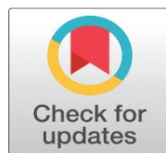
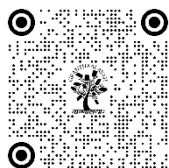


PUBLIC INTEREST LITIGATION: A COMPARATIVE ANALYSIS OF ITS EVOLUTION AND IMPACT IN THE USA AND INDIA

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ABSTRACT

Public Interest Litigation has emerged as a crucial mechanism for ensuring justice and accountability in both the United States and India. Originally conceived to provide marginalized individuals and groups with the opportunity to seek judicial relief, PIL has evolved differently in these two countries. In the United States, the strict legal concept of "locus standi" has traditionally limited access to courts to those with a direct and tangible interest in the case. However, PIL in the U.S. has still played a pivotal role in civil rights, environmental law, and other areas of public concern, such as seen in landmark cases like *Brown v. Board of Education* and *Massachusetts v. EPA*. In contrast, India has adopted a more expansive approach to locus standi, allowing not only those directly affected but also social organizations and public-spirited citizens to file PILs on behalf of others. This inclusive approach has significantly transformed India's legal landscape, providing greater access to justice and promoting social reforms. Landmark cases like *SP Gupta v. Union of India* and *Vishaka v. State of Rajasthan* highlight the impact of PIL in addressing human rights violations, environmental degradation, and social injustices.

Furthermore, the concept of accountability within governance in India is reinforced through the establishment of institutions like the Lokpal and Lokayukta, aimed at combating corruption within the public sector. The Lokpal, created through the Lokpal and Lokayukta Act of 2013, and the state-level Lokayuktas serve as mechanisms for transparency and accountability, though challenges persist regarding their independence and effectiveness.

This paper explores the development of PIL in the USA and India, the evolution of locus standi, its role in expanding access to justice, and the legal frameworks of Lokpal and Lokayukta in India, providing a comparative analysis of PIL's role in promoting public welfare in both countries.

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1. INTRODUCTION

Public Interest Litigation has become an instrumental legal tool, allowing individuals or organizations to challenge government policies and public actions that may adversely affect society. Initially, this mechanism was created to grant access to justice for the marginalized and the disenfranchised who may not have had the means or resources to seek judicial redress. While the concept of PIL emerged in the USA and later found its way into India, both countries have developed distinct legal approaches to PIL. This paper explores PIL in the United States and India, examining Locus Standi, the growth of PIL, and the legal frameworks such as Lokpal and Lokayukta in India.

In 1979, Kapila Hingorani submitted a plea that resulted in the release of over 40,000 undertrial prisoners from Patna's jails in the notable "*Hussainara Khatoon*"¹ case. Hingorani was an attorney. This matter was submitted to the Supreme Court before a Bench presided over by Justice P. N. Bhagwati. Hingorani is referred to as the 'Mother of PILs'.

¹ [1979] 3 S.C.R. 169

due to this victorious case. The court allowed Hingorani to initiate a petition despite her lack of personal locus standi, therefore establishing PILs as a permanent element of Indian jurisprudence.

Justice Bhagwati significantly contributed to the articulation of the concept of Public Interest Litigations. He did not demand adherence to procedural procedures and even regarded ordinary correspondence from civic-minded citizens as writ petitions. Justice Bhagwati and Justice V R Krishna Iyer were among the inaugural judges in the nation to accept Public Interest Litigations.

Justice Bhagwati, in particular, was instrumental in defining and advancing PIL as a legal instrument. Under his leadership, the Supreme Court embraced a more expansive view of the law, facilitating broader access to justice. One of his most notable accomplishments was his readiness to ease conventional procedural standards, facilitating people access to the court. He asserted that the Court ought not to be limited by rigid legal requirements, thereby allowing a broader spectrum of individuals or organisations to submit petitions. He notably refrained from enforcing stringent legal standing criteria and even acknowledged letters or correspondence from ordinary persons, especially those driven by social concern, as legitimate writ petitions. This methodology democratised access to justice, amplifying concerns that impacted the general populace, even in the absence of a specific individual complainant.

Justice V.R. Krishna Iyer, a close associate of Justice Bhagwati, significantly contributed to the first evolution of Public Interest Litigation. Both judges were pioneers in the Indian judiciary in acknowledging and endorsing the concept of Public Interest Litigation, particularly in matters concerning social justice, human rights, and environmental protection. Their verdicts established the groundwork for the later expansion of PIL in India, signifying a shift from conventional legal doctrines that permitted only individuals directly impacted by an issue to pursue judicial intervention. Justice Iyer was known for his dedication to social justice, and his contributions enabled the judiciary to tackle several issues of poverty, labour rights, and the rights of marginalised communities.

Justice Bhagwati and Justice Krishna Iyer transformed the Indian legal system by embracing a more inclusive and socially aware methodology, establishing PIL as a crucial tool for promoting justice and accountability. Their efforts have enabled the courts to intervene in matters of public significance, guaranteeing that those lacking direct legal standing can pursue remedies for infringements of their rights.

2. LOCUS STANDI IN PUBLIC INTEREST LITIGATION

A. Definition and Importance

Locus Standi denotes the entitlement of an individual or group to initiate legal proceedings in court. In the conventional legal framework, an individual might initiate a lawsuit just if they were directly impacted by the issue at hand. Public Interest Litigation has modified this rule, permitting any concerned individual or group to pursue judicial intervention on behalf of the public, regardless of direct harm.

B. Locus Standi in the USA

The principle of standing in the United States is regulated by stringent legal standards. According to Article III of the U.S. Constitution, a plaintiff must establish that they have experienced a “injury in fact” that is attributable to the defendant’s conduct and that the court has the capacity to remedy this injury. This stipulation is intended to guarantee that courts adjudicate only those cases involving a genuine, direct conflict.

In this case of *Lujan v. Defenders of Wildlife*², the U.S. Supreme Court set the standard for standing, ruling that plaintiffs must show concrete injury to challenge a government action. The case narrowed the scope for standing, thereby limiting the types of cases that could be brought before the courts.

Despite this limitation, PIL in the U.S. still thrives in certain areas such as civil rights, environmental law, and consumer protection, especially in cases of broad public concern, as seen in landmark civil rights cases.

C. Locus Standi in India

Locus standi, a Latin phrase, denotes the legal standing or the entitlement to initiate a specific lawsuit or legal proceeding. It is a legal principle that ascertains whether an individual have adequate interest in a case to warrant its presentation in court. It pertains to whether an individual or entity possesses a direct and personal interest in the

² 504 U.S. 555, 112 S. Ct. 2130.

resolution of a legal conflict, hence permitting their participation in the case. To establish locus standi, a party generally must show that they have experienced a particular injury, harm, or has a direct interest in the issue at hand. The objective is to guarantee that only individuals with a legitimate relationship to the legal matter are permitted to engage in the judicial proceedings. A lack of locus standi precludes an individual or entity from initiating legal action or engaging in a lawsuit.

*SP Gupta v. Union of India*³ was a landmark case where the Supreme Court recognized the broadening of locus standi under PIL. The Court ruled that even a third party, with no direct stake in the matter, could file PIL to protect the rights of others or address public wrongs. The ruling was instrumental in opening the gates of the judiciary to cases that affect the public at large. In the case of *Vishaka v. State of Rajasthan*⁴, the Supreme Court dealt with the issue of sexual harassment at the workplace and held that even NGOs and individuals could approach the court for matters that affected women's rights, further expanding the scope of PIL.

In India, the scope of standing is especially relevant for issues such as environmental protection, human rights, and the protection of underprivileged sections of society.

3. GROWTH OF PUBLIC INTEREST LITIGATION: ACCESS TO JUSTICE

A. USA's Approach to PIL and Access to Justice

Public Interest Litigation in the United States has developed over time, chiefly influenced by the civil rights movement, environmental activism, and social justice movements. Despite stringent standing requirements, Public Interest Litigations in the United States have profoundly influenced domains such as racial discrimination, environmental law, and criminal justice reform. The case of *Brown v. Board of Education*⁵ (1954), initiated as public interest litigation, was pivotal to the U.S. Civil Rights Movement. It resulted in the desegregation of public schools throughout the United States, illustrating the efficacy of Public Interest Litigation in facilitating social transformation. The case *Massachusetts v. Environmental Protection Agency*⁶ exemplifies Massachusetts lawsuit against the EPA for its negligence in regulating greenhouse gas emissions. The U.S. Supreme Court determined that Massachusetts possessed standing to initiate a lawsuit, establishing a precedent for environmental public interest litigations. Notwithstanding the limitations of standing, the USA has preserved a robust tradition of Public Interest Litigations in specific domains where public interest necessitates court involvement.

B. India's Growth of PIL and the Struggle for Justice

India's PIL journey took shape in the 1980s, under the leadership of the Supreme Court. The Indian judiciary played a crucial role in expanding the scope of PIL, especially in protecting the rights of the disadvantaged. This shift allowed individuals and social organizations to approach the courts for issues affecting marginalized communities, environmental protection, human rights, and corruption. In the case of *Olga Tellis v. Bombay Municipal Corporation*⁷, the Court recognized the rights of the poor to livelihood and shelter, thus marking a critical point in the application of PIL for social welfare. The case concerned the eviction of pavement dwellers in Mumbai, and the Supreme Court ruled that eviction without alternative accommodation violated their fundamental right to life.

In the case of *M.C. Mehta v. Union of India*⁸, involving environmental concerns regarding the industrial pollution in the Delhi region, was pivotal in India's environmental PIL jurisprudence. It was instrumental in introducing the "polluter pays" principle, whereby industries were held responsible for environmental damage. The case of *People's Union for Civil Liberties v. Union of India*⁹, revolved around the issue of illegal detentions and custodial violence. The Court's intervention in protecting the rights of individuals against unlawful detention was a significant moment in the development of PIL in India. India's PIL framework has contributed to ensuring that justice is not a privilege for a select few, but a right accessible to the public at large.

³ Supra Note 2 at 1.

⁴ Supra Note 3 at 1.

⁵ 347 U.S. 483 (1954)

⁶ 549 U.S. 497 (2007)

⁷ 1986 AIR 180, 1985 SCR SUPL.

⁸ 1996 SCC (4) 750

⁹ AIR 1997 SC 568

4. LOKPAL AND LOKAYUKTA: LEGAL FRAMEWORK

A. The Lokpal in India

The Lokpal concept was created in India during the 1960s as a means to address corruption among government officials. The Lokpal is a central anti-corruption watchdog responsible for investigating charges of misconduct involving public personnel, including ministers and members of Parliament.

The Lokpal and Lokayukta Act, 2013 represented a crucial advancement in promoting enhanced openness in governance. It establishes an independent entity, the Lokpal, authorised to examine corruption claims against public officials, so ensuring national responsibility. The enactment of this legislation ensued after years of public dissent and agitation, including the 2011 India Against Corruption movement spearheaded by Anna Hazare. The Lokpal plays a vital role in establishing checks and balances within the system, guaranteeing accountability among public officials.

B. The Lokayukta in India

The Lokpal functions at the national level, whereas the Lokayukta serves as the equivalent institution at the state level. Every Indian state possesses a Lokayukta, instituted to tackle corruption within the state administration. Every Indian state has implemented its own laws to create a Lokayukta, which examines claims of corruption inside the state government apparatus. Maharashtra, Karnataka, and Rajasthan have instituted strong Lokayukta frameworks; nonetheless, the efficacy of these entities is still contentious. The Lokayukta possesses the capacity to tackle state-level issues; nonetheless, apprehensions over its autonomy, efficacy, and the politicisation of the position remain prevalent.

5. ROLE OF THE JUDICIARY IN PROMOTING PIL

In both the United States and India, Public Interest Litigation has thrived chiefly due to the judiciary's aggressive involvement. Judicial activism denotes a judicial philosophy in which judges adopt a proactive stance in interpreting the law to advance social justice, extending beyond the explicit provisions of the law. Judicial bodies frequently intervene in the absence of legislative or administrative action, rendering Public Interest Litigation a mechanism for judicial engagement in societal matters.

In India, the Supreme Court, led by Chief Justice P.N. Bhagwati in the 1980s, adopted Public Interest Litigation to enhance access to justice. The Court's interpretation of fundamental rights, particularly the right to life under Article 21 of the Constitution, facilitated the utilisation of Public Interest Litigation as a means to safeguard socio-economic and environmental rights. Judicial activism enabled the Court to safeguard human rights in decisions like *Olga Tellis v. Bombay Municipal Corporation*¹⁰, where it affirmed the right to livelihood for slum residents.

In the U.S., while the judiciary has also been proactive, especially in the areas of civil rights and environmental law, its role in PIL is tempered by a more restrictive interpretation of standing. Nevertheless, judicial intervention has played a pivotal role in shaping social policies. The landmark case of *Brown v. Board of Education*,¹¹ exemplifies judicial activism in the U.S. when the Supreme Court declared racial segregation in public schools unconstitutional, thereby initiating a transformative era for civil rights in America.

Judicial power in the context of PIL involves a reinterpretation of the law to address public welfare issues, often extending the boundaries of legal protections. In India, this has been especially significant. Through PIL, the judiciary has addressed issues like environmental pollution, women's rights, and human rights violations, often where the legislative and executive branches have been ineffective. In cases such as *M.C. Mehta v. Union of India*¹², which addressed pollution from industrial activities, the Court applied a broad interpretation of the right to life under Article 21 to mandate environmental regulations and remedial measures, reflecting an expansion of judicial authority beyond conventional legal matters.

¹⁰ Supra Note 10 at 5.

¹¹ Supra Note 8 at 5.

¹² 1987 SCR (1) 819

Types of PIL Cases:

A. Environmental PILs: Environmental PILs have been particularly prevalent in both the United States and India, where the courts have had to address the growing concerns about environmental degradation. These cases have addressed issues ranging from industrial pollution to deforestation and climate change.

In the U.S., PILs in environmental law have resulted in significant legal and regulatory changes. The case *Massachusetts v. Environmental Protection Agency*¹³, stands as an important milestone, wherein the Supreme Court ruled that the EPA had the authority to regulate carbon emissions under the Clean Air Act. This decision was crucial in setting a precedent for environmental PILs and reinforced the role of the judiciary in holding government agencies accountable for climate action.

In India, the Supreme Court has been actively involved in the protection of the environment through PILs. The case of *M.C. Mehta v. Union of India* (1987), which led to the landmark *Ganga Pollution Case*¹⁴, is one such example. The court directed industries responsible for polluting the Ganga River to install pollution control measures and ordered the closure of highly polluting factories. Additionally, the *Taj Mahal Case* (*M.C. Mehta v. Union of India* 1997) led to the closure of several industries in Agra due to the threat they posed to the Taj Mahal's preservation.

B. Human Rights Cases: PIL has played a critical role in advancing human rights, particularly for marginalized and vulnerable communities. In India, PIL has been instrumental in the protection of workers' rights, the rights of women, and the rights of children. For example, in *Vishaka v. State of Rajasthan*¹⁵, the Supreme Court ruled that employers were liable to create a safe working environment for women and established guidelines to prevent sexual harassment at the workplace, leading to a subsequent legal framework for handling such cases.

In the U.S., PILs related to human rights have also yielded significant legal reforms. Cases like *Brown v. Board of Education* (1954) and *Loving v. Virginia*¹⁶, which invalidated racial segregation in public schools and interracial marriage bans respectively, highlight how PIL can influence the broad spectrum of human rights.

C. Corruption and Accountability: PIL has been a useful tool in combating corruption, particularly in India, where the legal system has faced significant challenges related to transparency and accountability in government. The institution of the Lokpal and Lokayukta has emerged from PIL petitions that sought mechanisms for independent investigations into corruption at the highest levels of government. In *Lalita Kumari v. Government of Uttar Pradesh*¹⁷, the Supreme Court issued directions on the registration of FIRs and the prevention of corruption.

The establishment of the Lokpal, via the *Lokpal and Lokayukta Act, 2013*, was the result of mass public mobilization and PIL activism. This anti-corruption ombudsman is empowered to investigate corruption among high-ranking officials, including ministers and members of Parliament.

6. CHALLENGES FACED BY PIL

A. Judicial Overreach: One of the most significant criticisms of PIL, particularly in India, is the possibility of judicial overreach. Courts have sometimes been accused of encroaching upon the executive's domain by intervening in policy matters that are better suited for political and administrative decision-making. This criticism was notably discussed in the *Unnikrishnan J.P. v. State of Andhra Pradesh*¹⁸ case, where the Supreme Court set judicial limits on the scope of PIL, stressing that PIL should not be used as a tool for bypassing the democratic process.

B. Frivolous PILs: Another critical issue is the filing of frivolous or motivated PILs. PIL, being accessible to any public-spirited citizen or organization, has sometimes been misused for personal, political, or publicity reasons, which puts unnecessary strain on the judicial system. Courts in both India and the U.S. have sometimes had to dismiss cases

¹³ Supra Note 9 at 5.

¹⁴ AIR 1988 SC 1115

¹⁵ Supra Note 3 at 1.

¹⁶ 388 U.S. 1 (1967).

¹⁷ AIR 2014 SC 187

¹⁸ 1993 SCR (1) 594

that did not raise genuine public concerns. In the case of *Rangappa v. Union of India*¹⁹, the Indian judiciary specifically dealt with frivolous PILs filed without due legal merit.

C. Delay in Justice: PIL seeks to deliver prompt justice to the people; nevertheless, a major obstacle it faces is the postponement of hearings and rulings. The backlog of cases in courts might result in delays for Public Interest Litigations addressing important societal issues. This has prompted demands for court reforms in India and the creation of specialised benches for Public Interest Litigation to accelerate procedures. In the United States, such delays are evident, especially in environmental and regulatory matters, where legal processes are protracted despite a definitive legislative mandate.

7. THE IMPACT OF PIL ON POLICY AND LEGISLATION

A. Creating Public Awareness: One of the most important impacts of PIL has been its ability to raise awareness of critical issues that may have otherwise been overlooked. Environmental PILs, for example, have brought attention to widespread issues such as air pollution, water contamination, and deforestation. The result has been not just public awareness but also legislative and policy changes.

In India, PILs have resulted in significant policy shifts regarding child labour, air pollution, and health, where the government has had to take stronger actions to enforce policies that protect the public welfare. In the U.S., environmental organizations have utilized PIL to push for stronger enforcement of environmental laws.

B. Legal Reforms: PILs have spurred important legal reforms. In India, PILs were instrumental in creating laws and policies on environmental protection, women's safety, and labour rights. The *Vishaka Guidelines* case led to the legal recognition of workplace sexual harassment and prompted legislative action to develop comprehensive laws on the matter. Similarly, in the U.S., cases like *Griswold v. Connecticut*²⁰ and *Roe v. Wade*²¹ have been central to the expansion of reproductive rights and privacy laws.

C. Public Policy Shifts: Public policy modifications prompted by Public Interest Litigations frequently arise from the necessity to address public pressure instigated by legal proceedings. The efficacy of Public Interest Litigations in India and the United States demonstrates that the judiciary is pivotal in shaping policy results when governments neglect to respond promptly or equitably. Policies concerning the regulation of industrial pollution, social welfare initiatives, and public health frequently mirror modifications prompted by Public Interest Litigation cases.

8. GLOBAL INFLUENCE OF PIL

A. Internationalization of PIL: PIL has not only influenced domestic legal systems but has also had a global impact. India's broad interpretation of PIL has inspired many countries facing similar challenges in terms of poverty, human rights, and environmental degradation to adopt PIL-like mechanisms. Countries in Africa, South America, and parts of Southeast Asia have looked to India as a model for expanding access to justice through PIL.

B. Global Legal Networks: PILs have created a transnational network of legal professionals, activists, and scholars dedicated to using legal frameworks to address issues such as climate change, human rights abuses, and social inequality. These networks have been instrumental in pushing for global legal reforms and collaborations on issues such as refugee rights, climate change, and anti-corruption efforts.

9. FUTURE OF PIL

A. Technological Integration: The future of PIL may be shaped by technology. Online platforms and digital tools can make PIL more accessible, reduce delays, and ensure that justice is more quickly delivered. India's e-court system, for example, holds potential for more efficient PIL proceedings.

¹⁹ (2010) 11 SCC 441

²⁰ 381 U.S. 479.

²¹ 410 U.S. 113 (1973)

B. Social Media and PIL: Social media has become a powerful tool for raising awareness and garnering support for PILs. Social media platforms like Twitter, Facebook, and Instagram allow activists to quickly mobilize public opinion around social justice issues, which can influence the success of PIL cases.

C. Reforming the PIL System: To address concerns of misuse and delay, legal scholars and activists have suggested reforms to the PIL system. These include stricter filing guidelines, improved procedural timelines, and the establishment of specialized PIL benches. Additionally, creating a clearer framework for identifying genuine PILs can help prevent the courts from being burdened with frivolous petitions.

10. ROLE OF NGOS AND ACTIVIST GROUPS IN PIL

A. NGOs as Litigants: NGOs have been instrumental in filing PILs on behalf of the marginalized. They bring expertise, resources, and knowledge of local issues, acting as intermediaries between the public and the judicial system. Their involvement ensures that underrepresented groups have a voice in the legal system.

B. Support from the Public: Public support is crucial for PILs, particularly those addressing broad societal issues such as pollution, human rights, or corruption. PILs often generate public interest and can be used as a platform for social movements, as evidenced by the 2011 anti-corruption movement in India that led to the Lokpal Act.

11. CONCLUSION

As Public Interest Litigation progresses in the United States and India, it is essential to enhance its legislative frameworks to achieve a balance between accessibility and judicial efficiency. The extensive development of locus standi in India has enabled people and campaigners to pursue justice for marginalised communities and to hold the government accountable. Concerns about frivolous or politically motivated petitions require controls to guarantee that Public Interest Litigation fulfils its original function without overwhelming the judiciary. In the United States, stringent standing requirements restrict the breadth of Public Interest Litigation, while they also uphold judicial discipline and deter frivolous lawsuits.

Henceforth, both nations must prioritise the enhancement of Public Interest Litigation as a mechanism for social fairness and public accountability, while safeguarding against its exploitation for personal or political advantage. In India, this may entail more explicit criteria for admittance, rigorous examination of the motives underlying petitions, and a more efficient method for addressing urgent public issues. In the United States, prospective changes may consider broadening standing in circumstances of substantial public interest while preserving essential court oversight.

PIL is an essential instrument for maintaining democratic principles, guaranteeing openness, and safeguarding public rights. Enhancing its legal foundations and procedural integrity would sustain its transformational influence, rendering justice more accessible and responsive to society's developing needs.

CONFLICT OF INTERESTS

None.

ACKNOWLEDGMENTS

None.

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