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No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 73059 14348 – info@iledu.in / Chairman@iledu.in



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A STUDY ON COST BENEFIT ANALYSIS OF PUBLIC INTEREST LITIGATION: A MULTI-DIMENSIONAL APPROACH

AUTHORS – S.THUHINI* & DR. M.D. CHINNU**

* STUDENT AT SCHOOL OF EXCELLENCE IN LAW, THE TAMILNADU DR. AMBEDKAR LAW UNIVERSITY, CHENNAI-600040

** ASSISTANT PROFESSOR. DEPT. OF ECONOMICS, SCHOOL OF EXCELLENCE IN LAW, THE TAMILNADU DR. AMBEDKAR LAW UNIVERSITY, CHENNAI-600113

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Abstract

This study examines civil Public Interest Litigation through the lens of economic cost-benefit analysis (CBA), arguing that economic evaluation can serve as a complementary tool to enhance judicial efficiency without undermining the constitutional objectives of PIL. Using doctrinal research methodology, the study analyses judicial precedents, scholarly literature, and procedural practices to highlight the absence of structured economic scrutiny in civil PIL adjudication. It demonstrates how incorporating CBA at the admission and remedial stages can assist courts in prioritising high-impact cases, designing implementable remedies, and filtering out petitions that impose disproportionate costs relative to their public benefit. The study concludes that integrating economic cost-benefit analysis into civil PIL practice can strengthen judicial discipline, improve resource allocation, and preserve the legitimacy of PIL as a mechanism for genuine public interest litigation.

Keywords: *Public Interest Litigation, Economic Cost-Benefit Analysis, Civil Justice System, Judicial Efficiency, Frivolous Litigation*

1. Introduction

Public Interest Litigation (PIL) occupies a unique position in the civil justice system by enabling courts to address issues that affect the public at large. It has played a significant role in protecting environmental interests, safeguarding consumer rights, ensuring government accountability, and promoting social welfare. By relaxing procedural requirements such as locus standi, courts have widened access to justice and strengthened constitutional governance.

However, the growing number of civil PILs has also created serious challenges for the judiciary. Courts are increasingly burdened with cases that involve complex policy decisions and

large-scale financial implications. Many of these cases are entertained without a systematic assessment of the economic costs involved, both for the State and for the judicial system. This often results in delayed justice, strained public resources, and inconsistent outcomes.

Economic Cost Benefit Analysis (CBA) provides a useful analytical framework to evaluate whether judicial intervention in civil PILs produces greater public benefit than cost. Incorporating economic reasoning into civil PIL adjudication can help courts balance constitutional ideals with practical realities. This study examines the relevance of economic cost

benefit analysis in civil Public Interest Litigation and its impact on judicial efficiency.

2. Statement of Problems

Civil Public Interest Litigation has expanded significantly over the years, but its unchecked growth has led to several problems within the civil justice system. Courts frequently admit PILs without evaluating their economic feasibility or long-term consequences. This absence of economic scrutiny contributes to judicial backlog, misuse of PIL for private or political motives, and inefficient allocation of public funds. Judicial orders in civil PILs sometimes impose heavy financial obligations on the State without a proper assessment of costs and benefits. The lack of a structured screening mechanism creates uncertainty and inconsistency in judicial decision-making, thereby affecting overall judicial efficiency.

3. Review Of literature

Economic Efficiency of Public Interest Litigation

Raja and Rathinam (2008) analyze Public Interest Litigation from a law and economics perspective and argue that PIL can function as an economically efficient legal mechanism under certain conditions²⁵²². The authors explain that PIL becomes necessary where private litigation fails due to high transaction costs, collective action problems, or lack of financial incentives. They emphasize that PIL helps internalize social costs by allowing courts to address widespread harm affecting large groups. However, the study also cautions that the absence of economic screening may lead to excessive litigation. Unregulated PIL admissions can burden courts and dilute judicial focus. The authors conclude that economic efficiency should be considered while entertaining PILs to ensure that public benefits outweigh institutional and administrative costs.

Supreme Court of India – PIL Guidelines and Screening

The Supreme Court of India has laid down detailed guidelines governing the filing and admission of PILs to prevent misuse. These guidelines establish a preliminary screening mechanism through PIL Cells that examine petitions before they reach judicial benches. The Court emphasizes that petitions motivated by personal gain, publicity, or political rivalry must be rejected at the threshold²⁵²³. This framework reflects an implicit cost-benefit approach by conserving judicial time and preventing unnecessary expenditure of public resources. The guidelines aim to balance access to justice with institutional efficiency.

INFLIBNET – Procedural Aspects of PIL Screening:

The INFLIBNET study outlines the procedural evolution of PILs and highlights the importance of screening at the admission stage. It explains that while PILs relax traditional locus standi rules, courts retain discretion to assess the genuineness of public interest involved²⁵²⁴. The study observes that inconsistent application of screening standards weakens procedural discipline. It further notes that absence of uniform criteria results in docket congestion. Strengthening preliminary scrutiny is recommended to ensure efficient adjudication.

PIL and Socio-Economic Constraints

The Law Society Online article examines Public Interest Litigation in the context of socio-economic inequality and access to justice. It highlights that PIL plays a vital role in addressing structural injustice and economic marginalization. However, the article also management is essential for sustainable acknowledges practical constraints such as limited judicial capacity, funding issues, and litigation costs²⁵²⁵. It notes that prolonged PIL proceedings can strain public institutions and

²⁵²² Raja, A. V., & Rathinam, F. X. (2008). *Economic Efficiency of Public Interest Litigation: Lessons from India*. SSRN.

²⁵²³ Supreme Court of India. *Guidelines on Public Interest Litigation*.

²⁵²⁴ INFLIBNET. *Public Interest Litigation – Concept and Procedure*.

²⁵²⁵ Law Society of England and Wales. (n.d.). *Public Interest Litigation and access to justice*.

delay implementation. The study argues that while PIL promotes economic justice, its effectiveness depends on judicial efficiency. The article indirectly supports the need for balancing social objectives with economic feasibility. It concludes that responsible judicial PIL outcomes.

The Law Institute – Screening as Institutional Control

The Law Institute's study emphasizes that screening mechanisms act as institutional control points in PIL adjudication²⁵²⁶. It argues that preliminary scrutiny ensures alignment between judicial intervention and public welfare objectives. The study links effective screening with reduction of economic and administrative costs. It concludes that screening enhances legitimacy and sustainability of PIL jurisdiction.

4. Research Gap of the Study

Most existing studies on Public Interest Litigation focus on constitutional philosophy, judicial activism, and access to justice. Very few scholarly works analyze civil PIL from an economic perspective. The relationship between judicial efficiency and economic cost assessment remains largely unexplored. There is also limited doctrinal research on the feasibility of introducing cost benefit analysis at the admission stage of civil PILs. This study seeks to fill this gap by examining civil PIL through the combined lens of legal doctrine and economic analysis.

5. Objectives of the Study

1. To examine the role and significance of Public Interest Litigation in civil matters within the Indian legal system and its contribution to access to justice and social welfare.
2. To analyse the growth and evolution of civil Public Interest Litigation in India and the challenges arising from its increasing use, particularly judicial backlog and misuse.

3. To study the concept of economic cost-benefit analysis (CBA) and its relevance to judicial decision-making in civil Public Interest Litigation.
4. To assess the impact of the absence of economic cost-benefit analysis in civil PILs on judicial efficiency, resource allocation, and consistency in judicial outcomes.
5. To examine the problem of frivolous and motivated Public Interest Litigations in civil matters and their economic and administrative consequences.
6. To evaluate existing judicial screening mechanisms for civil PILs and identify their limitations in addressing economic feasibility and long-term consequences.

6. Methodology

This research is based on both doctrinal and non-doctrinal research. The sources of data is collected from different newspaper, journals, magazines, All India Reports and E-Resources. This Research is used in some of the statistical tools such as percent method and average method. This research is used in stratified random sampling. The sample size of the Respondents are one hundred and eight. The duration of this research is three months.

7. Significance of the Study

Civil Public Interest Litigation plays an important role in protecting collective rights, but its effectiveness depends on judicial efficiency and responsible intervention. This study highlights the need to consider economic implications while deciding civil PILs. By introducing cost benefit analysis, courts can ensure that judicial remedies are practical, sustainable, and socially beneficial.

The study is significant for judges, policymakers, and legal scholars as it proposes a structured approach to evaluating civil PILs. It also contributes to the ongoing debate on judicial reform by suggesting methods to reduce

²⁵²⁶ The Law Institute. *Impact of Public Interest Litigation in India*.

frivolous litigation and optimize the use of judicial resources.

8. Hypothesis of the Study

This study is based on following hypothesis are:

1. The absence of economic cost benefit analysis in civil Public Interest Litigation negatively affects the efficiency of the civil justice system by contributing to backlog, resource misallocation, and inconsistent judicial outcomes.
2. The introduction of an economic screening mechanism for civil Public Interest Litigation would improve judicial efficiency and ensure better allocation of public and judicial resources.

9. Limitation of the Study

The study is limited to doctrinal analysis and does not involve empirical data or quantitative economic assessment. It focuses primarily on the Indian legal framework and may not fully reflect international practices. Certain social and constitutional benefits of PIL cannot be easily quantified in economic terms.

10. Results and Discussions

Part I- Doctrinal Research

Public Interest Litigation (PIL) is a legal mechanism developed within the civil justice system to allow courts to address issues that affect the public at large rather than individual private disputes²⁵²⁷. In traditional civil litigation, only a person who is directly affected by a legal injury could approach the court. However, PIL departs from this rule by relaxing the requirement of *locus standi*, enabling any public-spirited individual or organization to file a petition on behalf of those who are unable to do so themselves due to poverty, illiteracy, or social disadvantage. This development has played a significant role in widening access to justice in civil matters²⁵²⁸.

²⁵²⁷ S.P. Satbe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press, 2002) 170–185.

²⁵²⁸ Upendra Baxi, “Social Action Litigation in the Supreme Court of India” (1985) 1 *Supreme Court Cases (Journal)* 1.

Under civil matters, PIL is commonly used to challenge violations of constitutional or legal rights that have a broad social impact. Such cases often involve issues related to environmental protection, labour welfare, public health, housing, education, and the proper functioning of government authorities. Instead of seeking private remedies like damages, civil PILs generally aim at securing policy changes, enforcement of statutory duties, or directions to public authorities to act in accordance with law. Through this process, PIL has become an important tool for promoting social and economic justice.

10.1.4 Characteristics of PIL in Civil Matters

Public Interest Litigation in civil matters is characterised by its departure from traditional adversarial litigation and its emphasis on collective rights and social justice. One of its most distinctive features is the **relaxation of locus standi**, which allows any public-spirited individual or organisation to approach the court on behalf of those who are unable to do so due to poverty, illiteracy, social disadvantage, or disability. This has enabled courts to address civil wrongs affecting large sections of society, particularly in areas such as environmental protection, housing rights, labour welfare, and access to basic civic amenities²⁵²⁹.

Another key characteristic is the **procedural flexibility** adopted by constitutional courts in PIL matters. Courts have entertained petitions based on letters, postcards, media reports, and even suo motu cognisance. This informality distinguishes PIL from ordinary civil suits, which are bound by strict procedural rules under the Code of Civil Procedure, 1908. In civil matters, such flexibility allows courts to respond swiftly to systemic failures, especially where delay would result in irreparable public harm.

PILs in civil matters are also marked by the **remedial and supervisory role of courts**. Unlike traditional civil litigation, where the court's role usually ends with adjudication, PIL

²⁵²⁹ M.P. Jain, *Indian Constitutional Law* (LexisNexis, 2018) 1776–1785.

often involves continuing mandamus, periodic monitoring, and appointment of expert committees or amici curiae to ensure effective implementation of judicial directions. This feature reflects the court's proactive role in governance-related civil issues.

10.1.7 Courts procedure of Public Interest Litigation

Public Interest Litigation (PIL) in civil matters allows courts to be approached for the protection of **public or collective rights**, rather than individual grievances. In India, PILs are typically filed in the **High Courts under Article 226** or in the **Supreme Court under Article 32** of the Constitution²⁵³⁰. Unlike ordinary civil suits, the petitioner in a PIL does not need to be personally affected by the issue. The purpose of this relaxation in the rules of *locus standi* is to enable public-spirited individuals or organizations to represent the interests of those who cannot access the legal system due to poverty, illiteracy, or other disadvantages. This framework ensures that civil courts can intervene in matters affecting the wider public, including human rights violations, environmental issues, and administrative failures.

The process of filing a PIL begins with drafting a petition that clearly states the **public interest objective**, the facts of the case, and the legal grounds for relief. The petition should demonstrate that the grievance affects a substantial section of the public and is not motivated by private interests²⁵³¹. Supporting documents, including official correspondence or reports, may be attached to strengthen the petition. Multiple copies are submitted to the court, and in most cases, a **nominal court fee** is required. The petition is also typically served on all respondents named in the case, who may include government departments, public authorities, or officials.

Once submitted, the court conducts **preliminary scrutiny** to determine whether the petition genuinely concerns public interest. If admitted, notices are issued to the respondents, and they are usually directed to file counter-affidavits addressing the allegations. During hearings, the court may allow **oral arguments, appoint experts, or direct investigations** to verify factual claims. Courts can also grant **interim orders**, such as maintaining the status quo or preventing harm, until a final decision is reached. This flexible procedure allows civil courts to address systemic problems while ensuring procedural fairness.

Finally, while PILs expand access to justice, courts remain cautious about potential **misuse**. Petitions that are frivolous, vexatious, or driven by private or political motives may be dismissed, and the court can impose **costs on the petitioner** as a deterrent. Judicial oversight ensures that PIL remains a mechanism for **genuine public welfare** rather than a tool for personal gain. Overall, civil PILs play a critical role in promoting social justice, protecting constitutional rights, and holding public authorities accountable, thereby strengthening the rule of law in India.

10.1.8 Frivolous Public Interest Litigation

A **frivolous Public Interest Litigation (PIL)** in civil matters refers to a petition that is *filed in the name of public interest but is fundamentally lacking in genuine public cause or legal merit*. Such PILs are often designed to serve *extraneous motives* such as gaining publicity, settling personal or political scores, or distracting courts from legitimate issues. The Supreme Court and High Courts have repeatedly cautioned against this trend, noting that **PILs should not be used as a tool for personal or vested interests**, as these dilute the very purpose for which PIL was conceived that is, to give voice to those who genuinely lack access to justice.

In *PIL industry* jurisprudence, the Supreme Court has explicitly observed that many PIL petitions

²⁵³⁰ M.P. Jain, *Indian Constitutional Law* (LexisNexis, 2018) 1786–1795.

²⁵³¹ Upendra Baxi, "The Avatars of Indian Judicial Activism" (1985) 4 *Supreme Court Cases (Journal)* 245.

“turn out to be motivated by private interest rather than public interest,” and can create *undue strain on judicial time and resources*. The court stressed that when a petition is essentially aimed at *publicity-seeking* or “settle[ing] extra-judicial scores,” it detracts attention from serious legal issues and undermines public faith in the judicial process.

Indian courts have acted firmly against frivolous PILs by imposing costs or dismissing such petitions. In a famous pre-decided case, the Supreme Court **slapped a ₹5 lakh cost on a lawyer for filing a frivolous PIL challenging the oath of a High Court Chief Justice**, describing it as a misuse of the PIL mechanism that consumed precious court time without raising any legitimate public concern²⁵³². Similarly, the Madras High Court imposed costs on a student whose PIL against a government hostel project was deemed *frivolous and lacking proper research*, noting that it merely obstructed public work rather than served the public interest.

Courts also emphasize that **availability of statutory remedies** must be considered before entertaining a PIL a petition may be dismissed as frivolous if the petitioner bypasses specific legislative procedures that exist for redress, suggesting misuse of PIL to avoid established legal channels²⁵³³. Such principles reaffirm that a *frivolous PIL* is not maintainable, and judicial oversight is necessary to preserve the integrity of the writ jurisdiction.

10.1.9 Main elements of Public Interest Litigation in-civil matters

Public Interest Objective:

A fundamental element of any PIL is that it must be filed to serve the public interest, addressing issues that affect a large segment of society rather than private grievances. Courts have repeatedly emphasized that PILs should aim to protect constitutional rights, enforce statutory duties, or promote social welfare. For

instance, in *Hussainara Khatoon v. State of Bihar (1979)*, the Supreme Court intervened on behalf of undertrial prisoners who had been detained for years without trial, highlighting that the petition’s purpose was to safeguard the rights of a vulnerable group. A genuine public interest objective ensures that the PIL is maintainable and is the first test the court applies before admitting a petition.

Relaxed Locus Standi and Verification of Facts

Unlike ordinary litigation, a PIL allows a petitioner who is not directly affected to file on behalf of disadvantaged groups. However, courts require credible evidence and verifiable facts to substantiate the claims. Petitioners often submit documents, official records, media reports, research studies, or affidavits to support their assertions. In *S.P. Gupta v. Union of India (1981)*, the Supreme Court accepted letters and representations from concerned citizens as the basis for a PIL, but emphasized that the court must scrutinize the authenticity and reliability of the information. This ensures that only legitimate concerns affecting the public are entertained, and frivolous or misleading petitions are filtered out.

Judicial Oversight and Remedies:

Another key element is judicial scrutiny, which ensures accountability and prevents misuse. Courts have the authority to examine evidence, issue interim orders, direct investigations, or appoint experts to verify claims presented in the PIL. The petitioner must demonstrate that statutory remedies have been considered, and that the petition genuinely serves collective welfare. Courts may impose costs or dismiss the petition if evidence is insufficient, exaggerated, or fabricated, reflecting the principle that PILs are not to be used for personal, political, or publicity purposes. This combination of public purpose, verified evidence, and judicial oversight constitutes the core framework for a valid PIL in civil matters.

10.1.10 HOW ECONOMIC COST BENEFIT ANALYSIS CAN INTERVENE WITH PIL

²⁵³² *Subhash Kumar v. State of Bihar, (1991) 1 SCC 598.*

²⁵³³ Anuj Bhuwania, *Courting the People* (Cambridge University Press, 2017) 101–120.

Economic cost–benefit analysis (CBA) offers a methodological framework to assess whether judicial intervention in a Public Interest Litigation (PIL) yields net social welfare gains relative to the economic and administrative costs it imposes. While traditional PIL discourse emphasizes access to justice and protection of rights, law and economics research suggests that PIL can also be evaluated through an economic lens to determine whether the benefits of a judicial remedy justify its costs²⁵³⁴. This perspective is rooted in economic efficiency theory, which evaluates legal intervention based on its contribution to overall social welfare rather than merely its normative appeal.

The paper *Economic Efficiency of Public Interest Litigations (PIL): Lessons from India* sets up a framework wherein PIL is treated as an economically efficient choice of redress under specific conditions such as insufficient incentives for private litigation and regulatory failures that impede effective remedy through conventional means²⁵³⁵. Building on this, a CBA approach in PIL entails identifying both quantifiable benefits (e.g., improved public health, enhanced environmental quality, increased regulatory compliance) and the associated costs (e.g., compliance costs for industries, administrative burden on courts and public agencies). Crucially, this analytical framework can help distinguish PILs that produce genuine social returns from those that produce mainly symbolic outcomes without measurable public benefit a distinction that existing screening mechanisms in Indian courts do not always capture.

In the context of PIL, CBA could be formalized by courts or expert committees to estimate net societal returns from proposed judicial remedies. For example, in environmental or health-oriented PILs, economic valuation methods can estimate reduced morbidity and mortality or lower public expenditure on

healthcare against the economic cost of regulatory compliance. Such an approach helps illuminate trade-offs and foreseeable consequences of judicial directives, ensuring that decisions are not made solely on normative preferences without consideration of wider economic effects. Further, requiring litigants to present an early economic assessment could serve as an **ex ante filter** against petitions that lack substantive public value, supplementing courts' existing focus on bona fides and procedural legitimacy²⁵³⁶.

CBA can also be layered with distributive considerations, highlighting not just aggregate welfare but how benefits and costs are distributed across different social groups. This addresses critiques that PILs sometimes serve elite objectives or private interests disguised as public concerns. By systematically evaluating both the **magnitude** and **distribution** of benefits and costs, CBA can flag PILs that are high in symbolic value but low in net social return. This is particularly relevant given documented patterns where PIL petitions divert judicial attention from pressing systemic issues or are filed for personal or political advantage rather than genuine public interest.

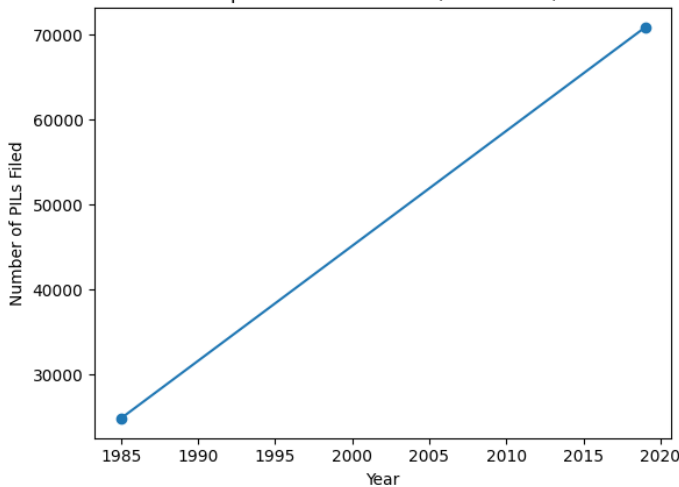
This visual representation contextualises the rapid growth in PIL filings, reinforcing concerns regarding judicial overload and supporting the argument for integrating economic cost–benefit analysis as a supplementary screening mechanism.

²⁵³⁴ Richard A. Posner, *Economic Analysis of Law* (9th edn., Wolters Kluwer, 2014) 529–545.

²⁵³⁵ Cass R. Sunstein, *The Cost-Benefit State* (American Bar Association, 2002) 21–40.

²⁵³⁶ Abhinav Chandrachud, "Judicial Review and Economic Policy" (2016) 8 NUJS Law Review 1.

Trend in Public Interest Litigation Filings
Supreme Court of India (1985-2019)



The above figure illustrates the sharp increase in Public Interest Litigation filings before the Supreme Court of India over several decades. From a procedural standpoint, this growth has intensified the burden at the admission and monitoring stages of PIL proceedings, where courts must assess maintainability, public interest, and implementation feasibility. While existing procedural safeguards focus on bona fides and locus standi, the volume of filings suggests that these mechanisms alone may be insufficient to prevent low-impact or strategic petitions from consuming judicial time. This procedural context provides a strong justification for supplementing existing screening mechanisms with economic cost-benefit analysis at the threshold stage²⁵³⁷.

10.1.11 Impact That Can Be Created by Applying CBA to PIL

Applying CBA to PIL can lead to more nuanced and sustainable judicial remedies in civil matters. One of the primary impacts would be a shift from pure rights-based adjudication toward balanced solutions that consider both legal obligation and economic consequences. For courts, this means assessing whether the expected social benefits of an order justify the economic effort required from the state, industry, and affected citizens, thereby promoting judicial discipline in remedy design

where PIL outcomes align with social welfare maximization and practical feasibility. Importantly, this does not diminish the constitutional role of PIL – instead, CBA reinforces responsible judicial intervention by reducing room for economically unviable directives²⁵³⁸.

Another impact is enhanced prioritization of cases. Courts often face backlogs and resource constraints, and by integrating CBA, they could prioritize PILs with the greatest expected net benefit relative to cost, ensuring that judicial attention is directed toward matters of high social payoff. Such prioritization would help address concerns that PILs sometimes burden judicial resources without significant public value, as highlighted by recent High Court judgments dismissing petitions that lacked substantive public interest.

Furthermore, CBA can improve policy coherence and implementation feasibility. In cases where judicial orders require extensive budgetary allocation or regulatory changes, an economic analysis can signal long-term sustainability and administrative feasibility, helping courts calibrate their directives in ways that are implementable without undue strain on public resources. This can reduce instances where PIL judgments are ignored or resisted due to economic impracticality – a persistent challenge when courts issue broad policy-oriented orders without full consideration of implementation costs.

Finally, incorporating CBA into PIL practice could foster transparency and accountability in judicial decision-making, especially for PILs that impose significant economic burdens. If judges articulate economic reasoning alongside legal reasoning, it becomes easier to scrutinize the social utility of PIL interventions and distinguish between genuine public interest litigation and petitions with minimal public value – a distinction that existing procedural safeguards sometimes struggle to make.

²⁵³⁷ Supreme Court Observer, *On an Average, the Court Receives over 25,000 PILs a Year* (2021), available at <https://www.scobserver.in/journal/on-an-average-the-court-receives-over-25000-pils-a-year/> (last accessed ___).

²⁵³⁸ Richard A. Posner, *Law, Pragmatism and Democracy* (Harvard University Press, 2003) 67–75.

10.1.12 Already Existing Mechanisms Regarding PIL

Existing legal mechanisms governing PIL in India reflect its origins as a flexible tool for access to justice but also highlight areas where economic analysis might complement judicial practice. The Supreme Court and High Courts have relaxed locus standi to allow public-spirited individuals and organizations to initiate PILs on behalf of disadvantaged or underrepresented groups, facilitating broader social participation in the justice system. This flexibility ensures that systemic issues receive judicial attention even when affected groups lack resources to litigate, a foundational principle of PIL jurisprudence²⁵³⁹.

Judicially created procedures such as continuing mandamus, appointment of amici curiae, and the establishment of special monitoring committees are mechanisms through which courts ensure sustained implementation of PIL orders²⁵⁴⁰. These tools help enforce compliance and adapt remedies over time as conditions change; however, they often impose significant administrative and enforcement costs on public authorities. Economic evaluation methods like CBA could serve as an additional filter, offering an objective measure of whether the expected social value of issuing or continuing such remedies justifies these costs.

Courts also admit PILs based on suo motu cognizance, reports, or media coverage, reflecting the procedural flexibility of the institution. While this inclusivity allows courts to address emergent public problems, it also raises concerns about arbitrary selection and the risk of entertaining petitions with limited public value a gap that systematic economic evaluation could help address. Indeed, scholarship and judicial commentary increasingly note the trend of PIL misuse and litigation overload that can strain judicial capacity and divert attention from high-impact cases.

Despite these mechanisms, concerns about litigation overload and injudicious PILs persist. Research on misuse highlights how some PILs are filed for harassment, publicity, or private ends, blurring the line between genuine public interest matters and strategic litigation. Strengthening PIL with economic analysis could complement existing mechanisms by helping courts differentiate high-impact public interest cases from those imposing disproportionate costs without commensurate social benefit, thereby enhancing the overall efficacy of PIL jurisprudence.

10.2 Relevant case laws

1. S.P. Gupta v. Union of India (1981)

This case is universally regarded as the foundational authority on Public Interest Litigation in India. The Supreme Court liberalised the traditional rule of locus standi and held that any public-spirited individual could move the court for enforcement of constitutional or legal rights of persons unable to approach the court themselves. The judgment conceptualised PIL as a tool to make justice accessible to the poor, illiterate, and socially disadvantaged, thereby transforming civil jurisprudence from a private dispute resolution mechanism into an instrument of social justice. The Court famously observed that “where a legal wrong or legal injury is caused to a person or to a determinate class of persons... any member of the public can maintain an application”²⁵⁴¹, laying the constitutional foundation for PIL.

2. Hussainara Khatoon v. State of Bihar (1979)

This case marked the practical beginning of PIL jurisprudence, as the Supreme Court entertained a writ petition based on a newspaper report highlighting the plight of undertrial prisoners languishing in jails for years. The Court treated the matter as a PIL and expanded the scope of Article 21 to include the right to speedy trial. It demonstrated how PIL could be used to protect fundamental rights of marginalised groups who lacked access to

²⁵³⁹ *Supra* note 9

²⁵⁴⁰ *Supra* note 10

²⁵⁴¹ *S.P. Gupta v. Union of India*, (1981) Supp SCC 87

legal remedies. The Court emphasised the urgency of judicial intervention by holding that “speedy trial is an essential ingredient of reasonable, fair and just procedure”²⁵⁴² under Article 21

3. Subhash Kumar v. State of Bihar (1991)

This case is significant for drawing a clear distinction between genuine and fake or motivated PILs. While recognising the importance of PIL in protecting fundamental rights, particularly environmental rights, the Supreme Court cautioned against its misuse for personal or oblique motives. The Court held that petitions filed in the guise of public interest but aimed at serving private interests are not maintainable. The judgment expressly stated that “Public interest litigation cannot be invoked by a person or body of persons to satisfy his or its personal grudge and enmity”²⁵⁴³, thereby establishing an early judicial check against frivolous PILs.

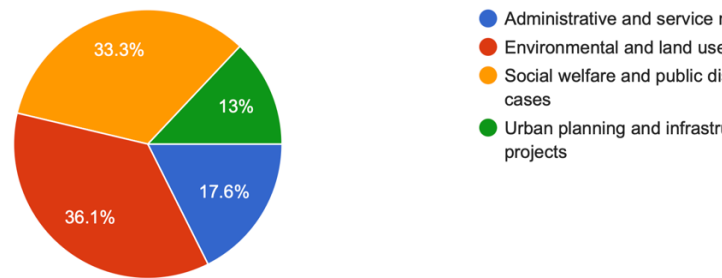
4. State of Uttaranchal v. Balwant Singh Chauhal, (2010)

This landmark judgment consolidated principles governing PIL and laid down detailed guidelines to prevent its misuse. The Supreme Court acknowledged the immense contribution of PIL to Indian constitutional jurisprudence but expressed serious concern over frivolous and publicity-oriented petitions. The Court stressed the need for courts to verify the credentials of petitioners and the genuineness of public interest involved. It categorically stated that “courts must discourage frivolous and motivated petitions and impose exemplary costs”²⁵⁴⁴ to preserve the sanctity of PIL jurisdiction.

The responses demonstrate that environmental and land use disputes are perceived as the most economically affected area by civil PILs, accounting for 36.11 **percent** of total responses. This suggests that such litigations often involve large-scale projects, regulatory compliance, and prolonged judicial intervention, leading to higher economic implications. Social welfare and public distribution cases follow closely at 33.33 **percent**, highlighting the financial impact of PILs on government welfare schemes and public expenditure.

Particulars	Male	Female
Environmental and land use disputes	21 (19.44)	18 (17.6)
Social welfare and public distribution cases	17 (15.74)	19 (18.18)
Administrative and service matters	10 (9.26)	9 (8.57)
Urban planning and infrastructure projects	7 (6.48)	7 (6.67)
Total	55 (50.93)	50 (47.04)

Source: Primary data



Meanwhile, administrative and service matters were identified by 17.59 **percent** of respondents, indicating moderate economic consequences in this domain. Urban planning and infrastructure projects, though significant, were considered the least affected, with 12.96 **percent**, possibly due to structured regulatory mechanisms already in place. Overall, the distribution reflects that PILs tend to exert greater economic influence in areas involving public resources, land, and environmental governance.

PART II

NON DOCTRINAL RESEARCH

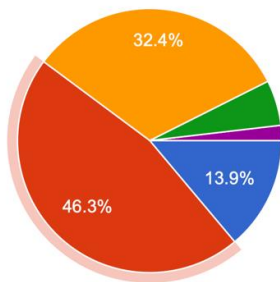
TABLE 1: Civil area do you think is the most economically affected by Public Interest Litigations

²⁵⁴² *Hussainara Khatoon v. State of Bihar*, (1979) 3 SCC 532.
²⁵⁴³ *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.
²⁵⁴⁴ *State of Uttaranchal v. Balwant Singh Chauhal*, (2010) 3 SCC 402

TABLE 2: Civil public interest litigation contributes more to social justice than to economic efficiency

Particulars	Male	Female
Strongly agree	8 (7.41)	7 (6.48)
Agree	24 (22.22)	26 (24.07)
Neutral	17 (15.74)	18 (16.67)
Disagree	4 (3.70)	2 (1.85)
Strongly disagree	2 (1.85)	0 (0.00)
Total	55 (50.93)	53 (49.07)

Source: Primary data



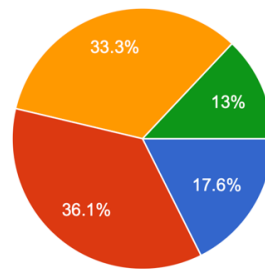
- Strongly agree
- Agree
- Neutral
- Disagree
- Strongly disagree

The findings reveal a strong inclination toward the view that civil PILs prioritize social justice over economic efficiency. A combined 60.19 percent of respondents either strongly agreed (13.89 percent) or agreed (46.30 percent) with this statement, underscoring the belief that PILs primarily serve broader societal interests, even if they compromise economic efficiency. At the same time, 32.41 percent of respondents remained neutral, suggesting a balanced or uncertain perspective on the trade-off between justice and efficiency. A relatively small proportion, 7.41 percent, disagreed or strongly disagreed, indicating limited opposition to the dominant view. These results suggest that while economic considerations are acknowledged, civil PILs are largely perceived as instruments of social reform and rights protection rather than tools of economic optimization.

TABLE 3: The absence of economic cost-benefit analysis in civil PILs affects the efficiency of the civil justice system

Particulars	Male	Female
Strongly agree	6 (5.56)	6 (5.56)
Agree	25 (23.15)	22 (20.37)
Neutral	19 (17.59)	20 (18.52)
Disagree	4 (3.70)	5 (4.63)
Strongly disagree	1 (0.93)	0 (0.00)
Total	55 (50.93)	53 (49.07)

Source: Primary data



- Administrative and service matters
- Environmental and land use disputes
- Social welfare and public distribution cases
- Urban planning and infrastructure projects

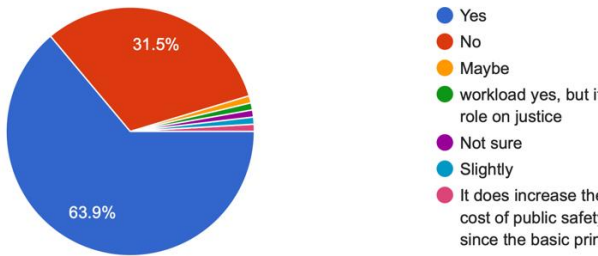
A clear majority of respondents recognized the impact of the absence of economic cost-benefit analysis on judicial efficiency. Specifically, 54.63 percent of respondents either agreed (43.52 percent) or strongly agreed (11.11 percent) that the lack of such analysis adversely affects the efficiency of the civil justice system. This reflects a growing awareness of the need for economic evaluation in judicial decision-making. Additionally, 36.11 percent of respondents adopted a neutral stance, possibly indicating limited familiarity with economic assessment mechanisms or uncertainty regarding their application in legal proceedings. Only 9.26 percent disagreed, suggesting minimal resistance to the idea of incorporating economic considerations. Overall, the data highlights a prevailing consensus that economic cost-benefit analysis could enhance judicial efficiency in civil PILs.

TABLE 4: Introducing economic screening mechanisms for civil PILs would improve judicial efficiency and resource allocation

Particulars	Male	Female
Strongly agree	5 (4.63)	6 (5.56)

Agree	29 (26.85)	28 (25.93)	The data presented in Table No. 5 indicates that a clear majority of respondents perceive the lack of economic cost-benefit analysis in civil public interest litigations as detrimental to the efficiency of the civil justice system. A combined total of 54.63 percent of respondents expressed agreement with this view, comprising 11.11 percent who strongly agreed and 43.52 percent who agreed . This majority response suggests that more than half of the participants acknowledge that inefficiencies arise when economic considerations are not incorporated into the evaluation of civil PILs. Meanwhile, 36.11 percent of respondents adopted a neutral position, which may reflect uncertainty, limited exposure, or insufficient understanding of the role that economic analysis plays in judicial decision-making. In contrast, only 9.26 percent of respondents disagreed or strongly disagreed with the statement, indicating relatively low resistance to this perspective. Overall, the findings demonstrate a strong recognition among respondents of the relevance of economic cost-benefit analysis in enhancing the effectiveness of the civil justice system.
Neutral	15 (13.89)	17 (15.74)	
Disagree	5 (4.63)	2 (1.85)	
Strongly disagree	1 (0.93)	0 (0.00)	
Total	55 (50.93)	53 (49.07)	108 (100)

Source: Primary data



The responses strongly support the introduction of economic screening mechanisms for civil PILs. A significant **62.97 percent of respondents** either **agreed (52.78 percent)** or **strongly agreed (10.19 percent)** that such mechanisms would improve judicial efficiency and optimize resource allocation. This indicates widespread recognition of the potential benefits of filtering frivolous or economically unviable petitions at an early stage. Meanwhile, **29.63 percent of respondents remained neutral**, reflecting cautious optimism or uncertainty regarding implementation challenges. Only **7.41 percent disagreed or strongly disagreed**, suggesting minimal opposition to reform. Overall, the findings demonstrate a clear preference for structured economic screening as a means to balance access to justice with judicial efficiency.

TESTING OF HYPOTHESES

Hypothesis 1: The absence of economic cost-benefit analysis in civil public interest litigations adversely affects the efficiency of the civil justice system.

Hypothesis 2: The introduction of economic screening mechanisms for civil public interest litigations would improve judicial efficiency and promote optimal use of judicial resources.

The responses summarized in Table No. 5 reveal substantial support for the introduction of economic screening mechanisms in civil public interest litigations. A significant **62.97 percent** of respondents were in favour of this proposition, including **10.19 percent who strongly agreed** and **52.78 percent who agreed**. This dominant response reflects widespread belief that economic screening can help improve judicial efficiency by preventing the admission of economically unviable or frivolous PILs and ensuring better allocation of limited judicial resources.

At the same time, **29.63 percent** of respondents remained neutral, possibly due to concerns regarding implementation challenges or the

need for adequate safeguards to prevent misuse. Only **7.41 percent** of respondents expressed disagreement, indicating minimal opposition. Overall, the findings point toward a positive perception of economic screening mechanisms as a meaningful reform for strengthening the functioning of the civil justice system.

Conclusion

Public Interest Litigation in civil matters has emerged as a vital judicial mechanism for addressing collective grievances and enforcing public obligations in situations where conventional civil litigation proves ineffective. Through relaxed rules of locus standi, procedural flexibility, and innovative remedial approaches, courts have significantly expanded access to justice and enhanced accountability in areas such as environmental protection, social welfare, and administrative governance. These developments highlight the transformative role of PIL within India's civil justice framework.

However, doctrinal and practical analysis also reveals that the expansive nature of PIL has contributed to concerns regarding misuse and increased judicial burden. Despite existing screening mechanisms and judicial caution against frivolous petitions, the growing number of PIL filings continues to exert pressure on court resources, often leading to delays in the resolution of genuine civil disputes. Present safeguards largely focus on assessing intent and procedural validity, without adequately considering the broader social and economic consequences of judicial intervention.

This gap underscores the need for refinement rather than curtailment of PIL. The integration of economic cost-benefit analysis as a supplementary evaluative tool can assist courts in prioritising cases with significant public impact and in formulating remedies that are both socially beneficial and administratively sustainable. Such an approach would strengthen PIL jurisprudence by aligning judicial action with broader social welfare

considerations, while preserving its core commitment to public interest and constitutional values.

Suggestions

1. Prior to admitting a civil PIL, courts may undertake a preliminary economic assessment to evaluate the potential costs and benefits associated with the litigation. This can help identify petitions that may impose disproportionate economic or administrative burdens without yielding meaningful public benefit.
2. The scrutiny process at the admission stage should be strengthened to ensure that only petitions involving genuine public interest are entertained, thereby preventing misuse of PIL for personal, political, or publicity-driven purposes.
3. In matters involving complex economic, environmental, or policy considerations, courts may seek assistance from subject-matter experts or appoint amici curiae to aid in assessing feasibility and long-term implications of the reliefs sought.
4. Reasonable and effective costs may be imposed in cases of clearly frivolous or motivated PILs. Such measures can deter misuse while safeguarding access to justice for legitimate public interest claims.
5. Greater awareness should be promoted among litigants and legal practitioners regarding the purpose, scope, and limitations of PIL. Understanding the economic and judicial consequences of unnecessary litigation may help reduce frivolous filings.
6. While incorporating economic considerations, courts must ensure that access to justice for marginalized and vulnerable groups remains unaffected. Economic evaluation should function as a supportive decision-making tool

without undermining constitutional principles or social justice objectives.

REFERENCES

1. **Anuj Bhuwania**, *Courting the People: Public Interest Litigation in Post-Emergency India* (Cambridge University Press 2017).
2. **Cass R. Sunstein**, *The Cost-Benefit State* (American Bar Association 2002).
3. **Granville Austin**, *Working a Democratic Constitution* (Oxford University Press 1999).
4. **M.P. Jain**, *Indian Constitutional Law* (8th edn, LexisNexis 2018).
5. **P. Ishwara Bhat**, *Law and Social Transformation* (Eastern Book Company 2009).
6. **Richard A. Posner**, *Economic Analysis of Law* (9th edn, Wolters Kluwer 2014).
7. **Richard A. Posner**, *Law, Pragmatism and Democracy* (Harvard University Press 2003).
8. **S.P. Sathe**, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press 2002).
9. **Abhinav Chandrachud**, 'Judicial Review and Economic Policy' (2016) 8 NUJS Law Review 1.
10. **Raja A.V. and Rathinam F.X.**, 'Economic Efficiency of Public Interest Litigation: Lessons from India' (2008) SSRN.
11. **Upendra Baxi**, 'Social Action Litigation in the Supreme Court of India' (1985) 1 Supreme Court Cases (Journal) 1.
12. **Upendra Baxi**, 'The Avatars of Indian Judicial Activism' (1985) 4 Supreme Court Cases (Journal) 245.
13. **Centre for Law and Policy Research**, *Judicial Intervention and Social Justice*, <https://clpr.org.in/blog/judicial-intervention-and-social-justice/>
14. **INFLIBNET**, *Public Interest Litigation – Concept and Procedure*.
15. **Law Society of England and Wales**, *Public Interest Litigation and Access to Justice*, <https://www.lawsociety.org.uk/topics/litigation/public-interest-litigation>
16. **United Nations Development Programme**, *Access to Justice and Rule of Law*, <https://www.undp.org/justice-and-human-rights/access-to-justice>
17. **World Bank**, *Justice, Governance and Development*, <https://www.worldbank.org/en/topic/governance/brief/justice>
18. **Hussainara Khatoon v State of Bihar** (1979) 3 SCC 532.
19. **Janata Dal v H.S. Chowdhary** (1992) 4 SCC 305.
20. **S.P. Gupta v Union of India** (1981) Supp SCC 87.
21. **State of Uttaranchal v Balwant Singh Chaufal** (2010) 3 SCC 402.