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NEED FOR JUSTICE- Diksha Pandey¹ & Sakshi Mishra²

“Justice is the insurance we have on our lives, and obedience is the premium we pay for it”.

- William Penn

ABSTRACT

Justice entails the equitable and impartial application of legal principles and regulations, ensuring equality and safeguarding the rights of all members within a community. It revolves around upholding the rule of law, guaranteeing due process, and holding both individuals and institutions accountable for their deeds. Consider a hypothetical society devoid of justice, where fairness is absent, and injustice prevails as the system's foundation. In such a society, the human yearning for justice intensifies. Despite the prevailing adversities, the innate longing for fairness and reparation is a potent driving force, motivating a more equitable and just world pursuit. Hence, the necessity for justice becomes evident, as it is the only factor that stirs people's inner desire to contribute to society and fosters mutual respect without discrimination.

Keywords

Justice, Equality, Law, Appetite for Justice, Peace

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INTRODUCTION

Justice in its broadest sense is the principle that people get what they deserve, and the interpretation of "merit" is influenced by many fields with many different perspectives, including general principles of moral rectitude based on ethics, rationality, law, religion, honesty and justice. The state tries to improve justice occasionally by acting in the courts and administering their decisions. The ethical, philosophical idea is that peopleⁱ should be treated impartially, fairly, appropriately and nicely by the law, and the legal judges must ensure that no harm is done to the other and that the complainant and the accused innocently acknowledge the right consequences of their behaviour. Thus, the way justice works is different in every culture. The ancient Greek proponents, Plato in his Republic and Aristotle in his Nicomachean Ethics exposed the propositions of justice. Over prepositions have developed throughout history. Legalists in the Preamble to Divine Command said that law came from God in the 17th century, and proponents such as John Locke stated that law is based on natural law. The social contract proposal said that justice comes from everyone's collective agreement. In the 19th century, utilitarians like John Stuart Mill said that justice is based on elegant questions for most people.

SOME DISTINGUISHED JUSTICE THEORIES

Aristotle's justice theory:

In Aristotle's perspective, there are two types of justice: universal justice, which pertains to following the rule, and individual justice. A particular judge has two subcategories: distributive justice and remedial or corrective justice. According to the principle of distributive justice, the state should distribute resources and wealth among its citizens based on merit. Furthermore, reparative justice is divided into two categories: voluntary transactions (civil law) and criminal transactions (lawless law).

Rawls' proposition of justice:

Rawls proposed the concept of the social contract and emphasised that "Justice is the first virtue of social institutions." His theory of justice encompasses various elements such as liberty, social equality, and republicanism. Interestingly, traces of Rawls' ideas on justice can be observed in Indian legal judgments.

One critical case that exemplifies this point is the State of Madras v. ChampakamDorairajan, which led to the first amendment to the Indian Constitution. Additionally, the judgment in Indira Sawhney and Others v. Union of India upheld the reservation of jobs for backward classes, further reflecting the pursuit of social equity through defensive measures to ensure justice. Subsequent judgments, like Nagaraj v. Union of India and Jarnail Singh v. State of Gujarat, have also embraced the principles of equivalency to promote justice.

The notion of distributive justice, with its roots in Aristotle's philosophy and reinforced by John Rawls, has been incorporated into the Indian Constitution through various articles, including Articles 142 and 144 and Parts III and IV. Furthermore, courts have emphasized the principles of distributive emphasised in cases concerning environmental issues

Utilitarian Theory of Justice:

Jeremy Bentham put forth the utilitarian theory of justice and sought to give as many individuals as possible the most significant amount of justice. Chandrachud J. used this theory in the Olga Telling v. Bombay Municipal Corporation case, where he emphasised that "Mortal compassion must soften the rough edges of justice in all situations." By the idea of a welfare state, the court determined that the right to a living is a component of the right to life. Similarly, in Union of India v. Tulsiram Patel and the Bangalore Medical Trust case, the principle of public welfare influenced the decisions.

Amartya Sen's proposition of justice:

According to the Social Choice hypothesis, laws should be enacted on the needs of society and the demands of justice. Invoking Amartya Sen's Idea of Justice, the Puttaswamy v. Union of India ruling highlighted political freedoms and public rights as drivers of progress. In reversing its earlier decision in ADM Jabalpur v. Shivakanth Shukla, the court affirmed the Constitution's recognition of the right to life and personal liberty. Amartya Sen's public logic, republicanism, and merit and fairness concepts were upheld in cases like PradeshiyaJanjatiVikasManch and Others v. State of UP and Others and B.K. Pavitra v. Union of India.

Introductory structure of proposition:

Given the Golak Nath Judgment during the Keshavanda Bharti v. State of Kerala case, the legitimacy of the Constitution's 24th, 25th, 26th, and 29th amendments was questioned after they were passed. However, Golak Nath was eventually reversed, and the court affirmed the basic structure theory. Although it has yet to be fully defined, the fundamental framework has been enlarged to include a wide range of individual rights that Parliament cannot abolish. In Indira Nehru Gandhi v. Raj Narain,

the court upheld the judiciary's independence in delivering justice and determined that judicial review is a fundamental element of the Constitution. As a result, the Supreme Court has worked hard to advance a more egalitarian society since 1976 using the ideas articulated in the Directive Principles of State Policy. This was made clear in the *Minerva Mills* case, where the court stressed how the Constitution's Parts III and IV function as a pair to bring about a social revolution.

Gandhian theory of justice:

Truth, equality, and social justice are the cornerstones of the Gandhian idea of justice. According to the *M.P. State Legal Service Authority v. Prateek Jain* case, the Gandhian opinions at the core of the Lok Adalat concept—an Indian contribution to global justice—are evident.

HUMAN APPETITE FOR JUSTICE

Justice is a matter of utmost importance that underpins judicial systems. It encompasses civil, criminal, socio-cultural, and universal aspects and is a fundamental human value. Throughout history, many wars have been fought in the name of justice. Even in the present era, numerous movements and processes aim to achieve justice, but it needs to be discovered. The global struggle for justice is closely tied to societies seeking to establish or maintain the rule of law, resulting in countries adopting constitutions to uphold justice, peace, and harmony. Individuals and organisations in every context require a taste of justice.

The term "human appetite for justice" is often used to describe the desire and demand for redress made by victims of violence during post-conflict transitions. Everyone desires justice, but only a few are willing to take the necessary in. Like hunger and thirst, urgent natural needs for the body's health, our souls also yearn for a just and fair world. People care about justice because they wish to experience it in their personal lives and social environment. This longing for justice is a continuous, long-term pursuit, not merely a fleeting passion or trend, but something at the core of our humanity. We all desire to create a just and fair society, but we cannot do it alone. It requires a strong appetite and collective effort to effect systematic change. However, to create, we must take the first step together to create such a community and fight for judicious challenging situations at work or home, such as disputes over land, housing, money, or crime, as well as issues with local governance, people seek fair and viable solutions. Without an impartial third party to turn to, they often find themselves at the mercy of the powerful or trapped in conflicts. Research indicates that some individuals react more strongly than others to situations that invoke a sense of justice.

The importance of justice to humans stems from the fact that the desire for equity and fairness is ingrained in each human soul. As humanity matures, we strive to ensure and experience justice at all levels of society. Justice is crucial as it rebuilds a sense of equal citizenship and humanity, acknowledges suffering, and prevents recurrence. Working to secure justice for every segment of society is one of the most significant goals prosperous nation. In the Indian context, obtaining justice for its citizens has been a top priority, as the people draft the constitution and direct the state to function based on fundamental principles enshrined in the charter. The preamble to the Indian constitution also emphasises achieving social, economic, and political justice as its objective.

Obtaining justice is vital because injustice can easily pave the way for new oppressors to emerge. Defining justice precisely is complex, but it generally revolves around the ideas of fairness and equity. Social justice, for instance, demands equal treatment for all sections of society, regardless of caste, creed, gender, nationality, religion, or language. Similarly, economic justice means providing equal access to natural resources for all citizens and ensuring that no one suffers from undeserved deprivation. Political justice entails granting equal political rights to all citizens, including the right to vote, contest elections, and hold public office. The preamble of our Indian constitution also aims to secure justice for all citizens. While the constitution makers strived to ensure fairness for everyone, the harsh reality is that obtaining just quickly in the present era has become quickly easingly challenging cases existing where people do not receive timely justice or no justice leading to an enlarged appetite for justice. Consequently, people try various measures to attain it, fostering a feeling that things are unfair justice is needed. Access to justice is a fundamental right guaranteed under Articles 14 and 21 of the Indian constitution. The first requirement for justice is a standard since justice can only be determined with an unchangeable, objective benchmark for evaluation.

WAYS TO CLAIM JUSTICE:

Those who dare to embark on the fight for justice encounter formidable challenges. Freedom, democracy, peace, and fairness are essential aspirations for all of us. According to the United Nations, mistreatment, injustice, and abuse persist, wreaking havoc on the very foundation of civilisation. To address these issues, we must establish robust institutions, uphold international standards of justice, and commit to peace everywhere. The goal is to achieve a better world, which necessitates safeguarding our fundamental rights and holding those in power accountable. This is the purpose of the law.

There are various ways in which people strive for justice. Some of these methods include:

CAMPAIGN –A campaign for justice supports victims who are denied justice. It aims to unite people to advocate for increased access to justice and fight for common causes. Campaigns can be organised as political, business-oriented, or military efforts to achieve specific objectives.

Examples of campaigns fighting against injustice include "Justice for Every Child," a nationwide initiative by the Kailash Satyarthi Children's Foundation to ensure timely justice and mental health support for victims of child sexual abuse and rape. Another campaign is the "EkPahal Drive," launched by the Ministry of Law and Justice, which focuses on delivering justice directly to the people and creating awareness about legal rights and victim compensation schemes.

PROTEST-Protests are public expressions of objection, disapproval, or dissent, typically in response to political issues or actions. They can take various forms, such as rallies, marches, strikes, boycotts, and civil disobedience.

Examples of protests include the "Black Lives Matter" movement, which started in 2013 as a response to police brutality and racial violence against black individuals. Another instance is the ongoing Indian farmer protest against farm laws, which has seen widespread demonstrations and demands to repeal the contested laws.

SOCIAL MEDIA – Social media plays a crucial role in modern activism, enabling the rapid dissemination of ideas, information, and relationships nationally and globally. It empowers individuals and groups to raise issues, share stories, create awareness, and collaborate for social justice.

Through blogs, hashtags, and other forms of online communication, social media serves as a platform for raising voices and creating awareness, fostering connections between activists, organisations, and citizens, and championing justice causes.

People use blogs, hashtags, and other social media platforms to address numerous issues and advocate for justice. By leveraging social media to amplify voices and share stories, they raise awareness, foster a sense of consciousness, and build strong connections. This allows organisations, activists, and ordinary citizens to unite and demand justice.

- **#MeToo** -#MeToo movement, also known as the #MeToo motion, serves as a unifying force for women of diverse backgrounds who have experienced sexual harassment. It focuses on the accounts of survivors of sexual violence from all walks of life. By sharing their stories, individuals involved in the movement aim to shed light on the prevalence of sexual harassment. Originating in 2006, the movement gained mainstream attention in 2017 when

prominent actresses opened up about their experiences of sexual harassment in the entertainment industry, using the hashtag #MeToo. This widespread adoption of the hashtag led to increased awareness of the MeToo movement, sexual harassment, and assault, hoping to reduce the tolerance for abusive behavior and receive more significant support for victims.

- **#LoveWins** - #LoveWins movement celebrated the 2015 Supreme Court decision to legalise same-sex marriage. The Human Rights Campaign (HRC) played a pivotal role during the lead-up to the court's ruling by employing digital marketing campaigns and creating content that portrayed loving and committed same-sex couples, thus promoting the cause of marriage equality.
- **#BlackLivesMatter** -The Black Lives Matter movement began as an online community dedicated to combating anti-black racism and police violence against African Americans. This online network effectively coordinated, mobilised, and boosted its visibility using the hashtag #BlackLivesMatter on social media platforms. It grew over time into an organization with over forty chapters dedicated to defending black lives.

Where the Indian court lacks justice, why must people fight so hard for justice?

Often, parties involved in disputes don't pursue litigation to seek a remedy but to make the other party suffer. This leads to prolonged court battles due to delays and a lack of trust in the justice system's effectiveness. Despite the long wait for justice, people still hold onto the hope of eventually finding it, which is remarkable. Efforts to improve the system have yielded little success. For instance, after the infamous gang rape of a medical student in Delhi, fast-track courts were established to expedite cases related to violence against women. However, the impact has been limited, with over 93% of rape cases still awaiting trial, often due to trivial issues impeding progress. Asha, a victim of gang rape at the age of thirteen in 2005, endured a painfully slow legal process, including the debate over trying one of the accused as a juvenile or an adult, which persisted until 2013. Despite her case being fast-tracked, it took years for the court to convict the mastermind behind the rape. 5 Million cases have remained unresolved for over five years, with a substantial backlog in the high courts and the supreme court.

Regrettably, the government allocates only a minuscule portion of its budget (0.2%) to the law ministry, contributing to the inefficiencies in the judicial system. The excessive workload on judges is further exacerbated by delaying tactics employed by lawyers, such as constant appeals, feigning illness, or failing to appear in court. This dysfunction hinders the resolution of cases and the country's progress, particularly in commercial matters that depend on a robust and expeditious

judicial system.

The heartbreaking story of Ashish Kumar, who has been seeking justice for his brother's murder for decades, reflects India's widespread issue of judicial delay. Despite facing threats and disruptions, he remains determined to fight for justice, believing in the potential of the country's legal system to deliver fairness eventually.

The alarming situation of judicial delay has caught the attention of both the executive and the judiciary. Prominent figures, including the President of India, the Chief Justice of India, and cabinet ministers, have acknowledged the crisis and its impact on the rule of law. However, despite widespread concern, the real challenges lie in the lack of capacity, power, and dedicated time to administer the judicial system efficiently. There is yet to be a defined group of individuals specifically tasked with overseeing the judiciary including judges and judges and the essential bureaucratic functions that, if managed efficiently, could significantly improve the system's performance—the high court, led by its chief justice, supervises state's entire judiciary. However, the chief justice's workload is already overwhelming due to their judicial responsibilities, leaving little time for effective administration. As a result, administrative matters are often delegated to the registry, which focuses primarily on daily processes and needs more resources and needs more for comprehensive data collection, analysis, and systemic reforms.

Need for Justice

“Injustice anywhere is a threat to justice, “said Martin Luther King. Everyone involved in any dispute seeks justice, but we must first understand what justice is. Justice is a vital pillar in any civilized society, serving as the foundation for maintaining order, ensuring fairness, and upholding the rule of law. It embodies the core principle that every individual, irrespective of their background, social status, or beliefs, deserves equal treatment and protection. The necessity for justice arises from our innate desire for a secure and stable environment where rights and liberties are respected and wrongs are rectified. A just society cultivates trust among its citizens, encouraging active participation in the community and contributing to its growth and prosperity. Without justice, chaos and lawlessness prevail, leading to societal cohesion and individual well-being breakdown. Justice is a deterrent against criminal behaviour and provides a mechanism to resolve conflicts and disputes, facilitating peaceful resolution.

Furthermore, justice plays a pivotal role in safeguarding human rights. It ensures that individuals are protected from discrimination, oppression, and exploitation, regardless of race, gender, religion, or economic status. Justice empowers marginalised communities and protects them from systemic

injustices by offering a fair and impartial platform to address grievances. Moreover, the existence of a just legal system builds public confidence and encourages people to seek help when they face victimisation, knowing that they will be heard and treated fairly.

A society that esteems justice fosters a culture of accountability and responsibility. It establishes a framework where wrongdoers are held accountable for their actions and faces appropriate consequences. This accountability is a deterrent, discouraging potential offenders from engaging in harmful activities and promoting a harmonious coexistence. Consequently, this nurtures respect for the law and a sense of collective responsibility among individuals, contributing to a society thriving on ethical conduct and mutual respect.

The necessity for justice extends beyond the confines of individual communities, encompassing global issues. In an interconnected world, international justice is crucial in addressing transnational crimes, promoting human rights worldwide, and resolving disputes between nations peacefully. By fostering cooperation and diplomacy, justice helps build a more equitable and sustainable world order."

CASE STUDY

- **(NIRBHAYA CASE STUDY) (Mukesh & Anrvs State for NCT of Delhi & Ors. 6 SCC 1 2017)**

The infamous December 16, 2012, Delhi gang rape incident's "Nirbhaya" victim was raped. In late December, Nirbhaya and her friend left the movie theatre in theatre and waited anxiously for the bus. They were put in an empty bus with blacked-out windows by a thief. Six people, including a 17-year-old boy, attacked them. The friend was killed by the attackers while trying to protect Nirbhaya. Nirbhaya's body was significantly deformed. His intestines were removed, and his personal belongings were destroyed. She died on December 29 from multiple organ failure, internal bleeding, and a heart attack. This terrible event caused great indignation in the society. There were many protests, meetings, and candlelight vigils. There was great outrage that India was not safe for women. In Prahlad and Orsv. state of Haryana, the court described rape as violating the victim's human rights. This is a challenge to female identity and bodily dominance. Article 375 of the Indian Penal Code clearly states that harassment can only be carried out against a person and only against a woman.

Before 2012, the definition of rape was valid only for sexual assault. The Criminal Code (Amendment) Act 2013 contains various descriptions of rape. This statement has been amended

under Section 375 of the IPC. As amended, Article 375 of the IPC defines sexual assault against a woman's body without her consent, such as the genital area, urethra, mouth or anus. This change is due to two significant differences. These are the reports of the Verma Judges Commission and the Nirbaya incident.

Justice Verma Committee Report

The committee concludes that rape and sexual assault appear to be crimes of power rather than crimes of passion. It is necessary to expand the definition of rape to include acts other than penetration of the vagina, mouth, or anus. Rape needs to be handled differently than other crimes. Any further non-consensual sexual penetration falls under the legal definition of rape, according to various legal authorities. Marriage should no longer be considered a license for sexual wrongdoing, it was stated. It was suggested that non-penetrative sexual contact be regarded as sexual assault. Sexual assault refers to any unwelcome or non-penetrative sexual contact.

The use of language or any action or gesture that suggests a sexual nature is considered sexual assault and penalised. The following significant suggestions were made by the Committee on the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Bill, 2012. Domestic workers must be included in the Bill's scope.

Some recommendations for case management reforms:

A Rape Crisis Cell should be set up to notify the public as soon as a sexual offence FIR is filed. The Cell ought to provide victims with legal assistance.

To monitor their operations, all police stations should have CCTV cameras at the front door and in the interrogation area.

Online F.I.R. filing should be possible.

Regardless of the location of the incident or anything else, it should be the duty of police officers to assist victims of sexual offences.

For the police to effectively handle sexual offences, they must receive sufficient training.

To appropriately assist the victims, the police force should be expanded.

- **(FRAM BILL CASE STUDY)**

The Supreme Court suspended three new agricultural laws on January 12, despite strong opposition from the government's attorney, Attorney General KK Venugopal.

He claimed there was no reason to allow a stay because the law had been judged correct. This means that the Supreme Court must decide whether it is necessary under the Constitution to suspend legal approval unless there is temporary or incipient evidence. However, the Supreme Court chose not to settle the matter.

The stay has drawn fresh criticism because the Supreme Court exceeded its lawfully granted authority. The Supreme Court has the power to postpone governmental action by Article 32 of the Constitution or to render "complete justice" by Article 142.

However, the court must have a good reason for exercising its authority under these terms. Two arguments may have been used by the Supreme Court to support a stay on farm regulations. Check first to see if the laws infringe on the fundamental rights of the farmers. Second, if the rules were passed illegally or with insufficient legislative authority, such as when Parliament lacked the constitutional power to legislate. Neither of these justifications was put up to justify the stay.

The bench instead argued that the delay would inspire confidence in the farmers and persuade them to sit down for negotiations. According to the constitution, the Supreme Court is neither responsible for arranging political concessions like these nor do they call for the use of writ authority.

Beyond judicial review:

The Supreme Court ruled in *Shri Sitaram Sugar Co. Ltd. v. Union of India* that the Central government alone had the authority to determine what was best for the sugar industry when it decided whether sugar factories should be grouped for purposes of setting price underprices Essential Commodities Act and that "such matters do not ordinarily attract the power of judicial review." In a second case brought by mustard oil producers, the Supreme Court ruled in 1978 that it would be "extremely hazardous" for judges to experiment with economic policy. In the cases of *Mahalakshmi Sugar Mills* and *Prag Ice & Oil Mills*, the Supreme Court ruled that higher courts would only be engaged in decisions that impacted economic policy.

Therefore, the decision to suspend the farm laws establishes a worrying trend. The Supreme Court's disregard for earlier judgments and selective application of legal concepts weakens the rule of law and seems at ease to make decisions without providing a convincing argument.

- **(Laxmi v. Union of India)**

For acid attacks, there was no particular regulation until 2013. This crime was to be prosecuted under IPC Sections 322, 323, 320, and 326, and the victims would not receive compensation that would cover their medical costs. There was a pressing need for an acid attack law because acid attacks are on the rise. *Laxmi v. Union of India* also raised this question before the court.

If this logic is applied, the Central government's decision to exclude some products from the list of essential commodities is perfectly legal and within its legislative jurisdiction. As in the cases above, deciding on the sugar or oil market regulation is akin to determining whether oil and cereals require government protection.

This is not to argue that judicial reticence is unquestionably the correct stance regarding economic regulations, especially where fundamentals are at stake. However, in the interest of judicial consistency, any departure from accepted legal doctrine on a question of law necessitates justification by the court.

Her only mistake was turning down a 32-year-old man's marriage proposal, and as a result, she was subjected to lifelong suffering. The IPC remedy she received was also significantly less than the cost of her medical care. She therefore filed the PIL to request not only compensation for acid attack victims but also new legislation or a change to the current rules governing acid assaults.

In this case, the Honorable Supreme Court created a law on acid sales and purchases to control the acid's simple availability. It had established a rule stating that a person needed to present their government-issued photo identification card while acquiring acid and say why they were doing so. And within three days, the acid seller must deliver that to the police station.

It instructed each state and the union territories to establish rules for the sale of acid. The Indian Penal Code then declared acid attacks and attempts to commit acid attacks as crimes under sections 326 A and 326 B of the IPC. The Criminal Procedure Code was modified to compensate the acid victims, and 357 A and 357 B were included. Section 114 B of the Indian Evidence Act was added by amendment.

Now, Laxmi Agarwal, 24, is a TV broadcaster and an Indian campaigner against acid assaults. She also serves as the director of the CHHANV FOUNDATION, an NGO that aids acid attack victims in India. Laxmi now serves as the spokesperson for the Indian anti-acid attack effort. In 2006, she began her campaign against acid attacks. We are not victims, she claims; rather, we are instigators.

She presented the petition to Home Minister Shinde along with her activists. She describes the moment when she met with the home minister.

Contents of PIL:

The Supreme Court of India received the following three filings for the Public Interest Litigation:

1. Creating rules for the sale and purchase of acid to stop acid attacks in India.
2. To create a new law or change existing laws, such as the Indian Evidence Act, the Indian Penal Code, and the Code of Criminal Procedure, to classify the acid attack as a distinct offence, inflict harsh penalties on those found guilty, and provide just recompense to acid attack victims.
3. To assist and recompense those who were injured by acid.

Laxmi's first request to the Supreme Court was to create rules governing the sale and purchase of acids. Many people use acid regularly in places like hospitals, labs for chemical research, and toilets where it was once purchased. And since the acid was so easily accessible and inexpensive, it was widely used in modern society.

The second argument in the PIL sought to add acid assault as a specific offence to the Indian Penal Code, the Indian Evidence Act, and the Code of Criminal Procedure. As the number of acid assaults increased, strict legislation was urgently needed to adequately recompense the victim and impose a severe sentence on the guilty. Until 2013, there was no remedy accessible specifically for acid victims. For the offence of an acid assault, the IPC's Sections 322, 323, 320, 324, and 325 are applied.

View of Supreme Court of India:

The three pleadings that Laxmi presented to the court were quite relatively, and the court recognized the need for a special law for acid attacks. First, the Supreme Court issued a directive in this regard on June 2, 2013, directing the Home Secretary of the Ministry of Home Affairs to convene a conference to consider the following topics:

- To take appropriate action to rehabilitate acid victims, including providing for their proper care.
- To establish a separate fund to pay compensation to acid attack victims.

- To enact any suitable provision to regulate the sale of acid in that state or union territory.

The Honourable Supreme Court established the criteria while bearing in mind Articles 21, 14, 15, and 32 of the Constitution. The new rules stated that:

* Anyone under the age of 18 could not purchase acid.

Before purchasing acid, the buyer requested Provide a photo ID card; * Specify the reason for the acid purchase in three days; the acid seller must deliver this documentation to the local police station.

* Within 15 days, the vendor must tell the subdivisional magistrate of the stock of acid.

* If there is an unreported stock of acid, the sub-divisional magistrate has the authority to seize the stock and levy fines of up to \$50,000.

The following rules must be followed by educational institutions, research facilities, government agencies, and government agencies of public sector undertakings if they are required to maintain acid stockpiles:

- Acid usage must be recorded in a register filed with the Sub-Divisional Magistrate, and the owner of the premises must be held responsible for its possession and safe storage.
- The acid must be stored under the supervision of a person, and exit checks on students and other individuals are required.

The Supreme Court also ordered the following things:

- The states and union territories must seriously consider the Supreme Court's guidelines for compensating acid attack victims. They must put those guidelines into practice by issuing requirements or notifications.
- Private hospitals must be brought on board for compliance. No hospital or clinic should refuse to accept an acid attack victim. The private hospitals must also comply.
- The states and union territories must use necessary means in this regard.
- Sanctions may be imposed on the hospital or clinic for neglecting to treat acid attack victims and other offenders by Section 357 C of the Code of Criminal Procedure, 1973.

Moreover, it mandated that the hospitals caring for acid attack victims issue certificates to the patients, who may then use them for medical attention, reconstructive surgery, or any other program to which they would be entitled with the State Government or Union territory, depending on the situation.

- **(LAL BIHARI CURIOUS CASE STUDY) -**

FACTS OF THE CASE

An article from TIME magazine catalysed the litigation. The petitioner in this case, Lal Bihari, had returned to his homeland in Uttar Pradesh to apply for a loan using the family property as security. He discovered that he was classified as having passed away in their records and books when he went to speak with the revenue officials. It was later found that his cousins had bought the government to proclaim him dead to acquire a 1/5th share of the land, which they could only claim if Lal Bihari had died. He had his name changed to include the word "marital," which means "dead," and to demonstrate that he was still alive, he tried to run for parliament, attempted to kidnap his nephew who had stolen his belongings, undermined murder, offended judges, threw flyers promoting his protests at State Assembly members, and requested widow's benefits for his better half. Each time, the police thrashed him or scolded him for wasting their time. He began hanging out with the deceased when he could not regain his identity. There have been several cases where people still alive were declared dead.

The laws that helped to regain the identity of the living dead were:

1. The Protection of Human Rights Act, 1993
2. The Indian Penal Code
3. Article 21 in The Constitution of India 1949
4. Section 36 in The Protection of Human Rights Act, 1993
5. Section 14 in The Protection of Human Rights Act, 1993

JUDGMENT

- The Human Rights Commission was also given the case, endpapers, and paperwork related to the continuing legal actions.

- The honourable court allowed those proclaimed dead to regain their status as alive so they might exercise their rights as living beings.
- Cases may still be submitted, both those that have already been processed and delivered to the Chief Judicial Magistrate and those that haven't.

According to Article 21, no one has the authority to take another person's life until that person dies.

- **HUSSAINARA KHATOON VS HOME SECRETARY, STATE OF BIHAR, (1979)**

Background:

This case is a milestone one for prior prisoners' aboutings. A national police commission was established in 1977, and as part of its investigation for its findings, Sir R.F. Rustom visited the Bihar jail. He saw the jails in Muzzafarpur and Patna while surveying the jails.

He discovered that the jail housed many inmates without fair trials. He claims that many accused have nearly outlived the punishment the court would have imposed if they had been found guilty. The report was more recently published in the Indian Express. After one of the Supreme Court's attorneys, Pushpa Kapila Hingorani read the article; he filed a PIL on behalf of one of the detainees, Hussainara Khatoon.

Facts of the Case:

According to news reports, women and children who were on trial spent years in Bihar's prisons awaiting their practices. Lawyer Pushpa Kapila Hingorani filed a PIL for habeas corpus. Many had already served more time in jail than the maximum sentence that could be imposed if they were found guilty.

Despite the passage of several years, the investigation still needed to be completed in some cases, and the trial had yet to start in others. Due to their lengthy incarcerations, the inmates were unable to afford a bail bond with sureties or to prepare for their defence. Without the respondent State's appearance, the Supreme Court issued interim directions after expressing shock over such worrying revelations.

JUDGEMENT

Held by: Justice P.N Bhagwati,

The court ruled in *Hussainara Khatoon v. Home Secretary, State of Bihar*, on February 19, 1979, that it is an outright disgrace for the judicial system to hold men, women, and children in jail without the start of a trial. The respondent was given a fair chance to come before the court, but they chose not to do so. The court grants bail to the prisoners whose names are stated in the petition and personal sureties after determining that the newspaper clippings provided in court are sufficient evidence.

Major Finding:

The Supreme Court noted that the bail system needs to be more consistent in delivering its judgment.

- The Supreme Court judges noted that the highly unsatisfactory Bail system is the leading cause of the poor being deprived of justice. The system has a property-oriented strategy that appears to operate under the false idea that the threat of financial loss is the only thing that can prevent someone from escaping justice.
- To prevent the nameless poor from being denied justice, the Supreme Court even urged the legislators to reconsider the BAIL system.
- According to the court's ruling, an accused individual can be granted bail based on personal bonds, but some requirements must be met.
- The Court determines that Article 21, or the "Right to Life," is a more comprehensive concept and that the "Right to a Speedy Trial" falls within the scope and content of Article 21. The same interpretation has been made in the *Maneka Gandhi v. Union of India* case.
- Poor people who cannot afford bail must endure long stretches of pre-trial detention due to the bail procedures, which is a travesty of justice. As a result, it is evident that the judicial system needs to be changed, and the State should appoint more courts and judges.

How to achieve justice and satisfy the human appetite for justice.

Based on the research above, it is evident that even in today's world, there are individuals without vitality who possess a strong appetite for justice. They work diligently to ensure justice is upheld in society. For the Indian legal system to promote and facilitate the attainment of justice, it should extend support, encouragement, and assistance to these individuals. This could be accomplished by adopting a more liberal approach towards the concept of Locus Standi and establishing specialised

courts for different matters. This decentralisation of legal proceedings would prevent overburdening a single institution, allowing it to operate efficiently and deliver justice effectively in society.

CONCLUSION

“Right is right, even if everyone is against it, and wrong is wrong, even if everyone is for it.”

(William Penn)

Access to justice can mean many things to different people. Some focused on the difficulty of overcoming legal challenges in the law. Such strategies often aim to overcome problems with court slowness, the efficiency, type and cost of hearings, and the organisation, structure and management of courts and tribunals. While these issues are essential, it is crucial to understand what the broader concept of “access to justice” means.

When analysing the situation in terms of the unique needs of socially and economically disadvantaged people, it is imperative to take into account the variety of legal services that poor people may seek access to, the type of services from which they seek legal assistance, and the preferred methods of resolution that they seek to employ. The investigation would go beyond the formalities of the legal system. As previously said, the terms will not be read broadly enough to account for divisive political concerns, including broader conceptions of "rights" and "justice" when the legislation is unambiguous, and the parliament has expressly indicated its intentions. The project's objective is to look into problems with legal access to justice. In light of this, the Foundation will look into how capable people from underprivileged backgrounds are of:

To effectively participate in the judicial process, one must:

- seek out legal help (including guidance, knowledge, ongoing support, and representation);
- have access to courts, tribunals, and other dispute resolution mechanisms;
- get assistance and non-legal advocacy; and
- take part in the legal reform process.

This study has discussed some of the challenges members of some of the initially identified disadvantaged groups face. The categories mentioned in this paper aren't all-inclusive, and neither are the initial topics discussed. Due to their social or economic disadvantage, it is crucial to this initiative to identify additional community groups who encounter significant obstacles in obtaining legal services and non-legal advocacy and support. This article acts as a springboard for further discussion and submissions, which, we hope, will reveal more problems that need to be looked into.

These many situations, which involve challenging questions, are intended to be covered by the human thirst for justice. However, the significance of such a project utilising cutting-edge and empirically supported methods must be considered.

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