
SHOULD COURTS REJECT “SYMBOLIC PILS” MORE STRICTLY?

Sanya Goel, Law Student, Maharaja Agrasen Institute of Management Studies, Delhi

ABSTRACT

This paper focuses on the emerging trend of filing symbolic public interest litigation in the Indian legal system. While the concept of PIL has historically functioned as powerful tool as well as mechanism to protect the fundamental rights of the citizen, its increasing use for symbolic purposes has raised concerns. However, in the recent times, there is noticeable shift from litigation based on rights to petitions based on symbolism. Through the recent case studies, including Supreme Court stringent stance against recognising Netaji Subhas Chandra Bose as “national son” and similar rejections emphasises the growing tendency of court to restraint junk PIL’s. The article further explains the important constitutional concepts like separation of powers, a legitimate cause of action and need to maintain judicial efficiency in light of heavy backlogs. Ultimately, the article suggests more stringent approach towards junk PIL’s which is essential to safeguard the integrity and effectiveness of constitutional framework.

Keywords: *Public Interest Litigation, Symbolic PILs, Judicial Restraint, Separation of Powers, Constitutional Accountability*

I. INTRODUCTION

Public Interest Litigation (PIL) is considered one of the most revolutionary inventions by the Indian Judiciary. From *Bandhua Mukti Morcha v. Union of India* to *M.C. Mehta v. Union of India*¹, PIL's have been essential for expanding the scope of justice to marginalised communities especially in the environment jurisprudence. However, in the growing years, number of symbolic PIL's have increased raising serious concerns about scope of judicial review, judicial time and courts assessment.

The Supreme Court of India has been increasing adopting a stringent approach towards such petitions. A notable example can be seen in recent hearing of the supreme court where bench comprising Justice Surya Kant and Justice Joymalya Bagchi dismissed a PIL seeking recognition to Netaji Subhas Chandra Bose as "National Son" and affording credit of the Indian Independence to the Azad Hind Fauj².

II. THE RISE OF SYMBOLIC PILS

The initial purpose of PIL was to address system injustices and safeguard fundamental rights. However, in the recent years, petitions have shifted away from its primary goal. The concept of Symbolism is not new to Indian Constitution as it is widely used for honorary recognition or titles, to shape historical or ideological interpretations. In simple words symbolic PILs are petitions that do not demonstrate direct harm to fundamental rights.

A clear example is 2026 Netaji case, wherein the petitioner sought to declare Netaji Subash Chandra Bose as India's "National Son". The Supreme Court dismissed the petition stating the petitioner as 'incorrigible' petitioner and rebuked the petitioner for wasting court's time. The court reinstated that such symbolic acknowledgment is beyond the scope of judicial power.

In a similar vein, a petition seeking judicial declaration of the "true history of Indian's Independence" was rejected. The court reiterated that it cannot adjudicate on historical narratives or ideological controversies. These cases showcase how PIL's are being utilized as instruments

¹*Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161; *M.C. Mehta v. Union of India*, (1987) 1 SCC 395

²In Re: PIL Seeking Recognition of Subhas Chandra Bose as "National Son", (2026) (Supreme Court of India) (order dismissing petition) (on file with author); see also TheHindu, SC Dismisses PIL Seeking Recognition of Netaji as National Son, Apr. 2026.

of *performative constitutionalism*- where litigation serves symbolic or expressive objectives rather than legal ones.

Even trivial matters have found their way into PIL jurisdiction. For example, a petition requesting “complete newspaper supply” to readers was dismissed due to its lack of seriousness and constitutional substance.

III. JUDICIAL PUSHBACK

Courts throughout India have started rejecting symbolic PILs often accompanied by strong remarks. This pattern can be observed in multiple recent cases:

- a. A PIL questioning the use of the national flag, by political parties was dismissed, with the Court noting out that no legal rights were infringed upon. Similarly, the High Court rejected a petition against displaying political leaders’ photographs in government offices. These cases highlight judiciary’s hesitation to get involved in issues of political symbolism.
- b. Another instance is PIL seeking recovery of Z+ security expenses for a public figure but was dismissed on the ground of questionable intent³. Similarly, Madhya Pradesh High Court dismissed lawsuit regarding alleged assault event with costs it could not find any legitimate public interest.

IV. DO COURTS NEED TO BE STRICTER?

There is a compelling need for stricter examination. Symbolic Public Interest Litigation risk effectiveness of genuine public interest cases and result in burdening an already overloaded system. However, it is crucial for the courts to ensure that legal issues expressed in symbolic ways especially those involving constitutional or cultural identity receive appropriate attention and are not dismissed without due consideration. Courts have repeatedly upheld its core principle that the jurisdiction of PIL is not boundless. It is invented and innovated to uphold fundamental rights of citizen, tackle system injustices and offer remedies that can effectively be executed.

³*Id.*

When petitions fail to incorporate these aspects, they tend to undermine both the efficiency of the judiciary and reliability of PIL as key for justice.

V. CONCLUSION

The development of PIL in India highlights the judiciary's ongoing challenge to differentiate between performative litigation and genuine public interest cases. Although PIL serves as a powerful tool for accessing justice, its misuse through symbolic petitions poses risks of undermining its effectiveness. In the end, the authenticity of PIL depends not just on access to justice but also on legal principles, not mere symbolism.

Expanding on this, the rising volume of symbolic or publicity-motivated PILs has created a serious strain on judicial resources, especially in a system already burdened with heavy case backlogs. When courts are compelled to hear matters that lack substantive cause of action or do not demonstrate any tangible public harm, it diverts precious time from cases involving fundamental rights violations, environmental concerns, and issues affecting vulnerable communities. This trend not only weakens the credibility of the PIL mechanism but also disrupts the balance of institutional responsibilities envisioned under the Constitution.

Furthermore, symbolic PILs often attempt to push the judiciary into the domain of policy-making; an area reserved for the legislature and executive, thereby threatening the separation of powers. By rejecting such petitions more strictly, courts affirm that judicial review must be grounded in constitutional necessity, not emotional sentiment or political symbolism. Strengthening scrutiny standards, imposing exemplary costs for frivolous filings, and reinforcing the requirement of bona fide public interest will help preserve PIL as a meaningful democratic safeguard. Ultimately, ensuring its proper use is crucial for protecting judicial integrity and maintaining the transformative potential of PIL for genuine societal welfare.

References

1. Netaji Recognition Case, PIL dismissed by Supreme Court (2026), reported in LiveLaw, available at <https://livelaw.in> (last visited Feb. 10, 2026).
2. Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161.
3. M.C. Mehta v. Union of India, (1987) 1 SCC 395.
4. Baxi, Upendra, The Indian Supreme Court and Politics, Eastern Book Company (1980).
5. Sathe, S.P., Judicial Activism in India: Transgressing Borders and Enforcing Limits, Oxford University Press (2002).
6. Government of India, Supreme Court Judgments Portal, available at <https://main.sci.gov.in> (last visited Feb. 10, 2026).
7. Bhuwania, Anuj, Courting the People: Public Interest Litigation in Post-Emergency India, Cambridge University Press (2017).
8. “Misuse of PIL and Judicial Warnings,” The Hindu, available at <https://thehindu.com> (last visited Feb. 10, 2026).
9. “PIL Dismissed With Costs for Lack of Public Interest,” Indian Kanoon, available at <https://indiankanoon.org> (last visited Feb. 10, 2026).
10. Choudhry, Sujit, “Public Interest Litigation and Democratic Accountability in India,” Indian Journal of Constitutional Law, Vol. 12, 2015.