



H U M A N R I G H T S L A W N E T W O R K

Webinar on:-

HRLN Webinar on the 'Law to bring justice'

*INTERACTION WITH LAWYERS AND STUDENT
ACTIVISTS*

Prepared By Shah Faisal.

Time	Session	Speaker	District
17:00 – 17:05	General Introduction	Adv. Syed Musaib	Srinagar
17:05 – 17:20	Supreme Court Judgments on: Manipur AFSPA & J&K Pellet gun case.	Colin Gonsalves	*****
17:20 – 17:25	An overview of Preventive Detention laws in J&K (PSA)	Shah Faisal	Srinagar
17:25 – 17:30	Misunderstanding of Armed forces Special Powers Act.	Mr. Danish Raiz	Srinagar
17:30 – 17:37	Right to Health and an analysis of health care system India.	Mr. MoominMalla	Srinagar
17:37– 17:45	An introduction to Article 15/21: as a means to Justice and Liberty.	Mr. BasitFarooq	Kulgam
17:45– 17:55	An overview of using RTI Act as a tool to secure justice.	Adv. NaveedBukhtiyar	Baramulla
17:55 – 18:00	How law comes to rescue the rights of an indigent person/ pauper.	Syed RovealMurtaza	Anantnag
18:00 – 18:05	Human rights and vulnerable groups	Ms. Afshan Bashir	Budgam
18:05– 18:10	Role of Juvenile Justice (Care & Protection of children) Act, 2000in rehabilitation of delinquent juveniles.	Mir KamilNazir	Anantnag
18:10– 18:15	Pandemic & justice for all	Adv. Aamir Ahmad Dar	Baramulla
18:15– 18:30	Open session	Participant speaking	From various other Districts Valley

Date: 05.10.2020; 17:00 p.m. – 18:30 pm

Syed Musaib:-

Gave a brief introduction about the webinar and the speakers. He also spoke about the Human Rights law network

Shah Faisal:-

Gave introduction to the participants about Human Rights Law Network.

"The Human Rights Law Network (HRLN) is a collective of Indian lawyers and social activists who provide legal support to the vulnerable and disadvantaged sections of society in India".

About Preventive detention laws In J&K.

The Jammu & Kashmir Public Safety Act, 1978 came to be enacted by the erstwhile state Legislature in the year 1978 and by virtue of this enactment "The Jammu and Kashmir Public Safety Ordinance, 1977" was repealed. The Jammu and Kashmir Public Safety Act, 1978 is a preventive detention law that was introduced by then Chief Minister of erstwhile state of Jammu & Kashmir Sheikh Mohammad Abdullah in 1978 to curtail the timber smuggling in the erstwhile state.

The Public safety Act (PSA) allows the detaining authority to detain any person without any trail whatsoever or court order. The detainee can be lodged in any prison or subsidiary jail such as a house in India without a warrant, trial or court hearing for a maximum of two years or one year as the case may be. This piece of legislation has been amended in 1987 and 1990 respectively. By virtue of an amendment inserted in August 2018, the detaining authority can now detain any person and send him to any jail outside the Jammu & Kashmir. Various human rights organizations have criticized this legislation for allowing arbitrary detentions and immunity from prosecution.

Post 4th August 2019, thousands of the persons have been detained in various jails and hundreds are languishing in the jails which are located outside Jammu and Kashmir. We filed several writ petitions wherein we challenged the detention orders passed by the government. There were nearly 500 petitions filed before the High Court but unfortunately all most of the petitions were not decided by the court as a result of which all such petitions became infructuous.

BasitFarooqTorture, a violation of Basic Human Rights:

The term, "torture", literally refers to something that causes agony or pain or the infliction of intense pain (as from burning, crushing or wounding) to punish, coerce or afford sadistic pleasure. However, the legal definition of torture in human rights law differs quite significantly from the way the term is commonly used in the media or in general conversation. Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is the internationally agreed legal definition of torture,

Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed or intimidating or coercing him or a third person or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Torture has been widely denounced by the International Community and as such is regarded illegal under international law. The Supreme Court of the United States (SCOTUS) in *Miranda v Arizona*, 384, U.S. 436, 448 (1966) and also in *Blackburn v State of Alabama*, U.S. 199 (1960) held that “[c]oercion can be mental as well as physical.” Not only has the U.S. come up with change in its approach with torture but also the European nations have framed up convention for protection of Human Rights and Fundamental Freedoms. The African Charter on Human and People’s Rights also include important provisions related to the same.

India has been involved in custodial death and torture since it became an independent sovereign, as indicated in the reports of the National Crime Record Bureau (NCRB). Being the world’s largest democracy, India has been successful in making its name shine as a fast developing country with a stable growing economy, a nuclear power, and membership to a hundred reputed international organizations. However, India’s record is abysmal when it comes to degrading, abusing, and humiliating its citizens.

From QalandarKhatana in Kashmir to Agnelo in Mumbai – India has repeatedly resorted to torture and human rights violations. QalandarKhatana, hailing from the Kupwara district of J&K, was subjected to inhumane torture by Indian troops back in the 1990s, resulting in an amputation of both of his legs. Leonard Valdaris’s son Agnelo died in police custody in Mumbai in April, 2014 just two days after he was arrested for theft. The cause of his death was confirmed as torture by Human Rights Watch. As every second passes, there is a person who is inflicted with deliberate pain in prisons or jails. India has tried to introduce legal provisions to curb torture but has failed miserably. A bill, titled National Law Prohibiting Torture, introduced in the parliament in 2010 lapsed in 2014 due to inaction. There are many reasons for its lapse and the heavy cost is visible on the ground. There are about 1387 Jails in India and only 5 of them are monitored as required by law. During Universal Periodic Review (UPR) at UNHRC in May 2017, 35 countries raised concerns about issues of torture in India. There were around 684 cases of torture in which compensation was provided by the National Human Rights Commission (NHRC) from 1994 to 2007 and, in these cases, only 7 Police personnel were convicted. According to NCRB, 1584 deaths occurred in prisons in 2015, suggesting that there was one death every 6 hours. Apart from health issues and age factors, torture as reported by Human Rights Watch was a major cause of these deaths. Agnelo, as stated above, was one of the 591 people who died in police custody between 2010 and 2015 as per NCRB.

India has a strict legal procedure for dealing with cases of torture. Legal remedies against such torture are clearly laid down in various national Codes such as the Code of Criminal Procedure, Indian Penal Code, Indian Police Act, Indian Evidence Act, and the fundamental law of the land, i.e. the Constitution of India. Despite these safeguards, India has failed to put into practice these provisions. It has signed and ratified many international conventions – such as ICCPR, UDHR and UNCAT – which provide for prohibition of torture. These conventions also provide for prohibition of torture and use

of inhumane means and methods against human beings. Article 2(1) of UNCAT provides that "every state party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction." Similarly, Article 5 of the Universal Declaration on Human Rights states, "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment." Article 7 of ICCPR is also a significant provision directing countries to refrain from torture for any purpose. Having been a signatory and having ratified some of these conventions, India is duty-bound to abide by the provisions of these conventions. However, it has failed miserably to implement successfully these conventions in its own country, validating the image of a monster-country violating individual rights.

"Torture is much worse than Terrorism because the authority of state is behind it," said renowned Justice, Krishna Iyer. If we go with the view of one of India's most reputed legal minds, India is no doubt behaving like a 'terrorist state' by providing legitimacy to custodial torture and subjecting prisoners to inhumane treatment. On the one hand, India has been involved in human rights abuses; on the other, it has tried to maintain its decorum by signing international conventions against human rights abuses. Such blatant violation of international law is disturbing, to say the least.

As has been rightly said by George Orwell, "The object of torture is torture." Till the time countries such as India resort to the brutal method of torture, they cannot claim a moral high ground.

Mir KamilNazir, Juvenile Delinquency:

What is Juvenile Delinquency?

Juvenile delinquency refers to the antisocial or criminal activity of the child (below 16 years of age for boys and 18 years for girls) which violates the law. In true context, that same activity would have been a crime if it was committed by the adult.

The causes for juvenile crime are usually found at each level of the social structure, including society as a whole, social institutions, social groups and organizations, and interpersonal relations. Juveniles' choice of delinquency are fostered by a wide range of factors.

What is Rehabilitation and how does it work in relation to juveniles?

The primary motto of punishment is to make the convict understand the grievous nature of the crime committed and regret his/her actions. Hence after the completion (full or partial) of the sentence, the convict has to be prepared to get back into society. The ex-convicts always viewed with a suspicious mind by the general public. Hence the ex-convicts should be prepared mentally and may be taught skill sets to improve their job ability.

While the juveniles held accountable for their violation of the law and kept in juvenile homes or other relevant correctional facilities for public safety, the primary aim is to rehabilitate them. The rehabilitative process includes psychological assessment of the crime committed by the juvenile and the environment, causing it to happen, therapeutic guidance, skill development, involving them in yoga and other mind developing activities.

Role of Juvenile Justice (Care & Protection of children) Act, 2000 in rehabilitation of delinquent juveniles: Juvenile Justice (Care & Protection of

children) Act, 2000 is a central Act, which came into force on April 1, 2001, throughout the country. It is based on (i) provisions of the Indian Constitution; (ii) United Nations Convention on Rights of the Child, 1989; (iii) United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules); (iv) United Nations Rules for the Protection of Juveniles deprived of their Liberty, 1990. The Act changed the terminology for delinquent and neglected children to 'child in conflict with law' and 'child in need of care and protection' respectively. This Act provides for the establishment of the Juvenile Justice Board for giving justice to the juvenile in conflict with the law. The Competent Authority in relation to 'child in need of care and protection' is Child Welfare Committee and in relation to 'juvenile in conflict with law' is Juvenile Justice Board. The child in conflict with law cannot be tried in criminal courts and should be produced before the Juvenile Justice Board Chaired by a Magistrate and two social worker members. The idea of having social workers on the Juvenile Justice Board is to handle the child with concern to his/her future and to treat them with proper care.

This Act provides for the establishment of the Juvenile Justice Board for giving justice to the juvenile in conflict with the law. Board is authorized to allow the juvenile to go home after advice and admonition [Section 15(1)(a)], direct the juvenile to participate in group counselling [Section 15(b)], to perform community service[Section 15(c)], order the parent or the juvenile himself if he is over 14 years of age and earns money, to pay fine[Section 15(d)], direct the juvenile to be released on probation of good conduct and placed under care[Section 15(e)], make an order, directing juvenile to be sent to a special home[Section 15(g)], and having regard to the nature of the offence and circumstances of the case, to reduce the period of stay in a special home[Section 15(1)].

For the 'juvenile in conflict with law', the Act envisages to establish Observation Homes and Special Homes. For the 'child in need of care and protection', provision has been made to establish Comprehensive Children's Homes. All others Homes can either be established or run by the government in association with the voluntary organizations. The Act provides for the care, protection, treatment, development, and rehabilitation of the children as well as to provide for their basic needs and protection of human rights [Section 31(1)].

The Act also provides for juvenile or the child welfare officer in every police station with an aptitude and appropriate training to deal with the juvenile in coordination with police and creation of a Special Juvenile Police Unit to upgrade the treatment of police with juvenile or children. A police officer of the rank not below an Assistant Sub-Inspector (ASI) shall be designated as Child Welfare Officer. He shall be assisted by two local voluntary social workers. A new chapter on rehabilitation and social re-integration comprising of adoption, foster care and sponsorship has been added.

Judicial proceedings towards the rehabilitation of juveniles: They can broadly be divided into three heads:

a. **Pre-Trial Processes:** Rule 11(11) of the Juvenile Justice Rules, 2007 states when dealing with a child in conflict with the law except for crimes of heinous nature like rape or murder there is no need to file first information report (FIR) or charge sheet by the police. The information recorded only in the general daily diary. The juvenile should be produced before the Juvenile Justice Board immediately after apprehension by the police.

A report on the social background of the juvenile, circumstances of apprehension and the alleged crime committed should be submitted before the Juvenile Justice

Board. A juvenile who is accused of a bailable or non-bailable offence "shall" be released on bail or placed under the care of a suitable person/institution.

- b. **Trial and Adjudication:** The Juvenile Justice Board conducts an inquiry of the juvenile charged with an offence and produced before it by the powers under Section 14. By the provisions of Section 18, a juvenile cannot be tried with an adult. Rule 13 mandates to conclude the inquiry as soon as possible by the Juvenile Justice Board and then the presence of juvenile during inquiry may be dispensed by the Board if it deems fit. According to Rule 13 (7) Section 47 of the Juvenile Justice Act, beyond four months, the inquiry must not be prolonged and delay of more than 6 months will terminate the trial in all non-serious crimes.
- c. **Post-Trial Processes:** After the expiry of the appeal period, the case records of the juvenile are removed to ensure no disqualification attaches to a juvenile in the conflict of law. During his stay in a children's home or the special home itself, rehabilitation and social reintegration of the juvenile begin as per the provisions of Section 40 of the Act.
For the juveniles to have an honest, industrious and useful life -various programs are conducted by government authorized After-care organizations after they leave the Juvenile homes.

Judicial Efforts: In *Sheela Barse v. Secretary, Children Aid Society*, AIR 1987 SC 656 The Supreme Court commented upon setting up dedicated juvenile courts and special juvenile court officials and the proper provision of care and protection of children in observation Homes.

In case of *Ramdeo Chauhan v. State of Assam*, (2001) 5 SCC 714 [2] it was held that whenever any delinquent juvenile accused of an offence is produced before a Magistrate or a Court and if it is brought to its notice or observed that the accused produced before it was under the age of 16 years, shall refer the accused to the Juvenile Courts if the Act is applicable in the State and the Courts have been constituted or otherwise refer the case to the Court of the Chief Judicial Magistrate who will deal with the matter in accordance with the provisions of law.

In the case of *Sanjay Suri & Ors. v. Delhi Administration*, (AIR 1988 SC 414) [7] it was observed that no child should be sent to jail otherwise the whole object of protecting the child from the bad influence of jail life would be defeated. The juvenile must be kept in a separate ward and shouldn't be allowed to intermingle with adult prisoners as that would also expose them to bad influences which may prevent their proper rehabilitation.

In case of *Harkit Singh alias Kirat v. the State of Haryana* 2008 Cri.L.J. (NOC), 1267 (P&H) [3] the Hon'ble Supreme Court of India held that Section 12 of the Act provides for bail to a juvenile which is mandatory and is subject to a few exceptions.

Conclusion

Restoration of a juvenile back to the society is very important for the reformation of the child in conflict with the law and to make him/her into a model citizen. Though the evolution of juvenile laws going towards the welfare model, social activists still feels yet more to be done in that field. More Juvenile Justice Boards should be set up for each district and proportionately enough homes also should be established by the government. A true society wants to get rid of crimes should start the reformation from within. This starts with the rehabilitation of the estranged young minds back to the path of righteousness.

Syed Roveal Murtaza, law rescuing poor persons:

How law comes to the rescue of a poor person (indignant person/pauper)

Among various social phenomenon, poverty is one of the most comprehensive form of assault on human dignity as well as on human rights. Poverty does not only deprive a poor from the provision of material or economic resources but it also leads to the violation of human dignity. Poverty results not only to the erosion of economic and social rights (which include right to health, safe water, food) but of the Civil and political rights as well, the main among which includes **"the right to a free trial"**. Right to sue or have access to a trial are some of the basic rights or pathways which enable a person to protect his other inherent human rights. There is a maxim in law which goes as - *Ubi jus ibi remedium* - which means "where there is a right there is a remedy". However, this 'remedial' portion of the maxim has been tainted to such an extent by the Indian film Industry that a person thinks hundred times before filing a suit.

There have been myriads of situations where we have encountered people consider approaching the court for vindication of their rights as a tiresome & money consuming process. This is particularly for the reason that for people, who have very limited or no access to money at all, approaching the court often seems a luxury they can not afford. They prefer their rights being infringed then going to court to vindicate them. Keeping this thing in mind, the law makers have ensured time & again that such laws are drafted that take care of such issues. They have ensured that this state of mind of people- who are poor- gets changed by introducing certain laws and orders as to ensure that justice is secured and thereby, they are not denied of the most basic of natural rights in the form of a trial or hearing by a competent authority.

Constitution

Being a spectator of the plight of the injustice accrued to the poor only because of his poverty & their reluctance to approach the courts, the parliament in 1976 by means of the 42nd amendment to the Indian constitution, introduced Article 39 A which talks about **"Equal justice and free legal aid"**.

It reads as
"The State shall secure that the operation of the legal system promotes justice, on a 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".

Thereby laying the onus upon the State to provide a free legal aid to the deserving people so that there is an equal opportunity to secure justice. This later became the basis to what today is commonly known as 'Free Legal Aid Act'

National Legal Services Authorities Act, 1987

With poverty acting a major road block in the path to attain justice, the legislature passed the National Legal Services Authorities Act, 1987. According to this enactment –

"Legal Services providing Free Legal Aid must be provided to those weaker sections of the society who fall within the purview of Section 12 of the Legal Services Authority Act, 1987. It also entails creating legal awareness by spreading legal literacy through print media, digital media, legal awareness camps or via any other suitable medium. The Act

asks for organizing **LokAdalat's** for the amicable settlement of disputes which are either pending or which are yet to be filed, by way of compromise which has acted as a boon to the Indian justice considering the paucity of time & courts as well".

Who is entitled to free legal aid?

- Section 12 of National Legal Services Authorities Act declares that a free legal aid is entitled to; Member of a Scheduled Caste or Scheduled Tribe, woman or a child, a mentally ill or otherwise disabled person, person being victim of a mass disaster, trafficking, ethnic violence etc.
- It is also entitled to a person in receipt of annual income less than the amount mentioned in the following schedule or other higher amount as may be prescribed by the State Government provided the case is before a Court other than the Supreme Court (for Jammu & Kashmir, it is Rs 100,000). And ought to be less than Rs 5 Lakh, if the case is before the Supreme Court.

Women

A Woman is entitled to free legal aid irrespective of her financial status or income. A woman is eligible to apply for free legal aid by virtue of Section 12(c) of the Legal Services Authorities Act, 1987.

Children

A child who is yet to attain the age of majority i.e. 18 years is eligible for free legal. This again is effectuated by Section 12 (c) of the Legal Services Authorities Act, 1987.

Senior

citizen

A senior citizens is entitled to free legal aid depending on the Rules framed by the respective State Governments in this regard. E.g., the State of Haryana provides free legal aid to citizen above the age of 60 years.

What does the free service entail

Section 2(c) of the Legal Services Authorities Act, 1987, reads that - "legal services" includes any service in the conduct of any case or other legal proceeding before any court or other authority or tribunal and the giving of advice on any legal matter". it must be notified that provisions of free legal aid may include: Representation by an Advocate in a legal proceedings, payment of process fees, drafting of legal documents, expenses of witnesses, preparation fees, certified copies of judgements, orders etc.

Where can we avail the service?

The availability of a free legal service depends upon the territorial and subject matter jurisdiction of the case

A person shall approach Taluk Legal Services Committee, District Legal Services Authority, the concerned State Legal Services Authority (for particular cases, panels of which are maintained at State level), or the High Court legal Services Authority by moving an application in the front offices of these committees, depending upon the territory in which the cause has accrued & the subject matter of the suit.

Code of Civil Procedure

Order XXXIII of the Code of Civil Procedure is another classic example of legal aid that has been there from a considerable time. It puts forth another such occurrence of Legal

Aid provided to an Indigent Persons which inter-alia provides for the institution of Civil Suits by Indigent Persons. The term "Pauper" was used initially but later it was replaced with the expression "Indigent Person". In accordance to the Court Fees Act, 1870, a plaintiff is required to pay a Court Fees depending on the valuation of the suit & various other factors. This was included so as to prevent the unnecessary burdening of courts by filing bogus suits or likewise. However, this hindered poor people to file a suit as they do not possess sufficient means to pay the Court Fees. Therefore, Order XXXIII was introduced which comes to their rescue, by exempting them from the payment of the Court Fees at the first instance and allows them to prosecute the suit in *forma pauperis* subject to certain conditions as stipulated under the Order.

Upshot, it is also the constitutional aspiration to have justice is not to be let victim of poverty and law as such comes with its help in the eventualities be on the civil side or on the criminal side.

Be said, law rescuing is objective rendered doctrine within constitution and its placement under statutes is recognition of Right to justice, one of the biggest albeit silent goal achieved in the Indian constitution, of which we the citizens are to boast of.

Advocate Aamir Ahmad Dar, Pandemic and Justice for All:

1. Although the right to justice for all is guaranteed by the Constitution of India by way of various provisions like the Article 14 which it self being a Fundamental Right. And the apex court has gone further by Saying that the Right to Justice is also an important facet of Article 21 also. A duty has been cast upon the state by way of the directive Principles of State Policy also under Article 39-A. And same way goes the Preamble to the Constitution of India, which also manifests the Right to Justice for all as the aim of the Republic of India. And the supreme court has not left itself behind in the Judicial Activism of Explaining the Term "Justice for All" in real sense and also pointing down its elements in various cases, one being the **Anita KushwaravsPushap Sudan**.

All these provisions of Law stipulate that the right to Justice for all has been guaranteed by the Grund Norm itself by way of various provisions and the Attitude of the Law makers and the Hon'bleSpreme Court of India has been fostering this Right and to take the Justice to the doorsteps of the Masses, without any discrimination be that Economic, political or social.

But with the beginning of the pandemic, the whole world was engulfed by an unprecedented challenge and a sudden wave whereby the whole world was reduced to a standstill and the whole humanity was forced to change even the basic norms of Life.

In addition to various changes which the pandemic forced the Humanity to adopt, the two major changes which occured were;

1. Economic Shutdown

2. Judicial Eclipse

The first one doesnt need much explanation and has been debated at major platforms, the second was was hardly debated upon as it was considered a next step after sustaining the Economy of a Nation. But the consequences of the Judicial eclipse were

not less worse than the first one. All these slogans and manifestos turned down during the pandemic.

Although the challenges put forward by the pandemic tried to be combated by starting the "**Virtual Courts**", but that doesn't seem to serve the purpose of Justice for All. And will be discussed in the below two instances.

1. **Under Trials:** This section of the society suffered the most in the pandemic. As the punishment before conviction is said to be the gravest form of HUMAN Rights abuse, so they faced this Human Rights abuse as the pandemic forced them to stay behind the bars for longer term than they would have been, had there been no pandemic. As the whole system collapsed, so did the Judicial System. And their files were not taken for many months and thus faced incarceration for much longer period.

As it is said, even one day of incarceration before Conviction is worse than a Hundred years. And the maxim "Every person is presumed to be innocent till his guilt is proved" also didn't work and thus the innocents were forced to remain behind the bars.

2. **Remand:** section 167 of CrPC provides for that if the investigation of a case is not completed within 24 hours then the police agency shall take the accused and present him before a judicial magistrate (or executive magistrate if the judicial magistrate is not present). But this does not end here, the true mandate behind the Section 167 is that the magistrate will confirm from the accused presented in front of him, whether his basic rights have been survived, like whether his relatives have been informed, whether he has been told that he can engage his Advocate, etc. In addition to this the true intention is that the magistrate will confirm that whether the accused has been tortured or whether he has been falsely implicated, and all this has to be done in the court so that the accused can tell everything freely and feel free.

And this mandate also got diluted and after the advent of virtual courts now the remand is taken through video call, the gravest Human Rights abuse is that how can a person even imagine that a person sitting in police station is telling everything out of his free will and without any undue pressure.

3. **Indigent Persons:** the most worst his section of the society by the pandemic is the Poor persons who were hit by both the above challenges, be it the Economic Shutdown or the Judicial Eclipse. This section of the society was hardly able to get justice during the pandemic era.

In the pre Pandemic era, this section of the society was protected by the law makers by way of Order XXXIII of CPC, and by way of Article 39-A of the Constitution of India. Thus they had freedom either to file their cases through legal Services Authorities or as **forma pauperis**. But after the world was hit by the catastrophic Pandemic, their rights got subjugated. Although the Administration tried to help them by way of VIRTUAL Courts, but I don't think they could realise that they are already hit by the Economic Shutdown and one can hardly imagine a Labourer having a Smart phone to get the benefits of VIRTUAL Courts. And an important aspect of it is that In the pre pandemic era any person in search of justice would come straightway to the Court for getting the same where he would also get legal assistance from the Advocate. But during the pandemic the courts were shut, and the people were left at the mercy of God. And only those persons were able to enforce their rights who had already some contacts with some Advocate, And the poor were left at their own mercy and even the Virtual Mode couldn't help them.

Thus there was a systematic denial of "**Justice for All**" as has been Beautifully pointed out by Hon'ble Chief Justice of India , Justice Bobde, "**the biggest problem that came with the pandemic was that access to justice became conditional on Access to Technology. This has ended up creating a divide between the ones who can afford it and ones who cannot.**"

And lastly this slogan of justice for all was to some extent buried by the judicial officers also, who issued their own whimsical orders whereby the litigants, Advocates were ordered to submit the hard copies of the Suits, Complaints, Applications etc. Which also resulted in the denial of Justice to those who lived far from the courts and couldn't reach the courts due to lockdown.

Thus to conclude, I would like to say that the pandemic proved to be a complete eclipse on the Justice System of India, rather every country, even after the opening of virtual courts. Thus the pandemic proved to be a systematic denial of Justice to those who cannot afford the Technology thus this Justice was denied on the Economic Ground.

" Justice; Social, Political and Economic are the opening words used in the Preamble to our constitution - Denial of Justice on whatever ground is in fact an onslaught on the bedrock of the soul and spirit of the Constitution itself"

-The Statesman

Dr. Colin Gonsalves, Sr.Advocate:-

Dr Colin encouraged the youngsters especially the lawyers to take up the human Rights work before the Courts. He also spoke about the petitions he has filed over the years and got the land mark order which has brought the radical change in the society. He spoke about the couple of cases such as Right to food case, EEVFAM case and Acid attack survivor's case. In EEVFAM case the supreme court order the probe into the killings of more than 1500 people who were killed by the security personnel. The court ordered probe despite the fact that there was strong opposition by the government.

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