



## Limits to the Right to Access Justice

Source: [LiveLaw](#)

### Why in News?

The [Supreme Court \(SC\) of India](#) fined a petitioner for **frivolous litigation** and **forum shopping**, citing misuse of **judicial time and resources**.

- The case highlights **legal misuse**, with the petitioner repeatedly filing meritless pleas to overturn a service dismissal.

### What is the Supreme Court Ruling on Right to Access Justice?

- **Case Background:** The petitioner challenged his **dismissal for misconduct** across multiple legal forums, including the **Industrial Tribunal, High Court, and Supreme Court**, despite **repeated rejections**.
  - Ultimately, the Supreme Court dismissed his [petitions](#) and fined him for forum shopping.
- **SC Ruling:** The Supreme Court affirmed that while the **right to access justice is a fundamental right (Article 21)**, it is **not absolute**.
  - The SC stated that frivolous petitions waste judicial time, delay justice, and undermine the integrity of the legal system.
- **Judicial Rulings on Right to Access Justice:**
  - In **Anita Khushwa v. Pushpa Sadan, 2016**, the **SC** reaffirmed that **access to justice is a fundamental right** under Articles 21 and 14 and it **identified 4 key components** for access to justice:
    - Effective adjudicatory mechanisms.
    - Reasonable accessibility in terms of distance.
    - Speedy adjudication.
    - Affordable access to the judicial process.
  - In **Buddhi Kota Subbarao v. K. Parasaran, 1996 case**, the SC dismissed petitions of a retired Navy captain prosecuted for espionage.
    - The SC **rejected his fraud claims for lack of evidence**, upholding judicial finality and ruling that **higher court decisions cannot be endlessly challenged** without new proof.

Read More: [SC Prioritising SLPs Disposal](#)

### What are the Provisions Related to Right to Access to Justice?

- **Constitutional Provisions:**
  - **Article 14 (Right to Equality):** [Article 14](#) guarantees **equality before the law and equal protection of the laws**.
    - The SC has interpreted this to **include the right to access justice**, ensuring that all individuals have an **equal opportunity to seek legal redress without discrimination**.

- **Article 21 (Right to Life and Personal Liberty):** Article 21 ensures that **individuals can seek judicial remedies for grievances**, thus protecting their personal liberty and rights.
- **Article 39A (Free Legal Aid):** [Article 39A](#) provides **free legal aid to ensure that no citizen is denied justice** due to economic or other disabilities.
  - It aims to **promote justice on the basis of equal opportunity** and is particularly focused on marginalized sections of society.
- **Articles 32 and 226:** **Articles 32 and 226** allows aggrieved parties to **enforce their right to access to justice** by approaching the **Supreme Court** or the [High Court](#).
- **Legal Framework:**
  - The [Legal Services Authorities Act, 1987](#), established [NALSA](#) to provide **free legal aid to weaker sections of society**.
    - Under Section 12 of the Act, eligible groups include women, children, SCs/STs, disabled individuals, and low-income persons, ensuring legal representation for vulnerable populations.
  - [Lok Adalats](#) offer speedy, accessible dispute resolution under the Act.
    - **Tele-Law** provides legal advice to marginalized communities, while **E-Lok Adalats** ensure access for those unable to attend physical hearings.
- **Public Interest Litigation (PIL):**
  - [PIL](#) expanded the rule of *locus standi*, allowing public-spirited individuals or organizations to **file cases for enforcing rights**, not just the directly affected individuals.
  - **Ex: MC Mehta v. Union of India (1987)** was the **first PIL filed on environmental pollution** in Delhi.

## UPSC Civil Services Examination, Previous Year Question (PYQ)

### Prelims

#### **Q. Consider the following statements: (2019)**

1. The 44<sup>th</sup> Amendment to the Constitution of India introduced an Article placing the election of the Prime Minister beyond judicial review.
2. The Supreme Court of India struck down the 99<sup>th</sup> Amendment to the Constitution of India as being violative of the independence of judiciary.

#### **Which of the statements given above is/are correct?**

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**Ans: (b)**

#### **Q. With reference to National Legal Services Authority, consider the following statements: (2013)**

1. Its objective is to provide free and competent legal services to the weaker sections of the society on the basis of equal opportunity.
2. It issues guidelines for the State Legal Services Authorities to implement the legal programmes and schemes throughout the country.

#### **Which of the statements given above is/are correct?**

- (a) 1 only

**(b)** 2 only

**(c)** Both 1 and 2

**(d)** Neither 1 nor 2

**Ans: (c)**

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**Mains**

**Q.** Critically examine the Supreme Court's judgment on 'National Judicial Appointments Commission Act, 2014' with reference to the appointment of judges of higher judiciary in India. **(2017)**

**Q.** Who are entitled to receive free legal aid? Assess the role of the National Legal Services Authority (NALSA) in rendering free legal aid in India **(2023)**

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