanding access to judicial remedies, the judiciary succeeded in making constitutional rights more meaningful for disadvantaged and marginalized sections of society. The evolution of PIL reflects the judiciary's commitment to ensuring that the legal system remains responsive to social realities and capable of addressing systemic injustices.

The development of PIL jurisprudence through landmark decisions such as *Hussainara Khatoon v. State of Bihar*, *S.P. Gupta v. Union of India*,

Bandhua Mukti Morcha v. Union of India, *M.C. Mehta v. Union of India*, *Vishaka v. State of Rajasthan*, and *D.K. Basu v. State of West Bengal* demonstrates the transformative potential of judicial intervention in matters of public concern. Through these decisions, courts expanded the scope of constitutional rights, strengthened governmental accountability, and promoted social welfare.

At the same time, the future success of Public Interest Litigation depends upon maintaining an appropriate balance between judicial activism and judicial restraint. Courts must remain vigilant against the misuse of PIL while preserving its essential role as an instrument of social justice and constitutional governance. Genuine public interest must continue to guide judicial intervention, and procedural safeguards should be strengthened to prevent frivolous or politically motivated litigation.

Ultimately, Public Interest Litigation represents the dynamic and progressive character of the Indian Constitution. It embodies the constitutional commitment to justice, equality, dignity, and the rule of law. By providing a voice to the voiceless and ensuring accountability within public institutions, PIL has become an indispensable component of Indian democracy. Its continued effectiveness will depend upon the judiciary's ability to uphold constitutional principles while adapting to evolving social and institutional challenges. As long as significant inequalities and barriers to justice persist, Public Interest Litigation will remain a vital mechanism for protecting rights, promoting public welfare, and strengthening constitutional governance in India.

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