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**CONTOURS OF PUBLIC INTEREST LITIGATION: INDIA–SINGAPORE MODELS IN THE EVOLVING JURISPRUDENCE OF THE GLOBAL SOUTH**

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**Introduction:** Public Interest Litigation is an essential cornerstone of judicial activism, mainly in the Global South. PIL originated in the United States in the 1960s, but in India it underwent a revolutionary transformation, emerging as a distinct and powerful instrument of judicial activism in the late 1970s and early 1980s.<sup>2</sup> The PIL movement's success lies in its ability to democratize the judiciary, hold the State accountable, and drive significant socio-legal reform, though its practice is now subject to varying degrees of judicial restraint and procedural strictness, as seen when comparing the activist Indian approach with the more controlled models adopted in other emerging economies like Singapore. The role of *locus standi* has crucial significance here. PIL is a totally different field of litigation and its main purpose is to enforce the right of individuals against another but it is to promote and vindicate public interest which demands violations of constitutional or legal rights of a large number of people. The leading cases of Indian judiciary, for example, *D.S. Nakara case*, *D.K. Basu and others*. The court must be careful to ensure that the petitioner who approaches it is acting bona fide and not for personal gain or other oblique obligations so that it does not overstep the limits of judicial functions and trespass into areas which are reserved for the executive or the legislature by the Constitution. Fundamental rights of the impoverished and marginalized got recognition with the help of PIL system and Justice V.R. Krishna Iyer and Justice P.N. Bhagwati, pioneered this jurisprudence.<sup>3</sup> PIL turns superior courts into forums for structural justice, recognizing and enforcing the fundamental rights of millions who were previously excluded from the judicial process. The activist Indian model of PIL, often seen as the global benchmark for its expansive scope in preserving democracy in a country like India, the immense power of judicial intervention, its application is increasingly subject to varying degrees of judicial restraint and procedural strictness. This is evident when contrasting it with the more controlled and defined models adopted in other emerging economies.

**PIL as Welfare Accelerator:** Public Interest Litigation is not just a procedure but a pathway of access to justice. The phrase 'Public Interest Litigation' was first predominantly used by American academic Abram Chayes with the intention to describe how individuals can approach court and participate in social reform. The most fundamental importance lies in its relaxation of the strict rule of *locus standi* (the right to bring an action). It applies to every citizen regardless gender, caste, creed, any public-spirited citizen, NGO, or advocate to file a petition on behalf of those who are socio-economically disadvantaged, illiterate, or otherwise unable to approach the court themselves as per Article 14<sup>4</sup> and 15<sup>5</sup>. It has provided a voice and

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<sup>2</sup> Anuj Bhuvania, *Courting the People: Public Interest Litigation in Post- Emergency India*, Cambridge University Press, P-157. INR 495. ISBN: 9781107147454, (2017).

<sup>3</sup> Dr. Akta Mehta, *Public Interest Litigation,-Two Sides Sword*, A Global Journal of Social Sciences, ISSN-2581-5830.

<sup>4</sup> The Constitution of India, art .14.

<sup>5</sup> *Ibid*, art. 15.

a legal platform to prisoners, bonded labourers, slum dwellers, women, children, and victims of environmental degradation, making justice accessible to the "low visibility" areas of humanity. This is often referred to as Social Action Litigation (SAL). PIL creates a jurisprudence of accountability. It empowers the court to issue "Mandamus" to government authorities to perform their duties, ensuring that "fair judicial action" acts as a check against the "peril of infringement."<sup>6</sup> "Interest" has been defined in several terms but in this matter it has been defined to preserve efficiency concerns, class action claims. The courts have given importance to equitable relief. Perspicuity in public life & fair judicial action are the right answer to check increasing peril of infringement of legal rights. The Indian judiciary moved from being a "sentinel on the qui vive" to "an active participant" in social engineering. This shift is most vividly illustrated by the landmark case of *Hussainara Khatoon v. Home Secretary, State of Bihar (1979)*<sup>7</sup>. Advocate Pushpa Kapila Hingorani (often called the "Mother of PIL") approached the Supreme Court under Article 32. This was a radical departure from traditional law; Hingorani had no personal connection to the prisoners, but the Court, led by **Justice P.N. Bhagwati**, relaxed the rule of *locus standi* to hear the plea, recognizing that poverty and illiteracy effectively barred these individuals from seeking justice themselves.

*"The court has to innovate new methods and devise new strategies for the purpose of providing access to justice to large masses of people who are denied their basic human rights."* — **Justice P.N. Bhagwati**<sup>8</sup>

In the following case judgment, Justice Bhagwati articulated a transformative vision of the law, asserting that the right to a speedy trial is an integral part of the "Right to Life" under Article 21. By invoking the court's power as a guardian of fundamental rights, the bench did not just order a release; it innovated as directing the State to provide free legal aid and demanding comprehensive lists of all undertrials across the state. This case effectively resulted in the release of over 40,000 prisoners and cementing SAL as a permanent tool for holding the state accountable for the socioeconomic welfare of its citizens.

**Geopolitical Issues Faced by Global South Nations:** The Global South confronts severe and multifaceted challenges rooted in historical dependence and contemporary economic dynamics. These nations are plagued by pervasive poverty and extreme income inequality, limiting the economic opportunities of the majority. Furthermore, many of these economies exhibit commodity dependence, relying heavily on the export of volatile raw materials, which leaves them susceptible to global price shocks and hinders efforts toward industrial diversification and higher value-added production. This economic vulnerability is compounded by major societal deficits, specifically inadequate access to quality healthcare and education, which severely restricts the development of human capital and perpetuates underdevelopment.

These nations are burdened with extreme climate change suffering disproportionately from extreme events, while simultaneously struggling with localized degradation. Rapid, often

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<sup>6</sup> Upendra Baxi, *Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India*, Third World Legal Studies, Volume 4, Article 6, (1985).

<sup>7</sup> *Hussainara Khatoon v. Home Secretary, State of Bihar (1979)*, SC 1819 .

<sup>8</sup> Dr. (Mrs.) Saroj Bohra, *Public Interest Litigation: Access to Justice*, Manupatra, (2022).

poorly regulated, urbanization and industrial growth drive significant issues like severe air and water pollution, creating urgent public health crises and depleting vital resources. In the political and geopolitical arena, these countries must contend with internal fragilities such as weak governance, corruption, and political instability, which undermine institutional capacity for effective policy enforcement and public service delivery. The intensifying strategic competition between major global powers creates geopolitical fragmentation, compelling these nations to navigate complex alliances and avoid being marginalized or exploited.<sup>9</sup>

In 2025, the geopolitical landscape of the Global South has undergone a paradigm shift, characterized by a transition from Western dependency to "Strategic Autonomy". XVII BRICS Summit in Rio de Janeiro, the bloc has successfully positioned itself as the primary diplomatic and economic anchor for the "Majority World," representing over 45% of the global population and 37% of world GDP. This newfound influence is rooted in the bloc's recent expansion to include regional powerhouses like Indonesia, Egypt, and Ethiopia, alongside energy giants like Iran and the UAE. By controlling over 40% of global crude oil production, BRICS+ now functions as a "commodities powerhouse", effectively countering "green protectionism". The New Development Bank (NDB) has become a vital alternative to the IMF, providing over \$39 billion in "demand-driven" financing for sustainable infrastructure such as India's regional rapid transit systems.<sup>10</sup> BRICS has moved the Global South from "rule-takers" to "rule-makers" by introducing the first comprehensive international frameworks for inclusive AI governance and climate finance.

**Judicial Intervention of PIL:** The judiciary occupies a central and transformative position in the evolution and functioning of Public Interest Litigation, particularly within the Global South. In jurisdictions like India, the judiciary has consciously expanded its constitutional role from a passive adjudicator of disputes to an active guardian of fundamental rights and social justice.

Courts have assumed the responsibility of addressing systemic injustices that arise due to legislative inertia and executive failure, especially where the rights of marginalized and vulnerable populations are concerned. In *S.P. Gupta v. Union of India (1981)*<sup>11</sup> also known as *Judges' Transfer Case*, the decision transformed the courts into accessible forums for collective justice and laid the constitutional basis for PIL as a tool to protect public interest and democratic accountability. In *People's Union for Democratic Rights v. Union of India (1982)*<sup>12</sup> the judgment expanded the scope and practical application of PIL. It demonstrated the judiciary's proactive role in enforcing socio-economic rights through PIL, ensuring that constitutional protections extend to the most vulnerable sections of society. The judiciary has also played a proactive role by developing procedural flexibility in PIL cases. Techniques such as epistolary jurisdiction, suo motu cognizance, and the appointment of commissions and amicus curiae reflect the courts' willingness to adapt procedure in order to serve substantive justice.

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<sup>9</sup> C.K.Takwani, Foreword by Justice D.A. Desai, Lectures on Administrative Law,( p-360-361), (EBC, 8th Edition,2021).

<sup>10</sup> Dr. Rakesh Arya, India and the Global South: Issues, Engagement and Challenges, Swadeshi Shodh Sansthan.

<sup>11</sup> S.P. Gupta v. Union of India (1981) 1 SCC 87.

<sup>12</sup> People's Union for Democratic Rights v. Union of India (1982) SC 1473.

The device of continuing mandamus allows courts to retain jurisdiction over matters involving ongoing violations, ensuring sustained judicial supervision over policy implementation in areas such as environmental protection, prison reforms, and welfare delivery. It has enabled the judiciary to engage in norm-setting and policy guidance, especially in contexts where statutory frameworks are inadequate or poorly enforced. For example, through *M.C. Mehta v. Union of India*<sup>13</sup> developed principles of absolute liability, polluter pays, and sustainable development that come into force. Through judicial directions, guidelines, and monitoring mechanisms, courts have filled legislative and administrative vacuums, thereby strengthening accountability within governance structures.

**Contrasting PIL Architectures in India and Singapore:** India and Singapore share the foundation of English Common Law, their Public Interest Litigation (PIL) architectures have diverged into two distincts: the "Social Action" model and the "Administrative Review" model. The Indian judiciary often assumes Article 21<sup>14</sup> as an expansion to enforce socioeconomic rights, such as environmental laws or free legal aid.

On the contrary, Singapore's approach is rooted in judicial restraint and the maintenance of a strict separation of powers. The Singaporean judiciary views its role primarily as an arbiter of legal proceduralism rather than a driver of social policy. Indian courts initiate cases *suo motu* based on a newspaper report, Singaporean courts strictly adhere to an adversarial system, intervening only when a party with a specific legal grievance brings a formal application before them. India's PIL architecture is characterized by "*Continuous Mandamus*", where courts keep cases open for years to monitor government compliance through court-appointed committees. Singapore, however, emphasizes the "indemnity principle," where the losing party typically pays the legal costs of the winner. This serves as a structural barrier. The Indian model prioritizes substantive social justice even at the cost of procedural formality, the Singaporean model prioritizes the "Four Walls" doctrine, ensuring constitutional interpretation remains grounded in the text and the efficiency of the administrative state.<sup>15</sup>

**The Traffic Light Metaphor in Administrative Laws:** In the evolving laws of the Global South, the **Red Light theory** PIL has the utmost relevancy with SAL model. This theory is rooted in a suspicion of executive power and a commitment to individual rights that the judiciary must act as a "brake" to prevent state overreach and protect the marginalized. Its importance is found in *S.P. Gupta v. Union of India [1981]*<sup>16</sup>, it was established that any member of the public can maintain an application for direction. This "Red Light" function was further expanded in *Bandhua Mukti Morcha v. Union of India [1984]*,<sup>17</sup> where the Supreme Court held that the right to live with human dignity, enshrined in Article 21, necessitates judicial intervention to liberate bonded laborers, effectively "stopping" exploitation.

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<sup>13</sup> M.C. Mehta v. Union of India 1987 AIR 1086.

<sup>14</sup> *Infra note 3*, art. 21

<sup>15</sup> LI-Ann Thio, Beyond The Four Walls in an Age of Transnational Judicial Conversations Civil Liberties, Right Theories and Constitutional Adjudication in Malaysia and Singapore, Vol. 19 No. 2 (2006), (01.01.2006).

<sup>16</sup> *Infra note 9*.

<sup>17</sup> *Bandhua Mukti Morcha v. Union of India [1984] 2SCC 161*.

The **Green Light theory** characterizes the Singaporean model, where the law is viewed not as a barrier, but as a vehicle for "good administration" and "state efficiency." This model emphasizes judicial restraint and the separation of powers, operating on the premise that the executive is best equipped to determine the "public interest" through technical expertise and democratic mandate.<sup>18</sup> The Singapore Court of Appeal in *Tan Eng Hong v. Attorney-General [2012]*<sup>19</sup> reinforced this "controlled" model by maintaining that a litigant must have a "real interest" and that the court's role is to adjudicate legal rights rather than moral or social policies. By upholding strict standing requirements, the Singaporean judiciary ensures that the administrative process is not "clogged" by public interest suits that lack a specific personal legal grievance. This facilitative approach is further evidenced in *Vellama d/o Marie Muthu v. Attorney-General [2013]*<sup>20</sup>, where the court underscored that while it has a supervisory role, thereby providing a "green light" to administrative discretion provided it stays within the "four walls" of the law.

The modern "Amber Light" theory has emerged as a synthesis of these extremes, particularly in complex areas like environmental law where the state must act as "Green" but must do so within sustainable limits "Red". In *M.C. Mehta v. Union of India [1987] (The Oleum Gas Leak Case)*<sup>21</sup>, where the court allowed industrial activity to persist but imposed "absolute liability" and stringent safety monitoring. This represents an "Amber" approach; cautionary and regulatory. Nations are increasingly seeking legal architectures that allow for rapid development and infrastructure growth while maintaining a baseline of accountability and judicial oversight to ensure that the "peril of infringement" of rights do not obstruct the broader goal of national progress.

**Conclusion:** Ultimately, the Indian model proves that the law can be a powerful shield for the invisible, while the Singaporean model demonstrates that legal discipline is vital for a functional state. The evolving jurisprudence of the Global South suggests that the future of PIL lies in a dynamic equilibrium—a system that is sensitive enough to hear the "cry of the poor" but disciplined enough to respect the "four walls" of constitutional governance. By navigating this middle path, nations can ensure that the quest for justice does not stall the engine of progress, and that progress does not leave justice in the dust.

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<sup>18</sup> Aishwarya Sandeep, Red Light Theory and Green Light Theory, (16 Nov, 2025).

<sup>19</sup> Tan Eng Hong v. Attorney-General [2012] 4SLR 476.

<sup>20</sup> Vellama d/o Marie Muthu v. Attorney-General [2013] SGCA 39.

<sup>21</sup> *Infra note 12.*