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## **ROLE OF PUBLIC INTEREST LITIGATION IN SOCIAL CHANGES**

AUTHORED BY - PRIYANKA K P

In modern democracies, access to justice is a fundamental right, but for marginalized and underrepresented communities, this right often remains aspirational rather than attainable. Public Interest Litigation (PIL) has emerged as a powerful legal mechanism to bridge this gap, enabling courts to hear matters of collective concern even when those directly affected are unable to seek redress. Originally a judicial innovation, PIL has evolved into a potent tool of socio-legal transformation, empowering citizens and civil society to bring issues of public importance before the judiciary. Particularly in developing democracies like India, South Africa, and Pakistan, PIL has become synonymous with judicial activism, often serving as a catalyst for policy reform and human rights enforcement.

Public Interest Litigation refers to legal proceedings initiated in a court of law to safeguard public interest, particularly where individual or group rights are infringed upon, and traditional litigation rules such as locus standi are relaxed. This allows any public-spirited person or organization to file a case on behalf of those who may lack the resources or awareness to do so themselves. Broadly, PIL serves two principal functions: facilitating access to justice for the voiceless, and holding public institutions accountable to constitutional norms. The concept of PIL can be traced back to the civil rights movement in the United States during the 1960s, where it was used strategically to combat racial discrimination, promote environmental protection, and advocate for prisoners' rights. In India, PIL gained traction in the late 1970s and early 1980s, propelled by activist judges such as Justice P.N. Bhagwati and Justice V.R. Krishna Iyer. Landmark cases like *Hussainara Khatoon v. State of Bihar* (1979) and *S.P. Gupta v. Union of India* (1981) expanded the interpretation of constitutional provisions and brought long-overdue attention to the plight of undertrial prisoners and the poor. PIL has since driven social change through multiple mechanisms. First, it has enabled judicial activism and spurred policy reform, as seen in *Vishaka v. State of Rajasthan* (1997), where the Indian Supreme Court established guidelines for preventing sexual harassment at the workplace long before formal legislation was enacted. Similarly, in various *MC Mehta* cases, the judiciary advanced environmental protection, influencing policies on pollution, vehicle emissions, and the

preservation of natural resources. Second, PIL has empowered marginalized groups by ensuring legal recognition and protection of their rights. For instance, in *Bandhua Mukti Morcha v. Union of India* (1984), the Court enforced the constitutional rights of bonded laborers, emphasizing the principles of human dignity and freedom. Third, PIL has been instrumental in promoting transparency and good governance. High-profile cases such as the 2G Spectrum case and the Commonwealth Games scam exposed deep-rooted corruption and led to systemic changes. Fourth, environmental and ecological protection has benefited significantly from PILs, with courts ordering the closure of polluting industries, relocation of hazardous chemical units, and conservation of forests and wildlife. Despite its transformative role, PIL is not without criticism. Accusations of judicial overreach often surface when courts, through PILs, intrude upon the domain of the executive or legislature, potentially disrupting the balance of powers. The rise in frivolous or politically motivated PILs has further strained the judiciary and risks delegitimizing the process. Moreover, a significant implementation gap persists—progressive judgments may remain on paper due to lack of political will, bureaucratic inertia, or weak follow-up mechanisms. There is also concern over selective judicial intervention, where causes with media traction or urban appeal receive more attention than grassroots issues. A comparative perspective highlights the varied uses of PIL across legal systems. In South Africa, the post-apartheid constitution embraces socio-economic rights, and the Constitutional Court has adjudicated important cases on housing and healthcare, thereby reinforcing PIL as a tool for equity. In contrast, the United States retains stricter limitations on standing and justiciability, confining PIL to class actions and organized advocacy. To ensure PIL continues to serve its intended purpose, several recommendations can be made: establishing clear judicial guidelines to weed out frivolous cases; creating mechanisms to ensure effective implementation of court orders; expanding legal aid and public awareness to increase grassroots participation; and building the capacity of civil society organizations to engage in meaningful legal advocacy.

In conclusion, Public Interest Litigation has made substantial contributions to advancing social justice, protecting fundamental rights, and holding institutions accountable. It represents a dynamic intersection of law and society, where courts become arenas for democratic participation and reform. Despite its limitations, the transformative influence of PIL on governance, policy, and rights-based discourse ensures it remains an essential part of any progressive legal system. If nurtured and used responsibly, PIL can continue to be a powerful vehicle for social change, helping to make justice not a privilege for the few, but a right for all.