

Misuse and Criticism of Public Interest Litigation in India

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Abstract

Public Interest Litigation (PIL) has developed into one of the most significant judicial innovations in India, aimed at ensuring access to justice and protecting fundamental rights, particularly for vulnerable and marginalized groups. Since its expansion in the late twentieth century, PIL has contributed immensely to social justice, environmental protection, and governmental accountability. However, the relaxation of procedural rules such as locus standi has also opened the door to misuse. Increasingly, courts are confronted with frivolous petitions, publicity-driven litigation, and cases motivated by political or private interests. These trends have not only burdened the judiciary but have also diluted the true purpose of PIL. This paper critically analyzes the misuse and growing criticisms of PIL in India and suggests measures to regulate its abuse while preserving its original objectives.

Keywords: frivolous, politically motivated ,public interest litigation,locus standi.

Introduction

Public Interest Litigation (PIL) is a judicial mechanism designed to make justice accessible to those who are unable to approach the courts due to poverty, illiteracy, or social disadvantage. It allows any public-spirited individual to seek judicial intervention for the protection of public rights and interests.

The concept of PIL in India was significantly shaped through judicial activism, particularly by Justice P. N. Bhagwati and Justice V. R. Krishna Iyer. By relaxing the traditional rule of locus standi, the judiciary enabled individuals to approach courts on behalf of others whose rights were violated. Over time, PIL emerged as a powerful tool to address issues affecting society at large.

However, with its growing popularity, PIL has gradually drifted away from its original purpose, raising serious concerns about its misuse and excessive judicial intervention.

Evolution and Purpose of PIL in India

PIL is not a statutory creation but a product of judicial innovation that evolved through landmark judgments during the late 1970s and early 1980s. It was introduced to promote social justice and ensure that constitutional rights are not limited to those who can afford legal representation.

One of the earliest and most important landmark judgments is *Hussainara Khatoun v. State of Bihar*, where the Supreme Court recognized the right to a speedy trial and free legal aid as part of Article 21 of the Constitution. The case was initiated through a petition filed by Kapila Hingorani on behalf of

undertrial prisoners who had been detained for long periods without trial. This case marked a turning point in the development of PIL as a tool for social justice.¹

Another landmark decision is *S.P. Gupta v. Union of India*, where Justice P. N. Bhagwati liberalized the concept of locus standi by allowing any public-spirited individual to approach the court in good faith on behalf of those whose rights are violated. Following this, PIL became an effective mechanism to address issues such as environmental degradation, human rights violations, and administrative failures, as seen in cases like *M.C. Mehta v. Union of India*.²

Frivolous and Politically Motivated PILs

One of the most significant criticisms of Public Interest Litigation (PIL) is its increasing misuse through frivolous and politically motivated petitions. Originally, PIL was conceived as a mechanism to provide access to justice for marginalized and disadvantaged groups who could not approach courts themselves. However, over time, its liberal nature—especially the relaxation of *locus standi*—has opened the floodgates for misuse.

Frivolous PILs are those petitions that lack genuine public interest and are often filed for personal gain, publicity, or to harass others. Courts in India have repeatedly observed that many PILs are filed not with the intention of serving justice but to gain media attention or settle personal or political scores. Such petitions not only dilute the sanctity of PIL but also waste valuable judicial time.

Empirical observations and judicial records indicate a growing concern in this regard. The Supreme Court of India has, in several judgments, noted that a substantial number of PILs filed each year are either dismissed at the preliminary stage or found to lack merit. According to data discussed in judicial pronouncements and legal scholarship, a significant proportion of PILs do not survive initial scrutiny, reflecting the extent of non-serious filings.

The problem is compounded by the already heavy burden on the judiciary. As per data from the National Judicial Data Grid, Indian courts collectively face **over 4 crore (40 million) pending cases** across all levels. While PILs constitute only a fraction of total filings, their complexity and the time required for adjudication mean that even a small number of frivolous PILs can disproportionately consume judicial resources.

Politically motivated PILs are particularly problematic. In many instances, PILs are used as tools to target political opponents or to interfere in policy decisions under the guise of public interest. This practice undermines the credibility of the judiciary and transforms PIL into a weapon of political strategy rather than a means of justice. The courts themselves have acknowledged this trend, observing that PIL jurisdiction is sometimes invoked to settle political rivalries.

For example, individuals sometimes file PILs to stall large infrastructure or development projects without adequate evidence of public harm. While judicial scrutiny of such projects is important, baseless challenges can delay economic development and increase costs. Similarly, PILs are occasionally filed to question routine administrative decisions, not on legal grounds but to create obstacles for particular individuals or groups.

Recognizing this growing misuse, the Supreme Court in *State of Uttaranchal v. Balwant Singh Chaufal*

¹Hussainara Khatoon v. State of Bihar, AIR 1979 SC 1369.

²The story of the PIL, supreme court observer, <https://www.scobserver.in/journal/the-story-of-the-pil/> (last visited on 22/03/2026)

explicitly acknowledged that PIL had, in some cases, been converted into “publicity interest litigation” and “private interest litigation.” The Court emphasized that this trend must be curbed to preserve the credibility of the institution.

The Court has also adopted deterrent measures by imposing exemplary costs on petitioners filing frivolous PILs. In several cases, fines ranging from thousands to even lakhs of rupees have been imposed to discourage misuse. These financial penalties serve as a warning that judicial processes cannot be exploited without consequences.

Legal scholars and committees have also highlighted this issue. Reports of the Law Commission of India have emphasized the need to prevent abuse of PIL jurisdiction while preserving its core objective of promoting social justice. The Commission has noted that unregulated access to PIL can lead to “judicial populism” and unnecessary litigation.

Another important dimension is the opportunity cost of frivolous PILs. When courts spend time on non-genuine petitions, they are diverted from addressing urgent matters such as violations of fundamental rights, custodial deaths, environmental degradation, and issues affecting marginalized communities. This delay undermines the very purpose for which PIL was introduced.

Furthermore, misuse of PIL can erode public trust in the judiciary. When PIL is seen as a tool for personal or political gain, it diminishes its moral authority and weakens its role as an instrument of social justice. The credibility of genuine petitioners may also be questioned due to the proliferation of non-serious cases.

In conclusion, while PIL remains a powerful and necessary mechanism for ensuring access to justice, its misuse through frivolous and politically motivated petitions poses a serious challenge. Statistical realities of judicial backlog, combined with judicial observations and institutional concerns, highlight the urgent need for stricter scrutiny and responsible use of PIL. Without such measures, the effectiveness and integrity of PIL as a tool for social justice may be significantly compromised.

Judicial Overreach and Separation of Powers Concerns

Another major criticism of Public Interest Litigation (PIL) is that it has led to judicial overreach, thereby disturbing the delicate balance of power among the three organs of government—the legislature, the executive, and the judiciary.

The doctrine of separation of powers is a fundamental principle of constitutional governance. It ensures that each branch of government functions within its own domain without encroaching upon the responsibilities of others. However, through PIL, the judiciary has often expanded its role beyond interpretation of law into areas of policy-making and administration.

Judicial activism, which initially helped in protecting fundamental rights, has sometimes crossed into judicial overreach. Courts have issued directions on matters such as environmental regulations, governance policies, appointment procedures, and even day-to-day administrative functions. While these interventions are often well-intentioned, they raise concerns about institutional competence and democratic legitimacy.

The issue of judicial overreach has been discussed in several landmark cases. In *Divisional Manager, Aravali Golf Club v. Chander Hass*, the Supreme Court explicitly cautioned against excessive judicial activism. The Court observed that judges must not encroach into the domain of the legislature or executive, emphasizing that such overreach could upset the constitutional balance.

Similarly, in *Common Cause v. Union of India*, the Court highlighted that while exercising its powers, the judiciary must respect the limits imposed by the Constitution and avoid substituting its own views for that of the executive.

Another significant case is *BALCO Employees' Union v. Union of India*, where the Supreme Court refused to interfere in economic policy decisions, holding that matters of economic and administrative policy fall within the domain of the executive, and courts should not intervene unless there is a clear violation of fundamental rights or statutory provisions. This case is often cited as a strong assertion of judicial restraint.

Critics argue that judges are not elected representatives and may lack the expertise required to make complex policy decisions. When courts step into the domain of the executive or legislature, it may lead to inefficiencies and unintended consequences. Moreover, such actions can weaken democratic accountability, as policy decisions ideally should be made by bodies answerable to the public.

For instance, in several environmental PIL cases such as *M.C. Mehta v. Union of India*, courts have ordered the closure or relocation of industries to control pollution. While these decisions significantly contributed to environmental protection, they also had economic consequences, including loss of employment for workers. This highlights the complexity of balancing environmental concerns with economic realities—an area traditionally managed by the executive.

At the same time, it is important to critically examine the rigid application of the doctrine of separation of powers. If one were to follow a strict interpretation of this doctrine, the judiciary would be severely limited to mere interpretation of law and would be unable to intervene in situations involving injustice or violation of fundamental rights. In such a scenario, the courts would be powerless to address executive inaction or legislative failure, even in cases involving gross human rights violations.

Therefore, a certain degree of judicial activism—or even what critics may term as “overreach”—can be justified in exceptional circumstances. The judiciary, as the guardian of the Constitution, has a duty to step in when other organs fail to perform their functions effectively. In this sense, PIL has served as an essential tool to fill governance gaps and ensure accountability.

Moreover, critics who strongly emphasize separation of powers often overlook the fact that in India, the separation is not absolute. The executive is drawn from the legislature, which already reflects a partial overlap of powers. If one is to insist on strict separation, then logically, one must also advocate for a complete institutional separation between the legislature and executive—something that does not exist in the Indian constitutional framework. This observation weakens the argument that the judiciary alone must adhere rigidly to the doctrine while other organs operate with functional overlap.

However, this does not mean that judicial overreach should be unchecked. The judiciary must exercise self-restraint and ensure that its interventions are guided by constitutional principles rather than personal or subjective considerations. The challenge lies in distinguishing between legitimate judicial activism and excessive interference.

It is also important to recognize that judicial intervention through PIL often arises due to executive inaction or failure. In situations where the government fails to protect fundamental rights, the judiciary steps in as a guardian of the Constitution. Therefore, the issue is not black and white; it involves a complex interplay between necessity and overreach.

Ultimately, the challenge lies in maintaining a balance—ensuring that the judiciary remains proactive in protecting rights without encroaching excessively into the domains of other branches. A nuanced

approach that respects constitutional boundaries while addressing governance failures is essential for the effective functioning of PIL as a tool for social justice.

Burden on the Judiciary

One of the most practical and pressing challenges associated with Public Interest Litigation (PIL) is the increasing burden it places on the Indian judiciary. While PIL was introduced with the noble objective of expanding access to justice, its widespread use—combined with instances of misuse—has contributed to an already strained judicial system.

India's judiciary is currently dealing with an enormous backlog of cases. According to data from the National Judicial Data Grid, there are **over 4 crore (40 million) pending cases** across various courts in the country. This includes lakhs of cases pending before High Courts and the Supreme Court of India. In such a scenario, the influx of PILs—particularly those lacking merit—adds to the systemic pressure and delays the administration of justice.

Unlike ordinary litigation, PILs often require extensive judicial engagement. These cases typically involve broader public issues such as environmental protection, governance failures, human rights violations, and policy implementation. As a result, courts do not merely adjudicate but frequently assume a supervisory role. This includes issuing continuing mandamus, seeking periodic reports, appointing expert committees, and monitoring compliance over extended periods. While such involvement may be necessary to ensure accountability, it significantly increases the time and resources required for each case.³

A prominent example of prolonged judicial monitoring can be seen in *M.C. Mehta v. Union of India*, a series of environmental PILs where the Supreme Court has been continuously involved in matters relating to pollution control, industrial regulation, and environmental governance for decades. While these interventions have led to important environmental reforms, they also illustrate how PILs can evolve into long-term judicial projects, occupying court time for years.⁴

Similarly, in *Vineet Narain v. Union of India*, the Supreme Court monitored investigations into corruption at the highest levels of government. The Court issued detailed directions to ensure transparency and independence in investigative agencies. Although the judgment strengthened institutional accountability, it also reflected how PIL jurisdiction can require sustained judicial oversight, thereby adding to the court's workload.

Another important concern is that PILs may overshadow regular litigation. High-profile PILs, particularly those involving media attention or significant public interest, often receive priority in hearings. While this may be justified in urgent cases, it can inadvertently delay the resolution of ordinary civil and criminal matters. Litigants awaiting justice in personal disputes, property cases, or criminal trials may face prolonged delays as judicial attention is diverted.

The problem is further aggravated by frivolous PILs, which consume judicial time at the admission stage itself. Even when such petitions are eventually dismissed, they require initial scrutiny, hearings, and judicial consideration. This results in an inefficient allocation of already limited judicial resources.

³National Judicial Data Grid, <https://njdg.ecourts.gov.in> (last visited Apr. 26, 2026).

⁴Id.,27

The Supreme Court has acknowledged this concern in *State of Uttaranchal v. Balwant Singh Chauhal*, where it observed that courts must be cautious in entertaining PILs and should ensure that only genuine cases are admitted. The Court emphasized the need for filtering mechanisms to prevent misuse and reduce unnecessary burden on the judiciary.⁵

From a critical perspective, the burden caused by PILs raises questions about institutional capacity. Courts are primarily designed to adjudicate disputes, not to administer policies or oversee governance on a continuous basis. When PILs transform courts into monitoring agencies, it stretches their functional limits and may affect their efficiency in core judicial functions.

At the same time, it is important to acknowledge that the burden created by PILs is not solely due to their existence but also due to systemic issues such as judicial vacancies, inadequate infrastructure, and procedural delays. In many cases, PILs arise precisely because other institutions have failed to perform their duties effectively. For instance, administrative inefficiency or lack of enforcement mechanisms often compels citizens to approach courts through PIL.

Thus, PILs can be seen both as a cause and a consequence of judicial burden. On one hand, they add to the workload; on the other, they reflect deeper governance failures that necessitate judicial intervention. Another dimension of this issue is the concept of “continuing mandamus,” where courts keep cases pending while monitoring compliance. While this approach ensures accountability, it also prevents final disposal of cases, thereby contributing to pendency statistics. This raises an important question: whether courts should remain involved in long-term governance issues or limit their role to issuing directions and leaving implementation to the executive.

To address these challenges, courts have increasingly adopted stricter admission criteria for PILs. They now examine the credentials of the petitioner, the genuineness of the issue, and the presence of substantial public interest before admitting a case. Additionally, the imposition of costs on frivolous petitioners acts as a deterrent.

In conclusion, while PIL has significantly contributed to the advancement of social justice, its impact on the judicial workload cannot be ignored. The growing burden on courts highlights the need for a balanced approach—one that preserves the accessibility and effectiveness of PIL while ensuring that it does not overwhelm the judicial system. Strengthening institutional capacity, improving administrative efficiency, and enforcing stricter scrutiny of PILs are essential steps toward achieving this balance.

Guidelines Issued by Courts to Regulate PIL

In response to the growing misuse of Public Interest Litigation (PIL), the Indian judiciary has gradually evolved a set of principles and guidelines to regulate its scope and ensure that it continues to serve its original purpose—advancement of social justice. While PIL began as a flexible and liberal mechanism, judicial experience over the years has necessitated the introduction of safeguards to prevent its abuse.

The most comprehensive framework in this regard was laid down by the Supreme Court in *State of Uttaranchal v. Balwant Singh Chauhal*. In this landmark judgment, the Court undertook an extensive review of the evolution of PIL and acknowledged that, although it had been instrumental in protecting fundamental rights, it had also been increasingly misused for personal, political, and extraneous purposes. Recognizing this dual nature, the Court issued detailed guidelines aimed at preserving the integrity of PIL.

⁵ *State of Uttaranchal v. Balwant Singh Chauhal*, (2010) 3 S. C. C. 402.

One of the foremost principles emphasized by the Court is the **verification of the credentials of the petitioner**. Courts are required to ensure that the person filing the PIL is acting bona fide and has no hidden agenda. This is crucial because the relaxation of locus standi one of the defining features of PIL—makes it susceptible to misuse. By scrutinizing the background, motives, and credibility of the petitioner, courts attempt to filter out individuals seeking publicity or personal gain.⁶

Closely related to this is the requirement of **genuine public interest**. The Court has repeatedly stressed that not every issue can be brought under the ambit of PIL. The matter must involve a substantial question affecting the public at large, particularly disadvantaged or marginalized sections of society. In *Janata Dal v. H.S. Chowdhary*, the Supreme Court cautioned that PIL should not become a tool for “meddlesome interlopers” who seek to interfere in matters without any real public interest. This case remains a foundational authority on restricting indiscriminate use of PIL.

Another significant guideline is the absence of personal motives. Courts have consistently held that PIL must not be used for private disputes, political rivalry, or commercial interests. In *Ashok Kumar Pandey v. State of West Bengal*, the Supreme Court strongly criticized the misuse of PIL for personal publicity and imposed costs on the petitioner. The Court observed that such misuse not only wastes judicial time but also undermines the credibility of the PIL mechanism.⁷

The judiciary has also emphasized the importance of **preliminary scrutiny before admission**. Courts are encouraged to conduct an initial examination of the petition to assess its merit, relevance, and authenticity. This filtering process helps in rejecting frivolous cases at an early stage, thereby conserving judicial resources. Over time, High Courts and the Supreme Court have developed internal procedures to screen PILs before listing them for detailed hearings.

A crucial deterrent mechanism introduced by the courts is the imposition of exemplary costs. Petitioners found to have filed frivolous or malicious PILs may be penalized financially. This approach serves a dual purpose: it discourages misuse and signals that judicial processes cannot be exploited without consequences. The increasing trend of imposing costs reflects a shift from earlier judicial leniency to a more disciplined approach.

Another important guideline relates to judicial restraint in policy matters. Courts have repeatedly emphasized that PIL should not be used as a means to interfere in matters that fall within the domain of the executive or legislature, unless there is a clear violation of fundamental rights or statutory provisions. In *BALCO Employees’ Union v. Union of India*, the Supreme Court held that economic and administrative decisions are best left to the executive, and judicial interference should be minimal. This principle reinforces the need to balance activism with restraint.

Additionally, the Court has encouraged the use of structured and focused pleadings in PILs. Petitioners are expected to present clear facts, credible evidence, and specific legal grounds rather than vague or generalized allegations. This ensures that courts can effectively adjudicate the matter without being drawn into unnecessary or speculative inquiries.

From an analytical perspective, these guidelines reflect the judiciary’s attempt to institutionalize PIL and bring it within a structured framework. Initially, PIL thrived on flexibility and informality, which allowed courts to respond creatively to social injustices. However, this very flexibility also created

⁶ Id,34

⁷ *Ashok Kumar Pandey v. State of W. B.*, (2004) 3 S. C. C. 349.

opportunities for misuse. The introduction of guidelines, therefore, represents a shift towards balancing accessibility with accountability.

Despite these developments, challenges remain in the effective implementation of these guidelines. Much depends on judicial discretion at the admission stage, which can vary from case to case. Moreover, the line between genuine public interest and disguised private interest is not always easy to draw. This ambiguity sometimes allows questionable petitions to proceed while, in rare cases, genuine concerns may be overlooked.

It is also important to note that excessive restrictions on PIL could undermine its original purpose. The strength of PIL lies in its accessibility and its ability to give voice to the voiceless. Over-regulation may discourage genuine petitioners, particularly those from marginalized backgrounds who rely on PIL as a means of seeking justice.

Therefore, the goal should not be to restrict PIL but to refine its use. A balanced approach—combining strict scrutiny of petitions with openness to genuine causes—is essential. Judicial training, institutional mechanisms for screening PILs, and greater reliance on expert bodies can further enhance the effectiveness of these guidelines.

Conclusion

Public Interest Litigation remains a vital component of Indian constitutional law and continues to play an important role in promoting justice and accountability. However, its misuse poses a serious threat to judicial efficiency and credibility. A balanced approach is essential to ensure that PIL serves its intended purpose without becoming a tool for personal, political, or commercial interests. Strengthening safeguards and encouraging responsible use will help preserve the integrity and effectiveness of PIL in india.