*Page: 789-807* *URL: www.lijdlr.com*

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

ISSN: 2583-7753

# LawFoyer International Journal of Doctrinal Legal Research

**[ISSN: 2583-7753]**

**Volume 4 | Issue 4**

**2026**

*DOI: https://doi.org/10.70183/lijdlr.2026.v04.404*

*© 2026 LawFoyer International Journal of Doctrinal Legal Research*

*Follow this and additional research works at: www.lijdlr.com*
*Under the Platform of LawFoyer – www.lawfoyer.in*

*After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal Legal Research has decided to publish this submission as part of the publication.*

*In case of any suggestions or complaints, kindly contact (info.lijdlr@gmail.com)*
*To submit your Manuscript for Publication in the LawFoyer International Journal of Doctrinal Legal Research, To submit your Manuscript Click here*

# PUBLIC INTEREST LITIGATION AS A TOOL FOR SOCIAL JUSTICE

**Pratibha Yadav**[*]

## I. ABSTRACT

*Public Interest Litigation (PIL) in India represents a significant development in constitutional jurisprudence and access to justice. Emerging in the late 1970s, PIL marked a radical departure from traditional, individual-centric litigation towards a more inclusive legal framework in which concerned individuals, NGOs and social activists could seek judicial redress on behalf of marginalized or voiceless groups. This paper examines PIL as an effective instrument for advancing social justice, with specific reference to its constitutional basis, historical evolution and practical implications. It examines how the Supreme Court and High Courts, exercising their existing powers under Articles 32 and 226, expanded access to justice through judicial innovation, and evaluates the landmark judgments that shaped this jurisprudence. Despite its achievements, PIL has also raised concerns about judicial overreach, frivolous petitions, politically motivated litigation and its misuse for private gain or publicity. These problems raise significant questions about the proper limits of PIL and underline the need for safeguards to preserve its legitimacy. PIL has played a major role in advancing social justice, but its future effectiveness depends on safeguarding judicial integrity, securing genuine participation by affected communities and strengthening measures to prevent abuse. The paper concludes with recommendations aimed at preserving the transformative potential of PIL as a means of inclusive and participatory justice in India's constitutional democracy.*

## II. KEYWORDS

Public Interest Litigation; Locus Standi; Article 32; Judicial Activism; Social Justice.

[*] LLM/ 1st Year/ 1st semester, Faculty of Law , Gd Goenka university (India). Email: pratibhay970@gmail.com

© 2026. LawFoyer International Journal of Doctrinal Legal Research (ISSN: 2583-7753)

## III. INTRODUCTION

Public Interest Litigation (PIL) is one of the most significant developments in Indian constitutional law, marking the judiciary's transition from a passive arbiter of disputes to an active protector of social justice. Emerging in the late 1970s, PIL dismantled the traditional rule of locus standi, which had confined access to the courts to those who could show a personal violation of their rights.[1] The Supreme Court permitted any public-spirited person acting bona fide to approach it on behalf of disadvantaged groups and, in doing so, reoriented constitutional adjudication towards a more community-based vision of justice.[2] This development was not merely procedural. It fundamentally altered the relationship between citizens and the Constitution by enabling courts to intervene where vulnerable populations had long been unheard and unseen.

PIL was necessitated by harsh socio-economic conditions under which marginalized populations, including bonded labourers, undertrial prisoners, victims of custodial violence, pavement dwellers and child labourers, could not meaningfully access the courts. The high cost of litigation, illiteracy, geographical barriers and fear of state power placed legal redress beyond their reach, reducing constitutional guarantees to mere abstractions for millions.[3] PIL responded to this institutionalized inequality by democratizing access to the judiciary: courts began to treat letters, media reports and petitions presented by activists, NGOs and social organizations as valid bases for constitutional review. In this process, the judiciary became a guardian of collective rights and an agent of social change.

Despite its transformative influence, PIL has not been immune to criticism. Over the years, concerns have been raised about judicial overreach, with critics contending that courts have at times encroached upon matters that properly belong to legislative or

[1] S.P. Gupta v. Union of India, (1981) Supp. S.C.C. 87 (India).
[2] People's Union for Democratic Rights v. Union of India, (1982) 3 S.C.C. 235 (India).
[3] Hussainara Khatoon v. State of Bihar, (1980) 1 S.C.C. 81 (India).

executive policy-making.[4] Moreover, the growth of frivolous, publicity-seeking and politically motivated PILs has diluted the seriousness of the process, clogged court dockets and, in some cases, sidelined genuine causes.[5] These tensions call for careful reform to preserve the credibility of PIL and to secure its continued relevance to the development of constitutional justice.

Against this background, the present study examines the constitutional roots of PIL, its historical development, the contribution of landmark rulings and the challenges it faces today. It also proposes reforms that balance judicial innovation with judicial restraint, so as to strengthen PIL as a tool of inclusive and participatory justice in India's constitutional democracy. The paper argues that, although PIL has transformed access to justice in unprecedented ways, it can be sustained only by protecting its integrity, preventing its abuse and maintaining its commitment to the voiceless and the marginalized.

### A. Research Problem

PIL was designed to secure justice for those unable to approach the courts, yet its expansion has generated persistent concerns about judicial overreach, misuse and docket burden. Although the Supreme Court has laid down guidelines to curb abuse, it remains unclear whether these safeguards are applied consistently and whether PIL's expansion of standing has remained within constitutional limits. This study therefore addresses how PIL can retain its transformative potential for social justice while remaining consistent with the separation of powers and procedural discipline.

### B. Research Objectives

The objectives of this study are:

1. To examine the constitutional and jurisprudential foundations of PIL under Articles 32 and 226 of the Constitution;

[4] Divisional Manager, Aravali Golf Club v. Chander Hass, (2008) 1 S.C.C. 683 (India).
[5] State of Uttaranchal v. Balwant Singh Chaufal, (2010) 3 S.C.C. 402 (India).

2. To trace the historical development of PIL and evaluate the landmark judgments through which it has advanced social justice;
3. To analyse the principal criticisms of PIL, including judicial overreach, misuse and the burden on courts, together with the safeguards developed to address them; and
4. To propose reforms that preserve the integrity and effectiveness of PIL.

### C. Research Questions

This study seeks to answer the following questions:

1. How did the Supreme Court and High Courts develop PIL through the interpretation of their existing powers under Articles 32 and 226?
2. To what extent have landmark PIL judgments advanced social justice for marginalized groups?
3. Has PIL's expansion of standing remained within constitutional limits, particularly the separation of powers?
4. Are the existing safeguards against the misuse of PIL adequate and consistently applied, and what reforms are required?

### D. Research Methodology

This study adopts the doctrinal method of legal research. It relies on primary sources, namely the text of the Constitution of India, the Constituent Assembly Debates, judgments of the Supreme Court of India and the rules framed by courts to regulate PIL. These are supplemented by secondary sources, including books, journal articles and research papers. The analysis is descriptive and analytical: it traces the evolution of PIL through judicial decisions and critically evaluates its strengths and limitations.

The study draws on the foundational scholarship on PIL. Upendra Baxi gave the phenomenon the name "social action litigation" and examined how the Supreme Court

began to take the suffering of the disadvantaged seriously.[6] J. Cassels examined the relationship between judicial activism and PIL in India and questioned whether courts could realistically achieve the ambitious goals set for them.[7] More recently, Varun Gauri's empirical study found that PIL cases constitute less than one per cent of the overall caseload, and that the criticisms of PIL relate chiefly to separation of powers, judicial capacity and inequality.[8] This literature informs the analysis in Section 8.

## IV. CONSTITUTIONAL AND JURISPRUDENTIAL FOUNDATIONS OF PIL IN INDIA

The Constitution of India provides a strong foundation for Public Interest Litigation by enabling the courts to widen access to justice beyond conventional procedural limits. At the core of this foundation lies Article 32, which Dr. B.R. Ambedkar described in the Constituent Assembly as "the very soul of the Constitution and the very heart of it".[9] Article 32(1) guarantees the right to move the Supreme Court by appropriate proceedings for the enforcement of fundamental rights. This right is not confined to citizens, since several fundamental rights, including those under Articles 14, 20, 21 and 22, are available to all persons.[10] Article 226 supplements this by empowering the High Courts to issue writs to any person or authority, not only for the enforcement of fundamental rights but also "for any other purpose".[11] Together, these provisions enable the judiciary to intervene where the State fails to act, or acts in breach of basic constitutional guarantees. PIL emerged as a judicial innovation within this framework, as courts relaxed procedural requirements so that persons structurally excluded from the legal system could obtain

[6] Upendra Baxi, Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India, 4 Third World Legal Stud. 107 (1985).
[7] J. Cassels, Judicial Activism and Public Interest Litigation in India: Attempting the Impossible? 37 Am. J. Comp. L. 495 (1989).
[8] Varun Gauri, Public Interest Litigation in India: Overreaching or Underachieving? (World Bank, Policy Research Working Paper No. 5109, 2009).
[9] 7 Constituent Assembly Debates 953 (Dec. 9, 1948) (India) (statement of Dr. B.R. Ambedkar).
[10] INDIA CONST. arts. 14, 20, 21, 22, 32(1).
[11] INDIA CONST. art. 226.

justice. The early PIL cases show how the Supreme Court reinterpreted these provisions to admit a broader range of petitioners and grievances.

Another major jurisprudential shift occurred when the Supreme Court broadened the doctrine of locus standi to permit any bona fide person or group to petition on behalf of disadvantaged sections of society. This approach, consolidated in S.P. Gupta v. Union of India, gave rise to what came to be termed representative standing, under which a third party acting bona fide could invoke Article 32 on behalf of an aggrieved class despite suffering no personal injury.[12] It was accompanied by the emergence of epistolary jurisdiction, under which letters and newspaper reports disclosing violations of human rights were treated as writ petitions. In Sunil Batra v. Delhi Administration, a prisoner's letter complaining of a brutal assault on a fellow prisoner was treated as a habeas corpus petition,[13] and in Rural Litigation and Entitlement Kendra v. State of U.P., a letter dated 2 July 1983 alleging illegal limestone quarrying was directed to be treated as a writ petition.[14] These reforms marked a radical change in judicial attitude, a shift from a strictly procedural approach to a more humane and socially responsive jurisprudence.

Another important element of the jurisprudential basis of PIL is the Court's willingness to draw upon the Directive Principles of State Policy (DPSPs), which are not themselves justiciable. The judiciary increasingly interpreted the content of fundamental rights, especially the right to life under Article 21, in the light of Articles 39, 41, 42 and 47.[15] This interpretive approach greatly expanded the scope of PIL by enabling courts to adjudicate matters concerning environmental protection, labour rights, prison reform, child welfare and the dignity of marginalized groups. The Supreme Court's decision in Bandhua Mukti

[12] S.P. Gupta v. Union of India, (1981) Supp. S.C.C. 87 (India).
[13] Sunil Batra v. Delhi Administration, (1980) 3 S.C.C. 488 (India).
[14] Rural Litigation & Entitlement Kendra v. State of U.P., (1985) 2 S.C.C. 431 (India); see also Rural Litigation & Entitlement Kendra v. State of U.P., 1986 Supp. S.C.C. 517 (India) (recording that the letter dated 2 July 1983 was directed to be treated as a writ petition).
[15] INDIA CONST. arts. 39, 41, 42, 47.

Morcha v. Union of India illustrates how DPSPs were used to translate socio-economic ideals into enforceable obligations.[16]

Judicial activism also sustained PIL, particularly in the 1980s and 1990s, when the judiciary positioned itself as the protector of the oppressed. Judges such as Justice P.N. Bhagwati and Justice V.R. Krishna Iyer championed an evolving approach to constitutional rights, emphasizing that the Constitution must respond to the needs of the poor and the vulnerable. This activism gave rise to what scholars' term social action litigation, in which the judiciary took a proactive role in ensuring that the State fulfilled its constitutional obligations. Doctrines such as continuing mandamus enabled courts to retain jurisdiction over matters requiring long-term supervision, particularly in environmental protection and institutional reform, as in Vineet Narain v. Union of India and the M.C. Mehta series of cases.[17]

The constitutional and jurisprudential foundations of PIL thus reflect the judiciary's effort to democratize access to justice, to interpret constitutional rights expansively and to hold state institutions accountable. By relaxing procedural norms, broadening the content of rights and drawing on DPSPs to advance social welfare, the courts created a legal mechanism capable of addressing entrenched structural injustice. Yet this very breadth also set the stage for later debates on judicial activism and the proper limits of PIL, a tension that persists in contemporary discourse.

## V. HISTORICAL DEVELOPMENT AND PHASES OF PIL IN INDIA

The historical development of Public Interest Litigation in India is best understood as a deliberate judicial response to socio-economic realities and to evolving conceptions of justice. PIL did not emerge suddenly; it developed in distinct phases shaped by the political context, judicial philosophy and social demands. Its first manifestation came

[16] Bandhua Mukti Morcha v. Union of India, (1984) 3 S.C.C. 161 (India).

[17] Vineet Narain v. Union of India, (1998) 1 S.C.C. 226 (India); see also M.C. Mehta v. Union of India, (1998) 6 S.C.C. 63 (India).

after the Emergency (1975–77), during which rights had been violated on a large scale and civil liberties severely curtailed.

In the late 1970s and early 1980s, the Supreme Court recognized that the legal system was effectively closed to marginalized communities, such as bonded labourers, undertrial prisoners, pavement dwellers and victims of state repression, and it opened its doors to them. This period, commonly described as the first phase of PIL, was marked by a commitment to securing access to justice for the poor through the relaxation of procedural rules and the expansion of locus standi, most notably in S.P. Gupta v. Union of India.[18] Courts accepted letters, postcards and even newspaper reports as writ petitions, enabling socially minded persons and organizations to bring to light rights violations that would otherwise have gone unnoticed.

This initial phase produced several historic rulings that gave PIL its early form. In Hussainara Khatoon v. State of Bihar, the Court intervened to address the plight of undertrial prisoners who had languished in jail for years without trial, and recognized the right to a speedy trial as part of Article 21.[19] Similarly, in Bandhua Mukti Morcha v. Union of India, the Court directed extensive measures to address bonded labour, paving the way for wider judicial engagement with social welfare.[20] Environmental PIL also took shape in this phase: in the Oleum Gas Leak case, decided in December 1986, the Court formulated the principle of absolute liability for enterprises engaged in hazardous activities.[21] These pioneering cases reveal a judiciary willing to be creative in order to make the enforcement of rights meaningful.

The second phase of PIL developed in the 1990s, extending its focus beyond rights to matters of governance, environmental protection, public accountability and administrative efficiency. This shift coincided with growing environmental awareness and increasing public scrutiny of corruption. The environmental jurisprudence of this

[18] S.P. Gupta v. Union of India, (1981) Supp. S.C.C. 87 (India).
[19] Hussainara Khatoon v. State of Bihar, (1980) 1 S.C.C. 81 (India).
[20] Bandhua Mukti Morcha v. Union of India, (1984) 3 S.C.C. 161 (India).
[21] M.C. Mehta v. Union of India, (1987) 1 S.C.C. 395 (India).

period is illustrated by Vellore Citizens' Welfare Forum v. Union of India, in which the Court recognized the precautionary principle and the polluter-pays principle as part of Indian environmental law,[22] and by M.C. Mehta v. Kamal Nath, in which it applied the doctrine of public trust to natural resources.[23] Vineet Narain v. Union of India, in which the Court issued structural guidelines to secure the independence and fair functioning of investigative agencies, is among the most prominent examples of judicial oversight of governance.[24] The judiciary thereby expanded PIL into a broader mechanism of public oversight and institutional reform.

The third phase of PIL, which began in the 2000s and continues today, is characterized by both expansion and contestation. Courts witnessed a surge in petitions seeking judicial directions on matters of policy, such as school safety, road safety, urban planning and public administration.[25] Although these interventions produced positive results in some cases, this period also saw an increase in frivolous and politically motivated PILs, which prompted judicial concern.[26] In State of Uttaranchal v. Balwant Singh Chaufal, the Supreme Court acknowledged the growing abuse of PIL and laid down guidelines to filter petitions and preserve the integrity of the process.[27] This development highlights the tension between using PIL as a means of public accountability and preventing its manipulation for personal or partisan gain.

The evolution of PIL in India may thus be understood in three changing phases: an early emphasis on access to justice for marginalized populations; a later shift towards problems of governance and environmental protection; and a contemporary phase that must contend with both greater utility and greater abuse. Together, these phases reveal a dynamic and responsive judicial innovation that has transformed the Indian legal

[22] Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 S.C.C. 647 (India).
[23] M.C. Mehta v. Kamal Nath, (1997) 1 S.C.C. 388 (India).
[24] Vineet Narain v. Union of India, (1998) 1 S.C.C. 226 (India).
[25] See, e.g., Avinash Mehrotra v. Union of India, (2009) 6 S.C.C. 398 (India) (school safety); S. Rajaseekaran v. Union of India, [2014] 5 S.C.R. 444 (India) (road safety).
[26] See Dr. B. Singh v. Union of India, (2004) 3 S.C.C. 363 (India).
[27] State of Uttaranchal v. Balwant Singh Chaufal, (2010) 3 S.C.C. 402 (India).

landscape while raising complex questions about the appropriate limits of judicial authority.

## VI. LANDMARK JUDGMENTS AND THEIR CONTRIBUTION TO SOCIAL JUSTICE

The evolution of Public Interest Litigation in India is inseparable from the landmark judgments through which the judiciary expanded constitutional rights, enforced state accountability, and strengthened protections for marginalized communities. These judgments collectively demonstrate how PIL became a powerful instrument for achieving social justice by broadening the meaning of fundamental rights, especially Article 21, and creating new obligations for state authorities. One of the earliest and most influential decisions was *Hussainara Khatoon v. State of Bihar*, where the Supreme Court recognized the right to speedy trial as an essential component of the right to life.[28]

This case highlighted the systemic neglect of thousands of undertrial prisoners who were detained for years without trial, prompting reforms in criminal justice administration. Similarly, in *Sunil Batra v. Delhi Administration*, the Court intervened to protect prisoners from custodial violence, holding that fundamental rights do not end at the prison gate.[29] These decisions laid the foundation for using PIL to give voice to individuals who lacked the means to approach the court themselves.

Another milestone in the use of PIL for social justice emerged in *Bandhua Mukti Morcha v. Union of India*, where the Court exposed the prevalence of bonded labour and directed the government to undertake rehabilitation measures in line with constitutional mandates.[30] This judgment not only enforced statutory protections but also emphasized the judiciary's role in dismantling structural inequalities. Child rights also received significant attention in PIL jurisprudence. In *Lakshmi Kant Pandey v. Union of India*, the Court established guidelines for intercountry adoption to prevent trafficking and

[28] Hussainara Khatoon v. State of Bihar, (1980) 1 S.C.C. 81 (India).
[29] Sunil Batra v. Delhi Administration, (1980) 3 S.C.C. 488 (India).
[30] Bandhua Mukti Morcha v. Union of India, (1984) 3 S.C.C. 161 (India).

exploitation of children.[31] This decision set the standard for safeguarding the welfare of some of the most vulnerable members of society, demonstrating how PIL contributed to the protection of human dignity.

Environmental protection emerged as another major pillar of PIL through a series of decisions that shaped India's environmental jurisprudence. The M.C. Mehta cases played a transformative role in addressing industrial pollution, vehicular emissions and river contamination. In M.C. Mehta v. Union of India (the Oleum Gas Leak case), the Court formulated the doctrine of absolute liability, holding enterprises engaged in hazardous activities absolutely liable for harm caused by their operations.[32] In the Ganga pollution litigation, the Court directed the closure of tanneries at Kanpur that had failed to install effluent treatment plants and imposed obligations on municipal bodies to prevent pollution of the river.[33] In the vehicular pollution litigation, it directed that the entire city bus fleet in Delhi be converted to compressed natural gas (CNG).[34] The Court also recognized the right to pollution-free water and air as part of the right to life under Article 21.[35] Through these interventions, the judiciary significantly shaped environmental governance, compelling the State to enforce environmental norms and fulfil its constitutional obligations under Articles 48A and 51A(g).

PIL also became a key tool for promoting transparency and accountability in public institutions. A landmark judgment in this regard is Vineet Narain v. Union of India, in which the Supreme Court directed institutional reforms to secure the independence of investigative agencies such as the CBI from political interference.[36] The Court's use of

[31] Lakshmi Kant Pandey v. Union of India, (1984) 2 S.C.C. 244 (India).
[32] M.C. Mehta v. Union of India, (1987) 1 S.C.C. 395 (India).
[33] M.C. Mehta v. Union of India, (1987) 4 S.C.C. 463 (India) (Kanpur tanneries); M.C. Mehta v. Union of India, (1988) 1 S.C.C. 471 (India) (Kanpur municipalities).
[34] M.C. Mehta v. Union of India, (1998) 6 S.C.C. 63 (India); see also M.C. Mehta v. Union of India, (2001) 3 S.C.C. 763 (India).
[35] Subhash Kumar v. State of Bihar, (1991) 1 S.C.C. 598 (India); see also Rural Litigation & Entitlement Kendra v. State of U.P., (1985) 2 S.C.C. 431 (India).
[36] Vineet Narain v. Union of India, (1998) 1 S.C.C. 226 (India).

continuing mandamus in this case showed how PIL could be used to monitor long-term compliance with constitutional principles and standards of good governance.

Labour justice was advanced in People's Union for Democratic Rights v. Union of India, which concerned workers engaged in building facilities for the 1982 Asian Games. The Court held that payment of wages below the statutory minimum amounted to forced labour prohibited by Article 23, and that employing children below fourteen years in construction work, a hazardous employment, violated Article 24.[37] It also recognized the standing of a public-spirited organization to seek enforcement of labour laws on behalf of workers too poor to approach the Court themselves. The Court's wider recognition of socio-economic rights under Article 21 developed through other decisions, notably the case discussed below.

The protection of pavement dwellers, among the core beneficiaries of PIL, is best illustrated by Olga Tellis v. Bombay Municipal Corporation.[38] The petitions, filed by a journalist, Olga Tellis, together with pavement dwellers and civil liberties activists, challenged the forcible eviction of pavement dwellers in Bombay. A five-judge Constitution Bench held that the right to life under Article 21 includes the right to livelihood, since depriving a person of the means of livelihood would deprive that person of life itself.

The Court nevertheless upheld the Municipal Corporation's statutory power to remove encroachments from public pavements and deferred evictions until after the monsoon. It directed that pavement dwellers enumerated in the 1976 census be offered alternative pitches, although it declined to make this a condition precedent to eviction. The decision thus combined a significant expansion of Article 21 with a pragmatic approach to relief.

[37] People's Union for Democratic Rights v. Union of India, (1982) 3 S.C.C. 235 (India). The Minimum Wages Act, 1948, applicable at the time, has since been repealed and subsumed in the Code on Wages, 2019, No. 29 of 2019 (India), with effect from 21 November 2025.
[38] Olga Tellis v. Bombay Municipal Corp., (1985) 3 S.C.C. 545 (India).

The judiciary also used PIL to fill legislative gaps in areas requiring urgent regulation. One of the most cited examples is Vishaka v. State of Rajasthan, in which the Court laid down binding guidelines to address sexual harassment at the workplace in the absence of statutory law.[39] These guidelines remained in force until Parliament enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act).[40] This case highlighted the judiciary's willingness to use constitutional principles to craft protective frameworks where the legislature had been silent.

Collectively, these landmark judgments illustrate how PIL has dramatically reshaped Indian constitutional law and facilitated social transformation. By expanding the meaning of fundamental rights, enforcing state accountability, and addressing systemic injustices, these decisions have contributed significantly to advancing social justice. At the same time, their breadth has sparked debates over judicial activism and the limits of judicial power—issues that continue to shape the discourse surrounding PIL today.

## VII. CRITICISMS, LIMITATIONS, AND CHALLENGES IN THE PIL FRAMEWORK

Although Public Interest Litigation has had a revolutionary effect on Indian constitutionalism, its application has attracted critical scrutiny. Among the gravest concerns is judicial overreach, where courts are seen to encroach upon the domains of the executive and the legislature. PIL has enabled the judiciary to intervene in areas ranging from environmental governance to policy formulation, but critics argue that this risks disturbing the constitutional balance of powers. In Divisional Manager, Aravali Golf Club v. Chander Hass, which arose from a service dispute rather than a PIL, the Supreme Court cautioned that judges must exercise restraint and must not seek to perform legislative or executive functions, a principle of general application that bears directly on

[39] Vishaka v. State of Rajasthan, (1997) 6 S.C.C. 241 (India).

[40] Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14 of 2013 (India).

PIL.[41] This criticism rests on the separation of powers, under which decisions on governance should rest primarily with elected institutions rather than with unelected judges.

Another significant concern is the proliferation of frivolous or mala fide PILs. Petitions have frequently been filed to serve private interests, political rivalries or the pursuit of publicity rather than the public interest. The courts have repeatedly cautioned that PIL must not become "publicity interest litigation" or "private interest litigation",[42] and have insisted that a petitioner in public interest must approach the Court with clean hands and a clean heart.[43] Petitions filed with oblique motives have been dismissed with exemplary costs.[44] In State of Uttaranchal v. Balwant Singh Chaufal, the Supreme Court recognized this growing problem and laid down guidelines to ensure that only bona fide PILs are entertained.[45] Such misuse not only wastes judicial time but also delays genuine petitions that seek relief for vulnerable groups.

Another notable constraint associated with the growth of PIL is the burden on judicial resources. The courts already face large backlogs, and the admission of non-meritorious PILs strains them further. Empirical research suggests, however, that the scale of the problem should not be overstated, since PIL cases have been found to constitute less than one per cent of the overall caseload.[46] The greater burden arises from the nature of PIL proceedings. Courts often keep cases pending through continuing mandamus in order to supervise compliance, as in the M.C. Mehta environmental litigation.[47] Although such

[41] Divisional Manager, Aravali Golf Club v. Chander Hass, (2008) 1 S.C.C. 683 (India).
[42] Dr. B. Singh v. Union of India, (2004) 3 S.C.C. 363 (India).
[43] Janata Dal v. H.S. Chowdhary, (1992) 4 S.C.C. 305 (India); Ashok Kumar Pandey v. State of W.B., (2004) 3 S.C.C. 349 (India).
[44] Dattaraj Nathuji Thaware v. State of Maharashtra, (2005) 1 S.C.C. 590 (India).
[45] State of Uttaranchal v. Balwant Singh Chaufal, (2010) 3 S.C.C. 402 (India).
[46] Varun Gauri, Public Interest Litigation in India: Overreaching or Underachieving? (World Bank, Policy Research Working Paper No. 5109, 2009).
[47] See, e.g., M.C. Mehta v. Union of India, (2001) 3 S.C.C. 763 (India) (reviewing compliance with directions issued in 1998).

oversight may be essential where problems are systemic, it consumes considerable judicial time and contributes to long-term docket congestion.

A further structural concern is the uneven regulation of the admission and monitoring of PILs. A procedural framework does exist. In Balwant Singh Chaufal, the Supreme Court directed courts to verify the credentials of the petitioner and the correctness of the contents of the petition, to satisfy themselves that substantial public interest is involved and that no personal gain, private motive or oblique motive lies behind the petition, to give priority to matters of gravity and urgency, and to impose exemplary costs on frivolous petitions; it also requested the High Courts to frame rules for PILs.[48] Several High Courts, including those of Delhi, Bombay, Punjab and Haryana, and Orissa, framed PIL rules in 2010,[49] and Order XXXVIII of the Supreme Court Rules, 2013 prescribes procedural requirements for PILs in the Supreme Court.[50] These safeguards, however, are applied unevenly across High Courts, producing unpredictability, forum shopping and procedural uncertainty. A related question is who may legitimately represent marginalized groups, since without proper verification courts may rely on petitioners who do not adequately reflect the needs or voices of the affected communities. Whether the existing rules are consistently enforced, and whether uniform national rules are needed, therefore remains an open question.

A further weakness is that the judiciary may have relied excessively on PIL to fill legislative and policy gaps. While cases such as Vishaka v. State of Rajasthan illustrate the beneficial role of judicial activism in the absence of statutory frameworks,[51] regular recourse to the courts as a source of rule-making may undermine democratic accountability. Critics argue that excessive judicial law-making may discourage

[48] State of Uttaranchal v. Balwant Singh Chaufal, (2010) 3 S.C.C. 402 (India).
[49] See, e.g., Delhi High Court (Public Interest Litigation) Rules, 2010 (notified 25 Nov. 2010); Bombay High Court Public Interest Litigation Rules, 2010; Maintainability of Public Interest Litigation Rules, 2010 (Punjab and Haryana High Court); Orissa High Court Public Interest Litigation Rules, 2010.
[50] Supreme Court Rules, 2013, Order XXXVIII, r. 12 (India).
[51] Vishaka v. State of Rajasthan, (1997) 6 S.C.C. 241 (India).

legislatures from discharging their constitutional mandate, thereby distorting the intended scheme of governance.

Taken together, these problems demonstrate the complex role of PIL in modern India. Although it remains an essential instrument of social justice, its effectiveness depends on preventing abuse, defining clear limits to judicial intervention and confining PIL to genuine collective grievances rather than personal or political interests. Strengthening procedural safeguards, expanding judicial resources and reinforcing institutional checks are essential to ensure that PIL continues to serve its transformative purpose within the constitutional system.

## VIII. SUGGESTIONS AND RECOMMENDATIONS

In light of the problems identified in Section 8, the following reforms are suggested:

1. **Uniform admission standards:** To address misuse and procedural inconsistency, the Supreme Court and the High Courts should adopt uniform national rules for the admission of PILs, building on the Balwant Singh Chaufal guidelines and Order XXXVIII of the Supreme Court Rules, 2013, so that the credentials of petitioners and the genuineness of the cause are verified consistently and forum shopping is discouraged.
2. **Consistent imposition of costs:** To address frivolous and mala fide petitions, courts should consistently impose realistic costs on such petitions, as contemplated in Balwant Singh Chaufal, so as to deter abuse while preserving access for genuine causes.
3. **Restraint in matters of policy:** To address judicial overreach, judicial directions should not substitute for legislative or executive policy-making except where urgent intervention is necessary to protect fundamental rights, and should, where possible, be time-bound and return the matter to the competent authority.
4. **Dedicated monitoring cells:** To address the burden on courts, dedicated PIL monitoring cells or expert committees should supervise compliance with judicial directions, so that continuing mandamus does not consume scarce judicial time.

5. **Participation of affected communities:** To address concerns about representativeness, courts should ensure that affected communities are heard through court-appointed commissioners, amici curiae or direct participation, and should encourage cooperation among the judiciary, civil society and government agencies so that PIL functions as a participatory rather than an adversarial process.

## IX. CONCLUSION

This study set out to examine whether PIL has served as an effective tool of social justice in India and whether its expansion has remained within constitutional limits. It finds that PIL did not arise from any constitutional amendment but from the judicial interpretation of existing powers under Articles 32 and 226, through the relaxation of locus standi and procedural rules. Landmark judgments concerning undertrial prisoners, bonded labourers, pavement dwellers, construction workers, the environment and workplace sexual harassment show that PIL has substantially advanced social justice by giving an expansive reading to fundamental rights, particularly the right to life.

The study also finds that the expansion of PIL has at times strained the separation of powers and has been accompanied by misuse and an added burden on courts. The safeguards developed in Balwant Singh Chaufal and the rules framed thereafter are sound in principle but unevenly applied. The future of PIL therefore depends less on further expansion than on its disciplined and principled use. With adequate safeguards and judicial restraint, PIL can remain a powerful instrument for securing social justice in India's constitutional democracy.

## X. REFERENCES

### A. Cases

1. Ashok Kumar Pandey v. State of W.B., (2004) 3 S.C.C. 349 (India).
2. Avinash Mehrotra v. Union of India, (2009) 6 S.C.C. 398 (India).
3. Bandhua Mukti Morcha v. Union of India, (1984) 3 S.C.C. 161 (India).

4. Dattaraj Nathuji Thaware v. State of Maharashtra, (2005) 1 S.C.C. 590 (India).
5. Divisional Manager, Aravali Golf Club v. Chander Hass, (2008) 1 S.C.C. 683 (India).
6. Dr. B. Singh v. Union of India, (2004) 3 S.C.C. 363 (India).
7. Hussainara Khatoon v. State of Bihar, (1980) 1 S.C.C. 81 (India).
8. Janata Dal v. H.S. Chowdhary, (1992) 4 S.C.C. 305 (India).
9. Lakshmi Kant Pandey v. Union of India, (1984) 2 S.C.C. 244 (India).
10. M.C. Mehta v. Kamal Nath, (1997) 1 S.C.C. 388 (India).
11. M.C. Mehta v. Union of India, (1987) 1 S.C.C. 395 (India).
12. M.C. Mehta v. Union of India, (1987) 4 S.C.C. 463 (India).
13. M.C. Mehta v. Union of India, (1988) 1 S.C.C. 471 (India).
14. M.C. Mehta v. Union of India, (1998) 6 S.C.C. 63 (India).
15. M.C. Mehta v. Union of India, (2001) 3 S.C.C. 763 (India).
16. Olga Tellis v. Bombay Municipal Corp., (1985) 3 S.C.C. 545 (India).
17. People's Union for Democratic Rights v. Union of India, (1982) 3 S.C.C. 235 (India).
18. Rural Litigation & Entitlement Kendra v. State of U.P., (1985) 2 S.C.C. 431 (India).
19. Rural Litigation & Entitlement Kendra v. State of U.P., 1986 Supp. S.C.C. 517 (India).
20. S. Rajaseekaran v. Union of India, [2014] 5 S.C.R. 444 (India).
21. S.P. Gupta v. Union of India, (1981) Supp. S.C.C. 87 (India).
22. State of Uttaranchal v. Balwant Singh Chaufal, (2010) 3 S.C.C. 402 (India).
23. Subhash Kumar v. State of Bihar, (1991) 1 S.C.C. 598 (India).

24. Sunil Batra v. Delhi Administration, (1980) 3 S.C.C. 488 (India).

25. Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 S.C.C. 647 (India).

26. Vineet Narain v. Union of India, (1998) 1 S.C.C. 226 (India).

27. Vishaka v. State of Rajasthan, (1997) 6 S.C.C. 241 (India).

**B. Statutes & Constitutional Provisions**

1. INDIA CONST. arts. 14, 20, 21, 22, 23, 24, 32, 226.
2. INDIA CONST. arts. 39, 41, 42, 47, 48A, 51A(g).
3. Code on Wages, 2019, No. 29 of 2019 (India).
4. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14 of 2013 (India).
5. Supreme Court Rules, 2013, Order XXXVIII (India).
6. Bombay High Court Public Interest Litigation Rules, 2010.
7. Delhi High Court (Public Interest Litigation) Rules, 2010.
8. Maintainability of Public Interest Litigation Rules, 2010 (Punjab and Haryana High Court).
9. Orissa High Court Public Interest Litigation Rules, 2010.

**C. Other Primary Sources**

1. 7 Constituent Assembly Debates 953 (Dec. 9, 1948) (India).

**D. Secondary Sources**

1. Upendra Baxi, Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India, 4 Third World Legal Stud. 107 (1985).

2. J. Cassels, Judicial Activism and Public Interest Litigation in India: Attempting the Impossible? 37 Am. J. Comp. L. 495 (1989).

3. Varun Gauri, Public Interest Litigation in India: Overreaching or Underachieving? (World Bank, Policy Research Working Paper No. 5109, 2009).