

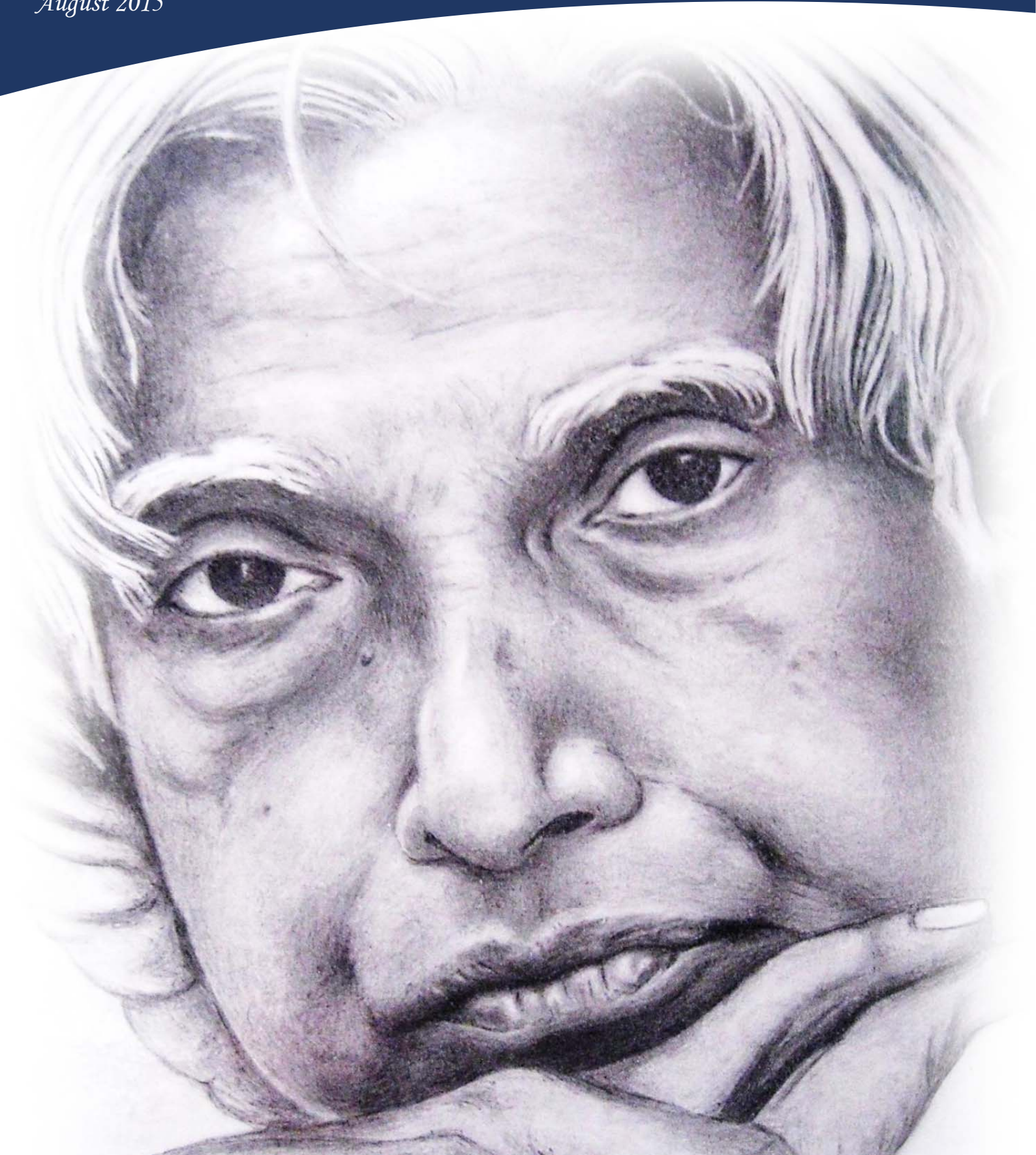
# *THE HUMAN RIGHTS COMMUNIQUÉ*

YOUR MONTHLY DOSE ON HUMAN RIGHTS

(NEWSLETTER FOR CENTRE FOR ADVANCED STUDIES IN HUMAN RIGHTS, RGNUL, PUNJAB)

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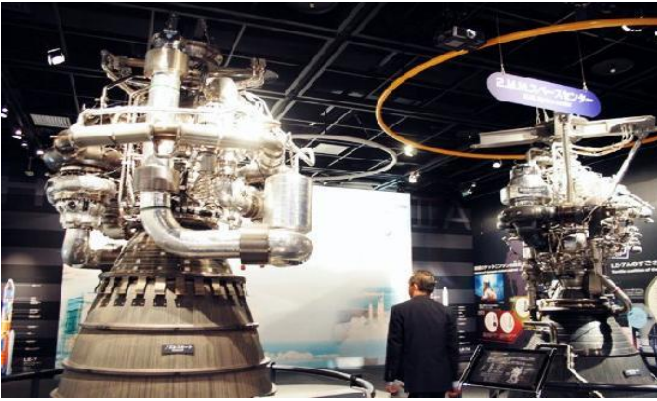


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## ***HUMAN RIGHTS AND SCIENTIFIC DEVELOPMENT: AN INTERFACE***

### **INTRODUCTION**

The International Human Rights Law is a distillation of the affirmative usage of science and technology for the furtherance of human rights, they warrant the right to freely participate in the cultural life of the community, to enjoy the arts and share the scientific advancement and its benefits. However, what was purported to be a platform for fostering human rights has, in the recent times, become the very apparition of it.

### **CYBER CRIMES: A FLAGRANT VIOLATION OF HUMAN RIGHTS**

Cybercrime is a comprehensive expression that alludes to all criminal occurrences happening through the mode of the internet, computers, worldwide web and cyber space. The term 'Cyber Security' has been elucidated as "protecting information, equipment, device, computer, computer resource, communication device and information stored therein from unauthorized access, use, disclosure, disruption, modification or destruction." Cybercrimes are categorized into hacking, data theft, virus or worms, identity theft and e-mail spoofing.

As per the study results of ASSOCHAM-Mahindra Special Services Group, the number of cybercrimes may probably cross 3,00,000 by 2015. They are mounting at Compounded Annual Growth Rate (CAGR) of approximately 107%. The study also shows that every month, roughly 12,456 cases are recorded in India.

The commission of cybercrimes is what leads to the gross violation of various human rights enshrined in the Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR). In July 2012, the UN Human Rights Council confirmed that "the same rights that people have offline must also be protected online," thus, making UDHR, ICCPR applicable to the internet. However, what is even more destructive is the violation of these human rights in the garb of protecting them by preventing the commission of cybercrimes. Several national governments have enacted such draconian legislations which have a direct impact on the human rights of people. Also, in 2013, the UN Special Rapporteur on Freedom of Opinion and Expression issued a report on the impact of surveillance on human rights, noting that "the use of an amorphous concept of national security to justify invasive limitations on the enjoyment of human rights is a serious concern."

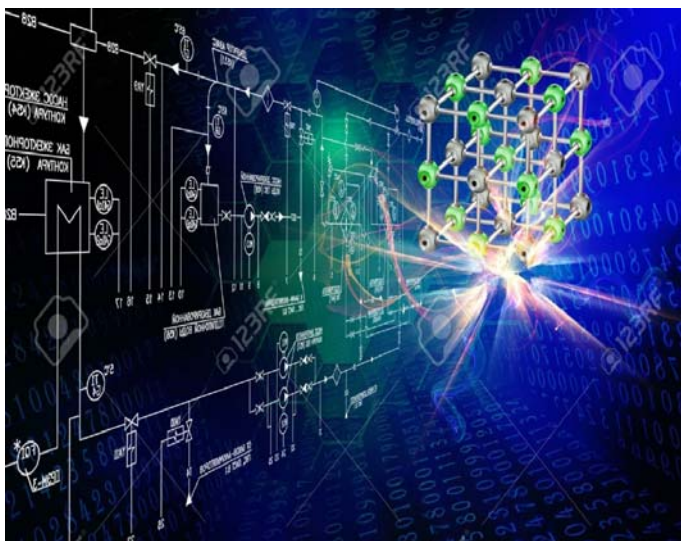
In Pakistan, the National Assembly Standing Committee on Information Technology and Telecommunication approved the Prevention of Electronic Crimes Act, 2015 (PECA) bill on April 16 and it now awaits consideration by the National Assembly and the Senate. This bill violates Pakistan's commitments to universal human rights standards. With such a bill in place, the government authorities are provided access to the information of users, without having any judicial review process in place to explain that access. The usage of vague terms in the bill can be interpreted in any manner as desired by the authorities to prosecute the accused and this is a clear infringement of freedom of expression and right to privacy of the individuals. Merely blogging about the persons arrested could lead to the prosecution of the blogger under Article 9 of the bill, which not only encroaches upon human right of freedom of expression, but is also violates of the cardinal principles of criminal jurisprudence, i.e., innocent until proven guilty.

Similar is the case with the Regulation of Investigatory Powers (RIP) Act, which has been enacted by the UK Government, empowering the government to demand the keys to any encrypted information. Hence, this is a horrifying prospect for an innocent, for if a person has lost the keys, he will face a two-year jail sentence. Confining the person to a jail sentence is also a violation of human rights of the individuals. Similar steps have been adopted by the Chinese Government, which curtail the liberty and freedom of individuals and have a negative impact on online speech.

The Anti-Cyber Crime Law of Saudi Arabia and its vague clause on "protection of public interest, morals, and common values", have been used to crackdown on online speech and freedom of expression by imprisoning bloggers and others for voicing different opinions, insulting public officials, or supporting forces other than the government in power. Online censorship also adversely affects the freedom

of expression and to have one's opinion. International legislations can be easily used to undermine the freedom of expression, freedom of opinion and freedom of speech. On the grounds of a treaty of international cooperation, a country may request another country to pass on the protected and confidential information of citizens, which is a clear intrusion into the privacy of the individuals.

However, it is an undeniable fact that paedophilia is encouraged by Internet by featuring child pornography. Child pornography has been identified as one of the major cybercrimes, which results in the violation of human rights of children. Right to live with dignity is an essential component of living, but this right is taken away from children featuring in porn videos.



Hence, though, cyber security threats are real, the ability to communicate anonymously, voice disapproval, protest, and have discourse without fear of persecution is an important part of human rights that all people are guaranteed, and the states must endeavour to protect these rights.

### SOCIAL MEDIA AND FURTHERANCE OF HUMAN RIGHTS

Human interaction today has significantly changed with the pervasiveness of new communication technology. Social media has proven to be a truly powerful storytelling tool, especially for human rights activists working globally. Human rights education and advocacy thrives on connection; civil society connecting with each other and activists in dialogue with the government on a platform that is widely accessible.

Revolts in the Arab world witnessed use of social media sites as a vehicle to drive the demonstration at an unprecedented rate. The protests in Tunisia and Egypt have led observers to speak about the “first digital revolution” in the Arab world. Social media sites, such as Twitter and Facebook, are now recognised as the major catalysts that significantly aided the *Jasmine Revolution* as well as the *Arab Spring*. In fact, the efforts of the Mubarak government to block all internet connection in Egypt showed the concern over the power of technology in facilitating political change. Ironically, government efforts to crack down on social media may have

incited more public activism, especially in Egypt. The persistence of social movements continues to demonstrate the important role that networked technologies—such as the internet, satellite channels and social networking sites play in revolutions. The revolutions demonstrate the effective use of social media and other network technologies as an organisational tool, and as a means of asserting pressure on oppressive governments. However, it is essential to recognise the internet and social media as just tools to further the cause of the revolt and not the cause of the uprising itself.

The quick accessibility of this online platform has allowed for the growth of citizen journalism where the public plays an imperative role in collecting and disseminating vital authentic information about the current happenings. From Tahrir Square to the scene of John Galliano's racist rants, pictures and videos from the public were increasingly used in media coverage of the Arab Spring. Citizen journalism allowed for instant documentation of the events during these revolts, and more than anything other documentation, provided a clearer picture to the human rights community of the world.

Philip Trippenbach, departing editor-in-chief of the social media network Citizenside, commenting on the significance of proof gathered by the citizens through smartphones, said: "There's been a behavioural shift with activists realising their images are of interest beyond Facebook or Twitter." He underlines the fact that a synergy had developed between citizen journalists and the mainstream media. Citizen journalism also allows the media operators to be a little more discreet and therefore prevent coming under attack.



### CONCLUSION

While the unfettered existence of cybercrimes highlights the lack of truth, accountability and remedy in relation to the human rights violations- social media has proven to be a truly powerful storytelling tool, especially for human rights activists working globally. From a political standpoint, Cyber Platforms have provided human rights advocates with an opportunity to advance civil liberties especially in countries where freedom of speech is significantly curtailed. The internet has allowed individuals to freely express and disseminate their opinions to a large global audience.

Contributions are invited for the further issues of the CASIHR newsletter. The last date of submission would be 15<sup>th</sup> of every month and it can be mailed to us at [casahr@rgnul.ac.in](mailto:casahr@rgnul.ac.in).

TRIVIA

- The UN celebrates 19<sup>th</sup> August as World Humanitarian Day
- A nuclear power plant shuts down in every 18 to 24 months for replacement of uranium fuel which becomes radioactive waste
- The sole international instrument on control of nuclear testing is Comprehensive Nuclear Test Ban Treaty which is yet to come in force
- The first nuclear test took place on 16 July 1945

DAYS OF MONTH

- International Youth Day – 12 August
- International Day for Remembrance of Slave Trade and Its Abolition – 23 August
- International Day Against Nuclear Test – 29 August

UPCOMING EVENTS

- 16<sup>th</sup> Annual Comparative Human Rights Conference on Water Rights – 20 October 2015
- Global Energy Summit and Expo – 2 November 2015

DID YOU KNOW?

The Chernobyl Disaster in Ukraine was the worst nuclear power plant accident in history in terms of cost and casualties

**SCIENCE IN THE SERVICE OF HUMAN RIGHTS****INTRODUCTION**

The dawn of penicillin and antibiotics heralded an era of rapid development in the health industry and this, along with the continual industrialization of countries, has led to growing concern pertaining to exploitation of the naïve. Medical science has contributed a great deal to ensure every person's right to life, as there exists an inclusive right to good health of every individual. Humanity as a whole has been able to benefit from technological advancements and innovations and the development of scientific knowledge has played a vital role in formation of policy, addressing societal issues and building knowledge. Science as such has been used as a tool for expanding knowledge for the benefit of mankind.

Scientific advancements in the field of agriculture have brought a revolution throughout the world order. The evolution of modern scientific knowledge has improved exponentially in the last half a century. Today, sophisticated medical assistance through improved technology is available in all developed countries and medical technology has become more reliable, rapid and accurate thus improving the diagnostic techniques and ensuring treatment of the most dreadful illnesses.

Recent developments in medical sciences have shown great promise in curing Alzheimer's, which is a degenerative brain disease and affects not less than 25 million people throughout the world. Increasing knowledge of microbiology and genetic science has also made great inroads in curing breast cancer.

**RECOGNITION OF RIGHT TO HEALTH**

The World Health Organization has recognized the right to health as a basic human right which would include affordable health care, in furtherance of protection of such rights in the UDHR, ICESCR, etc. Today's health care mechanism is fully competent to fight even the most dreadful diseases mankind has ever seen. Throughout the world medical sciences have improved living conditions of poor and impoverished people ensuring them their right to good health. There are numerous instances as to how people in far flung areas have benefited from the advancement in medical sciences.

**INDIAN CONTEXT**

In India, scientific knowledge has greatly helped in ensuring a substantial increase in life expectancy and bringing down infant mortality. Termination of Polio from India has been ensured and great inroads have been made in curbing tuberculosis which had been threatening the nation. In the 20<sup>th</sup> century Indian scientists such as Har Gobind Khurana, Prafulla Chandra Ray have contributed a great deal in the development of medical sciences and pharmaceuticals.

The foundations of medico-legal issues are of much pertinence in the present day era. This has further gained ground post the liberal interpretation of Article 21 of the Indian Constitution. However, a state which is burdened with obligations must fulfil the same with affirmative action. A specific constitutional obligation rests under Directive Principles of State Policy, which unfortunately are not enforceable. The doctrine of harmonious construction also fails to come to rescue on this count. Thus, the only remedy remains the mercy of medical institutions and the Hippocratic Oath.



## ***HUMAN RIGHTS NEWS...***

### **MUMBAI '93 BLAST CONVICT YAKUB MEMON EXECUTED**

Yakub Abdul Razak Memon was convicted over his involvement in the 1993 Bombay bombings which lead to the death of about 350 people and injured more than 1200. This coordinated attack was the most destructive bomb explosions in Indian history and was the first of its kind serial-bomb-blasts across the world. On 21st March 2013 the Supreme Court of India gave its judgment after over 20 years of judicial proceedings sentencing the accused. Appeals and petitions for clemency were rejected and he was finally hanged to death on 30th July, 2015. The execution was an issue of public debate after the Supreme Court heard the petition of Memon during the wee hours of 30<sup>th</sup> July 2015.

### **14 YEAR OLD RAPE VICTIM ALLOWED TO HAVE ABORTION**

A 14 year old girl who was allegedly raped has been allowed to get a late- term abortion. The teenager's family has alleged that she was drugged and raped by a doctor in February. The girl, a high school student in the western state of Gujarat, is 25 weeks' pregnant. Indian laws allow termination of pregnancy until 20 weeks' gestation. The Gujarat High Court rejected a petition brought by her father to allow abortion on legal grounds. The Supreme Court overturned lower court rulings barring the girl from the procedure if doctors believed there was a "serious threat to her life if the child is not aborted". A team of doctors appointed to examine her, said that she was not in a fit state to have the baby. This ruling is significant because the Medical Termination of Pregnancy Act bans abortion in India after 20-weeks and earlier abortions are only permitted for health reasons or if there is a possibility of the child being born with physical or mental abnormalities.

### **BAN ON FAST UNTIL DEATH: RAJ HC**

The Rajasthan High Court banned Santhara, a Jain ritual of voluntary and systematic fasting to death, making it punishable under section 306 (abetment of suicide) of the Indian Penal Code. The Court declared "Santhara is illegal in the eyes of law." The ban on the Jain ritual comes after a public interest litigation (PIL) filed by human rights activist and advocate Nikhil Soni a decade ago. The activist claimed the ritual is a social evil and should be considered as suicide. The ancient ritual, also called Sallekhana, consists of voluntary starvation to embrace death. The Svetambar (white sect) community, which practises the age-old ritual, considers it the ultimate way to attain moksha (release from the cycle of rebirth), when one believes that his life has served its purpose. Practised mostly by elders nearing death or having no desire to live any more, this ritual demands the practitioner to even sacrifice drinking water and is not advisable for young adults or children. The centuries-old practice of Santhara has been in the eye of a storm since 2006 when the case of 93-year-old Keila Devi Hirawat from

Jaipur sparked international media debating on whether there was any place for such a ritual in the modern world.

"The ratio of differences of opinion among the judges whether somebody convicted for offences punishable with death should die or live in most cases in India is 2:1. When this difference of opinion is between acquittal and death sentence, imposition of death penalty by majority opinion becomes legally untenable and morally unconscionable," stated Suhas Chakma, Co-ordinator of the National Campaign for Abolition of Death Penalty in India. In India, the "differences of opinion at the level of High Court" is recognised as a ground for commutation of death sentences under the broad guidelines on consideration of mercy pleas adopted by the Ministry of Home Affairs (MHA), Government of India

### **STATE OF UP PLANNING TO SET UP HUMAN TRAFFICKING STATIONS**

Uttar Pradesh may soon have anti-human trafficking police stations and a special task force to check the menace in the state. The decision was taken by the State Advisory Committee to combat Human Trafficking which met after 15 years. It was decided to study rules framed by other states pertaining to placement agencies and migrant labours and frame a new rulebook for UP. For better training of employees involved in checking human trafficking and maintain uniformity it was decided to follow standard operating procedure.ss

## ***AROUND THE GLOBE...***

### **SUDAN ATTACKS IN SOUTH KORDOFAN: COMMITS WAR CRIMES**

Amnesty International has confirmed for the first time in its new report that government forces in Sudan have committed war crimes against the civilian population of South Kordofan.

Based on a research mission on the country, Amnesty International has found that Sudanese Armed Forces have targeted civilian areas and infrastructure which have no legitimate military objective. The use of prohibited weapons – such as cluster bombs - launched from high flying aircraft, has resulted in civilian casualties.

Between January and April 2015, the Sudanese Air Force dropped more than 374 bombs on 60 locations across South Kordofan under the control of the Sudan People's Liberation Army-North (SPLA-N). The aerial bombardments and ground shelling over this period resulted in the death of at least 35 civilians, injured further 70 individuals, and damaged civilian buildings including schools.

Since the beginning of the conflict in 2011, 26 health facilities (hospitals, clinics and health units) have been bombed in SPLA-N controlled areas, some of which were clearly identified with

flags and crosses on their roofs. Only two out of four hospitals in SPLA-N controlled areas are still functioning.

### **SHOOTING OF HUMAN RIGHTS ACTIVIST IN BURUNDI**

Pierre-Claver Mbonimpa, president of the Association for the Protection of Human Rights and Detained People (APRODH), was shot and injured by gunmen in Bujumbura on 3 August. The attack took place a day after the assassination of General Adolphe Nshimirimana, chief security advisor to the Presidency.

Pierre-Claver Mbonimpa was a prisoner of conscience from May 2014 to September 2014 after being charged with threatening state security and using false documents. Though released on medical grounds, the charges against him are yet to be dropped.

Many human rights defenders and journalists have been forced to flee Burundi since the beginning of the year following the government's crackdown on critics after President Pierre Nkurunziza's decision to stand for a third-term in office.

### **LAND RIGHTS ACTIVIST ARE POLITICAL PRISONERS IN MYANMAR**

The recent arbitrary arrest of a prominent land rights advocate in Karen State exemplifies the government's persecution of vocal opponents of land grabs by officials and their business associates.

On August 7, 2015, police arrested U Saw MaungGyi, a leader of the 88 Karen Generation Student Organization. The authorities charged him under section 17(1) of the Unlawful Associations Act for allegedly providing assistance to a man that police claim is a Karen insurgent. U Saw MaungGyi faces a two-to-three-year prison sentence if convicted. To further harass the 88 Karen Generation Student Organization, on that same night the police arrested nine farmers and activists who were sleeping at the organization's office and fined them for staying overnight outside their home district without government permission.

### **SYRIAN ACTIVIST FREED AFTER THREE YEARS**

Mazen Darwish, Director of the Syrian Centre for Media and Freedom of Expression (SCM), spent over three years in arbitrary detention after being arrested alongside a number of other colleagues during a raid on the office of SCM by Air Force Intelligence personnel in Damascus in February 2012. Mazen Darwish is the last of the group to be released, two of his colleagues Hani al-Zitani and Hussein Gharir were conditionally released last month.

In February 2013, a year after their arrest, the three activists and two of their other colleagues, were accused of "publicizing terrorist acts" before the Anti-Terrorism Court. They remain on trial with the next court session scheduled for 30 August. Their organization worked to document human rights violations in Syria, particularly regarding freedom of expression.

### **SYRIA: UN RESOLUTION AGAINST CHEMICAL WEAPONS**

A UN Security Council resolution passed today, paving the way for establishing an independent team of experts to identify the perpetrators of chlorine and other chemical weapon attacks, offers hope for accountability for war crimes in Syria.

Hundreds of civilians have been killed in chemical weapon attacks since the crisis in Syria began more than four years ago. The use of chemical weapons is prohibited by international humanitarian law.

The resolution details steps needed to create a Joint Investigative Mechanism to identify perpetrators of such attacks. It stipulates that all parties to the conflict would have an obligation to cooperate with it fully, including granting full access to locations, individuals and relevant materials.

### **UKRAINE FILM DIRECTOR TRIED FOR TERROR IN RUSSIA**

Ukrainian film director Oleg Sentsov has gone on trial in the southern Russian city of Rostov-on-Don accused of plotting terrorist acts in Crimea.

Mr Sentsov is accused of organising a terrorist group and planning terrorist attacks in Crimea. Prosecutors say he was involved in two attempted arson attacks in the city of Simferopol, ordered by the extremist Ukrainian group Right Sector. If found guilty, he could be jailed for a term which may extend to 20 years. They are also accused of membership of the far-Right Ukrainian paramilitary group PravySektor, which is banned in Russia.

The case against Mr Sentsov is primarily based on evidence given by two men who have already been convicted and given seven year jail term.

Mr Sentsov insists that the trial is politically motivated, arguing that he was beaten in jail for 24 hours in an attempt to force a confession.

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## SHREYA SINGHAL V. UNION OF INDIA



### Facts:

In a bid to seek examination of the constitutionality of various provisions in Information Technology Act, 2000, a writ petition was filed before the Supreme Court of India under Article 32 of the Constitution of India by way of a Public Interest Litigation. The developments in this case brought ten such cases into the foray, which dealt with arbitrary actions by authorities to suppress online speech by using various provisions of the above mentioned Act. Mostly, these cases involved the arrest of people who had posted critical remarks about politicians on social networking sites. In one of the cases, a girl, Renu Srinivasan, was arrested for “liking” a comment on Facebook, which had questioned the close down of Mumbai on the day of Shiv Sena leader Bal Thackeray’s funeral. Along with her, the original poster of the comment, Shaheen Dhad, was also arrested.

### Issue Raised:

The issues which were raised before the hon’ble court in this case included that:

- Section 66A infringes the fundamental right to free speech and expression and is not saved by any of the eight subjects covered in Article 19(2).
- Section 66A suffers from the vice of vagueness and it would be open to the authorities to be as arbitrary and whimsical as they like in booking such persons under the said Section.
- The petitioners also contended that their rights under Articles 14 and 21 have been breached as there is no intelligible differentia between those who use the internet and those who by words spoken or written use other mediums of communication.

### Judgment:

The Supreme Court held that the provision of section 66A of the IT Act is violative of Article 19(1) (a) and regarded it as an arbitrary provision which breaches the right of citizen to have freedom of speech and expression of their views on internet and hence declared it unconstitutional. Further the court held:

- Firstly, that “wider range of circulation of information or its greater impact cannot restrict the content of the right” of free speech and

expression under Article 19(1)(a). The Court rejected the government’s argument that those aspects of the internet that distinguish it from traditional media would require a ‘lesser standards of reasonableness of restrictions’.

- Secondly, the court held that section 66A does fall under any restriction mentioned in Article 19(2) and considered each of the grounds listed under the Article to test for the nature and reasonableness of the restriction.
- Thirdly, that several terms in Section 66A (i) did not give clear enough guidance so that people may reasonably understand what permissible and impermissible conduct is, and (ii) excessively delegates policy matters to “regular police men and judges to resolve on an ad hoc and subjective basis.”
- Fourthly, Section 66A suffered from over breadth in that it was wide enough to capture within its net a large range of permissible speech.

### Analysis:

This judgment provided a much needed remedy to curb the arbitrary and unjustified powers under section 66A, which amounted to blatant violation of the basic human right of an individual to express his opinion. Through this case, the Apex court has redefined the boundaries of freedoms enjoyed by an individual.

In quashing Section 66A, in *Shreya Singhal*, the Supreme Court has not only given a fresh lease of life to free speech in India, but has also performed its role as a constitutional court for Indians. The Court has provided the jurisprudence of free speech with an enhanced and rare clarity. Further, it is an important landmark in the Supreme Court’s history for more than one reason. It represents a rare instance of the court adopting the extreme step of declaring a censorship law passed by Parliament as altogether illegitimate. Also, it is uplifting to know that the judgment has explicated, with remarkable felicity; the scope of the right available to us to express ourselves freely, and the limited space given to the state in restraining this freedom in only the most exceptional of circumstances

The opinion of Justice Nariman highlighted that the liberty of thought and expression is not merely an aspirational ideal but also “a cardinal value that is of paramount significance under our constitutional scheme. “Thus the court has defended the Constitution’s ideals of tolerance with a sense of vivacity and integrity. It must also allow us to believe that we can now challenge the noxious culture of censorship that pervades the Indian state.

Conclusively, it is efficacious to note that advancement of print and social media is one of the most important aspects for further enhancement in reach of human rights to people and hence unnecessary legal provisions should not be allowed to become an obstacle in this positive development.



*IN CONVERSATION WITH...*

Recently Hon'ble Justice V. Gopala Gowda visited Rajiv Gandhi National University of Law, Punjab. Two of the members Ms. Srishti Bose and Mr. Mohit Khandelwal had an opportunity to have conversation with him. Not only an experienced litigator but also a judge of the Apex Court of country, Justice Gowda has contributed immensely towards the development of human rights jurisprudence in India.

**Srishti:** You've litigated as well as adjudicated extensively in labour matters, civil law, criminal law, industrial disputes, matrimonial matters, etc. What categories according to you, witness the most relevant litigation in India and what does it say about India as a society?

**J. Gowda:** India is a pluralist society. The most important litigation, in relation to the agricultural sector, is not coming to the court. They (farmers) constitute 74% of the population and are dependent upon agriculture based economy. Food grains and commercial crops are essential commodities – the agriculture sector is very important. It is a socially and legally relevant sector. However, it is also much neglected. Of all the cases dealt with by the courts, less than 1% pertains to agriculture. There are plenty of problems pertaining to the agriculturalists like not having proper resources, insubstantial area of cultivation, power and irrigation facilities, rent facilities, payment of minimum wages, market (regional, interstate, international), etc.

Article 43 and Article 19 must be sourced to support human rights causes in the agriculture sector. So this is a public law review issue in relationship with agriculturalists who have no access to justice; which requires to be given first priority by the government. My heart goes out to agricultural sector litigation and the environmental as well as meteorology concerns pertaining thereto.

We must, therefore, motivate socially relevant legal education in the form of legal aid, etc. It also depends on the industrial sector.

**Mohit:** How can the middle class in India access Legal Aid to fund expensive litigation?

**J. Gowda:** Access to justice is the heartbeat today. Qualitatively and quantitatively, the recourse to Article 39A (Equal justice and

free legal aid.) needs to improve. Merely going and filing a case is not justice. He must have the resources, economic equalities- all these things sum up to form justice. The legal service authority has formed a pilot scheme to go to villages and educate the people about their legal rights so they can be brought to those areas where justice must be deemed to be done before coming to the court. If they can't come to the court, take legal education to them. The middle class man too is entitled to legal aid – we must take out the economic ceiling for entitlement to legal aid.

**Srishti:** How can we as a fast paced economy ensure that human rights stay shielded in the wake of scientific and technological advancements?

**Mohit:** Apart from positive contributions made by scientific and technological advancements to the field of human rights, what about issues of cyber warfare and nuclear weaponry?

**J. Gowda:** Scientific development must be used for ensuring human rights protection. What is human rights protection? It is a human being's bare requirement of residence under Article 19(1)(e). For that purpose, there is a constitutional duty on part of the government to provide for residence for which they have constituted housing boards to perform in distillation, all the enunciations of the said Article. At the most basic level, the right to live must be provided to every individual engaged in the process of scientific and technological advancement. In paragraph 84 of *Raghunath Reddy v. State of Karnataka* – a seven bench judgment, it was held that means of control must lie with the government in public sector units. Then the right of occupation, the right to work must be made fundamental. Such Fundamental rights must be ensured through human rights in scientific and technological advancements. Science must be utilized for positive and affirmative justice.

Science and technology must be developed to protect human rights not to destroy them. It must be used very sparingly. We don't want incidents like Hiroshima and Nagasaki which hamper generational growths, to repeat themselves. So we must consciously ask the people to harbour a scientific temperament and work in line with the rationale behind Human Rights Law