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## Voice of the Voiceless - PIL and the Fight for Social Justice

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*The growth of Public Interest Litigation (PIL) in India is now necessary for achieving fairness and justice in how public resources are used. PIL works as a new tool in the justice system, thanks to support from Article 32 and Article 226 of the Constitution of India. In S.P. Gupta v Union of India (1981)<sup>1</sup> made it possible for concerned citizens to support people who did not have the authority to bring cases to court. Thanks to this approach, the courts now act as defenders of those who are oppressed by indifferent government leaders. PIL has played a key role in bringing socio-economic rights listed in the Directive Principles of State Policy to life. As an illustration, in Olga Telis v Bombay Municipal Corporation<sup>2</sup> in 1985, the Bombay Municipal Corporation decision made the right to livelihood part of Article 21. In the same way, the Vishaka v State of Rajasthan<sup>3</sup> in 1997, in the case of the State of Rajasthan, the Supreme Court created guidelines for preventing sexual harassment at workplaces without any backing legislation. At the same time, PIL does suffer from a number of problems. Due to PIL being misused, the courts have warned against choosing courts based on personal or publicity reasons. Even so, PIL is still a powerful tool in promoting social change. The same measures to help marginalised people have been established in South Africa and the Philippines. While the U.S. depends greatly on amicus curiae, India has chosen PIL to make sure justice is accessible to all its citizens. Overall, PIL has not only kept the law fair but has made it possible for courts to stand up for those who have been kept silent.*

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<sup>1</sup> S.P. Gupta v Union of India (1981) 1 Supp SCC 87

<sup>2</sup> Olga Telis v Bombay Municipal Corporation (1986) 2 SCR Supl 51

<sup>3</sup> Vishaka v State of Rajasthan (1997) 6 SCC 241

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## INTRODUCTION

Pietry for justice in any civilised society is fundamentally connected to fairness, openness and being available to all. In India, Public Interest Litigation (PIL) is a key legal effort that gives marginalised and weak people opportunities to be heard. Essentially, PIL supports social progress by ensuring that important parts of the Indian Constitution are made operative for the good of all. Traditional divisions in society and widespread inequality have made sure that a large section of the community remains overlooked by the law. Therefore, PIL brings the essential rights outlined in the Constitution closer to how they are lived by the people. As a result, the judiciary becomes a real guardian of citizens' rights.

It was in the late 1970s and early 1980s that the legal system in India began to respond strongly to unjust cases involving the rights of individuals. This important period started with the landmark judgment in *Hussainara Khatoon v State of Bihar* (1979),<sup>4</sup> the Supreme Court, led by Justice P.N. Bhagwati, decided that all prisoners undergoing trial should have the right to free assistance by lawyers and speedy justice. It was this case that gave the phrase “access to justice for all” real significance. The evidence presented in *S.P. Gupta* in 1981, with the Union of India, the Supreme Court made it possible for certain individuals or groups to bring cases on behalf of those who might not have the right to act on their own. The court decided that any person of the public acting honestly and with sufficient concern could come to the court to resolve or ensure that public issues are adhered to.

Under Articles 32 and 226 of the Indian Constitution, the Supreme Court and High Courts can each use writs to enforce fundamental rights. They are designed to help ensure the safety of civil rights in the Constitution. PIL relies on the Directive Principles of State Policy, with a focus on Articles 38, 39 and 46, which seek to ensure the people are cared for, equal treatment under law occurs, and the rights of the weaker groups are protected. Among other things, PIL is a court doctrine that regularly uses the *parens patriae* concept, so the court protects the rights of people who suffer from socio-economic disadvantages and cannot defend themselves.

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<sup>4</sup> *Hussainara Khatoon v Home Secretary, State of Bihar* (1979) 3 SCR 532

PIL has caused a massive change in the way legal issues are tackled in India. It has allowed more people to use the law by getting rid of the traditional effects of elitism in the court system. Issues such as bonded labour, damage to the environment, maltreatment of prisoners, gender inequality and the rights of the disabled, children and tribal populations have been discussed in court through PILs. A good example is *Sheela Barse v State of Maharashtra* (1983)<sup>5</sup>, where Women prisoners' rights were recognised in the case and *M.C. Mehta v Union of India*.<sup>6</sup> In 1986, through the *Union of India* case, environmental jurisprudence was greatly developed. They show that using PIL is valuable for changing society and making it more inclusive.

PIL acts as a challenge to popular views in a representative system. Because PIL enforces the constitution, the judiciary remains above voter-driven politics. The fact that the courts accept PILs allows them to counter the misuse of power and to demand that the state be responsible. Still, this debate has caused some dispute. Some warnings allowing judges too much influence may turn into “judicial adventurism.” Even so, if used properly, PIL is essential for achieving social justice.

PIL encourages those who have been neglected to feel more in charge of their lives. It demonstrates that the judiciary is not only near but also open to those who want justice and attention. The fact that something as simple as a letter or postcard could evolve into a writ petition is shown in *Sunil Batra v Delhi Administration*,<sup>7</sup> which documents the significant changes in people's thoughts due to the liberalisation of ways things are done. Engaging the community in justice helps people understand their rights and motivates them to participate in society.

In comparison, the PIL process in India is much like the *Amicus Curiae* briefs in the United States and *actio popularis* within Latin American law. Nevertheless, Indian innovation stands out for its wide range and usefulness. The Indian courts have shown much flexibility in accepting PILs, while in the United States, the doctrine is always the same. Legal systems in South Africa and Bangladesh have adopted ideas from PIL in India as well. Because of this, there are not as many such cases in the UK and Australia, because their laws are not as well defined and written.

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<sup>5</sup> *Sheela Barse v State of Maharashtra* (1983) AIR 378

<sup>6</sup> *M.C. Mehta v Union of India* (1987) AIR 1086

<sup>7</sup> *Sunil Batra v Delhi Administration* (1980) AIR 1579

In terms of ideas, PIL is inspired by *Mahatma Gandhi*, *B.R. Ambedkar* and *Martin Luther King Jr.*, who all stood up for the disadvantaged. The aim of Sarvodaya by Gandhi dovetails with the egalitarian idea behind PIL. *Dr. Ambedkar's* push for constitutional morality and true equality is the foundation of PIL. Justice flowing over people, as King predicted, mirrors the way public interest law is turning back the clock on historical inequalities and wrongs.

In brief, this path of Public Interest Litigation reveals how much the courts act as the ultimate justice when the state is unresponsive and the public seems inhibited. Even though the route is marked by dangers such as excess use and wide court powers, PIL still offers a unique voice for the voiceless. It is both a law and a statement that tells us to act on our constitution's vision for social, economic and political justice. With the growth of the Indian legal system, it should try to balance speaking out and being cautious, so that the faith in the judiciary by ordinary people is not damaged.

## RESEARCH METHODOLOGY

- To examine landmark court judgments, the main articles of the constitution and important legal doctrines, investigate how PIL has grown from its first appearances in court to its current role in society.
- To use PIL to analyse both judicial activism and democratic governance, examining whether the judiciary usurps legislative authority and what effects this has on authority divisions, judicial self-restraint and popular participation in politics.
- To analyse how PIL interventions influence marginalised populations through in-depth interviews, ethnographic stories and stakeholder narratives, allowing observations of the real experiences brought by judicial decisions.
- To compare the effectiveness of PIL mechanisms in South Africa, Bangladesh and the United States, so that India's PIL system is seen in the context of a global constitutional framework, and we can determine what others are doing well.
- To examine the ideas behind PIL by looking at critical legal theory, constitutional morality and normative ethics, to see the link between these concepts and the demands of justice, equity and human dignity.

## **RESEARCH QUESTIONS**

1. Whether the liberalisation of access to court for the benefit of the public's interest helped socioeconomically disadvantaged groups to get the justice they need, or has it watered down processes and allowed judges to unintentionally overstep their duties.
2. Whether Public Interest Litigation has helped to bring constitutional ideals to life in society, or it has simply been a form of symbolic action within the limits of the law.
3. Whether the current setup of PIL in India means there isn't too much conflict between proactive judges and respect for the Constitution, in comparison to other nations' rights-based models.

## **RESEARCH PROBLEMS**

Public Interest Litigation has grown to be both a tool that supports emancipation and a way for judges to play a larger societal role. As PIL has given new rights to underserved populations in constitutional matters, its growing use in cases concerning politics or administration worries many, since it may cause judges to overstep their limits, harm established institutions and weaken democratic decision-making. Lawyer explores the question of how PIL maintains its status as the voice of the voiceless in light of accusations of procedural misconduct and litigation engineered by groups with interests at stake. There is a discrepancy between how PIL should function and how it operates at the grassroots level. Although courts have repeatedly affirmed the rights of vulnerable communities, the lack of well-defined enforcement mechanisms means these rights remain largely unfulfilled in society. The inquiry will try to determine if PIL has resulted in real social changes or is limited to winning cases in court without making lasting systemic changes.

## **LITERATURE REVIEW**

PIL has now turned into a main way that the law can change, especially in democracies where poor and vulnerable people are often overlooked. Through an open reading of Articles 32 and 226 of the Indian Constitution, the concept of PIL was born and has played a major role in helping the Indian judiciary deliver justice, liberty, equality and fraternity as guaranteed in the Preamble.

The reason for PIL's growth as a field was, in large part, the turbulent events of the late 1970s. The *Hussainara Khatoon v State of Bihar* (1979),<sup>8</sup> concerning the inhumane treatment of those awaiting trial in jail, led to a major change. By using PIL, Justice P.N. Bhagwati regarded the judiciary as an important means of enforcing rights and making sure that those rights could be followed by remedial actions. Thanks to this decision, future legal battles were likely to include considerations of legal aid and a quick trial.

In the case of *S.P. Gupta v Union of India* (1981),<sup>9</sup> the Supreme Court allowed ordinary, public-spirited citizens to approach the court to defend the interests of the less fortunate. Because of this, the courtroom became open to people who had been kept out in the past. According to advocates such as Upendra Baxi, PIL introduced the stage of social action litigation in India, where the courts made *jus necessarium* – the necessary right – a moral priority.

PIL has given a voice to those addressing widespread injustices that Dalits, Adivasis, women, children and persons with disabilities often encounter. The decision in the *Bandhua Mukti Morcha*<sup>10</sup> case concerned the abolition of bonded labour. By passing the *Union of India* (1984), the Supreme Court used a PIL to end the harmful practice of bonded labour in India. As a result of this kind of litigation, directives like Articles 39 and 46 now help ensure the state takes steps to promote justice and protect vulnerable groups.

PIL has worked to make certain that everyone enjoys fundamental rights while also dealing with matters related to the environment, consumers and schools. *M.C. Mehta v Union of India*<sup>11</sup>. In 1986, the *Union of India* established the important principle of the polluter pays concept and the precautionary doctrine under Article 21. Often, the judiciary's strong decisions have begun discussions on judicial overreach; as a result, some lawyers like Rajeev Dhavan have pressed for rules to control such behaviour.

PIL has become a way to hold the government and parliament responsible for their actions. It means the principle of *fiat justitia ruat caelum*, which empowers courts to take action when something is not done correctly by an administration. Still, issues come up when PIL is utilised for personal attacks on politicians or when judges make important policy decisions. Such things

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<sup>8</sup> *Hussainara Khatoon v Home Secretary, State of Bihar* (1979) 3 SCR 532

<sup>9</sup> *S.P. Gupta v Union of India* (1981) 1 Supp SCC 87

<sup>10</sup> *Bandhua Mukti Morcha v Union Of India* (1984) 10 SCC 549

<sup>11</sup> *M.C. Mehta v Union of India* (1987) 1 SCR 819

as the disqualification of politicians and rules to regulate the economy show that the court should use judgment in deciding when to act and when to remain silent.

Because of PIL, people's awareness of rights has changed greatly. The fact that Sunil Batra successfully had his sentence shortened due to a postcard shows... Similarly, the Delhi Administration (1978) matter recognised the judiciary as standing firm behind *audi alteram partem* – the right to be heard. As a result, people feel more confident in the constitutional ways of handling justice issues.

South Africa and Bangladesh have also added the PIL practice to their constitutional democracies as a result of India's influence on them. Under its constitutional framework, the South African Constitutional Court lets anyone with a public interest stake take part in similar cases. By comparison, the strict US doctrine of standing diverges from the UK, whose lack of a written constitution leads to most right-to-stand litigation being left to the narrow world of administrative law.

In statistics, India processes more Public Interest Litigations each year, far above the numbers in South Africa (1,200), the USA (900), Bangladesh (1,800) and the UK (600). Due to the high number of cases, India shows a strong tendency to embrace rights litigation and react promptly through its courts.

With the perspective of philosophy, PIL jurisprudence expresses ideas held by those like Mahatma Gandhi and Dr. B.R. Ambedkar. In his belief, "injustice anywhere is a danger to justice everywhere," Martin Luther King Jr. highlights why PIL is important for addressing problems faced by all.

Overall, the literature showing how PIL works points to its complexity: it serves as a powerful law tool, a means to free people socially, politically alert and mentally empowered. It proves that the Indian courts stand firm in supporting those who are voiceless and carry out justice when others experience injustice. The coming years require us to remain alert to its trivialization, ensure balance with powers and ask ourselves if our institutions are clear in their purpose. Even so, the PIL framework in India is respected worldwide, but it needs to keep up with the demands of fairness and lasting responsibility.

## **GENESIS OF JUDICIAL CONSCIENCE: THE HISTORICAL FOUNDATIONS OF PIL IN INDIA**

India's experience with PIL is largely shaped by its colonial past, efforts to create a new constitution after independence and a strong wish to help those who cannot speak for themselves. In the late 1970s, under Justices V.R. Krishna Iyer and P.N. Bhagwati, the judiciary changed the rules on who could take part in court cases. Even though it was previously limited, the doctrine of standing was reformed so that committed individuals could file petitions for those who need support. In the case of *Hussainara Khatoon v Home Secretary, State of Bihar*<sup>12</sup> in 1979, the Supreme Court defended the rights of undertrial prisoners who had been denied basic legal rights, drawing from Article 21, which guarantees life and personal liberty.

Justice brought about by seamless entry into villages became the new goal, and it helped overcome rigid procedures. Thanks to this principle, people who were once excluded from talking about rights in court can now get justice.

**Legal Empowerment through PIL, the Constitutional and Jurisprudential Paradigm:** Public Interest Litigation grew to be a crucial part of Articles 32 and 226 of the Indian Constitution. As a result of these provisions, the Supreme Court and High Courts may issue writs that enforce fundamental rights. As a result of using the Directive Principles of State Policy, especially Articles 39A, 41 and 46, the Indian judiciary went from being passive to starting to impact laws on issues related to equal justice, work, education, support and education/economic interests for members of the Scheduled Castes and Scheduled Tribes.

*Bandhua Mukti Morcha v Union of India* (1984)<sup>13</sup> shows how the judiciary can act on its own. Officials here used the courts to release bonded workers, showing that the judges were not passive but were working actively. When M.C. Mehta brought his case against In Union of India, Justice party, the country's top court introduced environmental jurisprudence by using the principle of polluter pays and including international legal principles in our domestic laws.

**The Social Compass: PIL as an Instrument of Grassroots Justice:** PIL has successfully supported the causes of Dalits, women, children, transgender and cases. Rajasthan's State

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<sup>12</sup> *Hussainara Khatoon v Home Secretary, State of Bihar* (1979) 3 SCR 532

<sup>13</sup> *Bandhua Mukti Morcha v Union of India* (1984) 10 SCC 549



Amendment Act on tribal's by fighting discrimination. For example, the Vishaka v State of Rajasthan<sup>14</sup> 1997, which maintained that only the court should be used when the legislators did not act, established guidelines to counter workplace sexual harassment. In NALSA v Union of India (2014),<sup>15</sup> the Supreme Court recognised transgender individuals' rights and identity using Articles 14, 15 and 21 of the Indian Constitution.

Thanks to these interventions, the judiciary gave effect to the idea that the welfare of the people should take precedence over all other laws. Social justice was real in people's lives, thanks to the efforts of judicial activists.

**Political Resonance, the Judiciary as a Democratic Arbiter:** As democracy goes on without major changes, the judiciary becomes a strong challenger to the public's legal opinions. PILs have often exposed that the government has failed in violent prisons, poor policing and problems with elections. Still, people argue about judicial overreach every time courts direct matters concerning money or laws.

**The Common Cause Lawsuit:** The Union of India (2018) case<sup>16</sup> on euthanasia and the right to die with dignity shows that the absence of laws on such matters often leads courts to step in. The relationship between engagement and self-control is still a fine one. Some critics say that let justice be done, even if it destroys everything or overthrows the system (*fiat justitia ruat caelum*) must be adjusted with popular understanding and respect for institutions.

**The Psychological Landscape, Justice as a Perceived Reality:** PIL has important effects on both physical and mental health. If even the most needy can receive justice, people feel that democracy is worth supporting. PIL helps turn the courtroom into a place where ethical questions can be asked and responses can be powerful for long-silenced voices. The case of Sunil Batra<sup>17</sup> is known. In 1978, the Delhi Administration was asked to change a letter complaining about torture in custody to a writ petition, showing a new direction in the courts' handling of such matters.

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<sup>14</sup> *Vishaka v State of Rajasthan* (1997) 6 SCC 241

<sup>15</sup> *National Legal Services Authority v Union of India* (2014) 5 SCC 438

<sup>16</sup> *Common Cause v Union Of India* (2018) 5 SCC 1

<sup>17</sup> *Sunil Batra v Delhi Administration* (1980) 2 SCR 557

As a result, the common people's understanding of law shifted. Thanks to PIL, many believed that the law is a part of everyone's life, not just scholars.

**Comparative Reflections, India and the Global PIL Landscape:** No country operates legal remedies for PIL quite like India. In the United States, it is still necessary for the plaintiff to be the one harmed by the action, so suits are only permitted by them. The UK applies a systematic and conservative policy in judicial review cases. South Africa, following India's example, gives people easy access to the constitutional courts when dealing with human rights issues.

The 2023 legal development report shows that each year, there are over 7,500 PILs in India, more than South Africa's 1,200 or the USA's 900 PILs. Bangladesh, resembling India's system, receives roughly 1,800 PILs each year. This high number shows how Indian law is shaped by the promise of the constitution, the society's needs and active moves by the courts.

### **CAVEATS AND CRITICISMS: THE DOUBLE-EDGED SWORD OF JUDICIAL ACTIVISM**

Even so, PIL brings several challenges with it. Too many useless PILs have weakened the sincerity of the system. The courts have told off litigants using PILs to gain attention for themselves or advance political aims. In Ashok Kumar Pandey's case,<sup>18</sup> the Court stated that... The case *State of West Bengal (2004)* made clear that courts must use their discretion to prevent PIL from being misused. Additionally, executive roles and authorities can be undermined by PILs, which violates the principle of individual branches working together instead of clashing. An excessive use of judicial populism may end in judicial despotism. We must attend to the doctrinal process in the law to prevent duplicate judgments and policy inaction.

### **CONCLUSION: IDEOLOGIES THAT SHAPED THE MORAL SPINE OF PIL**

Public Interest Litigation is supported by ideas found in the beliefs of recognised leaders and thinkers. Dr. Ambedkar, who wrote the Constitution, intended to build a system where everyone, including the most vulnerable, would have the right to dignity and equality. According to him,

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<sup>18</sup> *Ashok Kumar Pandey v The State of West Bengal* (2004) 3 SCC 349

the principles set in the constitution have more weight than actions aimed only at benefiting politicians.

Almost every judgment in a socially responsive PIL case draws upon Mahatma Gandhi's instance of helping the last person. When following his idea of conscience instead of commanding, courts end up practising compassionate law. In much the same way, Martin Luther King Jr's statement "injustice anywhere is a threat to justice everywhere" shows one of the main purposes of PIL. The idea of justice as fairness found in John Rawls' work can be recognised in the egalitarian nature of PIL jurisprudence. Laws that help the most vulnerable seem to appear frequently in progressive PIL verdicts.

To put it simply, PIL in India serves as a moral movement, a legal dialogue and a celebration of democratic values. It supports those who lack a platform, monitors the interests of the country and demonstrates the results of the Constitution. Even so, its future is uncertain and often teeters between religion's protection and overuse, as well as between blessings and threats. If the judiciary takes on an active role, it could easily start making and applying laws. May PIL not become a blazing fire but instead a shining guide within Indian law.