

---

## PUBLIC INTEREST LITIGATION AND GOVERNANCE IN INDIA AND USA

---

**STUTI K. PATEL<sup>1</sup>**

### **ABSTRACT**

People have the right to seek justice in a court of law if they have been mistreated by someone else. You can only seek a court of law for redress if you are the one who is injured or offended. This proves that there is a process in place to deal with rights violations. However, the special socio-economic circumstances that are exclusive to India would restrict access to the legal system if the locus standi rule, which states that only those whose rights are infringed can petition the court, was rigidly followed. What transpires, for instance, if a person cannot afford to contact the courts? Is the violation of his rights permanent, or are there alternative options available? Therefore, using the locus standi rule mindlessly would result in more unfairness. It is vital to create new ideas and methodologies to solve the circumstances when individual representation is either insufficient or constrained due to social, political, and economic constraints. Public interest litigation is one such attempt by the Indian judiciary to address such challenges. It brings the justice delivery system to his door. Individual rights are given less consideration than group rights. Anyone with a sense of justice who is interested in holding those who have wronged others or a group of people accountable can go before the courts and fight for the rights of the underprivileged and helpless group of people. This article is divided into five major chapters: an introduction to the theoretical and socio-legal foundations of locus standi and its evolution, followed by a thorough discussion of the scope of PIL. The third chapter provides a comparative analysis of PIL practices in India and the USA, offering light on the judiciary's proactive activities in both countries. The fourth chapter delves into the Administrative Responses and Challenges encountered throughout the adoption and misuse of PIL. Finally, the study summarizes the importance of PIL in contemporary times and makes recommendations to strengthen its future as a weapon for inclusive justice and accountability in governance.

***Keywords:*** Public Interest Litigation, Locus Standi, Socio-Economic Barriers, Social Justice, Legal Aid, Judicial Activism, Collective Rights, Vulnerable Groups.

---

<sup>1</sup> LL.M. Student, Constitutional & Administrative Law, Institute of Law, Nirma University, Ahmedabad (2025).

## **CHAPTER 1 - INTRODUCTION**

The provision of justice for all is a core purpose of the Indian legal system, and PIL is an important tool for achieving it. The Preamble to the Indian Constitution envisions social, economic, and political justice,<sup>2</sup> and PIL arose as an instrument of judicial activism to carry out this objective. PIL enables any public-spirited individual or organization to sue on behalf of the general public, even if they are not directly harmed by the subject at hand. The term "public interest litigation" combines two concepts: "public interest," which refers to acts that benefit the broader public, and "litigation," which refers to legal proceedings used to enforce rights or seek restitution for wrongs.<sup>3</sup> PIL is thus a legal action taken to preserve a public or collective interest, in which the public or a specific group has a financial or other stake that affects their legal rights or responsibilities.<sup>4</sup> It is filed for no personal gain and merely to protect the public interest. Courts play an important role in ensuring that only legitimate claims are heard, preventing the use of PIL for frivolous or superfluous petitions. Stroud's Judicial Dictionary defines "public interest" as situations in which a portion of the community has a financial or legal stake, as opposed to mere curiosity or personal interest<sup>5</sup>. Similarly, Black's Law Dictionary defines it as something in which the public or community has a financial or legal stake, as opposed to narrow or localized issues.<sup>6</sup> These definitions emphasize that public interest refers to concerns affecting the community's collective welfare or legal rights, as opposed to individual or inconsequential matters.

PIL is a distinct legal weapon that allows individuals or groups to advocate for the rights of marginalized or underprivileged members of society. Certain requirements must be met before a PIL is considered valid. "First, there must be an action, inaction, or pre-existing situation that causes harm or infringes the rights of many individuals. Second, the harm or violation must affect a large proportion of the population, rather than just a few people. Third, the petitioner must use a court petition to assert a right or correct a wrong. Finally, the petition must be submitted by a public-spirited individual or group acting on behalf of the wider public, with no

---

<sup>2</sup> Constitution of India 1950, Preamble

<sup>3</sup> Black's Law Dictionary (6th edn, West Publishing 1990)

<sup>4</sup> M P Jain, Indian Constitutional Law (8th edn, LexisNexis 2018) 1806

<sup>5</sup> John S James, Stroud's Judicial Dictionary, vol IV (4th edn, Sweet & Maxwell 1973)

<sup>6</sup> Bryan A Garner (ed), Black's Law Dictionary (6th edn, West Publishing 1990)

personal interest or gain.”<sup>7</sup> These conditions ensure that PIL remains a tool for genuine public welfare rather than a vehicle for personal or political gains.

### **PIL and its Scope**

PIL is a significant judicial innovation developed by the Supreme Court through judicial activism to protect the rights and interests of marginalized, oppressed, and underprivileged members of society who are unable to represent themselves in court due to social, economic, or other barriers. PIL seeks to provide social and economic justice to these vulnerable populations by allowing the judiciary to intervene in cases when their legal or constitutional rights are violated. Unlike typical adversarial litigation, PIL acts as a cooperative process in which the petitioner, the State or public body, and the court collaborate to fulfil constitutional duties to individuals who cannot access justice on their own.<sup>8</sup> PIL is distinguished by its cooperative aspect, in which the petitioner, the state or public body, and the court collaborate to fulfil the constitutional duty assigned to marginalized citizens. The court focuses on substantive justice rather than technical legal rights. The petitioner in a PIL case must command the court’s respect and be free from suspicion. They are not permitted to withdraw the petition at their discretion unless the court finds valid reasons to allow such withdrawal and the court also ensures that PIL is not used as a means to settle personal grievances or to misuse public funds and court resources. Baseless or incorrect petitions undermine the accessibility to justice and are unacceptable.

The court must watch out for how the public behaves when they come before it genuine, not disguised by personal gain, political agenda, or other veiled motives or considerations.<sup>9</sup> The court shouldn't take such issues into consideration just due to its appealing name. The petitioner must command the court's respect and be above suspicion.<sup>10</sup> The petitioner must demonstrate that the infringement of the legal rights has occurred.<sup>11</sup> PIL must demonstrate how the matter concerned the public interest.<sup>12</sup> has the right to use public funds and unrestricted court time to settle his issues. settled in the way he prefers It is unacceptable to use the accessibility to justice to justify submitting baseless and incorrect petitions.<sup>13</sup> The petitioner is not permitted to

---

<sup>7</sup> S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (2nd edn, Oxford University Press 2002)

<sup>8</sup> *Bandhua Mukti Morcha v Union of India* (1984) AIR 802

<sup>9</sup> *S.P. Gupta v Union of India* (1982) AIR 149

<sup>10</sup> *Sachidanand Pandey v State of West Bengal* (1987) AIR 1109

<sup>11</sup> *Mohammad Anis v Union of India* (1994) Supp 1 SCC 145

<sup>12</sup> *Gyani Davender Singh Sant Sepoy Sikh v Union of India* (1995) AIR 1847

<sup>13</sup> *Dr. B.K. Subbarao v Mr. K. Prasaran* (1996) (5) SCC 530

withdraw the PIL at his or her discretion unless the court finds good cause to permit withdrawal.<sup>14</sup> PIL is a transformational judicial tool that protects underprivileged people's rights while also ensuring social and economic fairness.

## **CHAPTER 2 - FEATURES OF PIL**

PIL in India is a judicial tool that allows individuals or organizations to file petitions on behalf of the public for issues concerning fundamental rights, environmental protection, government accountability, and social justice. Some features of PIL are as follows -

### **Liberalisation Of Rule of Locus Standi**

The Latin word locus standi refers to a party's ability or right to file an action in court. Traditionally, a person requesting legal aid had to show that their legal rights or interests had been infringed, resulting in harm or the possibility of harm. However, the Supreme Court of India has steadily liberalized the law of locus standi, principally through the emergence of PILs and this relaxation empowers any public-spirited citizen to approach the courts on behalf of others who may be unable to do so themselves.<sup>15</sup> This dilution of locus standi was done for a number of reasons, including exploitation of large populations due to poverty, ignorance, and lack of knowledge, high litigation costs, democratisation of justice, redress for public injuries, and avoiding multiple lawsuits, as well as to restrain arbitrary State action and ensure an accountable government.<sup>16</sup> "It may become essential with the growing understanding of legal rights and social duties to adopt a broader view of the matter of locus to begin a lawsuit"<sup>17</sup> In Fertilizer Corp. Kamgar case<sup>18</sup>, Justice Krishna Iyer introduced the phrase "public interest litigation" for the first time in an official sense. Locus Standi liberalisation may be examined in three stages: The first phase, which lasted from the late 1970s to the 1980s, focused mostly on the concerns of excluded groups. Social activists, attorneys, and journalists submitted petitions on behalf of convicts, bonded laborers, child laborers, and the homeless to challenge executive inactivity and safeguard fundamental rights.<sup>19</sup> Hussainara Khatoon is a significant case from this period that highlighted the condition of undertrial inmates and emphasized the right to quick justice. The second phase, which began in the 1990s, saw PILs become more

---

<sup>14</sup> S.P. Anand, *Indore v H.D. Devegowda*, AIR 1997 SC 272

<sup>15</sup> S.P. Gupta v. Union of India (1981) Supp SCC 87

<sup>16</sup> Dr. Mamta Rao 'Public Interest Litigation – Legal Aid and Lok Adalat' (Eastern Book Company, Lucknow, Second Edition, 2004) 67,68

<sup>17</sup> Fertilizer Corporation Kamgar Union (Regd.), B. Sindri & Ors. v. Union of India (1981) 1 SCC 568

<sup>18</sup> *ibid*

<sup>19</sup> Hussainara Khatoon v State of Bihar (1979) AIR 1369

institutionalized, with NGOs and dedicated legal practitioners actively involved in litigation. PIL's scope went beyond individual rights to encompass broader social issues like as environmental protection, corruption-free governance, and gender justice.<sup>20</sup> During this time, PILs increased scrutiny of legislative and policy decisions. The third phase, which began in the 21<sup>st</sup> century, saw PILs expanded to cover issues that often had no clear constitutional implications. Concerns over frivolous petitions arose, but, PIL remained an important tool for ensuring justice and government accountability.<sup>21</sup> A PIL may be filed for nearly anything in the third phase, which started with the 21<sup>st</sup> century. It appears that there are further topics that might be the subject of PIL which might not be of such importance.

### **Epistolary Jurisdiction**

Epistolary jurisdiction is a distinguishing feature of PIL, in which courts recognize letters or telegrams as official writ petitions. Justice P.N. Bhagwati initially expressed this concept, where he stated that the court would "readily reply even to the letter sent by such someone acting pro bono publico" and regard it as a PIL writ petition.<sup>22</sup> Recognizing the necessity to broaden access to justice, the Supreme Court highlighted that it "must establish new processes and techniques to afford access to justice to large populations of people who are deprived of their fundamental human rights and to whom freedom and liberty are irrelevant."<sup>23</sup> This jurisdiction was further reaffirmed by the Supreme Court, when it treated a letter sent to the Chief Justice of India as a writ petition. The Ashray Adhikar Abhiyan contested the lack of appropriate funerals for deceased homeless individuals.<sup>24</sup> However, not all letters are considered PILs. The court determines if the correspondence is from social action organizations, public-spirited individuals, or affected parties. To restrict epistolary jurisdiction and prevent frivolous petitions, the Supreme Court established a Public Interest Litigation and Information Cell dedicated solely to reviewing such letters. If a letter alleges a fundamental rights violation, it is directed to the Supreme Court Legal Aid Committee; if it pertains to other legal rights, it is forwarded to the Legal Aid Board.<sup>25</sup> The Cell also informs the public about ongoing PIL cases.

---

<sup>20</sup> Vishaka & Ors. v State of Rajasthan & Ors. AIR 1997 SC 3011

<sup>21</sup> State of Uttaranchal v Balwant Singh Chauhan & Ors. AIR 2010 SC 2550

<sup>22</sup> S P Gupta v Union of India (1981) Supp SCC 87

<sup>23</sup> *ibid*

<sup>24</sup> Ashray Adhikar Abhiyan v Union of India AIR 2002 SC 554

<sup>25</sup> Supreme Court of India, 'Guidelines for Entertaining Letters as PILs' (2024)

### **Non-Adversarial Nature**

The adversarial system is distinguished by competing parties presenting their arguments before a neutral and unbiased tribunal to support their different perspectives. In contrast, a non-adversarial approach does not contain opposing parties; instead, the emphasis is on collaborative problem resolution rather than passing on the guilt. The Supreme Court of India has converted traditional litigation, which usually involves two opposing parties, into PIL, which takes a non-adversarial approach. PIL does not intend to declare winners or losers, but rather it seeks to address systemic concerns and promote justice for neglected communities.<sup>26</sup> This change was implemented to offset the injustices that occur owing to disparities in the social and economic standing of parties. According to the Apex Court, "Public Interest Litigation is a joint effort between the petitioner, the government, and the court to uphold the rights and benefits guaranteed to vulnerable communities. It's about ensuring social justice by making sure laws and constitutional protections actually reach those who need them most."<sup>27</sup> The PUDR judgment further stated that the State should "welcome" PILs as they provide an opportunity to rectify injustices inflicted on weaker and poorer sections of society and the well-being of these groups must be the primary concern of the State or public authority.<sup>28</sup> The shift from adversarial litigation to non-adversarial PIL reflects the judiciary's commitment to addressing systemic inequalities and ensuring justice for marginalized communities. By fostering collaboration among petitioners, the State, and the court, PIL has become a powerful tool for achieving social justice and upholding constitutional rights.

### **Appointment of Commissions**

A PIL is brought immediately before the Supreme Court or the High Courts in accordance with Articles 32 or 226 of the Indian Constitution. Unlike conventional litigation, parties in PIL do not always have the opportunity to present evidence before proceedings commence. As a result, the task of acquiring facts, information, and evidence is left to the courts. The establishment of Commissions lessens this load on the courts to look into the matter and present their conclusions to the courts. In the past, the Supreme Court has selected Commissioners who have included District Judges, legal professors, journalists, court officers, advocates, and occasionally even social scientists.<sup>29</sup> The purpose of establishing such a Commission is to

---

<sup>26</sup> People's Union for Democratic Rights v Union of India (1982) AIR 1473

<sup>27</sup> *ibid*

<sup>28</sup> *ibid*

<sup>29</sup> Bandhua Mukti Morcha v Union of India (1984) AIR 802

lessen the expense and burden of gathering data and evidence for public interest litigants. Additionally, unbiased machinery is required. since state authorities may have a tendency to be prejudiced while conducting such inquiries and investigations, for evaluation of the facts and materials on record. Another factor is the lack of a separate and independent entity inside the judiciary to conduct such inquiries. The Supreme Court employed the services of two lawyer in Sunil Batra to determine if the claim of torture against a prisoner in Tihar Prison was true.<sup>30</sup> The advocates went to the jail, spoke with the inmates, looked through pertinent papers, questioned essential witnesses, and wrote a detailed report regarding the situation there.<sup>31</sup> The Advocates' efforts were recognised by the Court, which also approved with their conclusions.

### **CHAPTER 3 - PIL IN USA AND INDIA**

PIL in India and the US share a common goal—using litigation to address systemic injustices and empower marginalized communities. In the US, PIL emerged during the civil rights movement to combat racial segregation, while in India, it gained prominence to promote social justice. India's PIL framework is more flexible, unlike the US's structured, class-action model. Despite differences, both underscore the judiciary's role in safeguarding fundamental rights.

#### **USA**

In the United States in the late 19th century, the concept of a public interest lawsuit initially emerged. The well-known United States v. Gideon case was the stimulus for creating PIL.<sup>32</sup> Clarence Larl Gideon sent a scrawled letter to the Supreme Court of the United States appealing to the Court that he was a pauper after the Florida Trial Court denied his right to legal counsel which is in violation of the American Constitution. The Supreme Court treated his letter as a petition, relaxing procedural norms and ultimately ruling in his favour, thereby establishing a crucial legal precedent for the right to legal representation in criminal matters.<sup>33</sup> The United States of America had a period of social turmoil in the 1960s, during which several institutions underwent transformation and important reforms were adopted and put into reality. PIL has evolved as one such important institutional change. Abram Chayes, coined the term "public law litigation" in 1976 to describe the efforts of attorneys and civic-minded individuals

---

<sup>30</sup> Sunil Batra v Delhi Administration (1980) AIR 1579

<sup>31</sup> Ibid

<sup>32</sup> Gideon v. Wain Wright 372 NS 335 (1963)

<sup>33</sup> Ibid



who sought to bring about social change through court-ordered decrees.<sup>34</sup> Public interest law broadly encompasses efforts to provide legal representation to marginalized or underrepresented groups. These attempts have been made because the current legal services system failed to adequately defend the interests of important interest groups and large segments of the public.<sup>35</sup> In addition to the impoverished and the disadvantaged, these underrepresented or unrepresented interest groups also include regular people who cannot afford attorneys to defend them when their interests are impacted by any decision. As a result, legal assistance set the stage for the global architecture of PIL. With the passage of time, the idea of PIL in the United States of America has experienced several modifications. It has undergone several adjustments and revisions in their common law-based systems.

## **INDIA**

India's voters ratified the Constitution on November 26, 1949, intending to create a "Sovereign Socialist Secular Democratic Republic" intending to drive a social revolution.<sup>36</sup> Fundamental Rights and the Directive Principles of State Policy serve as the primary instruments for achieving this transformation. The Fundamental Rights are granted their full scope by creating a constitutional remedy mechanism for these rights' independent court enforcement.<sup>37</sup> The ability to quickly file a petition with the Supreme Court if one's fundamental rights have been violated is in and of itself a fundamental right, making it cornerstone of PIL. For a variety of political and legal reasons, PIL was created. PIL has partly evolved due to the ADM Jabalpur and Kesavananda Bharati case as they shaped the judicial review and the Supreme Court's role in protecting Fundamental Rights, especially during the Emergency period.<sup>38</sup> Furthermore, in the Maneka Gandhi case, the Supreme Court expanded the scope of due process and reasonableness under Article 14, enhancing protections for individual liberties.<sup>39</sup>

In the 1970s and 1980s, Justice P.N. Bhagwati and Justice Krishna Iyer, made extraordinary efforts to increase access to justice through legal aid and PIL. In a report on legal assistance in 1971 that changes may be made to the current adversarial system while preserving its core elements.<sup>40</sup> These adjustments might be made in order to give judges a bigger say in how cases

---

<sup>34</sup> Abram Chayes, 'The Role of the Judge in Public Law Litigation' (1976) 89(7) Harvard Law Review 1281

<sup>35</sup> *ibid*

<sup>36</sup> Constitution of India 1950, Preamble

<sup>37</sup> *ibid* art. 32

<sup>38</sup> ADM Jabalpur v. S.S. Shukla (1976) AIR 1207, Kesavananda Bharati v. State of Kerala AIR 1973 SC 1461

<sup>39</sup> Maneka Gandhi v Union of India AIR (1978) AIR 597

<sup>40</sup> Law Commission of India, 'The Appellate Jurisdiction of the Supreme Court in Civil Matters' (44th Report, Government of India, Ministry of Law, October 1971)



are tried. This is crucial in order to, as far as possible, put the poor and the affluent on an equal footing when it comes to the administration of justice. Similar to this, the Committee on Legal Aid report from 1973, discussed the connection between the law and poverty and included PIL.<sup>41</sup> It underlined the necessity for a robust and extensive system of legal assistance that enables the law to reach the underprivileged rather than mandating them to do so. The Two Member Committee on Juridicare, founded by judges Justice P.N. Bhagwati and Justice V.R. Krishna Iyer, released its final report in August 1977.<sup>42</sup> This report introduced the term "Social Action Litigation" as an alternative to "Public Interest Litigation" and underscored PIL as a strategic legal aid mechanism for the underprivileged. PIL was seen as a strategic arm of the legal aid movement created to provide access to justice to people who could not do so because of their destitution, illiteracy, or lack of resources.

“Our legal system, particularly its procedural features, frequently interacts with people who lack legal knowledge, are poor, marginalized, or belong to weaker socioeconomic groupings. For them, the law should be a tool for justice, not an additional source of suffering. However, technical errors in paperwork, such as minor errors in names or pleadings, are sometimes utilized as a way to dismiss cases or evade culpability. This converts judicial procedure into a weapon against people who need protection the most.” The judiciary, under the leadership of these judges, took proactive steps to promote PIL. In the case of *Abdulbhai*, the Supreme Court acknowledged that the legal system often fails the poor and marginalised due to technicalities in pleadings and procedures and emphasised on the need to simplify legal processes to ensure access to justice for the underprivileged.<sup>43</sup> This case marked the beginning of PIL in India, where the judiciary adopted a more activist role in addressing societal inequalities.

### **Comparison**

Given that the genesis of PIL in India is connected to the growth of PIL in the US drawing parallels between the US experience and the Indian experience seems natural. Due to its distinctive characteristics, PIL in India should really be termed Social Action Litigation (SAL), according to Professor Upendra Baxi. He claimed that PIL in India focused primarily on the underprivileged sector of society and was opposed to both State action and inaction, in contrast to PIL in the United States, which placed emphasis on people's participation in political

---

<sup>41</sup> Government of India, Expert Committee on Legal Aid, Processual Justice to the People (May 1973)

<sup>42</sup> Juridicare Committee, 'Report on National Juridicare: Equal Justice—Social Justice' (Government of India 1977)

<sup>43</sup> *Mumbai Kamgar Sabha, Bombay v Abdulbhai Faizullabhai & Ors.* (1976) SCR (3) 591

decision-making.<sup>44</sup> In contrast to India, PIL in the United States aimed to represent individual interests like consumerism or the environment. In India, the purpose of PIL is to effect social change by having judges actively represent the interests of groups in court. It is more about collective interests.<sup>45</sup> Despite these differences, there are notable convergences between the Indian and U.S. experiences of PIL. Both jurisdictions have seen PIL evolve into a tool for promoting transparency, accountability, and civic engagement. In the U.S., cases like *Citizens United* have sparked debates about corporate influence in politics, reflecting the broader role of PIL in shaping democratic governance<sup>46</sup>. Similarly, in India, PIL has increasingly been used to address issues of civic participation and governance, with the middle class playing a prominent role. For instance, the Right to Information (RTI) movement, which culminated in the enactment of the RTI Act in 2005, was bolstered by PILs that sought to enhance transparency in government functioning. The PIL in India has, nevertheless, undergone significant transformation. In addition to addressing state repression and governmental lawlessness, it goes beyond defending the rights of socially marginalised groups and the focus of PIL in India has actually shifted from poor people to the state's exploitation of weaker groups to calls for civic participation in government, with the middle class serving as the main target.

#### **CHAPTER 4 - ADMINISTRATIVE RESPONSE AND CHALLENGES**

PILs have continued to serve as a critical mechanism for judicial intervention in governance and policymaking in India. Over the past decade, courts have delivered landmark judgments on issues such as environmental protection, digital privacy, health rights, and judicial transparency. In *KS Puttaswamy* case, a PIL challenged the constitutional validity of the Aadhaar scheme, which mandated the linking of biometric data to access government services<sup>47</sup>. The Supreme Court, upheld the right to privacy as a fundamental right under Right to life and liberty<sup>48</sup>. While the Court upheld the Aadhaar Act 2019, it amended it in lines of the judgment. The Digital Data Protection Act 2023 was also introduced to regulate data privacy. The Supreme Court addressed rising air pollution in Delhi-NCR through PILs seeking stricter vehicular emission norms. The Court mandated the early implementation of Bharat Stage (BS) VI emission standards, advancing the deadline from 2022 to April 1, 2020, and banned the sale

---

<sup>44</sup> Upendra Baxi, 'Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India' (1983), *Third World Legal Studies*, Volume 4, Article 6

<sup>45</sup> *Ibid*

<sup>46</sup> *Citizens United v. FEC* (2010) 558 U.S. 310

<sup>47</sup> *Justice K.S. Puttaswamy v Union of India* (2019) (1) SCC 1

<sup>48</sup> Constitution of India 1950, art 21

of BS-IV vehicles after March 2020<sup>49</sup>. In response, the government accelerated the nationwide rollout of BS-VI fuel, significantly reducing vehicular emissions. Additionally, Delhi introduced the Odd-Even Traffic Scheme to further curb pollution, marking a critical step in addressing the region's air quality crisis through judicial and administrative action.

A PIL was filed for live streaming of significant constitutional cases to enhance transparency in the judiciary. The Supreme Court ruled that live streaming is crucial for judicial accountability and directed the government to implement it for key constitutional hearings.<sup>50</sup> By 2022, the Court began live-streaming Constitutional Bench proceedings, followed by High Courts in Gujarat, Karnataka, and other states. However, many proceedings remain inaccessible, with ongoing debates over privacy concerns and selective broadcasting, highlighting the challenges in balancing transparency with practical and ethical considerations. In Euthanasia case, the Supreme Court recognized passive euthanasia as a constitutional right under Article 21, affirming the right to die with dignity and the Court permitted individuals to create living wills, allowing them to refuse life-sustaining treatment under specific conditions.<sup>51</sup> In response, the government issued guidelines for implementing passive euthanasia, mandating approval from a medical board and directing state governments to establish medical committees to review such requests. While discussions on a comprehensive Euthanasia Law continue, no legislation has been enacted to date, leaving the Court's judgment as the primary framework for passive euthanasia in India. During the COVID-19 pandemic, a *Suo moto* PIL was initiated by the Supreme Court to address the plight of migrant workers stranded due to the nationwide lockdown.<sup>52</sup> The Court directed the government to ensure food, shelter, and transportation for migrant workers. The government responded by running special trains and providing financial assistance under the Pradhan Mantri Garib Kalyan Yojana. From digital privacy to environmental protection, PILs filed post-2015 have significantly influenced government policies, laws, and administrative actions. While judicial interventions have led to landmark reforms, enforcement remains inconsistent, often due to political and bureaucratic hurdles. Moving forward, stronger implementation, continuous oversight, and legislative follow-ups are necessary to ensure that PIL-driven reforms achieve their intended impact.

### **Challenges**

---

<sup>49</sup> M.C. Mehta v Union of India AIR 2018 SC 5194

<sup>50</sup> Swapnil Tripathi v Supreme Court of India (2018) 10 SCC 639

<sup>51</sup> Common Cause v Union of India AIR 2018 SC 1665

<sup>52</sup> Re: Problems and Miseries of Migrant Labourers (2020) 7 SCC 181

In subsequent phases, litigants have misused the judicial innovation that was created to safeguard the interests of the poor, impoverished, and in need through PIL. When the nature of filing such petitions changed in the 1990s, PIL began to be abused. Under the pretence of PIL, individuals began exploiting it as a tool to further their own interests.<sup>53</sup> Some petitions were submitted solely for the purpose of elevating the petitioner's reputation as a PIL lawyer. Some were submitted in order to further their political and financial goals. Some PIL specialists were little more than blackmailers.<sup>54</sup> These pointless petitions have undermined the fundamental idea and purpose of PIL. In an effort to penalise people who file pointless PILs, the government created the Public Interest Litigation (Regulation) Bill in 1996. The Bill, however, failed to win a majority and lapsed. However, the judiciary has developed its own system through rules to handle self-inflicted issues. Supreme Court and High Courts only consider claims from genuine people, not all PIL. In cases of frivolous litigation, courts may also levy exemplary expenses.<sup>55</sup> High courts have been warned by the Supreme Court to be selective when designating petitions as PIL and the court laid down guidelines to curb the misuse of PIL and emphasized that only genuine petitions should be entertained.<sup>56</sup> Thus, while PIL remains a vital instrument for justice, stricter scrutiny is necessary to prevent its exploitation.

## **CHAPTER 5 - CONCLUSION**

The most popular strategy for enforcing rights is litigation. But opposing the State's enforcement of social and collective rights calls for alternative tactics. When it comes to addressing the rights of the public, the legal remedies available for upholding individual rights are frequently insufficient. The Indian Judiciary devised PIL to safeguard the rights of the community and oppressed and underprivileged groups in response to this. Due to the non-adversarial nature of PIL, it was necessary to develop new remedies, such as commission appointments, amicus curia appointments, and accepting letters as petitions to demonstrate full justice. A litigation explosion arises as a result, and the judiciary must avoid its misuse by developing a number of rules governing the use of PIL. In establishing these rules, the Exceptional judgement on the part of the Supreme Court in balancing PIL and Personal Interest Litigation. In conclusion, PIL is a powerful instrument for achieving social justice and upholding the constitutional ideals enshrined in the Preamble. It empowers individuals and

---

<sup>53</sup> Ashok Kumar Pandey v State of WB (2004) 3 SCC 349

<sup>54</sup> Dattaraj Nathuji Thaware v State of Maharashtra (2005) 1 SCC 590

<sup>55</sup> Dr. B. Singh v. Union of India & Ors. AIR 2004 SC 1923

<sup>56</sup> State of Uttaranchal v Balwant Singh Chauhal and Ors. (2010) 3 SCC 402

organizations to advocate for the collective good, ensuring that the voices of the marginalized are heard. By addressing systemic issues and holding authorities accountable, PIL contributes to the realization of a just and equitable society. However, its effectiveness depends on the judiciary's ability to balance accessibility with safeguards against misuse, ensuring that PIL remains a tool for genuine public interest.