Access to Justice under the Nigeria Constitution 1999: Seeing Nigeria in the Eyes of Other Jurisdictions

Anamoji, Godspower Sam Esq, PhD*
Department of Social Sciences and Humanities
School of General Studies,
Federal Polytechnic of Oil and Gas,
Bonny, Nigeria
anamojigodpower@gmail.com

Ibienebo Edith Pepple
Department Of Public Administration
School Of Business Studies and Management Technology
Federal Polytechnic of Oil and Gas,
Bonny, Nigeria
Ibienepepple9@gmail.com
DOI: 10.56201/ijssmr.v10.no7.2024.pg157.175

Abstract
This paper examines access to justice under the constitution of the Federal Republic of Nigeria 1999 as amended in comparison with the access to justice provisions in other jurisdictions' constitutions. Nigeria constitution is the organic law or ground norm on the legal framework on access to justice. It presupposes to provide Rule of Law and effective access to justice and redress in terms of Good Governance, Equality, Fairness, Equal protection of law without delay, less cost and Certainty of outcomes as the case may be. However, the constitution is shrouded with vagueness, cumbrous rules and procedures which made it difficult for court's interpretation thereby denying or adversely affecting citizen's effective access to justice. There are problems inherent in the Nigeria's constitution different from other countries' constitutional provisions that encourages and promotes easy access to justice. This paper discuses some of the constitution's provisions on access to justice in Nigeria by comparative analysis with other jurisdictions like Republic of India, South Africa and Kenya. Doctrinal and comparative analysis methods are used in discussing this research. It is recommended that the Nigeria constitution be overhauled by borrowing from the other jurisdictions those provisions that encourages and promotes easy and effective access to justice to bring it to international standard and global best practices.

Keywords: *Access to Justice, Rule of law, Justice, Constitution, Court*

1. INTRODUCTION

Accesses to justice in democratic states are very crucial and form part of the rule of laws enshrined in countries' constitutions. Hence, countries' constitutional provision on access to justice can make or mar the extent individuals seek redress easily, speedily with less cost and time saving as the case may be. Rule of law being an international concept presupposes that a constitution should meet international global standard on access to justice delivery. However, the extent to which the citizens achieve this with less cost, fast, easy, efficient and

effective justice delivery becomes worrisome in Nigeria. Presently, it takes a longer time from the time of filing a suit to the date of delivery of judgment by courts due to some lapses in the Constitution. The importance of access to justice to citizens and government of a country cannot be over emphasize, this was aptly captured by Emelie, C I N that**:**

> It is for effective protection of human rights (b) It is for government administrative decision, accountable and affordable to the ordinary citizens (c) promotes judicial independence and accountability (d) promotes poor people's inclusion and participation in the justice system. (e) attack corruption in justice administration (f) support legal struggles for human integrity and disseminate legal resources (g) Access to justice ensures a comprehensive understanding of the law which includes wider analysis of dispute resolution, of strategies that use a trust. (h) Secure voice for the weakest members of the society which is a fundamental part of the rule of law, for justice must arm the weak with the possibility of winning against state itself. (i) Enhance legal reform programs at the grassroots[1].

Thus, this paper examines some of the provisions and pitfalls in the constitution of Federal Republic of Nigeria 1999 as amended on access to justice in the preambles, access to justice in civil matters, locus standi/public interest litigation, enforcement of Socio- Economic Cultural Rights and Directive Principles of state policy in Nigeria by a comparative analysis with the constitutions of Republic of India, South Africa and Kenya and makes recommendations for reforms.

2. CONCEPTUAL CLARIFICATIONS

In order to understand and appreciate this paper, there is need for the clarification of some concepts herein explained.

Access to Justice

Access to Justice has different meanings. However, according to Ladan, M T[2], access to justice means that people in need of legal help can find a solution from justice system through accessible, affordable, comprehensive, speedy dispensation of justice fairly and without discrimination, fear or favour. Lending their voice on the broad nature of access to justice, the International Bar Association [3]described it as a concept which covers different stages of obtaining solution to civil and criminal problems. It starts with existence of rights enshrined in Law and the awareness and understanding of such rights. It embraces access to dispute resolution mechanism as part of justice institutions that is formal and informal (ie Institutions, Court, Council of elders and similar traditional or religions authorities). It encompasses the ability of such solutions. From the brief description, it is essential that access to justice has to be encapsulated in law, which the constitution of a country comprehensively covers, Rule of Law must be observed, equity and fair trial, speedy and accessible to the poor and rich

*LLB(Uniben, Benin), BL(Abuja), LLM (RSU Port Harcourt), PhD (Unizik, Awka)

1. Emelie, C I N "Legal Education and Access to Justice in Nigeria" (Research Journal of Humanities, Legal Studies International Development, Vol 2, No1, 2017) P. 13

[2] Ladan, MT "Justice Sector reform, Imperatives for Democracy" Being a paper presented at a two day National Seminar on Justice Sector Reform and the Future of Democracy in Nigeria by centre for socio-legal studies, Abuja on January 6 – 8, 2012

[33] Bejiray and Mcnamara, L "International Access to Justice" Barriers and solutions "(Bingham Centre for Rule of Law Report 02/2014), International Bar Association (IBA), October 2014, P.8

etc. This is in line with Ladan M.T.[4] who posits that in broad sense, Access to Justice is the right of every individual to require the state to provide means of dispute resolution that is equally accessible and just.

Justice

The term justice can be described in different ways depending on the circumstances. According to Black's Law Dictionary, Justice is defined as the fair and proper administration of laws[5]. Lord Denning M R, define justice as the measure authorized by law so as to keep the stream of justice pure, to see that trials are fairly conducted, that arrests and searches are properly made, that lawful remedies are readily available and that unnecessary delays are eliminated[6]. Practically, Justice could be of different dimensions: Preventive, Procedural, Universal, Restorative, Social, Political, Legal justice etc. For the purpose of this paper, access to legal justice which is hinged on the rule of law as provided by the Nigeria constitution is discussed.

Rule of law

Rule of Law simply means a state of affairs in which everything must be done according to law. It means that no man is above the law and that every person is subject to the jurisdiction of ordinary courts irrespective of his rank or position. The Black's Law dictionary describes rule of law as legal principles of day to day application approved by the governance bodies or authorities of and expressed in form of logical proposition. It involves supremacy of the law, equality before the law and equal protection of the law etc. In the case of Military Governor of Lagos State v Ojukwu[7] it was held that the essence of Rule of Law is that it should never operate under the rule of force or fear. To use force to seek courts equity is an attempt to infuse timidity into the court and operate a sabotage of cherished rule of law. It can never be. The rule of law presupposes that state is subject to the law.

Constitution

Constitution can be described as an instrument of government; embodying fundamental rules of any nation.

A constitution is a foundation document which has the aim and objective to make a state to exist as one entity and is binding on all citizens of the state. It is the ground norm and supreme law of a state. It is in line of this that section 1(1) of the constitution of the Federal Republic of Nigeria 1999 as amended state that: This constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria. This has been given judicial, pronouncement in plethora of cases. For instance in the case of Nafiu Rabiu v The state [8], Sir Udo Udoma JSC stated that:

> "The present constitution has been proclaimed the supreme Law of the Land: that it is written organic instrument meant to serve not only the present generation, but also serve generation yet unborn; that also is made, enacted and given to themselves by the people of the Federal Republic of Nigeria… the function of the constitution is to establish framework and principles of government based in general terms.

[4] Ladan MT. (Supra)
[5] Garner A G, "Black's Law Dictionary 9th edition
[6] Denning MR, "The Due process of Law (Buthermorths) 1980 (ed), P.5.
[7] (2001) FWLR Part 50wt 1779
[8] (1981) 2 NCLR 293 at 326

It expresses the political will, that is the agreement by a people of a country, state or group on how they would be governed and legally, it expresses how the courts may deal with those who break the agreement, which includes access to justice.

Court

The court has vital role to play in citizens access to justice in Nigeria by the inherent jurisdiction conferred on it by the constitution that the Judicial powers of the Federation shall be vested in the Judicial courts to which this section relates, being courts established for the Federation. The judicial powers of a State shall be vested in the courts to which this section relates, being courts established, subject as provided by this Constitution, for a State[9]. The constitution empowers the citizens to access and enforce justice through the high court. It provides that, any person who alleges that any of the provisions of the Chapter has been, is being or likely to be contravened in any State in relation to him may apply to a High Court in that State for redress. Subject to the provisions of this Constitution, a High Court shall have original jurisdiction to hear and determine any application made to it in pursuance of the provisions of this section and may make such order, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement within that State of any right to which the person who makes the application may be entitled under this Chapter[10].

3. COMPARATIVE ANALYSIS OF ACCESS TO JUSTICE IN NIGERIA WITH INDIA, SOUTH AFRICA AND KENYA

The above countries are chosen because all of them are operating federal and republic system of government in their constitutions similar to Nigeria. While they considered effective access to justice for their citizens in the making of their constitutions, it is doubtful whether the Nigerian constitution 1999 as amended ever considered the Nigeria citizens effective access to justice. Below is a comparative analysis of the Nigeria constitution provisions on access to justice with the above mentioned countries' constitutions.

3.1 THE NIGERIA CONSTITUTION PROVISIONS ON ACCESS TO JUSTICE

3.1.1 Preamble

The preamble of the constitution of the Federal Republic of Nigeria provides that[11]:

WE THE PEOPLE of the Federal Republic of Nigeria:

HAVING firmly and solemnly resolved

TO LIVE in unity and harmony as one indivisible and indissoluble sovereign nation under God dedicated to the promotion of inter-African solidarity, world peace, International Corporation and understanding.

AND TO PROVIDE for a constitution for the purpose of promoting the good government and welfare of all persons in our country on the principles of free, equality and justice and for the purpose of consolidation the unity of our people:

DO HEREBY MAKE AND GIVE TO OURSELVES the following constitution.

[9] The Constitution of the Federal Republic of Nigeria 1999, Section 6 (1) and (2)

[10] Constitution of Federal Republic of Nigeria 1999 Section 46 (1) and (2)

[11] The constitution of the Federal Republic of Nigeria 1999 as amended CAP 23, Laws of Federation of Nigeria 2011, The Preamble.

By the above provision it did not provide adequately and effectively for access to justice as it merely made a sweeping provision which did not confer enforceability on the citizens.
One of the preambles of the Nigerian Constitution that merely mentioned Freedom, Equality, and Justice was just for promoting good governance and for purposes of consolidating the unity of Nigeria. It was not intended to **"secure"** the freedom, equality, and justice of all persons. Clause 4 states that[12]:
"AND TO PROVIDE for a constitution to promote the good governance and Welfare of all persons in our country on the principle of freedom, equality, And justice, and to consolidate the unity of our people"
From the above, while the constitution of India through its preamble is focused and determined to secure access to justice to its citizens, the constitution of the Federal Republic of Nigeria 1999 as amended did not. The Nigeria constitution is more interested in the unity of the country for promotion of inter-Africa region and international co-operations and world peace. The Indian constitution's preamble on the other hand, laid a solid foundation for their constitutional provisions on access to justice.

Whereas, the constitution of India laid a solid foundation in its preamble for citizens to enjoy access to justice when it provides that[13]:

> "We, the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens: justice, social, economic and political, equality of status and opportunity; and to promote among them all fraternity assuring the dignity of individual and the unity and integrity of the nation; in our constituent assembly, this 26 of November 1949, do hereby adopt, enact and give to ourselves this constitution".

The couching of the constitution above was deliberately done to ensure access to justice. This was rightly captured by Madhuri Sharma when he stated that, to actualize social, political, and economic justice, our constitution makers incorporated fundamentals rights and directive principles in part 111 and aim at bringing democracy to the commonest that each citizen can have access to justice in a hassle-free manner**.**[14] In India, they intended to make access to justice easy and practically possible for the common man and everybody that was why the drafters of the constitution from the onset came up with the preamble and put in place other legal frameworks in it to that effect.
Accordingly, Madhuri Sharma stated that[15]:

> Immediately after independence, the first task before us was to rebuild the road for the commonest man to have easy access to justice. For this, the Constituent Assembly burnt the midnight oil to incorporate a plethora of constitutional provisions for achieving economic and political justice for all sections of the society. Therefore, as of today, the first and foremost instrument is the

[12] The constitution of the Federal Republic of Nigeria 1999, the preamble Paragraph 4
[13] Preamble of the Constitution of India 1949
[14] Madhuri S ". Enhancing Access to Justice through Public Interest Litigation." Madhuri S ".Enhancing Access to Justice through Public Interest Litigation."
https//www.google.com.ng/?gferd=ewrwop3belcwgQLZIANq=enhancing+justice+india+ Accessed on 8th August, 2024
[15] ibid

preamble of our constitution which encapsulates our vision of seating the deity of justice on the pedestal of JUSTICIA OMNIBUS**.**

A critical look at the various clauses of the Indian preambles shows concisely expressed and commitments in words that enhances access to justice provisions in their constitution in contrast with the preambles of the constitution of the Federal Republic of Nigeria 1999 as amended, which is vague, lacks commitment in its wordings and perhaps not intended by the drafters to make access to justice easy and practicable to Nigerians. The vague words, cumbersome procedures made it difficult for clear understanding and interpreting of the purports of the intendments as to the extent of provisions on access to justice for Nigerian citizens.

In the same vein, the South Africa Constitution's preamble laid a good foundation for citizen's effective access to justice when it provides that[16]**:**

"We, the people of South Africa
Recognize the injustices of our past;
Honour those who suffered for justice and freedom in our land;
Respect those who worked to build and develop our country; and
Believe that South Africa belong to all who live in it,
United in our diversity.

The above no doubt provided a foundation for access to justice intended by the Republic of South Africa's constitutional provisions. Again, the operative words like 'Establish a society based on democratic values, social justice and fundamental Human Rights and Equal protection by law" are commendable and clear words for access to justice which are lacking in the Constitution of the Federal Republic of Nigeria 1999 as amended. It means that the said Nigerian Constitution from the beginning did not lay a solid foundation in its preamble for access to justice.

The Republic of Kenya constitution in her preamble also provides another foundation for intended practice and realization of access to justice for Kenyans. The preamble provides that[17]:

"We the people of Kenya ACKNOWLEDGING the supremacy of the Almighty God of all creation HONOURING those who historically struggled to bring freedom and justice to our land: proud of our ethnic cultural and religious diversity and determined to live in peace and unity as one indivisible sovereign nation:

RESPECTFUL of the environment which is our heritage and determined to sustain it for the benefit of future generations.

COMMITTED to nurturing and protecting the well-being of individual, the family, communities and nation:

RECOGNISING the aspirations of all Kenyans for a government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law:

EXERCISING our sovereign and inalienable rights to determine form of governance of our country and having part participated fully in the making of this constitution:

ADOPT, **ENACT** and give this constitution to ourselves and to our future generations"

Here again, the clauses 5 and 6 of the preamble shows Kenya intended commitment for nurturing and the protection of the well-being of the people of Kenya by the constitution

[16] The Constitution of the Republic of South Africa 1996, the Preamble. Available online www.gov.za.
[17] The Republic of Kenya constitution 2010, the Preamble.

and the recognition of all Kenyans for a government based on the essential values of human rights, equality, freedom, democracy, social justice and rule of law.

From the above comparison, it is clear that the provision of the constitution of the Federal Republic of Nigeria 1999 as amended falls short of global standard and practice right from its preamble as to provisions for access to justice. There is poor foundation in the Nigerian constitution which ought to be a solid foundation to guide the intent of the framers of the constitution on the wordings, provisions and interpretations by court on access to justice.

This problem can best be tackled by a revisit to the Constitution of the Federal Republic of Nigeria 1999 as amended for total overhaul starting with the preamble to input words that enhance access to justice such as***: To establish, Protect, Nurture, Secure and Recognize access to justice as a real democratic value under the rule of law in Nigeria.*** This will be a foundation of an obligation on the part of government to provide access to justice and enforcement by citizens as a right on violation.

3.1.2 Access to Justice in Civil Matters under Chapter IV of the Constitution of Nigeria

Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 as amended provides for Fundamental human rights of Nigerian Citizens[18]. The constitution in guaranteeing these rights provide for its enforceability by any person who feels his right has been or is likely to be violated to seek redress when it provides that[19]: Any person who alleges that any of the provisions of this chapter has been, is being likely to be contravened in any state concerning him may apply to a High Court in the state for redress.However, the provisions for access to justice under the Chapter IV of the said constitution are sections 36(1) and Section.36 (4) for both Civil and Criminal proceedings respectively.

In a civil proceeding, the constitution provides that[20], in the determination of his Civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by court or tribunal established by law and Constituted in such manner as to secure independence and impartiality.

Prima-facie, the above provision is laudable particularly as it provides for a fair hearing. It also ensures that access to court is sacrosanct and for any other independent tribunal established by law to secure independence and impartial justice.

But, there are worrisome, vague and ambiguous words and phrases in the Constitution of the Federal Republic of Nigeria 1999 as amended that created lacunae which made it difficult for citizens' access to justice to be realized. The word "a person shall be entitled to a fair hearing within a reasonable time"**.** The constitution contains a vague expression without a clear definition of what constitutes' within a reasonable time'. The impact of the above is that the interpretation of the expression is left at the whims and caprices of the court to determine what is "within a reasonable time" depending on the circumstance of each case. This vague expression in the constitution's provision gives room for delays in cases, and additional cost of litigation, and unfair trials contrary to the tenets of access to justice.

[18] The Constitution of the Federal Republic of Nigeria 1999 cap 23, Laws of Federal Republic of Nigeria 1999 as Amended, Chapter IV. Sections 33-46

[19] The Constitution of Federal Republic of Nigeria 1999 as Amended . Section 46(1)

[20] The Constitution of Federal Republic of Nigeria 1999 as Amended**,** Section 36(1) AND 36 (4)

In the case of **Ariori & Ors v Elemo & Ors**[21] where the plaintiffs filed an action against the defendants on 15/10/1960 but trial commenced in 1964 and judgment was delivered on 3/10/1975 when the Plaintiff's case was dismissed. An appeal was then lodged at the Court of Appeal and it succeeded. Thereafter the Defendants appealed to the Supreme Court and the matter commenced again and judgment was delivered in 1983. This was 22 years after. Thus Justice Obaseki (JSC) stated that:

Reasonable time must mean the time, in the search for justice that does not wear out the parties and their witnesses and which is required to ensure that justice is not only done but appears to the reasonable persons to be done[22] To say the least, a period of 22years cannot be said to be a reasonable time for the litigants in the circumstances of this case. Indeed, what could be more wearing out of the parties than a period of 22 years from the date of institution of a suit to the judgment date?

It is trite that justice delayed is justice denied. The lacuna created by the constitution's provision affects the poor and other vulnerable to the advantage of the affluent citizens in the society. It makes it extremely difficult for the vulnerable to access and secure justice within a short time frame and as a matter of fact, some litigants who started a case never lived to see the judgment day to reap the fruit of their labor so-called guaranteed right by the constitution. It created inequality whereby the stronger party sometimes uses it to intimidate and deny the weaker party access to justice. This is the situation in a plethora of cases. Secondly, for there to be effective access to justice, there must be a fair hearing as provided by **section 36(1)** that[23]: a person shall be entitled to a fair hearing within a reasonable time.

The Constitution again did not define clearly what' a fair hearing within a reasonable time' is. This flaw in the constitution is a major barrier to accessing justice. The interpretation again is left in the hands of the court according to each case. It is subjective according to different cases based on a reasonable man's test. Thus, in the case of Ariori & Ors v Elemo & Ors,[24] it was held that the true test of fair hearing is the expression of a reasonable person who was present at the trial whether from his observation justice has been done in the case procedures, rules, and other factors. This ugly situation was aptly captured by Hon. Justice Mamman Nasir, PCA (as he then was) in the case of Fawehinmi v Akilu[25] when he stated that**:**

> Can anyone blame any member of the public who has failed to see justice in this type of court process and procedure? One can, with a lot of justification, reasonably complain that our procedure is defective and self-defeating. There must be finality to all cases if the credibility of our judicial process is to continue to enjoy some respect. While answers to the above must depend on the facts and circumstances of each case, nevertheless, the courts must strive at all times to see that they are not used as a vehicle for delayed justice. If the blame is on the procedure, then the time has come when we review the court procedure. If the fault is attributable to the courts,

[21] (1983) 1 SC 13;
[22] ibid
[23] The Constitution of the Federal Republic of Nigeria 1999, Section 36 (1).
[24] Ariori & Ors v Elemo & Ors (Supra)
[25] (1987) 2 NSCC 1265.

> then courts must pull up their weight and descend on the arena of justice to protect justice. That is what the rule of law is all about.

However, in the case of Abubakar v Yaradua[26], the Supreme Court held that Court of Law cannot sacrifice the constitutional principle of fair hearing at the altar of speedy hearing of cases.

The researcher is of the view that failure of the constitution to define the above terms **"**within a reasonable time and fair hearing**"** portrays inadequacy in the constitution to provide for access to justice which the constitution of the Federal Republic of Nigeria 1999 as amended ought to have clearly defined.

On the other hand, access to justice is provided for in the Indian Constitution that[27], the state shall secure the operation of the Legal System which promotes justice based on equal opportunity and shall have 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 because of economic or other disabilities. This provision for access to justice in India's constitution places an obligation on the government of India as a state ***to secure her citizens' access to justice on the basis of equal opportunities and providing free legal services as a right for the citizens through which access to justice can be actualized by the poor and other vulnerable.*** Thus, in India, there is a deliberate effort in her constitution to actualize and make access to justice practicable for the common man. Flowing from the above provision, there are other provisions which when juxtaposed attest to this fact[28]. By the constitutional provision of India, access to justice is not just a concept but a fundamental right which an individual has inalienable right to enforce on violation, unlike what is obtainable in the Constitution of the Federal Republic of Nigeria 1999 as amended. Commenting on Indian Constitutional provisions for access to justice, Madhuri Sharma[29] explained that:

> Further, Article 14, Article 22 (1), Article 38, and Article 39 (a) aim at bringing access to justice within the reach of every citizen. Article 14 highlights the concept that all parties to legal proceedings must have an equal opportunity of all types of access to a court. Article 21 which asserts individuals' right to life and personal liberty well upon the adoption of fair, just, and reasonable procedure in case the state intends to curtail or take away this right at any particular moment. Article 22 (1) provides that the person to be detained in custody must be provided with the information related to the grounds for his arrest. Similarly, Article 38 obligates the state to strive for promoting the welfare of the people by securing and protecting a social order in which justice prevails. To cap it all, Article 39 (a) commands the state to secure the legal system which promotes justice based on equal opportunity to all citizens irrespective of economic or other disabilities.

From the above constitutional provisions, the courts in India are more pro-active in interpreting the Articles or sections on access to justice to enable the citizens to enjoy it to the fullest using the constitution as a base. The court adopt a more liberal interpretation to

[26] (1989) 3 NWLR (PT 112) 653 at 666
[27] The Constitution of India 2020 as amended, Article 39A.
[28] The Indian Constitution, Articles: 14, 21, 22 (1) and 38, 39A, 41, 142, 226 and 282.
[29] Madhuri Sharma (Supra)

cases in ensuring access to justice since their constitution has already simplified and made it easy for interpretation.

The constitution of the Republic of South Africa also provides for access to justice in civil matters. It provides also for just administrative action as a way of ensuring access to justice. Both access to court and just administrative action are basic rights under the South African Bill of Rights. The said constitution provides for access to justice that[30] everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.

Furthermore, it provides that:

(1) Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.

(2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reason[31].

The constitution obligates the National Legislation to enact laws that must give effect to the rights and imposes a duty on the state to the rights above. Access to justice is incorporated in chapter 2 in the Bill of Rights thereby making it enforceable on violation. It is also intended to enhance democratic values and promote good governance for which the South African citizens should enjoy as a democratic dividend from the government.

The Bill of Rights provides that[32]:

(1) This Bill of Rights is a cornerstone of democracy in South Africa. It enhances the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.

(2) The state must respect, protect, promote and fulfill the rights in the bill of rights

Thus, the provision on access to justice in section 34 above is given broad interpretation to accommodate detailed features of access to justice.

This was observed by a legal luminary that[33]:

> Section 34 cast the net wider in providing the right to fair judicial adjudication in all civil matters, including civil disputes. Brickhill interprets access to justice in the light of section 34's requirements as requiring a legal institutional framework to better serve the whole population and to make good on constitutional promises of genuine socio-economic advancement. Brickhill compellingly argues that the right to a fair civil trial in section 34 imposes duty upon lawyers and law students to act pro bono. Budlender throws weight behind the argument that section 34's "fair public hearing" requires legal representation in certain instances. He provides a formalistic argument that when looks at section 34's wording, there is a very close correlation to the wording of Article 6, paragraph 1 of the European convention on Human Rights.

[30] The Constitution of South Africa 1996 , Section 34.
[31] The constitution of South Africa, Section 33 (1) and (2).
[32]The constitution of South Africa, Section 33 (3) (b).
[33] The Constitution of South Africa 1996. See generally the Bill of Rights provisions in Section 7-39 of the South African Constitution, Section 7(1) and (2)

The purport of the above is that though access to justice under the South African constitution gives room for wide interpretation in civil matters but did not provide legal representation or state assisted legal aid in some civil matters[34]. This obviously affected access to justice of the poor and indigents in South Africa in civil matters, thus the need for pro bono services even in civil cases to enhance more access to justice. This was observed in the case of **Sobramoney v Minister of Health, Kwazulu Natal** that[35] we live in a society where there are great disparities in wealth; millions of people are living in deplorable conditions and in great poverty. There is a high level of unemployment, inadequate social security and many don't have access to clean water or adequate health services.

This created a gap or inequalities between the rich and the poor. To close the gap and in order to ensure equality is guaranteed, the constitution provides that[36]:

(1) Everyone is equal before the law and has the right to equal protection and benefit of the law"

(2) Equality includes the full and equal enjoyment of all rights and freedoms.

(3) To promote the achievements of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination may be taken"

The implication of the above is that the intention of the South African constitution is to augment the provision of section 34 on access to justice so as to make citizens have equal enjoyment, equal protection and equal benefit of the law particularly for the vulnerable. It is therefore mandatory for the legislature to take measures to protect or advance the access to justice of the weak and poor group of South Africans. This is very remarkable provision that is lacking in the Constitution of the Federal Republic of Nigeria 1999 as amended with regard to access to justice in civil matters.

Nigeria is a country where there are great disparities between the wealthy and the poor, there is therefore need to close the gap in the socio – economic disparities by ensuring the equality in protection of the law and benefits by enshrining it the constitution of Nigeria.

3.1.3 Non-Justiciable and Enforceability of Chapter II of the Constitution of Federal Republic of Nigeria 1999

3.1.4 Enforceability of Right to Access to Justice

Chapter two of the Constitution of the Federal Republic of Nigeria 1999 as Amended contains what is generally referred to as "Fundamental Objectives and Directive Principles of State Policy".

This Chapter incorporates Political, Economic, Social, and Educational objectives[1] which citizens should enjoy particularly as welfare from the government. As a way of ensuring good governance and rule of law, the government put these directives and state policies[37].

The constitution of the Federal Republic of Nigeria 19999 as Amended enjoins all organs of government, Authorities, and persons exercising legislative, executive, and judicial powers to conform to, observe and apply the provision of this chapter of the constitution[38].

[34] Holness D "Recent Developments in Provision of Pro bono Legal Services by Attorney in South Africa 2013 (16) Per, PELJ available online at http://dx.doi.org/10.4314/pelj.v16//1.5, Accessed on 13/7/2024.

[35] 1998 I SA 765 (CC) (8)

[36] The South African Constitution, Section 9 (1) and (2).

[37] The Constitution of the Federal Republic of Nigeria 1999, Chapter II, Sections 13 – 24.

[38] The Constitution of the Federal Republic of Nigeria 1999 as Amended, Sections 13 – 24.

In other words, this chapter places a duty and responsibility on the organs of government or any person exercising the functions of the organs of government to conform to it.

The chapter went further to specifically provide for (1) Political objectives[39] (2) Economic objectives[40] (3) Social objectives[41] and educational objectives[42].

A detail reading of the provisions shows laudable political, economic, social, and educational provisions that the government has intended for the enjoyment of the citizens. These are indeed crucial dividends that portray good governance, and rule of law in any democratic society.

Thus, the question that readily comes to mind is:

1. Whether in reality, the government owes the citizens the obligation to provide these services?
2. If the government fails to live up to their expectation or fails to provide those services, can the citizens enforce it as of right?

The answer is negative in the constitution of the Federal Republic of Nigeria 1999 as amended. The said constitution provides that[43]:

> The Judicial Powers Vested under the foregoing provisions of this section shall not except as otherwise provided by the constitution, extends to any issue of the question as to whether any act or omission by any authority or persons or as to whether any Law or Judicial decision conforms with the fundamental objectives and Directive principles of state set out in Chapter II of this constitution.

The purport of the above is that chapter two of the constitution is not justiciable. From the above, it appears that whoever approaches the court on the Fundamental objectives and directive principles of state policy set out in chapter two of the constitution shall lack the Locus Standi to do so because, under the provision, no court can enquire into whether there has been compliance with chapter II of the constitution.

Conversely, the constitution of India provides for enforceability of access to justice since it is a fundamental human right. Under Article 32 and 226, it provides that Indian citizens can move the Supreme Court and High Courts for the enforcement of fundamental rights like habeas corpus, mandamus, etc. under the Indian constitution. Fundamental human right is meaningless without effective machinery for enforcement of the rights. It is the remedy provided by the constitution for enforcement that makes the right to access to justice reality. Unlike Nigeria, access to justice is provided merely as welfare in section 17 under chapter II of the Nigerian constitution 1999 as amended as a Fundamental Objectives and Directive Principles of State Policy which are non-justiciable.

Thus, in India, the case of Air India Statutory Corporation v United Labor Union,[44] it was held that:

> The directive principles in the constitution were fore-runners convention on the right to development as an inalienable right and that all people are entitled to participate, contribute to economic, social, cultural and political development in which all human rights and

[39] The Constitution of the Federal Republic of Nigeria 1999 as amended, Section 13.
[40] The Constitution of the Federal Republic of Nigeria 1999 as amended, Section 16.
[41] The Constitution of the Federal Republic of Nigeria 1999 as amended, Section 17.
[42] The Constitution of the Federal Republic of Nigeria 1999 as amended, Section 18.
[43] The Constitution of the Federal Republic of Nigeria 1999 as amended, Section 6(6)(b).
[44] AIR 1986 SC 99

> fundamental freedoms would be fully realized. It further held that the directive principle could be justiciable by themselves without having to be read into fundamental rights.

While the constitution of India enhances access to justice by making socio-economic rights a fundamental human right the reverse is the case in the Nigerian constitution 1999 as amended. In other words, to ensure access to justice in India, the constitution created a balance between fundamental human rights and enforcement of fundamental objectives and Directive Principles of State Policy. They complement each other. Through judicial activism, the judiciary has been able to put life into non – justiciable rights by giving an expansive interpretation of civil and political rights to incorporate socio-economic rights referred to as the "integrationist approach". Thus, in the case of Samatha v State of A.P[45], It was observed that the fundamental rights and Directive Principles of State Policy in the Indian constitution are two wheels of the chariot to achieve the rule of law, which is the core of the basic structure of the Indian constitution.

In the case of Kesavananda v State of Kerala[46], the Indian Supreme Court held that parts III and IV of the Indian constitution touch and modify each other. They do not run parallel to each other.

In the same vein, in the case of Mineva Mills Ltd v Union of Indi[47]a, it was held by Chandrachud CJ that: The constitution of India is founded on the bedrock of the balance between parts III and IV and to give absolute primacy to one over the other is to disturb the harmony of the constitution. It held that the goals set out in part IV have to be achieved without the abrogation of the means provided for by part III.

This was explained in the case of S.S. Bola v B.D Sardana[48], where it was stated that "fundamental rights are the means and the directive principles are the essential ends in a welfare state".

From the above, it is clear that though the Indian constitution and the constitution of Federal Republic of Nigeria 1999 as amended share similar feature by classifying some rights as fundamental rights and fundamental objectives principles of State Policy, the Indians has progressively taken a step to put life into the directive principles by a broad reading of the fundamental rights to make the directive principles enforceable while in Nigeria, the socio-economic rights classified as directive principles in chapter II of the constitution remain non-justiciable to the detriment of citizens access to justice. This informed the decisions in a plethora of cases as non-justiciable under chapter II of our constitution.

However, with the experience from India, there is a gradual shift to judicial activism by some judges in Nigeria but there is the necessity to make access to socio, cultural, and economic rights fundamental rights in the constitution of the Federal right Republic of Nigeria 1999 as amended enforceable like chapter IV.

Also, the constitution of South African took into consideration of socio-economic life of the citizens as regard access to justice and made it a fundamental right under the Bill of Right to be enforceable on violation. The constitution provides that[52]:

(1) Everyone has the right to have access to:

[45] (1997) 8 SCC 191, para 79; AIR 1997 SC 3297, para 80

[46] *AIR 1973 SC 1461*

[47] AIR 1980 SC 1789 Paras 61, 62 and 118

[48] Hussainara Khatoon v State of Bihar,AIR 1369, 1979 SCR (3) 532

(a) Health care services including reproductive health care
(b) Sufficient food and water
(c) Social security, including, if they are unable to support themselves and their dependents, appropriate social assistance.

(2) The state must take reasonable legislative and other measures within it available resources to achieve the progressive realization of each of these rights.
(3) No one may be denied emergency medical treatment.

Other provision for socio – economic rights in South African constitution which enhances access to justice are: Environmental Rights[49], Labour Relations[50], Right to Housing[51] Right to Education[52], Language and Culture Right[53], cultural, religious[54] and linguistic communities'[55] rights and right to access to information[56]

The above rights have important social and economic relevance as they provide specific needs or service delivery to boost the welfare of the citizens and by implication enhances access to justice. These socio-economic rights as contained in the South African Bill of Rights entitles the poor, illiterate and other vulnerable to assert their rights as human on violation from the government[57].

The South African constitution enhances inclusiveness of all groups of persons particularly the marginalized and impoverished ones in the society. The constitution's provision on socio – economic rights give the state an express mandate to make and adopt legislations and programmes aimed at achieving equitable distribution of socio – economic resources and ensuring that all access to social services and other resources needed for participation are made available for all. The socio – economic right provided by the South African Constitution transforms the apartheid society into democratic society as pointed out by Justice Richard J. Goldstone that "by questioning unjust resources distribution and affirming the right to social and economic benefits, the South African constitution is facilitating the transformation of an apartheid society into a democratic society[58]"

These socio – economic right were given judicial pronouncements in plethora of cases in South Africa, some of them are Soobramoney v Minister of Health (Supra), Minister of Health v Treatment Action Campaign (Supra), Minister of Public Works v Kyalami Ridge Environmental Association & Ors[59]. In this case, displaced poor squarter-dwellers were relocated to near kyalami Ridge by a government committee to stay in pre-fabricated houses as temporary shelter. Ridge is an upper middle class white residential suburb. The property owners of Kyalami Ridge argued that placing these squatter – dwellers a mile from the suburb would depress their property values. They said the legislature did not have a right to take this action and that the constitution

[49] South African Constitution 1996
[50] The South African Constitution 1996, Section 27
[51] The South African Constitution 1996, Section 24
[52] The South African Constitution 1996, Section 23
[53] The South African Constitution 1996, Section 26
[54] The South African Constitution 1996, Section 29
[55] The South African Constitution 1996, Section 30
[56] ibid
[57] Goldstone R. J. "A South African Perspective on Social and Economic Rights" Human Rights Brief 13, no2 (2016): 4 – 7. Available online at http://digitalcommons.WCL.american.edu/hrbrief. accessed on 15/07/2021
[58] The South African Constitution 1996, Section 31
[59] 2001 (7) BCL 652 (cc) (S.Africa)

should not be converted into legislation. A High Court ordered that the government should immediately stop building the pre-fabricated houses for the squatter-dwellers. On appeal, the constitutional court held that the government had acted properly in providing housing to the squatters – dwellers.

It concluded that where there is constitutional demand, no special legislation is necessary because the demand itself is sufficient authority to authorize government action.

The government can override ownership in the interest of securing social and economic rights for South African citizens as guaranteed by the constitution. The attitude of South Africa in providing for socio – economic right in its constitution is based on the theory that liberty presumes subsistence. Hence, it is viewed that there is no life or liberty if a person lacks the basic necessities of life such as house, good health, water, clothing and other necessities of life.

Denying any citizen these rights reduced the person to nothing in the society and portrays government insensitivity and evidence of bad governance in a democratic society. Accordingly, the South African constitution is in tandem with global practice on International Committee on Economic, Social and Cultural Rights (ICESCR) of the United Nation.

In contrast, the Constitution of the Federal Republic of Nigeria 1999 as amended did not contain the socio – economic provisions as a right in the Fundamental Human Rights in Chapter IV for enforcement as a basic right. The Nigerian constitution 1999 as amended though provides socially, economically and culturally for adequate food, reasonable minimum wage, eradication of illiteracy, unemployment and sick benefits, compulsory primary education, welfare of the disabled, shelter etc., but in chapter II which are impeded by non-justiciable of the fundamental objectives and Directive Principles of state police[60]. These welfare provisions cannot be directly enforced against the government on violation as they are mere ideals and policies. It is therefore suggested by the writer that these provisions should be fused with chapter IV of our constitution as in South African constitution to make them basic rights and enforceable in order to ensure that access to justice of all Nigerians is actually guaranteed.

3.1.5 Locus Standi and Access to Justice Under the Nigeria Constitution

One of the provisions of the Nigerian constitution1999 as Amended that affects citizens' access to justice is the provision for "Locus standi" and Public Interest Litigation in section 6 (6) (b) of the constitution. This said constitution provides that[61], the judicial powers vested in accordance with the foregoing provisions of this section shall extend to all matters between persons or authority and to any person in Nigeria, and to all actions and to any proceedings relating thereto, for the determination of any question as to the civil obligations of that person.

The purport of the above provision is that only a person whose civil right and obligation is infringed has the jurisdiction to access the court for justice. This is the position in the Locus Classicus case of Abraham Ade Adesanya v The President of the Federal Republic of Nigeria[62].

[60] Sections 16 and 17 of the Constitution of the Federal Republic of Nigeria 1999 as amended.

[61] The constitution of the Federal Republic of Nigeria 1999 as amended, Section 6(6)(c).

[62] (1986) 1 NWLR Part 18 at 669

> The above case laid a foundation for a restrictive interpretation of the section of the constitution which affects the access to the Court in particular and access to justice of citizen general as most of the decisions of Courts made after Adesanya's case accepted the dictum of Hon. Justice Mohammed Bello (JSC) above as being the decision of the Supermen Court on the issue that serves as a judicial precedent.

Thus, in the case of Irene Thomas & 5 Or v The Most Reverend Timothy Omotayo Olufosoye[63]. The Supreme Court held that the plaintiffs had no Locus Standi to institute the action.

In that case, the plaintiffs, who were Communicants of the Anglican Communion within the Diocese of Lagos, challenged the appointment of Reverend Joseph Abiodun Adetiloye as the new Bishop of Lagos and asked the Court to declare the appointment void. The plaintiff contended that there was no due process in the appointment and that it contravened some sections of the constitution of the (Anglican) Communion. The Defense filed a Notice of Preliminary Objection and argued that the plaintiffs had no Locus Standi and that the statement of claim disclosed no reasonable cause of action. The trial Court accepted the objection and dismissed the suit. The plaintiffs appealed to the Court of Appeal and the Court of Appeal equally dismissed the appeal. In a further appeal to the Supreme Court, it was held that the plaintiffs had no Locus Standi.

Also, in the case of A. G. Kaduna State v Hassan[64], it was held that a father had no interest in the prosecution of the death of his son. This narrow interpretation of section 6 (6) (b) of the Constitution brings to fore the danger it poses to citizens' ability to access justice. It becomes more dangerous in a developing country like Nigeria where citizen access to justice is of utmost importance for enforcement of their rights. This view was expressed by Fatai William CJN as he then was in the case of Adesanya v President of the Republic that[65]:

> It took significant cognizance of the fact that Nigeria is a developing country; with a multi-ethnic Society and a written Federal constitution where rumor-mongering is a pastime of the marketplaces and the construction sites. To deny any member of such society who is aware or believes, or is led to believe, that there has been an infraction of any of the provisions of our constitution access to the court of Law to air his grievances, on the flimsy excuse of Lack of sufficient interest is to provide a ready recipe for Organized disenchantment with the judicial process.

It is interesting to note that the interpretation of Section 6 (6) (b) of the constitution of the Federal Republic of Nigeria poses a difficult task for Courts as judges did not unanimously agree in the case but are left in a quagmire on which part to follow. For instance, in the case of A. G. Kaduna State v Hassan[66], Oputa JSC as he then was, expressed his worries when he said that, it is on the issue of Locus standing that I cannot pretend that I have not had a serious headache and considerable hesitation in views on Locus standi between the majority and minority judgments between justices of equal authority who are equally divided. While Justice Nnamani and Hon. Justice Idigbe agreed with Hon. Mohammed

[63] Irene Thomas & 5 Or v The Most Reverend Timothy Omotayo Olufosoye
[64] A. G. Kaduna State v Hassan
[65] (Supra)
[66] . G. Kaduna State V Hassan, Oputa JSC

Bello that Section 6 (6) (b) of the Constitution had laid a test for Locus Standi, Hon. Justice Soweimimo and Hon. Justice Obaseki were on the side of Hon. Justice Fatai Williams. The deadlock would have been resolved by Hon. Justice Uwais but took the view that the interpretation to be given to Section 6 (6) (b) will depend on the specifics and situation of each case and that no hard and fast rule should be set up[67]. The provision of section 6 (6) (b) of the constitution of Nigeria 1999 as amended is vague and ambiguous capable of different interpretations by courts, depending on the circumstances of each case. Thus, in some cases, the section was interpreted by Court to mean the delimitation of powers of the three Organs of government and specifically designed to showcase the judicial power vested in the Court that has nothing to do with Locus Standi. The right to access to justice generally guarantees that every person has access to an independent and impartial court and the opportunity to receive a fair and just trial when that individual's liberty or property is at stake. Access to justice involves the availability of appropriate means of redress or remedies to aggrieved individuals or groups. It ensures that the government is held accountable for its deeds or omissions. It is access to remedies i.e., substantive justice. Thus, it is believed that the restrictive approach to Locus Standi will hinder access to justice while a Liberal approach will enhance access to justice[68]. This was exemplified in some instances the courts adopted a Liberal interpretation of Locus Standi. In the case of Chief Gani Fawehinmi v The President of Federal Republic[69.]

Again, the Indian constitution set a pace for liberalism of the rule of Locus Standi for purposes of ensuring access to justice, especially to the poor, illiterates, and other vulnerable in Articles[70]:

"32 and 226. The constitution provides remedies not only for the enforcement as fundamental rights but through public interest Litigation by liberalizing the rule of Locus Standi to allow public-spirited persons or organizations to file cases for a redress of the grievance of poor and illiterate persons. By the provision of Article 32, any public-spirited citizen can move the court in the interests of the public or public welfare by filing a petition in the Supreme Court while Article 226 provides that any public-spirited individual can file a petition in High Court for in the public interest for the poor and illiterate. The concept of public interest litigation was articulated in the case of S.P. Gupta v Union of India [71]by Justice P.N. Bhagwati when he stated that: Where a legal wrong or a legal injury is caused to a person or a determinate class of persons because of persons because of violation of any constitutional or legal provision or without the authority of law or any legal wrong or legal injury or illegal burden is threatened and such person or determinate class of persons because of poverty, helplessness or disability or socially or economically disadvantaged position unable to approach the court for relief, any member of the public can maintain an application for appropriate direction, order, or unit in the High Court under Article 226 and in case any breach of fundamental rights of such persons of the determinate class of person in this court under Article 32 seeking judicial redress for legal wrong or injury caused to such person or determinate class of persons.

[67] Ibid
[68] Agbede O 'The rule of Law and the Preservation of Individual Rights' in Ajomo & Owosaoye: Individual right under the 1979 Constitution (1993) p.42
[69] Chief Gani Fawehinmi v The President of Federal Republic (Supra)
[70] Article 136 (1) and (2) of the Indian Constitution
[71] AIR 1976 SC 1455

In South Africa constitution 1996 one of the cardinal provisions in enhancing access to justice is the inclusion and broad provision of Locus Standi and Public Interest Litigation (PIL). It provides a bedrock interest for paradigm shift from restrictive interpretation of the locus standi /Public interest Litigation which are unenforceable by a third party to a broad interpretation. The constitution provides that[72]: Anyone listed in this section has the right to approach a competent court, alleging that a right in the Bill of Rights has been infringed or threatened and the court may grant appropriate relief including a declaration of rights. The people who may approach a court are:

(a) Anyone acting in their own interest
(b) Anyone acting on behalf of another person who cannot act in their own name
(c) Anyone acting as a member of, or in the interest of a group or class of persons;
(d) Anyone acting in the public interest
(e) An association acting in the interest of its members

This paradigm shift provided by the said constitution of South Africa was highlighted by McQuoid Mason when he stated that:

> "This provision introduces class action into South African law for constitutional violation of Bill of Rights and has been used by tax payers who have alleged discrimination in the rate imposed upon them[73]"

This paradigm shift gives the South African courts, based on the need to protect provision of the constitution to interpret the clauses on Locus Standi in a liberal way. Thus, in the case of **Ferreira v Levin N.O[74],** it was held by the South African Constitutional court that when it comes to constitutional matters, a liberal interpretation should be adopted. The court also held that the constitutional provision on locus standi did not require that a person acting in his or her own interest had to be a person whose constitutional rights had been infringed or in danger.

Thus, courts of South Africa interpreted locus standi and public interest litigation liberally to cover potential victims to be represented by organizations, any one acting in the public interest, association acting in the interest of its members etc., depending on the circumstances of each case.

The position is different from the South African's which is incorporated in the constitution and form the basis for liberal interpretation and enforcement on violation which is worthy of emulation to be included in the Nigerian constitution.

In the same vein, the constitution of Kenya in order to ensure access to justice unimpeded makes Locus Standi and public interest litigation fundamental right and enforceable. The constitution provides that[75]. It is noteworthy to state that the above provisions were amendment of Kenya's 1963 Independent Constitution which does not provide for enforceability of Locus Standi and PIL as a denial of In Kenyans' access to justice.

(1) Every person has the right to institute court proceedings claiming that this constitution has been contravened or is threatened with contravention

(2) In addition to a person acting in their own interest, court proceeding under clause (1) may be instituted by:

[72] Constitution of South Africa 1996, Bill of Rights in Section 7(1) and (2), Generally Sections 7-39
[73] Macson D. "Access to Justice in South Africa", 17 Windsor year book of access to justice (1999), See also Beukes v Krugers drop transitional Local Council, (1996) 3 SA 476.
[74] (1996) I SA 984 (CC)
[75] Section 22 of Kenyan Constitution 2010. See also section 158 (1) and (2) of the Kenyan constitution

(a) A person acting on behalf of another person who cannot in their own name
(b) A person acting as a member of or, in the interest of a group or class of persons.
(c) A person acting in the public interest
(d) An association acting in the interest of one or more of its members

(3) (a) The rights of standing provided for in clause (2) are fully facilitated.

In other words, the said constitution of Kenya provides improvement on courts interpretation, definition of the scope of access to justice from narrow to broad one. It extends access to justice prior to court and during the court.

4.0 CONCLUSION

From the above comparative analysis, it is found that the constitution of the Federal Republic of Nigeria 1999 as amended lagged behind global standard and best practices in terms of ensuring easy and effective access to justice due to some lapses inherent in the constitution. While the constitution of other jurisdictions or countries: India, South Africa and Kenya have deliberately taken bold steps in incorporating words that can be easily interpreted and enforced as basic fundamental human rights which fosters access to justice, the constitution of Nigeria still remains with vague, ambiguous legislations on access to justice. It is therefore concluded that the only way citizens of Nigeria can enjoy easy and effective access to justice is to remove those inhibiting factors in the constitution by overhauling or amending the Nigeria Constitution's provisions and by borrowing from other jurisdictions the constitutional provisions that facilitates effective access to justice into the constitution.

4.1 RECOMMENDATIONS.

1. Re- couching of the preamble to clearly state that the Nigeria constitution is intended to guarantee or provide for effective access to justice.
2. To merge Chapter II and Chapter IV of the Constitution to be basic fundamental human rights enforceable on violation by Nigerian citizens.
3. To expunge section 6(6)(c) that tends to oust the jurisdiction of the court on access to justice.
4. To constitutionalize liberal approach to public interest litigations to give wider scope to who should sue not relying only on the Fundamental Rights Enforcement Procedure Rules