

# Impact of liberalisation of locus standi on social justice in international human rights: analytical study

**Sakshi Mishra<sup>1</sup>, Prachi Agarwal<sup>2</sup>, Palak Jain<sup>3</sup>, Prof. Ashish Yadav<sup>4</sup>**

<sup>1,2,3</sup>Research scholar, prestige institute of management and research, gwalior

<sup>4</sup>Assistant professor, law, prestige institute of management and research, gwalior

## Abstract

To combat poverty, inequality, inadequate healthcare, environmental destruction, and other issues by the year 2030 and to create a peaceful world, the United Nations created a list of 17 global goals known as sustainable development goals. As of today, 193 nations have ratified these goals, with India being one of them. Due to numerous factors, including ignorance, poverty, a lack of knowledge, the high cost of litigation, and many others, the traditional approach to social justice was based on the Locus Standi principle, which states that only the victim can go to court to seek redress in a particular case. However, this approach was insufficient to establish social justice and protect human rights worldwide, so it was necessary to liberalize the Locus Standi principle.

**Keywords:** Locus Standi, Social Justice, Sustainable Development, Human Rights, Public Interest Litigation

## INTRODUCTION

Justice is a concept that is widely accepted as the fair and impartial application of laws. It is commonly understood as the implementation and enforcement of laws by courts and other legal authorities. Justice is a fundamental part of every functional society, since it works to defend human rights and preserve peace and order. When an individual or group of persons experience legal harm, justice is served. Such damage may result from a failure to uphold the public trust or from breaking specific legal requirements. A method for ensuring public participation in the judicial review of administrative action is public interest litigation. It has the result of somewhat increasing the democratic nature of the judicial system. The fundamental liberties and rights to which every person is entitled, irrespective of their nation, ethnicity, gender, or any other status, are known as international human rights. These rights include, among others, the freedom of expression, the right to life, and the security of the person. They also include the right to equality before the law. However, because of the concept of locus standi, it can be challenging for the court to uphold social justice and establish a rule of law inside a community. The court used its judicial activism authority to resolve this issue by developing the concept of public interest litigation, which helps the United Nations Sustainable Development Goals 2030 to protect basic human rights. This has been seen in many instances when judges have used their judicial activism to protect the rights of vast numbers of people and to promote social justice. Understanding social justice, which is defined as the equitable treatment of all

persons without social discrimination based on caste, colour, ethnicity, religion, sex, or other characteristics, is essential to ensuring social justice via a liberalized locus standi. In the Indian constitution, article 15 recognized social justice, where no special privileges are given to any particular group and the conditions of the disadvantaged and women are improved. According to Chief Justice Gajendrakar “In this sense, social justice holds the aims of equal opportunity to every citizen in the matter of social and economic activities and to prevent inequalities”.<sup>1</sup>

### **LOCUS STANDI**

Generally speaking, only the individual whose human right has been infringed has the right to file a judicial case. The Latin phrase "locus standi" is composed of the term's loci, which means "location," and standi, which means "the right to bring an action." Thus, the right to appear, the procedure of standing in court, or having the legal competence to bring the case before a court of law are all used jointly. Invoking the court's jurisdiction is a capability or right. One cannot be heard in a court of law without locus standi. According to the conventional viewpoint, anybody who has a personal stake in the issue or whose rights have been violated may file a lawsuit before the court. It must be demonstrated that the individual who filed a lawsuit has suffered or will soon suffer harm as a result of the violation of his or her legally protected interests or legal rights.

### **LIBERALIZATION OF LOCUS STANDI**

Liberalizing the notion of locus standi indicates that anybody may go to court on behalf of those who have been wronged. Liberalization was necessary since, according to the established locus standi rule, only the party who has been harmed may file a lawsuit and must prove that his personal rights have been violated.. The lack of standing may prevent consideration of the extremely important matter, and because of the strict application of this rule, access to the judicial remedies was denied to a large number of people-spirited litigants. This dilution in locus standi was carried out for a number of reasons, including exploitation of large populations, poverty, ignorance, and lack of knowledge, high litigation costs, the democratisation of justice, redress for public injuries, and avoiding multiple lawsuits, as well as to restrain arbitrary state action and guarantee an accountable government in the nation.

In the UK after Gouriet's case,<sup>2</sup> the law was changed under general enactment made by the parliament even after the strict rules of locus standi has been enacted. The English court took a broad and flexible approach to the question of sufficient interest and liberalise the rule of locus standi for public interest and ensure human rights given under SDGs Goals. In the USA also the courts have taken a liberal attitude in the matter of locus standi in litigation affecting the environment and the consumers at large though they have taken a strict attitude in some cases. In the case of United States v. Scrap, where five law students created an incorporated organisation with the aim of enhancing the quality of the human environment for both its members and all people, the Supreme Court used similar tactic when granting locus standi. The group contested the railroad's decision to raise flying rates by 1.5% on the grounds that such a pricing structure would discourage the use of recyclable materials and promote the use of new raw materials in an

---

<sup>1</sup> Prakash, R. (n.d.). *Concept of social justice*. Home - Papers. Retrieved February 5, 2023, from <https://www.readcube.com/articles/10.2139/ssrn.2589869>

<sup>2</sup> Gouriet V Union of Post office workers, (1977)3 All.ER 70

effort to undercut SCRAP and further its own interests. In this case, the court allowed locus standi to SCRAP<sup>3</sup>.

In India, the trend to liberalise the rules relating to locus standi began with the concept of Public Interest Litigation. In the case of *Fertilizer Corp. Kamgar Union vs Union of India*<sup>4</sup>, Supreme Court expressed the scope of the concept of locus standi and noted a wider perspective on the issue of where to start legal actions may be required given the increasing understanding of legal rights, human rights, and social responsibility. To put it simply, locus standi has to be liberalised to suit the demands of the modern world. A liberal recipe exception at the court door is required in public interest litigation since it is a component of the participatory justice process.

### REASONS FOR THE LIBERALIZATION

**Poverty** - Poverty is restricting people to approach the court as litigation was a costly affair and many cannot afford the courts and sacrifice justice in silence. The rule of locus standi was the major obstacle for such people in getting justice as they not approaching the court and other public-spirited people cannot approach the court on their behalf of them, therefore it was high time to liberalise the people principle of locus standi to service the justice to the have not section of society too. The perfect example of this is *Olga Tellis & Ors. Vs Bombay Municipal Corporation*.<sup>5</sup>

**Ignorance** – Ignorance about the legal system and lack of access to information and resources prevent many people from seeking justice through the court. Due to this, there is a need to liberalise the locus standi emerged, Public Interest Litigation also covered the area and represented it in the court which was ignored by the legislature and executives. Some of the landmark judgements related to it are – *Vishakha vs the State of Rajasthan*<sup>6</sup>, *Parmanand Katara vs UOI*<sup>7</sup> etc.

**The exploitation of vast masses** – Public Interest Litigation also protects protect and helps to safeguard the interest of vast masses from exploitation. In this, the people-spirited person can represent the unrepresented sections of society who are exploited by authorities. In the case of *Samantha vs the State of Andhra Pradesh and Ors.*<sup>8</sup>, PIL was filed to protect various tribal people of different states, who cannot access the land owned by tribals.

### PUBLIC INTEREST LITIGATION & INTERNATIONAL DIMENSION

According to the definition of sustainable development, present demands must be met without compromising the capacity of future generations to pursue their own aspirations. The Sustainable Development Goals (SDGs) have been considered as bringing together the three areas of international law: international environmental law, international social and economic law, and international human rights law. Among these rights are the freedoms of speech and assembly, the right to life, and the security of the individual. The right to equality before the law is also included. If human rights, such as the right to fresh water, food, and shelter, are not protected, sustainable development cannot be attained. It offers a

---

<sup>3</sup> 13. 412 US 669 (1973)

<sup>4</sup> 1981 SCC (1) 568

<sup>5</sup> 1985 SCC (3) 545

<sup>6</sup> MANU/SC/0786/1997

<sup>7</sup> 1989 SCC (4) 286

<sup>8</sup> AIR 1997 SC 3297

means for underrepresented or underprivileged groups to get justice and have their problems resolved. In the case of *Gideon v. Wainwright*, the idea of PIL was first brought forward. According to Justice Black, "reason and reflection require us to recognise that in our adversary system of criminal justice, any person hauled into court who is too poor to hire a lawyer cannot be assured of a fair trial unless counsel is provided for him." The fair trial was acknowledged by the court as a basic right in this instance. This situation is a perfect illustration of how the special idea of PIL may be used to promote human rights. Latin American legal systems have established a level playing field for the defense and maintenance of human rights, especially for disadvantaged communities. In recent years, court rulings have contributed to the establishment of a legal and institutional framework that accords with core democratic values, such as the national application of international human rights legislation.<sup>9</sup> The first statute of the PIL system was introduced by the United States in the year 1890, named as "Sherman Antitrust Act"<sup>10</sup> In order to maintain a clean environment in society, the USA established several new laws for the welfare of society, such as "The Clean Air Act" in 1970. In order to guarantee sustainable development in the UK, one or more individuals may represent the general public on behalf of a group in the court proceeding. Even failed legal actions have value because they educate the populace and may even influence their views. While the outcomes of the cases are still being resolved, lawyers throughout Latin America, Eastern Europe, and Africa are striving to apply international laws via local litigation. Regardless of the verdicts, their educational value must be recognized. The attention that the international human rights community pays to these legal initiatives is crucial. Examples of instances from different countries are used to illustrate the numerous ways that litigation may assist in the elimination of injustice, such as the establishment of a legal acknowledgment of human rights. It is essential to achieve both legal victories and a rise in global and domestic public awareness of issues. In Chile, a list of abuses finally gained political significance. Newspapers in Nigeria that were reluctant to cover a demonstration against the military government would, however, report on a court case, giving the issue the much-needed exposure, it required. In Latin America, litigation is crucial to ensure that laws be applied consistently even under democratic systems where violations are still a possibility. In India, where discrimination against "Dalits" still exists despite preventative laws, a precedent might be set. However, a recent ruling that held the government responsible for the delivery of basic resources and services would be helpful. International bodies like the European Court and Commission on Human Rights may successfully broaden the application of international law. When lawyers use international decrees often, they are more likely to be accepted by domestic governments.

## SOCIAL JUSTICE

The definition of social justice is far broader than one may think. It includes administering the laws fairly and properly, which verified the natural law that applies to everyone regardless of gender, ethnicity, property, or religion, in addition to treating everyone equally.<sup>11</sup> Social justice has been defined in a variety of ways throughout the years. Plato claimed that social justice is closely related to individual justice, therefore understanding justice in the social realm only needs an understanding of it in the individual

---

<sup>9</sup> Inter-American Democratic Charter, 11 September 2001, 40 ILM 1289, online: Organization of American States .

<sup>10</sup> Cheng , S. Q. (2014). Discussion on the Improvement for China's Civil PIL System. *Chinese & Foreign Corporate Culture*, 11, 36-38.

<sup>11</sup> *Black's Law Dictionary - Free Online Legal Dictionary*. The Law Dictionary. (2022, August 3). Retrieved February 5, 2023, from <https://thelawdictionary.org/>

sense. The focus of Plato's social justice theory (Plato, 1991) is on each individual's responsibility to play their part effectively and efficiently. He believes that doing this will simply bring about justice and order. Therefore, one might deduce that, from a platonic perspective, subsidiarity and job division are essential for attaining justice in a community.<sup>12</sup> According to John Rawls, this meant that individuals should consider both the necessary conditions for a society's social gains to be distributed fairly and the permitted levels of inequality. Rawls popularised the term "veil of ignorance," arguing that it should be used to control society. The "principle of difference," which contends that social and economic discrepancies may be acceptable provided they help the rest of society, as well as the façade of ignorance about one's standing in any particular group, are both present in this situation..<sup>13</sup> According to some beliefs the phrase "social justice" draws its roots from Christian theology.<sup>14</sup> In the present era, social justice is recognized in international law in the form of sustainable development goals where 7 goals related to social justice out of 17.

## **PUBLIC INTEREST LITIGATION & SUSTAINABLE GOALS OF HUMAN RIGHTS IN INTERNATIONAL LAW**

Sustainable development and international human rights are two ideas that work together to guarantee a brighter future for everyone. Sustainable development is the process of providing for the present generation's fundamental requirements without jeopardising future generations' ability to provide for themselves. This includes economic, social, and environmental sustainability and is typically defined by the three pillars of economic progress, social equity, and environmental preservation.. On the other hand, international human rights are related to the fundamental liberties and rights to which every person is entitled, irrespective of their citizenship, race, gender, or any other status. The exercise of human rights cannot continue without a sustainable environment since pollution and environmental deterioration can harm people's health and well-being. Public Interest Litigation is an important tool for achieving sustainable development goals and the realization of human rights.

### **The National Coalition for Gay And Lesbian Equality And Others Vs The Minister Of Justice And Other's**

Through its duties in constitutional interpretation, the South African judiciary, and particularly the constitutional court, contribute significantly to the construction of sustainable development in society. The National Coalition for Gay And Lesbian Equality And Others Vs The Minister Of Justice And Other's, perhaps the most ambitious and extensive public interest litigation embarked on in South Africa post-1994 is the PIL undertaken by gay and lesbian groups. The legitimacy of the common law offence of sodomy in South Africa was being contested in this case. The NCGLE and SAHRC, the two applicants, requested a ruling from the High Court that the common law offence also of sodomy was incompatible with a number of constitutional rights including the right to privacy (section 14) the right to human dignity (section 9) and the right to equal protection (section 9). Gays, heterosexuals, and lesbians were all subject to the

---

<sup>12</sup> Chibuikem, O. N. (n.d.). *An insight into the notion of social justice following Plato and Rawls*. International Journal of Advances in Philosophy. Retrieved February 5, 2023, from <http://article.sapub.org/10.5923.j.ap.20170102.02.html#Sec2.1>

<sup>13</sup> Freeman, S. (2019, April 3). *Original position*. Stanford Encyclopedia of Philosophy. Retrieved February 5, 2023, from <https://plato.stanford.edu/entries/original-position/>

<sup>14</sup> Fad-Admin. (2021, March 29). *The origins of Social Justice: Taparelli d'Azeglio*. Intercollegiate Studies Institute. Retrieved February 5, 2023, from <https://isi.org/intercollegiate-review/the-origins-of-social-justice-taparelli-dazeglio/>



sodomy offence according to the High Court. The Supreme Court found that acknowledging the distinctions between gender and sexual orientation and such discrimination violated equality rights and had no legitimate justification under the law. The court's sexual behaviour was discriminatory and to control those who engaged in it in the way that LGBT people's constitutional rights to privacy, dignity, and equality were violated was made clear. The sodomy offence was deemed to be unlawful and void by the constitutional court which upheld the High Court decision. The NCGLE or gay and lesbian persons filed many lawsuits as a result of this decision. After numerous community efforts, the constitutional code ultimately determined in Minister of Home Affairs Vs Flourie really that it was unconstitutional for common law and for legislation to forbid same-sex marriage, despite the vehement government appeal and the intervention of a number of Christian groups. It is clear that the PIL in this region has caused hospitals to transform guys and lesbians can have sex legally they have immigration rights they can adopt children get pension and inheritance benefits and they can form civil unions these are just a few of the many practical advantages gays and lesbians have.

In his first address as president in 2019, Cyril Ramaphosa acknowledged lesbians and homosexual people, saying: "Let us stop the dominion that males claim over women, the denial of opportunity, the abuse and the violence, and neglect, and the contempt of each person's equal rights." Let's create a society that cherishes and cares the beach and the outcast to have been pushed to the margins for too long a society where people with disability may participate fully where there is tolerance where no one is discriminated against based on their sexual orientation and we are no one faces discrimination due to the colour of their skin their native language or their place of origin. Lesbian, homosexual, bisexual, and transgender people in South Africa enjoy the same legal rights as heterosexual people. Only South Africa has legalized same-sex partnerships in Africa as of this writing. South Africa was the fifth country in the world to do so, and its post-apartheid constitution was the first to outlaw discrimination based on sexual orientation.

In the case of Dorothy **Chioma Njemanze & 3 Ors. Vs Federal Republic of Nigeria**<sup>15</sup>

The Nigerian Women Trust Fund, Alliances for Africa, Institute for Human Rights and Development in Africa (IHRDA), and S. P. A. Ajibade participated in the Community Court of Justice of the Economic Community of West African States (the Court). The plaintiffs were subjected to violent, harsh, inhumane, humiliating, and discriminatory treatment after being arbitrarily detained and treated by Abuja Environmental Protection Board (AEPB), Nigerian Military, and Nigerian Police law enforcement officials on a number of occasions.

The court determined, among other things, that by failing to acknowledge, advance, and protect the plaintiffs' rights and by failing to take action to give those rights effect (UDHR), the Nigerian government repeatedly violated Articles 1, 2, 3, 5 and 18(3) of the African Charter on Human and Peoples' Rights as well as Articles 2, 3, 4(1) & (2), 5, 8 and 25 of the Protocol on the African Charter on Human and Peoples' Rights.

The court further determined that gender-based discrimination is prohibited by the African Charter on Human and Peoples' Rights' Articles 2, 3, and 18(3), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa's Articles 2 and 8, and the Convention on the Elimination of All Forms of Discrimination Against Women's Articles 2, 3, and Article 15(1). The Plaintiffs' rights and dignity are violated, and the Court finds that

---

<sup>15</sup> ECW/CCJ/APP/17/14,

calling them "prostitutes" is gender discriminatory. Since there is no law dictating what time a woman should go out, the mere fact that she walks out at night does not prove that she is a prostitute. According to the court, the cumulative behavior of the Nigerian Military, Nigerian Police, and AEPB made it quite evident that the operations were primarily intended to target women.

The Nigerian government will be inspired by this judgment to more actively defend women's rights, review all laws and policies that support gender-based violence and discrimination against women, and realign institutions designed to protect everyone in order to fulfill their goals.

### **Sau Paulo's city hall case (Brazil)**

The United Nations created the 17 sustainable development goals as a part of its development agenda, which will be executed between 2016 and 2030. This Paper uses a case study on access to education to show how close some of these fundamental development goals are related. In particular, SDGs 4 ("Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all"), 5 ("Achieve gender equality and empower all women and girls"), and 16 ("Promote peaceful and inclusive, accountable institutions of government") are discussed. In order to provide social justice to children who are exploited by the government in Brazil, multiple PILs were filed with the court. The lack of legally required universal childcare and preschool education provided by the Sau Paulo municipal administration is the subject of a legal dispute. By contrasting the outcomes of subsequent individual lawsuits brought against City Hall with those of class actions brought against the same party and with the same objectives, it is possible to contest the benefits inherent in the use of the legal tactic known as the class action lawsuit in the struggle to improve the standard of the rule of law in Brazil. The Federal Constitution of 1988 of Brazil guarantees everyone the right to an education.<sup>16</sup> The country's court has been obliged by individual and class actions to decide the breadth and scope of this right, particularly as it relates to early-childhood education, for which access has not yet been made universal.<sup>17</sup> In 2020, 74% of 3–5-year-olds in Brazil were enrolled in early childhood education programmed in Brazil.<sup>18</sup>

### **AUSTRALIA**

The former social justice commissioner, Mick Ddson, discussed what it means for Aboriginal and Torres State islanders to have human rights in Australia in the following quotation. Although he used the word "social justice," he might have equally well used the term "human right. "What awaits you in the morning is social justice." It's waking up in a home with access to clean, potable water and proper cooking equipment. It's the capacity to raise your kids well and send them to a place of learning that not only strengthens their knowledge and respect of their cultural heritage but also prepares them for job. It is the hope for honest work and good health—a life filled with options and possibilities. a discrimination-free existence. The core human rights of far too many people in Australia remain inaccessible. In view of the continued incapacity of members of society, notably refugees, asylum seekers, and First Nations People, to exercise their rights, the government must quickly establish a thorough Human Rights Act that defends

---

<sup>16</sup> Constituição Federal [C.F.] [Constitution] art. 208, IV (Braz.) ("[t]he State's duty regarding education shall be carried out by guaranteeing . . . early-childhood education, in daycare and pre-school, for children up to five (5) years of age").

<sup>17</sup> See *Monitoramento e avaliação dos planos subnacionais de educação*, Plano Nacional de Educação, <https://pne.mec.gov.br/18-planos-subnacionais-de-educacao/37-monitoramento-e-avaliacao-dos-planos-subnacionais-de-educacao> [<https://perma.cc/Z6UX-92ZP>].

<sup>18</sup> Education GPS. (n.d.). Retrieved February 7, 2023, from <https://gpseducation.oecd.org/CountryProfile>

and preserves the rights of all people. Amnesty International's 2020/21 Report makes it very obvious that more work has to be done before all people's human rights in Australia are recognized and upheld.

### **Refugees and Asylum Seeker**

Asylum seekers and migrants in Australia continued to receive appalling treatment. As opposed to 18,750 in 2020, 13,750 refugees were allowed into Australia for resettlement in 2021.

### **Aboriginal Rights**

In spite of making up just 3% of the population of Australia, Aboriginal and Torres Strait Islander people make up 30% of the adult inmates. Their overrepresentation in the criminal justice system is thus disproportionate. In the case of **Koowanta vs. Bejelke-Peterson and others**, the High Court of Australia rendered a major ruling on racial discrimination. It challenged the constitutionality of some provisions of the Racial Discrimination Act of 1975 and the discriminatory actions of the Queensland Government in preventing aboriginal people from purchasing property in Northern Queensland. The court declared the Racial Discrimination Act void and considered the International Human Right and prohibiting racial discrimination.

### **Children Rights**

Last year, there were imprisoned in Australia about 500 children under the age of 14. Australia refused to raise the age of criminal responsibility from the current minimum of 10 to the generally acknowledged minimum of 14 in January 2021, despite demands from 31 UN countries.

### **Sexual Assault against Women**

Violence against women is one of the most common forms of human rights violation, both in Australia and throughout the world. In Australia, one in three women experience intimate relationship violence, and one in five women have been sexually assaulted since the age of 15. In addition, domestic violence is the main cause of homelessness among Australian women.

Australia's legislative protection of fundamental human rights is strong, and the country is generally seen as having a reliable mechanism in place to uphold these rights. As in many other countries, there are still areas where these rules are not being implemented to the fullest extent possible, making it challenging for some groups to have their rights adequately acknowledged and protected.

### **SUDAN**

The situation of human rights in Sudan has long been a source of concern. Despite a major improvement since the previous government was toppled in 2019, accusations of human rights abuses have continued throughout the country. One of Sudan's main human rights issues is the restriction of the freedoms of expression, assembly, and the press. Another is the use of arbitrary arrests and detentions. Extrajudicial killings, torture, and other types of abuse by security personnel have also allegedly been reported. Women and girls confront significant challenges, including discrimination, violence against women, and inadequate access to healthcare and education. Including Christians and racial minorities, minority groups have been the target of bigotry and violence. Access to humanitarian aid is still a concern in conflict-affected areas where populations have been subjected to violence and eviction. The Sudanese government has put in place a temporary government and overturned laws that restrict the freedom of speech and association in order to address these issues. But there is still a lot of work to be done to ensure the defence and respect of all Sudanese citizens' human rights. It's critical to keep in mind that Sudan is a difficult country with a wide spectrum of human rights issues. The international community has to keep playing a significant role in assisting efforts to enhance human rights.

### **Food Crisis**



Sudanese children struggle amid extreme poverty. In addition to being forced to endure female genital mutilation (FGM) at a rate of 90%, 12.4% of girls are married off before the age of 15, and many are used as child soldiers. Infant mortality is 30 percent. Approximately 2.4 million youngsters are underweight. countless people in Sudan also struggle to have access to basic services like clean water, healthcare, and education.

### **Gender Inequality**

Due to negative gender stereotypes stemming from a patriarchal system, women in South Sudan have been marginalised and even excluded from involvement at all levels of political or decision-making. Particularly in rural places, where traditions are occasionally considerably stronger, is this true. The gender gap in educational attainment is one of Sudan's most obvious and significant injustices. Before leaving school when they reach puberty, which typically occurs after six years in primary school, girls may only receive a minimal education in reading, writing, and basic math. 0.8 is the gender parity index for Sudan's primary schools as of 2006.

### **Female genital Mutilation-**

It is generally acknowledged that FGM is against human rights, especially the right to bodily integrity and the ban on torture and other cruel, barbaric, and degrading treatment.

Sudan has taken some action against the practise, including enacting a legislation making it illegal in 2020. FGM, however, continues to be a major issue in the nation since the legislation has not yet been put into practise.

## **AFGHANISTAN**

Afghanistan continues to suffer with a large-scale poverty challenge. The majority of the population still remains in rural areas, where poverty rates are still high despite some recent economic growth. Many Afghans do not have access to essential utilities like clean water, health care, or education. Due to the necessity to spend an excessive amount of money on health care and education, this makes poverty worse for families.

the relevant cases are:

Case of Mukhtar Mai: In 2002, Mukhtar Mai, a Pakistani rural woman, was subjected to gang rape at the hands of a local council. The case received attention from across the globe and was considered as a test of the nation's handling of women's rights. When Mukhtar Mai sought legal action, her case eventually made it to the highest court and she was paid compensation.

### **Rights of migrants and refugees**

The number of Afghan refugees entering neighboring countries surged when the Taliban seized control. Travel limitations enforced by the Taliban, including as the often insurmountable difficulties in acquiring passports and visas, put at risk the ability of Afghans, especially those who feared reprisal, to seek sanctuary in other nations. There were concerns that border limitations imposed by other countries may encourage Afghans to travel unpredictably by employing smugglers, increasing their susceptibility to human rights abuses.

### **Girls' and women's rights**

Women and girls continued to experience harassment and discrimination due to their gender before the Taliban assumed power. Many of their basic human rights were lost after the Taliban gained power. Although the Taliban pledged to protect women's rights, the little progress gained over the preceding two decades was swiftly undone.

### **Women's employment rights and political representation**

Only four women made up the government delegation in the most recent round of fruitless peace talks, and there were none among the Taliban. Women who worked as judges, prosecutors, or lawyers were virtually sacked from their roles and forced to leave their hometowns. The Taliban started exacting revenge after releasing the men they had jailed and judged responsible for domestic violence and other offenses based on gender. Female judges' homes have sometimes been broken into by Taliban militants and ex-offenders.

### **Education as a right**

Taliban officials warned that before women and children could return to school, a "secure learning environment" was required. In the middle of September, the boys were permitted to return to school, but it was still unknown what would happen to the girls. With the exception of the provinces of Kunduz, Balkh, and Sar-e Pul, the majority of secondary schools did not accept female students at the conclusion of the academic year. Bullying and intimidation of teachers and students led to low attendance rates even while schools and other educational institutions were open, particularly among females.

### **Gender-based and sexual violence**

Violence against women and girls is persistently underreported despite the fact that it continues to be pervasive. The offenders got unpunished the vast majority of the time. Between January and June, the MoWA recorded 1,518 instances of violence against women, including 33 fatalities. The main forms of violence against women still consist of beatings, harassing behaviour, being pushed into prostitution, being denied alimony, and being married off too young or forcibly.

### **LGBTQ people' rights**

According to the Taliban's spokesman for the Ministry of Finance, Sharia law forbids LGBTI rights. Consensual same-sex sexual conduct is still prohibited under Afghanistan's Penal Code.

The Afghan Human Rights Defenders Committee reports that between September 2020 and May 2021, at least 17 human rights defenders were assassinated and hundreds more were threatened.

All 14 offices of the Afghanistan Independent Human Rights Commission were taken over by the Taliban beginning in late August, compelling the personnel to flee the nation or seek safety abroad. There have been reports of Taliban militants going door to door hunting for journalists and human rights advocates, and violence has been directed against NGO staff members and their families.

### **Freedom of assembly and expression**

The Taliban violently dispersed nonviolent protests throughout Afghanistan by using gunshots, electroshock devices, tear gas, hitting protesters with whips, and lashing them with wires. On September 4, over 100 women protested in Kabul, calling for the protection of their rights and the inclusion of women in the new administration. According to reports, the gathering was dispersed by Taliban special forces using electroshock weapons and tear gas. The protesting women suffered abuse. On September 7, the Taliban shot and killed teacher Bashir Ahmad Bayat and member of civil society Omid Sharifi as they protested against them in the province of Herat. Eight additional protesters suffered injuries. On September 8, the Taliban's Interior Ministry issued a proclamation outlawing all protests and meetings "until a strategy of demonstration is determined."

The Afghan Journalist Safety Committee reports that in the year before November 2021, there were 230 assaults and at least 12 journalist fatalities.

### **Health as a right**

The System Enhancement for Health Action in Transition Project for Afghanistan's removal of foreign aid in August had a negative effect on the already debilitated health system (Sehatmandi). As of November, 3,000 medical offices have shut down as a result of a shortage of funds. High-quality family planning, nutrition, and healthcare services are provided throughout Afghanistan with the help of the multi-donor program, which is their primary funding source. The WHO warned of a catastrophic decline in public health conditions in September, citing increased rates of measles, diarrhea, and polio among youngsters. Attacks on medical staff and facilities took place all throughout the year. In the first half of the year, nine persons in Nangarhar province who had received polio immunizations were shot and killed. The Taliban pledged in October to make it easier to conduct a polio vaccination program throughout the state and to allow female frontline workers to take part. Additionally, they pledged to guarantee the protection and safety of all front-line healthcare employees.

### Canada

Human rights are usually respected by the Canadian government and judicial system, and they are effectively protected by the law. The 1982-adopted Canadian Charter of Rights and Freedoms, a cornerstone of Canadian law, protects a number of individual liberties, such as the freedom of speech, of association, and of religion, as well as equality rights, such as the right to equality before the law and the equal protection and benefit of the law without discrimination. In Canada, there are ongoing issues and incidents of human rights breaches.. The lack of access to essential services like clean water, healthcare, and education, for instance, and institutional discrimination against Indigenous peoples continue to be issues. Additionally, there have been allegations of racial profiling on the part of law enforcement, as well as an overrepresentation of Native Americans in the criminal justice system. In Canada, the rights of LGBTQ+ people are typically effectively protected by the law, although discrimination and harassment still happen, especially towards transgender and gender non-conforming people. In terms of immigration and refugees, Canada has a long history of granting asylum to those in need and embracing individuals from all over the globe. Although some people face protracted imprisonment and other types of human rights abuses, the treatment of migrants and refugees, especially those who enter the country illegally, continues to be a source of persistent concern. The complete realisation and protection of all people's human rights in Canada face persistent difficulties, notwithstanding the country's robust human rights framework. Gender inequality is a chronic problem in Canada, despite the country's dedication to equality and human rights. Women continue to confront major inequities in a variety of areas, including:

**The gender pay gap:** Women in Canada still earn, on average, less than males, with Indigenous women and women with disabilities suffering especially high pay inequalities.

**Representation in leadership roles:** Women are underrepresented in positions of leadership and influence, both in the public and commercial sectors.

**Violence against women:** Women in Canada continue to face high levels of gender-based abuse, including domestic violence and sexual assault. Indigenous women and women with disabilities are especially vulnerable.

**Reproductive rights:** While abortion is legal in Canada, access to safe and legal abortion services may still be a difficulty for certain women, especially in rural and isolated locations.

In the 1995 case of *Egan v. Canada*,<sup>19</sup> the issue at hand was whether the Charter of Rights and Freedoms protected gay and lesbian Canadians against prejudice based on sexual orientation. This case was a turning

---

<sup>19</sup> [1995] 2 SCR 513

point for Canada's LGBTQ+ community when the Supreme Court of Canada decided that the Charter did, in fact, guarantee their rights.

**Canadian Doctors for Refugee Care v. Canada (Minister of Citizenship and Immigration), 2015.**

This case concerned the rights of asylum seekers and whether the Canadian government's policy regarding asylum seekers' access to healthcare violated such rights under the Canadian Charter. The Federal Court of Canada decided that the government's actions did, in fact, breach the Charter rights of asylum seekers and compelled it to act immediately away to correct the problem.

**Venezuela**

Human rights advocacy and the advancement of social justice in Venezuela have benefited greatly from public interest litigation. Public interest litigation claims may be difficult for people and groups to advance, nevertheless, as a result of the nation's present political and economic climate.

**Foro Penal v. Venezuela (Minister of Justice), 2018.** This case concerned political prisoners' rights and whether they were experiencing arbitrary detention, torture, or other types of maltreatment while in imprisonment. The Inter-American Court of Human Rights declared that the Venezuelan government had violated international human rights law and ordered it to take prompt corrective measures.

**PUBLIC INTEREST LITIGATION & SUSTAINABLE GOALS OF SOCIAL JUSTICE IN INDIA**

As the cornerstone of our constitution, public interest litigation (PIL) presents both a challenge and an opportunity to the government in its efforts to ensure social and economic justice for the underprivileged and vulnerable segments of the community.<sup>20</sup> The ultimate aim of the Indian preamble is to deliver social justice to all its citizens and through Sustainable Development Goals (SDGs), Indian Judicial System ensures basic human rights and Public Interest Litigation works as a tool in this process.

**Hussainara Khatoun & Ors. Vs. Home Secretary, State of Bihar, Patna**

“The State cannot avoid its constitutional obligation to provide speedy trial to the accused by pleading financial or administrative inability. The State is under a constitutional mandate to ensure speedy trial and whatever is necessary for this purpose has to be done by the State. It is also the constitutional obligation of this Court, as the guardian of the fundamental rights of the people, and a sentinel on the qui vive, to enforce the fundamental right of the accused to speedy trial by issuing the necessary directions to the State which may include taking of positive action, such as augmenting and strengthening the investigative machinery, setting up new courts, building new court houses, providing more staff and equipment to the courts, appointment' of additional Judges and other measures calculated to ensure speedy trial.”<sup>21</sup> . In this instance, 40000 prisoners' human rights were infringed due to their incarceration without a trial and the deplorable jail conditions. They were imprisoned without justification by the responsible party. After the Locus Standi Principle was liberalised, this violation of human rights resulted in the first PIL in India, and the legal system upheld their human rights by releasing 40,000 prisoners and guaranteeing a prompt trial as a fundamental right under Article 21 of the Indian Constitution. The goals of the right to a swift trial are yet uncertain, despite its advancing age. The concept of a "Right to Speedy Trial" demands that issues to be handled as rapidly as possible in order to improve the efficiency and dependability of the judicial system. The basic objective of the right to a quick trial is to instil justice in society. Considering that they safeguard human life, human rights are essential. We live in a civilised society that is ruled by law and a

<sup>20</sup> Bandhua Mukti Morcha Vs. Union of India (UOI) & Ors. MANU/SC/0051/1983

<sup>21</sup> MANU/SC/0121/1979

set of standards, therefore it is essential to ensure that everyone lives a life that is at least somewhat decent. Since each right helps a person to live their best life, they are all human rights. There are now 69,511 cases pending before the Supreme Court. 10,570 of the 69,511 open cases cannot be listed for "hearing" before the Hon. Court (10,535 incomplete Miscellaneous cases and 35 Not Ready Regular Hearing cases). Pendency increased across all courts by 2.8% yearly between 2010 and 2020. Over 4.5 crore lawsuits were still outstanding in India's courts as of September 15, 2021. Of them, 12.3% were pending in High Courts while 87.6% were in lower courts..<sup>22</sup> Through this case, it is analysed that through liberalization of locus standi, human rights can be ensured to the society and achieved sustainability in the country. It creates an impact on social justice as speedy trial becomes a fundamental right after this case. But, the pendency of cases is still high in the courts because society is not aware of their human rights and needs a strong implementation of judgements and legislation.

### **Vishakha and Ors. Vs. State of Rajasthan and Ors.**

In this case, Public Interest Litigation was filed before the audible Supreme Court of India and the Hon'ble Supreme Court held that "It shall be the duty of the employer or other responsible persons in workplaces or other institutions to prevent or deter the Commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required."<sup>23</sup> With the aid of the aforementioned guidelines, a statute known as the 2013 Protection Of Women From Sexual Harassment At Workplace Act was enacted as a result of the landmark 1987 decision. In order to safeguard women from sexual harassment and maintain a secure working environment, it protects them from it. The government has made it a goal to guarantee that women work in a secure and safe environment as a result of this act. Additionally, it raises awareness of the problem and offers victims of sexual harassment legal recourse. The POSH Act 2013 also creates Internal Companies Committees (ICCs) in organisations and ensures Article 15, 16, and 21 of the Indian Constitution in order to address complaints of sexual harassment and create a safe workplace for female employees. India's Ministry of Women and Child Development has developed the sexual harassment electronic-box, an online system for managing complaints (She-Box). There have been 423 complaints made on the She-Box website so far. Of those cases, 114 have already found a solution. According to data from the National Commission for Women, there have been an increase in complaints filed under the category of sexual harassment, including sexual harassment at the workplace (NCW). According to NCRB data, 539 cases were registered in 2016, 570 cases in 2017, and 965 cases in 2018, representing the number of such complaints registered over the previous three years. These are the reported cases; 63% of the women did not file complaints because of fear, embarrassment, or concerns about their social standing. The International Labour Organization (ILO) defines sexual harassment as sex-based behavior that is hurtful and unwelcome to the target. Sexual harassment cannot happen unless these two circumstances present. Sexual harassment may take two forms: quid pro quo and a hostile work environment. The definition of violence against women in the General Assembly Resolution on the Declaration on the Elimination of Violence Against Women includes sexual harassment, which is illegal at work, at institutions of higher learning, and elsewhere. Additionally, it supports the creation of legal, civil, or other

---

<sup>22</sup> *Vital stats*. PRS Legislative Research. (2023, February 8). Retrieved February 9, 2023, from <https://prsindia.org/policy/vital-stats/pendency-and-vacancies-in-the-judiciary>

<sup>23</sup> Vishaka and Ors. Vs. State of Rajasthan and Ors. MANU/SC/0786/1997



administrative processes as well as proactive efforts to lessen violence against women. States parties are required by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to take the necessary steps to eliminate discrimination against women in all contexts, including equal rights before the law, political and governmental administration, the workplace, the fields of education and healthcare, as well as other areas of public and social life. Examining the aforementioned case and how it affected society and social justice makes it very evident that although the government works to create the law, the court really provides social justice via the cases it has decided and the judgements it has made. Because it enables women to be treated equally, which is one of the sustainable development objectives for 2030, speak out against injustice, and be free from discrimination based on gender, this historic ruling has a significant influence on social justice. There is still a lack of awareness in society, despite the rise in recorded cases and the anxiety women feel reporting crimes. Overall, as it changes the mindset of the whole society and promotes social fairness for all women, the liberalisation of locus standi has a large beneficial impact on social justice. In order to achieve social justice, laws must be properly implemented and individuals must be informed of how to speak out and make a difference.

### **Bandhua Mukti Morcha Vs. Union of India (UOI) & Ors.**

The State Government would welcome a court investigation so that, if it is discovered that there are in fact bonded laborers or even if the Bonded Labour System (Abolition) Act, 1976, but they are forced to perform forced labor or are condemned to a life of utter deprivation and degradation, such a situation can be rectified by the court. The State Government is, under our constitutional scheme, charged with ensuring social and economic justice for everyone and equality of status and opportunity for all.<sup>24</sup>

Since this judgement upheld Articles 21, 23, 24, and 39 of the Indian Constitution, many individuals will benefit from the filing of this form of public interest litigation. A number of legislation, including the Minimum Wages Act (1948), the Contract Labor (Regulation and Abolition) Act (1970), the Child Labor (Prohibition & Regulation) Act (1986) & Amendment in 2016, and the Trafficking of Persons Bill (2018), forbade the use of bonded labor systems. Only two of the new programs the government has introduced to safeguard the human rights of bound employees are the Ujjawala Scheme and the Rehabilitation of Bound Labour Scheme, 2016. Forced labor is defined as "any job or service which is exacted from any person under the threat of a penalty and for which the individual has not offered himself or herself" in the ILO Forced Labor Convention of 1930.<sup>25</sup> The term 'Bonded Labour' has been defined by the National Commission on Labour as "Labour which remains in bondage for a specific period for the debt incurred".<sup>26</sup> However, 1.17 crores of people were bonded laborers in 2014, according to the International Labor Organization. The National Crime Records Bureau (NCRB) has released figures showing that 8,132 cases of human trafficking were recorded in India in 2016. Agriculture is the sector that employs bonded labor the most often. In comparison to other states, Jharkhand, Odisha, Rajasthan, Bihar, and Madhya Pradesh are more prone to employ bonded labor. Each year, many bound laborers are rescued from Tamil Nadu and Karnataka. The Sustainable Development Goals (SDG) 2030, which calls for the immediate

---

<sup>24</sup> MANU/SC/0051/1983

<sup>25</sup> National Human Rights Commission. (n.d.). *Bonded labour cover - national human rights commission of India*. Retrieved February 5, 2023, from <https://nhrc.nic.in/sites/default/files/Bonded%20Labour.pdf>

<sup>26</sup> National Human Rights Commission. (n.d.). *Bonded labour cover - national human rights commission of India*. Retrieved February 5, 2023, from <https://nhrc.nic.in/sites/default/files/Bonded%20Labour.pdf>

legalization of the worst forms of child labor, such as the conscription and employment of young troops, as well as the complete elimination of child labor by the year 2025, also recognize this social issue. It also demands an end to forced labor, modern-day slavery, and human trafficking. Despite the fact that there were 6.1 victims for every 1,000 individuals, according to the Global report Index 2018 report, the Indian government also signed two significant ILO agreements in 2017. India is at the 53rd place out of 167 nations. 71% of victims of modern slavery worldwide are women and girls today.<sup>27</sup>

### **"Murli S. Deora vs. Union of India (UOI) and Ors." ("Murli S. Deora Vs. Union of India (UOI) and Ors. Case Brief - 3")**

It is held that "Realising the gravity of the situation and considering the adverse effect of smoking on smokers and passive smokers, direct and prohibit smoking in public places and issue directions to the Union of India, State Governments as well as the Union Territories to take effective steps to ensure prohibiting smoking in public places, namely: Auditoriums, Hospital Buildings, Health Institutions, Educational Institutions, Libraries, Court Buildings, Public Office, Public Conveyances, including Railways."<sup>28</sup> After this historic judgement in 2001, smoking in public was made banned since it contravened both international environmental law earned the basic human rights guaranteed by article 21 of the Indian constitution. The "Cigarettes And Other Tobacco Products (Prohibition Of Advertisement And Regulation Of Trade And Commerce, Production Commerce Supply And Distribution) Act, 2003" was passed into law in India in 2003 and forbids smoking in public areas. Smoking is not permitted in public places, according to Section (4) of the "Cigarettes and Other Tobacco Products (Prohibition of Advertisement And Regulation Of Trade And Commerce Production Supply And Distribution) Act, 2003." The Prohibition of Smoking In Public Places Rules, 2008 are now in an effect to secure the SDGs 2030 goals of good health and well-being and smoking free environment. In India, it is required that a "non-smoking" sign board be displayed in public areas. Smoking in public places is illegal and punishable by up to 2 years in prison or a fine that can be increased to ₹1000 for a first offense and up to 5 years in prison or an increased fine of ₹5000 for a second or subsequent offence. A study published in the medical journal "The Lancet" estimates that smoking is responsible for around 11% of mortality worldwide. The majority of smokers who pass away come from China, India, Russia, and the United States. According to the Global Burden of Disease Survey report, 11.2% of smokers worldwide are in India. Since smoking is the second most common cause of early death and disability, it is a major concern for all governments across the globe. The foundation for worldwide efforts to protect individuals from exposure to cigarette smoke is provided by Article of the WHO Framework Convention on Tobacco Control (WHO FCTC)..<sup>29</sup> The WHO European Region has recently enacted regulations to increase the number of smoke-free public areas. Comprehensive smoke-free regulations have been adopted by 21% of the region's countries. The most frequent places where smoking is prohibited are educational and medical facilities. While smoking has previously been made illegal in bars, restaurants, and other public areas, it has not yet been made illegal in healthcare facilities. After much work, the majority of countries now prohibit smoking in public

<sup>27</sup> ForumIAS, F. (2019, January 4). *Prevalence of bonded labour in India*. ForumIAS Blog. Retrieved February 6, 2023, from <https://blog.forumias.com/prevalence-of-bonded-labour-in-india/>

<sup>28</sup> MANU/SC/0703/2001

<sup>29</sup> Vorovchenko, T. (2023). *Driving the creation of smoke-free public places*. World Health Organization. Retrieved February 5, 2023, from <https://www.who.int/europe/activities/driving-the-creation-of-smoke-free-public-places>

places, which has an effect on society as a whole and ensures social justice for many people by defending their fundamental human rights and advancing their health and well-being. But society's ignorance about the risks associated with tobacco use and smoking does not cause a drop in the number of smokers. According to WHO data, up to 60% of cancer cases among Indian males may be attributed to smoking and tobacco use. The government must exert greater effort to guarantee that laws are followed and that the public is made aware of the need of a smoke-free environment.

## **IMPACT THROUGH LIBERALISATION OF LOCUS STANDI ON SDGS**

By analysing different countries case studies related to the liberalization of locus standi, it is found out that the impact of liberalisation of locus standi on SDGs is positive as the mass number of people get justice through liberalization but the need is effective implementation of the laws and regulations by the executive. By enabling individuals and communities to access justice and hold governments and corporations accountable for their actions, liberalization of locus standi can promote greater equality, social justice, and protection of human rights, all of which are key components of the SDGs.

According to a report by the International Bar Association, access to justice is a fundamental human right and a crucial component of achieving the SDGs. The report notes that justice gaps, including those related to locus standi, can perpetuate poverty, social exclusion, and inequality, and hinder progress towards the SDGs. On the other hand, greater access to justice can help to promote social justice, empower marginalized communities, and foster greater participation in decision-making processes. Additionally, liberalization of locus standi can help to protect the rights of workers and communities affected by corporate activities. According to a report by the Business and Human Rights Resource Centre, over 4,000 documented cases of the abuses by companies were reported between 2015 and 2020, including violations of workers' rights, land grabbing, and environmental destruction. Enabling affected communities to bring legal cases related to these issues through liberalization of locus standi helped to hold corporations accountable for their actions and promote more responsible business practices. But, the need is to effectively execute the judgements passed by the courts and the legislation passed by the legislature, the gap is execution. The gap of justice is quite filled by liberalization and now the gap to access the justice is execution of laws which benefits a large number of people and achieve the SDGs as earlier as possible.

Overall, liberalization of locus standi has a significant social impact on the achievement of the SDGs, promoting greater access to social justice and protection of human rights.

## **CONCLUSION**

The Sustainable Development Goals are a blueprint that aims to establish peace and prosperity among people in societies around the world. This can only be achieved if social, economic, political, legal, and human rights are given top priority. As a result, many countries were introduced a new concept of "Public Interest Litigation" so that social justice can be established in society without people compromising their rights. Liberalization of Locus standi is a legal mechanism and an important tool for achieving Sustainable Development Goals (SDG) and the realization of human rights, as it provides a means for marginalized or unrepresented groups to access justice and have their voices heard. Liberalization of Locus standi will also help to hold Governments and Corporations accountable for their actions, promoting transparency and

rule of law. On the one hand, human rights give direction and a legally mandated framework for confronting the multifarious aims of the 2030 Agenda. On the other side, the SDGs may serve as a results-oriented plan for the fulfilment of human rights and can be done via liberalisation. The first principle of every country is to deliver justice to the public at large. Liberalization of Locus Standi can play a crucial role in promoting sustainable development and human rights by providing a means for marginalized communities to access justice and hold those in power accountable for their actions. It serves as a means of ensuring that the needs and rights of all members of society are considered and protected and promoting a more equitable and sustainable future for all. But there is still a need for awareness among people about their basic human rights and the implementation of sustainable goals through legislation and judgements passed by the parliament and judiciary.