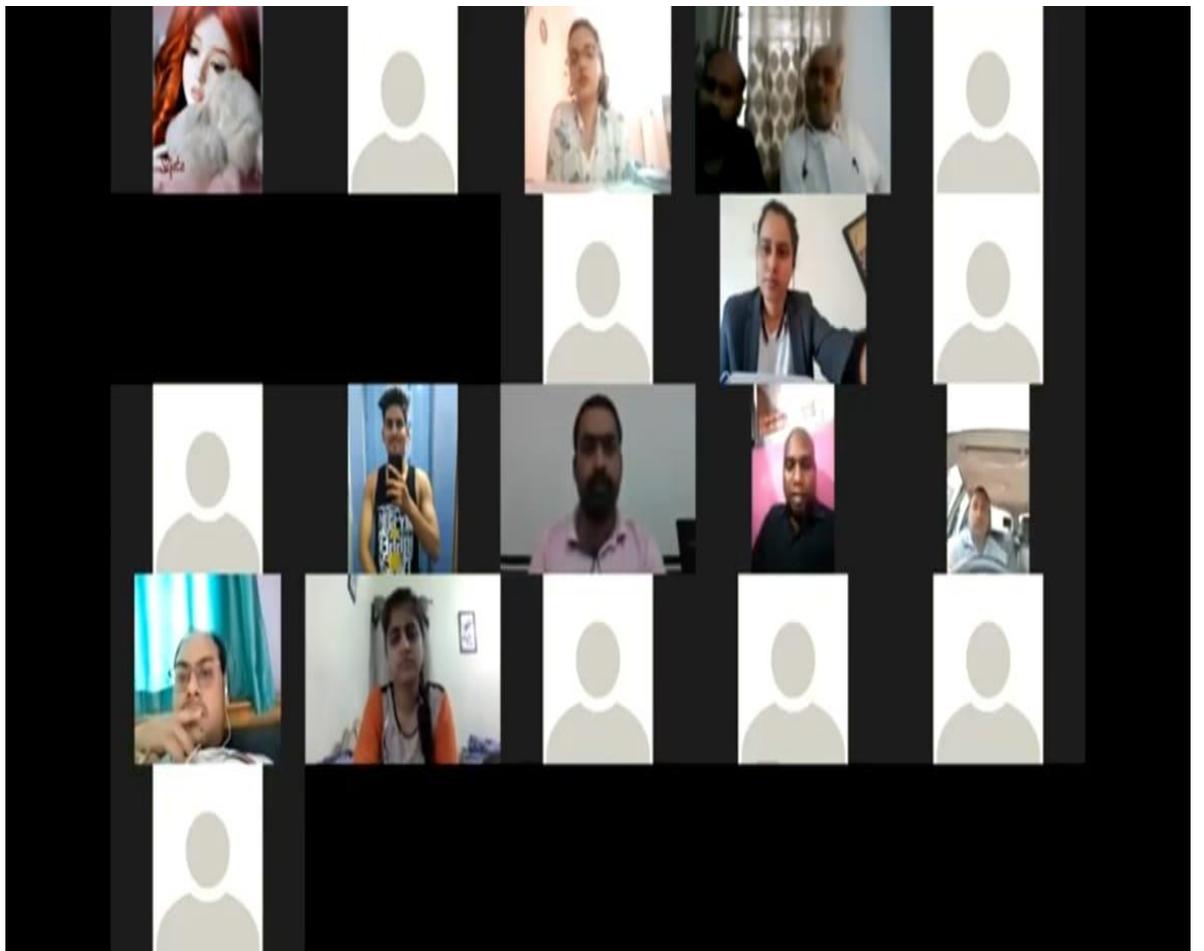


LAW WEBINAR ON STUDENT FOR HUMAN RIGHTS

ORGANIZED ON –

PARTICIPATING COLLEGES –

- 1 **GURU GHASIDAS CENTRAL UNIVERSITY, BILASPUR,**
2. **LAXMICHAND INSTITUTE OF TECHNOLOGY, LAW
DEPARTMENT, BILASPUR,**
3. **D.P. VIPRA LAW COLLEGE, BILASPUR,**
- 4 **SWAMI BALKRISHNA PURI LAW COLLEGE, RAIGARH.**



AGENDA

Student for human right

Human Rights Law Network
invites you for a

LAW WEBINAR
on

Student For Human Rights



Topic

Speakers

How To File a Public Interest Litigation(PIL)	-	Adv. Kishore Narayan (High Court Bilaspur, CG)
Law Relating To Atrocity on SC/ST	-	Advocate D P Chouhan (High Court Bilaspur, CG)
First Information Report (FIR)	-	Adv. Amarnath Pandey (High Court Bilaspur, CG)
Child Rights and Law Relating to Juvenile	-	Adv. Anup Agrawal (High Court Ranchi, Jharkhand)

**Note : All Participants Will be provided a Certificate of Participation .
Please Send Your Details to Us.**

For Any Queries
Call / Whatsapp
8959953566, 7987304885



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INTRODUCTION TO THE WEBINAR

Kishore Narayan, Advocate – Advocate Kishore Narayan stated about the object and purpose of holding the webinar and said that the object of holding this webinar is to inculcate sensitivity towards human rights in the student groups. The object of the webinar is to form a group of students at the college level, who are keen to work in the field of human right in present and future.

HOW TO DO A PUBLIC INTEREST LITIGATION

Kishore Narayan, Advocate–Public Interest Litigation is filed in High Court under article 226 and in the Supreme Court under article 32 of the Constitution of India. Traditionally, only an aggrieved party can file a case for vindication of his claim and other persons who are not aggrieved cannot file a case. This in legal parlance, is called rule of locus standi. The Public Interest Litigation is a departure from this rule. Meaning thereby, a person who is not directly or indirectly aggrieved can also file a public interest litigation for benefit of public at large or some times for benefit of even an individual, who due to any kind of disability cannot approach the High Court or Supreme Court. The Public Interest Litigation is not mentioned in the constitution and it was judicially devised by the Supreme Court. Supreme Court in 80's felt that many people who are due to financial problem or due to illiteracy or any other handicapped cannot access the courts. Considering this as a major problem, the Supreme Court particularly Justice Bhagwati and Justice Krishna Iyer passed many judgments devising the rule of Public Interest Litigation. Subsequently,

the Supreme Court further extended the scope of public interest litigation to cover issues such as bonded labour, prisoners rights and prison condition, environmental pollution, women's rights, rights of Adiwasi's and Dalits etc. After the liberalization in 90's the Supreme Court also restricted the scope of public interest litigation to curb misuse of public interest litigation and frivolous cases. Sometimes even a letter written by some person to the court, can also be converted in to public interest litigation. The High Court and Supreme Court can *sou moto* register a public interest litigation hearing or reading about any case, which requires interference from the court. A public spirited person or an NGO or a law student or any other person can file public interest litigation.

HOW TO FILE AN FIR

Amarnath Pandey, Advocate – Law students are very concerned about any injustice in the society. Sometimes even law students start giving advised to their family members, relatives or friends. When a crime is committed, the victims hesitate to file a report in the Police Station. In this situation a law student can help victims to register FIR in the Police Station. First Information Report is recorded under section 154 of Criminal Procedure Code. Offences are divided in two categories, cognizable offence and non-cognizable offence. Whenever, police receives an information of crimes related to cognizable offence, police is required to formally register an FIR. After the registration the FIR, Police is supposed to give a copy of FIR to the complainant. When FIR is not registered by the police related to a cognizable offence, the informant can send a copy of written report to the Superintendent of Police by

registered post. The Superintendent of Police can direct the concerned Police Station to register the FIR. If the police or Superintendent of Police do not take any action, the informant can approach the territorial Judicial Magistrate having power to take cognizance by filing an application under section 156 (3) of Cr.P.C.

LAW RELATING TO ATROCITIES ON SCs/STs

Degree Prasad Chouhan, Advocate—Before understanding law relating to atrocities and SC/ST, it is important to discuss the historical background of the law. We all know that the Adiwasi and Dalit have been historically meted out with injustice. Dr. Ambedkar also faced several atrocities since his childhood. When the constitution of India came in to existence, the concept of the equality and social justice were introduced in the law. Constitution provided right to life, liberty and equality. Article 17 abolished practice of untouchability. In 1955, the Protection of Civil Rights Act, was passed to give effect to Article 17 of the Constitution of India. But this law was not very effective, therefore, a stringent law was passed in 1989 namely Scheduled Caste and Scheduled Tribe (Prevention of the Atrocities) Act 1989 was passed. Subsequently Rules were also framed under this Act. The Act provides for penalty and rules talk about rehabilitation of the victim of atrocities. The act of 1989 was amended in the year 2015. The both these Act and Rules were passed for achieving the goal of social justice. Recently, the atrocities law have been diluted by the courts.

MIGRANT LABOUR CRISIS AND SUPREME COURT RESPONSE.

Gunjan Singh, Advocate – During the corona virus pandemic, on 25th March 2020, the prime minister announced a nationwide lockdown and thereafter, we saw a huge migration of labourers in the entire country. Labourers were working in urban areas, the recent lockdown in view of Coronavirus pandemic and subsequent 3 extensions left them jobless. They have been unable to take care of their food and shelter needs. The lockdown also restricted public transport facilities and restricted the movements of labourers. Those days the news papers are flooded with news that migrants labourers are walking by food for the hundreds of kilometers to reach their house. Those journey to home is pathetic. Many labourers were carrying small children on their shoulders. Elderly labourers were also made to walk for hundreds of kilometers. There were also news in public domain that even pregnant women were also walking and giving birth to their children during their journey. The exodus of migrants has become a human tragedy.

The first writ petition was filed in the Supreme Court by one advocate namely Alakh Alok Shrivastava highlighting the migrant labour problems. The prayer was to provide transportation of labourers and during the travel, food etc has to be given. First order was passed by the Supreme Court on 31.03.2020. During the hearing Solicitor General of India in the court, there is no migration of labourers and one or instance of migration has been caused due to fake news. He submitted that the migrant labourers have been accommodated in shelter homes and they were being provided food etc. and no one is walking on the road. Thereafter on 25th May 2020 many Senior Advocate wrote a letter to the

Chief Justice of India saying that they are pained by the response of the Supreme Court in respect migrant labourers problem. It was very detailed letter saying that Supreme Court accepted the argument of Central Government without verifying from the other parties. The letter said that Supreme Court abdicated its duty of Protection of Fundamental Rights of Citizens of India. Next day on 26th May, Supreme Court instituted a suo moto writ petition and titled it “In Re Misery and Problems of Migrant Labourers” and passed certain directions.

1. No fare either by train or by bus shall be charged from any migrant workers. The railway fare shall be shared by the States as per their arrangement as submitted by the learned Solicitor General and in no case any fare should be asked or charged from any migrant workers by the States and the Railways.
2. The migrant workers who are stranded at different places in the country shall be provided food free of cost by the concerned States / Union Territories at different places which shall be publicized and notified to them during the period they are waiting for their turn to board the train or bus.
3. Initially, as stated by the learned Solicitor General, the originating State shall provide water and meal and during the journey, the railways shall provide meal and water to the migrant workers and same facilities shall be extended when the migrant workers are transported by bus. The State shall take care of providing

necessities water and meal during the period of transportation either in the bus or in the camps on the way.

4. We further direct that the State shall simplify and speed up the process of registration of migrant workers and also provide help desk for registration at the places where they are stranded.
5. The State shall try to endeavour that after registration the workers should be asked to board the train or bus at the earliest and complete information should be publicized to all the concerned regarding mode of transport.
6. We further direct that those migrant workers who are found walking on the highways or roads shall be immediately taken care by the concerned State / Union Territories and they shall be provided the transport to the destination and all facilities including food and water be provided to those found walking on the road.
7. The receiving State, after the migrant workers reach his native place, shall provide transport, health screening and other facilities free of cost.