

# “FROM THE RULE OF EXCLUSION TO TOOL OF INCLUSION: LIBERALISATION OF LOCUS STANDI”

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## ABSTRACT

The doctrine of locus standi governs who is authorised to invoke jurisdictions for the enforcement of legal right and constitutional rights. Traditionally, only an aggrieved person whose fundamental rights have been violated can approach the court to seek justice. This rule of exclusion seems not to protect the rights of the poor, marginalised, and disadvantaged sections of society. With the liberalization of locus standi, it transformed into a rule of inclusion.

This research paper analyses the historical evolution of locus standi in India, moving away from a narrow rule toward inclusion to address systemic social grievances. It evaluates the role of judicial creativity, legal theory, and judicial reach, as well as democratic accountability.

## KEYWORDS: -

Locus standi, inclusion, access to justice, Indian constitution, public interest litigation.

## INTRODUCTION

Access to justice is a cornerstone of the rule of law and constitutionalism. The doctrine of locus standi acts as a procedural filter, determining who may initiate proceedings. Traditionally, if a petitioner had no locus standi, they could not be heard in a court of law (*Charan Lal Sahu v. Ziani jail Singh*<sup>1</sup>). This approach shifted from a strict rule to a liberal doctrine during the 1970s due to a series of judgments.

In India, where deep-seated social disparities, low literacy rates, and poverty obstruct individuals from redressing grievances, the rigid application of locus standi has proven insufficient. The shift from a strict rule of standing to a liberal doctrine represents a transition toward a substantive, public -spirited approach. The doctrine of locus standi has evolved from a rule of exclusion to a powerful tool of inclusion.

## Concept and evolution of locus standi

The term locus standi is a Latin phrase where locus means 'place' and standi means 'a right of standing. The traditional rule is that only the person whose rights have been violated can approach the court to seek justice.

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<sup>1</sup> 1984 AIR 309

In the case of *Boyce v. Paddington Borough Council*<sup>2</sup> 1903, it was established that the approach to standing was heavily influenced by English common law principles, as it was held that private individuals could challenge the private wrong.

In the case of *Subhash Sharma v. Union of India*, the court departed from a strict interpretation of locus standi.

### **Constitutional ground for liberalisation.**

Broadening the doctrine of locus standi is deeply rooted in constitutional philosophy. Various constitutional mandates provide the normative basis for the shift. Article 32, 226, 14, 38, 39A. Writs jurisdictions, equality before law, ensure equal justice and Free legal aid respectively. The Indian Constitution is a catalyst for change, mandating political, social, and economic justice.

### **LITERATURE REVIEW**

An attempt is made in this section of study to review a few related relevant literatures related to the research topic.

SNO.	TITLE OF PAPER	LITERATURE REVIEW
1.	Impact of liberalisation of locus standi on social justice in international human rights: analytical study	<p><b>Significance: -</b></p> <ol style="list-style-type: none"> <li>1. Integrate conceptual framework with practice.</li> <li>2. Clarify the principles of access to justice.</li> <li>3. Evaluate the institutional adaptability.</li> </ol> <p><b>Research gaps: -</b></p> <ul style="list-style-type: none"> <li>• Limited empirical assessment.</li> <li>• Paucity of multi-institutional literature.</li> <li>• Limited scholarly attention to social justice metrics.</li> </ul>
2.	Equality in the Access to the ECtHR—Filling Procedural Gaps Concerning Locus Standi and	<p>Significance of the study:</p> <ul style="list-style-type: none"> <li>• Fortifies the legal framework for human rights.</li> </ul>

<sup>2</sup> (1903) 2 Ch 556

	<p>Representation of Extremely Vulnerable Individuals.</p>	<ul style="list-style-type: none"> <li>• Mitigates the structural exclusion of disadvantaged populations.</li> <li>• Promotes Fair administration of justice.</li> </ul> <p>Research gaps: -</p> <p>Scrutinizes how the doctrine of locus standi functions in practice.</p> <ul style="list-style-type: none"> <li>• Evaluate the framework for legal aid and judicial representation.</li> <li>• Scrutinizes the impact of procedural gaps on the practical enforcement of civil liberties.</li> </ul>
<p>3.</p>	<p>The Concept of Locus Standi: A Dogmatic Impediment to Justice or a Flexible Tool of Convenience?</p>	<p>Significance of the study: -</p> <p>Underscores the significance of locus standi in strengthening constitutional order and rule of law.</p> <ul style="list-style-type: none"> <li>• Investigates the friction between procedural requirements and substantive justice.</li> </ul> <p>Research gaps: -</p> <p>Absence of coherent analytical framework.</p>

		<ul style="list-style-type: none"> <li>• There is an ambiguity regarding established standards in the current code.</li> <li>• An under-researched comparative dimension.</li> </ul>
4.	Locus Standi-The Report of the Public and Administrative Law Reform Committee.	<p>Significance of the study: -</p> <ul style="list-style-type: none"> <li>• Transition from individual centric model to public interest.</li> <li>• Upholding and reinforcing the framework for administrative accountability.</li> <li>• Historical evolution of public interest litigation and constitutional values.</li> </ul> <p>Research gaps: -</p> <ul style="list-style-type: none"> <li>• Insufficient exploration of the separation of powers.</li> <li>• A deficiency in the conceptual grounding of representative standing.</li> </ul>

### Judicial Innovation and Emergence of Public Interest Litigation

S.P Gupta v. UOI<sup>3</sup>, Hon'ble, Supreme court held that any member of public, whose rights are not infringed or violated, acting in good faith may approach to the court for the constitutional sentinels of those who are unable to do themselves.

<sup>3</sup> AIR 1982 SC 149

PUDR v. UOI, court allowed that public spirited person or organisation file a petition on behalf of bonded labourers<sup>4</sup>.

Holicow pictures pvt ltd<sup>5</sup>. Where courts are flooded with large number of public interest litigation so it is privileged to filter out them frivolous or dismiss them with costs.

Guruvayur dewaswom v. UOI, Supreme court held that public interest litigation outlined the

- Welfare of disadvantaged
- Protection of rights
- Issue of public importance<sup>6</sup>.

## STATEMENT OF THE PROBLEM

Notwithstanding the liberalized access to courts, the rise of frivolous PILs has triggered concerns over judicial overreach and the dilution of procedural safeguards.

Notwithstanding the liberalized access to courts, the rise of frivolous PILs has triggered concerns over judicial overreach and the dilution of procedural safeguards. A comprehensive study is required to evaluate locus standi through the lens of inclusion and exclusion, examining it as a mechanism for both access and restriction.

## RESEARCH METHODOLOGY

This research paper adopts a traditional legal framework that critically analyses legal provisions and judicial pronouncements.

**Primary sources:** - Committee reports, Judicial Pronouncements of Supreme Court and High Court, Constitution Provisions of India.

**Secondary sources:** -Books, Journal, Commentary and Digest, Reports etc.

## OBJECTIVES OF THE STUDY

1.To examine the impact of the liberalization of locus standi on access to justice for marginalised and disadvantaged sections of society.

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<sup>4</sup> AIR 1982 SC 1473

<sup>5</sup> (2007) 14 SCC 281

<sup>6</sup> (2003) 7 SCC 546

2.To scrutinize the constitutional justification for relaxed standing requirements.

3.To analyse the traditional concept of locus standi and its shortcomings.

4.To trace the judicial development of locus standi through PIL.

## RESEARCH HYPOTHESIS

1.The liberalisation of locus standi has had a negligible impact on access to justice in India.

2.The liberalisation of locus standi has transformed the Indian judicial system from a narrowly focused tribunal into a broadly inclusive forum.

3.The liberalisation of locus standi has fortified State accountability by making widespread rights violations justiciable.

## RESEARCH QUESTIONS

1.How has the liberalisation of standing converted a once narrow rule into an instrument of empowerment for the public?

2.What role public interest litigation has played in relaxing locus standi?

3.Through what constitutional reasoning does the Indian legal framework validate the broadening of the doctrine of locus standi?

4.What challenges and limitations emerge from the doctrine of locus standi.

5.To what extent does the liberalisation of locus standi empower access to justice for marginalised groups?

## CRITICAL ANALYSIS AND INHERENT LIMITATIONS

While the relaxation of locus standi has facilitated a substantive shift toward inclusion, it has simultaneously ignited a debate regarding its systemic drawbacks.

Excessive liberalisation may lead to judicial overreach, encroachment to court, frivolous or motivated litigation. Supreme Court warn against misuse of PIL and underscores the need for bona fide intent.

Reconciling access to justice with judicial restraint remains an ongoing paradox. courts are flooded with large number of public interest litigation, so it is desirable for courts to filters out them frivolous and dismiss them with costs. (Holicow pictures pvt LTD v. UOI)

### FINDINGS

#### 1. **Transition from Procedural to Substantive: -**

The doctrine of locus standi has transformed from a rule of exclusion to a tool of inclusion.

#### 2. **PIL is a catalyst of Access to Justice: -**

Even Public- spirited person whose rights are not violated, may approach to the court for seek justice for marginalised and disadvantaged sections of society, who is unable to approach court.

#### 3. **Widened Access to Justice: -**

Significantly enhanced access to justice to article 32 for marginalised and weaker section of society like women, children, bonded labourers, prisoner etc.

#### 4. **Conflict with the doctrine of checks and balances: -**

While widening the gates of justice, the relaxation of standing has also intensified concerns regarding the encroachment of courts on the doctrine of separation of powers.

#### 5. **Comparative Analysis: -**

The doctrine of locus standi in India is broader and more flexible compared to other jurisdictions.

### Recommendations

#### 1. **Establishment of clear judicial guidelines: -**

The Supreme Court must amalgamate locus standi and public interest litigation into coherent mandates for petition admission, to ensure consistency.

## 2. Legal framework for access to justice: -

To maintain order, Parliament ought to promulgate a comprehensive act on PIL to set statutory benchmarks for litigant eligibility and safeguards.

## 3. Formalization of Standing Tests: -

Supreme court outlines the principle of PIL

- a). Welfare of disadvantaged
- b). Enforcement of rights.
- c). public importance.

## CONCLUSION

The transformation of locus standi from a rule of exclusion to a tool of inclusion signals a shift from a legal system obsessed with technicalities to one prioritising social utility through a functionalist approach.

Public interest litigation is a successful tool, primarily deals with issues related to women rights, human rights, protection of marginalised etc. Public interest litigation expanded to access to justice, collective rights, liberalisation of locus standi, protection of disadvantaged populations of society.

At the same time, a balance must be maintained between preserving the institution and preventing its misuse.

The doctrine of locus standi should not operate as rule of exclusion that bars justice, but as principal threshold that rule of inclusion for the enforcement of rights. The liberalisation of locus standi is not an erosion of doctrine, but an adaptation to constitutional realities.

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