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EVOLUTION OF LOCUS STANDI IN INDIAN JURISPRUDENCE”

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ABSTRACT

Locus Standi refers to the right of approaching the court which came about along with the rest of constitutional law as the first major method of “gatekeeping.” The Locus Standi in the context of the Supreme Court of India, particularly in the cases of *Madan Gopal Rungta* and *JasbhaiMotibhai Desai*, demonstrated the traditional “person aggrieved” model, in which a person with direct legal injury could file the case. The concept of *Public Interest Litigation(PIL)* emerged in the late 1970s and early 1980s. In the cases of *S.P. Gupta*, *Hussainara Khatoon*, and *Bandhua Mukti Morcha*, the Court did not only judicialize matters of governance, but also developed new forms of law such as epistolary jurisdiction, continuing mandamus, and next friend petitions increasing in access to justice. Outside the contours of the law, the stand alone principles of locus standi have been employed in relation to writs of extreme scrutiny, victimology with respect to crime, governance of the environment, public interest in the primary and secondary aspects of consumer law, accountability of corporations to the public, and representative actions furnished by the statutes and the rules of procedure, indicating the diverse reach of locus standi as a constitutional instrument. Further, the comparison demonstrates that India’s more global approach contrasts starkly to the U.S. “injury-in-fact” requirement and the U.K. “sufficient interest” criterion. This demonstrates a form of transformative constitutionalism that favors access and collective rights over formalism.

This paper examines the evolution of locus standi under various judicial precedents, judicial innovations which set out epistolary jurisdiction and next-friend standing, the liberalization of standing with the protective measures against litigations of a commercial, contractual, or political nature and comparative study in the framework of other countries.

Keywords: *Locus Standi, Public Interest Litigation (PIL), Access to Justice, Indian*

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Constitutional Law, Judicial Activism.

INTRODUCTION

The term '*locus standi*' literally means '*a place to stand*'⁴ and it determines who is able to access the jurisdiction of constitutional courts. It originates from English common law where people with personal grievances could approach the court in order to prevent burden on the courts.⁵ It is primarily concerned with the concept of having genuine interest or standing to sue and for the courts to save their time and not to be inundated with speculative claims⁶. Even though these functions are primary, the role of standing goes well beyond the mere management of dockets. It is with respect to these functions, the decision to permit a person to litigate is critical vis a vis to the balance of the arms of government, the organizational capability of the judicial system, and the scope of rights in a democracy.

Traditionally, courts have applied conservative approaches to locus standi, where only an "*aggrieved person*" experiencing a direct legal injury could seek redress and justice⁷. The preservation of judicial restraint was beneficial, but society as a whole, especially the poor, illiterate, and marginalized, were left without the ability to access justice⁸. Public Interest Litigation (PIL), which appeared in the late 1970s and early 1980s, marks a constitutional shift in India. With the efforts of known judges, such as Justice P.N. Bhagwati and Justice V.R. Krishna Iyer, PIL began the relaxation of the locus standi's stringent requirements⁹, thus permitting concerned persons and organizations to act on behalf of the disadvantaged where public interest is involved¹⁰. Such as in the case of *S.P. Gupta v. Union of India (1981)*¹¹ and *People's Union for Democratic Rights v. Union of India (1982)*¹², the system of justice was entering an illusionary realm when the judges began to deny standing to the most vulnerable that were

⁴Adrita Deya, *Relaxation on the Purview of Locus Standi and the Evolution of Public Interest Litigation*, 2 *Jus Corpus L.J.* 131 (2022).

⁵Alex Cyril Ekeke, *Liberalization of the Rule on Locus Standi Before Nigerian Courts: Lessons from India*, 66 *J. Afr. L.* 339, 342-44 (2022).

⁶BLACK'S LAW DICTIONARY 1084 (11th ed. 2019).

⁷B.N. Srikrishna, *Access to Justice and Locus Standi*, 5 *SCC J 1* (1984).

⁸Charan Lal Sahu v. Union of India, (1989) 1 *SCC* 674.

⁹V.R. Krishna Iyer, *Judicial Activism for Social Justice*, 4 *SCC J 2* (1980).

¹⁰Upendra Baxi, *Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India*, 4 *Third World Legal Stud.* 107 (1985).

¹¹*S.P. Gupta v. Union of India*, 1981 *Supp SCC* 87.

¹²*People's Union for Democratic Rights v. Union of India*, (1982) 3 *SCC* 235."

incapable of self-representation. Thus, jurisprudence on locus standi remains concerned with the intersection of rights and remedies. It determines whether courts act as restrictive adjudicators of a “dispute” or as responsive judicial bodies reconstructing the constitutional vision of access to justice for the silenced and marginalized.

Locus standi deals with the capacity of people or legal entities to commence legal action.¹³ It derives from the Latin ‘locus’ meaning ‘place’, and ‘standi’ meaning ‘the right to bring an action’. The test used to hinge on the existence of legal injury and, thus, confined standing to the ‘person aggrieved’. The liberalization of the standing rules in India, however, has given rise to newer forms. Public Interest Litigation, for instance, permits a public-spirited citizen or NGO to serve as a substitute for litigants who are unable to approach the courts, giving rise to the notions of ‘representative standing’ and ‘next-friend standing’.¹⁴ Closely related is the doctrine of ‘epistolary jurisdiction,’ where even letters or postcards have been accepted as valid petitions.

Further, Article 32¹⁵ and 226¹⁶ of the Constitution impart the powers to the Supreme Court and High Courts to safeguard and enforce the fundamental rights and privileges of individuals and, with it, the primary foundation for widened standing. In contrast, the remainder of civil and criminal proceedings still largely adhere to the traditional approach. This difference illustrates the balance the Indian judiciary is striving to achieve between procedural rigidity and substantive justice.

This study involves primarily a doctrinal approach where one looks at the various phases of constitutional developments in the country and the corresponding judicial thinking and pronouncements of the Supreme and the High Courts during those phases. This is in the first place to illustrate how the restrictive dominance of the period prior to the PIL era of the late seventies and the eighties transformed and liberalised, and how, thereafter the subsequent recalibration to the misuse of PILs during the period of transformative liberalization. The key precedents, *Hussainara Khatoon v. State of Bihar*¹⁷, *Bandhua Mukti Morcha v. Union of*

¹³“Aditya Shukla, *Locus Standi: Meaning, Concept and Its Position in India*, 2(5) *Int’l J. Legal Sci. & Innovation* 120 (2020).

¹⁴*People’s Union for Democratic Rights v. Union of India*, (1982) 3 S.C.C. 235 (India)

¹⁵INDIA CONST. art . 32.

¹⁶INDIA CONST. Art. 226.

¹⁷*Hussainara Khatoon v. State of Bihar*, (1979) 3 SCR 532 (India).

*India*¹⁸ and, *M.C. Mehta v. Union of India*¹⁹ illustrate how the judiciary has actively participated in public interest litigation PILs, and transformed the access to justice.

There will also be other foreign jurisdictions to make the comparison. The US, with its stiff and rigid rule of “injury in fact” and the “injury” with no republican also serves as a counterpoint to the liberty of India. The United Kingdom’s, “sufficient interest” and the more widely constitutionally founded in South Africa also enhance standing in the comparative jurisprudence. This is in the gap and critique the expanded standing of the over access to justice, as the potential invasive judicial overreach as well as the de consequent piled docket. Where relevant, there might be a few quantitative leading PIL cases as a form of illustration to show the steadily advancing and receding patterns of judicial practice.

LITERATURE REVIEW

Public Interest Litigation and Locus Standi in India – S.P. Sathe²⁰

S.P. Sathe's Indian constitutional law scholarship provides one of the most influential accounts of the development of locus standi within India. He documents that courts deliberately relaxed rules on standing in cases such as *S.P. Gupta v. Union of India* and enabled "public-spirited individuals" to sue in the interests of oppressed sections. Sathe identifies how that innovation opened democracy to gaining access to justice yet simultaneously exposed courts to the risks of overreach and manipulation. The comment has immediate implications for the thesis of the research paper that PIL opened up the "people's courts" yet ushered in a contradiction between accessibility and court efficiency.

People’s Courts and Epistolary Jurisdiction – Upendra Baxi²¹

Upendra Baxi describes as revolutionary the epistolary power of the Supreme Court to grant relief to people without means or literacy by converting postcards and letters into writ petitions.

¹⁸*Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161.

¹⁹*M.C. Mehta v. Union of India*, AIR 1987 SC 1086.”

²⁰“S.P. SATHE, *JUDICIAL ACTIVISM IN INDIA: TRANSGRESSING BORDERS AND ENFORCING LIMITS* (2d ed. Oxford Univ. Press 2002).

²¹ UPENDRA BAXI, *THE INDIAN SUPREME COURT AND POLITICS* (Eastern Book Co. 1980).

He describes PIL as a constitutional project of ethical governance that tried to realize Article 32²² as the "heart and soul" of the Constitution. But again, unless sieved, says Baxi, PIL has a tendency to turn into "publicity litigation." This directly validates the research paper's appreciation of the bivalent legacy of PIL, liberatory to the marginalized, yet susceptible to elite capture and docket strain.

“Protections Against Vexatious Litigation – State of Uttaranchal v. Balwant Singh Chaufal by the Supreme Court²³”

The Balwant Singh Chaufal Supreme Court reiterated that bona fides, genuine public interest, and remedy proportionality are conditions for admission for PIL. The Court openly criticized frivolous petitioning for private reasons and called upon the High Courts to develop screening mechanisms. This approach by the judiciary illustrates how Indian courts tried to balance liberal standing with institutional protection. It is consonant with the research paper's conclusion that the future of PIL consists of balanced tests weighing access versus abuse avoidance.

United States Standing Doctrine – Cass R. Sunstein²⁴

Cass Sunstein's study on U.S. standing draws attention to the formalistic Article III²⁵ prerequisites, injury-in-fact, causation, and redressability, which are in sharp contrast to India's permissiveness. He criticizes that such formalism handicaps courts from rectifying systemic wrongs and insists on greater flexibility in public law lawsuits. For the research paper, Sunstein's study illustrates how the American model is committed to judicial restraint and separation of powers in contrast to India's vast rights schedule. The comparative perspective illustrates that India's liberal approach cannot be generalized and must be warranted by a distinct constitutional context.

United Kingdom's “Sufficient Interest” Test – Paul Craig²⁶

Paul Craig describes how U.K. courts embrace the "sufficient interest" criterion in judicial

²² *Supra note 12*”

²³“State of Uttaranchal v. Balwant Singh Chaufal, (2010) 3 SCC 402 (India).

²⁴ Cass R. Sunstein, Standing and the Privatization of Public Law, 88 COLUM. L. REV. 1432 (1988).

²⁵ U.S. Const. art. III.

²⁶ PAUL CRAIG, ADMINISTRATIVE LAW (9th ed. Sweet & Maxwell 2021).”

review that is flexible yet disciplined. He observes that the relationships between standing and merits tend to be seen as interdependent: a frail case on merits diminishes standing and vice versa. This practice is a middle ground between India's permissiveness and U.S. narrowness. The research paper takes inspiration from the comparative model to posit a variegated Indian test that takes into account petitioner bona fides and remedy-fit.

Constitutional Standing for South Africa - Cora Hoexter²⁷

Cora Hoexter observes that section 38²⁸ of South Africa's Constitution permits public-interest and association actions and expressly permits liberal standing. South African courts have built upon that to permit greater accessibility for marginalized voices while nonetheless limiting remedy with proportionality. The comparative approach confirms the research paper thesis that India is not singular in adopting liberal standing but that construction of remedy and proportionality are essential to prevent overreach by courts.

Structural Remedies and Continuing Mandamus – Anuj Bhunia²⁹

Anuj Bhunia criticizes Indian courts for making regular use of mandamus in PILs, faulting that they have far too often yielded overbearing judicial oversight of governance. He makes the point that benign interdictions at times serve middle-class agendas and avoid democratic accountability. His exegesis reinforces the research paper's skepticism about paternalism and elite capture in PIL, and he presses courts to limit themselves to narrow, monitorable reliefs and not open-ended oversight.

DOCTRINAL EVOLUTION

Constitutional & Conceptual Foundations

The locus standi concept in India is based on Articles 32³⁰ and 226³¹ of the Constitution of India.

²⁷“CORA HOEXTER, THE NEW CONSTITUTIONAL AND ADMINISTRATIVE LAW, VOL. 2: ADMINISTRATIVE LAW (Juta 2002).

²⁸ S. Afr. Const., 1996, § 38.

²⁹ ANUJ BHUNIA, COURTING THE PEOPLE: PUBLIC INTEREST LITIGATION IN POST-EMERGENCY INDIA (Cambridge Univ. Press 2017).”

³⁰“*Supra* Note 12.

³¹ *Supra* Note 13.

Article 32³² of the Constitution states that any person can approach the Supreme Court in the case of a violation of Fundamental Rights. This Article has been referred to as “the very heart and soul of the Constitution” by Dr. B.R. Ambedkar in the Constituent Assembly³³. As a remedial mechanism, it is a Fundamental Right in itself, which is why India is on the unique list of countries which offer constitutionally enshrined access to the apex court. Article 226³⁴, on the other hand, states that the High Courts can issue writs “for the enforcement of any of the rights conferred by Part III and for any other purpose,” which is broader than Article 32.³⁵

The Indian Constitutional law recognises five classic writs, namely, habeas corpus, mandamus, certiorari, prohibition, and quo warranto, each with its own width and depth of legal and constitutional grounds. Of all the five writs, the application of habeas corpus has invariably had the broadest application. Under the writ of habeas corpus, a person is able to apply for the release of another person who is wrongfully imprisoned.³⁶ While the application of the writ of quo warranto is also broad, it allows “any person” to challenge the legal standing of a holder of a public office.³⁷ The same cannot be said with regard to the application of the writs of mandamus and certiorari, and prohibition, where the petitioner, at the very least, had to establish that he was a “person aggrieved” by the action to the decision that was sought to be impugned.³⁸

This duality reveals the fundamental difference, in principle, between public law remedies and private law injuries. Private law adjudication, like contract, tort, or property, requires some form of injury in order to have standing. Public law actions, on the other hand, seek to guarantee legality, fidelity to the constitution, and adherence to the rule of law, all of which are ascribed to the public good. This was acknowledged by the Supreme Court itself in the case of *Fertilizer Corporation Kamgar Union v. Union of India*, when it said that “our system of judicial review is neither a fortress against change nor a fossilised formula” and must accept the surrounding social realities.³⁹

³²*Id.*

³³ Constituent Assembly Debates, Vol. VII, 953 (Dec. 9, 1948) (statement of Dr. B.R. Ambedkar).

³⁴*Id.*

³⁵ *Id.* ”

³⁶“*Kanu Sanyal v. Dist. Magistrate, Darjeeling*, (1973) 2 S.C.C. 674.

³⁷*University of Mysore v. C.D. Govinda Rao*, A.I.R. 1965 S.C. 491.

³⁸*Calcutta Gas Co. v. State of W.B.*, A.I.R. 1962 S.C. 1044.

³⁹*Fertilizer Corp. Kamgar Union v. Union of India*, (1981) 1 S.C.C. 568.

Indian standing doctrine originally resembled limiting Anglo-American prototypes. In the United States, the United States Constitution restricts federal jurisdiction to “cases” and “controversies,” and thereby begets a firm rule of “injury in fact.”⁴⁰ Likewise, the United Kingdom once demanded “sufficient interest” under the Rules of the Supreme Court Order 53.⁴¹ Nevertheless, the Indian drafters framed Articles 32⁴² and 226⁴³ in language more expansive than both of these customs, and thus hint at a constitutional framework inclined toward accessibility.

H. M. Seervai and others cited the scope of Article 226⁴⁴ as a reason for wider leeway,⁴⁵ while Upendra Baxi notably contended that Post-Emergency public interest litigation (PIL) jurisprudence offered “epistolary jurisdiction” that allowed constitutional courts to turn themselves into governance courts for the impoverished.⁴⁶ S. P. Sathe, too, pointed out that the locus standi issue was, at the end of the day, a measure of judicial accountability to constitutional standards and restraint toward constitutional overreach of majoritarian tyranny.⁴⁷

Restrictive and liberal still stem from the constitutional and conceptual foundations of locus standi. It would be judicial interpretation in the subsequent decades that would determine if these provisions would be limited to individualised standing or broadened to include representative, public, or community-based actions.

Restrictive Phase: “Person Aggrieved” (1950s–Mid-1970s)

Even though Articles 32⁴⁸ and 226⁴⁹ were textually expansive, the Supreme Court of India, in its early decades, adopted a narrow doctrine of standing and insisted that only a “person aggrieved” could maintain a defective writ petition. Such a restrictive reading was similar to the Anglo-American conceptions of standing, which wrongly assumed that courts are scared of being set up

⁴⁰ *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992).

⁴¹ *R. v. Inland Revenue Comm’rs, ex parte Nat’l Fed’n of Self-Employed*, [1982] A.C. 617 (H.L.) (appeal taken from Eng.).

⁴² *Supra Note 12*.

⁴³ *Supra Note 13*.

⁴⁴ *Id.*

⁴⁵ H.M. Seervai, *Constitutional Law of India* 1995 (4th ed. 1991).”

⁴⁶ Upendra Baxi, *Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India*, 4 *Third World Legal Stud.* 107 (1985).

⁴⁷ S.P. Sathe, *Judicial Activism: The Indian Experience*, 6 *Wash. U. J.L. & Pol’y* 29 (2001).

⁴⁸ *Supra Note 12*.

⁴⁹ *Supra Note 13*.

as open courts for the settlement of all abstract policy issues.

Reflecting the fetish for legal form, the first decisions were cautious. In *State of Orissa v. Madan Gopal Rungta*, the Court held that Article 32⁵⁰ could only be enforced to protect the fundamental rights of the petitioner, and could not be used to reinforce general grievances.⁵¹ Similarly, in *Calcutta Gas Co. v. State of W.B.*, the Court held that only if a “legal right has been infringed” could a writ be maintained, thus denying standing to a shareholder who wanted to challenge the transfer of the undertaking.⁵²

The culmination of this restrictive period came in *JasbhaiMotibhai Desai v. Roshan Kumar*.⁵³ The Court denied standing to a cinema owner challenging the grant of a license to a rival, observing that “the test is whether the applicant has a personal or individual right in the subject-matter.” Justice Beg famously warned against allowing courts to become arenas for “meddlesome interlopers, busybodies, or wayfarers.”⁵⁴ The judgment drew heavily upon the English “person aggrieved” doctrine, equating it with “a person whose legal rights have been prejudicially affected.”

The underlying rationales for this restrictive approach were several. First, it reflected concerns of separation of powers: judicial power was not to be invoked for generalised grievances or political questions. Second, it was an instrument of docket control, intended to prevent the Supreme Court from being overwhelmed in its formative years. Third, it was rooted in a formalistic conception of rights as individualised entitlements rather than collective claims.

The above constraining approach comes under attack as elitist and disqualifying. In personal and direct terms, the Court's denial of the ability to enter a claim to poor, illiterate and over-marginalised people is systemic.⁵⁵ As Upendra Baxi has pointed out, during the period, the ‘rule of standing’ was ‘a judicially invented technique of exclusion’ which was done in direct

⁵⁰*Id.*

⁵¹*State of Orissa v. Madan Gopal Rungta*, A.I.R. 1952 S.C. 12.

⁵²*Calcutta Gas Co. v. State of W.B.*, A.I.R. 1962 S.C. 1044.

⁵³*JasbhaiMotibhai Desai v. Roshan Kumar*, (1976) 1 S.C.C. 671.”

⁵⁴“*Id.* at 682.

⁵⁵ P.P. Craig, *Administrative Law* 781–82 (8th ed. 2016) (noting parallel critiques of English law’s “person aggrieved” test).

contradiction of the egalitarian promise of the Constitution.⁵⁶

The above restrictive phase, while setting important precedents, has proven as well the “willing to stand” approach to the aggrieved person in a societally unjust framework is limited. This limitation is what I take to be the basis from which the ‘transitional moves’ of the Court in the late 1970s have stemmed. These moves integrated a cautiously loose approach in relations to standing as a response to the emerging demands of socio-economic justice.

Transitional Moves (1977–1980)

The 1970s changed the locus standi doctrine and the way it is taught and viewed. The “person aggrieved” definition and limit was recognized as starting to fade away due to the post-Emergency period in India, the increase in labor movements, and the increase in the demand for social justice. The Emergency (1975–1977) left the judiciary in a compromised position, and they wanted to be seen as a protector of rights in a bid to restore their credibility.

Mumbai Kamgar Sabha v. Abdulbhai Faizullabhai was a pivotal point of the trade union and commerce practice.⁵⁷ The Court decided that even though a union was not directly aggrieved, it was still entitled to maintain the proceedings on behalf of the members. Justice Krishna Iyer argued that “access to justice” means that people should not be restricted in any way to other matters. “Procedural prescriptions are handmaidens, not mistresses, of justice.”⁵⁸ This is the first judgment that changes the as the first of steps view locus standi is. It is now viewed as substantive rather than a barrier.

Another important decision was *Fertilizer Corporation Kamgar Union v. Union of India*, where workers’ unions challenged the sale of a public sector undertaking.⁵⁹ Though the Court ultimately dismissed the petition on the merits, it acknowledged that representative groups could, in principle, bring claims concerning the public interest. Justice Bhagwati observed that “where a legal wrong or a legal injury is caused to a determinate class of persons who by reason of poverty or disability cannot approach the court, any member of the public can maintain an action for

⁵⁶ Upendra Baxi, *The Crisis of the Indian Legal System* 148–50 (1982).”

⁵⁷“*Mumbai Kamgar Sabha v. Abdulbhai Faizullabhai*, (1976) 3 S.C.C. 832.

⁵⁸ Id. at 842 (Krishna Iyer, J.).

⁵⁹*Fertilizer Corp. Kamgar Union v. Union of India*, (1981) 1 S.C.C. 568.

redressal.”⁶⁰ This articulation laid the foundation for what would later crystallize as public interest litigation (PIL).

The shift in focus suggested a comprehensive philosophy of constitutional law. Against the backdrop of the Directive Principles of State Policies Social the Court began interpreting Article 32⁶¹ and 226⁶² not simply as remedial constitutional provisions but as provisions which socio-economically restructure the society. In the midst of massive illiteracy, poverty, and structural inequalities, the judiciary started appreciating the fact that the state the absence of the socio-economic rights otherwise republican constitutionalism within the country the rigid rule not only of standing but of individualized standing barred state accountability.

This phase has been described as the “pre-PIL” moment by academic commentators “a type of jurisprudential experimentation” in which the Court “tentatively” tried to expand access to jurisprudence without fully accepting the term of a “a person aggrieved” as a litmus test.⁶³ As Sathe has remarked, this period showed “a judically engineered expansion of democratic participation” that in its fullest potential was to occur in the early 1980s.⁶⁴

Thus, the late 1970s and early 1980s stand as a liminal stage in Indian locus standi doctrine: neither the rigid exclusion of the early decades nor the open embrace of PIL, but an incremental widening of the doors of justice in response to mounting social and political imperatives.

PIL Birth & Early Expansion (1981–1988)

The definitive break with the ultra vires staying doctrine occurred in the early 1980s, when the Supreme Court of India launched what is today famously known as the law of public interest litigation (PIL). The decade was one of great redefinition of Articles 32⁶⁵ and 226⁶⁶, for the Court transformed its function from the resolution of private litigations to becoming a "people's court" charged with the promotion of constitutional government and social justice.

⁶⁰ Id. at 591 (Bhagwati, J.).

⁶¹ *Supra Note 12*.

⁶² *Supra Note 13*.

⁶³ S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* 89–92 (2002).”

⁶⁴ Id.

⁶⁵ *Supra Note 12*.

⁶⁶ *Supra Note 13*.

S.P. Gupta v. Union of India: The Pioneering Case

The landmark decision was *S.P. Gupta v. Union of India* (“*Judges’ Transfer Case*”).⁶⁷ A seven-judge bench through Justice P.N. Bhagwati ruled that “any member of the public having sufficient interest can maintain an action for judicial redress of a public wrong or injury.”⁶⁸ In a single stroke, the Court deconstructed the limiting “person aggrieved” formula, enunciating a doctrine of representational standing where individuals or groups could bring suit on behalf of those who could not because of poverty, illiteracy, or disability. In recognizing “sufficient interest” as an entitlement for standing, the remedial landscape was revolutionized: locus standi ceased to be concerned with personal injury and became concerned with constitutional accountability in the public interest.

Epistolary Jurisdiction and Doctrine of Next Friend

The locus standi expansion was effected through innovative procedural innovations. In *Hussainara Khatoon v. State of Bihar*, the Court accepted a sequence of newspaper reports and letters as writ petitions via Article 32⁶⁹, and the undertrial prisoners numbering thousands held without trial within jails were released.⁷⁰ The case ushered in the era of epistolary jurisdiction, where the Court accepted even letters and postcards as competent writ petitions where fundamental rights were involved. In like manner, the next friend doctrine was utilized such that social activists, lawyers, or NGOs could move petitions on behalf of weaker sections incapable of approaching the courts themselves.

Current Mandamus and Fact-Finding Commissions

Another novelty of the period was the instrument of continuing mandamus, under which the Court left cases pending and passed a succession of interim orders for securing compliance with its directions. *Bandhua Mukti Morcha v. Union of India* was one such example.⁷¹ The Court, on the basis of a letter-petition by an NGO, directed the release and rehabilitation of bonded

⁶⁷*S.P. Gupta v. Union of India*, 1981 Supp. S.C.C. 87.

⁶⁸ Id. at 210 (Bhagwati, J.)”

⁶⁹“*Supra Note 12.*

⁷⁰*Hussainara Khatoon (I) v. State of Bihar*, (1980) 1 S.C.C. 81

⁷¹*Bandhua Mukti Morcha v. Union of India*, (1984) 3 S.C.C. 161.

laborers, appointed Commissioners for the purpose of fact-finding, and followed up over the period for implementing its directions. This form of judicial intervention marked the end of episodic adjudication and the beginning of ongoing supervision, indicative of the Court's self-aware function of being a structural enforcers of constitutional rights.

Expanding Subject-Matter: Livelihoods, Housing, and Environment

In this era, the Court granted standing to redress the grievances of the slum dwellers, pavement dwellers, and workers under exploitative circumstances. In *People's Union for Democratic Rights v. Union of India (the "Asiad Workers' Case")*, the Court granted a hearing for a civil liberties group's petition claiming violations of the minimum wage laws at the Asian Games construction camps.⁷² In *Olga Tellis v. Bombay Municipal Corp.*, pavement dwellers resisted their ejection and the Court famously held the right to livelihood as part of the right to life under Article 21.⁷³ These judgments signaled that the grant of standing was expanding to encompass cases of collective harm visited upon disadvantaged classes who otherwise could not access justice meaningfully.

The late 1980s' environmental PILs, headed most notably by attorney-activist M.C. Mehta, extended the scope of public interest standing even further. In such cases as *M.C. Mehta v. Union of India (Oleum Gas Leak)*,⁷⁴ the Court developed doctrines of absolute liability and preventive remedies, relying on liberated standing once more for remedies for diffused harms throughout society.

Justifications for Broad Standing

The judicial rationale for the expansion lay in the identification of failure of representation within the Indian democracy. The Court also recognized that the excluded classes like bonded laborers, undertrials, slum dwellers, were as good as absent within the political process and that the rules of standing excluded the courts' scrutiny of violations of the system. Justice Bhagwati explained that where violations were experienced by large number of persons but they could not

⁷²*People's Union for Democratic Rights v. Union of India*, (1982) 3 S.C.C. 235.

⁷³*Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 S.C.C. 545."

⁷⁴"*M.C. Mehta v. Union of India (Oleum Gas Leak)*, (1987) 1 S.C.C. 395.

approach courts, the courts must allow others to stand up for them.⁷⁵

Scholars such as Upendra Baxi celebrated the moment as one of the maturation of a "jurisprudence of social action," where the Court redefined itself as an organ of governance attentive to the suffering of the poor.⁷⁶ But others such as Seervai were fearful that such innovations risked destroying procedural safeguards and judicial checks.⁷⁷

Consolidation & Guardrails (Late 1980s–1990s)

By the late 1980s, PIL's exceptional judicial innovations had created a new baseline of normativity: locus standi in India no longer applied exclusively to persons injured but to any individual or group showing a sufficient interest in the protection of fundamental or collective rights. Yet the success of PIL also created risks of abuse, political misuse, and overextension of judicial energies. Consequently, the Supreme Court started to impose guardrails to differentiate between authentic public causes and frivolous, self-interested, or purely private disputes disguised as public interest petitions. This consolidation phase was an exercise in balancing doctrines between judicial accessibility and institutional prudence.

In *S.P. Gupta*, as it opened the doors of standing, Justice Bhagwati had himself warned that the Court needed to be "vigilant against the meddlesome interloper" and "busybody" who comes looking for publicity or for promotion of private interests in the name of public interest.⁷⁸ This anxiety gained more defined expression subsequently, as the judges started receiving a spate of petitions where the petitioner hoped for personal, commercial, or even political gains under the widened PIL banner.

In *Sachidanand Pandey v. State of West Bengal*, the Court emphasized that whilst public-minded citizens ought to be able to approach courts, PIL could not be wielded as a tool for resisting development projects or seeking individual grievances.⁷⁹ A.P. Sen, J., stressed that locus standi under PIL is not a free license but an obligation for acting in the good faith and

⁷⁵*S.P. Gupta v. Union of India*, 1981 Supp. S.C.C. 87, 210.

⁷⁶ Upendra Baxi, *Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India*, 4 *Third World Legal Stud.* 107, 114–15 (1985).

⁷⁷ H.M. Seervai, *Constitutional Law of India 1870–72* (4th ed. 1991)."

⁷⁸"*S.P. Gupta v. Union of India*, 1981 Supp. S.C.C. 87, 210.

⁷⁹*Sachidanand Pandey v. State of W.B.*, (1987) 2 S.C.C. 295, 331.

bonafide public interest.

Distinguishing Public Wrongs and Private Grievances

The courts gradually developed a doctrinal divide between questions of public wrong (such as bonded labor, custodial violence, environmental degradation) and private wrongs (such as property matters, service matters, or differences under contract). In the ***State of H.P. v. Parent of a Student of Medical College***, the Court dismissed a PIL for admission for one individual, and it ruled that differences or disagreements with regard to private rights for or over service or admission are not within the jurisdiction of PIL.⁸⁰

Likewise, in ***Subhash Kumar v. State of Bihar***, the Court rejected a petition for pollution of a river, holding that the petitioner never had any real interest in the environment and had approached the Court with the PIL for the purpose of upholding his own private enterprise interests.⁸¹ This decision was a landmark in the enunciation of judicial gatekeeping parameters, leaving no ambiguity that the petitioner's bona fides would be examined.

Institutional Considerations and Judicial Economy

Another such category of concerns enlivening the era of consolidation was the respect for judicial economy and separation of powers of the Court. When there were hundreds of petitions being filed, many of doubtful quality, the judiciary was aware that an uncontrolled PIL docket could strangle its capacity and distort its constitutional mandate. In ***Janata Dal v. H.S. Chowdhary***, Kuldip Singh, J., emphasized the point that the "attractive brand name of public interest litigation" could never be permitted to become "publicity interest litigation" or "private inquisitiveness litigation."⁸² The Court emphasized the point that only such petitions upholding higher constitutional or legal rights, particularly those involving disadvantaged classes of society, were to be considered.

⁸⁰*State of H.P. v. Parent of a Student of Med. Coll.*, (1985) 3 S.C.C. 169, 174.

⁸¹*Subhash Kumar v. State of Bihar*, (1991) 1 S.C.C. 598, 605.”

⁸²“*Janata Dal v. H.S. Chowdhary*, (1992) 4 S.C.C. 305, 348.

Normative Structure of the 1990s

In these refinements of doctrine, the Supreme Court attempted to develop a normative framework for public interest litigation. Locus standi was left liberal only with regard to disadvantaged or marginalised groups otherwise incapable of approaching the courts, and issues involving real public wrong were held fully cognizable. Concurrently, the Court indicated that private differences, matters related to services, and commercial interests were not within the ambit of PIL. Significant here was the motive and bona fides of the petitioner becoming essential filters, such that only those acting in good faith and on the grounds of true public interest were allowed to proceed. Such an evolving framework was buttressed through procedural safeguards: courts increasingly demanded affidavits of bona fides, subjected admitting material to greater scrutiny, and, in some cases, levied costs upon frivolous or mala fide petitions. As analysts point out, it was characteristic of a "second generation" of PIL law, where the initial exuberance of judicial populism gave way to cautious shaping of doctrine.⁸³

Thus, while the 1980s had seen the flowering of PIL and the radical liberalization of locus standi, the late 1980s and 1990s were about calibration. The Court did not retreat from its activist commitments but sought to preserve their integrity by drawing clearer boundaries. This ensured that the transformative potential of PIL was not undermined by its overextension.

THEMATIC AND SECTORAL APPLICATIONS

Writ-Specific Standing

Habeas corpus and Quo Warranto lie under the jurisdiction of Articles 32⁸⁴ and 226⁸⁵ of the Indian Constitution. Article 32 gives the right to citizens 'to move' the court if there is a violation of the fundamental rights guaranteed under Part - III of the Constitution and the same cannot be denied. The judiciary has power of issuing writs and are provided as extraordinary remedies to the citizens. There are mainly five kinds of writs such as Habeas corpus, mandamus, prohibition, certiorari and quo-warranto. Further, both high courts and supreme court can issue writs. Habeas

⁸³ S.P. Sathe, *Judicial Activism: The Indian Experience*, 6 Wash. U. J.L. & Pol'y 29, 61–62 (2001)."

⁸⁴ "Supra Note 12.

⁸⁵ Supra Note 13.

corpus, as recognized in legal literature, has been the most unanimously supported form of investigative jurisdiction and is considered as the most valuable writ for personal liberty. It literally means, “let us have the body”. This is the ability of an individual to file a petition for the release of a person who is under unlawful detention. Further, mandamus is issued once a person has exhausted all alternative remedies available and is based upon the discretion of the court to issue such writ. It is issued against a public authority to perform their legal duty which they have failed to do.

The breach of personal liberty is the core of the doctrine. This was supported in *Kanu Sanyal v. District Magistrate, Darjeeling*⁸⁶, where the Supreme Court of India came down to the conclusion that the person is free to ask questions, as there are informal and more direct ways of petitioning, such as writing letters, for personal liberty. The same arguments, as well as the lack of any personal interest, justify the case of *University of Mysore v. Govinda Rao*⁸⁷ where any person is free to sue someone who is wrongly holding a position. This is of public interest and aims to prevent the wrongful holding of state power.

Among the traditional prerogative writs, quo warranto, prohibition, and certiorari have unique rules of standing. Quo warranto meaning, “by what authority,” can be sought by any person, for example, to contest the unlawful usurpation of a public office, such as an appointment that breaches an age limit set by statute. Unlike mandamus, it does not require an injury to be suffered, indicative of its nature as a public law remedy for the unlawful possession of state power. Prohibition and certiorari, on the other hand, deal with the excessive jurisdictional control by inferior courts or tribunals. The writ of prohibition is a “stay order” that prevents a lower court from going on with the case beyond its jurisdiction, while certiorari is the corrective that removes the case with the lower court that has already been issued without jurisdiction, or other breaches of the natural order of justice. Although both require the petitioner to show some degree of interest, their existence indicates the underlying constitutional structure that prefers the rule of law and jurisdictional overreach over rigid frameworks of personal harm. In particular the Court in *Calcutta Gas Co. v. State of West Bengal*⁸⁸ perpetuated the requirement of an actual legal

⁸⁶*Kanu Sanyal v. Dist. Magistrate, Darjeeling*, (1973) 2 S.C.C. 674.

⁸⁷*Univ. of Mysore v. Govinda Rao*, A.I.R. 1965 S.C. 491.”

⁸⁸“*Calcutta Gas Co. v. State of W.B.*, A.I.R. 1962 S.C. 1044.

injury. The public and private enforcement of the duties of the State and the correction of an excess of jurisdiction do admit, in the more service, tender, and contract disputes, more broad and free variation in the enforcement of fundamental and collective wrongs.

Furthermore, it is pertinent to note that a PIL cannot be filed if it involves any private interest or gain to an individual. PIL can be filed on the following three basic requirements

1. Personal injury
2. Causation
3. Redressability

Standing under Statutes & Fora

Criminal Process and Victimology

There has been a profound change in the evolution of criminal processes especially in the area of locus standi. In the past, the prosecution of a crime was solely the domain of the State, and in such cases, the victims were practically silent. That changed in 2009 when the Code of Criminal Procedure was amended and introduced the proviso to §372⁸⁹, which allows victims the right to appeal against acquittals, sentence inadequacy, and inadequacy of compensation. Judicial reasoning has also broadened the participation of victims in the process. In *Satya Pal Singh v. State of Madhya Pradesh*⁹⁰, the Court accepted that the father of the deceased victim holds locus standi to appeal under §372. Victims also have the right, in exceptional cases, to intervene in bail proceedings or apply for bail cancellation, which is an outflow of the Article 21⁹¹ right to dignity and the right to justice. This expansion of the victim's role is an illustration of the wider global shift in the criminal process with a focus on participatory rights.

Environmental Governance

The other area of law which has the most energetic standing jurisprudence is environmental law and M.C. Mehta's line of cases primarily with restatement of how the courts understood

⁸⁹ Code of Criminal Procedure, No. 2 of 1974, § 372.

⁹⁰ *Satya Pal Singh v. State of M.P.*, (2015) 15 S.C.C. 613.”

⁹¹“India Const. art. 21.

environmental injury, Mehta's standing framework and its other branches rationalized how harm was remote and why it was intergenerational, hence rationalized standing. *M.C. Mehta v. Union of India (Ganga Pollution case)*⁹² ruled that there was a gratuitous element in the petitions of those who "not a riparian owner" and hence sought to maintain action in relation to the river. The precautionary principle and the polluter pays principle of law were then indigenized along with Mehta, and other judicial innovations, and M. C Mehta's proteges.

The NGT Act of 2010 as well as its section 18⁹³, the NGT, reflected the first institutionalized jurisprudence to recognize Mehta's and indigenized principles, thus specializing and broadening the access to environmental justice. This is a first indication that environmental guardianship as a matter of justice is not restricted to those who suffer injury.

Market and Governance Spheres

The Court has been very careful to restrict the use of PIL in the context of commercial, tender and contract disputes. In the case of *Raunaq International Ltd. v. I.V.R. Construction Ltd.*⁹⁴, the Supreme Court ruled that only the allegations of mala fides, of arbitrariness, or of corruption when the public interest is concerned can justify any kind of judicial intervention in the case of government contracts. In parallel cases, in *Balco Employees' Union v. Union of India*, the Court cautioned against the use of PIL aimed at challenging economic policies.

In stark contrast, some statutory forums employ definitional standing indiscriminately. Under the Consumer Protection Act⁹⁵, the locus is granted to "consumers" or registered consumer associations which does make the access easier albeit through consumer contracts. The Companies Act, 2013 granted shareholders derivative actions §245, which allow members and depositors to sue for the mismanagement of the company. These statutory instruments signal controlled increase in locus standi in the context of market governance in the interest of restrained corporate judicial governance accountability.

⁹² *M.C. Mehta v. Union of India*, AIR 1987 SC 1086.

⁹³ National Green Tribunal Act, No. 19 of 2010, § 18.

⁹⁴ *Raunaq Int'l Ltd. v. I.V.R. Constr. Ltd.*, (1999) 1 S.C.C. 492."

⁹⁵ "Consumer Protection Act, No. 68 of 1986 (India).

Administrative Info and Openness

As with most other jurisdictions, the Indian case law around the Right to Information Act probably also interdicts the practice of shadow jurisdiction by lowering the traditional access hurdle to information, while access is framed as subordinate to injury in participatory rights. This is also the reason why courts in India have been willing to entertain writ petitions for the enforcement of nondisclosure obligations, as they have come to recognize that access to information is a constitutional right under Articles 19(1)(a)⁹⁶ and 21⁹⁷ of the Constitution. The act of RTI is the perfect model which proves the applicability of Perkins reforms in a therapeutic setting.

Representative & Collective Actions

Representative and collective litigation mechanisms are part of the reason why locus standi is so multifaceted in India. The “*next friend*” doctrine is important because it allows petitions to be lodged for minors, the mentally ill, disabled persons, and those in prison. In *Sheela Barse v. Union of India*⁹⁸, the Court treated a journalist’s letter, which was written about a woman prisoner being beaten and tortured, as a PIL, which in turn shows advocacy on the part of the Court.¹⁴

Apart from the constitutional writs, the Code of Civil Procedure contains provisions for representative suits in Order I Rule 8, which authorizes a member or several members of a class to sue in a representative capacity with the leave of the Court. Such Actions, while with the theories of PIL, are a class of Actions Set apart. Similar to this, the Companies Act permits Derivative Actions.

In the case of *State of Uttaranchal v. Balwant Singh Chauhal*⁹⁹, Court stressed that the credentials and motives of PIL petitioners must in order to avoid funding system abuse. Courts in such scenarios routinely require underlying parties to the dispute to file affidavits, and also appoint amicus curiae and commissioners to ascertain the truth of the matter. These mechanisms

⁹⁶ INDIA CONST. art. 19, cl. (1)(a).

⁹⁷ INDIA CONST. art. 21.

⁹⁸ *Sheela Barse v. Union of India*, (1986) 3 SCC 596.”

⁹⁹“*State of Uttaranchal v. Balwant Singh Chauhal*, (2010) 3 S.C.C. 402.

deal with the potential for conflicts of interest, elite domination, and even “public interest” litigation that serves no public purpose. More and more, there are demands for scrutiny of the funding and motives for the litigation, and the reasons for sponsoring the petition.

In any case, the system of representative and collective actions illustrates the Indian standing doctrine as a hybrid: expanded enough to allow citizen and group litigation on behalf of the marginalized, but also tempered with procedural safeguards against abuse of the judicial system.

CRITICAL ANALYSIS AND COMPARATIVE CALIBRATION

Normative Evaluation

Indian locus standi liberalization has yielded important benefits. It has equipped the disadvantaged and marginalized with the ability to participate in the legal process through the grant of a voice by the law. In the classic case of *People’s Union for Democratic Rights v. Union of India*¹⁰⁰, the Court gave a hearing to the rights of contract laborers for remedies that would otherwise have gone unremedied because of the limitations of the economy and information asymmetry.

In the same manner, the widening of epistolary jurisdiction in the case of *Sunil Batra v. Delhi Administration*¹⁰¹ gave protections to prisoners and highlights the manner in which the widening of locus standi has enshrined socio-economic entitlements under the constitutional fold. The transformative process enabled the setting up of structural remedies like continuing mandamus, which have been instrumental for remedying concerns of bonded labor, urban homelessness, and environmental damage.

But such expansion carried its own danger. Assumptions of policy-making roles by courts is dangerous for the separation of powers¹⁰². Courts rarely have fact-finding ability like commissions or legislatures and thus evidentiary weaknesses follow. Widened standing also inundated judicial docketing, with frivolous petitions and “publicity interest litigation” filling

¹⁰⁰People’s Union for Democratic Rights v. Union of India, (1982) 3 S.C.C. 235 (India)

¹⁰¹Sunil Batra v. Delhi Admin., (1978) 4 S.C.C. 494 (India).”

¹⁰²“ S.P. Sathe, Judicial Activism in India: Transgressing Borders and Enforcing Limits 203–04 (2002).

courts up.¹⁰³ The Supreme Court in *Subhash Kumar v. State of Bihar*¹⁰⁴ recognized the danger of abuse of the PILs for private or commercial interests. Fears over elite capture by which wealthy players crowd the crowded field of "public" causes further emphasize paternalism and the risk of PIL adjudication.

The doctrinal direction is that of moving away from unregulated expansion towards graduated retrenchment. Since the late 1990s, the Court began filtering the PILs through rejecting commercial or contract matters, looking for bona fides, and insisting upon proportionality of remedy. *BALCO Employees' Union v. Union of India*¹⁰⁵ stressed upon the fact that the PILs shall not be a tool of business competition. This development is an attempt at weighing openness against institutional capacity.

Comparative Framework

The U.K. has adopted a pragmatic but circumscribed approach on standing under the "sufficient interest" criterion of the Supreme Court Act, 1981¹⁰⁶. In *R v. Inland Revenue Commissioners, ex parte National Federation of Self-Employed and Small Businesses*¹⁰⁷ ("Fleet Street Casuals"), Lord Diplock emphasized the interdependence of merits and standing. Later, *R v. Secretary of State for Foreign Affairs, ex parte World Development Movement*¹⁰⁸ expanded accessibility where there was frail democratic accountability, verifying standing for NGOs for foreign aid allocation. Most prominently, *AXA General Insurance v. Lord Advocate*¹⁰⁹ stressed proportionality sifting public interest litigation.

By contrast, U.S. courts maintain restrictive thresholds under Article III¹¹⁰. Standing doctrine requires injury-in-fact, causation, and redressability, as crystallized in *Lujan v. Defenders of Wildlife*¹¹¹. Prudential limits, such as prohibitions on generalized grievances, have curtailed

¹⁰³ P.N. Bhagwati, Judicial Activism and Public Interest Litigation, 23 Colum. J. Transnat'l L. 561, 568 (1985).

¹⁰⁴ *Subhash Kumar v. State of Bihar*, (1991) 1 S.C.C. 598 (India).

¹⁰⁵ *BALCO Emps. Union v. Union of India*, (2002) 2 S.C.C. 333 (India).

¹⁰⁶ Supreme Court Act, 1981, c. 54, § 31(3) (UK).

¹⁰⁷ *R v. Inland Revenue Comm'rs, ex parte Nat'l Fed'n of Self-Employed & Small Businesses Ltd.* [1982] A.C. 617 (HL).

¹⁰⁸ *R v. Sec'y of State for Foreign Affairs, ex parte World Dev. Movement* [1995] 1 W.L.R. 386 (Q.B.).

¹⁰⁹ *AXA Gen. Ins. Ltd. v. Lord Advocate* [2011] UKSC 46, [2012] 1 A.C. 868."

¹¹⁰ "Supra Note 3.

¹¹¹ *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992).

taxpayer and ideological suits (*Frothingham v. Mellon*)¹¹². Environmental and associational standing were only selectively recognized under statutes. This reflects judicial restraint rooted in separation of powers.

South Africa, through Section 38 of the Constitution, upholds one of the world's most lenient models for standing. The courts allow for standing for the public interest or for entities who are championing groups that are otherwise not litigating. In *Ferreira v. Levin*¹¹³, the Constitutional Court reinforced the importance of broad standing as an integral part of transformative constitutionalism. Likewise, it was confirmed in *Doctors for Life International v. Speaker of the National Assembly*¹¹⁴ that participatory democracy calls for readily available standing. South African jurisprudence, however, moderates the approach through the addition of the requirements for proportionality of remedy and institutional oversight.

On the other hand, the significant number of cases within India demands a relaxed response for cases of failure of representation; however, the system developed within South Africa confirms that broad accessibility should accompany tough remedial processes. In addition, the system followed by the United Kingdom of connecting merits with standing is one of filtering out spurious claims.

A Standardised Indian Standing Test

Drawing from comparative analyses, a four-faceted calibrated assessment for India may be put forward.

1. Injury and Social Injustice Categorization: Standing will be for universal or systematic injuries whether of an environmental damage or abusive custody sort without reaching private or commercial controversies.
2. Representation Failure: The courts must determine whether the principal victims are unable to litigate due to poverty, imprisonment, disablement, or divided damage. This recalls *Bandhua Mukti Morcha*, where bonded laborers lacked agency to go to courts.¹¹⁵

¹¹² *Frothingham v. Mellon*, 262 U.S. 447 (1923).

¹¹³ *Ferreira v. Levin*, 1996 (1) SA 984 (CC) (S. Afr.).

¹¹⁴ *Doctors for Life Int'l v. Speaker of the Nat'l Assembly*, 2006 (6) SA 416 (CC) (S. Afr.).”

¹¹⁵“*Bandhua Mukti Morcha v. Union of India*, (1984) 3 S.C.C. 161 (India).

3. The Bona Fides and Capacity of the Petitioners: Petitioners must clarify the possibility of conflicts, describe their funding arrangements, and validate a demonstrable record of achievement. In the State of *Uttaranchal v. Balwant Singh Chaufal* scenario, the Court reminded itself of the danger of exploitation by “busybody” litigants.¹¹⁶
4. Remedy-Fit & Institutional Capacity: Relief should be judicially manageable—narrow, monitorable, and non-polycentric remedies. Mandamus can be saved but subject to the condition of sunset clauses or repeated review.
5. Screening instruments can be pre-admission affirmations, commissioner fact-finding, and amicus sorting. These would refine the liberatory potential of PIL and protect courts from overreach and docket clogging.

SUGGESTIONS

The evolving approach towards PILs has been beneficial, but also has issues related to doctrinal standards and misapplication which has led to questions on the legitimacy of the approach. In this context, reforms that augment accessibility, ensure the protection of genuine public interests, and strengthen institutional responsibility regarding public accountability would be increasingly vital.

1. Rational Standing Classification

The absence of standard rules regarding the principles of standing that different benches apply as a case control is a long standing concern. In response, the Supreme Court and High Courts should institute a simple uniform prehistorical admission checklist based on a four-tiered approach that has been developed for this purpose which includes the presence of a public wrong, bona fide petitioner, no alternative remedies, and the staged level of intervention. This aligns with the approach in the *Uttaranchal* case where some discipline in the admission of PILs is essential.¹¹⁷ Moreover, there should be first the obligation to disclose the politically or commercially motivated interests behind the framing of the petition to ensure that there is no misuse or abuse of the system.

¹¹⁶ *State of Uttaranchal v. Balwant Singh Chaufal*, (2010) 3 S.C.C. 402 (India).”

¹¹⁷ *State of Uttaranchal v. Balwant Singh Chaufal*, (2010) 3 S.C.C. 402 (India).

2. Including the Perspectives of Victims and the Community

The “elite ventriloquism” phenomenon described by scholars like Anuj Bhunia is, by far, the most scathing critique of PIL. As argued by the author, “The lawyers or NGOs who are more sensitive, well intentioned, and ‘marginalized’ only speak for’ the community members who are most deeply grounded and robustly engaged.¹¹⁸ The members of the community are most likely absent.” To deal with this, the courts could, as a policy, invite affidavits, statements, or interventions from ‘members of the community directly affected’ at the admission stage. This is a practice that could stave off detachment of PIL from the realities of lived experiences and ensure that judicial actions are fundamentally grounded on authentic inputs, rather than elite framings.

3. Data and Docket Management: the Need for Improved Docket Management

The continuing mandamus clinic model has helped the courts, in very important subjects, have direct supervision of the actions of the executive. However, this has also added a significant burden of the judicial dockets. To ameliorate this, the courts should generate, and make public, ‘four or more’ dashboards each year that capture ‘within a year’ a record of: a. The total number of PILs filed b. The average number of days of pendency ‘master’ under continuing mandamus and c. The total number of compliance achievements consolidated.¹¹⁹ These would mark, at the very least, the very first steps towards meeting the international standards of judicial transparency, and, at the same time, also serve to bolster the institutional reputation.”

4. Domain-Specific Doctrinal Tweaks

Not all PILs are alike, and doctrinal refinements must reflect this diversity. In **tender and contractual disputes**, PIL should face a **presumptive bar** unless the petitioner demonstrates prima facie illegality, arbitrariness, or corruption with statewide implications, consistent with the restrictive approach seen in *JasbhaiMotibhai Desai v. Roshan Kumar*.¹²⁰ By contrast, in matters relating to **environmental protection** or **custodial rights**, standing should remain presumptively

¹¹⁸ Anuj Bhunia, *Courting the People: Public Interest Litigation in Post-Emergency India* (2017).

¹¹⁹ Nick Robinson, *Expanding Judiciaries: India and the Rise of the Good Governance Court*, 8 Wash. U. Global Stud. L. Rev. 1, 25–27 (2009) (discussing transparency and judicial governance).

¹²⁰ *JasbhaiMotibhai Desai v. Roshan Kumar*, (1976) 1 S.C.C. 671 (India).

open. In *M.C. Mehta v. Union of India*, the Court held that environmental harm is a matter of public concern, justifying broad standing.¹²¹ Similarly, in *Sheela Barse v. State of Maharashtra*, the Court entertained a journalist's petition on behalf of undertrial prisoners, reflecting openness to custodial rights claims.¹²² Fact-finding in such cases may be expedited through court-appointed commissioners or expert panels.

5. Remedial Discipline

Discretionary innovation in PIL frequently results in extensive structural directives, yet their perpetual enforcement erodes institutional equilibrium. This can be remedied by retaining "sunset clauses" and periodic review safeguards. Shifts towards problem-solving hearings with structured plans of action from executive agencies would also substitute open-ended surveillance. This way, judicial efficacy would be preserved as overreach would be avoided.

6. Training and Professional Incentives

Last, the Bar's advocacy for PIL practice should be reinforced. With granting advocacy accreditation and instituting specialized training for PIL advocates, representation is expected to improve. On the other hand, sanctions or costs for pleadings filed in bad faith and vexatiously should be retained and emphasized, in line with the warning in *Subhash Kumar v. State of Bihar*, where the Court frowned upon the exploitation of PIL for selfish purposes.¹²³

CONCLUSION

Evolution of locus standi in Indian jurisprudence has registered a remarkable transition from exclusionary formalism to responsive constitutionalism. What was previously, in the earlier decades, a strict doctrine, one where a "person aggrieved" only was worthy to approach courts for redressal, has been redefined as a dynamic, justice-seeking principle making accessibility to justice central. The paradigm shift was provided by *S.P. Gupta v. Union of India*, when the Supreme Court agreed that a bona fide general public person with a reasonable interest may approach courts for rectification of wrongdoings committed against the general public. The

¹²¹*M.C. Mehta v. Union of India*, (1987) 1 S.C.C. 395 (India).

¹²²*Sheela Barse v. State of Maharashtra*, (1983) 2 S.C.C. 96 (India).

¹²³*Subhash Kumar v. State of Bihar*, (1991) 1 S.C.C. 598 (India).

transition redrew the courts as a "people's court," bringing into alignment the constitutional ideal underlying Article 32¹²⁴ and Article 226¹²⁵ and the ground reality faced by marginalized sections that lacked the wherewithal to litigate directly.

In order to effect such transition, procedure innovations in the form of epistolary jurisdiction, next-friend petition, and continuing mandamus were crafted. The court was thus empowered thereby with these tools to violate conventional restraints upon procedure and to tackle issues of bonded labour, custodial injustice, and environmental devastation at the system level. The courts were thus able to constitutionalize socio-economic rights and create structural remedies in spheres hitherto considered beyond court reach. Public interest litigation (PIL) thus provided a vehicle for democratizing justice and ensuring that voices that were unheard were heard in a formalist legal system.

Yet such liberalization of standing has proven anything but headache-free. Increased accessibility has brought a flood of petitions that are frequently devoid of a demonstrable public interest. Courts have had to contend with threats of docket congestion, forum shopping, and abusers of PIL for political or private motives. The judiciary has counteracted by erecting necessary guardrails: a requirement for bona fides on behalf of petitioners, weeding out private or commercial disputes masquerading as public causes, and limiting remedies in keeping with institutional ability. They are a measure aimed at preserving the legitimacy of PIL while reigning in its misuse.

Relative to other typical common law systems, India's is again more liberal. The United States remains in a rigid Article III standing doctrine, requiring injury-in-fact, causation, and redressability. The United Kingdom, while adopting a more vibrant "sufficient interest" test, however, relates standing intimately to the degree of personal impact on the litigant. South Africa, by contrast, parallels India's permissiveness, openly vesting public-interest and representative actions under Section 38 of its Constitution, though with judicious proportionality in redress. The comparative lesson here is that liberal standing is arguably not uniquely Indian, but the extent of innovation relates distinctively. Next, we require a calibrated Indian model for standing.

¹²⁴ *Supra* Note 12.

¹²⁵ *Supra* Note 13.

The future of PIL must be conditioned upon a quadruple bottom line: Firstly, a penchant for systemic or diffuse public damages to private disputes; Secondly, an acknowledgement of representation failure where victims themselves cannot sue; Thirdly, vigilant scrutiny over petitioner bona fides and competence; and Fourthly, calibration of remedies against the backdrop of court competence. such a test would ensure that the emancipatory promise of liberal standing gets insulated while keeping a tight leash on the perils surrounding overreach and abuse.

The Indian experiment with standing thus becomes one of international public law's greatest contributions. By throwing its portals wide open to the voiceless, the courts have breathed life into the democratic promise around the Constitution. By fine-tuning doctrinal protections, simultaneously, they have shown sensitivity to their institutional horizon. The evolution of locus standi in India thus balances both the promise and perils of a rights-oriented constitutional regime.