

## **The Human Rights Law Network (HRLN)**

The Human Rights Law Network (HRLN) is an organisation of lawyers and social activists dedicated to the protection of the human rights of the poor through the use of the legal system. Registered as a Public Trust in 1994, it has three divisions: **HRLN**, which does litigation; the **Centre for Constitutional Rights**, which does trainings; and the **Indian People's Tribunal on Environment and Human Rights** which conducts fact-finding missions, research and publications.

The organisation has 22 offices in various states of India and employs over 200 lawyers and activists. The Initiatives of the organisation cover women's rights, juvenile justice, environmental protection and climate change, housing rights for the poor, disability rights, prisoners rights, farmers rights, Dalit (a 'low', 'untouchable' caste in India) rights, labour rights, sexual minority rights, reproductive rights, trafficking, HIV and the law, refugee rights, criminal justice and racial violence and discrimination.

The **Mission** of the organisation is to protect human rights, increase access to basic resources for marginalised communities and eliminate discrimination; to create a justice delivery system that is accessible, accountable, transparent, efficient and affordable, and works for the underprivileged; to raise the level of pro-bono legal expertise for the poor and to make the work uniformly competent as well as compassionate; to equip through professional training a generation of public interest lawyers and paralegals who are comfortable both in the world of law as well as in social movements, and who learn from the social movements to refine legal concepts and strategies; and to work towards an increased awareness of rights as universal and indivisible and their realisation as an immediate goal.

The **Objectives** are to articulate an alternative constitutional law vision based not on property but on universal human values; to introduce a broader ideological mooring for legal work as part of an overall process to bring about social change; to incorporate international human rights principles in Indian law and, in turn, influence constitutional law in foreign jurisdictions through the development of innovative and path-breaking case law from India, Latin America, Africa and Asia; to build close links between legal networks in India and human rights law groups abroad; to campaign for wide-ranging reforms of the legal aid system; to bring human rights law education in India centre stage; to build alliances between the judiciary and rights-based initiatives, thus sensitising the judicial system to human rights law and practices in different parts of the world.

## **Public Interest Litigation**

Apart from the individual cases bringing reliefs to thousands of destitute persons, HRLN specialises in Public Interest Litigation (PILs), which are a unique and revolutionary type of class action cases that make a sharp departure from western jurisprudence and practices relating to cases on behalf of the poor. While the West remains reluctant in not recognizing the legal enforceability of collective actions, and claims and insists on individual litigation, the PIL system enforces rights of large masses of persons similarly situated. Though the West does not permit litigation in representative capacity, the PIL system permits NGOs and individuals to file cases on behalf of significant sections of the population who are either illiterate or indigent to go to court themselves. PIL jurisprudence puts the burden on the court, and not on the indigent litigant, to collect the evidence to uncover the nature and extent of the human rights violation. It does not prohibit the court from making orders that have a significant impact on state budgets, as budgetary support for the enforcement of human rights are a first charge on the exchequer of the state. It recognizes no boundaries between national jurisprudence and international law, and seeks to make India march in tune with its international obligations. It does not lie content with the making of court orders and extends the jurisdiction of the courts, through the doctrine of continuing mandamus, to do monitoring and enforcement before the case is closed.

Prominent cases won before the Supreme Court of India include the Right to Food case, which saw the Supreme Court direct and enforce orders compelling states throughout India to provide subsidized grain, maternity benefits and the mid-day meals in schools to over 350 million persons living below the poverty line. The petition, filed by the parents and wives of the 1,528 disappeared persons in the State of Manipur, resulted in a decision that made it abundantly clear that men in uniform who kill persons in cold blood could not claim immunity. A series of disability rights cases saw the Supreme Court order access provisions be made for public buildings throughout India and direct the all airports be made disabled-friendly.

On farmers' rights and land acquisition, the Supreme Court made a landmark judgment directing a leading car manufacturer to return the lands to the farmers. For people living with HIV&AIDS, a court directed anti-retrovirals and antibiotics to be provided free. In a leading judgment on violence against women, the court directed compensation to be paid along with free medical treatment and generous rehabilitation. Demolition of slums was enjoined by court orders in many cities of India. To meet the situation of juveniles languishing in jails, the Supreme Court directed, monitored and enforced the establishment of a modern alternative

juvenile justice system with separate children's homes, which is now in place in India. Many decisions were made in favour of construction and contract labourers, domestic workers and other sections of unorganised labour. Caste atrocities and practices of untouchability were, at times, crushed by court orders calling for the prosecution of the accused and rehabilitation of the victims.

Racial violence against Muslims, Christians and other minorities were redressed by court interventions. The deportation of 40,000 Rohingyas was put on hold due to litigation in the Supreme Court. Persons on death row had their sentences commuted to life. In conflict zones where armed struggle was widespread, court orders came down on torture, extrajudicial executions and disappearances. The list is never ending. In all these cases, responsible NGOs and reputed individuals brought substantial reliefs by the use of PILs to millions of working people.

### **Centre for Constitutional Rights**

The Human Rights Law Network has operated for the last three decades doing litigation work combined with training, fact-findings, investigation report writing, research and publications. The time has now come to separate the litigation wing from training activities and to build an institute of a type that does not exist at the moment. Hence, the decision to set up an institute of the Global South for Public Interest Litigation to do research, documentation and extensive trainings on best practices prevailing and the landmark judgments on Public Interest Litigation (PILs) from Latin America, Africa and Asia. The Institute would:

- (i) document cases done in public interest litigation jurisdiction in India, Latin America and Africa;
- (ii) train lawyers, social activists, academics, media persons and judges in the use of Public Interest Litigation (PIL);
- (iii) encourage and equip young human rights lawyers to consolidate their network on law and social movements as well as to participate in political movements through the use of the law;
- (iv) create an alternative jurisprudential culture different from western jurisprudence and to establish it as a dominant pro-poor jurisprudence.

Many of the superior courts in Africa, Latin America and Asia have, for years, done extraordinary work in the realm of public interest litigation. The Inter-American Commission and the Inter-American Courts together with the Constitutional Courts of Latin America have rendered ground-breaking decisions

on torture, extrajudicial executions and enforced disappearances as well as indigenous peoples rights and on a host of other issues. So too have the courts in Africa rendered important judgments both on economic, social and cultural rights as well as on civil and political rights. In Asia, India has always been one of the active practitioners along with Pakistan, Nepal, Bangladesh and other countries.

PIL is revolutionary in its approach and can raise access to justice to new heights. Summarised simply, PIL jurisdiction makes five major departures from traditional western jurisprudence. First, Western courts have a tendency towards the recognition of litigation between private parties which is adversarial in nature. As a consequence, non-adversarial class action litigation on behalf of the poor by an NGO seeking the protection and expansion of human rights is relatively underdeveloped. Collective rights, the hallmark of PILs, is a relatively new concept in many Western jurisdictions and are yet to fully emerge in developing countries' jurisprudence. Secondly, locus standi, or the right to sue, is often defined very narrowly in terms of individuals, and the notion of an NGO representing large sections of the population (350 million people as in the Right to Food case) is unheard of. Thirdly, in the Indian model, because people are too poor to access justice, the courts often take the responsibility for collecting evidence on behalf of the petitioner; something frowned upon in an adversarial system where the petitioner is burdened with the need to produce extensive documentation. Fourthly, courts in the West are loath to make any order that may have financial consequences for the state, while in public interest litigation, it is clearly understood that without enhanced state budgets, the protection of human rights is impossible. Hence, financial impacts on state budgets are a necessary result of PILs and are looked upon positively. Finally, the division between international and national law is broken down in PIL jurisdiction and it is open, in Indian courts, to rely on international judgments.

Some examples of successful PILs in India (choosing out of hundreds of path-breaking decisions) are the Right to Food Case which brought, through court orders, subsidised grains to millions of poor Indians; the Death Penalty case where 16 convicts on death row had their sentences commuted to life imprisonment on account of the delay in the President dealing with mercy petitions; the Health Rights case where the Supreme Court directed price control of essential medicines; the Reproductive Rights case where abortion rights were expanded to include foetal abnormality as a ground for abortions; the Acid Attack cases where the Supreme Court directed that all medical treatment including reconstructive surgery be provided free by the state along with substantial compensation; the HIV treatment case where, due to court orders, anti-retrovirals was started and expanded for the whole country; the Disability Cases covering discrimination; the Tribal Cases where the Supreme Court directed the state-

sponsored vigilante group to be disbanded and hundreds of other cases that were path-breaking.

The proposed institute would be low-budget-high-outreach in that it would not be infrastructure-heavy. The institute proposes to use judges, law professors, lawyers, activists and others, largely pro-bono, in the teaching of academically sophisticated courses not often taught in law colleges. In doing so, it will collaborate with universities abroad that would issue certificates, diplomas and eventually degrees in collaboration with the institute. Former Justices of the Supreme Courts and the Constitutional Courts are expected to lecture and join the Advisory Board. Judges, prominent lawyers and academics from abroad are similarly expected to collaborate. This institute is expected to become a unique combination of an activist-oriented institution with serious academic and intellectual content. Over time, by charging participants who can afford to pay while at the same time serving half the participants free, the institute is expected to be largely self-sufficient in all its activities.

Many years of preparations have already been completed. With KIOS, a 3-year training programme was completed for South Asian countries – Pakistan, Bangladesh, Afghanistan, Nepal and Sri Lanka. Thus prepared, the Institute began its operations from April, 2018.

International trainings will be done in the first year, two each in Africa, Latin America and Asia (apart from India), for five days, involving 100 participants each. For each training, four trainers will be required -- one each from India, the ECCHR in Berlin, Latin America and Africa. The trainings in Public Interest Litigation will focus on obtaining practical results in terms of petitions filed in the Constitutional Courts, orders obtained and orders implemented. The budget for this is expected to be modest and partners operating in these continents will be requested to assist in these trainings, particularly by suggesting the countries in which the trainings should take place, the partners and the social issues. All trainers will teach pro-bono and will only require air fare and modest lodging.

This phase will also involve linking up with human rights institutes in Europe and elsewhere to build extended partnerships, do joint preparation of curricula, build a human rights library, publish books on best practices in constitutional and human rights law and issue diplomas and degrees.

## Awards

1. **Right Livelihood Award 2017**, for vision and work forming an essential contribution to making life more whole, healing our planet and uplifting humanity. For tireless and innovative use of Public Interest Litigation over three decades to secure fundamental human rights for India's most marginalised and vulnerable citizens. Stockholm, December 1, 2017.
2. **Award of the Centre for Reproductive Rights**, New York, 2015 – for Pioneering and Exemplary Leadership in Advancing Women's Reproductive Rights and Social Justice in India.
3. **India NGO of the year Award 2012-13** – EdelGive Foundation, Rockefeller Foundation, The Resource Alliance.
4. The **John D. and Catherine T. MacArthur Foundation Award 2013** - for Creative and Effective Institutions.
5. **Distinguished Alumni Award** by IIT Bombay 2010 - to the founder.
6. **2010 Award of Doctor of the University**, *honoris causa*, by the University of Middlesex, UK – to the founder.
7. The **Mother Teresa Memorial Award for Social Justice** 2010 - in recognition of remarkable contribution in legal services addressing human rights.
8. **UNAIDS Civil Society Award, 2006** - in Recognition of its Outstanding Commitment and Support to the National Fight Against HIV & AIDS.
9. The **International Human Rights Award of the Section of Litigation of the American Bar Association, 2004** - in Recognition of Extraordinary Contributions to the Causes of Human Rights, the Rule of Law and Promotion of Access to Justice.
10. The **NCPEDP-Helen Keller Award, 2003** - for Having "Helped Create Employment Opportunities for Persons with Disabilities".

## Centre for Constitutional Rights

- 1) Symposium on Legal Support for Accessing [Transgender Rights](#) at New Delhi, February 14, 2018.
- 2) Four-day course on [Children's Rights](#) covering child rights in India, juvenile justice, child sexual abuse, age of consent, reducing the age of juvenility, violence by and against children, right to education, torture and illegal detention, child trafficking, child marriages, death penalty for child rapists, children and criminal law, child labour, rescue and rehabilitation, children in conflict zones, use of PILs for advancing children's rights, plan of action and way forward. April 28 to May 1, 2018, at Sambhawana, Himachal Pradesh.
- 3) Two-day course on [Acid Attack](#) survivors and the law at the Jamia Hamdard University in Delhi on April 28-29, 2018.
- 4) Two-day regional training for DPO's and lawyers on the [Rights of Persons with Disabilities Act, 2016](#), on April 28-29, 2018, at the State Institute of Health and Family Welfare, in Patna (Bihar).
- 5) A three-day National Law Course on [Prisoners' Rights](#) in collaboration with Jindal Global Law School, Commonwealth Human Rights Initiative, International Bridges to Justice India and Tata Institute of Social Sciences on June 30 and July 1-2, 2018.
- 6) Six-day law course on contemporary developments in the law relating to [Violence and Discrimination against Women](#) covering reproductive rights, personal law, women in agriculture, women in prisons, women defenders, sexual minorities, refugee women, women with disabilities, trafficking, dalit women, sexual harassment, acid attacks, witch-hunting, honor killings and rape.
- 7) Three-day national law course on using the law to combat **communalism**, hate speech and fake encounters.
- 8) Six-day course on the latest developments nationally and abroad on **environment, climate change and law**. This will cover the leading judgments of the National Green Tribunal in India, the Supreme Court of India and the High Courts of the states.
- 9) Three-day law training on the **death penalty**.

- 10) Three-day course on **media law**, criminal defamation, censorship, Right to Privacy, surveillance, net neutrality, fake news, the Information Technology Act, role of the Press Council of India and the defense of journalists.
- 11) Three-day law seminar on **Refugee rights**, statelessness and the Rohingya issue. This will cover judgments of the Supreme Court of India and the High Courts of the states protecting refugees, international law and the Refugee Convention 1951.
- 12) Three-day course on **Bonded Labour** and slavery, the Bonded Labour System (Abolition) Act, 1976, rescue, relief and rehabilitation, trafficking of bonded labourers, constitutional law provisions and judgments and international case law.
- 13) Three-day course on **Housing Rights**, the jurisprudence of the UN, forced evictions, in-situ rehabilitation, Indian and international constitutional law.
- 14) Three-day course on **Dalit Rights** at Gujarat on discrimination on the basis of caste, atrocities against Dalits, untouchability, dalits and economic rights deprivation, Dalits and discrimination in state budgets, reservation and affirmative action in education and employment and Dalit issues in the UN.
- 15) Four-day course on the implementation the **Food Security Act**, food sovereignty, right to land, forest and water, rural class struggles, genetically modified organisms, farmer suicides, the role of multinational corporations in violating human rights, the use of pesticides, an alternative worldview on agriculture including organic farming, corporations in agriculture, land records, the proposed land reforms, collectives and cooperatives. In collaboration with the Right to Food Campaign and others.
- 16) Three-day course on the **Right to Public Healthcare** as a fundamental right in collaboration with All India Drug Action Network and others covering the crisis in the public healthcare system in India, privatization, globalization, the Drugs and Cosmetics Act, ceiling on the prices of medicines, patents and compulsory licensing, public healthcare and Union budgets, corporations and the sale of vaccines, leading constitutional law judgments on public healthcare.
- 17) Three-day course on the **Right to education**, the implementation of existing statutes, privatization and the role of the State, leading constitutional law judgments, free and compulsory education, inclusive education and proposed reforms in education.

- 18) A three-day national training on Legal Strategies to combat **Displacement** and on the Implementation of Right to Fair Compensation in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- 19) A three-day training on **Tribal rights** including the Andhra Pradesh and Telangana Scheduled Area Land Transfer Regulations, the Rights of Indigenous People in the V<sup>th</sup> Schedule of Constitution, the Forest Rights Act, 2006 and The Panchayat Raj (Extension to Scheduled Areas) Act, 1996.

### **International Law Courses**

Five day courses on international law and human rights in Africa, Latin America and Asia. The trainings would cover, firstly, jurisprudence of the Inter-American Commission on Human Rights and the Inter American Court as well as decisions of the Constitutional Courts of Latin America on Human Rights; secondly, human rights decisions of the European Court on Human Rights, universal jurisdiction, business and human rights and transnational litigation; thirdly, jurisprudence of the African Constitutional Courts and, finally, Public Interest Litigation jurisprudence from Asia. This training will be done in collaboration with our international partners INCLO (International Network of Civil Liberty Organisations), our partners in Latin America including Centro de Estudios Legales y Sociales (CELS), Argentina, the European Centre for Constitutional and Human Rights (ECCHR), our partners in Africa and Asia and our partners in the USA. Apart from these partners Prof. Joshua Castellino, Executive Director & Professor of Law, Minority Rights Group International, UK will conduct certain trainings.

### **Tentative list of trainings starting mid 2020**

- Four-day course on the implementation the **Food Security Act**, food sovereignty, right to land, forest and water, rural class struggles, genetically modified organisms, farmer suicides, the role of multinational corporations in violating human rights, the use of pesticides, an alternative worldview on agriculture including organic farming, corporations in agriculture, land records, the proposed land reforms, collectives and cooperatives. In collaboration with the Right to Food Campaign, India and food sovereignty groups abroad.

- A three-day national training on Legal Strategies to combat **Displacement** of farmers and tribals. How to combat State Land Acquisition Laws. Mining and Displacement and how the law can be used to oppose mining corporations particularly in tribal areas. On the Implementation of Right to Fair Compensation in Land Acquisition, Rehabilitation and Resettlement Act, 2013. International laws and case studies.
- A three-day training on **Tribal rights**. Rights of Indigenous People in the Constitutions of countries. Forest Rights Statutes. Contemporary common law developments in various jurisdictions upholding the rights of indigenous people to occupy and use their lands notwithstanding the absence of written title to land. The right to occupy, use and control national parks and sanctuaries. Eviction from forest areas by the State and corporations and legal ways of opposing displacement.
- **Environmental law**. Six-day course on the latest developments on environmental law. This will cover the leading judgments of the superior courts across the world and explain the development of the law including the precautionary principle, strict liability, intergenerational equity and the polluter pays doctrine. From India reliance will be placed on the decisions of the National Green Tribunal, the Supreme Court and the High Courts of the states. Air, water and soil pollution. Climate change and the use of the law. Prosecution of corporations. Direct action strategies.
- **Business and Human Rights**. 4-day course. Unsafe and exploitative labour practices. Attacks on trade union defenders. Pesticides. Pharmaceutical industry – excessive prices and irrational drugs. Labour exploitations in mining, the textile industry and elsewhere. Resource exploitation. Surveillance technology. Transnational buyers, retailers and suppliers.
- **Disability Rights**. 4-day course. UNCRPD. Disability and access. Disability and employment. Disability and education. Doctrine of reasonable accommodation. Use of constitutional law to protect and advance the rights of disabled persons. Affirmative actions and reservations in education and employment. Case law from jurisdictions across the world.
- **Prisoners Rights**. 3-day course. Undertrial prisoners incarcerated for long periods of time. Rights of convict prisoners. Right to legal aid. Torture in prisons. Economic rights in prisons. Solitary confinement. Health rights in prisons including rights of HIV+ persons. Recent trends worldwide in prison reform.

- **Women and the law.** Six-day law course on contemporary developments in the law relating to violence and discrimination against Women; covering reproductive rights, personal law, women in agriculture, women in prisons, women defenders, sexual minorities, refugee women, women with disabilities, trafficking, dalit women, sexual harassment, acid attacks, witch-hunting, honor killings and rape.
- Three-day law training on the **death penalty.** How legal aid may be provided for persons on death row. Solitary confinements. Mercy petitions. Criminal defence in death sentence cases. Standards of legal aid. Lawyer misconduct in death sentence cases. Trend towards abolition. Campaign against the death penalty.
- Three-day course on **media law**, criminal defamation, censorship, Right to Privacy, surveillance, net neutrality, fake news, the Information Technology Act, role of the Press Councils and other adjudicatory bodies, and the legal aid in the defence of journalists.
- Three-day law seminar on **Refugee rights.** Statelessness. The Rohingya issue. Rights of refugees and non-refoulement. International law. The Refugee Convention 1951. Refugees and economic rights. How constitutional law may be used in the defence of refugees.
- Three-day course on **bonded labour** and slavery. The Bonded Labour System (Abolition) Act, 1976. Rescue, relief and rehabilitation. Trafficking of bonded labourers. Constitutional law provisions. International case law. Trafficking laws and judgments. The decriminalisation of sex work.
- Three-day course on **housing rights**, the jurisprudence of the UN, forced evictions, in-situ rehabilitation, Indian and international constitutional law. The doctrine of necessity and the right not to be evicted. The right to housing as part of the right to life.
- Three-day course on the **Right to Public Healthcare** as a fundamental right in collaboration with All India Drug Action Network and others covering the crisis in the public healthcare system, privatization, globalization, the Drugs and Cosmetics Act, ceiling on the prices of medicines, patents and compulsory licensing, public healthcare and Union budgets, corporations and the sale of vaccines, leading constitutional law judgments on public healthcare.
- Three-day course on the **Right to education**, the implementation of existing statutes, privatization and the role of the State, leading constitutional law

judgments, free and compulsory education, inclusive education and proposed reforms in education.

- Three day course on using civil law, criminal law and constitutional law to **Defend the Defenders**. Using criminal law provisions to get defenders out of jail. Using civil law provisions to defend the defenders in defamation cases. Using the law to protect right to information activists, tribal activists and trade unionists, political activists, journalists under attack, environmental activists, sexual and gender minority activists, women's activists and so on.