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**INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH**

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**EXPLORING THE ROLE OF PUBLIC INTEREST LITIGATION:  
PURPOSE AND IMPACT**Sarah Vincent AJ<sup>1</sup>**ABSTRACT**

Public interest litigation (PIL) is a legal concept that has been used in India to address a wide range of social and environmental issues. PIL allows individuals or organizations to file petitions in court on behalf of the public interest, even if they are not directly affected by the issue. This has allowed PIL to be used to protect the rights of the poor and marginalized, to enforce environmental laws, and to promote sustainable development. Any Indian citizen or organization can move the court for a public interest/cause by filing a petition: In the SC under Article 32. In the High Courts under Article 226. This paper will provide an overview of the meaning and purpose of PIL in India. It will discuss the history of PIL, the legal framework for PIL, and the impact of PIL on social and environmental justice. It discusses the challenges facing PIL that include limited awareness and access, legal complexity and procedural hurdles, judicial backlog, opposition and resistance, funding constraints, difficulties in implementation and enforcement, and concerns regarding judicial activism. and the need to ensure that PIL is not used to further the interests of powerful groups. Increasing public awareness about Public Interest Litigation (PIL) is essential for promoting citizen participation and social justice. To achieve this, educational programs, media engagement, social media campaigns, and collaborations with NGOs and activists can be utilized. Workshops for lawyers, partnerships with bar associations, and sharing case studies and success stories also play a vital role. By implementing these strategies, individuals can be informed about the significance of PIL and empowered to take action in addressing public issues and upholding the interests of the society at large.

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**KEYWORDS-** Public interest litigation, Social justice, Legal mechanism, Public advocacy, Accountability

## INTRODUCTION

PIL has been used to address a wide range of social and environmental issues in India. PIL has been used to protect the rights of the poor and marginalized, to enforce environmental laws, to promote sustainable development, and to challenge government corruption. PIL has also been used to raise awareness of important social and environmental issues, and to put pressure on the government to take action. The evolution of PIL in India can be traced back to the early 1970s, when a number of lawyers and activists began to challenge the traditional view of locus standi, which limited the right to file a lawsuit to those who were directly affected by the issue. In 1976, Justice Krishna Iyer, a judge of the Supreme Court of India, delivered a landmark judgment in which he held that the right to file a lawsuit could be extended to anyone who was acting in the public interest. This judgment opened the door to a new era of PIL in India, in which individuals and organizations could file lawsuits on behalf of the poor and marginalized, even if they were not directly affected by the issue.

The Indian government has taken a number of initiatives to support PIL in India. Establishing PIL cells in the Supreme Court and High Courts. These cells are responsible for screening PIL petitions and providing legal assistance to petitioners. Providing financial assistance to NGOs and individuals who file PIL petitions, through the National Legal Services Authority (NALSA), National Human Rights Commission (NHRC) an independent statutory body established by the Government of India to protect human rights in India, Ministry of Law and Justice is the nodal ministry for PIL in India responsible for formulating policies and guidelines for PIL. These initiatives have helped to make PIL more accessible to citizens and to strengthen the role of PIL in Indian society.

Several factors affect Public Interest Litigation (PIL) in India. These include the legal framework, judicial activism, access to justice, public participation and awareness, media influence, government response, judicial independence, and procedural challenges. These factors collectively determine the effectiveness and impact of PIL in addressing public interest issues, promoting social justice, and ensuring accountability. PIL is not without its challenges. One challenge is that PIL can be expensive and time-consuming. Another challenge is that PIL can be

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difficult to win, especially if the government is opposed to the lawsuit. Finally, there is a risk that PIL can be used by powerful groups to further their own interests.

Current trends related to Public Interest Litigation (PIL) in India encompass a range of pressing issues. These include environmental concerns like climate change and conservation, social justice and human rights causes such as gender equality and LGBTQ+ rights, public health issues like pandemic response and healthcare accessibility, technology and digital rights including data privacy and online regulation, corporate accountability for environmental damage and labor rights violations, the promotion of transparency through the Right to Information Act, and education reforms to ensure quality education for all. These trends reflect the evolving nature of PIL in addressing emerging challenges and advocating for societal change.

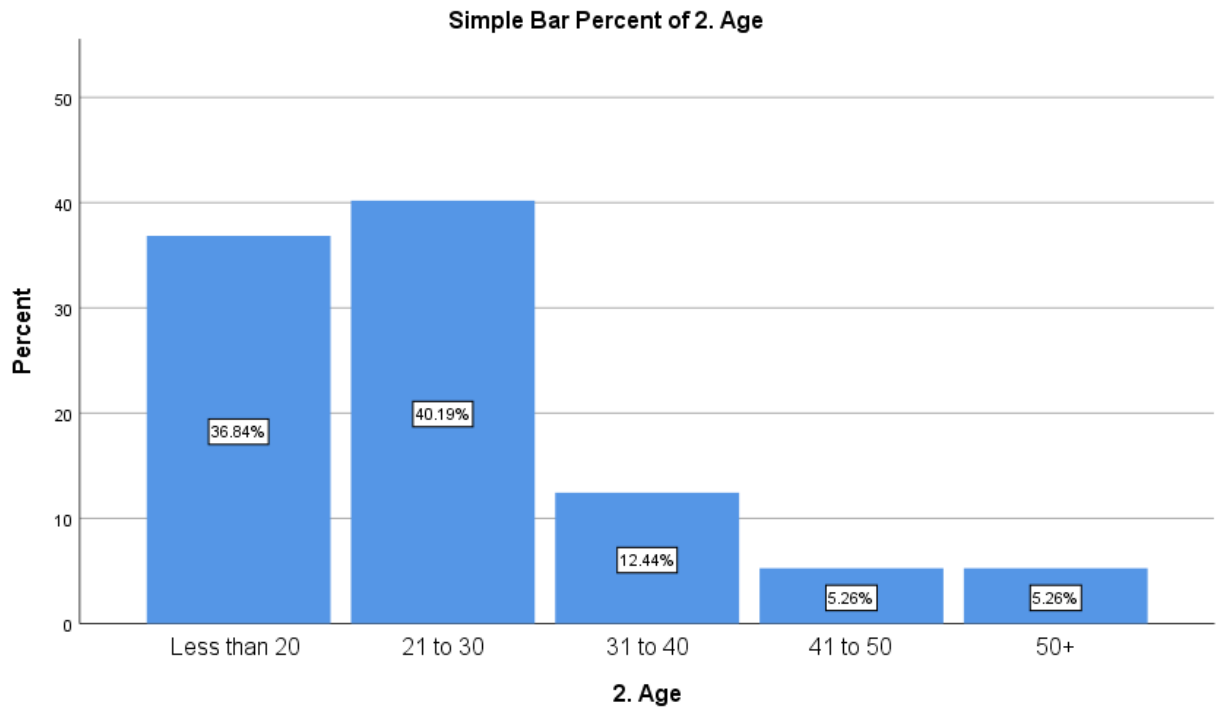
Public Interest Litigation (PIL) in India and the United States (USA) share some similarities but also exhibit distinct characteristics. In India, PIL allows citizens and non-governmental organizations to initiate legal action on behalf of the public interest, seeking remedies for systemic issues and protecting the rights of marginalized communities. The focus of Indian PIL often extends beyond individual rights and encompasses broader social, environmental, and economic concerns. In contrast, the USA relies more on a combination of class action lawsuits, administrative procedures, and government agencies to address public interest matters. While both systems aim to safeguard public welfare, the Indian PIL approach grants broader standing and allows more direct involvement of civil society in shaping legal outcomes. However, the American system generally places a greater emphasis on individual rights, due process, and the role of statutory law.

## ANALYSIS

### FIGURE 1

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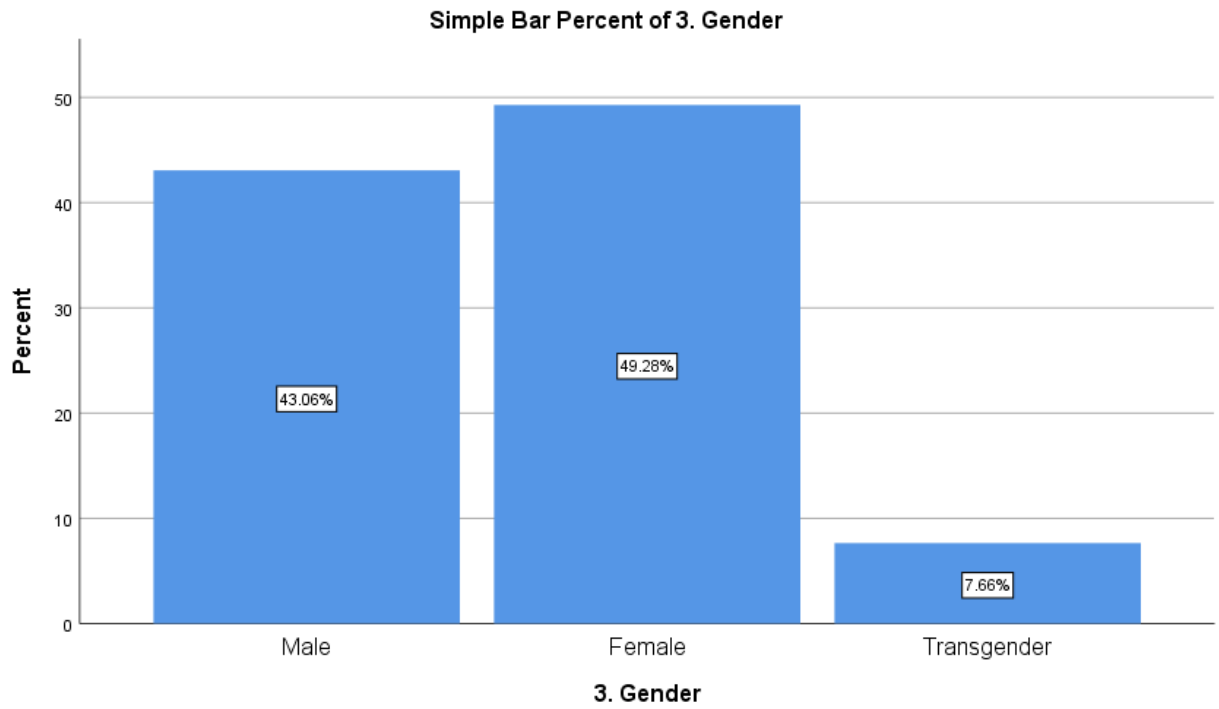
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Figure 1 depicts the distribution of sample respondents with respect to age.

FIGURE 2

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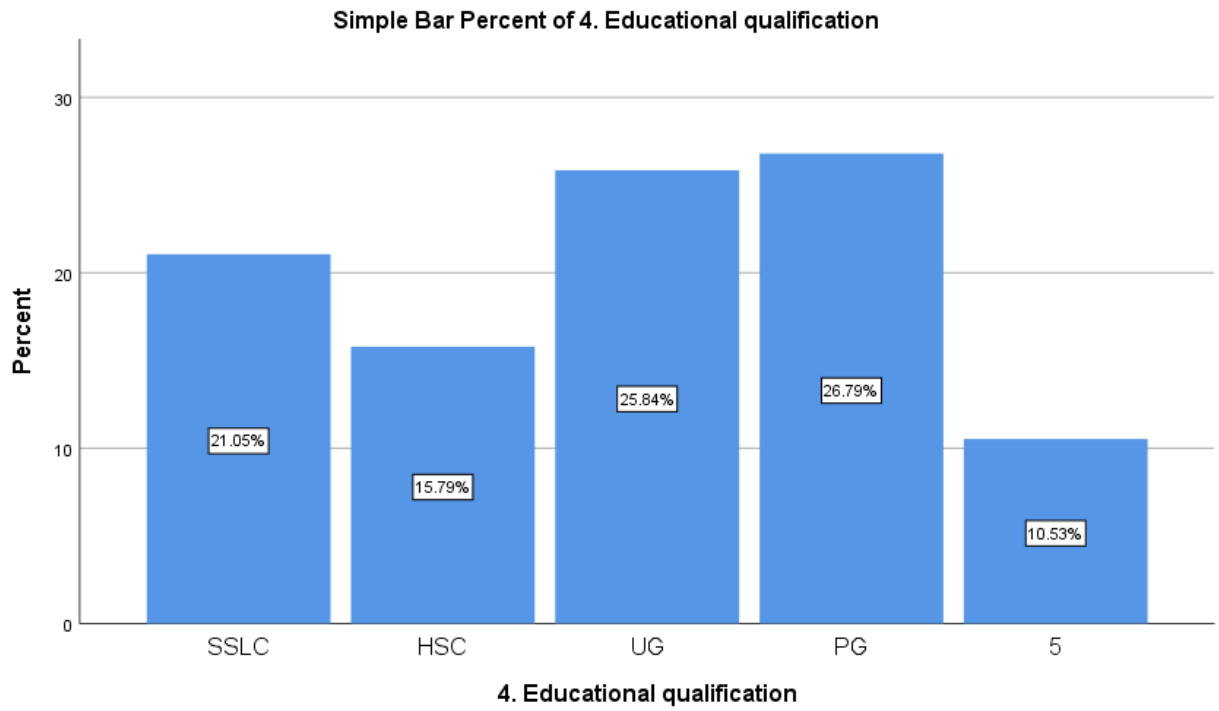
**Figure 2** depicts the distribution of sample respondents with respect to gender.

**FIGURE 3**

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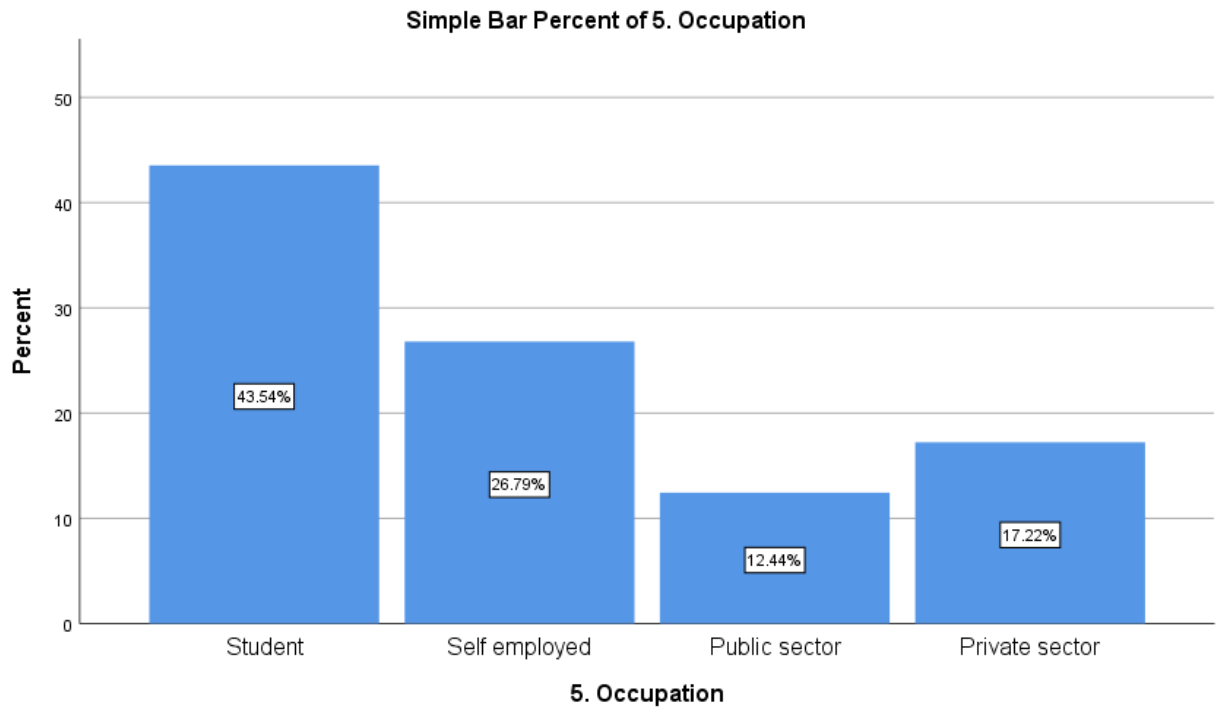
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Figure 3 depicts the distribution of sample respondents with respect to educational qualification.

FIGURE 4

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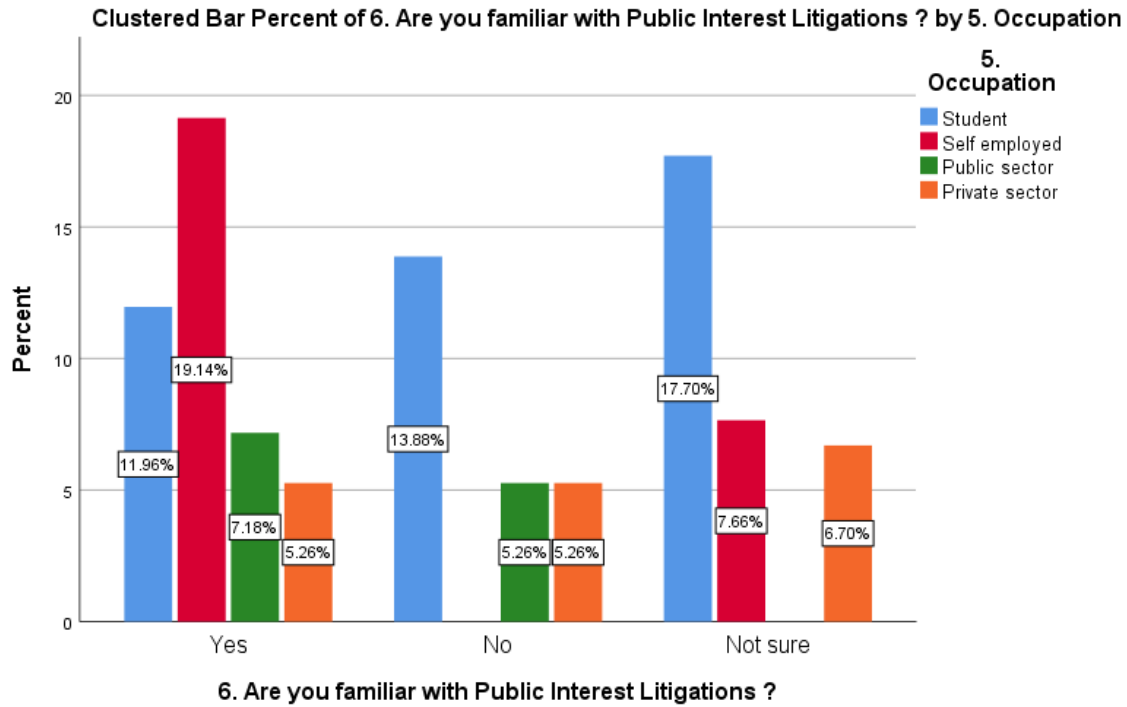
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**Figure 4** depicts the distribution of sample respondents with respect to occupation.

**FIGURE 5**

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FIGURE 5 depicts the occupation of the sample population and a likert scale representing their familiarity with Public Interest Litigations.

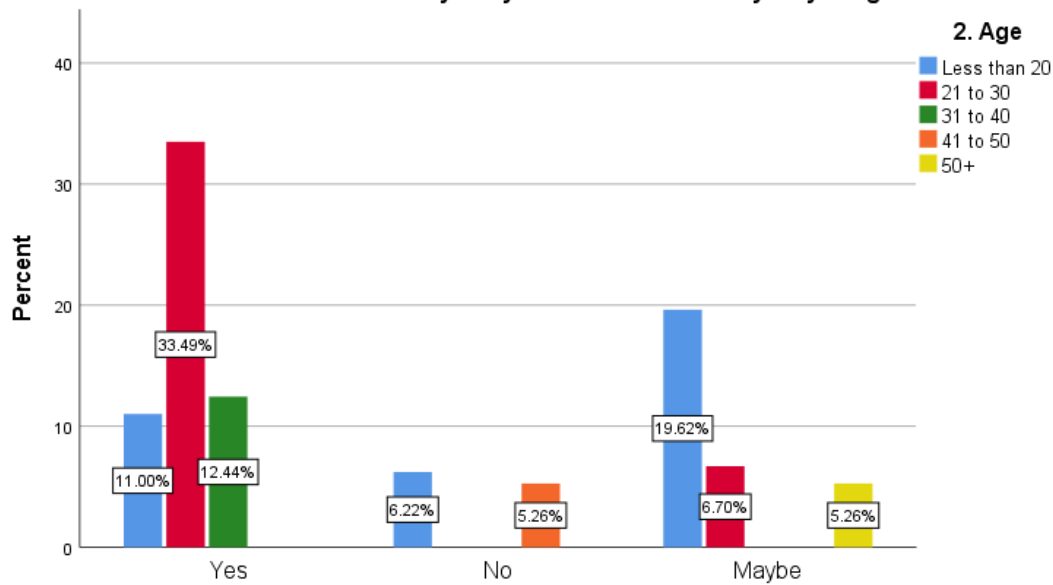
FIGURE 6

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Clustered Bar Percent of 7. PIL refers to a litigation undertaken to secure public interest, meaning that it serves as a remedy. Do you think it's necessary ? by 2. Age



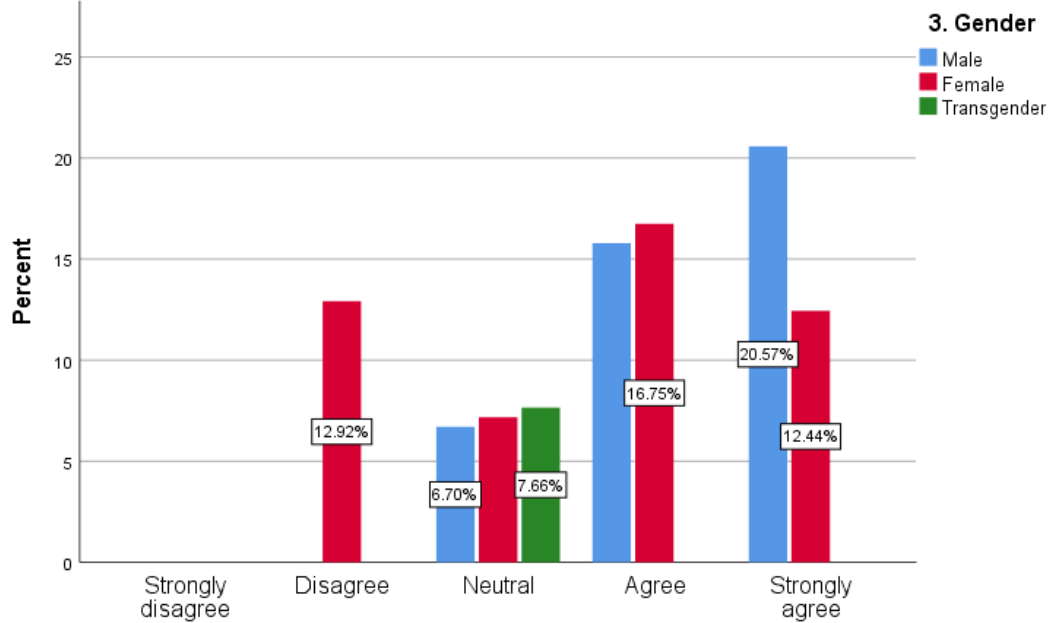
7. PIL refers to a litigation undertaken to secure public interest, meaning that it serves as a remedy. Do you think it's necessary ?

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Figure 6 depicts the age of the sample respondents and a likert scale representing their opinion on the necessity of PIL.

FIGURE 7

Clustered Bar Percent of 8. From the following, when can a PIL be filed [Human rights violation ] by 3. Gender



8. From the following, when can a PIL be filed [Human rights ...

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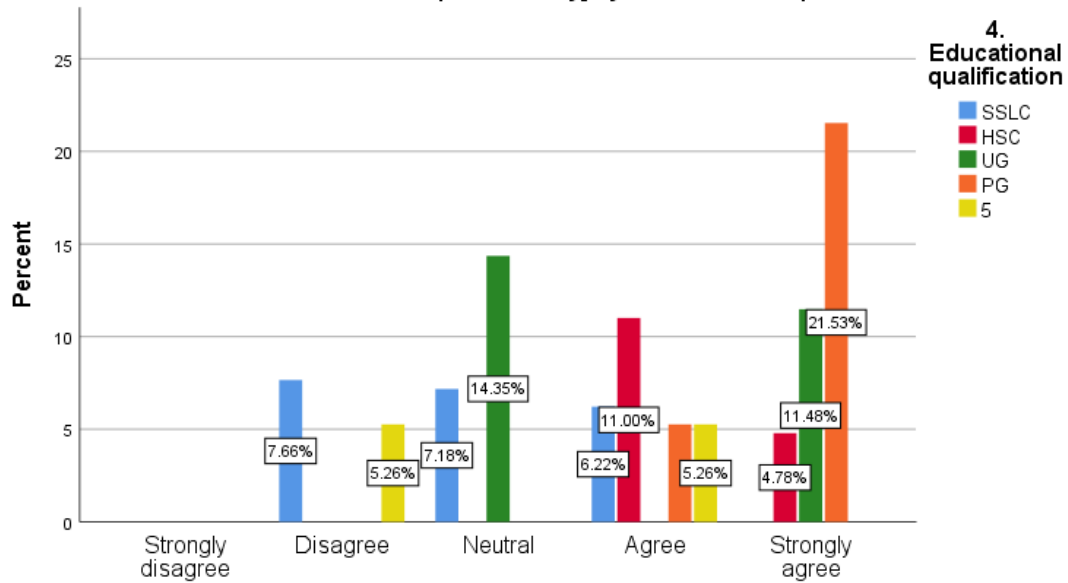
Figure 7 depicts the gender of the sample respondents and a likert scale representing the opinion of the respondents on whether a PIL can be filed for human rights violation.

FIGURE 8

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Clustered Bar Percent of 8. From the following, when can a PIL be filed [Failure of government or municipal authorities to perform duty] by 4. Educational qualification



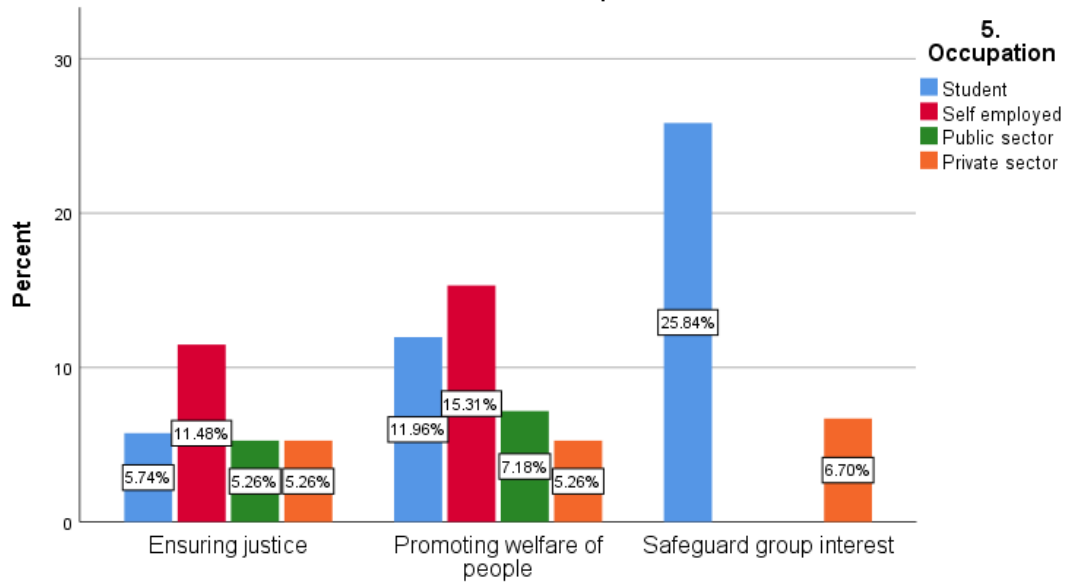
8. From the following, when can a PIL be filed [Failure of government or municipal authorities to perform duty]

LEGEND

Figure 8 depicts the educational qualification of the respondents and a likert scale representing their opinion on whether a PIL can be filed for failure of government or municipal authorities to perform duty.

FIGURE 9

Clustered Bar Percent of 9. From the objectives/purposes of PIL, which do you find most important ? by 5. Occupation

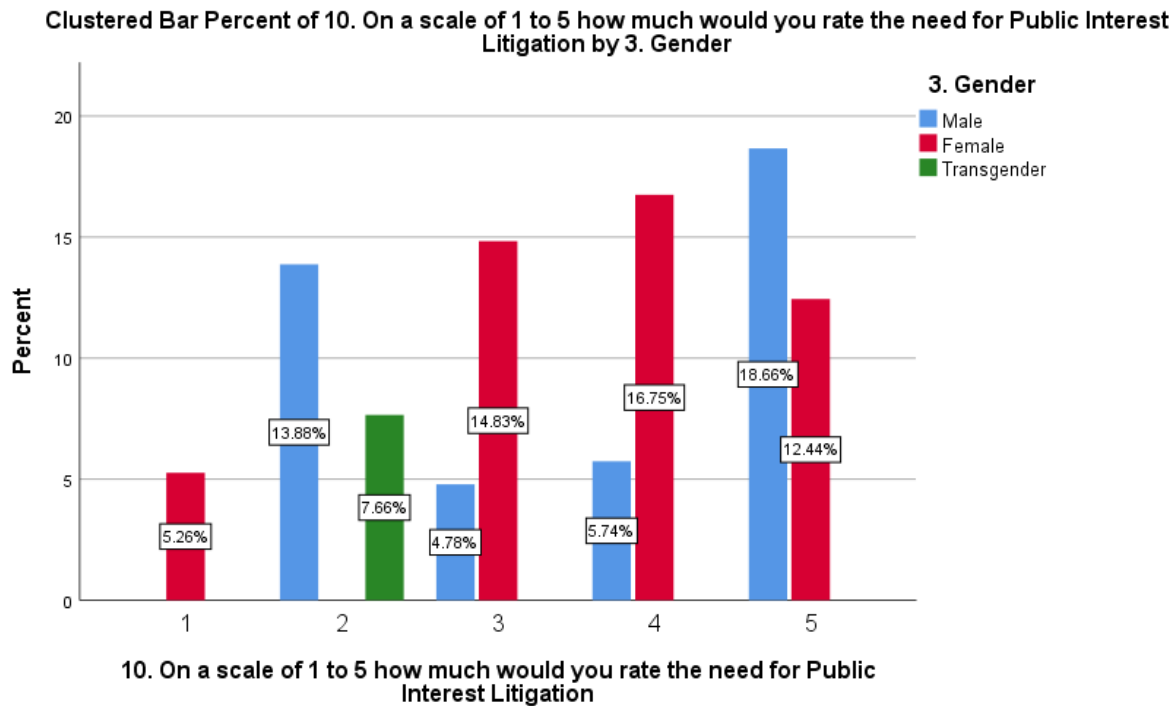


9. From the objectives/purposes of PIL, which do you find most important ?

LEGEND

Figure 9 depicts the occupation of the sample respondents and a likert scale representing the opinion of the respondents on the most important objective of PIL.

FIGURE 10



## LEGEND

**Figure 10** depicts the gender of the sample respondents and a rating scale representing the respondents' opinion on the need for PIL.

## LIMITATIONS

The concept and practice of PIL can vary across different legal systems and cultural contexts. It is important to consider these variations when conducting the study, as findings from one jurisdiction may not be directly applicable to another. Being a legal concept not many of the respondents were aware about it and due to restrictions regarding the structure of the sample population the wide range of age groups could not be covered.

## CONCLUSION

Public interest litigation (PIL) is a powerful tool for social change. It has been used to address a wide range of issues, including environmental protection, human rights, and access to justice. PIL has been particularly effective in India, where it has been used to challenge the government and improve the lives of the poor and marginalized. Through PIL, marginalized and

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disadvantaged groups can have their voices heard and gain access to justice. It acts as a tool to hold governments, institutions, and individuals accountable for their actions or inactions. PIL can bring about social change, promote good governance, and contribute to the development of a just and inclusive society. However, PIL is not without its limitations. It can be a costly and time-consuming process, and there is always the risk of judicial overreach. Additionally, even when PIL cases are successful, there is often a lack of implementation of the court's orders. Despite these limitations, PIL remains a valuable tool for promoting social justice. It is important to be aware of the limitations of PIL in order to maximize its effectiveness. The study also made a number of recommendations for how to improve the effectiveness of PIL, including: Making PIL more accessible to people from marginalized communities; Providing more training for judges on PIL; Strengthening the mechanisms for implementing the court's orders. The study concluded that PIL is a powerful tool for social change, but it is important to be aware of its limitations and to take steps to address them. With careful planning and execution, PIL can be a powerful force for good.

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