

2. a. Define "Locus Standi" with its Principles.
b. Under what circumstances, the High Court exercises its jurisdiction under Article 199 of the Constitution of Pakistan, 1973?

Answer:

Introduction:

The concept of "locus standi" or standing as it is otherwise known is particularly relevant to administrative law although it also has importance in relation to some aspects of human rights. Law standing has long been a feature of English law for example it was the subject of the 1858 case of *War v Regent's Canal Co* but it is equally present in many other jurisdictions.

Meaning :

The word locus is Latin for place locus standi is Latin for place to stand and in law the right to bring an action is the ability of a party to demonstrate to the court sufficient connection to and harm from the law or action challenged to support that party's participation in case .

Principle :

The principle of locus standi or standing determines who is entitled to bring a particular dispute before the court they can thus be distinguished from the principles which determine better whether a particular matter is suitable for adjudication in the courts whether a particular matter is one of public law and what proceeding may be used to challenge the decision.

There are many people who many consider that they are affected or have an interest in an administrative decision consider for example :the range of persons who might be said to have an interest in a decision to close a school because of falling of members the lists will obviously include persons whose children will have to start to a new school but it could a member of others for example persons who are opposed in principle to the closure of small schools and persons who are concerned about the financial implication of the closure for the the local education authorities .the principles of locus standi have the function of determining which interests merit access to the courts.

Requirement three are constitutional requirement .

1.the plaintiff must have suffered or imminently will suffer injury an invasion of a legally protected interest which is concrete and particularized the injury must be actual or imminent distinct and palpable not abstract this injury could be economics as well as non economics .

2.causation :

There must be a casual connection between the injury and the conduct complained so that the injury is fairly treacable to the challenged action of the defendant and not the result of the independent action of some third party who is not before the court.

3. redress ability :

It must be likely as opposed to merely speculative that favorable court decision will redress the injury.

Conclusion :

To conduct it can be said that the locus standi means legal capacity to challenge decision and purpose and object of locus standi is :

1. to avoid multiplicity of suits.
2. to regulate the administration of justice .
3. to save the time of the courts .
4. to protect the right of citizens .
5. to discourage everyone to move the courts .

b. Under what circumstances, the High Court exercises its jurisdiction under Article 199 of the Constitution of Pakistan, 1973?

Introduction :

In most cases the remedy will attempt to deal with an ultra vires or act or decision of the administrative agencies in proceeding before the high court which has the inherent power to review the legality of the action and decisions of administrative agencies and inferior courts the judicial remedies for ultra vires actions and decisions are the declaration of injunctions.

Jurisdiction of high court :

General principles of law are applicable to judicial review in respect of executive acts judicial review prevent the review the administrative powers. If administrative powers are abused what remedy shall be available where option is available there abuse of power exists judicial review controls arbitrary powers it confines or limitizes the use of arbitrary powers it also ensures its fair use and provides justice against abuse .

Constitutional provisions :

Article 199 of the constitution vests high courts with the jurisdiction to review the order as passed by the administrative authorities article 199 of the constitution read as follows:

199 jurisdiction of high court (1):

Subject to the constitution a high court may if it is satisfied that no other adequate remedy is provided by law:

(a) On the application of any aggrieved party make an order.

(i).directing a person performing within the territorial jurisdiction of the court function in connection with the affairs of the federation a province or a local authority to refrain from doing anything he is not permitted by law to do or to do anything he is required by law to do or .

2.on the application of any person make an order:

(i).directing that a person in custody within the territorial jurisdiction of the court be brought before it so that the court may satisfy itself that he is not being held in custody without lawful authority or in an unlawful manner .

(ii).requiring a person within the territorial jurisdiction of the court holding or purporting to hold a public office to show under what authority of law he claims to hold that office .

(2) subject to the constitution the right to move a high court for the enforcement of any of the fundamental rights conferred by chapter 1 of part ii shall not be abridged .

(3)an order shall not be made under clause (1) on application made by or in relation to a person who is a member of the armed forces of Pakistan or who is for the time being subject to any law relating to any of those forces in respect of his terms and conditions of services in respect of any matter arising out of his service.

As a person subject to such law :

(a)an application is made to a high court for an order under paragraph (a) or paragraph (c) of clause (1) and .

(b) the making of an interim order would have the effect of prejudicing or interfering with the carrying out of a public work or of otherwise being harmful to public interest or state property or of impeding the assessment or collection of public revenues.