

Learn in a Minute: Ubi Jus Ibi Remedium

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Introduction

The Latin maxim “Ubi Jus Ibi Remedium” translates to “Where there is a right, there is a remedy.” This principle of law ensures that if a legal right is violated, the aggrieved party must have a legal remedy available.

- Jus: A legal right that is recognized and protected by law.
- Remedium: A legal remedy or course of action available to enforce the right.

The maxim underscores the idea that rights are meaningless without corresponding remedies to enforce them.

The maxim applies only when a legal right, as recognized by law, is infringed. Moral or ethical wrongs that lack legal recognition do not qualify for remedies under this principle. Additionally, certain immunities and statutory provisions may limit the applicability of this maxim.

For example, if A is the owner of a house and B wrongfully trespasses on A’s land, A has a legal right to sue B for trespassing. If no remedy were available, B could continue violating A’s right without consequence, which would lead to lawlessness.

Essentials of the Maxim

1. A Legal Right Must Exist

1. The maxim applies only when a legally recognized right is violated. Mere moral or ethical wrongdoing, without a legal basis, does not warrant a legal remedy.
2. For example, if a person is insulted in public, it may be ethically wrong, but unless it constitutes defamation or another legal offense, no legal remedy is available.

2. A Remedy Must Be Available

1. The law should provide a course of action or relief to address the violation. Courts play a crucial role in determining the appropriate remedy based on the nature of the violation.

Principles Related to the Maxim

1. Injuria Sine Damnum (Legal Injury Without Actual Damage)

“Injuria sine damno” is a Latin term that means *injury without damage*. It refers to cases where a person’s legal right has been violated, even if no physical, financial, or measurable harm has occurred. The law recognizes the importance of protecting rights and allows the injured party to seek remedies, even if no tangible loss is suffered.

Ashby v. White

- The plaintiff, Ashby, was a qualified voter who was wrongfully prevented from casting his vote in an election.
- Although the election result remained unchanged, the court held that his legal right was violated, and he was entitled to compensation.

2. Damnum Sine Injuria (Actual Damage Without Legal Injury)

“Damnum sine injuria” means *damage without injury*. It refers to situations where a person suffers loss, but no legal right has been infringed, meaning they cannot claim legal remedy. This principle recognizes that losses, even financial ones, are not always unlawful.

Even substantial harm or loss does not guarantee a legal remedy if no legal right is violated. It is commonly applied in business competition, trade practices, and economic losses. The courts do not interfere unless a legal right is explicitly breached.

Gloucester Grammar School Case

- A teacher opened a competing school next to an existing school, causing financial losses to the original school.
- The court ruled that the defendant had not violated any legal right, as competition is not unlawful.

Exceptions to Ubi Jus Ibi Remedium

1. Mere Moral or Social Rights: A friend breaks a promise to meet you for dinner. You cannot sue them because no legal right has been violated.
2. Self-inflicted Injuries: A person knowingly enters a dangerous amusement park ride despite a warning sign. They later sue the park for injuries, but the court denies their claim due to *volenti non fit injuria* (consent to risk).
3. Acts of State or Sovereign Immunity: A person sues the government for a war decision. Courts refuse to intervene as sovereign functions are protected from litigation.
4. Laches and Statutory Limitation: A person files a property dispute 40 years after the alleged wrongful possession. The court dismisses the case as it exceeds the limitation period.

Conclusion

The doctrine “Ubi Jus Ibi Remedium” is essential for upholding justice, ensuring that rights are enforceable through legal remedies. Courts apply this principle in torts, contracts, constitutional law, and equity to provide relief to aggrieved individuals. However, exceptions exist where moral, sovereign, or time-barred claims do not receive remedies.

Read More: **Ashby v. White**