

Discuss the Changing Approach of Indian Judiciary from Locus Standi to PIL

Section I: Introduction – From Locus Standi to PIL: Why This Change Matters

For many years, Indian courts followed a strict rule. Only the person affected by a problem could go to court. This rule was called locus standi. It means the right to appear before the court.

If something wrong happened in society, but it didn't affect you directly, you had no right to file a case. This left many poor and helpless people without any support. Prisoners, slum dwellers, and bonded labourers had no way to ask for justice.

This was unfair. Justice should be for everyone—not just for the rich or educated. That's when a new idea came up. It was called Public Interest Litigation, or PIL.

PIL allowed anyone to file a case for the good of the public. You didn't need to be affected yourself. If you saw injustice, you could write to the court. Journalists, lawyers, and social workers started using PIL to help others.

This marked the changing approach of Indian judiciary from locus standi to PIL. It was a big step. Courts started caring about human rights and public welfare. They began helping people who could not help themselves.

This blog will explain how that change happened. We'll look at old cases, new ideas, and real examples. We'll also ask: Has this change helped India? Or is the system being misused?

Let's begin this journey—from a narrow path to a wider road that leads to justice for all.

Section II: Locus Standi – The Traditional Rule

Before PILs became common, courts in India followed a narrow rule. This rule was called locus standi. It meant only the person who was directly harmed could go to court.

If someone else was suffering, you could not speak for them. Even if you had proof, the court would not hear your case. This made justice hard to reach for many poor or voiceless people.

For example, in the early years after independence, many people lived in slums. Some were beaten in custody. Others were forced into bonded labour. But they could not file cases. They had no money, no lawyers, and no idea how the legal system worked.

If a journalist or NGO tried to help them, the court would reject the case. It would say, "You are not the affected person." That's how the rule of locus standi worked.

The rule was meant to stop false cases. But in reality, it kept real people from getting help. Justice became a luxury. Only those with power or knowledge could reach the court.

This system started to feel outdated. The public began to ask: Why can't someone speak for the poor? Why can't a lawyer help prisoners or street children?

These questions opened the door to a major shift. The changing approach of Indian judiciary from locus standi to PIL began in the late 1970s. Judges started to think differently. They wanted to make justice more open and human.

Section III: The Turning Point – What Triggered the Shift

By the late 1970s, things started to change. India had gone through the Emergency. Many rights were taken away during that time. People saw how hard it was to fight for justice. This made judges think more deeply about their role in society.

Some judges believed the law should help the poor. They wanted courts to listen to the weak, not just the rich. Two judges led this change. Their names were Justice P.N. Bhagwati and Justice V.R. Krishna Iyer. They believed the courts must work for social justice.

A new idea was born—Public Interest Litigation, or PIL. This allowed anyone to approach the court. You didn't have to be the victim. If you cared about an issue that affected people, you could write to the judge. Even a letter could become a legal case.

In one case, prisoners in Bihar were kept in jail for years without trial. A lawyer wrote a letter to the Supreme Court. The court treated it like a petition. It was called *Hussainara Khatoon v. State of Bihar*. This case became the first major PIL.

This marked the changing approach of Indian judiciary from locus standi to PIL. Judges now saw themselves as protectors of the poor. They opened the doors of the courtroom to all.

More such cases followed. Street children, bonded labourers, women, and environmental issues all came before the court—thanks to PILs.

The law was no longer cold or distant. It became alive and people-centered. The next section will explore the important cases that shaped this journey. These cases show how PIL changed the face of Indian justice.

Section IV: Landmark Cases That Changed It All

After the courts accepted the idea of PIL, many important cases followed. These cases showed how the courts were now working for the people. They helped bring justice to those who could never reach the court on their own.

One of the first big cases was *Hussainara Khatoon v. State of Bihar* (1979). This case was about undertrial prisoners. Some of them were in jail for years—without any trial. A lawyer wrote a letter to the Supreme Court. The court accepted it as a PIL. It ordered the release of thousands of poor prisoners.

Next came *S.P. Gupta v. Union of India* (1981). This was the first case where the court clearly said that any public-spirited person can file a PIL. The court ruled that justice should not be blocked by technical rules. This case truly opened the door wide.

In *Olga Tellis v. Bombay Municipal Corporation* (1985), the court protected the rights of slum dwellers. It said that the right to life also includes the right to livelihood. The people were not evicted overnight. The court said the government must act humanely.

Then came *Vishaka v. State of Rajasthan* (1997). It was a case about workplace harassment. A social group filed the petition after a brutal gang rape. The court created new guidelines to protect women at work. These are still followed today.

These cases show the changing approach of Indian judiciary from locus standi to PIL in action. Courts began to care more about the weak, the poor, and the unheard. The law became a tool for justice—not just a system of rules.

Section V: Data-Driven Analysis – PIL Explosion in Numbers

Between 1985 and 2019, the Supreme Court of India received over 9.2 lakh (923,277) PILs. On average, that's around 26,000 PILs every year. In 1985, there were about 24,000. By 2019, that number had reached nearly 71,000 PILs a year.

Most of these were letter petitions. This means the court accepted simple letters as PILs. These letters were often written by activists, lawyers, or common citizens. In fact, about 99% of PILs filed in the Supreme Court today are letters, not full legal petitions.

But not all of these cases go very far. Only a small number—around 260 PILs a year—are actually taken up and fully heard by the Supreme Court. This shows that while many people use the PIL route, only a few cases pass the court's filter.

In the High Courts, the story is the same. Between 2019 and 2021, around 7,800 PILs were filed across India on matters related to fundamental rights.

This data proves how the changing approach of Indian judiciary from locus standi to PIL made the courts more open to the public. Today, anyone with a concern for justice can write to the court.

Section VI: PIL – Boon or Bane?

Public Interest Litigation has helped millions. But it has also raised concerns. Some call it a miracle. Others call it a misuse of the courts. So, is PIL a blessing or a problem? Let's look at both sides.

How PIL Helped India

PIL gave a voice to the voiceless. Poor people, prisoners, women, children, and even nature got protection through PILs. Many important rights came from PILs. Clean air, fast trials, women's safety, and more.

But not all PILs are good. Some are fake. Some are filed just to get fame or media attention. In some cases, people use PILs to stop government projects for personal reasons. This wastes the court's time.

Even judges have warned about this. The Supreme Court said that "PILs should not become Publicity Interest Litigations." The court has also started asking for proof before accepting a PIL.

Sometimes, the courts go too far. They make rules instead of just interpreting the law. This can upset the balance between the courts, government, and lawmakers.

Section VII: Comparative View – India and the World

India's PIL system is one of the most accessible in the world. In the US and UK, stricter rules apply. You must prove direct harm. In Pakistan, however, the PIL system closely resembles India's.

India stands out for how easily citizens can approach courts for public causes. But with this openness comes the risk of misuse. Other countries offer lessons in limiting frivolous cases while preserving access.

Section VIII: Implementation Gap – When Orders Fail

The courts give strong directions. But often, the government does not act. This creates what is called an implementation gap.

Examples include the Ganga cleanup case, bonded labour orders, and Vishaka guidelines. All had clear rulings. But implementation was delayed or ignored.

This weakens the value of PILs. Courts need systems to follow up and ensure action.

Section IX: The Way Forward – Reforming the PIL System

To improve the system, courts must: - Stop fake PILs - Create follow-up systems - Involve experts - Promote public legal education

The changing approach of Indian judiciary from locus standi to PIL is a powerful reform. But to protect its value, we must fix what's broken.

Section X: Conclusion – A Tool of Justice, If Used Wisely

PIL changed Indian law forever. It made justice reachable for the poor and powerless. But misuse is a risk.

We must protect this tool. Courts, governments, and citizens all have a duty. If used wisely, PIL will remain a light for those in the dark.

Let us protect this tool. Let us improve it. And let us remember that justice is not just a rule—it is a right, for every citizen.