Public Interest Litigation
(PIL)

S.S. Upadhyay

- *Former District & Sessions Judge*
- *Former Legal Advisor to Different Governors, Uttar Pradesh, Lucknow*
- *Former Addl. Director (Training) Institute of Judicial Training & Research, UP, Lucknow.*
- *Lokpal, Dr. APJ Abdul Kalam University of Technology & Engineering, UP, Lucknow & its 760 Engineering Colleges*
- *Mobile: 9453048988*
- *E-mail: ssupadhyay28@gmail.com*
- *Website: lawhelpline.in*

1. **Writ petition before Supreme Court under Article 32 of Constitution of India:** A writ petition before the Supreme Court is maintainable under Article 32 of the Constitution only for enforcement of fundamental rights conferred by Part III of the Constitution. See: Olga Tellis Vs. Bombay Municipal Corporation, AIR 1986 SC 180 (Para 31)

2. **Article 226 of Constitution of India:** High Court can issue following five writs:

   (i) Habeas Corpus
   (ii) Mandamus
   (iii) Prohibition
   (iv) Quo Warranto
   (v) Certiorari

3. **Against whom writs under Article 226 are maintainable?:** A writ petition before the High Court is maintainable under Article 226 of the Constitution against the following:
   (i) the State (Government)

   (ii) An authority
   (iii) A statutory body
   (iv) An instrumentality or agency of the State

   (v) A company financed and owned by the State

   (vi) A private body run substantially on State funding

(vii) A private body discharging public duty or positive obligation of public nature

(viii) A person or a body under liability to discharge any function under any statute, to compel it to perform such a statutory function. See: Federal Bank Ltd Vs. Sagar Thomas, (2003) 10 SCC 733 (Paras 18,31)

4. **For what purposes writs under Article 226 of Constitution can be issued by High Courts?:** Writs under Article 226 of the Constitution can be issued by High Courts for following purposes:
   (i) for enforcement of a fundamental rights
   (ii) Ordinary legal rights. See: Kansing Vs. Rabari, (2006) 12 SCC 360 (Para 25)

5. **High Courts in exercise of their powers under Article 226 can also issue directions for enforcement of fundamental rights**: Supreme Court has powers to issue directions under Article 32 of the Constitution to enforce fundamental rights. High Courts in exercise of their powers under Article 226 of the Constitution can also issue directions for enforcement of fundamental rights. See: See: Bandhua Mukti Morcha Vs. Union of India, (1984) 3 SCC 161.

6. **Orders of civil or criminal courts can be challenged only by way of an appeal or revision or by way of a petition under Article 227 of the Constitution and not under Article 226:** Judicial orders passed by civil courts or criminal courts are not amenable to challenge under Articles 32 or 226 of Constitution. Orders of the civil courts or criminal courts can be challenged only by way of an appeal or revision or by way of a petition under Article 227 of the Constitution. See:
   (i) Neeta Singh Vs. State NCT of Delhi, (2026) 6 SCC 817 (Paras 3 & 4)
   (ii) Radhey Shyam Vs. Chhabi Nath, (2015) 5 SCC 423 (Three- Judge Bench)

7. **Public Interest Litigation: What is?:** PIL is a constitutional remedy for redressal of a genuine public injury, particularly when the affected persons cannot effectively seek judicial relief from courts. It is not meant for settlement of private disputes.

8. **PILs are not adversarial in nature:** PILs are not adversarial in nature. PIL provides an opportunity to the Government and its officers to make basic human rights meaningful to the deprived and vulnerable sections of the community. It advances social and economic justice promised in the Constitution. Such an opportunity becoming available to the Government and its officers through PIL should be welcomed by them. See: State of Uttarakhand Vs. Balwant Singh Chaufal, (2010) 3 SCC 402

9. **Guidelines of Supreme Court for entertaining PILs: Supreme Court has issued following eight guidelines for entertaining PILs :**

(i) Encourage bona fide PILs; discourage frivolous petitions.
(ii) High Courts to frame appropriate Rules for PILs.
(iii) Verify Petitioner's credentials.
(iv) Ascertain prima facie correctness of allegations.
(v) See substantial public interest.
(vi) Prioritize matters of gravity, urgency and public importance.
(vii) Weigh genuine harm to public rather than personal gain.
(viii) Impose appropriate costs for filing mala fide PILs and adopt other appropriate measures to discourage bogus PILs. See: State of Uttarakhand Vs. Balwant Singh Chaufal, AIR 2010 SC 2550

10. **Precautions for entertaining PILs:** The Supreme Court has in its catena of judgements issued certain cautions and precautions for the courts to entertain PILs. The said precautions are being enumerated below:

(i) Identify the genuine public injury and corresponding public duty.
(ii) Consider the credentials, bona fides, previous litigation and personal interests of the PIL petitioner.
(iii) Credible evidence in support of the claim made in the PIL should be insisted to be produced.
(iv) See whether there is any suppression of material facts , there is any overlapping proceedings and alternate statutory mechanisms available to the PIL petitioner.
(v) Seriously disputed facts which require regular trial and procedure should be avoided to be entertained through PILs.
(vi) See whether the relief asked for is legally available.
(vii) Impose costs for frivolous or mala fide PILs .

11. **Seriously contested disputes not fit for PIL:** Seriously contested disputes are generally not fit for PILs. See: Aarsuday Projects & Infrastructures Vs. Jogen Chowdhury, 2026 INSC 93 (SC)

12. **Non-disclosure of material facts in PIL:** A PIL should be dismissed at the threshold for non-disclosure of material facts or parallel proceedings. See: Parinay Sharma Vs. Union of India. See: Judgment dated 19.08.2026 of Delhi High Court.

13. **Personal or ulterior motive cannot be pursued through PIL:** Personal or ulterior motives cannot be pursued through PILs. There must be genuine public grievance and bona fides. See: Judgment dated 10.04.2026 of Chhattisgarh High Court passed in Devika Sahu Vs. State of Chhattisgarh

14. **Credentials, prior litigation and motives of petitioner must be seen behind filing PIL:** Credentials, prior litigation and motives of petitioner must be seen by courts behind filing the PIL. See:

    (i) Judgment dated 03.07.2026 of Telangana High Court passed in Mir Ahmed Khan Vs. State of Telangana
    (ii) State of MP Vs. Narmada Bachao Andolan, (2011) 7 SCC 639

15. **Genuine public cause as essential for PIL:** There must be some genuine public cause as essential for filing of a PIL. See: S. P. Gupta Vs. Union of India, AIR 1982 SC 149 and AIR1984 SC 802

16. **No PIL for private grievance**: No PIL can be filed for redressal of private grievance. See: Subhash Kumar Vs. State of Bihar, (1991) 1 SCC 598

17. **No PIL to gain publicity**: No PIL can be filed to gain publicity. See: Ashok Kumar Pandey Vs. State of WB, (2004) 3 SCC 349

18. **No PIL to settle vendetta**: No PIL can be filed to satisfy personal vendetta against someone. See: Ashok Kumar Pandey Vs. State of WB, (2004) 3 SCC 349

19. **Discouraging abuse of PILs**: The S upreme Court has held that abuse of PILs for frivolous issues should be discouraged by courts: See: Dattaraj Vs. State of Maharashtra, (2005)1SCC 590

20. **No PIL for political motive:** No PIL can be filed for political motives and to achieve political objectives. See: Tehseen Poonawalla Vs. Union of India, (2018) 6 SCC 72

21. **Political questions and writs**: Courts should not shirk from their duty of performing their functions merely because it has political thicket. See: People's Union for Civil Liberties Vs. Union of India, (2003) 4 SCC 399 (Para 9-c)

22. **Courts to exercise judicial restraint in entertaining PILs**: The Supreme Court has cautioned the Courts to exercise judicial restraint in entertaining PILs where there is no justifiable cause for the same. See: Guruvayoor Vs. C.K. Rajan, (2003) 7 SCC 546

23. **Flexible procedure in PIL:** Normally, no rigid rules of procedure should be adopted by courts while entertaining PILs for hearing, rather flexible procedure should be adopted by courts. See: Bandhua Mukti Morcha Vs. Union of India, (1984) 3 SCC 161.

24. **Prisoners and PIL**: PIL was found maintainable to issue directions to the prison authorities for improvements in the facilities meant for the inmates of the jail. See: Sunil Batra Vs. Delhi Administration, AIR 1978 SC 1675

25. **Directions of Supreme Court in sou motu PIL for preventing river pollution:** In a sou motu PIL concerning severe industrial and sewage pollution across Rajasthan River named Jojari, Luni and Bandi River systems, the Supreme Court ordered a SIT probe into illegal gravel mining and barred the establishment of new industries near the river ecosystem. The Supreme Court held that environmental protection is a constitutional imperative under Article 21 of the Constitution rather than an administrative choice. See: In Rey: 2 Million Lives at Risk, Contamination in Jojari River, Rajasthan, 2026 LiveLaw (SC) 1145.

26. **PIL jurisdiction under the guise of preventing public resources wastage cannot be used for tenders among competitors:** The Supreme Court disapproved using PIL jurisdiction to challenge the inter-se evaluation of competing bidders in a Rs. 23 Cr. road construction tender. It has been held that commercial disputes involving the comparative eligibility of tender applicants do not

justify invoking PIL jurisdiction under the guise of preventing public resources wastage. See: O.P. Mehta Vs. Mohinder Kalta, 2026 LiveLaw (SC) 977.

27. **Split judgment of Supreme Court regarding necessity of prior permission of Govt. to investigate corrupt officers:** Hearing a PIL challenging the constitutional validity of Section 17-A of the Prevention of Corruption Act, 1988 which mandates prior Govt. approval before investigating public servants, the Supreme Court delivered a split verdict and referred the matter to a larger Bench. Justic Nagarathna held the provision unconstitutional for shielding the corrupt officials whereas Justice Viswanathan upheld it subject to independent screening by the Lokpal or Lokayukta. See: Center for Public Interest Litigation Vs. Union of India, 2026 INSC 55.

******