

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE
RAJYA SABHA
UNSTARRED QUESTION NO. 2676
ANSWERED ON 23/03/2023**

PROVISION ON BARRING LEGAL REMEDIES

2676 # SHRI HARNATH SINGH YADAV:

Will the Minister of LAW AND JUSTICE be pleased to state:-

- (a) whether the Parliament of India or the Government of India is vested with an authority to shut the doors of the court of law on any citizen of this country;**
- (b) if so, the details thereof;**
- (c) whether Government has violated its legislative powers by making a provision on barring the legal remedies available to aggrieved Hindus, Sikhs, Jains and Buddhists against the wrongful acts committed by foreign invaders; and**
- (d) if so, the details thereof?**

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

(a)to (d):No, Sir. The Constitution of India is the fundamental law of the land with great authority and sanctity that describes the basic principles of the State, the structures and processes of governance, fundamental rights of citizens and also envisions a path of growth and development for the nation. The organs of the Government owe their origin

to the Constitution and derive their authority from and discharge their responsibilities assigned to them within the framework of the Constitution.

The Parliament enacts laws within its competency and the power of judicial review is an element of the basic structure of the Constitution. Article 226 along with Article 32 of the Constitution of India guarantees every citizen the Right to Constitutional Remedies. A citizen of India can directly invoke the jurisdiction of the Supreme Court under Article 32 for enforcement of their fundamental rights and similarly, a citizen of India has a right to approach High Court under Article 226 for enforcement of fundamental rights along with the rights of other matter. In fact, the Constitution, under Article 39A also obligates the State to secure that the operation of the legal system promotes justice, on the basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.
